

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 Palacious
Labour Advocate
Freeport, Grand Bahama
The Bahamas

For the Respondent

Ms. Terah Rahming
Chief Operating Officer
Freeport, Grand Bahama
The Bahamas

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) Pursuant to **Rule 15 of The Industrial Relations (Tribunal Procedure) Rules, 2010**, on the 29th May, 2024, the Tribunal conducted a **Case Management** hearing in this matter, struck out the **Form D** (Notice of Appearance) the Respondent filed on the 10th April, 2024 [pursuant to **Rule 12(1)(d) of The Rules**] and made an **Order On Directions**;
- 4) Only the **Applicant's Representative** filed the Applicant's **List of Documents** and **Bundle of Documents** by the deadline of the 18th July, 2024;
- 5) The **Respondent's Counsel** , *K.C. Carlson Shurland*, died on the 15th July, 2024;
- 6) The Tribunal advised that the **Respondent's Representative** that:-
 - The Respondent's late Counsel failed to file a **Form E (Defence)** within the time limited for so doing by **Rule 6 of The Rules**;
 - at the Case Management hearing on the 29th May, 2024, the Tribunal had acceded to the Applicant Representative's application under **Rule 12(1)(d)** and struck out the **Form D** (Notice of Appearance) the Respondent filed on the 10th April, 2024, in the absence of both the Respondent and its Counsel; and
 - **Rule 5(3) of The Rules** provides that:-
 - (3) *A Respondent who has not entered an Appearance shall not be entitled to take part in the proceedings except –*
 - (a) *to apply under Rule 14 for an extension of the time appointed by this Rule for entering an Appearance;*
 - (b) *to make an application under Rule 7(l)(a); or*
 - (c) *to be called as a witness;*

- 7) The Tribunal advised the **Applicant's Representative** that:-
- It did not receive an amended **Report of a Trade Dispute Form** from the Honourable Minister of Labour & The Public Service adding the claims for *Vacation pay, End of year Bonus* and *Increments owed* [set out in the Applicant's **Form A** (Originating Application)]; &
 - It inadvertently omitted to serve the Respondent's registered office (*McDonald & Co.*) with the **Order On Directions** and the new **Form J** (Notice of Hearing) for trial;
- 8) In the circumstances, the **Tribunal** decided to adjourn the matter to give the Respondent an opportunity to retain another Counsel to represent it in this matter;
- 9) The Tribunal advised the **Respondent's Representative** that the Respondent's new Counsel is at liberty to:-
- Get the Client file from its former Counsel, *Shurland & Co.*;
 - File a **Form P** (Notice of Change of Address) naming them as the Respondent's new Counsel;
 - Apply for registration as a User on the Tribunal's E-folio Platform to get access to the digital file and file documents electronically; &
 - File a **Form L** (Notice of Application for Extension of Time) applying for an extension of time to re-file a **Form D** (Notice of Appearance) and a **Form E (Defence)**;
- 10) Pursuant to **Section 58(1)(a)** of **The I.R.A.**, the **Tribunal** remitted the trade dispute to the parties for further consideration, with a view to settling it out of Court;
- 11) The **Applicant's Representative** advised that only the Applicant will testify on her own behalf now;
- 12) The **Respondent's Representative** advised that the Respondent may call approximately 3 witnesses in its defence;
- 13) The **Tribunal** elected to receive the testimonies of the witnesses *viva voce*;
- 14) The **Tribunal** estimated that the trial may last 2 days;
- 15) The **Tribunal** directed that:-

- The **Respondent** files a **Form P** (Notice of Change of Address) naming its new Counsel within 7 days from today;
- The **Respondent** files its **List of Documents & Bundle of Documents** at least 14 days before the first trial date; &
- Liberty to the **Applicant's Representative** to file a **Supplemental List of Documents & Bundle of Documents** within 7 days thereafter; and

16) **Rule 3(5)** of **The Rules** provides that parties may file a **Brief/Skeleton Arguments** at least 7 days prior to the commencement of the trial;

IT IS HEREBY ORDERED THAT:-

1. This matter is adjourned for trial at **10:00 a.m.** on **Thursday, 12th & Monday, 23rd September, 2024;**
2. The **Respondent** files a **Form P** (Notice of Change of Address) naming its new Counsel by on or before **Friday, 1st August, 2024;**
3. The **Respondent** files its **List of Documents & Bundle of Documents** by on or before **Thursday, 29th August, 2024;**
4. Liberty to the **Applicant's Representative** to file a **Supplemental List of Documents & Bundle of Documents** by on or before **Thursday, 5th September, 2024;**
5. The **Parties' Representatives** file any **Brief/Skeleton Arguments** by on or before **Thursday, 5th September, 2024;** and
6. The Tribunal serve this **Order On Directions** and a new **Form J** (Notice of Hearing) on both parties' Representatives as well as on the registered office of the Respondent, *McDonald & Co.*

DATED: This 25th day of July, A.D., 2024.

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