

INDUSTRIAL TRIBUNAL

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

Before

MRS. INDIRA N. DEMERITTE-FRANCIS (PRESIDENT)

(SITTING ALONE)

OSWALD BENEBY

APPLICANT

ICS SECURITY

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Mr. Mareno Hamilton
Attorney-at-Law
Sears & Co.
Bay and Market Street
Nassau, The Bahamas.

For the Respondent

Ms. Judith Smith
Attorney-at-Law
Common Law Center
Ivanhoe Road
Nassau, The Bahamas.

WHEREAS:

- (1) By Certificate of Referral dated March 2, 2021 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 March 18, 2021 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 April 16, 2021; and
- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on April 20, 2021; and
- (5) That no Notice of Appearance - Form D and no Defence – Form E was filed in the Tribunal by the Respondent; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on July 19, 2021 for the Case Management Hearing for Directions; and
- (7) The matter was adjourned to July 30, 2021 to allow the parties to have settlement discussions; and
- (8) That Mr. Hamilton the Attorney for the Applicant and Ms. Smith the Attorney for the Respondent appeared on July 30, 2021 and informed the Tribunal that no settlement had been reached at that time. The Tribunal continued with the Case Management of the matter; and

IT IS HEREBY ORDERED by consent of the parties:

- a. That the Respondent will provide the Applicant with his vacation forms with approvals.
- b. That the Applicant and the Respondent will file Skeletons, Witness Statements and Submissions on or before September 6, 2021.
- c. That there will be a mutual exchange of bundles.

- d. That the parties agreed to an estimated one (1) day of hearing.
- e. That the parties agreed that the Applicant will call two (2) witnesses and the Respondent will call two (2) witnesses.
- f. That the parties will continue to have settlement discussions.
- g. That if a settlement is reached, Mr. Hamilton undertakes to provide the necessary documents, a cheque for the benefit of the Applicant: a Notice of Withdrawal and a Deed of Release to the Tribunal.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, July 30, 2021

Indira N. Demeritte – Francis
President
Industrial Tribunal