

**COMMONWEALTH OF THE BAHAMAS**

**IT/NP2020-96**

**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:**

**THE PUBLIC HOSPITAL AUTHORITY**

**APPLICANT**

v.

**DAVINCA CLEARE**

**RESPONDENT**

**APPEARANCES:** Ms. Sandra Moncur on behalf of the Applicant

Ms. Myra Russell behalf of the Respondent

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

---

**AMENDED ORDER**

---

**WHEREAS:**

- (1) By Certificate of Referral dated 11<sup>th</sup> November, 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 15<sup>th</sup> December, 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 23<sup>rd</sup> December, 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 24<sup>th</sup> December, 2020; and
- (5) That a Notice of Appearance - Form D was filed on 13<sup>th</sup> January, 2021 and a Defence – Form E was filed on 20<sup>th</sup> January, 2021 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 the 15<sup>th</sup> March, 2021 for the Case Management Hearing for Directions; and
- (7) That during the Case Management hearing an irregularity on the Certificate of Referral was presented to the Tribunal. The Tribunal noted an irregularity on the Certificate of Referral. The Applicant appears as the Respondent, and the Respondent appears as the Applicant on the Certificate of Referral, the parties were therefore improperly named in the action ; and
- (8) That the Applicant voluntarily withdrew her Originating Application which she filed in the Industrial Tribunal on 23<sup>rd</sup> December, 2020

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

- (9) The Originating Application filed in the Industrial Tribunal on 23<sup>rd</sup> December, 2020 is decided accordingly pursuant to Rule 12(1)(a) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby withdrawn and marked Dismissed.

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

DATED THIS, 15<sup>th</sup> March, 2021

---

Indira N. Demeritte – Francis

President

Industrial Tribunal