

INDUSTRIAL TRIBUNAL

COURT #5 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE

COMMONWEALTH OF THE BAHAMAS

Before

RIONDA Y. GODET Vice President

(Sitting Alone)

OMAR DAVIS

Applicant

AND

ISLAND HOTEL COMPANY LIMITED D/B/A ATLANTIS

Respondent

ORDER ON DIRECTIONS

APPEARANCES

For The Applicant

Mr. Ednel Rolle
Obie Ferguson & Co

For The Respondent

Ms. Camille Cleare
Harry B Sands Lobosky & Co

WHEREAS:

- 1) By Certificate of Referral dated 15th November 2022, the Minister referred the subject dispute to the Industrial Tribunal; and
- 2) In accordance with Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for the Originating Application Form A was sent on 30th November 2022 by Her Honour, President Indira Demeritte Francis, to the Applicant; and
- 3) The Applicant failed to file the Originating Application, within the time stipulated, therefore the matter was listed for call over on March 31st 2023 and Notice for the said hearing was Gazetted in the Nassau Guardian Newspaper on 9th March 2023. At the call over, on extension to file the Originating Application on the said date of 31st March 2023, was granted to the Advocate for the Applicant, Mr. Ednel Rolle. The same was subsequently supported by the Form L, filed herein on 5th April 2023.
- 4) A Notice of Appearance, Form D, and Defence, Form E was entered by the Respondent on 5th April 2023 and
- 5) Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal, by way of Form J dated 22nd May 2023, set a fixture for a Case Management Hearing for today's date; and

IT IS HEREBY ORDERED, BY CONSENT, as follows:

1. The trial of this matter shall be set down for two days;
2. The Applicant has indicated that he intends to call up to two witnesses and the Respondent has indicated that it intends to call up to two witnesses.
 - 2.1 There shall be an inspection of documents at a place and time to be agreed between the parties on or before Friday 11th August 2022.
 - 2.2 The Applicant shall file his Witness Statements and Skeleton Arguments no later than **4:00 p.m. on Friday, 1st September 2023** and the Respondent shall file its Witness Statements and Skeleton Arguments no later than **4:00 p.m. on Friday 22nd September, 2023** and, upon filing, the Applicant and the Respondent shall provide a hard copy of each to the

Secretary to Court No. 3 and a copy of which shall be retained for the Court's use. Should the parties have their witnesses appear in person, a second hard copy of all documents to be relied upon at the hearing hereof, shall be presented to the secretary to Court No. 3.

- 2.3 The witness statements shall stand as evidence in chief at the trial and should any witness not attend, the witness statements will not be accepted as evidence.
3. The Applicant and the Respondent shall file an agreed Bundle of Documents with two copies to the Secretary to Court No. 3 of the Tribunal no later than **4:00 p.m. on 8th September 2023.**

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 31st July, 2023

**Rionda Yvette Godet
Vice President
Industrial Tribunal**