

**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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**RITCHIE M<sup>C</sup>PHEE**

**APPLICANT**

**CLEAR BLUE MARITIME AGENCY**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Justin Palacious  
Labour Advocate  
Freeport, Grand Bahama  
The Bahamas

For the Respondent

Counsel Cassietta Z. M<sup>c</sup>Intosh-Pelecanos  
M<sup>c</sup>Intosh & Co.  
Freeport, Grand Bahama  
The Bahamas

**WHEREAS:**

- 1) On the 17<sup>th</sup> August, 2022, **Ritchie M<sup>c</sup>Phee** (“the Applicant”) filed a **Report of a Trade Dispute** against **Clear Blue Maritime Agency** (“the Respondent”) with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issue relevant to the dispute was ***Proper Notice, Severance Pay and Vacation Pay 2015 – 2022;***
- 2) By a **Certificate of Referral** dated the 12<sup>th</sup> January, 2023 (received on the 6<sup>th</sup> February, 2023), the Honourable Minister of Labour & Immigration referred this trade dispute to the Industrial Tribunal, Northern Region, (“the Tribunal”);
- 3) The Tribunal served the **Applicant** with notice of the referral on the 8<sup>th</sup> February 2023;
- 4) The **Applicant** filed a **Form A** (Originating Application) on the 10<sup>th</sup> February, 2023, which did not state the Applicant’s *Termination date*, but stated, inter alia, that:- his *Occupation/ Position* was Field Manager; his *Basic wages/salary* was \$ 840.00; the grounds for his application was *Notice pay, Termination/Severance pay*; no reason was given for his dismissal; and he was not given a letter of termination;
- 5) On the 14<sup>th</sup> February, 2023, the Tribunal served a copy of the **Form A** (Originating Application) together with a **Form C** (Notice of Originating Application) and a **Form D** (Notice of Appearance) on the Respondent’s place of business);
- 6) The **Respondent** filed a **Form D** (Notice of Appearance) on the 20<sup>th</sup> February, 2023, which stated, inter alia, that:- it intends to resist the application; its name is **Clear Blue Maritime Agency Limited**; and the name of its Representative is **Cassietta M<sup>c</sup>Intosh of M<sup>c</sup>Intosh & Co.;**
- 7) The **Respondent** filed a **Form E** (Defence) on the 2<sup>nd</sup> March, 2023, which stated, inter alia, that:- the Applicant was dismissed; the reason for his dismissal was that he was not allowed on any of their Client’s properties due to his actions; his employment commenced in March 2017; his date of termination was July 2022; the details of remuneration he stated was not correct; his basic wage/salary was \$ 630.00 per week; he has received all payments due to him under The Employment Act; and he owes the Company for a personal loan he received and did not repay, which must be accounted for.
- 8) The **Tribunal** today conducted a **Case Management** hearing in this matter pursuant to **Rule 15 of The Industrial Relations (Tribunal Procedure) Rules, 2010** (“The Rules”);

- 9) The **Applicant** appeared with his **Representative** and the **Respondent's Vice-President, Jane Williams-Rolle**, appeared on behalf of the Respondent;
- 10) No appearance of the Respondent's Counsel who consented to the Tribunal conducting the Case Management hearing in her absence;
- 11) The **Tribunal** disclosed to the parties that the Respondent's President, **Corey Gazel Rolle**, is the Second Cousin of her Husband, but she (Vice-President Jones) is not well-acquainted with him and does not socialize with him;
- 12) The **Tribunal** directed that the parties inform the Tribunal in writing, before the adjourned date, whether or not they are requesting that Vice-President Jones recuse herself from hearing and determining this trade dispute because of the foregoing disclosure;
- 13) The parties agreed to file their **List of Documents** and **Bundle of Documents** (if any) by **3:00 p.m. on Tuesday, 1<sup>st</sup> August, 2023**;
- 14) The **Tribunal** will conduct the trial at **10:00 a.m. on Monday, 21<sup>st</sup> August, 2023**; and
- 15) The **Tribunal** advised the parties that **The Rules** require that they file any **Brief/Skeleton Arguments** [pursuant to **Rule 3(5)**] or **Written Representations** [pursuant to **Rule 3(6)**] with the Tribunal at least 7 days before the trial date;

**IT IS HEREBY ORDERED** as follows:-

1. Each party file their **List of Documents** and **Bundle of Documents** (if any) with the Tribunal by **3:00 p.m. on Tuesday, 1<sup>st</sup> August, 2023**, and at the same time, serve a copy thereof on the other party;
2. Each party file any **Brief/Skeleton Arguments** or **Written Representations** with the Tribunal by **3:00 p.m. on Monday, 14<sup>th</sup> August, 2023**, and at the same time, serve a copy thereof on the other party; and
3. This matter is adjourned **10:00 a.m. on Monday, 21<sup>st</sup> August, 2023**, for trial.

**DATED: This 3<sup>rd</sup> day of May, A.D., 2023.**

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