

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)

SHANDOKAN WILSON

APPLICANT

BAHAMAS CUSTOMS

FIRST RESPONDENT

and

THE ATTORNEY GENERAL

SECOND RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Mrs. Ciji Smith-Curry
BRF Chambers
Counsel for the Applicant
Nassau, New Providence
The Bahamas

For the Respondent

Dr. David Whyms, Esquire
Counsel
Office of The Attorney General
Nassau, New Providence
The Bahamas

WHEREAS:

- 1) The Tribunal made 2 prior **Order On Directions** in this matter, the first on the 15th February, 2023 and the second on the 28th April, 2023;
- 2) The Tribunal today (20th June, 2023) ruled on the Respondents' Legal Submissions pursuant to **Rule 9 of The Industrial Relations (Tribunal Procedure) Rules, 2010** as follows:-
 - based on the definition of "*trade dispute*" in **Section 2 of The Industrial Relations Act**, the Tribunal has jurisdiction to entertain the issue of, ***Whether or not it was unlawful for the Respondent to stop paying the Applicant's salary?***; and
 - following the *dicta* in the ***Island Hotel Company Limited v. John Fox***, No. 54 of 2017, the Tribunal does not have jurisdiction to consider any claims for ***Constructive Wrongful*** and/or ***Unfair Dismissal***, which the Applicant did not list as issues relevant to the dispute in The Report of a Trade Dispute Form he filed against the Respondent at The Department of Labour;
- 3) The **Applicant's Counsel** undertook to file a **Form K** (Notice of Withdrawal) if the Applicant decides to withdraw this matter, reserving his right to re-file the application with additional claims or in a different legal forum;
- 4) The **Applicant's Counsel** advised that if the matter proceeds to trial, only the Applicant will testify on his own behalf;
- 5) The **Respondent's Counsel** advised that the Respondent may call about 3 witnesses in its defence;
- 6) The **Tribunal** estimated that the trial may last 2 days;
- 7) **Counsels** for both parties agreed:-
 - to file Witness Statements constituting the witnesses' evidence-in-chief with the Tribunal at least 14 days before the trial;
 - to the witnesses giving further *viva voce* testimony in direct examination, cross-examination and re-examination, as deemed necessary; and
 - to tender into evidence any documents during the witness' testimony from the witness-box; and
- 8) The **Tribunal** advised the parties that **Rule 3(5) of The Rules** require that they file any **Brief/Skeleton Arguments** at least 7 days before the start of the trial;

IT IS HEREBY ORDERED THAT:-

1. This matter is adjourned to 10:00 a.m. on Tuesday, 25th and Wednesday, 26th July, 2023, for trial;
2. Both parties file their **Witness Statements** with the Tribunal by Tuesday, 11th July, 2023, and, at the same time, electronically serve a copy thereof on Counsel for the other party;
3. Both parties file any **Brief** or **Skeleton Arguments** (should they wish to do so) with the Tribunal by Tuesday, 18th July, 2023, and, at the same time, electronically serve a copy thereof on Counsel for the other party; and
4. The Tribunal serve a new **Form J** (Notice of Hearing) on Counsels for both parties.

AND THIS IS THE ORDER OF THE TRIBUNAL.

DATED: This 20th day of June, A.D., 2023.

Helen J. Almoraes Jones

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

