

INDUSTRIAL RELATIONS TRIBUNAL (PROCEDURE) RULES, 2025

Arrangement of Rules

Rule

PART I - PRELIMINARY	4
1. Citation and commencement.....	4
2. Interpretation.....	4
PART II – FILING AND SERVICE OF DOCUMENTS	5
REGISTER	5
3. Register to be kept.....	5
FILING OF APPLICATIONS AND DEFENCE	6
4. Filing requirements.....	6
5. Originating Application.	7
6. Action upon receipt of Originating Application.....	8
7. Appearance and defence by Respondent.....	8
8. Failure to file a Defence.....	9
ELECTRONIC FILING	9
9. Electronic filing and service of documents via e-filing portal.....	9
10. Electronic submission of documents.....	9
11. Filing outside of registry hours.....	10
12. Processing and filing by Registry.....	10
SERVICE OF DOCUMENTS	10
13. Electronic service of documents.....	10
14. Proof of electronic service.....	11
15. Service of notices, etc.....	11
PART III – HEARING ON DIRECTIONS	12
16. Tribunal to manage cases.....	12
17. Non-compliance with Order on Directions.....	13
18. Power to require further particulars, etc.....	14
PART IV – HEARINGS AND PROCEEDINGS	15
HEARINGS	15
19. Time and place of hearing.....	15
20. Hearings.....	15

S.I. No. 52 of 2025
Extraordinary Gazette Dated 11.6.2025
Supplement Part II Dated
Signed

POWERS OF JUDGE	16
21. Powers of Judge.....	16
22. Call Over and Mention Dates to ensure active case progression.....	17
23. Restricted Reporting Orders.....	18
24. Extension of time.....	18
25. Joinder and representative Respondents.....	19
26. Consolidated proceedings.....	19
PROCEEDINGS	20
27. Entitlement to bring or contest the proceedings.....	20
28. Record of proceedings.....	20
29. Jurisdiction.....	20
DECISIONS OF TRIBUNAL	21
30. Decision of Tribunal.....	21
SETTLEMENT BY CONSENT ORDER	21
31. Settlement by consent.....	21
PART V - APPEALS TO THE COURT OF APPEAL	22
32. Application of overarching law.....	22
33. Contents of the record of appeal.....	22
34. Preparation and certification.....	23
35. Orders of the Registrar to Prevail.....	23
EXTENSION OF TIME TO APPEAL	23
36. Authority to extend time.....	23
37. Tribunal's lack of jurisdiction.....	23
38. Application requirements for application.....	23
DISTINCTION BETWEEN INTERLOCUTORY AND SUBSTANTIVE APPEALS	24
39. Interlocutory appeals defined.....	24
40. Determination on the papers with consent of the parties.....	24
41. Substantive appeals defined.....	25
42. Leave to appeal.....	25
TREATMENT OF EVIDENCE ON APPEAL	25
43. Fresh evidence.....	25
INTEGRATION OF DIGITAL SYSTEMS AND ELECTRONIC PRACTICE	25
44. Purpose.....	25
45. Enabling framework.....	25
46. Electronic filing and service.....	25
47. Virtual hearings.....	26
48. Digital record keeping and evidence.....	26
49. Access and security.....	26
50. Practice Directions.....	26
51. Transitional Measures.....	26
TIME LIMITS AND EXTENSION OF TIME TO APPEAL	27

52.	Substantive appeals - time limit.....	27
53.	Interlocutory appeals - time limit.....	27
54.	Application for extension of time.....	27
55.	Revocation of S.I. No. 136 of 2010.....	27

SCHEDULE

**INDUSTRIAL RELATIONS ACT
(CHAPTER 321)**

**INDUSTRIAL RELATIONS TRIBUNAL (PROCEDURE)
RULES, 2025**

The Industrial Tribunal in exercise of the powers conferred by section 66 of the Industrial Relations Act (*Ch. 321*) hereby makes the following rules —

PART I - PRELIMINARY

1. Citation and commencement.

- (1) These Rules may be cited as the Industrial Relations Tribunal (Procedure) Rules, 2025.
- (2) These Rules shall come into force on the 1st day of July, 2025.

2. Interpretation.

In these Rules —

“**Act**” means the Industrial Relations Act (*Ch. 321*);

“**Applicant**” means a person by whom, or on behalf of whom, a claim has been filed in the Industrial Tribunal;

“**authenticated**” means sealing manually or electronically, a document filed in the Registry;

“**Cause Book**” means the manual or digital book maintained in the Registry relating to a cause or matter in the Tribunal;

“**claim**” means a cause of action referred by the Minister to the Tribunal for adjudication to be brought by way of Originating Application and where such action has not been previously referred;

“**e-filing portal**” means the online facility provided by the Tribunal for the electronic submission of documents;

“**electronically or otherwise**” means electronic submission via the Tribunal's e-filing portal, by email, or by delivery in person;

“**filed document**” means a document that has been stamped, dated and paginated sequentially based on the case number under which the document is filed either electronically or otherwise;

“**hearing**” means a sitting of a single Judge or a full panel of judges to hear evidence for the purpose of reaching a decision in open court or via online services;

“**Judge**” means any member of the Industrial Tribunal presiding and exercising jurisdiction in industrial relations and labour matters;

“**party**” means the applicant or the Respondent;

“**Tribunal**” means the Industrial Tribunal;

“**registry hours**” means 9:30 o'clock in the morning to 3:00 o'clock in the afternoon, unless otherwise directed;

“**representative**” means notwithstanding any provision of the Legal Profession Act relating to the admission of persons to practice as counsel and Attorney in the Industrial Tribunal of The Bahamas, the Tribunal may receive and consider submissions arguments and evidence made and presented, whether orally or in writing by —

- (a) or on behalf of, the employer or the employee concerned;
- (b) the trade union concerned on behalf of the employees involved in the dispute; or
- (c) any person who is a legal representative and whose qualification is evidenced by a practising certificate;

“**Respondent**” means a person against whom relief is sought by or on behalf of an Applicant;

“**rules**” means rules of Tribunal made under the provision of section 66 of the Industrial Relations Act;

“**submission**” means the act of submitting a document electronically or otherwise, without being filed by the Registry.

PART II – FILING AND SERVICE OF DOCUMENTS

REGISTER

3. Register to be kept.

- (1) The Tribunal shall keep and maintain at the Tribunal, a Cause Book, electronically or otherwise, which shall be open to inspection by the public without charge during business hours.
- (2) The Tribunal shall enter in the Cause Book the documents referred to in rule 30(1) and (2) and shall send a copy of the entry to each of the parties.
- (3) The document referred to in rule 15(2) shall be omitted from the Cause Book in any case in which evidence has been heard in private and the Judge so directs.

- (4) Where a clerical mistake or an error from an accidental slip or omission, is made in an order or in the documents referred to in rule 15(1) and (2) the Judge may correct it by certificate under his hand.
- (5) If a document is corrected by certificate under paragraph (4), the Tribunal shall alter any entry in the Cause Book which is affected to conform with the certificate and send a copy of any entry so altered to each of the parties.
- (6) Where a document omitted from the Cause Book pursuant to paragraph (3) is corrected by certificate under paragraph (4), the Tribunal shall send a copy of the corrected document to each of the parties.
- (7) Where this rule requires a document to be signed by the Judge having carriage of the matter but by reason of death or incapacity, he or she is unable to sign it, the document shall be signed by another designated Judge of the Tribunal who shall certify that the Judge having carriage of the matter is unable to sign.

FILING OF APPLICATIONS AND DEFENCE

4. Filing requirements.

- (1) Every party to an action shall make application to the Tribunal to be registered as a user on the e-filing portal for electronic filing, including an unrepresented litigant, and such registration may include any paralegal or legal support attached to a law firm or specific attorney who can apply to be added to the portal for the purpose of uploading and retrieving filed documents.
- (2) Notwithstanding paragraph (1), the lead attorney or advocate representing a party to an action shall be responsible for any documents uploaded and filings made on his behalf.
- (3) The lead attorney or legal advocate of record or any attorney or legal representative holding brief for another, under whose credentials the filing is made, shall be deemed to have notice of any documents filed by the Tribunal or filed by any other party to the action.
- (4) Once a party is registered as an online user, the party will have the ability —
 - (a) to upload documents in support of the action; and
 - (b) to view documents uploaded by all other parties connected to the action.
- (5) The user account of parties on the record under whose name or account the filing is made, shall be deemed to have authorized the action and shall retain full professional and procedural responsibility before the Tribunal.

