

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 (ACTING PRESIDENT)

(SITTING ALONE)

ETHRO BUCHANAN

APPLICANT

CLEAR BLUE MARITIME AGENCY LTD.

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Justin Palacious
Labour Advocate
Freeport, Grand Bahama
The Bahamas

For the Respondent

Counsel Cassietta Z. M^cIntosh-Pelecanos
M^cIntosh & Co.
Freeport, Grand Bahama
The Bahamas

WHEREAS:

- 1) On the 2nd November, 2022, **Ethro Buchanan** ("the Applicant") filed a **Report of a Trade Dispute** against **Clear Blue Maritime** with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issue relevant to the dispute was ***Vacation Pay***,
- 2) By a **Certificate of Referral** dated the 14th March, 2023 (received on the 14th April, 2023), the Honourable Minister of Labour & Immigration referred the trade dispute between the Applicant and **Clear Blue Maritime Agency Ltd.** ("the Respondent") parties to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Tribunal served the **Applicant** with notice of the referral on the 4th April, 2023;
- 4) The **Applicant** filed a **Form A** (Originating Application) on the 12th April, 2023, which did not state his *Occupation/Position*, but stated, inter alia, that:-

his *Employment began* in July 2016;
 he was never terminated; and
 the *Grounds for his application* were Vacation pay owed;
- 5) On the 12th April, 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 Counsel**;
- 6) The **Respondent** filed a **Form D** (Notice of Appearance) on the 17th April, 2023, which stated, inter alia, that:-

It intends to resist the application;
 Its name is **Clear Blue Maritime Agency**; and
 The name of its Representative is **Cassietta Z. M^cIntosh**;
- 7) The **Respondent** filed a **Form E** (Defence) on the 26th April, 2023, which stated, inter alia, that

its name is **Clear Blue Maritime Agency Limited**; and
 the Applicant was not dismissed; and
 it intends to resist the application on the grounds that:- *the claim is not properly before this Court*; and *the Applicant is not entitled to Vacation pay as claimed*;
- 8) The **Tribunal** today conducted a **Case Management** hearing in this matter;

- 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 is on maternity leave and consented to the Tribunal conducting the Case Management hearing in her absence;
- 11) The **Applicant's Representative** advised that the Applicant will testify and call 3 witnesses;
- 12) The **Respondent's Vice-President** advised that she did not know how many witnesses will be testifying on behalf of the Respondent;
- 13) The **Tribunal** elected to receive *viva voce* testimony from the witnesses;
- 14) The **Tribunal** advised the parties to file their **List of Documents** and **Bundle of Documents** (if any) at least 14 days before the trial date;
- 15) The **Tribunal** advised the parties that **The Industrial Relations (Tribunal Procedure) Rules, 2010**, 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. The trial will be done at **10:00 a.m.** on **Wednesday, 30th** and **Thursday, 31st August, 2023**;
2. Each party file their **List of Documents** and **Bundle of Documents** (if any) with the Tribunal by **3:00 p.m.** on **Wednesday, 16th August, 2023**, and at the same time serve a copy thereof on the other party; and
3. Each party file any **Brief/Skeleton Arguments** or **Written Representations** with the Tribunal by **3:00 p.m.** on **Wednesday, 23rd August, 2023**, and at the same time serve a copy thereof on the other party.

DATED: This 8th day of June, A.D., 2023.

**Her Honor, Helen J. Almorales-Jones,
(Acting) President**