

**COMMONWEALTH OF THE BAHAMAS  
INDUSTRIAL TRIBUNAL**

**IT / NES / 159 of 2019**

In The Matter of The Industrial Relations Act

And

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

**B E T W E E N**

**HEATHER BAIN-BOWLES**

Applicant

**AND**

**THE SIGNMAN**

Respondent

**APPEARANCES:** Mr Darren Bain for the Applicant  
Mr David Hanna for the Respondent

**BEFORE:** Her Honour Vice President Simone I. Fitzcharles

---

**ORDER**

---

**WHEREAS:**

- 1) This matter was set for the hearing of an application –
  - (i) by the Respondent to strike out the Originating Application, and
  - (ii) by the Applicant to join 'The Sign Man Company Limited' as a Respondent and to receive consequential directions.
  
- 2) Prior to the hearing, in compliance with the directions given by this Tribunal on 22 July 2021, the Applicant filed her application for joinder of a party (Form M) on 30 July 2021, while the Respondent failed to file its foreshadowed strike out application pursuant to directions of the Tribunal. Instead the Respondent filed an application for an extension of time (Form L) to file its strike out application.

- 3) The Tribunal noted the history of hearings and several adjournments in this cause since its inception, as well as the incidences of compliance and non-compliance with its orders.
- 4) The Respondent indicated that –
  - (i) it had no objection to the joinder application by the Applicant, and
  - (ii) it applies for the extension of time to complete an audit of its payment of the Applicant's salary, so that it could seek to either settle the matter, or proceed in the litigation depending on the findings of the audit.
- 5) The Applicant –
  - (i) applied for time restrictions to be put in place so as to prevent further delay and so that the Respondent would not have unlimited time to perform its audit;
  - (ii) applied, unopposed by the Respondent, for joinder of 'The Sign Man Company Limited' as a Respondent and for consequential directions; and
  - (iii) reiterated willingness to meet with the Respondent for the purpose of seeking to amicably resolve the matter, if possible.
- 6) The Tribunal –
  - (i) expressed its interest in facilitating the completion of the audit which could be a tool useful to a settlement;
  - (ii) indicated concern to ensure the matter proceeded with due expediency whether ending in an amicable resolution or going to trial;
  - (iii) acceded to the joinder application of the Applicant;
  - (iv) granted the Respondent time to complete its audit (noting that according to a letter from Respondent's counsel, Michael Allen, dated 26 October 2019, an audit was already performed by the Respondent, so that fact would affect any further time granted by this Tribunal);
  - (v) indicated that it was not minded to strike out the Originating Application on the basis of an audit report showing paid salaries, but would prefer to hear all evidence at trial to give a determination on the question of unpaid wages to the Applicant; and

- (vi) indicated that the Respondent, if it wished to pursue the residual issue it had raised of demonstrating that a full and final settlement was achieved by the parties post conciliation, could do so as a point *in limine*.

**IT IS HEREBY ORDERED** as follows:

1. The Applicant is granted leave to add 'The Sign Man Company Limited' as a Respondent in this action being IT/NES/159 of 2019, pursuant to Rule 16(1) of the Industrial Relations (Tribunal Procedure) Rules 2010 (the "Tribunal Rules");
2. Pursuant to Rule 16(2) the Tribunal dismisses the Respondent named 'The Sign Man' from this action;
3. Any reference to the Respondent in this action shall be deemed to refer to 'The Sign Man Company Limited';
4. The matter is adjourned to facilitate compliance with directions set out below. This is a final adjournment.

**AND IT IS HEREBY DIRECTED** that:

5. The Respondent shall be granted until Tuesday 24 August 2021 to complete its audit in relation to the claim of the Applicant for unpaid salary;
6. On or before Tuesday 24 August 2021 the Respondent shall –
  - (i) serve on the Applicant its audit report and/or calculations with back up materials in relation to the Applicant's claim for unpaid salary; and
  - (ii) file its witness statement and documents and serve the same on the Applicant;
7. The parties shall communicate and/or meet to attempt a settlement of the dispute and shall advise the Tribunal as soon as is practicable of the outcome of that endeavor;

8. The trial is set down to take place on Thursday 2 September 2021 at 10:00 o'clock in the forenoon, Court #3, Industrial Tribunal, Saffrey Square, Bank Lane, Nassau, New Providence, The Bahamas;
9. The parties shall have liberty to apply.

**AND THIS IS THE ORDER OF THIS TRIBUNAL**

Dated this 11<sup>th</sup> day of August 2021.

---

**Simone I. Fitzcharles**  
**Vice President**