

NP2024-026

INDUSTRIAL TRIBUNAL

**COURT #4 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

**Ingrid Cooper-Brooks (Vice President)
(Sitting Alone)**

DAVID BARTLETT

Applicant

V.

NASSAU CRUISE PORT LTD. T/A GLOBAL PORTS HOLDING

Respondent

ORDER OF DISMISSAL

APPEARANCES

For the Applicant

Mr. Hilbert L. Collie
Hilbert Collie & Associates

For the Respondent

Mr. Donovan Gibson
Munroe & Associates

WHEREAS:

1. By Certificate of Referral dated 22nd February, 2025 the Minister referred the subject Trade Dispute to the Industrial Tribunal; and
2. The Applicant filed in the Industrial Tribunal an Originating Application (Form A) on 20th March, 2024, claiming unfair dismissal; and
3. The Respondent filed in the Industrial Tribunal a Defence (Form E) on 16th April, 2024; and
4. Pursuant to **Rule 15 (1)** of the **Industrial Relations (Tribunal Procedure) Rules 2010**, the Industrial Tribunal set a fixture for trial on 18th November, 2025; and
5. On the trial date, upon Mr. Collie, the Labour Advocate for the Applicant, and Mr. Gibson, Counsel for the Respondent having confirmed that the Applicant had been dismissed without cause and adequately compensated pursuant to **Section 29** of the **Employment Act**, and provided an ex-gratia payment, beyond the statutory requirement; and
6. The Tribunal referred the Labour Advocate for the Applicant to the Court of Appeal's decision in **Jacklyn Conyers v. Central Bank of The Bahamas** SCCivApp. No. 123 of 2022 and the line of cases, that have found that where an employee is terminated without cause, "... *the grounds which relate to unfair dismissal fall away. As a result, no justification was required, and ... it was not necessary for the rules of natural justice to follow*"; and
7. Counsel for the Respondent having submitted that a Section 29 termination cannot co-exist with a claim for unfair dismissal; and
8. The Labour Advocate for the Applicant having conceded the point, and agreed to abide by the Tribunal's decision;

IT IS HEREBY ORDERED:

In light of the above, that the Originating Application filed in the Industrial Tribunal by the Applicant on 20th March, 2024, be dismissed pursuant to **Rule 21 (1) (b)** of the **Industrial Relations (Tribunal Procedure) Rules, 2025**, and **Section 58(1) (d)** of the **Industrial Relations Act**.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 18th day of November, A.D., 2025

Ingrid Cooper-Brooks
Vice President
Industrial Tribunal