

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 (ACTING PRESIDENT)

(SITTING ALONE)

DI'ANDREA ROLLE-DEAN

APPLICANT

**JAROL INVESTMENTS LTD.
T/A CHANCES**

RESPONDENT

ORDER ON DIRECTIONS

APPEARANCES

For the Applicant

Justin Palacios
Freeport, Grand Bahama
The Bahamas

For the Respondent

No appearance

WHEREAS:

- 1) On the 19th December, 2023, **Di'Andrea M. Rolle-Dean** filed a **Report of a Trade Dispute** against **Jarol Investment** at The Department of Labour ("DOL") in Bimini, The Bahamas, which stated, inter alia, that the issues relevant to the dispute were *Wrongful Dismissal, Unfair Dismissal, Salary owed* and *Breach of contract*;
- 2) By a **Certificate of Referral** dated the 4th March, 2024 (received on the 20th March, 2024), the Honourable Minister of Labour & The Public Service referred the trade dispute between **Di'Andrea Dean-Rolle** ("the Applicant") and **Jarol Investments Ltd. T/A Chances** ("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 20th March, 2024, the Tribunal served the **Applicant** with notice of the referral;
- 4) The **Applicant** filed a **Form A** (Originating Application) on the 28th March, 2024, which stated, inter alia, that the grounds for her application were *Wrongful Dismissal, Unfair Dismissal, Salary owed, Breach of contract, Vacation pay owed, End of year Bonus owed* and *Increments owed*;
- 5) On the 28th March, 2024, the Tribunal served a **Form C** (Notice of Originating Application), together with a copy of the **Form A** (Originating Application) and a blank **Form D** (Notice of Appearance) on the Respondent (received by *Roquel Edgecombe*);
- 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 10th April, 2024, the Respondent filed:-
 - **Form L** (Notice of Application For Extension of Time) applying for an extension of time to file a Form D (Notice of Appearance); and
 - a **Form D** (Notice of Appearance), which did not state whether or not it intended to resist the application and stated that its Representative was **Shurland & Co.**;
- 8) The **Respondent** failed to file a **Form E** (Defence) within the 14 days limited for so doing by **Rule 6 of The Rules**;

- 9) The Tribunal served a **Form J** (Notice of Hearing) setting this matter for Case Management at 2:00 p.m. today, Wednesday, 29th May, 2024 [served on the Applicant's Representative on the 29th April, 2024, and on the Respondent's Representative on the 23rd April, 2024 (received by *Trevonia Blatch*)];
- 10) Only the Applicant and her Representative appeared at the **Case Management** hearing today;
- 11) The Tribunal did not receive a request for an adjournment of the matter from the Respondent or its Counsel;
- 12) The Tribunal conducted the **Case Management** hearing at 2:35 p.m. today, in the absence of the Respondent and its Representative;
- 13) The **Applicant's Representative** advised that 3 conciliation meetings were held at The DOL, but none of the issues were resolved;
- 14) The Tribunal pointed out that the Applicant did not list *Vacation pay owed*, *End of year Bonus owed* and *Increments owed* as issues relevant to the dispute on the Report of a Trade Dispute Form she filed against the Respondent at The DOL;
- 15) The **Applicant's Representative** advised that the Applicant had amended the Report of a Trade Dispute Form at the conciliation meetings before The DOL;
- 16) The Tribunal gave the **Applicant's Representative** an opportunity to have The Minister of Labour provide the amended Report of a Trade Dispute to the Tribunal;
- 17) The Tribunal did not accede to the Respondent's **Form L** (Notice of Application For Extension of Time) applying for an extension of time to file a **Form D** (Notice of Appearance);
- 18) The Tribunal acceded to the **Applicant Representative's** applications to:
- join **Di'Andrea Rolle-Dean** (the name of the Complainant on The Report of a Trade Dispute Form) as the Applicant [pursuant to **Rule 16(1)**];;
 - dismiss **Di'Andrea Dean-Rolle** (the name on the Certificate of Referral) from the proceedings [pursuant to **Rule 16(2)** of **The Rules**]; and
 - strike out the **Form D** (Notice of Appearance) the Respondent filed on the 10th April, 2024 [pursuant to **Rule 12(1)(d)** of **The Rules**] on the grounds that:-

- it was not filed within the time limited for so doing by The Rules;
- the Respondent's Counsel did not appear at the Case Management hearing today to prosecute the **Form L** (Notice of Application For Extension of Time) applying for an extension of time to file it; and
- it did not indicate on it whether or not the Respondent intended to resist the application;

19)The Tribunal directed that the **Applicant's Representative** provide the Tribunal with the name and address of the Respondent's registered office to facilitate the Tribunal serving this **Order On Directions** and a new **Form J** (Notice of Hearing) for trial on the Respondent, in accordance with **Rule 18(3)(a)(ii)** of **The Rules**;

20)The **Applicant's Representative** advised that the Applicant will testify and call 1 witness on her behalf;

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

22)The **Applicant's Representative** elected to:-

- have the Applicant and her Witness testify *viva voce*; &
- file any **List of Documents** and **Bundle of Documents**, containing the **original** (if available) and **3 copies** of all documents, at least 7 days before the start of the trial; and

23)The **Tribunal** advised the **Applicant's Representative** that **Rule 3(5)** of **The Rules** provides that the parties' Representatives may submit a **Brief/Skeleton Arguments** to the Tribunal at least 7 days before the commencement of the trial;

IT IS HEREBY ORDERED THAT:-

1. The **Form D** (Notice of Appearance) the Respondent filed on the 10th April, 2024, be struck out pursuant to **Rule 12(1)(d)** of **The Rules**;
2. This matter is adjourned to **10:00 a.m.** on **Thursday, 25th July, 2024**, for trial;
3. At least 7 days before the start of the trial (by **Thursday, 18th July, 2024**), the **parties** file with the Tribunal, and serve on each other any:-
 - **List of Documents** and **Bundle of Documents**; &
 - **Brief/Skeleton Arguments**; and

4. The Tribunal serve this **Order On Directions** and a new **Form J** (Notice of Hearing) for trial on the Applicant's Representative and the Respondent's registered office.

DATED: This 29th day of May, A.D., 2024.

**Her Honor, Helen J. Almorales-Jones,
(Acting) President**