- (6) Documents filed or served through the electronic filing system of the Tribunal shall be deemed to be duly filed or served once submitted using the authorized user account of the parties of record.
- (7) An incomplete document uploaded in support of an action shall not be filed by the Registry and the parties will receive notification that the document is not accepted.

5. Originating Application.

- (1) Upon receipt of a Certificate of Referral, the Tribunal shall send to the Applicant an Originating Application to be completed in Form A in the *Schedule*, stating the claim which shall be signed by the Applicant or his legal representative.
- (2) The Originating Application shall contain —
 - (a) the name, building number, street address, telephone and email of the Applicant;
 - (b) the name, building number, street address, telephone and email of the Respondent;
 - (c) the name, address and email of the representative, if any;
 - (d) the place of employment to which the application relates;
 - (e) the occupation or position held by the Applicant;
 - (f) the date of employment and termination;
 - (g) the wages, salary and other remuneration of benefits of the Applicant;
 - (h) the Applicant's hours of work;
 - (i) the details for the reasons of the application;
 - (j) the reasons for dismissal;
 - (k) the name and address of the Respondent;
 - (l) the particularised relief sought; and
 - (m) the grounds, with particulars thereof, upon which the relief is sought,and where an application is not complete as specified herein, it shall not be filed and shall be returned to the Applicant for completion.
- (3) Where a Judge is of the opinion that any of the matters specified under paragraph (2) are not sufficiently particularised in the Originating Application —
 - (a) shall give Notice to the Applicant in Form B in the *Schedule* if necessary; and
 - (b) require the Applicant within fourteen days of receipt thereof, to furnish the Tribunal in writing with sufficient particulars in support

of the Originating Application, within the scope of the action as referred by the Minister.

- (4) If the order under paragraph (3) is not complied with, the Judge may strike out the whole or part of the Originating Application.
- (5) If a party to the proceedings is represented by counsel or other representative —
 - (a) the bundle of documents, skeleton arguments and witness statements; and
 - (b) any other document that the party intends to rely on,shall be electronically or otherwise submitted by the said counsel or representative to the Tribunal and served, electronically or otherwise, on every other party to the proceeding within seven days of filing of the Originating Application and the Respondent shall file a reply within seven days of the date of receipt of the skeleton arguments.
- (6) If an unrepresented party wishes to submit representations in writing for consideration by the Judge at the hearing of the Originating Application he shall —
 - (a) present his representations, electronically or otherwise, to the Tribunal no later than seven days after filing of the Originating Application; and
 - (b) serve a copy thereof, electronically or otherwise, on the other party to the proceedings.

6. Action upon receipt of Originating Application.

Upon receipt of the Originating Application, the Tribunal shall send to the Respondent —

- (a) a copy of the filed Originating Application; and
- (b) a Notice in Form C in the *Schedule* which includes information, as appropriate to the case, stating the time and manner for entering the Appearance and the consequences for failure to do so.

7. Appearance and defence by Respondent.

- (1) The Tribunal will send to the Respondent —
 - (a) a filed copy of the Originating Application;
 - (b) a Notice of Appearance in Form D; and
 - (c) a Defence in Form E by the Defendant.
- (2) A Respondent shall within seven days of receiving the copy of the Originating Application enter an appearance to the proceedings by presenting to the Tribunal a completed Notice of Appearance in Form D in the *Schedule* stating—

- (a) his full name and address; and
 - (b) whether or not he intends to resist the application.
- (3) A Respondent who intends to resist the Originating Application shall within fourteen days of entering an appearance to the proceeding present to the Tribunal in writing a Defence in Form E in the *Schedule* setting out sufficient particulars to show on what grounds he intends to resist the application.
- (4) A Respondent who has not entered an appearance shall not be entitled to take part in the proceedings except to —
- (a) apply under rule 24(1) for an extension of the time appointed by this rule for entering an appearance;
 - (b) make an application under rule 18; or
 - (c) be called as a witness.
- (5) The Tribunal shall send to the Applicant—
- (a) the filed Notice of Appearance; and
 - (b) the filed Defence in Form E.

8. Failure to file a Defence.

If a Respondent fails to file and serve a Defence on the Applicant, the Applicant may, after the expiration of the period fixed by or under these Rules for service of the Defence, present his claim to the Tribunal to be heard and, if necessary, witnesses may be called and a decision given in the absence of the Respondent.

ELECTRONIC FILING

9. Electronic filing and service of documents via e-filing portal.

The provisions of this sub-Part provides an alternative method for the filing of documents in the Tribunal and such provisions shall apply to an existing claim or new claim.

10. Electronic submission of documents.

- (1) Documents may be submitted for filing in the Tribunal via the Registry's e-filing portal once the party has been added to the file.
- (2) To file a document via the e-filing portal, a party must —
 - (a) access the portal by visiting the Tribunal's website and clicking on the link to e-filing portal;
 - (b) register for a new account or log into an existing account;
 - (c) use details for an existing case;

- (d) upload the document(s) associated with that case; and
- (e) submit the document(s).

11. Filing outside of registry hours.

Any document submitted for filing through the e-filing portal during —

- (a) a public holiday, Saturday or Sunday; or
- (b) any other period when the Registry is closed,

shall be deemed submitted when the registry opens for business.

12. Processing and filing by Registry.

- (1) The Registry shall review all documents submitted via the e-filing portal and where the submitted documents —
 - (a) comply with these Rules, they shall be deemed to be filed and —
 - (i) an automated notification will be sent to the message centre of the account registered at the date and time that the document was submitted;
 - (ii) a notification will be sent by the notification means opted for by the party at the time of registration; and
 - (iii) a seal shall be applied validating the authenticity of the document;
 - (b) do not comply with these Rules, the documents shall not be deemed to be filed and notice for the reason(s) for non-acceptance shall be given by the Registry.
- (2) Where a document does not comply with these Rules, they can be amended and resubmitted by the filing party and the date and time for filing shall be the date and time of resubmission.

SERVICE OF DOCUMENTS

13. Electronic service of documents.

- (1) Where a document has been filed electronically, that document shall be deemed to have been served on all parties to a case at the date and time sent, if forwarded electronically —
 - (a) to an account at an electronic legal service provider; or
 - (b) to the email address provided during registration, provided that the party by consent, accepts electronic service or the party acknowledges service of any document.

- (2) Notwithstanding paragraph (1), a hard copy of all filed documents must be served at the Tribunal and on each party to the case upon request at the Case Management Hearing.
- (3) A party that has consented to electronic service under these Rules must immediately notify in writing the Tribunal and every other party of any change in their email address on registration.
- (4) Any party to an action who cannot view an electronic file must notify the Tribunal in writing, so that the Tribunal can add the party to the action for viewing.
- (5) All parties to an action shall ensure that all documents are legible.
- (6) All parties to an action who experience system errors shall notify the Tribunal in writing of the error.
- (7) The Tribunal may electronically serve any notice, order, decision, or other document on any party to a case via the e-filing portal or otherwise.

14. Proof of electronic service.

Proof of service for any document shall be satisfied by —

- (a) e-mail delivery confirmation or read receipt;
- (b) confirmation from an electronic legal service provider that the document was delivered to the recipient's account;
- (c) acknowledgement of receipt from the recipient or his legal representative; or
- (d) such other means sufficient to satisfy the Tribunal that the document(s) came to the notice of the recipient party.

15. Service of notices, etc.

- (1) Any notice given under these Rules shall be in writing.
- (2) All notices and documents required by these Rules shall be delivered to the administrative offices of the Tribunal.
- (3) All notices and documents required or authorized by these Rules to be sent or given to any person hereinafter mentioned may be emailed or delivered to or in the case of a notice or document directed —
 - (a) to a party —
 - (i) the address specified in his Originating Application or Notice of Appearance to which notices and documents are to be sent, or in a notice under paragraph (4); or
 - (ii) if no such address has been specified, or if a notice sent to such an address has been returned, to any other known address or place of business in The Bahamas or, if the party

is a corporate body, the body's registered or principal office in The Bahamas, or, in any other case, such address or place outside of The Bahamas as the Judge may allow; or

- (b) to any person (other than a party to the proceedings), his address or place of business in The Bahamas or; if the person is a corporate body, the body's registered or principal office in The Bahamas, and a notice or document sent or given to the authorized representative of a party shall be deemed to have been sent or given to that party.
- (4) A party may at any time by Notice to the Tribunal in Form T in the *Schedule* and to the other party or parties change the address to which notices and documents are to be sent to him or notify of change of representative.
- (5) Subject to the provisions of rule 4(2), any document required to be served under these Rules may be served by —
 - (a) personal service;
 - (b) leaving the document at the address for service with a person resident at or belonging to such place;
 - (c) electronic mail deemed to be effected on that date;
 - (d) uploaded to the e-filing portal for electronic filing;
 - (e) posting same on the Tribunal's official website; or
 - (g) a direct message sent electronically or otherwise.
- (6) Proof of service of a document served by means referred to in subparagraphs (c) and (g) of paragraph (6), may be proved by —
 - (a) an electronic mail return receipt; or
 - (b) a copy of the details of the telephone text.
- (7) The Judge may direct that there shall be substituted service in such manner as he may deem fit in any case he considers appropriate.

