

**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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**PHYLLIS SWEETING**

**APPLICANT**

**CANDID SECURITY**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Michelle Outten  
Labour Advocate  
Freeport, Grand Bahama

For the Respondent

Sean R. Xavier  
Chief Financial Officer  
Freeport, Grand Bahama

**WHEREAS:**

- 1) On the 24<sup>th</sup> June, 2022, **Phyllis Sweeting** ("the Applicant") filed a **Report of a Trade Dispute Form** against **Candid Security** with the Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Notice pay, Severance pay, Vacation and Payment for lunch pay deduction \$ 2.50.*
- 2) By a **Certificate of Referral** dated the 19<sup>th</sup> August, 2022 (received on the 1<sup>st</sup> September, 2022), the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 7<sup>th</sup> September, 2022, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the grounds for her application were that *the contract at Grand Lucayan which employed Candid Security was taken over by another Company on the 1<sup>st</sup> May, 2022; she was not paid her Severance pay of 4% for the 2 and ½ years she worked at that location; she was also being charged \$ 2.50 for her half lunch break period per shift; and she was paid 37 and ½ hours per shift;*
- 4) The **Respondent** filed a **Form D** (Notice of Appearance) on the 8<sup>th</sup> September, 2022;
- 5) The **Respondent** filed a **Form E** (Defence) on the 13<sup>th</sup> September, 2022;
- 6) The Tribunal conducted a **Case Management** hearing in this matter on the 11<sup>th</sup> October, 2022;
- 7) The **Applicant's Representative** advised that the Applicant is withdrawing her claim for Vacation pay;
- 8) The **Tribunal** identified the main issue for trial as *Whether the Respondent dismissed the Applicant by committing an anticipatory breach of the employment contract or the Applicant terminated the employment contract by accepting employment with another firm?*
- 9) Both parties agreed that the **Applicant's Representative** will proceed with the trial of 1 case against the Respondent as a test case for the Tribunal to assess the parties' rights and the parties will decide the remaining cases according to the Decision in the selected case;
- 10) The **Applicant's Representative** advised that the Applicant will testify and may call 2 witnesses in support of her claim;

- 11)The **Respondent's Counsel** advised that the Respondent may call about 5 witnesses in its defence;
- 12)The **Tribunal** estimated that the trial may last 2 days;
- 13)Both **parties** agreed that the witnesses will give viva voce testimony;
- 14)Both parties agreed to file any **Brief** or **Skeleton Arguments, List of Documents** and **Bundle of Documents**, with the Tribunal at least 7 clear days before the trial and at the same time serve a copy thereof on the other party; and
- 15)Pursuant to **Section 58(1)(a)** of **The Industrial Relations Act**, Cap. 321, 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 their any **Brief** or **Skeleton Arguments, List of Documents** and **Bundle of Documents** with the Tribunal at least 7 clear days before the trial (by Tuesday, 8<sup>th</sup> November, 2022) and at the same time serve a copy thereof on the other party;
2. This matter is adjourned to 10:00 a.m. on Tuesday, 15<sup>th</sup> and Thursday, 17<sup>th</sup> November, 2022, for trial.

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

**DATED: This 11<sup>th</sup> day of October, A.D., 2022.**

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