

**COMMONWEALTH OF THE BAHAMAS**  
**INDUSTRIAL TRIBUNAL**

**No. IT/NES/NP2023-055**

In The Matter of The Industrial Relations Act

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010)

**NIQUEL SIMON**

**APPLICANT**

**Vs**

**SUBWAY (JOHN BULL)**

**RESPONDENT**

**BEFORE:** Her Honour, Vice President  
Mrs. Rionda Y. Godet

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**ORDER OF DISMISSAL**

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**APPEARANCES**

Niquel Simon

PRO SE

Subway (John Bull)

DARREN BAIN – ATTORNEY

Lignum Vitae Associates



## WHEREAS:

1. By Certificate of Referral dated 27<sup>th</sup> April 2023, the Minister referred the subject Trade Dispute to the Industrial Tribunal; and
2. The Applicant filed in the Industrial Tribunal an Originating Application (Form A) on the 31<sup>st</sup> May 2023; and
3. The Respondent, filed its Notice of Appearance on the 14<sup>th</sup> June 2023 and then its Defence on the 21<sup>st</sup> November 2023;
4. Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal conducted a Case Management Hearing for Directions today, on the 30<sup>th</sup> April 2024; and pursuant to Section 60 of the Industrial Relations Act, had the parties take steps of mediation towards the resolution of this matter.
5. During the mediation process, it emerged the Applicant was aware of the company's specific policy against nose rings, more particularly as a front line food and beverage employees; she acknowledged that she had been specifically instructed not to wear her nose ring, but she still persisted, and told her Manager she would take her nose ring out after Covid, since no one would see what was behind her mask. The Applicant further acknowledged that her colleagues upon whom she would have called as witnesses were not prepared to come to her aid, nor did she have any pictures of herself at work wearing her nose ring to the ostensible acceptance of her managers, thereupon resulting in a paucity of evidence to be rendered before the Tribunal.
6. Considering this, and in light of the Respondent's stated Defence that "***Employee was wearing a nose ring contrary to company policy. The employee was asked by a manager to remove the prohibited jewelry piece but she refused to do so.***"; and considering also the admissions of the Applicant, the Tribunal determines that this matter should be dismissed, as the continued pursuit of litigation in the same would be tantamount to the pursuit of a frivolous vexatious exercise, given the stated admissions of the Applicant.

7. Accordingly, this matter stands dismissed.

**AND THIS IS THE ORDER OF THE TRIBUNAL**

Dated this 30<sup>th</sup> day of April, A.D., 2024

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**Rionda Godet  
Vice President  
Industrial Tribunal**

