

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 (by his Estate)

MERTILE JOSE

RAY KNOWLES

ANDREW NASH

DINO DAVIS

Applicants

AND

PEACE HOLDINGS LIMITED

B.G.C. LTD

Respondents

APPEARANCES: Mr Ednel Rolle for the Applicant

Mr Philip Lundy for the Respondents

BEFORE:

Her Honour Vice President Simone I. Fitzcharles

ORDER

WHEREAS:

- 1) The hearing of this matter was set down to continue on Friday 24 September 2021 following a call over hearing on 20 May 2021 and hearings which took place on 16 July 2021 and 7 September 2021.
- 2) The parties indicated their consent to the position that the Applicant, Perry McDonald (now deceased) in action IT/NES/1924 of 2014, who is represented by his Estate, is 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 his years of service) along with vacation pay pursuant to section 12 of the Employment Act. The specific amount agreed by the parties to be due to the Estate of Perry McDonald from the Respondents is the sum of Fourteen Thousand Eight Hundred and Eighty dollars (B\$14,880.00).
- 3) During the hearing on 7 September 2021, the Applicants indicated to the Tribunal that in relation to their residual claims for reimbursement of a portion of their salaries, which they claimed the Respondents reduced with the Applicants' consent, but promised to repay, they have consented to withdraw all such claims.
- 4) On 16 July 2021 the Tribunal made an Order pursuant to the parties' agreement as to liability of the Respondents to the Applicants for their total claims for pay in lieu of notice, severance and vacation pay in the amount of One Hundred and Thirty-six Thousand Nine Hundred and Twenty-nine dollars (B\$136,929.00).
- 5) On the basis of the existing agreements between the parties as to liability and the quantum of the same, there are no further outstanding claims before the Tribunal in this matter.
- 6) Mr Albert Ballard, director of the Respondents, has apprised the Tribunal that he has offered to contribute to the Applicants, in his personal capacity in good faith

and without prejudice, the sum of Thirty Thousand dollars (B\$30,000.00) in full and final settlement of the agreed liability of the Respondents to the Applicants.

BY CONSENT

IT IS HEREBY ORDERED that in IT/NES/1924 of 2014, the sum of Fourteen Thousand Eight Hundred and Eighty dollars in the currency of the Commonwealth of The Bahamas (B\$14,880.00) is due and payable to the Estate of Perry McDonald by virtue of section 29 and 12 of the Employment Act, which sum is comprised of pay in lieu of notice, severance and vacation pay.

AND THAT for the avoidance of doubt, the total award which shall be paid by the Respondents to the Applicants in these consolidated proceedings pursuant to this Order and the Order of the Tribunal made on 16th July 2021 is One Hundred and Fifty-one Thousand Eight Hundred and Nine dollars in the currency of the Commonwealth of The Bahamas (B\$151, 809.00) which is comprised of the following:

- (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) Estate of Perry McDonald in IT/NES/1924 of 2014 in the sum of \$14,880.00;
- (v) Mertile Jose in IT /NES /1925 of 2014 in the sum of B\$4,224.00;
- (vi) Ray Knowles in IT/NES/1927 of 2014 in the sum of B\$3,995.00;
- (vii) Andrew Nash in IT/NES/1928 of 2014 in the sum of B\$18,600.00; and
- (viii) Dino Davis in IT/NES/1930 of 2014 in the sum of B\$18,600.00.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 24th day of September A.D. 2021.

Simone I. Fitzcharles
Vice President