

**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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**SANTANA PINDER**

**APPLICANT**

**GRAND SUN INVESTMENT LIMITED**

**RESPONDENT**

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**ORDER ON DIRECTIONS**

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**APPEARANCES**

For the Applicant

Samuel L. Rahming, Esquire  
Chambers  
Freeport, Grand Bahama  
The Bahamas

For the Respondent

Larell Hanchell, Esquire  
Dupuch & Turnquest  
Chambers  
Nassau, New Providence  
The Bahamas

**WHEREAS:**

- 1) On the 3<sup>rd</sup> August, 2023, **Santana Pinder** ("the Applicant") filed a **Report of a Trade Dispute** against **Grandson Investments Limited** with The Department of Labour in Grand Bahama, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were that she was *Wrongfully and Unfairly dismissed by her employer on Friday, 14<sup>th</sup> July, 2023;*
- 2) By a **Certificate of Referral** dated the 31<sup>st</sup> January, 2024 (received on the 22<sup>nd</sup> February, 2024), the Honourable Minister of Labour & Public Service referred the trade dispute between the Applicant and **Grand Sun Investment Limited** ("the Respondent") to the Industrial Tribunal, Northern Region ("the Tribunal");
- 3) In accordance with **Rule 3(1) of The Industrial Relations (Tribunal Procedure) Rules, 2010 ("The Rules")**, on the 26<sup>th</sup> February, 2024, the Tribunal served the **Applicant** with notice of the referral;
- 4) The Applicant filed a **Form A** (Originating Application) on the 4<sup>th</sup> March, 2024;
- 5) On the 4<sup>th</sup> March, 2024, the Tribunal served a copy of the **Form A** (Originating Application), a **Form C** (Notice of Originating Application) and a blank **Form D** (Notice of Appearance) on the Respondent (received by *Anthonique Nairn*);
- 6) The **Respondent** failed to file a **Form D** (Notice of Appearance) within the 7 days limited for so doing by **Rule 5(1) of The Rules**;
- 7) On the 28<sup>th</sup> March, 2024, the **Respondent** filed:-
  - a **Form L** (Notice of Application For Extension of Time) to file a **Form D** (Notice of Appearance);
  - a **Form D** (Notice of Appearance); and
  - a **Form E** (Defence);
- 8) The Respondent did not complete **No. 1** of the **Form D** (Notice of Appearance), which requested that they indicate whether or not they intended to resist the application;
- 9) The Respondent did not complete **No. 4(c)(d)(e) & (f)** of the **Form E** (Defence), which requested that they indicate whether or not the dates given by the Applicant as to her period of employment was correct; the date of commencement; the date of termination; whether or not the details of remuneration stated by the Applicant was correct; the correct remuneration and her basic wage/salary;

- 10)The Tribunal today conducted a **Case Management** hearing in this matter;
- 11)The Tribunal directed that the Respondent's Counsel e-mail the Respondent's **Certificate of Incorporation** to the Tribunal and Applicant's Counsel in order to confirm its correct name;
- 12)With the consent of the Applicant's Counsel, the Tribunal acceded to the Respondent's **Form L** (Notice of Application For Extension of Time) and granted an extension of time for the late filing of their **Form D** (Notice of Appearance);
- 13)Pursuant to **Rule 12(1)(d)** of **The Rules**, with the consent of the Applicant's Counsel, the Tribunal granted the Respondent leave to file an amended **Form D** (Notice of Appearance) and **Form E** (Defence), containing the missing particulars;
- 14)The Tribunal directed that the **Applicant's Counsel** provide the Tribunal and the Respondent's Counsel with further and better written particulars of the Applicant's claim for *Unfair Dismissal* within 21 days from today;
- 15)The parties agreed to use this case as a test case and the parties in Cases Nos. **NR/NES/004/2024** (*Cecile Lewis v. Grand Sun Investment Limited*) and **NR/NES/016/2024** (*Breia Williams v. Grand Sun Investment Limited*) will abide by the Tribunal decision in this case;
- 16)The **Applicant's Counsel** advised that the Applicant will testify and may call 3 witnesses on her behalf;
- 17)The **Respondent's Representative** advised that the Respondent may call about 3 witnesses in its defence;
- 18)The **Tribunal** estimated that the trial may last 2 days;
- 19)**Both Counsels** agreed that:-
  - if the Respondent did not inform the Applicant (verbally or in writing) that she was dismissed, the Applicant will bear the burden of proving, on a balance of probabilities, that she was constructively dismissed by the Respondent;
  - the Respondent will file any employment contract, Employee Handbook and written policies and procedures that governed the Applicant's employment in its List of Documents and Bundle of Documents; and
  - the evidence-in-chief of the witnesses will be received in the form of written Witness Statements;

20)The Tribunal directed that:-

- the Applicant's Counsel file the **Witness Statements** for the Applicant and her witnesses, together with her **List of Documents** and **Bundle of Documents** by the 1<sup>st</sup> June, 2024; and
- the Respondent's Counsel file the **Witness Statements** for the Respondent's witnesses, together with their **List of Documents** and **Bundle of Documents** by the 1<sup>st</sup> July, 2024; and
- in accordance with **Rule 3(5)** of **The Rules**, the parties file any **Brief/Skeleton Arguments** at least 7 days before the commencement of the trial;

**IT IS HEREBY ORDERED** as follows:-

1. The matter is adjourned **10:00 a.m.** on **Monday, 29<sup>th</sup> & Tuesday, 30<sup>th</sup> July, 2024**, for trial;
2. The **Respondent's Counsel** e-mail the Respondent's *Certificate of Incorporation* to the Tribunal and Applicant's Counsel;
3. The **Respondent** file an amended **Form D** (Notice of Appearance) and **Form E** (Defence), containing any missing particulars;
4. The **Applicant's Counsel** provide the Tribunal and the Respondent's Counsel with further and better written particulars of the Applicant's claim for *Unfair Dismissal* within 21 days from today (by **Friday, 10<sup>th</sup> May, 2024**);
5. The **Applicant's Counsel** file the *Witness Statements* for the Applicant and her witnesses, together with her *List of Documents* and *Bundle of Documents* by the 1<sup>st</sup> June, 2024;
6. The **Respondent's Counsel** file the *Witness Statements* for the Respondent's witnesses, together with their *List of Documents* and *Bundle of Documents* (including any employment contract, Employee Handbook and written policies & procedures governing the Applicant's employment) by the 1<sup>st</sup> July, 2024; and
7. **Both Counsels** submit a *Brief/Skeleton Arguments* to the Tribunal at least 7 days prior to the commencement of the hearing (by **Monday, 22<sup>nd</sup> July, 2024**).

**DATED: This 19<sup>th</sup> day of April, A.D., 2024.**

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