PART III – HEARING ON DIRECTIONS

16. Tribunal to manage cases.

- (1) The Tribunal shall manage cases actively by —
 - (a) encouraging the parties to co-operate with each other in the conduct of proceedings;
 - (b) identifying the issues in the case at any stage;
 - (c) deciding the order in which issues are to be resolved;

- (d) encouraging the parties to use any appropriate form of dispute resolution and facilitating the use of such procedures;
 - (e) actively encouraging and assisting parties to settle the whole or part of their case on terms that are fair to each party;
 - (f) setting time standards or otherwise controlling the progress of the case;
 - (g) dealing with the case or any aspects of it —
 - (a) on the same occasion; or
 - (b) where it appears appropriate to do so, without requiring the parties to attend the Tribunal;
 - (h) making appropriate use of technology;
 - (i) giving directions to ensure that the hearing of the case proceeds quickly and efficiently;
 - (j) ensuring that no party gains an unfair advantage by reason of that party's failure to give full disclosure of all relevant facts prior to the hearing of any application.
- (2) At the conclusion of the Hearing on Directions, the Judge shall give an Order on Directions in Form F or where the parties have agreed to settle the matter the Judge shall give a Settlement Order in Form G.
 - (3) The Judge may at any time on the application of the party or of its own motion, give directions on any matter arising in connection with the proceedings including preliminary points and a motion in *Limine*
 - (4) An application under paragraph (3) shall be made by a Notice of Application for Directions in Form M, and shall —
 - (a) state the title of the proceedings; and
 - (b) set out the grounds of the application.

17. Non-compliance with Order on Directions.

- (1) Where Order on Directions have been given by the Judge for the filing of witness statements, skeletons and bundles of documents and a party is in non-compliance with the directions of the Tribunal, the Judge may on the application of a party made by Notice in Form H in the *Schedule* to the Tribunal or on his own motion grant an Unless or Conditional Order to extend time or in the case of —
 - (a) the Applicant, to strike out the application; or
 - (b) the Respondent, to strike out the Defence,should the party in non-compliance fail to comply with the Unless or Conditional Order, the matter stands dismissed.

- (2) Nothing in this rule shall limit the discretion of the Tribunal to further extend the time within which to perform the act ordered by the Tribunal.

18. Power to require further particulars, etc.

- (1) The Judge may, on the application of a party made by Notice in Form I in the *Schedule* to the Tribunal or at the hearing of the Originating Application, or of its own motion —
 - (a) require a party to furnish, electronically or otherwise, to the person specified by the Judge, further particulars of the grounds upon which that party relies and of any facts and contentions relevant thereto; or
 - (b) require one party to grant to another such discovery or inspection (including the taking of copies) of documents as might be granted by the Tribunal, and may appoint the time at or within which and the place at which any act required in pursuance of this rule is to be done.
- (2) The Judge may, on the application of a party made either by Notice in Form J in the *Schedule* to the Tribunal or at the hearing of the Originating Application, or of its own motion —
 - (a) require the attendance of any person including a party, as a witness; and
 - (b) if it does so require the attendance of a person, require him to produce any document relating to the matter to be determined, and may appoint the time and place at which the person is to attend and, where appropriate, the time at or within which and the place at which any such document is to be produced.
- (3) The Judge may on the application of a party made by Notice in Form K in the *Schedule* to the Tribunal or of its own motion, require a party in writing to furnish to the Tribunal a written answer to any question if it considers that —
 - (a) the answer of the party to that question may help to clarify any issue likely to arise for determination in the proceedings; and
 - (b) it would be likely to assist the progress of the proceedings for that answer to be available to the Tribunal before the hearing, and may appoint the time within which the written answer is to be furnished.
- (4) Upon the imposition of an order under paragraph (3) the Tribunal shall send a copy of the order and a copy of the answer to each other party.
- (5) The Judge shall take account of a written answer furnished pursuant to paragraph (3) in the same way as it takes account of representations in writing presented by a party pursuant to rule 5(5) and 5(6).
- (6) Where an order has been imposed under paragraph (1), (2) or (3) —

- (a) on a party in his absence; or
- (b) on a person other than a party,

that party or person may make an application to the Tribunal to vary or set aside the order by Notice in Form L in the *Schedule* to the Tribunal given before the time at which or, as the case may be, the expiration of the time within which the order is to be complied with; and the Tribunal shall give notice of the application to each party or, where applicable, to each party other than the party making the application.

- (7) If an order under paragraph (1) or (3) is not complied with, the Judge, before or at the hearing, may strike out the whole or part of the Originating Application, or, as the case may be, of the Notice of Appearance, and where appropriate, direct that a Respondent shall be debarred from defending altogether.

PART IV – HEARINGS AND PROCEEDINGS

HEARINGS

19. Time and place of hearing.

- (1) The President shall instruct the Listing Officer to fix the date, time and place of the hearing of the Originating Application and the Listing Office shall send to each party a Notice of Hearing in Form M in the *Schedule* together with information and guidance as to attendance at the hearing, witnesses and bringing of documents, representation by another person and the making of written representations.
- (2) The Tribunal shall send the Notice of Hearing to every party not less than fourteen days before the date fixed for the hearing except where the Tribunal has agreed a shorter time with the parties in writing.
- (3) If the Applicant does not intend to appear at the hearing either personally or by a representative, the Applicant once duly served, should —
 - (a) inform the Tribunal in writing immediately of his intention not to appear with reasons;
 - (b) indicate whether he intends to rely on any written representation; and
 - (c) indicate if he desires the hearing to proceed in his absence.

20. Hearings.

- (1) Any hearing of an Originating Application shall be heard by a Judge in open court or via online services or both.

- (2) Notwithstanding paragraph (2), the Judge may sit in private for the purpose of hearing —
 - (a) evidence, which in the opinion of the Judge relates to matters of such a nature that it would be against the interest of national security to allow evidence to be given in public; or
 - (b) evidence from any person, which in the opinion of the Judge is likely to consist of —
 - (i) information which he could not disclose without contravening a prohibition imposed by or under any written law; or
 - (ii) any information which has been communicated to him in confidence, or which he has otherwise obtained in consequence of the confidence reposed in him by another person.

POWERS OF JUDGE

21. Powers of Judge.

- (1) The Judge may —
 - (a) if the Applicant at any time gives Notice of the Withdrawal of his Originating Application in Form O in the *Schedule*, deem the proceedings to have been dismissed;
 - (b) if both or all of the parties agree in writing or orally before the Tribunal upon the terms of a decision to be made by the Tribunal, it is decided accordingly;
 - (c) consider representations in writing which have been submitted by or on behalf of a party to the Tribunal pursuant to rule 3(5) and 3(6) but not less than seven days before the hearing;
 - (d) at any stage of the proceedings, order any Defence to be struck out on the grounds that it is scandalous, frivolous or vexatious;
 - (e) at any stage of the proceedings, order to be struck out any Originating Application, Notice of Appearance or Defence, on the grounds that the manner in which the proceedings have been conducted by or on behalf of the Applicant or as the case may be, the Respondent has been scandalous, frivolous or vexatious;
 - (f) on the application of the Respondent, or of its own motion, order an Originating Application to be struck out for want of prosecution;
- (2) The Judge may —

- (a) before determining an application under rule 8 or 23, require the party making the application to give notice of it to every other party; and such notice shall —
 - (i) give particulars of the application; and
 - (ii) indicate the address to which and the time within which any objection to the application shall be made, being an address and time specified for the purposes of the application by the Tribunal;
- (b) postpone the day or time fixed for, or adjourn any hearing and vary such postponement or adjournment.
- (3) The functions of the Registry may be performed by a person designated and authorised by the President.

