

COMMONWEALTH OF THE BAHAMAS
INDUSTRIAL TRIBUNAL

No. IT/NES/NP2023-029

In The Matter of The Industrial Relations Act

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010)

WENDELL DEMERITTE

APPLICANT

Vs

DOLPHIN ENCOUNTERS

RESPONDENT

BEFORE: Her Honour, Vice President
Mrs. Rionda Y. Godet

ORDER OF DISMISSAL

APPEARANCES

WENDELL DEMERITTE

HILBERT COLLIE

ADVOCATE

DOLPHIN ENCOUNTERS

CAMILLE CLEARE

ATTORNEY

WHEREAS:

1. By Certificate of Referral dated 3rd January 2023, the Minister referred the subject dispute to the Industrial Tribunal; and
2. On 30th March 2023, and in accordance with Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010, a Notice for the Originating Application Form A was sent to the Applicant requiring its submission within 14 days of receipt.
3. The Applicant failed to file the Originating Application within the time stipulated, therefore, on 5th July, 2023, the matter was gazetted in the Nassau Guardian Newspaper and set for Hearing on the 31st July 2023 by way of Call Over. At the said Hearing, the Applicant's Advocate, Mr. Hilbert Collie made application for extension of time for the Applicant to issue the Originating Application. Leave until the 2nd August 2023 was granted. The Applicant did in fact file the Originating Application on the 1st August, 2023.
4. In response to the Applicant's Form A Originating Application, on the 2nd August 2023, the Tribunal issued the Forms C and D to the Respondent. In response thereto, the Form D Appearance was duly entered on 18th August 2023, which was followed by the Tribunal's issuance of the Form E Defence to the Respondent.
5. On the 30th August, 2023, the Respondent issued the Form F Notice for Further and Better Particulars citing:

Contrary to Rule 3(2)(d) of the Rules, the Originating Application did not contain any grounds, with particulars thereof, upon which relief is sought. We hereby request sufficient grounds and particulars thereof for the Applicant's claim for unfair dismissal so that we may know what case we must meet.

6. Once again, the Tribunal, on the 30th January 2024, issued Notice of Hearing for Case Management to the parties, which was set for 15th February 2024, however, by way of email dated 12th February, 2024, Mr. Hilbert Collie advised the Tribunal

that he no longer represented the Applicant, and so, on the day of hearing, the Applicant appeared *Pro Se*, and requested an extension of time to give proper response to the Respondent's request for Further and Better Particulars.

7. Once again, the Tribunal granted extension of time for the Applicant to file the Further and Better particulars as requested by the Respondent on or before 1st March, 2024, so that the Respondent would be enabled to tender its Form E Defence. The Tribunal, in anticipation of the Applicant's compliance, and that of the Respondent thereto, issued dates for the Inspection of Documents and the presentment of the Agreed Bundle of documents, the filing of Witness Statements, and Skeleton Arguments, etc..
8. Given that the Applicant appeared Pro Se and the previous extensions afforded him, the Tribunal strongly impressed upon the Applicant the importance of compliance with this final Order on Directions and the impact of his failure to so comply.
9. By Notice of Application for Extension of Time dated 27th February 2024 and filed 8th March 2024, Mr. Hilbert Collie emerged once again, on behalf of the Applicant and made yet another request for an extension to answer the Respondent's request for Further and Better Particulars, stating:

The information needed is not available and the person I relied upon for the information was not forthcoming. Therefore, I am requesting additional time to get it.

10. More than a year later, since the Order, the Applicant having yet not complied, the Respondent raised objection thereto and called for the matter to be dismissed. To demonstrate his intent to render diligence in the prosecution of his own claim, the Applicant could have availed the submission of draft responses pending the Tribunal's determination of his Application for extension. He has not done so.

11. The Tribunal, upon hearing arguments from both parties, accedes to the Respondent's request that this matter be dismissed for want of prosecution and for non compliance with the Tribunal's Order on Directions given on 14th February 2024. The terms of the Tribunal's Orders must be taken as a mandatory requirement for the parties to be guided by, and not a mere suggestion.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 28th day of April, A.D., 2025

A handwritten signature in black ink, appearing to read 'Rionda Godet', written over a horizontal line.

Rionda Godet

Vice President

Industrial Tribunal

Taking into consideration that he is a lay person and is not familiar with process and procedures and does not know about formalities – don't know if