

COMMONWEALTH OF THE BAHAMAS

No. IT/NR/NES/035

IN THE INDUSTRIAL TRIBUNAL

Year: 2021

NORTHERN REGION

In the matter of  
**The Industrial Relations (Tribunal Procedure) Rules, 2010 [Rule 15(1)]**

BETWEEN:-

RAPHAEL WHYLLY

Applicant

AND

WEMCO SECURITY & COLLECTIONS LTD.

Respondent

---

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

APPEARANCES: Mr. Lionel Morley (Labour Advocate) for the Applicant &  
Christopher Gouthro, Esquire (Gouthro & Co.) for the Respondent

---

### ORDER ON DIRECTIONS

#### WHEREAS:

- 1) By a **Certificate of Referral** dated the 15<sup>th</sup> April, 2021 (received on the 6<sup>th</sup> May, 2021), the Honourable Minister of Labour ("the Minister"); referred this matter to the Industrial Tribunal ("the Tribunal");
- 2) The Applicant filed a **Form A**, Originating Application, on the 10<sup>th</sup> May, 2021;
- 3) The Respondent filed a **Form D**, Notice of Appearance, on the 18<sup>th</sup> May, 2021;
- 4) The Respondent filed a **Form E**, Defence, on the 31<sup>st</sup> May, 2021;
- 5) The Industrial Tribunal conducted a **Case Management hearing** of this matter at 10:00 a.m. on Monday, 26<sup>th</sup> July, 2021;

- 6) The Tribunal identified the issues for trial include, but are not limited to:-
- Whether or not the Respondent owes the Applicant **Vacation pay?**;
  - Whether or not the Respondent owes the Applicant **Holiday pay?**; and
  - Whether or not the Respondent **wrongfully dismissed** the Applicant?;

7) The Applicant requested an adjournment of the matter in order to:-

- Seek leave of the Minister to file another trade dispute against the Respondent for **Overtime (Public Holiday) pay** and **Back pay** for the difference in Salary, Vacation, Overtime, Notice and Severance because of the non-payment of minimum wages in accordance with the provisions of **Section 4 of THE MINIMUM WAGES ACT, Cap. 321B** and **Section 2 of THE MINIMUM WAGES (INCREASE IN MINIMUM WAGES) ORDER, 2015, S.I. No. 59 of 2015** and; and
- Apply to the Tribunal for leave to consolidate both matters under **Rule 17 of The Industrial Relations (Tribunal Procedure) Rules, 2010**;

8) The Applicant's Representative advised that the Applicant will testify and call 1 witness on his behalf;

9) The Respondent's Counsel advised that the Respondent may call 2 witnesses in its defence; and

10) Both parties agreed that the trial may last 2 days and 10:00 a.m. on Wednesday, 13<sup>th</sup> and Thursday, 14<sup>th</sup> October, 2021, were convenient dates for the trial.

**IT IS HEREBY ORDERED** as follows:-

11) If the parties wish to file a **Brief** or **Skeleton Arguments**, they must file it with the Tribunal and serve a copy on the other party **at least 7 days before** the trial date (by Friday, 1<sup>st</sup> October, 2021);

12) If the parties intend to rely on any documents during the trial, they must file:-

- a **List of Documents** listing the documents; and
- a **Bundle of Documents** containing the documents;

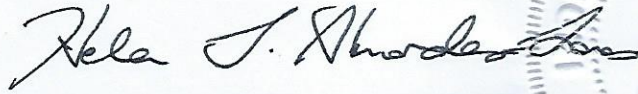
with the Tribunal and serve a copy on the other party **at least 28 days before** the trial date (by Friday, 3<sup>rd</sup> September, 2021);

13) The witnesses give viva voce evidence in the trial;

- 14) The parties reserve any legal authorities for their Closing Submissions to be filed by an agreed date after the end of the trial;
- 15) This matter is adjourned to 10:00 a.m. on Wednesday, 13<sup>th</sup> and Thursday, 14<sup>th</sup> October, 2021, for the trial.

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

**DATED: This 26<sup>th</sup> day of July, A.D., 2021.**



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

