

COMMONWEALTH OF THE BAHAMAS

No. BIT/NR/NES/006

IN THE INDUSTRIAL TRIBUNAL

Year: 2020

NORTHERN REGION

In the matter of
THE INDUSTRIAL RELATIONS (TRIBUNAL PROCEDURE) RULES, 2010

BETWEEN:-

JENNIFER LUBIN

Applicant

AND

DIVE IN BAR & GRILL

Respondent

BEFORE: Her Honour, Helen J. Almorales-Jones, Vice-President

APPEARANCES: Applicant pro se & Mr. Errol Lloyd Comarcho, for the Respondent

ORDER

WHEREAS on the 20th May, 2019, **Jennifer Lubin** (the Applicant) filed a **Report of a Trade Dispute** against **Dive In Bar & Grill** at The Department of Labour in Grand Bahama, which stated that the issues relevant to the dispute were: 1 week Vacation; First week salary and Overtime pay;

AND WHEREAS conciliation meetings held at the Department of Labour failed to resolve the trade dispute was not resolved;

AND WHEREAS by a **Certificate of Referral** dated the 23rd July, 2019, (received by the Industrial Tribunal, Northern Region, on the 20th January, 2020) the Honourable Minister of Labour referred the trade dispute to the Industrial Tribunal;

AND WHEREAS the Applicant filed a **Form A**, Originating Application, on the 5th February, 2020, in which she claimed, inter alia, that the Respondent refused to pay her Vacation pay and she worked extra hours every day but was not paid correctly;

AND WHEREAS on the 27th February, 2020, the Tribunal served the Respondent with a **Form C**, Notice of Originating Application and a copy of the **Form A** filed by the Applicant and a **Form D**, Notice of Appearance, to be completed and filed in the Tribunal;

AND WHEREAS the Respondent failed to file a **Form D**, Notice of Appearance, within the time limited for so doing (the 9th March, 2020; 7 days from the 27th February, 2020);

AND WHEREAS by a **Notice of Call Over** published in The Nassau Guardian newspaper on Thursday, 29th October, 2020, both parties were notified that the matter was set for hearing before the Industrial Tribunal, Northern Region, at 10:00 a.m., on Monday, 30th November, 2020;

AND WHEREAS both parties appeared before the Industrial Tribunal, Northern Region, on Monday, the 30th November, 2020;

AND WHEREAS on the 8th December, 2020, the Respondent filed a **Form L**, Notice of Application for Extension of Time, and was granted an extension of time to file a **Form D**, Notice of Appearance and a **Form E**, Defence, after the time limited for so doing had expired;

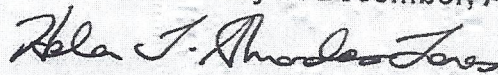
AND WHEREAS on the 8th December, 2020, the Respondent filed a **Form D**, Notice of Appearance, and a **Form E**, Defence;

AND WHEREAS the Industrial Tribunal heard the matter on the 30th November, 2020, 8th December, 2020 and 15th December, 2020;

AND WHEREAS both parties agreed, in writing, that the Tribunal decide the matter by the Respondent paying the sum of \$ 1,274.00 to the Applicant (representing \$ 374.00 for Vacation pay, \$ 400.00 for Overtime pay and \$ 500.00 for Termination pay) payable by \$ 774.00 on or before the 31st December, 2020, and \$ 500.00 by on or before the 31st January, 2021;

IT IS HEREBY ORDERED THAT, pursuant to **Rule 12(1)(b)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010**, the Respondent pay the sum of \$ 1,274.00 to the Applicant in full settlement of all claims arising out of the Applicant's employment with the Respondent, payable by \$ 774.00 on or before the 31st December, 2020, and \$ 500.00 by on or before the 31st January, 2021.

DATED: This 15th day of December, A.D., 2020.



Her Honor, Helen J. Almoraes-Jones,
Vice-President