

In The Matter of the Industrial Relations Act

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

BETWEEN

TOMIKO EVANS

Applicant

AND

THE CACIQUE INTERNATIONAL LIMITED GROUP OF COMPANIES

Respondent

APPEARANCES: Mr Errol McKinney for the Applicant
Ms Jacqueline Beneby 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 3 November 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 7 December 2021;

- 3) The Applicant filed an Originating Application (Form A) in the Industrial Tribunal on 13 December 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 13 December 2021 by the Tribunal to the Respondent;
- 5) The Notice of Appearance (Form D) was filed on 16 December 2021 and the Defence (Form E) on 20 January 2022 by the Respondent;
- 6) This matter was listed for a Case Management hearing on 3 March 2022, notice of which (by Form J) was served on both parties.
- 7) The Respondent submitted that all funds had been paid out to the Applicant in accordance with the law on his termination and he was not dismissed for any medical reason, so the proceedings should be abbreviated and not go to trial. The Applicant's submission was that the dismissal was based on medical or medically-related reasons which made it unfair. The Tribunal considered it was appropriate to hear the parties on an expedited basis, as the issues are narrow and it appears they can be quickly heard and considered.

IT IS HEREBY ORDERED as follows:

Filing

1. The parties shall file all documents referred to in paragraphs 2 and 3 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;
2. The Applicant shall file his Witness Statement(s), Bundle of Documents and Skeleton Submissions serve the same on the Respondent by no later than **Thursday 17 March 2022**;

3. The Respondent shall file its Witness Statement(s), Bundle of Documents and Skeleton Submissions and serve the same on the Applicant by no later than **Thursday 31 March 2022**;

Trial

4. At the trial of this matter, each party shall be at liberty to call up to two (2) witnesses;
5. The Trial of this matter is set to be heard for one (1) day at 10 o'clock in the forenoon on **Thursday 14 April 2022**.

Liberty to Apply

6. 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 3rd day of March A.D. 2022.

Simone I Fitzcharles
Vice President