

**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)**

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**ISREAL JOSEPH HAYLES**

**APPLICANT**

**AML FOODS (COST RIGHT) FREEPORT**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Pro se  
Freeport, Grand Bahama  
The Bahamas

For the Respondent

Ms. Tanya Russell  
Human Resources Manager  
Freeport, Grand Bahama  
The Bahamas

**WHEREAS:**

- 1) On the 21<sup>st</sup> August, 2023, **Isreal Joseph Hayles** ("the Applicant") filed a **Report of a Trade Dispute** against **Cost Right** at **The Department of Labour** ("DOL") in Grand Bahama, The Bahamas, which stated, inter alia, that the issue relevant to the dispute was *Wrongful Dismissal* and *Unfair Dismissal*;
- 2) By a **Certificate of Referral** dated the 29<sup>th</sup> September, 2023 (received on the 7<sup>th</sup> November, 2023), the Honourable Minister of Labour & The Public Service referred the trade dispute between the Applicant and **AML Foods (Cost Right) Freeport** ("the Respondent") 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 7<sup>th</sup> November, 2023, the Tribunal served the **Applicant** with notice of the referral;
- 4) On the 14<sup>th</sup> November, 2023, the Applicant filed a **Form A** (Originating Application), which stated, inter alia, that:
  7. His **employment began** on the 25<sup>th</sup> November, 2021;  
His **termination date** was the 21<sup>st</sup> August, 2023;
  8. His **basic wages/salary** was \$ 400.00 weekly; and
  11. The **grounds for his application** was that the Respondent has caused "*Defamation of Character*"; "*may possibly have caused permanent unemployment of other jobs*", fired him without notice; and has no evidence of the Theft they accused him of;
- 5) On the 7<sup>th</sup> November, 2023, the Tribunal served a copy of the **Form A** (Originating Application), a **Form C** (Notice of Originating Application) and a blank **Form D** (Notice of Appearance) on the Respondent (received by *Nadine Pinder*);
- 6) The **Respondent** failed to file a **Form D** (Notice of Appearance) within the 7 days limited for so doing by **Rule 5(1) of The Rules**;
- 7) On the 21<sup>st</sup> November, 2023, the Respondent filed a **Form D** (Notice of Appearance), which stated that:-
  - it intended to resist the application;
  - its name was **AML Foods Limited**; and
  - the name of its Representative was *Kimberley Bodie, Head of Human Resources*;
- 8) The **Respondent** failed to file a **Form E** (Defence) within the 14 days limited for so doing by **Rule 6 of The Rules**;

9) On the 14<sup>th</sup> December, 2023, the **Respondent** filed:-

- a **Form L** (Notice of Application For Extension of Time) applying for leave to file a **Form D** (Notice of Appearance) and a **Form E** (Defence) after the time limited for so doing had expired; and
- a **Form E** (Defence), which stated, inter alia, that:-
  - The Applicant was **dismissed**;
  - The **reason for his dismissal** was *Major breach of Theft and the Meat Handling & Label process*;
  - The **dates he gave as to his period of employment** was correct;
  - The **details of remuneration** he stated was not correct;
  - His **correct remuneration** was *\$ 412.00 per week*; and
  - The **particulars of the Grounds on which the Respondent intends to resist the application** were that:- On the 24<sup>th</sup> July, 2023, and 5<sup>th</sup> August, 2023, the Applicant completed purchases indicating that he purchased Bone-In stew (scrap meat); and in both instances, he was observed on surveillance camera packing the meat in question and then purchasing it at the Register;

10)The Tribunal conducted a **Case Management** hearing at 10:00 a.m. today (15<sup>th</sup> February, 2024);

11)The **Applicant** appeared *pro se* and the Respondent's Human Resources Manager for Grand Bahama appeared on behalf of the Respondent's Representative, who advised the Tribunal (by letter) that she was out of office today;

12)The Tribunal granted leave to the **Respondent** to file the **Form D** (Notice of Appearance) and **Form E** (Defence) after the time limited for so doing had expired;

13)The **Applicant** advised that 2 conciliation meetings were held at The DOL;

14)The Tribunal directed that the **Respondent** produce a copy of the Respondent's **Certificate of Incorporation** for the Tribunal to verify its correct name;

15)The Tribunal advised the **Applicant** that the Tribunal has no jurisdiction to hear a claim for *Defamation of Character*, which is not trade dispute, but a tortious action to be dealt with in The Magistrate's Court or The Supreme Court;

16)The **Applicant** produced copies of a **Job Description** and **Employment Offer Letter & Uniform Agreement** dated and signed by the Respondent's Human Resources Manager (*Tanya Garland-Russell*) and the *Applicant* on the 24<sup>th</sup> November, 2021;

- 17)The Tribunal directed that the **Applicant** produce written particulars of his claim for ***Unfair Dismissal*** (exactly what he is saying was unfair about his dismissal) to the Tribunal and the Respondent's Representative within 14 days from today;
- 18)The **Applicant** declined to file a **Form K** (Notice of Withdrawal) if the Respondent showed him the surveillance video footage referred to in its **Form E** (Defence) because he said that recently cut frozen Bone-In stew would still be intact until defrosted and may look like pork chop on camera, when it is not;
- 19)The **Applicant** advised that he will testify and call 1 witness on his behalf;
- 20)The **Respondent's Representative** advised that the Respondent may call about 3 witnesses in its defence;
- 21)The **Tribunal** estimated that the trial may last 2 days;
- 22)The **Tribunal** elected to receive the Witnesses' testimonies *viva voce* as neither party is represented by Counsel;
- 23)The **Tribunal** directed that the parties produce at trial the original and 3 copies of all documents they intend to rely on in support of their claims/defence; and
- 24)The **Tribunal** advised the parties that **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 THAT:-**

1. This matter is adjourned to **10:00 a.m.** on **Monday, 29<sup>th</sup>** and **Tuesday, 30<sup>th</sup> April, 2024**, for trial;
2. The **Respondent's Representative** produce a copy of the Respondent's **Certificate of Incorporation** at trial;
3. The **Applicant** produce **written particulars** of his claim for ***Unfair Dismissal*** to the Tribunal and the Respondent's Representative by **Thursday, 29<sup>th</sup> February, 2024**;
4. The **parties** produce at trial, **the original** and **3 copies** of all documents they intend to rely on in support of their claim/defence;

5. The **parties** file with the Tribunal and serve on the opposite party any **Written Representations** by **Monday, 11<sup>th</sup> March, 2024**; and
6. The Tribunal serve a new **Form J** (Notice of Hearing) for trial on both parties.

**DATED: This 15<sup>th</sup> day of February, A.D., 2024.**

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