

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)

RAPHAEL WHYLLY

APPLICANT

OCEAN REEF RESORT & YACHT CLUB

RESPONDENT

ORDER

APPEARANCES

For the Applicant

Lionel Morley
Labour Advocate
No appearance

For the Respondent

W. Christopher Gouthro, Esquire
Gouthro & Co.
Freeport, Grand Bahama

WHEREAS:

- 1) On the 4th March, 2022, **Raphael Whylly** ("the Applicant") filed a **Report of a Trade Dispute Form** against **Ocean Reef Resort & Yacht Club** ("the Respondent") with the Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issue(s) relevant to the dispute were *Overtime pay, proper minimum wage and unpaid Public Holiday pay*;
- 2) By a **Certificate of Referral** dated the 31st May, 2022 (received on the 13th June, 2022), the Honourable Minister of Labour & Immigration referred this matter to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Applicant filed a **Form A** (Originating Application) on the 17th June, 2022, which stated, inter alia, that the grounds for his application were *Wrongfully terminated/Wrongful Compensation after 28 years employment and complaining about minimum wage, Overtime and public holidays, to no avail*;
- 4) The **Respondent** filed a **Form D** (Notice of Appearance) on the 28th June, 2022, which stated, inter alia, that it intended to resist the application and its name is *Kor Dormans - Geltex Trading*;
- 5) The **Respondent** filed a **Form E** (Defence) on the 14th July, 2022, which stated, inter alia, that *the Applicant was employed as a Manager and his remuneration included free resort living and expenses, concierge services, complimentary welcome amenity, drinks and parties amounting to \$ 600 plus per week in accomodation*;
- 6) The Tribunal conducted a **Case Management** hearing in this matter at 10:00 a.m. on the 8th September, 2022, pursuant to **Rule 15(1)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules") and made an **Order On Directions**;
- 7) In accordance with **Rule 8(1)** of **The Rules**, the Tribunal served both parties with a **Form J** (Notice of Hearing) setting this matter down for trial at 10:00 a.m. on Monday, 5th and Tuesday, 6th December, 2022;
- 8) The Applicant and his Representative failed to appear before the Tribunal at 10:00 a.m. on Monday, 5th December, 2022;
- 9) The Respondent's Counsel and sole Witness, Kors Dormans, appeared;

IT IS HEREBY ORDERED THAT the Applicant's **Form A** (Originating Application) be struck out for want of prosecution pursuant to **Rule 12(1)(f)** of **The Rules** and this matter be dismissed.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 5th day of December, A.D., 2022.

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