

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)

OPIUM STUART

APPLICANT

GRAND BAHAMA POWER COMPANY

RESPONDENT

ORDER

APPEARANCES

For the Applicant

Edrondo Thompson
Commercial Electrical Workers
Union
Nassau, New Providence,
The Bahamas

For the Respondent

Edward J. Marshall II, Esquire
Delaney Partners
Graham Thompson
Nassau, New Providence,
The Bahamas

WHEREAS:

- 1) On the 6th October, 2022, **Opium Stuart** ("the Applicant") filed a **Report of a Trade Dispute** against **Grand Bahama Power Company** ("the Respondent") with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Industrial Agreement Article (19)5, Breach of contract, Wrongful Dismissal and Unfair Dismissal*;
- 2) By a **Certificate of Referral** dated the 9th February, 2023 (received on the 24th February, 2023), the Honourable Minister of Labour & Immigration referred the said trade dispute to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) On the 18th April, 2023, the Tribunal conducted a **Case Management** hearing in this matter pursuant to **Rule 15** of **The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules") and made an **Order On Directions**;
- 4) On the 20th April, 2023, the Tribunal served the parties' Representatives with the **Order On Directions** and a **Form J** (Notice of Hearing) setting this matter for trial at 10:00 a.m. on Tuesday, 1st and Wednesday, 2nd August, 2023;
- 5) The Tribunal subsequently relisted this matter for trial on Monday, 14th and Thursday, 24th August, 2023, and served the parties' Representatives with a **Form J** (Notice of Hearing) setting this matter for trial at 10:00 a.m. on Monday, 14th and Thursday, 24th August, 2023;
- 6) The Applicant's Representative failed to comply with the **Order On Directions**;
- 7) The Applicant failed to appear before the Tribunal on the first trial date (Monday, 14th August, 2023), but her Representative appeared and advised that the Union intends to withdraw as her Representative and is requesting an adjournment of the matter for her to secure new representation;
- 8) The Tribunal rejected the Respondent Counsel's application to dismiss that matter for want of prosecution and adjourned the matter for hearing on the second trial date (Thursday, 24th August, 2023);
- 9) The Applicant subsequently advised the Tribunal staff that she did not know the matter was set for trial on Monday, 14th August, 2023, and she is no longer interested in pursuing it;
- 10) The Applicant failed to file a **Form K** (Notice of Withdrawal), as recommended by the Tribunal;

11)Neither the Applicant nor her Representative appeared before the Tribunal on the second trial date (Thursday, 24th August, 2023); and

12)In light of the foregoing, the Tribunal, of its own motion, struck out the Applicant's **Form A** (Originating Application) for want of prosecution;

IT IS HEREBY ORDERED that this matter be dismissed pursuant to **Rule 12(1)(f)** of **The Rules**.

DATED: This 24th day of August, A.D., 2023.

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