

**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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**NASTACIA GRANT**

**APPLICANT**

**JAROL INVESTMENTS**

**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

No appearance

**WHEREAS:**

- 1) On the 3<sup>rd</sup> August, 2023, **Nastacia Grant** ("the Applicant") filed a **Report of a Trade Dispute** against **Jarol Investments (Chances)** 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*;
- 2) By a **Certificate of Referral** dated the 13<sup>th</sup> September, 2023 (received on the 6<sup>th</sup> November, 2023), the Honourable Minister of Labour & The Public Service referred the trade dispute between the Applicant and **Jarol Investments** ("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) The Applicant filed a **Form A** (Originating Application) on the 7<sup>th</sup> November, 2023;
- 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 **Form D** (Notice of Appearance) on the Respondent (received by *Roquel Edgecombe*);
- 6) The **Respondent** filed a **Form D** (Notice of Appearance) on the 9<sup>th</sup> November, 2023;
- 7) On the 9<sup>th</sup> November, 2023, the Tribunal served a blank **Form E** (Defence) on the Chambers of the Respondent's Counsel (received by *Kameryn Stuart*);
- 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 30<sup>th</sup> November, 2023, the Tribunal issued a **Form J** (Notice of Hearing) setting this matter for Case Management at 10:00 a.m. today (12<sup>th</sup> February, 2024) and served a copy of the same on the Applicant and Chambers of the Respondent's Counsel on the 4<sup>th</sup> December, 2023 (received by *Trevonia Blatch*);
- 10) Only the Applicant appeared at the Case Management hearing today, *pro se*;
- 11) Neither the Respondent nor its Counsel requested an adjournment of the hearing;
- 12) The Tribunal gave the Respondent a grace period to appear and commenced the hearing at 10:57 a.m.;

- 13)The Applicant advised that 2 conciliation meetings were held at The DOL, which did not resolve the said trade dispute and produced copies of the following documents:-
- a. The Respondent's **STANDARD OPERATING PROCEDURES, SECURITY** dated October 1, 2015;
  - b. An **EMPLOYMENT AGREEMENT FOR SECURITY OFFICERS & TERMS AND CONDITIONS OF EMPLOYMENT**, dated and signed by both parties on the 13<sup>th</sup> April, 2017;
  - c. A **Uniform Agreement** signed both parties on the 13<sup>th</sup> April, 2017, but made effective from the 14<sup>th</sup> April, 2016 (sic);
  - d. A **Memo** dated 1<sup>st</sup> September, 2017, from *Roquel Edgecombe* addressed to All Employees and captioned **Re: Vacation 2018**; and
  - e. A **Termination Letter** dated July 31st, 2023;
- 14)According to the termination letter, the Respondent terminated the Applicant's services as a Security Officer effective immediately "*due to Breach of company policies & procedures and Gross Misconduct*";
- 15)The Applicant advised that she worked the 4:00 p.m. to 12:00 midnight shift on Friday, 21<sup>st</sup> July, 2023, and the Respondent terminated her for allegedly taking boxes of complimentary pizza provided for its customers to her motor vehicle hours before her shift ended, which she denied doing;
- 16)Pursuant to **Rule 7(1) of The Rules**, The Tribunal, of its own motion, today issued a **Form F** (Notice For Further And Better Particulars) to the Respondent's Counsel requesting that they produce to the Tribunal within 14 days of receipt:-
- a. A copy of the Respondent's **Certificate of Incorporation** (to confirm its correct name); and
  - b. A flash drive containing any video surveillance footage of the alleged misconduct;
- 17)The **Applicant** advised that she alone will testify on her behalf;
- 18)The **Tribunal** elected to receive the testimony at trial *viva voce* because the Applicant is an unrepresented lay person;
- 19)The **Tribunal** directed that the parties produce the original and 2 copies of all documents they intend to tender at trial in support of their;
- 20)The **Tribunal** estimated that the trial may last 1 day; and

21)The **Tribunal** advised the Applicant that **Rule 3(5)** of **The Rules** provides an unrepresented party may submit *Written Representations* to the Tribunal, and serve a copy thereof on the other party, no later than 7 days before the commencement of the trial;

**IT IS HEREBY ORDERED THAT:-**

1. The matter is adjourned to **10:00 a.m.** on **Monday, 11<sup>th</sup> March, 2024**, for trial;
2. The **Respondent** provide the Tribunal with:-
  - a. A copy of the Respondent's **Certificate of Incorporation** (in order to confirm its name); and
  - b. A flash drive containing any video surveillance footage of the alleged misconduct a copy of the Respondent's **Certificate of Incorporation** as soon as practicable;
3. The parties produce the original and 2 copies of all documents they intend to tender at trial in support of their case/defence;
4. The parties file any **Brief/Skeleton Arguments** or **Written Representations** no later than 7 days prior to the commencement of the trial (by Monday, 4<sup>th</sup> March, 2024) and serve a copy of the same on the other party; and
5. The Tribunal serve a new **Form J** (Notice of Hearing) for trial on both parties.

**DATED: This 12<sup>th</sup> day of February, A.D., 2024.**

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