

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

GARY KELLY

Applicant

AND

ISLAND HOTEL COMPANY LIMITED

Respondent

APPEARANCES: Mr Hilbert Collie for the Applicant

Mr Kenneth Lightbourne 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 2 July 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 21 July 2021;

- 3) The Applicant filed an Originating Application (Form A) in the Industrial Tribunal on 19 August 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 20 August 2021 by the Tribunal to the Respondent;
- 5) The filing of a Notice of Appearance (Form D) and Defence (Form E) by the Respondent must be scheduled;
- 6) This matter was listed for a Case Management hearing on 2 February 2022, notice of which (by Form J) was served on the Applicant and on the Respondent, respectively, on 26 January 2022;
- 7) The Applicant applied for the legal entity, 'Island Hotel Company Limited', to be joined as a Respondent and the consequential order to be made dismissing 'The Cove Hotel / Atlantis Paradise Island' from the action. The Respondent raised no objection as counsel stated that the proper party to respond to the claim is Island Hotel Company Limited.

IT IS HEREBY ORDERED as follows:

Joinder

1. Pursuant to Rule 16(1) and 16(2), the Tribunal accedes to the application of the Applicant and hereby orders the joinder of **Island Hotel Company Limited** as Respondent with the consequential order that 'The Cove Hotel / Atlantis Paradise Island' be dismissed from this cause. Further it is ordered that every pleading filed from the date of this Order shall reflect the parties as shown in the title of this Order;

Filing

2. The Respondent shall have liberty to file and serve its Notice of Appearance and Defence on the Applicant on or before Friday 11 February 2022;

3. The parties shall file all documents referred to in paragraphs 4 and 5 of this Order with the Tribunal electronically and shall furnish the Tribunal with physical copies for the assigned judge who will hear the trial and/or any interlocutory applications;
4. The Applicant shall file his Witness Statement(s), Bundle of Documents and opening Skeleton Argument and serve the same on the Respondent by no later than Friday 4 March 2022;
5. The Respondent shall file its Witness Statement(s), Bundle of Documents and opening Skeleton Argument and serve the same on the Applicant by no later than Friday 25 March 2022;

Witnesses

6. Each party shall be at liberty to call up to three (3) witnesses at the trial of this matter; and

Liberty to Apply

7. The parties shall have liberty to apply for further directions and/or to vary these directions.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 2nd day of February A.D. 2022.

Simone I Fitzcharles

Vice President