

COMMONWEALTH OF THE BAHAMAS

No. BIT/NR/NES/005

IN THE INDUSTRIAL TRIBUNAL

Year: 2021

NORTHERN REGION

In the matter of  
THE INDUSTRIAL RELATIONS (TRIBUNAL PROCEDURE) RULES, 2010 &  
THE INDUSTRIAL RELATIONS ACT, Cap. 321

BETWEEN:-

WILSON AUSTRAL

Applicant

VERSUS

BETHEL CONSTRUCTION

First Respondent

AND

JOHNNY BETHEL & MARLENA BETHEL  
Trading as BETHEL PROPERTY MANAGEMENT & BETHEL CONSTRUCTION

Second Respondent

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

APPEARANCES: Applicant pro se & Johnny Bethel & Marlena Bethel, for the Respondent

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## **ORDER**

**WHEREAS**, on the 5<sup>th</sup> August, 2020, the Applicant, **Wilson Austral** filed a Report of a Trade Dispute against **Bethel Construction** at The Department of Labour in Abaco, in which he stated that the issue relevant to the dispute was that he felt threatened by his employer;

**AND WHEREAS** 2 conciliation meetings were held at the Department of Labour in Abaco and failed to resolve the trade dispute between the parties;



**AND WHEREAS** by a **Certificate of Referral** dated the 11<sup>th</sup> November, 2020, (received by the Industrial Tribunal, Northern Region, on the 19<sup>th</sup> January, 2021), the Honourable Minister of Labour referred the trade dispute between **Wilson Austral** and **Bethel Construction** to the Industrial Tribunal;

**AND WHEREAS** the Applicant filed a **Form A**, Originating Application, on the 27<sup>th</sup> January, 2021, in which he alleged that his employer threatened to report to the Labour Board that he was disrespecting them and to then fire him and not pay him any compensation;

**AND WHEREAS** the First Respondent filed a **Form D**, Notice of Appearance, on the 12<sup>th</sup> February, 2021, which stated that its name was **Johnny Bethel** and it intended to resist the application made by the Applicant;

**AND WHEREAS** the First Respondent filed a **Form E**, Defence, on the 19<sup>th</sup> February, 2021, which denied that it dismissed the Applicant and alleged that the Applicant wants to leave their employment and is trying to force them to fire him in order to collect Severance pay;

**AND WHEREAS** the Tribunal heard this matter (via ZOOM) at 10:00 a.m. on Thursday, the 11<sup>th</sup> March, 2021;

**AND WHEREAS** the Respondent's Representatives, **Johnny Bethel** and **Marlena Bethel** (husband and wife respectively) advised that they own the business, which is not an incorporated Company and they trade as **Bethel Property Management** and also as **Bethel Construction**;

**AND WHEREAS**, pursuant to **Rule 16(1)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules"), the Tribunal, on its own motion, and with no objections by the parties, added **Johnny Bethel** and **Marlena Bethel** trading as **Bethel Property Management** and as **Bethel Construction** as a party to the proceedings;

**AND WHEREAS** the Respondents denied the Applicant's allegation that they had summarily dismissed him during a conciliation meeting at The Department of Labour in Abaco;

**AND WHEREAS** the Tribunal was unable to get the parties to settle the trade dispute for an amount representing compensation for the 13 years the Applicant rendered dutiful service to the Respondents before the dispute arose regarding the Respondents' failure to pay National Insurance contributions for the Applicant;

**AND WHEREAS** the Tribunal advised the parties that only the National Insurance Board has jurisdiction to deal with the Respondents' failure to pay National Insurance contributions for the Applicant in accordance with the law.



**AND WHEREAS** the Tribunal advised the parties that its jurisdiction was limited to the claim the Applicant made in the Report of a Trade Dispute, namely that he felt threatened by his employer.

**AND WHEREAS** the Tribunal advised the Applicant that he must file another trade dispute at The Department of Labour if he is seeking compensation for being wrongfully and/or unfairly dismissed by the Respondents;

**IT IS HEREBY ORDERED THAT**, pursuant to **Section 58(1)(d)** of **The Industrial Relations Act**, Cap. 321, the Tribunal refrains from further hearing this matter, which is dismissed as further proceedings are unnecessary.

**DATED: This 11<sup>th</sup> day of March, A.D., 2021.**



*Helen J. Almorales-Jones*

**Her Honor, Helen J. Almorales-Jones,  
Vice-President**

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