

NP2021-225

INDUSTRIAL TRIBUNAL

**COURT #5 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

Ingrid Cooper-Brooks (Vice President)

(Sitting Alone)

TOMIKO EVANS

Applicants

VS.

THE CACIQUE INTERNATIONAL LIMITED GROUP OF COMPANIES

Respondent

ORDER OF DISMISSAL

APPEARANCES

For the Applicants

Mr. Obie Ferguson, KC

For the Respondent

Mr. Hilbert CoAlpin Russell

WHEREAS:

1. By Certificate of Referral dated 3rd November, 2021 the Minister referred the subject Trade Dispute to the Industrial Tribunal. The Applicant filed an Originating Application on 13th December, 2021 and a Defence was filed by the Respondent on 20th January, 2022.
2. On 3rd March, 2022 the matter was set for Case Management hearing before Her Honour Vice President Simone Fitzcharles, as she then was. At that time, the Respondent submitted that all funds had been paid out to the Applicant in accordance with the law on his termination and further, that the Originating Application should be struck out. The Applicant submitted that the dismissal was based on medical or medically-related reasons, which made it unfair.
3. On 14th April, 2022 Directions for a Strike Out Application were subsequently issued and, inter alia, the Respondent was ordered to file and serve its application and any supporting documents to facilitate a hearing in advance of trial of the Respondent's intended strike out application.
4. The matter was adjourned to 23rd May, 2023 for hearing of said the Strikeout Application and upon hearing the parties,

IT IS HEREBY ORDERED THAT:

- (i) In view of the above, the Respondent is granted an extension of time within which to file its Strike Out Application, on or before 7th July, 2023; and
- (ii) The Originating Application filed herein on 13th December, 2021 is accordingly, struck out as frivolous or vexatious, pursuant to **Rule 12(1) (e)** of the **Industrial Relations (Tribunal Procedure) Rules, 2010** and the matter is dismissed.
- (iii) Further proceedings are unnecessary, pursuant to **Section 58 (1)(d)** of the **Industrial Relations Act**.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 7th day of July, A.D., 2023

Ingrid Cooper-Brooks
Vice President
Industrial Tribunal