

COMMONWEALTH OF THE BAHAMAS

IT/NP2020-67

INDUSTRIAL TRIBUNAL

NEW PROVIDENCE

In the Matter of the Industrial Relations Act, Chapter 321

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

BETWEEN:

RODGER KNOWLES

APPLICANT

v.

PERFECT LUCK EMPLOYER #1 LIMITED D/B/A MELIA NASSAU BEACH RESORT

RESPONDENT

APPEARANCES: Mr. Errol McKinney on behalf of the Applicant

Ms. Kimberly Miller on behalf of the Respondent

BEFORE: Her Honour, President Indira N. Demeritte-Francis

ORDER

WHEREAS:

- (1) By Certificate of Referral dated 9th March, 2020 the Minister referred the subject dispute to the Industrial Tribunal; and
- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application – Form A was sent on 15th July, 2020 by the Secretary, to the Tribunal, to the Applicant; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the 27th July, 2020; and

- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on the 28th July, 2020; and
- (5) That a Notice of Appearance - Form D was filed on 8th September, 2020 and no Defence – Form E was filed in the Tribunal by the Respondent; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the 2nd November, 2020 for the Case Management Hearing for Directions; and
- (7) That on the day of the Hearing the Applicant’s Representative and the Respondent’s Attorney appeared and sort an adjournment to consider whether the dispute had been brought against the wrong party; and
- (8) On the 16th November, 2020 the parties returned to the Court having agreed that the Respondent named in the Trade Dispute was not the proper party to the action; and
- (9) The Applicant’s Representative withdrew the claim against the Respondent at the Hearing.

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

- (10) The Originating Application filed in the Tribunal on the 27th July, 2020 is decided accordingly pursuant to Rule 12(1)(a) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby withdrawn and marked Dismissed.

AND THIS IS THE DECISION OF THIS TRIBUNAL

DATED THIS, 16th November, 2020

Indira N. Demeritte – Francis

President

Industrial Tribunal