

COMMONWEALTH OF THE BAHAMAS

IT/NP2020-34

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:

LERTARRIO MILLER

APPLICANT

v.

AETOS HOLDING LIMITED

RESPONDENT

APPEARANCES: Mr. Franklin Carter on behalf of the Applicant

Mr. Obie Ferguson Jr. behalf of the Respondent

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

ORDER ON DIRECTIONS

WHEREAS:

- (1) By Certificate of Referral dated 7th January, 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 11th February, 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 21st February, 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 24th February, 2020; and
- (5) That a Notice of Appearance - Form D was filed on 12th March, 2020 and 17th June, 2020 and no Defence – Form E was filed in the Tribunal by the Respondent; and
- (6) The matter was listed for Call Over on the 10th November, 2020 and was Gazetted in the Nassau Guardian Newspaper on 16th October, 2020 to allow the Respondent an opportunity to appear and enter a defence; and
- (7) At the Hearing there was representation on behalf of the Applicant and the Respondent and the parties sought an adjournment to have settlement discussions; and
- (8) That the parties will communicate to the Tribunal the outcome of the settlement discussions; and
- (9) That the Tribunal set the matter down for further Case Management as there was no communication on settlement to the Tribunal by the parties; and
- (10) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the 26th April, 2021 for the Case Management Hearing for Directions; and

IT IS HEREBY ORDERED by consent of the parties:

- a. That the Applicant and Respondent will file Skeletons, Witness Statements and Submissions on or before 15th May, 2021.
- b. That there will be a mutual exchange of bundles and upload to the electronic filing system.
- c. That the parties agreed to an estimated one (1) day of hearing.
- d. That the parties agreed that the Applicant will call one (1) witness and the Respondent will call two (2) witnesses.

- e. That Mr Ferguson has made an undertaking to provide a copy of the Respondent's Company Manual to Mr. Carter.
- f. That the parties will not have further settlement discussions.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, 26th April, 2021

Indira N. Demeritte – Francis

President

Industrial Tribunal