22. Call Over and Mention Dates to ensure active case progression

- (1) The judge may permit Call Over or Mention Dates to ensure that each matter before the Tribunal proceeds in a timely, efficient and just manner, and to prevent undue delay or the accumulation of a backlog of cases.
- (2) Upon the filing of an Originating Application, the Tribunal may schedule an initial date, ordinarily within thirty days of the date of filing, for the purpose of—
 - (a) reviewing the status of pleadings;
 - (b) identifying any preliminary or interlocutory issues;
 - (c) giving directions for disclosure and exchange of witness statements or documents; and
 - (d) fixing any subsequent procedural time lines.
- (3) The Tribunal may, of its own motion or upon application by a party, schedule one or more Mention Dates at any stage of the proceedings to —
 - (a) monitor compliance with directions or orders;
 - (b) assess readiness for hearing;
 - (c) consider settlement discussions or alternative dispute resolution; or
 - (d) address any issue which may cause delay.
- (4) Where a matter has not been listed for substantive hearing within six months of the filing of the Originating Application, the Tribunal may schedule a Mention Date to assess the reasons for delay and determine an expedited course of action.
- (5) Parties shall attend Mention Dates either in person or through duly authorised representatives and failure to attend without good cause may result in —

- (a) the dismissal of the Originating Application or response for want of prosecution;
- ~~(b) the matter proceeding in the absence of the defaulting party; or~~
- ~~(c) the issuance of further directions.~~
- (6) At a Mention Date, the Tribunal may exercise all case management powers under these Rules, including —
 - (a) fixing a date for hearing;
 - (b) directing the parties to narrow issues;
 - (c) ordering disclosure or the filing of further submissions; or
 - (d) making any order necessary to ensure the just, expeditious, and economical determination of the matter.
- (7) The Tribunal shall maintain a written or electronic record of all Mention Dates and orders made therein, which shall form part of the official case file and be available to the parties upon request.

23. Restricted Reporting Orders.

- (1) In any case which involves allegations of sexual misconduct the Judge may at any time before the promulgation of its decision in respect of an Originating Application, either on the application of a party made by notice to the Tribunal or of its own motion, make a restricted reporting order.
- (2) Where the Judge makes a restricted reporting order, the order shall —
 - (a) specify the persons who may not be identified;
 - (b) remain in force until the promulgation of the decision of the Tribunal on the Originating Application to which it relates, unless revoked earlier, andthe Tribunal shall ensure that a notice of that fact is displayed on the door to the Tribunal in which the relevant proceedings are taking place.
- (3) For the purposes of this rule, ‘promulgation’ occurs on the date recorded as being the date on which the document recording the determination of the Originating Application was sent to the parties.

24. Extension of time.

- (1) The Judge may on the application of a party or of his own motion extend the time for doing any act appointed by or under these Rules (including this rule) and may do so whether or not the time so appointed has expired.
- (2) An application under paragraph (1) shall be made by presenting to the Tribunal a Notice of Application for Extension of Time in Form P in the

- (a) the dismissal of the Originating Application or response for want of prosecution;
 - (b) the matter proceeding in the absence of the defaulting party; or
 - (c) the issuance of further directions.
- (6) At a Mention Date, the Tribunal may exercise all case management powers under these Rules, including —
- (a) fixing a date for hearing;
 - (b) directing the parties to narrow issues;
 - (c) ordering disclosure or the filing of further submissions; or
 - (d) making any order necessary to ensure the just, expeditious, and economical determination of the matter.
- (7) The Tribunal shall maintain a written or electronic record of all Mention Dates and orders made therein, which shall form part of the official case file and be available to the parties upon request.

23. Restricted Reporting Orders.

- (1) In any case which involves allegations of sexual misconduct the Judge may at any time before the promulgation of its decision in respect of an Originating Application, either on the application of a party made by notice to the Tribunal or of its own motion, make a restricted reporting order.
- (2) Where the Judge makes a restricted reporting order, the order shall —
- (a) specify the persons who may not be identified;
 - (b) remain in force until the promulgation of the decision of the Tribunal on the Originating Application to which it relates, unless revoked earlier, and
- the Tribunal shall ensure that a notice of that fact is displayed on the door to the Tribunal in which the relevant proceedings are taking place.
- (3) For the purposes of this rule, ‘promulgation’ occurs on the date recorded as being the date on which the document recording the determination of the Originating Application was sent to the parties.

24. Extension of time.

- (1) The Judge may on the application of a party or of his own motion extend the time for doing any act appointed by or under these Rules (including this rule) and may do so whether or not the time so appointed has expired.
- (2) An application under paragraph (1) shall be made by presenting to the Tribunal a Notice of Application for Extension of Time in Form P in the

Schedule which shall state the title of the proceedings and shall set out the grounds of the application.

- (3) The Tribunal shall give Directions by Order in Form U to each of the parties of any extension of time granted under this rule.

25. Joinder and representative Respondents.

- (1) The Judge may at any time on the application of any person made by Notice to the Tribunal in Form Q in the *Schedule* or of its own motion, direct any person against whom any relief is sought to be joined as a party, and give such consequential directions as it considers necessary.
- (2) The Judge may likewise, on such application or of its own motion, order that any Respondent named in the Originating Application or subsequently added, who appears to the Judge not to have been, or to have ceased to be directly interested in the subject of the Originating Application, be dismissed from the proceedings.
- (3) Where a number of persons have the same interest in an Originating Application, one or more of them may be cited as the person or persons against whom relief is sought, or may be authorised by the Judge before or at the hearing, to defend on behalf of all the persons so interested.

26. Consolidated proceedings.

- (1) Where, in relation to two or more Originating Applications pending before a Judge, it appears to the Judge on application of a party made by Notice in Form R in the *Schedule*, that —
 - (a) a common question of law or fact arises;
 - (b) the relief claimed is in respect of or arises out of the same set of facts; or
 - (c) for any other reason it is desirable to make an order under this rule,he may order that the all or some of the Originating Applications be considered together, and give such consequential directions as he considers necessary.
- (2) The Judge shall only make an order under this rule if he has sent notice to all of the parties concerned.
- (3) The Judge may, on the application of a party made by Notice to the Tribunal in Form S in the *Schedule* or of its own motion, vary or set aside an order made in Form W under this rule but shall not do so unless it has given each party an opportunity to make either oral or written representations before the order is varied or set aside.

PROCEEDINGS

27. Entitlement to bring or contest the proceedings.

- (1) The Judge may at any time before the hearing of an Originating Application, on the application of a party made by Notice in Form N to the Tribunal or of its own motion, determine any issue relating to the entitlement of any party to bring or contest the proceedings to which the Originating Application relates.
- (2) The Judge shall not determine such an issue unless the Tribunal has sent notice to each of the parties giving them an opportunity to submit representations in writing and to advance oral argument before the Tribunal.

28. Record of proceedings.

- (1) There shall be provided adequate equipment for recording mechanically the evidence and proceedings in every cause or matter, heard before the Tribunal.
- (2) Every such recording may be preserved and filed by the Tribunal in the cause or matter to which it relates and in regard to the evidence and proceedings taken in that particular cause or matter.
- (3) The provisions of this section shall be in addition to and not in derogation of the provisions of any law relating to the taking of notes by the presiding Judge of the Tribunal and shall constitute the record of the Tribunal.
- (4) For the purposes of this section and any other law, a reference to a “**transcription**” of the evidence or record of the proceedings in the Tribunal includes —
 - (a) a reference to a typewritten record of the evidence and proceedings mechanically recorded as in this section provided and such record to be certified when required by a judge; and
 - (b) any notes of evidence, prepared by a judge or by a person designated by the President to perform the duties of Tribunal reporter, such record to be certified by the requisite judge;
 - (c) a reference to any artificial intelligence companion used to mechanically record proceedings, such record to be certified by the requisite judge.

29. Jurisdiction.

All proceedings shall be governed by the laws of the Commonwealth of The Bahamas.

DECISIONS OF TRIBUNAL

30. Decision of Tribunal.

- (1) A decision may be given orally at the end of a hearing or reserved, and shall be recorded in a document signed by the Judge.
- (2) Where the Tribunal has delivered an oral decision or ruling, the presiding member or panel shall cause a written decision, including the Tribunal's reasons, to be prepared and issued to the parties within twenty-one days of the oral pronouncement, unless the President of the Tribunal grants an extension for good cause shown.
- (3) The Judge shall, in his written decision give reasons for his decision within two months of the hearing signed by him.
- (4) Where the Judge makes an award of compensation, the decision shall also contain a statement of the amount of compensation awarded, followed either by a table showing how the amount or sum has been calculated or by a description of the manner in which it has been calculated.
- (5) The written decision shall set out —
 - (a) the issues for determination;
 - (b) a summary of the evidence and submissions; and
 - (c) the findings of fact and law,and upon completion, shall be uploaded and filed on the portal and served on the parties without undue delay.
- (6) A decision of one judge may be read and delivered by another judge, if necessary.

