

**IT/NR/NES/2022-020**

**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)**

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**RASHEID O. MUNNINGS**

**APPLICANT**

**TAINO BEACH RESORT**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Pro se  
Freeport, Grand Bahama

For the Respondent

Vanessa Neely  
Resort Administrator  
Freeport, Grand Bahama

**WHEREAS:**

- 1) On the 1<sup>st</sup> March, 2022, **Rasheid O. Munnings** ("the Applicant") filed a **Report of a Trade Dispute Form** against **Taino Beach Resort** ("the Respondent") with the Department of Labour in Freeport, Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Proper notice, Severance and Vacation*;
- 2) By a **Certificate of Referral** dated the 13<sup>th</sup> April, 2022, the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 8<sup>th</sup> September, 2022, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the grounds for his application were that *he was never terminated and was not called back to work*;
- 4) On the 16<sup>th</sup> September, 2022, the **Respondent** filed a **Form D** (Notice of Appearance), which stated that the Respondent intends to resist the application;
- 5) On the 8<sup>th</sup> September, 2022, the **Respondent** filed a **Form E** (Defence), which stated that the Applicant was not dismissed and the Respondent after the Government lockdown in August 2020, the Respondent contacted the Applicant and scheduled him to work, but he never reported for duty;
- 6) Neither the **Form D** (Notice of Appearance) nor the **Form E** (Defence) stated the name of the Respondent's Representative;
- 7) The Tribunal conducted a **Case Management** hearing of the matter today (31<sup>st</sup> October, 2022) pursuant to **Rule 15(1)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules");
- 8) The **Respondent's Representative** advised that the correct name of the Respondent is *Taino Beach Ltd.*;
- 9) The Tribunal directed that the Respondent's Representative produce the following to the Tribunal, namely:-
  - A letter from the President of the Respondent stating that the Resort Administrator, Vanessa Neely, is authorized to represent the Respondent in this matter; and
  - A copy of the Respondent's Certificate of Incorporation; and
  - A copy of any Termination of Service/Lay Off Certificate the Respondent issued to the Applicant after the COVID-19 Pandemic shutdown commenced in 2020;

- 10)The Tribunal assessed that the Respondent owes the Applicant a balance of **\$ 165.00** for **Accrued Vacation pay** for the second incomplete year of his employment (the period, 4<sup>th</sup> April, 2020, to August, 2020; 0.33 of a year) and requested that the Respondent pay this sum to the Applicant before the trial date;
- 11)The Tribunal identified the Applicant's claim for *proper Notice and Severance* as being a claim for **Wrongful Dismissal**;
- 12)The Tribunal identified the issues for trial as:-
- Whether the Applicant was dismissed by the Respondent?;
  - Whether the Respondent contacted the Applicant to return to work after the Government's August 2020 lockdown ended?; and
  - Whether the Applicant failed to report for duty after the Respondent scheduled him to work after the end of the Government's August 2020 lockdown?;
- 13)The **Applicant** advised that he alone will testify on his behalf;
- 14)The **Respondent's Representative** advised that the Respondent may call 6 or 7 witnesses in its defence; and
- 15)The **Tribunal** estimated that the trial may last 2 days;

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

1. Both parties file any **Brief** or **Skeleton Arguments, List of Documents** and **Bundle of Documents** with the Tribunal at least 7 clear days before the trial (by Wednesday, 14<sup>th</sup> December, 2022) and at the same time serve a copy thereof on the other party; and
2. This matter stand adjourned to 10:00 a.m. on Wednesday, 14<sup>th</sup> and Thursday, 15<sup>th</sup> December, 2022, for trial.

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

**DATED: This 31<sup>st</sup> day of October, A.D., 2022.**



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