

COMMONWEALTH OF THE BAHAMAS

No. BIT/NR/NES/038

IN THE INDUSTRIAL TRIBUNAL

Year: 2021

NORTHERN REGION

In the matter of
THE EMPLOYMENT ACT, 2001 &
THE INDUSTRIAL RELATIONS (TRIBUNAL PROCEDURE) RULES, 2010
[Rules 12(1)(b) & 16]

BETWEEN:-

DENIA HEPBURN

Applicant

AND

AG CHEMICALS

Respondent

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

APPEARANCES: Applicant, pro se; no appearance of the Respondent

ORDER

WHEREAS:

- (1) On the 1st March, 2021, **Denia Hepburn** ("the Applicant") filed a **Report of a Trade Dispute** against **AG Chemicals** ("the Respondent") at the Department of Labour in Grand Bahama;
- (2) After 2 conciliation meetings failed to resolve the matter, the Honourable Minister of Labour referred the trade dispute to the Industrial Tribunal, Northern Region ("the Tribunal") by a **Certificate of Referral** dated the 15th April, 2021 (received by the Industrial Tribunal, Northern Region, on the 6th May, 2021);
- (3) On the 6th May, 2021, the Applicant filed a **Form A**, Originating Application, against the Respondent with the Tribunal;

- (4) The Respondent failed to file a **Form D**, Notice of Appearance, or a **Form E**, Defence, in this matter, within the time limited for so doing by **Rule 5(1)** and **Rule 6** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** (“The Rules”);
- (5) The Tribunal served a **Form J**, Notice of Hearing, on both parties setting this matter down for Case Management at 10:00 a.m. on Tuesday, the 10th August, 2021;
- (6) The **Form J**, Notice of Hearing, was served on the Applicant on the 5th July, 2021, and on the Respondent on the 2nd July, 2021;
- (7) Both parties were given at least 14 days’ notice of the Case Management hearing, as required by **Rule 8(1)** of the Rules;
- (8) Only the **Applicant** appeared at the Case Management hearing of this matter at 10:00 a.m. on Tuesday, the 10th August, 2021;
- (9) According to a written “**Maternity Benefit/Agreement**” dated the 23rd May, 2021, and signed by the *Applicant* and the Respondent’s Accountant, *Shonell Pratt*, on the 10th June, 2021, the parties agreed that:-
- the Applicant was entitled to **\$ 1,092.00** for **Maternity Benefit**;
 - the Respondent paid the Applicant an initial payment of **\$ 150.00** on the 28th May, 2021; and
 - the Respondent would pay the Applicant the balance of **\$ 942.00** in instalments of **\$ 50.00 per week** over the period of **18 weeks** and a final payment of **\$ 92.00** on the 8th October, 2021; and
- (10) The Applicant advised the Tribunal that the Respondent:-
- paid her 8 instalments of \$ 50.00 by deposit to her account at Royal Bank of Canada;
 - missed 2 instalments of \$ 50.00 on Friday, the 23rd July, 2021, and Friday, the 6th August, 2021; and
 - now owes her a balance of **\$ 542.00**;

IT IS HEREBY ORDERED THAT, pursuant to **Rule 12(1)(b)** of the Rules and in accordance with the parties’ Agreement, the Respondent pay the balance of **\$ 542.00** owed to the Applicant by:-

- **\$ 100.00** forthwith (for the 2 missed instalments); and

- the remaining \$ 442.00 by \$ 50.00 per week, commencing from Friday, the 13th August, 2021, and a final payment of \$ 42.00 on the 8th October, 2021.

AND THIS IS THE ORDER OF THIS TRIBUNAL.

DATED: This 10th day of August, A.D., 2021.



Helen J. Almoraes-Jones

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

