

**INDUSTRIAL TRIBUNAL**

**COURT #1 SAFFREY SQUARE, EAST & BAYSTREET, NEW PROVIDENCE,  
COMMONWEALTH OF THE BAHAMAS**

**Before**

**MRS. INDIRA N. DEMERITTE-FRANCIS (PRESIDENT)  
(SITTING ALONE)**

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**DONOVAN HIGGS**

APPLICANT

**SMG SPECIALTY MANAGEMENT  
GROUP AND DARREN GINNS**

RESPONDENT

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**ORDER**

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**APPEARANCES**

For the Applicant

Mr. Errol Mczkinney  
Representative  
EM & Associates  
Suit 5 Colonial Hill Plaza.  
72 University Drive.

For the Respondent

Mr. Darren Bain  
Attorney-at-Law  
Lignum Advisors  
Suit E-1, Union Court  
Shirley St. & Elizabeth Ave.

**WHEREAS:**

- (1) By Certificate of Referral dated July 22, 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 September 24, 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 December 17, 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 January 18, 2021; and
- (5) That a Notice of Appearance - Form D was filed on January 28, 2021 along with a Notice to Contest Proceedings under Rule 9(1) and 12(1)(E) of the Industrial Relations (Tribunal Procedure) Rules, 2010 ; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the July 13, 2021 for the Case Management Hearing for Directions; and
- (7) That Mr. McKinney appeared for the Applicant and Mr. Bain appeared for the Respondent on the day of the Case Management; and
- (8) The Respondent took issue with who the Applicant had named as the Respondent; and

- (9) That Mr. Bain undertakes to put the Respondent's correct name in writing to the Applicant's Legal Representative, Mr. McKinney; and
- (10) That Mr. McKinney consequently withdrew the Applicant's Originating Application filed December 17, 2020 and will make a request to the Minister of Labour to refer the matter back to the Industrial Tribunal, by way of a new Certificate of Referral, with the correct Parties named; and

**THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:**

- (11) The Originating Application filed in the Industrial Tribunal on December 17, 2020 is decided accordingly pursuant to Rule 12(1)(a) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby Withdrawn and is Dismissed.

**AND THIS IS THE DECISION OF THIS TRIBUNAL**

DATED THIS, July 13, 2021

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Indira N. Demeritte – Francis  
President  
Industrial Tribunal