

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)

GEORGE BUTLER

APPLICANT

**SCAN ESTATES LIMITED AND
TYNE TERRACE CONDOMINIUM PHASE I ASSOCIATION**

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

None

For the Respondent

Wendell A. Smith, Esquire
Law Chambers
Freeport, Grand Bahama
The Bahamas

WHEREAS:

- 1) On the 19th June, 2023, **George Butler** ("the Applicant") filed a **Report of a Trade Dispute** against **Scan Estates Limited, T/A Tyne Beach Terrace and Tyne Beach Terrace Condominium Phase 1 Association** ("the Respondent") with the Department of Labour in Grand Bahama, The Bahamas;
- 2) It stated, inter alia, that the issues relevant to the dispute were *Wrongful Dismissal, Unfair Dismissal, Salary/back pay owed, Vacation pay owed, Overtime pay owed, breach of The E.A. of The Bahamas, Holiday pay owed, Breach of contract, Notice pay and Wages*;
- 3) By a **Certificate of Referral** dated the 28th August, 2023 (received on the 18th December, 2023), the Honourable Minister of Labour and The Public Service referred the said trade dispute to the Industrial Tribunal, Northern Region, ("the Tribunal");
- 4) Pursuant to **Rule 15 of The Industrial Relations (Tribunal Procedure) Rules, 2010**, on the 7th March, 2024, the Tribunal conducted a **Case Management** hearing in this matter and made an **Order On Directions**;
- 5) The **Applicant's Representative** today withdrew as the Applicant's Representative;
- 6) The Respondent's Counsel advised that the **Respondent** is not prepared to settle the matter with the Applicant out of Court;
- 7) The **Applicant** failed to produce **written particulars** of his claim for **Unfair Dismissal** to the Tribunal and the Respondent's Counsel within 14 days (by Thursday, 21st March, 2024);
- 8) The **Respondent** complied with the Order On Directions by filing:-
 - a **Form E (Defence)** by the given date (Thursday, 28th March, 2024), a copy of which the Tribunal served on the Applicant's Representative;
 - a **Bundle of Pleadings**, containing the Witness Statements of the 2 witnesses for the Respondent; and
 - a **Bundle of Documents**, containing a copy of the Respondent's Declaration of Condominium;
- 9) No appearance of the Applicant's 3 witnesses;

- 10)The Tribunal acceded to the request of **the Applicant** and the **Respondent's Counsel** for the trial to be adjourned for trial;
- 11)The Tribunal advised the **Applicant** to provide the Tribunal with the **name** and **e-mail address** of the witness whom he wishes to appear virtually;
- 12)With no objections by the Respondent's Counsel, the Tribunal granted the **Applicant** an extension of time to:-
 - File **written particulars** of his claim for **Unfair Dismissal** with the Tribunal and serve a copy of it on the Respondent's Counsel by no later than Monday, 1st July, 2024; and
 - File a **List of Documents** and **Bundle of Documents** with the Tribunal and serve a copy of it on the Respondent's Counsel by no later than Monday, 1st July, 2024;
- 13)The Tribunal cautioned the Applicant that it may strike out his **Form A (Originating Application)** for want of prosecution [pursuant to **Rule 12(1)(f) of The Rules**] if he fails to comply with this second **Order On Directions**; and
- 14)The Tribunal directed that the **Applicant** file any **Written Representations** and the **Respondent's Counsel** file any **Brief/Skeleton Arguments** at least 7 days before the commencement of the trial;

IT IS HEREBY ORDERED as follows:-

1. The **Applicant** provide the Tribunal with the **name** and **e-mail address** of the witness whom he wishes to appear virtually;
2. The **Applicant** file with the Tribunal and serve a copy on the Respondent's Counsel, by no later than Monday, 1st July, 2024:-
 - **written particulars** of his claim for **Unfair Dismissal**; and
 - a **List of Documents** and **Bundle of Documents**;
3. The Applicant file any **Written Representations** and the Respondent's Counsel file any **Brief/Skeleton Arguments** by no later than 3:00 p.m. on Friday, 2nd August, 2024;
4. This matter be adjourned for trial at 10:00 a.m. on Monday, 12th and Tuesday, 13th August, 2024; and

5. The Tribunal serve this **Order On Directions** and a **Form J** (Notice of Hearing) on the Applicant and Respondent's Counsel.

DATED: This 13th day of May, A.D., 2024.

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