

**COMMONWEALTH OF THE BAHAMAS
INDUSTRIAL TRIBUNAL**

**No. NP2020-74 and NP2020-75
(Consolidated)**

In The Matter of the Industrial Relations Act

And

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

BETWEEN

CARL FOWLER

and

PHERON MOSS

Applicants

AND

BAHAMAS AIR NAVIGATION SERVICES DIVISION

Respondent

APPEARANCES: Mr. Hilbert Collie for the Applicants
Dr Glendon Rolle for the Respondent
Mr Ryan Sands for Civil Aviation Authority of The Bahamas
(holding a watching brief)

BEFORE: Her Honour Vice President Simone I. Fitzcharles

ORDER ON DIRECTIONS

WHEREAS:

- 1) By Certificates of Referral of a Trade Dispute respectively dated 14 July 2020, the Minister referred the subject disputes to the Industrial Tribunal;

- 2) Pursuant to Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, 2 Notices for presentation of an Originating Application were issued respectively by the Secretary of the Industrial Tribunal to the Applicants on 24 September 2020;
- 3) The Applicants filed their respective Originating Applications (Form A) in the Industrial Tribunal on 1 October 2020 (in NP2020-74) and 15 October 2020 (in NP2020-75);
- 4) Pursuant to Rule 4 of the Industrial Relations (Tribunal Procedure) Rules, 2010 Notices of the Originating Applications (Form C) were issued by the Tribunal to the Respondent on 7 October 2020 (in NP2020-74) and on 26 October 2020 (in NP2020-75), respectively;
- 5) A Notice of Appearance (Form D) was entered by the Respondent in NP2020-75 on 3 November 2020 but no Defence (Form E) has been filed as yet;
- 6) No Notice of Appearance (Form D) or Defence (Form E) were entered by the Respondent in NP2020-74;
- 7) The Respondent via the Civil Aviation Authority of The Bahamas requested that the Applicants furnish further and better particulars of the claim to put the Respondent in a position to prepare its Defence (Form E);
- 8) The Tribunal raised the issue of the suitability of consolidating the intitled matters numbered NP2020-74 and NP2020-75, respectively, pursuant to Rule 17 of the Industrial Relations (Tribunal Procedure) Rules 2010, and heard from both parties who concurred that such an order should be given;
- 9) These matters were listed for a Case Management hearing on 19 April 2021.

IT IS HEREBY ORDERED AND DIRECTED as follows:

1. Pursuant to Rule 17 of the Industrial Relations (Tribunal Procedure) Rules 2010, the actions numbered NP2020-74 and NP2020-75 are hereby consolidated and shall be heard together in one set of proceedings. Consequently:
 - (1) the consolidated matters shall be intituled as first appears in this Order; and
 - (2) the Notice of Appearance filed in NP2020-75 shall stand as the Respondent's appearance (Form D) in these consolidated proceedings;
2. Pursuant to Rule 7(1)(a), on or before 3 May 2021, the Applicants shall file and serve on the Respondent and on Counsel for the Civil Aviation Authority of The Bahamas (CAAB) further and better particulars of their claim which will set out the following:
 - (1) The wording of Article 24 of the Industrial Agreement entered into between the Bahamas Air Traffic Controllers Union and the Respondent; and
 - (2) The circumstances of the alleged breach of Article 24 inclusive of when, by whom and how the Article is alleged to have been breached;
3. The Respondent shall file and serve its Defence (Form E) on the Applicants and on Counsel for CAAB on or before Monday 17 May 2021;
4. The Applicants shall file and serve their Witness Statements and Bundle of Documents on the Respondent and on Counsel for CAAB on or before Monday 7 June 2021;
5. The Respondent shall file and serve its Witness Statements and Bundle of Documents on the Applicants and on Counsel for CAAB on or before Monday 28 June 2021;
6. Each party shall be at liberty to call up to two (2) witnesses;

7. The Applicants shall file and serve their Skeleton Arguments and Authorities on the Respondent and Counsel for CAAB on or before Monday 12 July 2021;
8. The Respondent shall file and serve its Skeleton Arguments and Authorities on the Applicants and on Counsel for CAAB on or before Monday 26 July 2021; and
9. The parties shall have liberty to apply for further directions and/or to vary these directions.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated the 19th day of April A.D. 2021.

Simone I. Fitzcharles
Vice President