

**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)**

---

**JULIAN KNOWLES**

**APPLICANT**

**(1) BIG JOHN'S BAR  
(2) ATSO COMPANY LIMITED &  
(3) DHIAMIA NEWTON & WILLARD RUTHERFORD  
as Administrators of the estate of  
the late Anthwan Simms**

**RESPONDENTS**

---

**ORDER ON DIRECTIONS**

---

**APPEARANCES**

For the Applicant

Wallace R. Allen, Esquire  
Wallace Law Chambers  
Freeport, Grand Bahama

For the Respondents

Osman R.C. Johnson, Esquire  
Ayse Rengin Dengizer-Johnson & Co.  
For the Respondent, Dhamia Newton,  
Administrator of the estate of the late  
Anthwan Simms  
Freeport, Grand Bahama

**WHEREAS:**

- 1) On the 12<sup>th</sup> March, 2021, **Julian Knowles** ("the Applicant") filed a **Report of a Trade Dispute** against **Big John's Bar** ("the Respondent") with the Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Vacation pay, Notice pay and Severance pay*;
- 2) By a **Certificate of Referral** dated the 6<sup>th</sup> May, 2021 (received on the 27<sup>th</sup> May, 2021), the Honourable Minister of Labour referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 28<sup>th</sup> May, 2021, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the name of the Respondent was *Di Newton* and the grounds for his application were *Vacation pay and Managerial pay (1 month's pay for each year of service)*;
- 4) On the 3<sup>rd</sup> June, 2022, the **Respondent** filed a **Form D** (Notice of Appearance) which stated that:- it intended to resist the application; the name of the Respondent was *Big John's Bar/Ms. Newton*; and the name of its Representative was *Wallace Law Chambers, Ernie Wallace*;
- 5) On the 6<sup>th</sup> August, 2021, the **Respondent** filed a **Form E** (Defence), which stated, inter alia, that the name of the Respondent was *Big John's*; the name of its Representative was *Ernie Wallace*; and it intended to resist the application on the grounds that it summarily dismissed the Applicant for *Gross Insubordination and Dishonesty at work*;
- 6) At the **Case Management** hearing on the 23<sup>rd</sup> September, 2022, the matter was adjourned for the Applicant to ascertain the correct name of his employer and the proper party against whom he intended to proceed;
- 7) On the 24<sup>th</sup> September, 2021, the **Applicant** filed a **Form M** (Notice of Joinder of Parties) applying to join *The estate of the late Anthwan Simms, Administrators Dhamia I. Newton, Willard Rutherford and Reylond Tooté* as a party to the proceedings;
- 8) The Tribunal heard the matter on the 28<sup>th</sup> October, 2021;
- 9) On the 7<sup>th</sup> January, 2022, the **Applicant** filed a **Form P** (Notice of Change of Address) which stated that the name of his Representative was now *Rufus Allen, Cambridge Law Chambers*;
- 10) The Tribunal heard the matter on the 19<sup>th</sup> January, 2022;

- 11) On the 7<sup>th</sup> February, 2022, the **Applicant** filed a **Form M** (Notice of Joinder of Parties) applying to join *Atso Limited, T/A Big John's Bar* as a party to the proceedings;
- 12) On the 18<sup>th</sup> March, 2022, the **Applicant** filed a **Form M** (Notice of Joinder of Parties) applying to join *Atso Company Limited* as a party to the proceedings;
- 13) The Tribunal heard the matter on the 2<sup>nd</sup> August, 2022;
- 14) On the 2<sup>nd</sup> September, 2022, the **Respondent, Dhamia Newton**, filed a **Form P** (Notice of Change of Address) which stated that the name of her Representative was now *Ayse Rengin Dengizer-Johnson*;
- 15) At the hearing on the 24<sup>th</sup> October, 2022:-
  - the **Applicant's Counsel** withdrew the **Form M** (Notice of Joinder of Parties) applications filed on the 24<sup>th</sup> September, 2021 and 7<sup>th</sup> February, 2022; and
  - the Tribunal acceded to the **Form M** application he filed on the 18<sup>th</sup> March, 2022 and joined *Atso Company Limited* as a party (Second Respondent) to the proceedings;
- 16) On the 26<sup>th</sup> October, 2022, the **Applicant** filed a **Form M** (Notice of Joinder of Parties) applying to join *Dhamia Newton and Willard Rutherford* as a party to the proceedings;
- 17) At the hearing on the 7<sup>th</sup> December, 2022, the **Tribunal**:-
  - the Tribunal acceded to the **Form M** application the Applicant filed on the 26<sup>th</sup> October, 2022 and joined *Dhamia Newton and Willard Rutherford, as Administrators of the estate of the late Anthwan Simms*, as a party (Third Respondent) to the proceedings; and
  - remitted the dispute to the parties for further consideration, with a view to settling or reducing all the issues in dispute, Pursuant to **Section 58(1)(a) of The Industrial Relations Act**, Cap. 321;
- 18) The **Applicant's Counsel** advised that if the matter is not settled, the Applicant will testify and call 2 witnesses on his behalf;
- 19) The **Respondent's Counsel** advised that the Respondent may call 2 or 3 witnesses in its defence;



- 20) **Both parties** agreed to the witnesses giving *viva voce* testimony;
- 21) The **Tribunal** estimated that the trial may last 2 days;
- 22) **Both parties** agreed to file their List of Documents and Bundle of Documents with the Tribunal at least 14 days before the trial and serve a copy of it on the other party;
- 23) **Both parties** agreed to file any Brief or Skeleton Arguments at least 7 days before the trial and serve a copy of it on the other party;

**IT IS HEREBY ORDERED THAT:-**

1. This matter be adjourned to 10:00 a.m. on Monday, 30<sup>th</sup> and Tuesday, 31<sup>st</sup> January, 2023;
2. The parties file any List of Documents and Bundle of Documents by on or before 4:00 p.m. on Monday, 16<sup>th</sup> January, 2023; and
3. The parties file any Brief or Skeleton Arguments by on or before 4:00 p.m. on Monday, 23<sup>rd</sup> January, 2023.

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

**DATED: This 7<sup>th</sup> day of December, A.D., 2022.**

*Helen J. Almorales Jones*

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

