

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)

ASA JONES

APPLICANT

FRECON

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

No appearance of the Applicant or
his Counsel, Mrs. Carla Scott-Clare
Freeport, Grand Bahama

For the Respondent

Respondent's Counsel,
M. Kirk Antoni, Esquire
Freeport, Grand Bahama

WHEREAS:

- 1) On the 2nd May, 2022, **Asa Jones** ("the Applicant") filed a **Report of a Trade Dispute Form** against **FRECON** ("the Respondent") with the Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Severance pay* and *Vacation*;
- 2) By a **Certificate of Referral** dated the 21st July, 2022 (received on the 11th August, 2022), the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 15th August, 2022, the Tribunal served the Applicant with a letter dated the same date, giving him notice of the referral;
- 4) The Applicant failed to file a **Form A** (Originating Application) within the time limited for so doing by **Rule 3(1) of The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules");
- 5) On the 28th September, 2022, the Applicant filed:-
 - a **Form L** (Notice of Application for Extension of Time) seeking an extension of time to file a **Form A** (Originating Application) because he had gone to the family islands in search of employment; and
 - a **Form A** (Originating Application) which stated, inter alia, that the grounds for his application were *payments of Holiday, Severance and Vacation*;
- 6) On the 29th September, 2022, the **Respondent** filed a **Form D** (Notice of Appearance), which stated that the Respondent intends to resist the application;
- 7) On the 11th October, 2022, the **Respondent** filed a **Form E** (Defence), which stated that the Applicant was dismissed in accordance with Sections 31 and 33 of The Employment Act for:-
 - refusal to come to work or call in on the 1st, 19th, 22nd and 25th April, 2022;
 - unapproved absences from work on those 4 days; and
 - Insubordination to *Craig B. Silvera* (the Respondent's President) amounting to misconduct;
- 8) With the consent of the Respondent's Counsel, the Tribunal acceded to the **Form L** (Notice of Application for Extension of Time) and granted the Applicant leave to file a **Form A** (Originating Application) after the time limited for so doing had expired;

- 9) The Tribunal conducted a **Case Management** hearing of the matter today (31st October, 2022) pursuant to **Rule 15(1)** of **The Rules**;
- 10) Only the **Respondent's President** and **Counsel** appeared;
- 11) Vice-President Jones disclosed to the **Respondent's President** and **Counsel** that she will recuse herself from hearing this matter in order to avoid the appearance of bias, as the Applicant is a distant relative of her Husband;
- 12) The **Respondent's Counsel** advised that the Respondent will call 2 witnesses in its defence if the matter goes to trial;
- 13) The **Tribunal** estimated that the trial may last 2 days; and
- 14) 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 all the issues in dispute;

IT IS HEREBY ORDERED as follows:-

1. Both parties file any **Brief** or **Skeleton Arguments**, with the Tribunal at least 7 days before the trial and at the same time serve a copy thereof on the other party;
2. Both parties file **Witness Statements** and any **List of Documents** and **Bundle of Documents** with the Tribunal at least 14 days before the trial and at the same time serve a copy thereof on the other party; and
3. This matter stand adjourned to 10:00 a.m. on Thursday, 19th and Friday, 20th January, 2023, for trial/mention.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 31st day of October, A.D., 2022.



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