

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)

ANTIKO BAILOU

APPLICANT

GRAND SUN INVESTMENTS LIMITED

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Franklin Carter
Labour Advocate for the Applicant
Nassau, New Providence

For the Respondent

Larell Hanchell, Esquire
Counsel for the Respondent
Nassau, New Providence

WHEREAS:

- 1) On the 25th May, 2022, **Antiko Robert Bailou** filed a **Report of a Trade Dispute Form** against **Grand Sun Investment** with the Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were that *He is fully vaccinated; he was sent home for refusing to take an antigen test; it has been 4 months; and he is applying for Constructive Wrongful and/or Unfair Dismissal*;
- 2) By a **Certificate of Referral** dated the 31st August, 2022 (received on the 15th September, 2022), the Honourable Minister of Labour & Immigration referred the trade dispute between **Atiko Bailou** ("the Applicant") and **Grand Sun Investment** ("the Respondent") to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 29th September, 2022, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the name of the Respondent was **Grand Sun Investment Ltd. Roderick Smith** and the grounds for the application were *Wrongful and/or Unfair Dismissal*;
- 4) On the 5th October, 2022, the **Respondent** filed a **Form D** (Notice of Appearance) which stated, inter alia, that the name of the Respondent was **Grand Sun Investments Limited**;
- 5) The **Respondent** failed to file a **Form E** (Defence) within the time limited for so doing by to **Rule 6 of The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules");
- 6) On the 27th October, 2022, the Tribunal served both parties with a **Form J** (Notice of Hearing) issued on the 26th October, 2022, which set this matter down for *Case Management* at 10:00 a.m. on Wednesday, 23rd November, 2022;
- 7) On the 22nd November, 2022, the Respondent's Counsel filed an application [pursuant to **Rule 12(1)(e) of The Rules**] to strike out the Applicant's **Form A** (Originating Application) on the grounds that it is frivolous or vexatious;
- 8) With the consent of the Applicant's Representative, the Tribunal heard the Respondent's application on the 23rd November, 2022, on short notice;
- 9) In a **Ruling** rendered today, the Tribunal refused the Respondent's application and proceeded with the Case Management hearing in accordance with **Rule 15(1) of The Rules**;

- 10) Pursuant to **Section 59(1)(b)(ii)** of **The Industrial Relations Act** (I.R.A.) and **Rule 16(1)** and **(2)** of **The Rules** and with the consent of both parties, the Tribunal, of its own motion, joined:-
- **Antiko Bailou** as the Applicant and **Grand Sun Investments Limited** as the Respondent; and
 - dismissed **Atiko Bailou** and **Grand Sun Investment** from the proceedings;
- 11) The **Tribunal**, of its own motion, granted the Respondent leave to file a **Form E** (Defence) within 14 days from today;
- 12) Both **parties** agreed that their working relationship was not governed by an employment contract or Employee Handbook, but by an employment letter;
- 13) Pursuant to **Section 58(1)(a)** of **The Industrial Relations Act, Cap. 321**, the **Tribunal** remitted the issues of *Constructive Wrongful* and/or *Unfair Dismissal* to the parties for further consideration, with a view to settling or reducing it;
- 14) The **Applicant's Representative** advised that only the Applicant will testify in support of his claim;
- 15) The **Respondent's Counsel** advised that the Respondent will call 2 witnesses in its defence;
- 16) The **Tribunal** estimated that the trial may last 1 day; and
- 17) Both **parties** agreed to:-
- file written **Witness Statements** and exhibit thereto any documents upon which they will be relying at the trial; and
 - electronically serve it on the other party;

IT IS HEREBY ORDERED as follows:-

1. The Respondent file its **Form E** (Defence) with the Tribunal within 14 days from today (by the 2nd January, 2023);
2. The Applicant file his **Witness Statement** with the Tribunal within 14 days from the 2nd January, 2023 (by the 23rd January, 2023) and at the same time, electronically serve a copy on the Respondent's Counsel;

3. The Respondent file its **Witness Statements** with the Tribunal within 14 days from the 23rd January, 2023 (by the 10th February, 2023) and at the same time, electronically serve a copy on the Applicant's Representative;
4. Both parties file any **Brief** or **Skeleton Arguments**, with the Tribunal at least 7 days before the trial date (by the 16th February, 2023), and at the same time, electronically serve a copy on the other party; and
5. This matter is adjourned for trial at 10:00 a.m. on Monday, 27th February, 2023.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 20th day of December, A.D., 2022.



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