SETTLEMENT BY CONSENT ORDER

31. Settlement by consent.

- (1) The parties may, by consent, before the Tribunal agree to terms and conditions for full settlement and such agreement must be —
 - (a) detailed in a consent order specifying —
 - (i) the commencement date
 - (ii) the total sum to be paid;
 - (iii) the amount of the instalments;
 - (iv) the period of the agreement;
 - (v) the expiration date of the agreement; and
 - (vi) the time for completion for the instalment payments.
 - (b) signed by the party or his legal representative in Form G; and

- (c) filed at the Tribunal.
- (2) In complying with paragraph (1), the Respondent may at any time after he has entered an Appearance, pay the Applicant —
 - (a) by deposit into his bank account or by online transaction —
 - (i) a sum of money in full and final settlement; or
 - (ii) the balance owed in satisfaction of the sum owing,
and shall give Notice thereof in Form X or Form Y to the Applicant and every other Respondent (if any);
 - (b) in person or to his legal representative.
- (3) Within three days after receiving the notice referred to in paragraph (2), the Applicant must file a Notice of Withdrawal.

PART V - APPEALS TO THE COURT OF APPEAL

32. Application of overarching law.

- (1) The provisions of this Part shall be subject to the provisions of the Industrial Relations Act (*Ch. 321*) and the Court of Appeal Act (*Ch. 52*) and any rules made thereunder, and shall be construed consistently therewith.
- (2) In the event of any conflict or inconsistency, the provisions of the Court of Appeal Act and the Court of Appeals Rules shall prevail.

33. Contents of the record of appeal.

The Record of Appeal to be transmitted to the Court of Appeal shall comprise the following documents, arranged in chronological order and appropriately indexed and paginated —

- (a) the Notice of Appeal filed by the Appellant;
- (b) the Ruling or Decision of the Industrial Tribunal which is the subject of the appeal, including any written reasons provided by the Tribunal;
- (c) the official transcript of the proceedings or, where a transcript is unavailable, a certified summary of the evidence and submissions presented before the Tribunal;
- (d) all pleadings, including applications, affidavits, witness statements, and written submissions filed by the parties;
- (e) any exhibits, documents or materials admitted into evidence;
- (f) interlocutory rulings or directions relevant to the appeal;

- (g) the certified order or final award of the Tribunal; and
- (h) such other documents as may be necessary or as directed by the Court of Appeal.

34. Preparation and certification.

- (1) The Record of Appeal shall be prepared by the Appellant unless the Tribunal directs otherwise.
- (2) The Tribunal shall —
 - (a) verify its completeness; and
 - (b) certify the Record of Appeal as accurate and complete.

35. Orders of the Registrar to Prevail

- (1) Where any direction, decision or order is made by the Registrar of the Court of Appeal in respect of the amendment or certification of the Record of Appeal, such direction, decision or order shall take precedence over these Rules.
- (2) The Tribunal and the parties shall give full effect to any such order or direction of the Registrar, notwithstanding any provision to the contrary herein.

EXTENSION OF TIME TO APPEAL

36. Authority to extend time.

An application for an extension of time within which to appeal, whether in respect of a substantive appeal or an interlocutory appeal, shall be made to, and may only be granted by, the Court of Appeal.

37. Tribunal's lack of jurisdiction

The Tribunal has no jurisdiction to extend the time within which to appeal or to excuse non-compliance with the statutory or procedural time lines for the initiation of appeals.

38. Application requirements for application.

Any application to extend time shall comply with the procedural requirements set forth in the Court of Appeal Rules.

DISTINCTION BETWEEN INTERLOCUTORY AND SUBSTANTIVE APPEALS

39. Interlocutory appeals defined.

An interlocutory appeal is an appeal from a procedural or interim ruling of the Industrial Tribunal that does not finally determine the substantive rights of the parties, such as rulings on admissibility of evidence, jurisdictional objections, or procedural directions.

40. Determination on the papers with consent of the parties.

- (1) This Rule applies to the determination of preliminary points of law or fact, and interlocutory applications, where the nature of the matter is such that it may be resolved without an oral hearing.
- (2) Where all parties to a matter consent in writing, the Tribunal may determine any preliminary point or interlocutory application on the basis of the written submissions and documents filed, without requiring the attendance of the parties or the conduct of an oral hearing.
- (3) A party seeking to proceed under this Rule shall file a formal application identifying:
 - (a) the preliminary issue or interlocutory relief sought; and
 - (b) the written consent of all parties to a determination on the papers.
- (4) Upon receipt of the application, the Tribunal shall, where appropriate, fix a timetable for the filing of submissions and evidence in support or in opposition.
- (5) Written submissions shall include:
 - (a) a concise statement of the legal and factual basis of the application;
 - (b) copies of any relevant documents or exhibits; and
 - (c) any statutory or case law authorities relied upon.
- (5) Notwithstanding the consent of the parties, the Tribunal may direct that an oral hearing be held if it considers that —
 - (a) the matter raises issues of law or fact which require oral argument or clarification;
 - (b) the interests of justice so require; or
 - (c) it would otherwise be more efficient or appropriate to do so.
- (6) The Tribunal shall issue a written ruling setting out its decision and brief reasons, which shall be communicated to the parties in accordance with the Rules.
- (7) A determination made under this Rule shall have the same force and effect as a ruling delivered following an oral hearing.

41. Substantive appeals defined.

A substantive appeal arises from a final judgment, order, or award that determines the material issues between the parties and concludes the Tribunal's adjudicative role in respect of the matter.

42. Leave to appeal.

An interlocutory appeal may require leave of the Court of Appeal, whereas a substantive appeal may lie as of right or by leave, depending on the enabling statute and the Court of Appeal Rules.

TREATMENT OF EVIDENCE ON APPEAL

43. Fresh evidence.

No additional or fresh evidence shall be admitted on appeal unless the Court of Appeal grants leave to do so in accordance with its rules.

INTEGRATION OF DIGITAL SYSTEMS AND ELECTRONIC PRACTICE

44. Purpose.

The Tribunal shall promote and adopt the use of digital systems, including electronic filing, case management, document management, and communication platforms, in order to improve the efficiency, accessibility, and transparency of its proceedings.

45. Enabling framework.

The implementation of a digital system shall be subject to —

- (a) the provisions of the Industrial Relations Act; and
- (b) any other applicable law or regulation, including directives issued by the President of the Tribunal.

46. Electronic filing and service.

- (1) Parties shall file documents and submissions electronically through an authorised digital filing system approved by the Tribunal.
- (2) Where electronic filing is used, service may be effected electronically in accordance with Tribunal practice directions or orders.
- (3) The date and time of electronic filing or service shall be determined by the system-generated receipt or confirmation.

47. Virtual hearings.

- (1) The Tribunal may, with or without the consent of the parties, direct that all hearings, or interlocutory applications be conducted by audio-visual or telecommunication means or in person in open court or via online services or both.
- (2) Any direction for a virtual hearing shall ensure that the principles of fairness, open justice, and due process are preserved.

48. Digital record keeping and evidence.

- (1) The Tribunal may accept into evidence documents and materials submitted in digital format, including electronic records, recordings, and digital exhibits, subject to rules of admissibility.
- (2) The Record of Appeal may be compiled, transmitted, and certified electronically, where authorised by the Registrar of the Court of Appeal.

49. Access and security.

- (1) Digital systems used by the Tribunal must ensure secure access, protect the confidentiality and integrity of information, and prevent unauthorised disclosure.
- (2) Appropriate access may be provided to parties, legal representatives, Tribunal members, and authorised officials through secure login protocols.

50. Practice Directions.

The President of the Tribunal may issue practice directions or procedural guidelines to give effect to this Rule, including specifying the format, mode of transmission, and technical standards for electronic documents, hearings, and filings.

51. Transitional Measures.

- (1) To facilitate the transition to digital practice, hybrid procedures allowing both physical and electronic formats may be permitted.
- (2) The Tribunal shall take reasonable steps to accommodate parties who may lack access to digital tools, ensuring that such parties are not disadvantaged in the presentation of their cases.

TIME LIMITS AND EXTENSION OF TIME TO APPEAL

52. Substantive appeals - time limit

An appeal from a final decision or award of the Tribunal (a substantive appeal) shall be instituted within six weeks of the date on which the decision was delivered or made available to the parties in writing, whichever is later, or extended by the Court of Appeal.

