

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)

THOMAS SAUNDERS

APPLICANT

ENDEAVOR DEVELOPMENT INTERNATIONAL LTD.

RESPONDENT

ORDER ON DIRECTIONS

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 2nd May, 2023, **Thomas Saunders** (“the Applicant”) filed a **Report of a Trade Dispute** against **Endeavor Development International Limited** 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, Wrongful Dismissal, Breach of contract, Notice pay* 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 5th July, 2023;
- 4) On the 12th July, 2023, the **Applicant** filed a **Form A** (Originating Application) which stated, inter alia, that:- the Grounds for his application were *Unfair Dismissal, Vacation pay, Was never paid* and *Deduction for utilities*; and the Reason for his dismissal (in his opinion) was *he was not being paid*;
- 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 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;

- 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, in the absence of its Counsel, *Ernie E. Wallace, Esquire*;
- 10) **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;
- 11) 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;
- 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 Respondent's Communications Director, *Peter Adderley*, advised that the Respondent may settle the matter before the trial date;
- 16) 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;
- 17) The **Applicant** advised that he will testify on his behalf;
- 18) The **Respondent's Counsel** advised that the Respondent will call about 2 witnesses in its defence;
- 19) The witnesses to give *viva voce* testimony;
- 20) The parties to file their **List of Documents** and **Bundle of Documents** by the end of October 2023;
- 21) The **Tribunal** estimated that the trial may last 1 day; and

22)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, 18th September, 2023;
2. The trial be done at **10:00 a.m.** on **Monday, 20th November, 2023**;
3. The parties file their **List of Documents** and **Bundle of Documents** 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
4. The parties file their **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**