

COMMONWEALTH OF THE BAHAMAS IT/ NES / No. 1911, 1912, 1923, 1924, 1925, 1927,
1928 and 1930 of 2014 (Consolidated)

INDUSTRIAL TRIBUNAL

In The Matter of The Industrial Relations Act

And

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

BETWEEN

IAN PRATT

BRENT NEYMOUR

CHRISTY FARRINGTON

PERRY McDONALD

MERTILE JOSE

RAY KNOWLES

ANDREW NASH

DINO DAVIS

Applicants

AND

PEACE HOLDINGS LIMITED

B.G.C. LTD

Respondents

APPEARANCES: Mr Obie Ferguson Jr for the Applicant

Mr Philip Lundy for the Respondent

BEFORE: Her Honour Vice President Simone I. Fitzcharles

ORDER

WHEREAS:

- 1) The hearing of this matter was set down to take place on Friday 16 July 2021.
- 2) The Applicants appeared with Counsel. The principal for the Respondents did not appear but Counsel appeared with instructions.
- 3) The parties consented that the Applicants are owed by the Respondents pay pursuant to section 29 of the Employment Act (that is, pay in lieu of notice and basic pay calculated on the basis of their years of service) along with vacation pay pursuant to section 12 of the Employment Act as calculated in a part of their claim. The specific amounts agreed due by the parties are:
 - (a) for Ian Pratt the sum of \$18,600.00;
 - (b) for Brent Neymour the sum of \$56,760.00;
 - (c) for Christy Farrington the sum of \$16,150.00;
 - (d) for Mertile Jose the sum of \$4,224.00;
 - (e) for Ray Knowles the sum of \$3,995.20;
 - (f) for Andrew Nash the sum of \$18,600.00; and
 - (g) for Dino Davis the sum of \$18,600.00.
- 4) The Applicants also claim reimbursement for a portion of their salaries and allege that they agreed to accept a reduction of salaries since March 2010 in order to assist their employer in its financial difficulties. The Applicants further allege that the Respondents and/or their financiers promised that the Applicants would be repaid amounts of salary deducted to assist the Respondents with cash flow issues ("the Salary Repayment claim") but those amounts deducted have not been repaid.
- 5) The parties do not have an agreement in relation to payment of the Salary Repayment claim. The question of liability and quantum therefore remains to be determined by the Tribunal, should no agreed position sooner be achieved. In light of this extant claim further directions are necessary.

IT IS HEREBY ORDERED that pursuant to the consent of the parties the sum of One Hundred and Thirty-six Thousand Nine Hundred and Twenty-nine dollars in the currency of the

Commonwealth of The Bahamas (B\$136,929.00) is due and payable to the Applicants by the Respondents by virtue of section 29 and 12 of the Employment Act, which sum is comprised of notice, severance and vacation pay to:

- (i) Ian Pratt in IT /NES /1911 of 2014 in the sum of B\$18,600.00;
- (ii) Brent Neymour in IT /NES /1912 of 2014 in the sum of B\$56,760.00;
- (iii) Christy Farrington in IT /NES /1923 of 2014 in the sum of B\$16,150.00;
- (iv) Mertile Jose in IT /NES /1925 of 2014 in the sum of B\$4,224.00;
- (v) Ray Knowles in IT/NES/1927 of 2014 in the sum of B\$3,995.00;
- (vi) Andrew Nash in IT/NES/1928 of 2014 in the sum of B\$18,600.00; and
- (vii) Dino Davis in IT/NES/1930 of 2014 in the sum of B\$18,600.00.

AND IT IS HEREBY DIRECTED in relation to the Salary Repayment claim as follows:

1. The Tribunal encourages the parties to attempt to settle this claim in all the circumstances inclusive of prospects of success and recovery, amongst others;
2. Should the matter not be sooner settled, the Applicants shall file and serve its evidence on or before Friday 6 August 2021;
3. The Respondents shall file and serve its evidence on or before Friday 27 August 2021; and
4. The hearing shall take place before the Tribunal at 10:00 o'clock in the forenoon on Tuesday 7 September 2021.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 16th day of July A.D. 2021.

Simone I. Fitzcharles
Vice President