

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)

CHARLENE ADDERLEY

APPLICANT

CANDID SECURITY

RESPONDENT

ORDER ON DIRECTIONS

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 29th June, 2022, **Charlene Adderley** ("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, balance on Vacation pay and lunch break deductions*;
- 2) By a **Certificate of Referral** dated the 31st August, 2022 (received on the 21st September, 2022), the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 23rd September, 2022, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the grounds for her application were worked forty hours but paid for 37.5; no notice of contract expiration; non-payment of Vacation pay (2 years for every year worked); and payment for the 2.5 hours deducted every week;
- 4) The **Respondent** filed a **Form D** (Notice of Appearance) on the 27th September, 2022;
- 5) The **Respondent** filed a **Form E** (Defence) on the 7th October, 2022;
- 6) The Tribunal conducted a **Case Management** hearing in this matter on the 11th October, 2022;
- 7) *That 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, 8th 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, 15th and Thursday, 17th November, 2022, for trial.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 11th day of October, A.D., 2022.



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