

**INDUSTRIAL TRIBUNAL**

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**

**BAHAMAS HOTEL MANAGERIAL ASSOCIATES SECURITY OFFICERS**

Applicant

**AND**

**CTFBM OPERATIONS LIMITED - BAHAMAR**

Respondent

**APPEARANCES:** Mr Ednel Rolle for the Applicant  
Ms Camille Cleare for the Respondent

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

---

**ORDER ON DIRECTIONS**

---

**WHEREAS:**

- 1) By Certificate of Referral of a Trade Dispute dated 12 August 2021, the Minister referred the subject dispute to the Industrial Tribunal;
- 2) Pursuant to Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for presentation of an Originating Application was issued by the Secretary of the Industrial Tribunal to the Applicant on 25 August 2021;

- 3) The Applicant submitted an Originating Application (Form A) in the Industrial Tribunal dated 7 September 2021;
- 4) Pursuant to Rule 4 of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice of the Originating Application (Form C) was issued on 24 November 2021 by the Tribunal to the Respondent;
- 5) The Respondent filed a Notice of Appearance (Form D) on 7 December 2021 and Defence (Form E) on 21 January 2022;
- 6) This matter was listed for a Case Management hearing which took place on 10 February 2022. At the hearing it was discussed that a preliminary point had been raised by the Respondent, which required to be scheduled. If the preliminary point is unsuccessful, directions would then be given for proceeding to trial. However, if the preliminary point is successful, it would be dispositive of the action.
- 7) The Respondent applied and/or sought an agreement that the Applicant produce for the hearing of the preliminary point on the basis of their relevance, the following documents:
  - (1) Determination of Recognition of the Applicant with the Respondent;
  - (2) Existing Industrial Agreement between the parties;
  - (3) Determination of Agency Shop (done by vote); and
  - (4) List of Persons in respect of whom the Applicant claims agency shop.
- 8) The Applicant's objection to production of the documents was that they would be produced at the trial and that the documents should already be in the possession of the Respondent. The Respondent submitted that it applied for the documents as the same were not in its possession.

- 9) The Tribunal considered the application for production of documents and the presentations of both parties, and granted the same on the basis that the hearing of the preliminary point should precede a trial (by reason of the same being both usual and expeditious), and that the documents sought would be of great assistance to the Tribunal, as they are particularly relevant to the determination of the points foreshadowed to be raised in the preliminary application as set out in the Defence of the Respondent.

**IT IS HEREBY ORDERED** as follows:

**Filing**

1. The Respondent shall file with the Tribunal:
  - (1) its preliminary application (foreshadowed in its Defence),
  - (2) any supporting affidavit it deems necessary and
  - (3) written submissions,and shall serve the same on the Applicant by no later than Friday 18 February 2022;
  
2. The Applicant shall file with the Tribunal:
  - (1) its response to the Respondent's preliminary application by way of any supporting affidavit it deems necessary and
  - (2) written submissions,and shall serve the same on the Respondent by no later than Friday 25 February 2022;
  
3. The Applicant shall also file by way of affidavit, and serve on the Respondent on or before Friday 25 February 2022, the following documents:
  - (1) Determination of Recognition of the Applicant with the Respondent;
  - (2) Existing Industrial Agreement between the parties;
  - (3) Determination of Agency Shop (done by vote); and
  - (4) List of Persons in respect of whom the Applicant claims agency shop.

4. The Respondent shall file with the Tribunal and serve on the Applicant any reply it deems necessary by no later than Tuesday 1 March 2022.

**Hearing**

5. The Tribunal shall conduct a hearing of the preliminary application at Court #3 on Thursday 3 March 2022 at 11:30 o'clock in the forenoon.
6. Liberty to apply.

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

Dated this 10<sup>th</sup> day of February A.D. 2022.

---

**Simone I Fitzcharles**

**Vice President**