

NES/2019/181

INDUSTRIAL TRIBUNAL

**COURT #2 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

Ingrid Cooper-Brooks (Vice President)

(Sitting Alone)

SKY BAHAMAS EMPLOYEES

Applicant

AND

SKY BAHAMAS AIRLINES LIMITED

Respondent

ORDER ON DIRECTIONS

For the Applicant

Mr. Damian Gomez, QC

For the Respondent

No Appearance

WHEREAS:

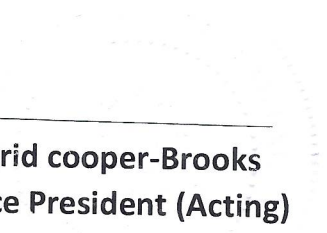
1. By Certificate of Referral dated 15th November, 2019 the Minister referred the subject Trade Dispute to the Industrial Tribunal; and
2. In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 Notice for an Originating Application (Form A) was sent to the Applicant on 12th December, 2019 by Secretary to the Tribunal; and
3. Upon receipt by the Applicant of the Notice for Originating Application the Applicant filed an Originating Application in the Tribunal on the 27th December, 2019; and
4. A Notice of Application to the Respondent (Form C) for a Notice of Appearance (Form D) was sent to the Respondent on 9th January, 2020; and
5. There being no Notice of Appearance (Form D) or Defence (Form E) filed in the Tribunal by the Respondent, the matter was set for Call Over on the 23rd November, 2020. Notice for said hearing was gazetted in the Nassau Guardian Newspaper on the 16th October, 2020; and
6. Mr. Damian Gomez, QC, appeared on the day of the Call Over and gave an undertaking that to have the Certificate of Referral amended to include the names of the employees omitted from the list attached to the Referral documents. There was no appearance by or on behalf of the Respondent. A fresh Order On Directions was issued; and
7. The matter was again set for Call Over on the 28th September, 2021 and Notice for said hearing was gazetted in the Nassau Guardian Newspaper on the 10th August, 2021; and
8. Mr. Gomez appeared on the day of the Call Over and advised that a new application had been filed (No.063/2021), pursuant to his undertaking given at the Call Over on 23rd November, 2020. There was no appearance by the Respondent; and

9. That a Case Management hearing was conducted on 4th October, 2021 at which Mr. Gomez appeared. There was no appearance by or on behalf of the Respondent. Mr. Gomez agreed that having filed a new application on behalf of the Applicants, the Originating Application filed herein on 27th December, 2019, should be dismissed.

IT IS HEREBY ORDERED:

In view of the above that this matter is dismissed, pursuant to Rule 12 (1) (a) of the Industrial Relations (Tribunal Procedure) Rules, 2010.

AND THIS IS THE ORDER OF THIS TRIBUNAL
DATED THIS 4TH DAY OF OCTOBER, A.D., 2021



Ingrid cooper-Brooks
Vice President (Acting)
Industrial Tribunal

Appearances