53. Interlocutory appeals - time limit

An appeal from an interlocutory ruling or order of the Tribunal shall be instituted within fourteen days of the date of the Ruling, unless the Court of Appeal otherwise orders.

54. Application for extension of time.

An application to extend the time for filing either a substantive or interlocutory appeal shall be made to the Court of Appeal.

55. Revocation of S.I. No. 136 of 2010.

The Industrial Relations Tribunal (Procedure) Rules, 2010 are hereby repealed.

SCHEDULE

The forms contained in this Schedule may be adapted as the circumstances of each case may require.

FORM A

(Rule 5(1))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

ORIGINATING APPLICATION

To: Office of the Industrial Tribunal
Nassau, Bahamas

I hereby apply to the Industrial Tribunal for a decision in a dispute pursuant to the provisions of the Industrial Relations Act (*Ch. 321*) as between myself and the Respondent(s) mentioned herein.

2. Applicant's Information: *Mr./Mrs./Miss (Surname first in block capitals first)

Address: _____

Telephone No. _____ Date of Birth: _____

Email address: _____

3. If a representative has agreed to act for you in this case, please give his or her name and address below and note that further communications from Tribunal will be sent to your representative and not to you.

Name of Representative _____

Address _____

Telephone No. _____ Email address: _____

4. Respondent(s) Information: (in block capitals)(i.e. the employer, person or body against whom a decision is sought).

Address(es) _____

Telephone No. _____

5. Respondent's relationship to you for the purpose of the application (e.g. employer, trade union, employment agency, employer recognizing the union making application, etc.).

6. Place of employment to which this application relates, or place where dispute arises.

7. Particulars of employment: position held/applied for, or other relationship to the Respondent named above is (e.g. user of a service supplied in relation to employment).

8. Dates employment began _____ Termination Date _____

9. Basic wages/salary _____

10. Other remuneration of benefits _____

11. Normal basic weekly hours of work _____

12. Please explain the grounds for your application below. It will be helpful to the Tribunal if you can give details of the reasons for the application; you will be able to amplify them at the hearing.

13. If you wish to state what in your opinion was the reason for your dismissal, please do so here. _____

14. If the Tribunal decides that you were wrongly/unfairly dismissed, please state which of the following you would prefer:

- (a) reinstatement - to carry on working in your old job as before;
- (b) re-engagement - to start another job, new contract with your old employer;
- (c) compensation - an award of money.

The Tribunal shall consider your preference but shall not be bound by it.

Dated the _____ day of _____ 20_____

_____(Signature)
Applicant/Representative for Applicant

*Delete inappropriate items.

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FORM B
(Rule 5(3))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.... of

In the Matter of the Industrial Relations Act

Applicant

v.

Respondent

NOTICE FOR FURTHER AND BETTER PARTICULARS TO THE
ORIGINATING APPLICATION

To: Office of the Industrial Tribunal
Nassau, Bahamas

To: (Party To Be Served)

1. By virtue of the powers conferred upon her/him under rule 3(3) and (4) of the Industrial Tribunal Procedure Rules, the Judge makes the following directions —

That the Applicant provide the Tribunal with Further and Better Particulars of claim along with evidence relied on in relation to this claim.

2. Sufficient particulars in support of the Originating Application required under paragraph 1 of this notice should be furnished in writing to the Tribunal to this office within fourteen (14) days of the date of this Notice.

3. Your attention is drawn to the fact that rule 3(4) provides that if a direction made under rule 3(3) is not complied with, the Tribunal may strike out the whole or part of the Originating Application: provided that the Tribunal shall not strike out or give such a direction unless it has sent Notice to the Applicant giving him an opportunity to show cause why such should not be done.

Dated the day of 20

.....
(signature) Judge of Industrial Tribunal

FORM C
[Rule 6(b)]

COMMONWEALTH OF THE BAHAMAS

No. BIT [NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF ORIGINATING APPLICATION

To: Office of The Industrial Tribunal
Nassau, Bahamas

To: (Respondent's Address)

I enclose a copy of an Originating Application for a Decision of the Tribunal in which you are named as Respondent. Under the Rules of Procedure you are required to enter an Appearance within seven (7) days of receiving the copy of the Originating Application. You can do this by completing and sending to the Tribunal the enclosed Form D of Notice of Appearance. This Form and any other communications must be addressed to the Tribunal and delivered to the Tribunal at the above address.

The proceedings on this application will be regulated by the rules of procedure contained in Industrial Tribunal (Procedure) Rules. The case number and year of the Application is indicated above and should be quoted in any communications with regard to these proceedings.

If you name a representative, further communications regarding the case will be sent to him and not to you, and you should arrange to be kept informed of the progress of the case and of the Hearing date. When the application is heard by the Tribunal the parties (other than a Respondent who has not entered an Appearance) may appear and be heard in person or be represented by anyone they choose.

If you do not submit the Tribunal the completed Form you will not be entitled to take any part in the proceedings (except to apply for an extension of time to enter an Appearance) or to receive any further Notice of the proceedings and a decision may be given against you in your absence. Whether or not you enter an Appearance you will be sent a copy of the decision.

Dated theday of, 20

.....
(Signature) Industrial Tribunal

FORM D
(Rule 7)

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF APPEARANCE

To: Office of The Industrial Tribunal
Nassau, Bahamas

I do/do not intend to resist the claim made by the Applicant(s).

1. My/ Name is Mr/Mrs/Miss/title (if company or organization) _____
2. My address is: _____
3. Telephone No: _____ Mobile No.: _____
Email address: _____

If you have arranged to have a representative to act for you, give his name and address below and note that further communications will be sent to him and not to you.

4. Name of Representative: _____
5. Address: _____
6. Telephone No: _____ Mobile No.: _____
Email address: _____

Dated the _____ day of _____ 20_____

Respondent(s) Signature

*Delete inappropriate items

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FORM E

(Rule 7(3))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....
Applicant

v.

.....
Respondent

DEFENCE

To: Office of The Industrial Tribunal
Nassau, Bahamas

1. I hereby submit a Defence to the Tribunal pursuant to rule 7(3) of the Industrial Tribunal (Procedure) Rules.

2. *My/Our name is *Mr./Mrs./Miss/title (if Company) _____

Address _____

Telephone: _____ Email address _____

3. If you have arranged to have a representative to act for you, give his name and address below:

Name of Representative: _____

Telephone No: _____ Email address _____

4. (a) Was the Applicant dismissed? YES/NO

(b) If YES, What was the reason for dismissal? _____

(c) Are the dates given by the Applicant as to his period of employment correct? *YES/NO

(d) If NO, give dates of commencement and termination
commencement: _____ termination: _____

(e) Are details of remuneration stated by the Applicant correct? *YES/NO

(f) If not, or if the Applicant has not stated such details, give the correct remuneration here: _____

(g) Employee's occupation or position _____

(h) Employee's Rank: (a) Line Staff [] (b) Supervisory [] (c) Managerial []

Basic wages/salary _____ other remuneration _____

5. Give below sufficient particulars to show the grounds on which you intend to resist the application. It will be helpful to the Tribunal if you give details of your reasons for resisting it: you will be able to add to them at the hearing (continue on reverse if there is insufficient space below).

Dated the _____ day of _____ 20_____

(Signature) Respondent (s)

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FORM F

[Rule 16]

COMMONWEALTH OF THE BAHAMAS

No. BIT/NP/NR of

In the Matter of the Industrial Relations Act (Chapter 321)

BETWEEN:

.....
Applicant

v.

.....
Respondent

APPEARANCES:

BEFORE:

ORDER ON DIRECTIONS

WHEREAS:

(1) In accordance with Rule 16 of the Industrial Tribunal (Procedure) Rules a Notice for an Originating Application - Form A was sent on [*specify date*] by the Tribunal, to to the Applicant; and

(2) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the; and

(3) A Notice of Application to the Respondent – Form C and a Notice of Appearance – Form D was sent to the Respondent on [*specify date*]; and

(4) That a Notice of Appearance - Form D was filed onand a Defence – Form E has been filed on in the Tribunal by the Respondent; and

(5) Pursuant to Rule 16(1) of the Industrial Tribunal (Procedure) Rules the Tribunal set a fixture for the Order on Directions on the [*specify date*]:

IT IS HEREBY ORDERED by consent of the parties:

- (a) That the Applicant will file Witness Statements, Submissions and Skeletons on or before
- (b) That the Respondent will file Witness Statements, Submissions and Skeletons on or before

- (c) There shall be a mutual exchange of documents on [*specify date*] date;
- (d) That the parties agreed to an estimated one (1) day of hearing;
- (e) That the parties agreed that the Applicant would call one (1) witness and the Respondent would call one (1) witness;
- (f) That the parties will continue to have settlement discussions and if an agreement is met they will inform the Tribunal of the same.
- (g) That this matter is set down for Mention on theat

AND THIS IS THE ORDER OF THIS Tribunal

Dated this.....day ofA.D. 20.....

