

In The Matter of The Industrial Relations Act

And

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

BETWEEN

**(1) WILFRED SMITH
(2) TYRONE MORRIS
(3) LYNDEN FRAZIER
(4) HERBERT KNOWLES
(5) ALWORTHINGTON FARRINGTON
(6) BERNARD BAKER**

Applicants

and

PARADISE ENTERPRISES LTD.

Respondent

APPEARANCES: Mr Obie Ferguson Jr for the Applicants
Mr Ferron Bethell QC with Mrs Lakeisha Hanna for the Respondent

BEFORE: Her Honour Vice President Simone I. Fitzcharles

ORDER ON DISMISSAL

The trial of this matter was listed to take place on 15, 16 and 17 June 2021. All parties received notification of the trial and all Applicants attended in their cause, except the 4th Applicant, Herbert Knowles, who failed to attend the hearing to give evidence and be cross-examined. The Applicants closed their case and declined to seek an adjournment to secure the attendance of the 4th Applicant.

In the circumstances, Queen's Counsel for the Respondent made application that the matter brought by Herbert Knowles be dismissed pursuant to Section 58(1)(d) of the Industrial Relations Act (Chapter 321), which provides:

**"The Tribunal may in relation to any matter before it –
...(d) dismiss any matter or part of a matter or refrain from further hearing or from determining the matter, if it appears that the matter or part thereof is trivial, or that further proceedings are unnecessary or undesirable in the public interest."**

IT IS HEREBY ORDERED as follows:

1. Pursuant to Section 58(1)(d) of the Industrial Relations Act (Chapter 321), Statute Laws of The Bahamas, the claim brought by Herbert Knowles, the 4th Applicant, by Originating Application filed on 13 February 2020 and numbered IT / NP2020-14, is dismissed by reason of his failure to attend the trial to give evidence or to further prosecute his claim; and
2. For the avoidance of doubt, all other claims in these consolidated proceedings, namely IT / NP2020-10, 11, 12, 15 and 16 in relation to the Applicants, Wilfred Smith, Tyrone Morris, Lynden Frazier, Alworthington Farrington and Bernard Baker, remain extant.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 17th day of June 2021.

Simone I. Fitzcharles
Vice President