

NP2023-061

INDUSTRIAL TRIBUNAL

COURT #4 SAFFREY SQUARE, EAST & BAY STREETS

NEW PROVIDENCE

COMMONWEALTH OF THE BAHAMAS

Before

Ingrid Cooper-Brooks (Vice President)

(Sitting Alone)

KATIE ROBERTS

Applicant

Vs.

MINISTRY OF PUBLIC SERVICE

Respondent

ORDER OF AWARD

APPEARANCES

For the Applicant

Ms. Regina Bonaby
Bonaby & Bonaby

For the Respondent

No Appearance

WHEREAS:

1. By Certificate of Referral dated 19th May, 2023 the Minister referred the subject Trade Dispute to the Industrial Tribunal; and
2. The Applicant filed in the Industrial Tribunal an Originating Application on 20th June, 2023 claiming unpaid wages for September, October, November, and December of 2021 and March of 2022, at a monthly salary of Nine Hundred, Fifty-four Dollars and Sixteen Cents (\$954.16); and
3. The Respondent filed a Defence on 15th August, 2023 alleging, inter alia, that the Applicant was not entitled to any remunerations but was instead, indebted to the Respondent for resigning without giving sufficient notice; and
4. Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal conducted a Case Management hearing for directions on 18th September, 2023, at which time the parties agreed to meet on 2nd October 2023 for settlement discussions, and also consented to an adjourned date, on 5th October, 2023. The usual links were sent to the parties as a reminder, and to facilitate an optional virtual hearing; and
5. At the adjourned hearing on 5th October, 2023, there was no appearance by Dr. David Whyms, on record as Counsel for the Respondent. Ms. Bonaby, Counsel for the Applicant, advised that the parties had not met on 2nd October, 2023 as agreed, due to the unavailability of Dr. Whyms. Further, that upon contacting Dr. Whyms about the scheduled hearing, he informed her that he was unable to attend due to a medical emergency. The matter was re-adjourned to 18th October, 2023 and the usual links were sent to the parties as a reminder, and to facilitate an optional virtual hearing;
6. On 18th October, 2023, there was no appearance by Dr. Whyms. When contacted by the Tribunal he advised that he was before the Supreme Court on that morning and asked to have the matter stood down to 11:00 a.m. His request was granted. The Court was reconvened at 11:20 a.m., after an extended break, to allow him ample opportunity to appear, there was no appearance on his part and no communication from him; and
7. Ms. Bonaby advised that she had previously received communication from Dr. Whyms and they were still engaged in settlement discussions. The matter was fixed for final adjournment to 24th October, 2023 and the usual links were sent.
8. On 24th October, 2023 there was no appearance by Dr. Whyms. Counsel for the Applicant advised that upon making contact with him, he informed her that he was

scheduled to appear in the Supreme Court and unable to attend the hearing before the Tribunal; and

9. Counsel for the Applicant requested that a decision be made on the Applicant's claim as the matter had been adjourned several times due to the opposing Counsel's inability or failure to appear. The Tribunal then reviewed the Applicant's claim as presented by Counsel.

IT IS HEREBY ORDERED:

In view of the above that the Respondent pay to the Applicant the sum of Three Thousand, Six Hundred, Eighty-five Dollars and Forty-four Cents (**\$3,685.44**), which is inclusive of interest at the rate of three percent (3%) for outstanding salary due, in settlement of this matter. A breakdown of the sum is set out below:

Salary Due – September to December 2021 and March 2022

• Sept., Oct., Nov.,		
• Dec. (4 months @ \$954.16/month)	\$3,816.64	
• March 2022 (3 wks. @ \$238.54/week)		<u>+ \$715.62</u>
		\$4,532.26
• Less one month's pay for resignation without notice (@ \$954.16/month)		<u>- (\$954.16)</u>
		\$3,578.10
• Plus 3% interest (\$3,578.10 x 3%)		<u>+ \$107.34</u>
• GRAND TOTAL:		<u>\$3,685.44</u>

**AND THIS IS THE ORDER OF THIS TRIBUNAL
DATED THIS 24TH DAY OF OCTOBER, A.D., 2023**

Ingrid Cooper-Brooks
Vice President
Industrial Tribunal