

**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)**

---

**BOBBY S. JOHNSON**

**APPLICANT**

**versus**

**HENRY GLINTON,  
Trading as BONANZA BAR & GRILL**

**FIRST RESPONDENT**

**and**

**TORY GLINTON,  
Trading as BONANZA BAR & GRILL**

**SECOND RESPONDENT**

---

**ORDER ON DIRECTIONS**

---

**APPEARANCES**

For the Applicant

Pro se  
Freeport, Grand Bahama  
The Bahamas

For the Respondents

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

**WHEREAS:**

- 1) On the 25<sup>th</sup> September, 2020, **Bobby S. Johnson** ("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, which stated, inter alia, that the issues relevant to the dispute were *Severance pay, Back pay, Unemployment benefits, Redundancy pay* and *NIB was not paid up to date*;
- 2) By a **Certificate of Referral** dated the 23<sup>rd</sup> May, 2023 (received on the 8<sup>th</sup> September, 2023), the Honourable Minister of Labour & Immigration referred the said trade dispute to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Tribunal conducted a **Case Management hearing** in this matter on Monday, 30<sup>th</sup> October, 2023, and made an **Order On Directions**;
- 4) **Both parties** waived the 14 days' notice of the hearing for trial and the matter was adjourned for trial at 10:00 a.m. on Wednesday, 1<sup>st</sup> November, 2023;
- 5) On the trial date, the **Respondent's Counsel** advised that the Respondent is an unincorporated business owned by *Tory Ginton* and not *Henry Ginton*;
- 6) Pursuant to **Section 59(1)(b)(ii)** of **The Industrial Relations Act** and **Rule 16(1)** and **(2)** of **The Rules**, the **Tribunal**, of its own motion, and with no objections by the parties:-
  - joined **Henry Ginton, Trading as Bonanza Bar & Grill** as the First Respondent in the proceedings ;
  - joined **Tory Ginton, Trading as Bonanza Bar & Grill** as the Second Respondent in the proceedings;
  - dismissed **Bonanza Bar & Grill** from the proceedings;
  - directed that the Tribunal serve a **Form J** (Notice of Hearing) for trial and this **Order On Directions** on the First Respondent; and
  - directed that the Tribunal serve a copy of the Applicant's **Form A** (Originating Application) together with a **Form C** (Notice of Originating Application), **Form D** (Notice of Appearance), **Form E** (Defence), **Form J** (Notice of Hearing) for trial and this **Order On Directions** on the Second Respondent;
- 7) The **Tribunal** directed that the Respondent's Counsel provide the Tribunal with an e-mail address for the Second Respondent in order to effect service on him;
- 8) The **Respondent's Counsel** undertook to ask the Second Respondent if he can accept service of the aforesaid documents on his behalf;

9) The Applicant advised that she is no longer proceeding with her claim for *Back pay*, and

10) The Tribunal advised the parties that:-

- it has no jurisdiction to hear and determine the Applicant's claim for *Unemployment benefits*, which are payable by The National Insurance Board and not an employer;
- following the reasoning of The Bahamas Court of Appeal in ***Island Construction Company Ltd. v. The Industrial Tribunal, The Attorney General of The Commonwealth of The Bahamas & The Commonwealth Wholesale Retail & Allied Workers***, Union, No. 29/2003, the Tribunal has no jurisdiction to hear and determine the Applicant's claim for *NIB not paid up to date*, which is a Criminal offence under **The National Insurance Act**, Cap. 350; and
- they should consider the *dicta* in the Tribunal Decision of ***Marilyn Reckley et al. v. Sapodilly's Restaurant***, BIT/NR/001, 002 & 003/2008, and settle the Applicant's claim for *Redundancy pay* (which the Tribunal assessed at \$ 8,699.14);

**IT IS HEREBY ORDERED** that:-

1. The Tribunal serve a **Form J** (Notice of Hearing) for trial and this **Order On Directions** on the First Respondent's Counsel;
2. The Tribunal serve on the Second Respondent:-
  - a copy of the Applicant's **Form A** (Originating Application);
  - a **Form C** (Notice of Originating Application);
  - a **Form D** (Notice of Appearance);
  - a **Form E** (Defence);
  - a **Form J** (Notice of Hearing) for trial; and
  - this **Order On Directions**;
3. The Respondent's Counsel provide the Tribunal with an e-mail address for the Second Respondent **or** proof, in writing, that the Second Respondent agreed that he can accept service of the aforesaid documents on his behalf;
4. The witnesses give *viva voce* testimony, as the Applicant is a lay person;

5. In lieu of the parties filing a List of Documents and Bundle of Documents, they produce at trial, the original (if available) and 3 copies of all documents upon which they will be relying; and
6. This matter be adjourned for trial at 10:00 a.m. on Thursday, 25<sup>th</sup> January, 2024.

**DATED: This 1<sup>st</sup> day of November, A.D., 2023.**

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