

IT/NR/NES/2023-034

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)

LARRY BODIE JR.

APPLICANT

CLEAR BLUE MARITIME AGENCY LTD.

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Justin Palacios
Labour Advocate
Freeport, Grand Bahama
The Bahamas

For the Respondent

Counsel Cassietta Z. McIntosh-Pelecanos
McIntosh & Co.
Freeport, Grand Bahama
The Bahamas

WHEREAS:

- 1) On the 12th January, 2023, **Larry Bodie Jr.** ("the Applicant") filed a **Report of a Trade Dispute** against **Clear Blue Maritime Agency Ltd.** ("the Respondent") 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 parties to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Tribunal served the **Applicant** with notice of the referral on the 17th April, 2023;
- 4) The **Applicant** filed a **Form A** (Originating Application) on the 13th March, 2023, which stated, inter alia, that:-
 - his *Occupation/Position* was Scaffolder;
 - his *Employment began* in July 2016;
 - he was never terminated; and
 - the *Grounds for his application* were that:-
 - the Respondent never exercised its power of dismissal (he was never terminated);
- 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 Z. 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 claim of the Applicant is not clear from the Originating Summons; and the Respondent denies the claims of the Applicant as he is not so entitled;*

- 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 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.

Helen J. Almoraes-Jones

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