

**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 (VICE-PRESIDENT)**

**(SITTING ALONE)**

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**COMMONWEALTH ELECTRICAL WORKERS UNION**

**APPLICANT**

**GRAND BAHAMA POWER COMPANY**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Edrondo Thompson  
Union President  
Freeport, Grand Bahama  
The Bahamas

For the Respondent

Counsels, Edward Marshall II, Esquire &  
Alyvonetta Levarity  
Graham Thompson  
Freeport, Grand Bahama  
The Bahamas

**WHEREAS:**

- 1) On the 20<sup>th</sup> July, 2022, **Commonwealth Electrical Workers Union** (“the Applicant”) filed a Report of a Trade Dispute against **Grand Bahama Power Company** (“the Respondent”) on behalf of **Philip Saunders, James Martin, Kevin Edwards** and **Roscoe Burrows** (hereinafter referred to as “*the subject 4 employees*”) at The Department of Labour in Grand Bahama, The Bahamas;
- 2) The **Report of a Trade Dispute** stated, inter alia, that:-
  - The employees’ job title was *Instrument Electrical Control Technician*; and
  - The issues relevant to the dispute were:-
 

*Breach of contract,  
Article 13, Recruitment and Employment;  
Article 17, Higher Job Classification Training; and  
Article 59, Salary treatment;*
- 3) By a **Certificate of Referral** dated the 27<sup>th</sup> March, 2023 (received on the 4<sup>th</sup> May, 2023), the Honourable Minister of Labour & Immigration referred this trade dispute to the Industrial Tribunal, Northern Region, (“the Tribunal”);
- 4) On the 5<sup>th</sup> May, 2023, the Tribunal served the **Applicant** with notice of the referral;
- 5) The Applicant filed a **Form A** (Originating Application) on the 12<sup>th</sup> May, 2023, in accordance with **Rule 3(1)** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** (“The Rules”);
- 6) On the 16<sup>th</sup> May, 2023, the Tribunal served a copy of the **Form A** (Originating Application) together with a **Form C** (Notice of Originating Application) and a blank **Form D** (Notice of Appearance) on the **Respondent’s place of business** (received by *Enide Elianor*) in accordance with **Rule 4** of **The Rules**;
- 7) On the 22<sup>nd</sup> May, 2023, the **Respondent** filed a **Form D** (Notice of Appearance) in accordance with **Rule 5(1)** of **The Rules**;
- 8) On the 30<sup>th</sup> May, 2023, the **Respondent** filed a **Form E** (Defence) in accordance with **Rule 6** of **The Rules**;
- 9) The Tribunal today (10<sup>th</sup> August, 2023) conducted a **Case Management** hearing in this matter pursuant to **Rule 15** of **The Rules**;

10)The Tribunal rejected the **Respondent's Counsel's** preliminary submission that the Applicant could not file the **Form A** (Originating Application) in its name, but should have done so in the name of the subject 4 employees;

11)The **Applicant's Representative** denied that the Respondent's suggestion that the trade dispute concerns the correct interpretation of **Articles 13, 17** and **59** of the parties' Industrial Agreement and said it was a salary dispute;

12)The **Applicant's Representative** advised that:-

- the subject 4 employees held the position of *Instrumentation Electrical Control Technician*;
- the Respondent breached their employment contract by paying them for 2 skills, when they were performing 3;
- they were entitled to the correct salary treatment for performing the third skill;
- the Respondent started paying Employee **Philip Saunders** for the third skill from June 2021 and owes him for the period 2017 to May 2021;
- the employment of Employee **James Martin** ended on the 2<sup>nd</sup> August, 2021;
- Employee **Kevin Edwards** has since been transferred to another Union, but the Respondent owes him pay for the third skill which he performed when he was a member of the Applicant Union; and
- the employment of Employee **Roscoe Burrows** ended on the 6<sup>th</sup> June, 2023;

13)The Tribunal directed that within 14 days, the **Applicant's Representative** serve the Tribunal and the Respondent's Counsel with particulars of:-

- the period the Applicant Union is alleging the Respondent owes pay for the third skill to each of the subject 4 employees;
- the amount of pay the Union is claiming the Respondent owes the subject 4 employees for allegedly breaching their employment contracts; and
- the method the Union used to calculate the figures;

14)Pursuant to **Rule 12(1)(d)** of **The Rules**, on the informal application of the **Respondent's Counsel**, and with no objections by the Applicant's Representative, the Tribunal granted the Respondent leave to file an amended **Form E** (Defence) within 14 days thereafter;

15)Pursuant to **Section 58(1)(a)** of **The Industrial Relations Act, Cap. 321**, the **Tribunal** remitted the trade dispute to the parties for further consideration, with a view to settling or reducing the issues in dispute;

16)The Tribunal advised the **Applicant's Representative** that if the matter proceeds to trial, the subject 4 employees will have to testify as witnesses;

17)The **Respondent's Counsel** advised that the Respondent will call 2 witnesses;

18)Both parties estimated that the trial may last 2 days;

19)Both parties agreed to file:-

- **Witness Statements** by the same date, which will stand as the evidence-in-chief of the parties' witnesses;
- A **Statement of Facts and Issues** within 21 days from that date;
- A **List of Documents** and **Trial Bundle of Documents** containing all agreed documents at the front, then any other documents the Applicant wishes to tender into evidence and then any other documents the Respondent wishes to tender into evidence; and

20)The **Tribunal** advised the parties that **The Rules** 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 matter is adjourned 10:00 a.m. on Thursday, 26<sup>th</sup> and Friday, 27<sup>th</sup> October, 2023, for trial;
2. Within 14 days (by Thursday, 24<sup>th</sup> August, 2023), the **Applicant** serve the Tribunal and the Respondent's Counsel with particulars of:-
  - the period the Applicant Union is alleging the Respondent owes pay for the third skill to each of the subject 4 employees;
  - the amount of pay the Union is claiming the Respondent owes the subject 4 employees for allegedly breaching their employment contracts; and
  - the method the Union used to calculate the figures;
3. The **Respondent's Counsel** file any amended **Form E (Defence)** within 14 days thereafter (by Thursday, 7<sup>th</sup> September, 2023);
4. The **Respondent's Counsel** file any amended **Form E (Defence)** by Thursday, 7<sup>th</sup> September, 2023;

5. Both parties file a **Statement of Facts and Issues** by Thursday, 28<sup>th</sup> September, 2023, and, at the same time, e-mail a copy thereof to the other party;
6. Both parties file their **Witness Statements, List of Documents** and **Trial Bundle of Documents** by Thursday, 12<sup>th</sup> October, 2023, and, at the same time, e-mail a copy thereof to the other party;
7. Both parties file any **Brief/Skeleton Arguments** or **Written Representations** by Thursday, 19<sup>th</sup> October, 2023, and at the same time, e-mail a copy thereof to the other party; and
8. The Tribunal serve an **Order On Directions** and **Form J** (Notice of Hearing) on the parties' Representatives.

**DATED: This 10<sup>th</sup> day of August, A.D., 2023.**

**Her Honor, Helen J. Almorales-Jones,  
Vice-President**