

COMMONWEALTH OF THE BAHAMAS

No. IT/NR/NES/023

IN THE INDUSTRIAL TRIBUNAL

Year: 2020

NORTHERN REGION

In the matter of
THE INDUSTRIAL RELATIONS ACT, CAP. 321 &
THE INDUSTRIAL RELATIONS (TRIBUNAL PROCEDURE) RULES, 2010

BETWEEN:-

NIOSHIE ADDERLEY

Applicant

VERSUS

SOUTH ABACO ADVENTURES

Respondent

BEFORE: Her Honour, Helen J. Almorales-Jones, Vice-President

APPEARANCES: The Applicant pro se, no appearance for the Respondent & Chad Roberts, Esquire, (Callenders & Co.) for Matthew Lahti

ORDER

WHEREAS on the 13th December, 2019, Nioshie Adderley (“the Applicant”) filed a **Report Of A Trade Dispute** against “**South Abaco Adventures, Sandy Point, Matt Lahti (Owner)**” with The Department Of Labour in Abaco, The Bahamas, claiming “Wrongful Dismissal” and “Vacation”;

WHEREAS by a **Certificate of Referral** dated the 11th February, 2020 (received on the 6th March, 2020), the Honourable Minister of Labour referred the trade dispute between the Applicant and **South Abaco Adventures** to the Industrial Tribunal, Northern Region (“the Tribunal”);

AND WHEREAS on the 26th day of March, 2020, the Applicant filed a **Form A**, Originating Application, which named "**Matthew Lahti/South Abaco Adventures**" as the Respondent, but did not state that she was claiming "Wrongful Dismissal" and "Vacation" from the Respondent;

AND WHEREAS on the 8th day of May, 2020, the Tribunal served a **Form C**, Notice Of Originating Application, **Form D**, Notice of Appearance and copy of the **Form A**, Originating Application, on **Matthew Lahti**;

AND WHEREAS the Respondent failed to file a **Form D**, Notice of Appearance, within the time limited for so doing (within 7 days of receipt of the Forms A, C and D; the 19th day of May, 2020);

AND WHEREAS on the 19th day of June, 2020, the Tribunal served a **Form J**, Notice Of Hearing, on the Applicant and Matthew Lahti, returnable before the Industrial Tribunal at 10:00 a.m. on Monday, 13th July, 2020;

AND WHEREAS the Tribunal conducted a **Case Management** hearing of this matter on the 13th July, 2020;

AND WHEREAS Counsel for Matthew Lahti, **Chad Roberts**, advised that the Applicant's employer was an incorporated company named **South Abaco Adventures, Ltd.** and not Matthew Lahti, who was also an employee of the Company;

AND WHEREAS Counsel for Matthew Lahti, **Chad Roberts**, initially advised that Matthew Lahti was not and was never a Director of **South Abaco Adventures, Ltd.** and subsequently said that Mr. Lahti was a Director of the Company and Anthony Bain was the President;

AND WHEREAS during the hearing, the Tribunal ascertained that the Applicant's claim against the Respondent was for 1 week Vacation pay and for compensation for Wrongful Dismissal or Redundancy pay;

AND WHEREAS the Applicant agreed to withdraw this trade dispute without prejudice to her right to re-file it against the correct Respondent (**South Abaco Adventures, Ltd.**) and for the correct claims (1 week Vacation pay and for compensation for Wrongful Dismissal or Redundancy pay);

AND WHEREAS the Applicant did not file a **Form K**, Notice of Withdrawal;

AND WHEREAS by a **Notice of Call Over** published in The Nassau Guardian newspaper on Thursday, 29th October, 2020, the Tribunal notified the parties that this application was set for hearing before the Industrial Tribunal, Northern Region, at 10:00 a.m., on Monday, 30th November, 2020;

AND WHEREAS neither party appeared before the Industrial Tribunal, Northern Region, on the 30th November, 2020;

IT IS HEREBY ORDERED THAT this matter be dismissed, without prejudice, pursuant to **Section 58(d)** of **The Industrial Relations Act**, Cap. 321, as further proceedings are unnecessary and liberty to the Applicant to re-file the trade dispute against the correct named employer and for the correct claims.

DATED: This 30th day of November, A.D., 2020.



**Her Honor, Helen J. Almorales-Jones,
Vice-President**