

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)

KINO GRANT

APPLICANT

CLEAR BLUE MARITIME AGENCY LTD.

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Pro se
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 24th November, 2022, **Kino Grant** ("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 6th 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") to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Tribunal served the **Applicant** with notice of the referral on the 19th April, 2023;
- 4) The **Applicant** filed a **Form A** (Originating Application) on the 20th April, 2023, which stated, inter alia, that:-

his *Occupation/Position* was Blaster, Welder;
 his *Employment began* on the 16th March, 2016;
 his *Termination date* was the 10th November, 2022;
 the *Grounds for his application* were that:- when he left he was working in the Welding Department; they did not have much Welders working the night shift; he was always working 7 days a week, 12 hours and the Shipyard was busy at the time, one ship after the next; and
 the *Reason for dismissal* (in his opinion) was that the "*job slow down*";

- 5) On the 21st 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 28th April, 2023, which stated, inter alia, that:- it intends to resist the application; its name is **Clear Blue Maritime Agency Ltd.**; and the name of its Representative is **Cassietta M^cIntosh**;
- 7) The **Respondent** filed a **Form E** (Defence) on the 5th May, 2023, which stated, inter alia, that:-

its name is **Clear Blue Maritime Agency Ltd.**; and
 it intends to resist the application on the grounds that:- *the Applicant was not dismissed; the claim is not properly before this Court; and the Applicant is not entitled to the sums claimed;*

- 8) The **Tribunal** today conducted a **Case Management** hearing in this matter;
- 9) The **Applicant** appeared pro se 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** advised that he alone will testify on his behalf;
- 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;
- 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 Monday, 4th September, 2023**;
2. Each party file their **List of Documents** and **Bundle of Documents** (if any) with the Tribunal by **3:00 p.m. on Monday, 21st 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 Monday, 28th 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**