.....
(Signature and name of Judge)

*Amend as necessary
Delete inappropriate items

FORM G
(Rule 31)

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act (*Ch. 321*)

BETWEEN:

.....
Applicant

v.

.....
Respondent

APPEARANCES:

BEFORE:

SETTLEMENT BY CONSENT ORDER

WHEREAS:

- (1) In accordance with Rule 31 of the Industrial Tribunal (Procedures) Rules, a Notice for an Originating Application - Form A was sent on *[state date]* to the Industrial Tribunal, to the Applicant;
- (2) No Originating Application was filed in the Tribunal **OR** An Originating Application was filed on *[specify date]*;
- (3) A Notice of hearing – Form F dated *[specify date]* listed the matter for Hearing on Directions on *[specify date]* and was sent in accordance with Rule 16 by the Industrial Tribunal to the Applicant and the Respondent respectively;
- (4) The Applicant, *[specify name of Applicant]* and the Representative *[specify name]* for the Respondent *[specify name]* appeared before the Tribunal and —
 - (a) consented to settlement discussions to agree the terms and conditions for full settlement;
 - (b) agreed to an adjournment to have settlement discussions;
- (5) The Respondent without admitting any liability to the Applicant whatsoever has agreed to pay the Applicant *[specify sum]* as final payment and/or agreed to settle the matter on terms as follows:
 - (a) ;
 - (b) ; and
 - (c) .
- (6) That on *[specify date]*, the Applicant filed into the Tribunal a signed Notice of Withdrawal – Form O; and

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

The claim referred to the Tribunal on *[specify date]* is decided accordingly pursuant to Rule 31

AND THIS IS THE DECISION OF THIS TRIBUNAL

Dated this day of A.D. 20

.....
(Signature and name of Judge)

*Delete inappropriate items
To be amended as necessary

FORM H

[Rule 17]

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

To: Office of The Industrial Tribunal
Nassau, Bahamas

ORDER FOR COMPLIANCE WITH DIRECTIONS (UNLESS ORDER)

WHEREAS by Originating Application filed [*specify date*], Notice of Appearance filed [*specify date*], Defence filed [*specify date*], Order on Directions filed [*specify date*].

IT IS HEREBY ORDERED that unless within fourteen (14) days of service/pronouncement of this order the *Applicant/Respondent....[*insert action to be performed by the party e. g. files and serves his witness statement*]..... in compliance with the order(s) of this Tribunal given on [*insert date(s) of order(s) made*] in this dispute, the *Originating Application/Defence shall be struck out and a Decision entered for the *Applicant/Respondent.

AND TAKE NOTICE that the Tribunal shall not strike out the *Originating Application/Defence if the party to whom this order is directed applies to the Tribunal before the fourteen [14] day limitation period has elapsed for an extension of time within which to comply, or vary or set aside of the Order for Compliance. A party who seeks such extension of time or variation or setting aside of the Order for Compliance shall show in support of the application a reasonable excuse for non-compliance with the order and reasonable grounds for such extension variation or setting aside of the Order of the Tribunal.

AND THIS IS THE ORDER OF THIS Tribunal

Dated this.....day ofA.D. 20.....

.....

(Signature and name of Judge)

*Delete inappropriate items

FORM I

(Rule 18(1))

NOTICE FOR FURTHER AND BETTER PARTICULARS

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.....of.....

In the Matter of the Industrial Tribunal Relations Act

.....
Applicant
v.
.....
Respondent

To: Office of the Industrial Tribunal
Nassau, Bahamas

*I/We, the Applicant/Respondent in this matter, hereby apply to the Tribunal, pursuant to Rule 18(1) of the Industrial Tribunal (Procedure) Rules, for an order directing the *Applicant/Respondent —

(a) to furnish me/us with Further and Better Particulars of the grounds relied upon. The particulars requested are as follows:

(b) to provide me/us with a list of documents which are or have been in his possessions/ or power relating to the matter in these proceedings;

(c) to proceed for inspection at (*specify address*)

The following documents: (*specify*) _____

and that *Applicant/Respondent be at liberty to inspect and peruse the documents so produce at to take copies and extracts therefrom at (*specify*) _____ expense.

Dated the _____ day of _____ 20_____

(Signature)
The*Applicant/Respondent

*Delete inappropriate items.

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Date of receipt	Initials

FORM J
(Rule 18(2))

NOTICE FOR ATTENDANCE AS A WITNESS AND PRODUCTION OF DOCUMENTS AT
HEARING

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

To: Office of The Industrial Tribunal
Nassau, Bahamas

*I/We, the *Applicant/Respondent in this matter hereby apply to the Tribunal pursuant to Rule 18(2) of the Industrial Tribunal (Procedure) Rules, for a direction that:

[Specify name] of [specify address], [specify email address] attend to give evidence in the above matter at [specify address] on [specify date] at [specify time] o'clock a.m./p.m. and at any adjourned hearing of the proceedings and to produce the following documents: (*specify documents*).

Dated the _____ Day of _____ 20 _____

(Signature)

*Applicant/Respondent

*Delete inappropriate item.

For Official Use

Date of receipt	Initials

FORM K
(Rule 18(3))

NOTICE FOR INTERROGATORIES

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

To: Office of Industrial Tribunal
Nassau, Bahamas

*I/We, the * Applicant/Respondent in this matter, hereby apply to the Tribunal, pursuant to Rule 18(3) of the Industrial Tribunal (Procedure) Rules, for an order directing the *Applicant/Respondent to furnish *me/us with written answers to the following questions: (Here set our interrogatories in the form of concise question, each interrogatory to be set out in a separate paragraph and numbered consecutively.)

Dated the _____ day of _____ 20 _____

(Signature)
*Applicant/Respondent

*Delete inappropriate items.

For Official Use

Date of receipt	Initials

FORM L
(Rule 18(6))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

**NOTICE TO VARY OR SET ASIDE DIRECTION UNDER RULE 18(1),(2) OR (3) OF THE
INDUSTRIAL TRIBUNAL (PROCEDURE) RULES**

To: Office of The Industrial Tribunal
Nassau, Bahamas

*I/We, the * Applicant/Respondent in this matter, hereby apply to the Tribunal, pursuant to Rule 18(6) of the Industrial Tribunal (Procedure) Rules, to *vary/set aside the direction of the Tribunal dated _____ requiring _____ (name the party or person) _____ to _____ (specify direction) _____.

Dated the _____ day of _____ 20 _____

(Signature)

*Applicant/Respondent

*Delete inappropriate items

For Official Use

Date of receipt	Initials

FORM M
(Rule 16(3), 19(1))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF APPLICATION FOR DIRECTIONS/NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the application of (specify name), of (specify address) has been listed for hearing by the Tribunal at (place of hearing) on _____ the _____ day _____ 20__ at ____ o'clock ____ a.m. /p.m.

1. Attendance should be the above time and place. The parties (other than a Respondent who has not entered an Appearance) are entitled to appear at the hearing and to state their case in person or by a representative or by a counsel and attorney. A party can choose not appear and can rely on written representations (Which if additional to any already submitted must be sent to the Tribunal and copied to the other parties not less than seven (7) days before the hearing). However, experience has shown that it is normally in the interest of each party and his witness (if any) to attend in person even if they have made statements or representation in writing.
2. It is very important that each party should bring the hearing any documents that may be relevant (e. g. a letter of appointment, contract of employment, pay slips, evidence of unemployment and national insurance benefit, wages book; detail of benefits and contributions under any pension or superannuation scheme etc.)
3. If the complaint is for Unfair Dismissal the Tribunal may wish to consider whether to make an order for reinstatement or re-engagement. In such a case the Respondent should be prepared at the hearing as to the availability of the job from which the Applicant was dismissed or comparable or suitable employment or generally as to the practicability or reinstatement or re-engagement of the Applicant by the Respondent.
4. If for any reason a party (other than a Respondent who has not entered an appearance) does not propose to appear at the hearing, either personally or by representative, he should inform the Tribunal immediately, in writing, giving the reason and the case number and year. He should also state whether he wishes the hearing to proceed in his absence, relying on any written representation which he has made.
5. The hearing of this case will take place the time stated above or as soon thereafter as the Tribunal can hear it. If the Applicant fails to appear at the hearing the Tribunal dismiss or dispose of the Applicant in his absence.

