

**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)**

---

**SHANE CAREY JR.**

**APPLICANT**

**ARAWAK SERVICE INDUSTRIES CO. LTD.**

**RESPONDENT**

---

**ORDER ON DIRECTIONS**

---

**APPEARANCES**

For the Applicant

Pro se (in person)  
Freeport, Grand Bahama  
The Bahamas

For the Respondent

Jacy Whittaker, Esquire  
ParrisWhittaker  
virtually (via ZOOM)  
Freeport, Grand Bahama  
The Bahamas

**WHEREAS:**

- 1) On the 30<sup>th</sup> May, 2023, **Shane Carey Jr.** ("the Applicant") filed a **Report of a Trade Dispute** against **Arawak Service Industries Co. Ltd.** ("the Respondent") with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Wrongful, Unfair and Constructive Dismissal, Wages owed and Vacation pay*;
- 2) By a **Certificate of Referral** dated the 15<sup>th</sup> June, 2023 (received on the 6<sup>th</sup> September, 2023), the Honourable Minister of Labour & Immigration referred the trade dispute between the Applicant and **Arawak Services Industries Co. Ltd.** to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) In accordance with **Rule 3(1) of The Industrial Relations (Tribunal Procedure) Rules, 2010 ("The Rules")**, on the 6<sup>th</sup> September, 2023, the Tribunal served the **Applicant** with notice of the referral;
- 4) The Applicant filed a **Form A** (Originating Application) on the 11<sup>th</sup> September, 2023;
- 5) On the 12<sup>th</sup> September, 2023, the Tribunal served a copy of the **Form A** (Originating Application), a **Form C** (Notice of Originating Application) and a **Form D** (Notice of Appearance) on the Respondent (received by *Monique Mackey*);
- 6) On the 14<sup>th</sup> September, 2023, the **Respondent** filed a **Form D** (Notice of Appearance) which stated, inter alia, that *it intended to resist the application and its name was Arawak Service Industries Co. Ltd.*;
- 7) On the 27<sup>th</sup> September, 2023, the **Respondent** filed a **Form F** (Notice for Further and Better Particulars) requesting:-
  - a detailed account of any specific events, incidents or actions the Applicant believes led to the alleged wrongful and unfair dismissal, including pertinent dates, locations and individuals involved;
  - clarification of any company policies, employment contracts or procedures the Applicant perceives to have been violated in relation to his claim;
  - an elucidation on the specific conditions and changes in the working environment or contract that the Applicant found intolerable, leading to the claim of Constructive Dismissal;

- any steps the Applicant took in an attempt to resolve the perceived issues, including internal complaints, discussions with management or HR and any other actions taken prior to the claim;
- a clear outline of the compensation being sought, including the types and amounts of damages and how they are categorized (e.g. lost wages, emotional distress, legal fees);
- a List and Brief description of any witnesses or documents the Applicant believes will support the claim; and
- any other pertinent details or insights that would provide clarity on the grounds and context of the claim would be greatly beneficial;

in order to fully grasp the basis of the Applicant's claim and prepare an informed and appropriate Defence;

- 8) The **Respondent** failed to file a **Form E** (Defence) within the time limited for so doing by **Rule 6** of **The Rules**;
- 9) On the 10<sup>th</sup> and 20<sup>th</sup> October, 2023, the **Applicant** filed a response to the Respondent's **Form F** (Notice for Further and Better Particulars) enclosing several documents and stating that:-
  - the Respondent's President (*Edward Gibby*) refused to allow him to work because he was not vaccinated when work was available;
  - he has been consistently employed by Mr. Gibby for over 8 years; and
  - he enjoyed an employee/employer relationship for the same period;
- 10) On the 20<sup>th</sup> October, 2023, the **Respondent** filed a **Form L** (Notice of Application for Extension of Time) seeking an extension of time to file a **Form E** (Defence);
- 11) Pursuant to **Rule 15** of **The Rules**, the Tribunal conducted a **Case Management** hearing in this matter at 10:00 a.m. on the 9<sup>th</sup> November, 2023;
- 12) Pursuant to **Section 59(1)(b)(ii)** of **The Industrial Relations Act** ("The **I.R.A.**"), **Cap. 321** and **Rule 16(1)** and **(2)** of **The Rules**, and with the consent of both parties, the Tribunal, of its own motion, joined **Arawak Service Industries Co. Ltd.** as a party (the Respondent) and dismissed **Arawak Services Industries Co. Ltd.** from the proceedings;

- 13) Pursuant to **Section 58(1)(a)** of **The I.R.A.**, the Tribunal remitted the trade dispute to the parties for further consideration, with a view to settling/reducing the issues in dispute and adjourned the matter to 1:00 p.m. on Friday, 10<sup>th</sup> November, 2023, for mention;
- 14) At the further hearing of this matter on Friday, 10<sup>th</sup> November, 2023, the parties advised that were unable to settle the dispute;
- 15) The **Tribunal** acceded to the Respondent's **Form L** (Notice of Application for Extension of Time) and granted the Respondent an extension of time to file a **Form E** (Defence) – within 14 days from today;
- 16) The **Applicant** advised that he will testify and may call 2 witnesses on his own behalf;
- 17) The **Respondent's Counsel** advised that the Respondent will call 2 witnesses in its defence;
- 18) The **Tribunal** estimated that the trial may last 2 days and:-
- elected to have the witnesses testify *viva voce* and produce any documents during their testimonies, as the Applicant is a lay person;
  - gave liberty to the Respondent's Counsel to file before the first trial date:-
    - **Witness Statements** for the Respondent's witnesses to stand as their evidence-in-chief (cross-examination & re-examination *viva voce*); and
    - any **List of Documents** and **Bundle for Documents**;
- 19) **Rule 3(5)** of **The Rules** provides that a Counsel/Representative appearing for a party pursuant to **Section 57(3)** of **The I.R.A.** may submit a **Brief/Skeleton Arguments** to the Tribunal at least 7 days prior to the commencement of the hearing; and
- 20) **Rule 3(6)** of **The Rules** provides that an unrepresented party may submit **Written Representations** to the Tribunal at least 7 days prior to the commencement of the hearing;

**IT IS HEREBY ORDERED** as follows:-

1. This matter is adjourned **10:00 a.m.** on **Monday, 29<sup>th</sup>** and **Tuesday, 30<sup>th</sup> January, 2024**, for trial;

2. The **Respondent** file a **Form E** (Defence) within 14 days from today (by Friday, 24<sup>th</sup> November, 2023);
3. **Both parties** produce at trial, the original (if available) and 3 copies of all documents upon which they will be relying;
4. The parties file any **Brief/Skeleton Arguments** or **Written Representations** with the Tribunal by no later than 3:00 p.m. on **Monday, 22<sup>nd</sup> January, 2024**, and at the same time serve a copy thereof on opposing party; and
5. The **Tribunal** serve this **Order On Directions** and a **Form J** (Notice of Hearing) for trial on both parties.

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

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