

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)

TYEOSHA M^cKENZIE

APPLICANT

BONANZA BAR & GRILL

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Pro se
Freeport, Grand Bahama
The Bahamas

For the Respondent

Ernie Wallace, Esquire
Wallace Law Chambers
Freeport, Grand Bahama
The Bahamas

WHEREAS:

- 1) On the 25th September, 2020, **Tyeosha McKenzie** ("the Applicant") filed a **Report of a Trade Dispute** against **Bonanza Bar & Grill** ("the Respondent") at The Department of Labour in Grand Bahama, The Bahamas;
- 2) It stated, inter alia, that the issues relevant to the dispute were *Severance pay, Back pay, Redundancy payment, National Insurance not paid up to date and Unemployment benefits*;
- 3) By a **Certificate of Referral** dated the 23rd May, 2023 (received on the 8th September, 2023), the Honourable Minister of Labour & Immigration referred the said trade dispute to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 4) In accordance with **Rule 3(1) of The Industrial Relations (Tribunal Procedure) Rules, 2010** ("The Rules"), on the 12th September, 2023, the Tribunal served the **Applicant** with notice of the referral;
- 5) On the 18th September, 2023, the Applicant filed a **Form A** (Originating Application) which stated, inter alia, that the grounds for her application were *Back pay, NIB Contributions and Severance pay*;
- 6) On the 20th September, 2023, the Tribunal served a copy of the **Form A** (Originating Application), a **Form C** (Notice of Originating Application) and a blank a **Form D** (Notice of Appearance) on the Respondent's place of business (received by *Henry Ginton*);
- 7) On the 21st September, 2023, the **Respondent** filed a **Form D** (Notice of Appearance) which stated, inter alia, that it intended to resist the application;
- 8) The Respondent failed to file a **Form E** (Defence) within the 14 days limited for so doing by **Rule 6 of The Rules** (by the 5th October, 2023);
- 9) By **Notice of Call Over** published in The Nassau Guardian Newspaper, Tuesday, October 10, 2023 Edition, both parties were notified that this matter was set for call over before the Tribunal at 10:00 a.m. on Monday, 30th October, 2023;
- 10) The Tribunal also served both parties with a **Form J** (Notice of Hearing) setting this matter down for Case Management hearing at 10:00 a.m. on Monday, 30th October, 2023 (served on the Applicant on the 17th October, 2023 and on the Respondent's Counsel on the 25th October, 2023);

- 11)The Tribunal conducted a **Case Management hearing** in this matter on Monday, 30th October, 2023;
- 12)The **Respondent's Counsel** advised that he did not know the grounds upon which the Respondent's owner (*Henry Glinton*) was defending the Applicant's claims;
- 13)The **Applicant** advised that she will testify and call 1 witness on her behalf;
- 14)The **Respondent's Counsel** advised that the Respondent will call 1 witness in its defence;
- 15)The **Tribunal** elected to receive the witnesses' testimony *viva voce* as the Applicant is a lay person;
- 16)In lieu of the parties filing a List of Documents and Bundle of Documents, the **Tribunal** requested that they produce, during the trial, the original (if available) and 3 copies of all documents upon which they will be relying;
- 17)The **Tribunal** estimated that the trial may last 1 day; and
- 18)Both parties waived the 14 days' notice of the hearing required by **Rule 8 of The Rules** and agreed to the Tribunal conducting the trial at 10:00 a.m. on Wednesday, 1st November, 2023;

IT IS HEREBY ORDERED that this matter be adjourned for trial at 10:00 a.m. on Wednesday, 1st November, 2023.

DATED: This 30th day of October, A.D., 2023.

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