

INDUSTRIAL TRIBUNAL

**COURT #3 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

His Honour, R. Dawson Malone Vice President (Acting)

(Sitting Alone)

ZEPHANIAH NEWBOLD

Applicant

AND

AUTOMATED BAHAMAS LTD

Respondent

2nd ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Mr. Zephaniah Newbold
Pro Se

For the Respondent

Mr. Joseph Moxey
Mackay & Moxey Law

Whereas:

1. By Certificate of Referral dated 20 June, 2022 the Minister referred the subject Trade Dispute to the Industrial Tribunal;
2. The Applicant, pursuant to the Order made on 6 February 2023, filed an Originating Application (Form A) on the 13 February, 2023;
3. The Respondent filed its Defence (Form E) on 8 May 2023;
4. Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal issued on 26 February, 2024 a Notice of Hearing (Form J) for Case Management Hearing which took place on 19 March, 2024 and directions were duly given for Trial ("Directions' Order");
5. In accordance with the Directions' Order the Respondent duly complied and the Applicant failed to comply;
6. The Notice of Hearing (Form J) for Trial was duly issued on 8 April; 2024;
7. The Claimant sought *in limine* for Trial to be adjourned and extension of time for the filing and service of documents required by the Directions' Order;
8. The Defendant did not in the circumstances oppose the request of the Claimant;
9. The Tribunal brought to the Parties attention the repeal and replacement of section 27 of the Employment Act by way of Employment (Amendment) Act, 2017 and invited further submissions and case law regarding same and encouraged further discussions regarding the issues in the case;

IT IS HEREBY ORDERED THAT:

- a. The Trial shall stand adjourned to a date to be fixed upon the issuance of a Notice of Hearing (Form J) by the Tribunal;
- b. The Claimant be and is hereby granted a final extension to file his witness statement, bundle of documents, and submissions with authorities by 7 May, 2024;

- c. The Respondent shall be at liberty to file a supplemental witness statement and supplemental submissions by 21 May, 2024; and
- d. The parties are directed to enter into good faith settlement discussions pursuant to section 60 of the Industrial Relations Act upon consideration of the matters discussed during the hearing today and exchange of documents as directed herein;
- e. The Respondent's request for the costs of the adjournment be reserved and arguments may be lead at trial in respect of same with written submissions laid over in advance.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 23 day of April, 2024

R. Dawson Malone
Vice President (Acting)
Industrial Tribunal