

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)

JEAN RICHARD MAXIUS

APPLICANT

ENDEAVOR DEVELOPMENT INTERNATIONAL LTD.

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

No appearance
Freeport, Grand Bahama
The Bahamas

For the Respondent

Wallace R. Allen, Esquire
Cambridge Law Chambers
Holding brief for Ernie E. Wallace, Esquire
Wallace Law Chambers
Freeport, Grand Bahama
The Bahamas

WHEREAS:

- 1) On the 2nd May, 2023, **Jean Richard Maxius** ("the Applicant") filed a **Report of a Trade Dispute** against **Endeavor Development International Ltd.** with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Wages owed, Vacation pay, Breach of contract, In lieu of notice* and *Severance pay*;
- 2) By a **Certificate of Referral** dated the 17th May, 2023 (received on the 5th July, 2023), the Honourable Minister of Labour & Immigration referred the trade dispute between the Applicant and **Endeavor Development International Ltd.** ("the Respondent") to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 3) The Tribunal served the **Applicant** with notice of the referral on the 7th July, 2023;
- 4) On the 19th July, 2023, the **Applicant** filed a **Form A** (Originating Application) which stated, inter alia, that the Grounds for his application were *Wages owed, Vacation pay, Breach of contract, In lieu of Notice* and *Severance pay*;
- 5) On the 19th July, 2023, the Tribunal served a copy of the **Form A** (Originating Application) together with a **Form C** (Notice of Originating Application) and a **Form D** (Notice of Appearance) on the **Respondent**;
- 6) On the 25th July, 2023, the **Respondent** filed a **Form D** (Notice of Appearance) and **Form E** (Defence);
- 7) The Respondent's **Form D** (Notice of Appearance) did not indicate whether or not it intended to resist the application and stated, inter alia, that the name of the Respondent was *Wallace Law Chambers, Ernie E. Wallace*;
- 8) The Respondent's **Form E** (Defence) stated, inter alia, that:-
 - the name of the Respondent was *Endeavor Dev. Int. Ltd.*;
 - the Applicant was not dismissed;
 - the dates given by the Applicant as to his period of employment were not correct;
 - the details of remuneration stated by the Applicant were not correct; and
 - the Respondent intends to resist the application on the grounds that the Respondent never hired the Applicant, who was hired in Abaco by persons who were not agents of the Respondent;

- 9) The Respondent's President gave written authorization for *Wallace R. Allen, Esquire* and the Respondent's Communications Director, *Peter Adderley*, to represent the Respondent at the **Case Management** hearing today, in the absence of the Respondent's Counsel, *Ernie E. Wallace, Esquire*;
- 10) Although the Applicant failed to appear at the **Case Management** hearing today, in the absence of proof that the Tribunal served the **Form J** (Notice of Hearing) on him giving him at least 14 days' notice of the hearing and at the request of the Respondent's Counsel, the Tribunal adjourned the matter for trial;
- 11) The **Respondent's Counsel** advised that the Respondent:- will call about 2 witnesses in its defence; preferred that the witnesses give *viva voce* testimony; and will file its **List of Documents** and **Bundle of Documents** by the end of October 2023;
- 12) The **Tribunal** estimated that the trial may last 1 day; and
- 13) The **Tribunal** advised the **Respondent's Counsel** that **The Industrial Relations (Tribunal Procedure) Rules, 2010**, require that they file any **Brief/Skeleton Arguments** [pursuant to **Rule 3(5)**] or **Written Representations** [pursuant to **Rule 3(6)**] at least 7 days before the trial date;

IT IS HEREBY ORDERED as follows:-

1. The trial be done at **10:00 a.m.** on **Monday, 20th November, 2023**;
2. The parties file their **List of Documents** and **Bundle of Documents** (if any) with the Tribunal by **3:00 p.m.** on **Tuesday, 31st October, 2023**, and at the same time serve a copy thereof on the other party; and
3. The parties file their **Written Representations** or **Brief/Skeleton Arguments** (if any) with the Tribunal by **3:00 p.m.** on **Monday, 13th November, 2023**, and at the same time serve a copy thereof on the other party.

DATED: This 4th day of September, A.D., 2023.

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