Dated the _____ day of _____ 20_____

(Signature) Industrial Tribunal

For Official Use

Date of receipt	Initials

FORM N

(Rule 27)

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act

.....
Applicant

v.

.....
Respondent

NOTICE OF APPLICATION ON ENTITLEMENT OF PARTY TO BRING OR CONTEST
PROCEEDINGS

To: Office of The Industrial Tribunal
Nassau, Bahamas

I, [*specify name*] of [*specify address*], the *Applicant/Respondent, hereby apply in accordance with Rule 27 of the Industrial Tribunal (Procedure) Rules for an order:

- (1) That..... (*insert name of party whose standing is challenged*)..... has no legal standing or otherwise suffers a defect in standing to appear in this action as a party or to *bring/contest this action; and
- (2) Consequently, that the *Originating Application/Defence be struck out pursuant to Rule 27 on the basis that it discloses no *dispute/defence the Applicant/Respondent has a standing to pursue and is therefore unsustainable.

Dated this day of A.D. 20

.....
(Signature) *Applicant/Respondent

*Delete inappropriate items

FORM O

(Rule 21(1)(a))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF WITHDRAWAL

To: Office of The Industrial Tribunal
Nassau, Bahamas

I, [*specify name*] of [*specify address*], the *Applicant/Respondent, wish to withdraw from the Tribunal the *Originating Application/ Defence I have made herein.

Dated the _____ day of _____ 20 _____

(Signature)

*Applicant/Respondent

*Delete inappropriate items.

For Official Use

Date of receipt	Initials

FORM Q
(Rule 24(1))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF JOINDER OF PARTIES

To: Office of The Industrial Tribunal
Nassau, Bahamas

I, *[insert name]* of *[insert address]*, hereby apply to the Tribunal in accordance with Rule 24 of the Industrial Tribunal (Procedure) Rules, for a direction that *(state the name and address of the person whom it is sought to be joined as a party/parties to the matter)*

Be joined as a party and for such consequential directions as it considers necessary.

Dated the day of 20

(Signature)

*Applicant/Respondent

*Delete inappropriate items.

For Official Use

Date of receipt	Initials

FORM R
(Rule 25(1))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20.....of.....

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

NOTICE OF CONSOLIDATION OF ORGINATING APPLICATIONS

To: Office of The Industrial Tribunal
Nassau, Bahamas

I/We, *[insert name]*, of *[insert address]*, the Applicant/Respondent in this matter, hereby apply to the Tribunal, in accordance with Rule 25 of the Industrial Tribunal (Procedure) Rules, for an order that (*state the case number and year of the Originating Applications*) be considered together and for such consequential directions as it considers necessary.

Dated the day of 20

(Signature) *Applicant/Respondent

*Delete inappropriate items.

For Official Use

Date of receipt	Initials

FORM T
(Rule 15(4))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of.....

In the Matter of the Industrial Relations Act

.....
Applicant

v.

.....
Respondent

NOTICE OF CHANGE OF REPRESENTATIVE AND/OR ADDRESS

To: Office of The Industrial Tribunal
Nassau, Bahamas

*I/We, (*specify name*) of (*specify address*), the Applicant/Respondent in this matter, hereby give notice in accordance with Rule 15(4) of the Industrial Tribunal (Procedure) Rules of change of —

- (a) representative to [*state name of representative*];
- (b) address to [*state address*] to which all notices and documents in this matter are to be sent or delivered to me.

Dated the day of 20

(Signature)
*Applicant/Respondent

*Delete inappropriate items.
Amend as necessary

For Official Use

Date of receipt	Initials

FORM U

(Rule 23(3))

.....

Applicant

v.

.....

Respondent

[specify name of judge]

ORDER FOR EXTENSION OF TIME

APPEARANCES

For the Applicant

For the Respondent

Before _____ Judge of the Industrial Tribunal on _____

In accordance with Rule 23(3) of the Industrial Tribunal (Procedure) Rules for an Order directing the Applicant/Respondent to file and serve on the Applicant/Respondent its (*Originating Application/ Appearance/ Defence /Skeleton Arguments/*Witness Statements/*Bundle of Authorities);

AND UPON HEARING [specify name] of Counsel/Legal Representative for the Applicant and _____ of Counsel/Legal Representative for the Respondent;

IT IS HEREBY ORDERED THAT:

The Applicant/Respondent file and serve on the Applicant/Respondent its _____ on or before _____, 20 .

BY ORDER OF THE TRIBUNAL

*Delete inappropriate item

FORM V

(Rule 18(2), (3) & (4))

COMMONWEALTH OF THE BAHAMAS
In the Matter of the Industrial Relations Act

No. BIT[NP/NR] 20....of

BETWEEN

.....

Applicant

v.

.....

Respondent

Before

ORDER FOR ATTENDANCE/PRODUCTION OR INTERROGATORY

APPEARANCES

For the Applicant

For the Respondent

In accordance with Rule 18(2), (3), (4) making order for an Order for Production, an Order for Attendance or an order directing the Applicant to:

- (a) furnish in writing further particulars of the grounds upon which the party relies and of any facts and contentions relevant thereto; or
- (b) grant discovery or inspection (including the taking of copies) of documents as might be granted by the Tribunal.

AND UPON HEARING [*specify name and address*] Counsel/Legal Representative for the Applicant and [*specify name and address*] Counsel/Legal Representative for the Respondent;

IT IS HEREBY ORDERED THAT:

The Applicant produce further and better particulars of the grounds upon which the Applicant relies as requested at paragraph (a) or (b) above, to be filed and served on the Respondent on or before....

BY ORDER OF THE TRIBUNAL

*Delete inappropriate item
Amend as necessary

FORM W
(Rule 18(6) & 25(3))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....

Applicant

v.

.....

Respondent

ORDER TO *VARY OR *SET ASIDE*DIRECTION

Before _____ Judge of the Industrial Tribunal on _____

In accordance with Rule 18(6) or 25(3), an Application to *Vary or *Set Aside the *Direction filed in the Tribunal on _____ pursuant to Rule 18(6) of the Rules of the Industrial Tribunal (Procedure) Rules on the grounds that:

1.
2.

AND UPON HEARING _____ of Counsel/Legal Representative for the Applicant and _____ of Counsel/Legal Representative for the Respondent

IT IS HEREBY ORDERED THAT the order be *Set Aside or *Varied on the grounds that:

1.
2.

BY ORDER OF THE TRIBUNAL

*Delete inappropriate item
Amend as necessary

FORM X
(Rule 31(2))

COMMONWEALTH OF THE BAHAMAS

No. BIT[NP/NR] 20....of

In the Matter of the Industrial Relations Act

.....

APPLICANT

v.

.....

RESPONDENT

NOTICE OF PAYMENT INTO PARTY'S BANK ACCOUNT

Whereupon the Respondent having paid into the account of the Applicant the agreed settlement sum of *[state sum]*:

The Applicant, acknowledging the payment of the said sum, accepts and agrees that the Respondent is now and forever released from any and all claims arising from his employment and separation therefrom, whatsoever and howsoever arising and herewith confirms, to remove all doubt, that there remains no matter outstanding between the parties as touching the instant action.

Accordingly, this matter now stands dismissed by way of this Order of payment into the Applicant's bank account.

Dated this day of A.D., 20

FORM Z

(Rule 22)

IN THE INDUSTRIAL TRIBUNAL

Commonwealth of The Bahamas

BETWEEN

Applicant

AND

Respondent

Before:

Date of Order:

A MENTION DIRECTION ORDER

UPON CONSIDERATION of the Tribunal's case management powers under Rule 16 of the Industrial Tribunal (Procedure) Rules;

AND UPON NOTING that the Originating Application was filed on [*insert date*], and that as at the date hereof no date has been fixed for substantive hearing;

AND BEING MINDFUL of the need to ensure the just, expeditious, and economical determination of proceedings;

IT IS HEREBY ORDERED AND DIRECTED as follows:

1. Mention Hearing - A Mention Date is hereby scheduled for the [*insert date*] at [*insert time*] before the Honourable Judge [*insert name*] for the purpose of —
 - (a) reviewing the current procedural status of the matter;
 - (b) assessing compliance with any prior directions of the Tribunal;
 - (c) determining the readiness of the parties to proceed to hearing;
 - (d) and making such further orders or directions as may be necessary to expedite the resolution of this matter.
2. Attendance - Each party shall attend the mention in person or be represented by a duly authorised representative with full authority to make representations and receive directions on behalf of the party.

