

INDUSTRIAL TRIBUNAL

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

Before

MRS. INDIRA N. DEMERITTE-FRANCIS (PRESIDENT)

(SITTING ALONE)

**BAHAMAS ELECTRICAL WORKERS
(ON BEHALF OF DWAYNE CAPRON)**

APPLICANT

BAHAMAS POWER & LIGHT

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Mr. Obie Ferguson
Attorney-at-Law
Obie Ferguson & Co.
#32 Snug Haven
Elizabeth Avenue
Nassau, The Bahamas

For the Respondent

Mr. V. Wallace Whitfield
Bahamas Power and Light
Legal Department
Tucker Road
Nassau, The Bahamas

WHEREAS:

- (1) By Certificate of Referral dated January 25, 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 February 10, 2021 to the Applicant by the Secretary to the Tribunal; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on February 25, 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 March 2, 2021; and
- (5) That a Notice of Appearance - Form D was filed on April 15, 2021 and a Defence – Form E was filed on July 27, 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 July 19, 2021 for the Case Management Hearing for Directions; and
- (7) On that date of the Case Management hearing both parties appeared and an adjournment was given to allow the parties to have discussions; and
- (8) That the parties returned on October 28, 2021 to complete the Case Management of this matter; and

IT IS HEREBY ORDERED by consent of the parties:

- a. That a Preliminary Point has been raised on whether or not the Industrial Agreement relied on is expired. An Application to hear arguments on this point must be filed within four (4) weeks on or before November 25, 2021.
- b. That the Applicant will file Skeletons, Witness Statements and Submissions on or before November 11, 2021.

- c. That the Respondent will file Skeletons, Witness Statements and Submissions on or before December 3, 2021.
- d. That on discovery the Respondent has indicated that the video requested by the Applicant is lost. However, if the same is found it will be filed on or before December 3, 2021.
- e. All documents required from the Respondent are to be exchanged.
- f. That there will be a mutual exchange of bundles.
- g. That the parties agreed to an estimated two (2) to three (3) days of hearing.
- h. That the parties agreed that the Applicant will call two (2) witnesses and the Respondent will call six (6) witnesses.
- i. That an Online Hearing has been agreed.
- j. That the parties will not have further settlement discussions.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, October 28, 2021

Indira N. Demeritte – Francis
President
Industrial Tribunal