

IT/NR/NES/2022-019

INDUSTRIAL TRIBUNAL

**COURT #2 FREEPORT INSURANCE CENTER, 21B WEST MALL & POINCIANA
DRIVE, FREEPORT, GRAND BAHAMA, COMMONWEALTH OF THE BAHAMAS**

Before

MRS. HELEN J. ALMORALES-JONES (VICE-PRESIDENT)

(SITTING ALONE)

DEREK ROACHE

APPLICANT

CLEARBLUE MARITIME AGENCY LIMITED

RESPONDENT

ORDER

APPEARANCES

For the Applicant

Ms. Michelle Outten
Labour Advocate
Freeport, Grand Bahama

For the Respondent

Cassietta M^cIntosh-Pelecanos
M^cIntosh & Co.
Counsel
Freeport, Grand Bahama

WHEREAS:

- 1) By a **Certificate of Referral** dated the 13th April, 2022 (received on the 14th June, 2022), the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 2) The Tribunal, conducted a **Case Management** hearing in this matter on the 9th September, 2022;
- 3) The **Respondent's Counsel** advised that the correct name of the Respondent is Clearblue Maritime Agency Limited;
- 4) Pursuant to **Section 59(1)(b)(ii)** of **The Industrial Relations Act, Cap. 321** (The I.R.A.) and **Rule 16(1)** and **(2)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules") and with the consent of the Applicant and the Respondent's Counsel, the Tribunal, of its own motion, joined **Clearblue Maritime Agency Limited** as a party (the Respondent) and dismissed **Clear Blue Maritime** from the proceedings;
- 5) The parties agreed that they have resolved the issue of Vacation pay; and
- 6) Pursuant to **Section 58(1)(a)** of The I.R.A., the **Tribunal** remitted the dispute to the parties for further consideration, with a view to settling or reducing the issues relevant to the dispute, namely:-
 - Whether the Respondent's Supervisor, *Fabian Stuart*, promised to give the Applicant a Training Certificate confirming that the Applicant was trained in Area Lift?
 - Whether the Respondent agrees to give the Applicant a reference letter confirming that he was trained in Area Lift and stating the length of time he worked in that field?;
 - Whether the Applicant abandoned the job or the Respondent constructively dismissed him by committing a repudiatory breach of the employment contract?;
 - Whether or not the Respondent wrongfully dismissed the Applicant?; and
 - Whether or not the Respondent unfairly dismissed the Applicant?;

IT IS HEREBY ORDERED THAT the matter be dismissed pursuant to **Section 58(1)(d)** of **The I.R.A.**, as the Tribunal finds that further proceedings are not necessary as the Applicant's **Form A** (Originating Application) stated the incorrect date the Applicant's employment commenced and ended and the Tribunal has no power to grant an amendment to the Form.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 9th day of September, A.D., 2022.

Helen J. Almorales-Jones

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

