

**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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**RYAN M<sup>C</sup>CARTNEY JR.**

**APPLICANT**

**ENDEAVOR DEVELOPMENT INTERNATIONAL LTD.**

**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

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 4<sup>th</sup> May, 2023, **Ryan McCartney Jr.** ("the Applicant") filed a **Report of a Trade Dispute** against **Endeavor Development** 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, Unfair Dismissal, Breach of contract, Wrongful Dismissal, Notice pay and Severance*;
- 2) By a **Certificate of Referral** dated the 17<sup>th</sup> May, 2023 (received on the 5<sup>th</sup> 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 5<sup>th</sup> July, 2023;
- 4) On the 6<sup>th</sup> July, 2023, the **Applicant** filed a **Form A** (Originating Application) which stated, inter alia, that the Grounds for his application were *Vacation pay, Unfair Dismissal, Wrongful Dismissal, Notice pay, Severance pay and Deduction for utilities*;
- 5) On the 11<sup>th</sup> 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 17<sup>th</sup> July, 2023, the **Respondent** filed a **Form D** (Notice of Appearance), which did not indicate whether or not it intended to resist the application and stated that the name of the Respondent was *Wallace Law Chambers, Ernie E. Wallace*;
- 7) On the 25<sup>th</sup> July, 2023, the **Respondent** filed a **Form E** (Defence) that stated, inter alia, that:-
  - the name of the Respondent was *Endeavor Dev. Int. Ltd.*;
  - the Applicant was not dismissed;
  - the dates the Applicant gave 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;
- 8) The Respondent's President gave written authorization for *Wallace R. Allen, Esquire* and the Respondent's Communications Director, *Peter Adderley*, to represent the Respondent, in the absence of its Counsel, *Ernie E. Wallace, Esquire*;

- 9) **The parties** agreed that 2 conciliation meetings were held at The Department of Labour (virtually) and none of the issues relevant to the dispute were resolved;
- 10)The Tribunal advised the **Applicant** that on the authority of The Bahamas Court of Appeal decision of ***Island Hotel Company Limited v. John Fox***, No. 54 of 2017, the Tribunal has no jurisdiction to hear his claim for *Deduction for utilities* as he did not list it as an issue relevant to the dispute in the Report of a Trade Dispute Form;
- 11)The Tribunal directed that the **Applicant** provide the Respondent's Counsel with particulars of his claim for *Unfair Dismissal* within 4 weeks;
- 12)The **Respondent's Counsel** advised that the Respondent was only the agent for a U.S. Company called "*Btree*", which was the Applicant's employer;
- 13)The **Applicant** to decide whether or not to file a **Form M** (Notice of Joinder of Parties) applying to join *Btree* as a party to the proceedings;
- 14)The Tribunal directed that within 2 weeks, the **Respondent's Counsel** provide the Tribunal with *Btree's* corporate name, e-mail address and the name & address of its registered office;
- 15)The **Applicant** advised that:- his Occupation/Position was *Semi-skilled Carpenter*, and his termination date was the 21<sup>st</sup> October, 2022, and not the 4<sup>th</sup> November, 2022, as stated in his Form A (Originating Application);
- 16)The **Respondent's Communications Director**, *Peter Adderley*, advised that the Respondent may settle the matter before the trial date;
- 17)Pursuant to **Section 58(1)(a) of The Industrial Relations Act, Cap. 321**, the Tribunal remitted the issues to the parties for further consideration, with a view to settling or reducing it;
- 18)The **Applicant** advised that he will testify on his behalf;
- 19)The **Respondent's Counsel** advised that the Respondent will call about 2 witnesses in its defence;
- 20)The **Tribunal** decided to have the witnesses give *viva voce* testimony;
- 21)The **Tribunal** directed that the parties to file their **List of Documents** and **Bundle of Documents** by the end of October 2023;

22)The **Tribunal** estimated that the trial may last 1 day; and

23)The **Tribunal** advised the parties 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 **Respondent's Counsel** provide the Tribunal and the Applicant's Counsel with *Btree's* corporate name, e-mail address and the name & address of its registered office by **Monday, 18<sup>th</sup> September, 2023**;
2. The **Applicant** provide the Tribunal and the Respondent's Counsel with particulars of his claim for *Unfair Dismissal* by **Friday, 29<sup>th</sup> September, 2023**;
3. The trial be done at **10:00 a.m.** on **Monday, 20<sup>th</sup> November, 2023**;
4. The parties file their **List of Documents** and **Bundle of Documents** with the Tribunal by **3:00 p.m.** on **Tuesday, 31<sup>st</sup> October, 2023**, and at the same time serve a copy thereof on the other party; and
5. The parties file their **Brief/Skeleton Arguments** or **Written Representations** (if any) with the Tribunal by **3:00 p.m.** on **Monday, 13<sup>th</sup> November, 2023**, and at the same time serve a copy thereof on the other party.

**DATED: This 4<sup>th</sup> day of September, A.D., 2023.**

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