

In The Commonwealth of The Bahamas

In the Supreme Court

Common Law and Equity Division

Claim No. 2025/CLE/GEN/00021

IN THE MATTER of Section 74, 75 and 83 of the Industrial Relations Act, Chapter 321

AND IN THE MATTER of Parts 17.1. (b) and 17.2 of the Supreme Court Civil Procedure Rules 2022



**THE MINISTER OF TOURISM, INVESTMENTS AND AVIATION
THE MINISTER OF HEALTH AND WELLNESS
THE PUBLIC HOSPITALS AUTHORITY
MINISTER OF LABOUR AND PUBLIC SERVICE
THE ATTORNEY GENERAL**

Claimants

AND

**BAHAMAS AIR TRAFFIC CONTROLLERS UNION
THE BAHAMAS DOCTORS UNION
THE CONSULTANT PHYSICIAN STAFF ASSOCIATION
THE BAHAMAS NURSES UNION**

Defendants

[Handwritten signature]
14/1/25

INTERIM INJUNCTION ORDER

BEFORE Honourable Justice Darron Ellis of the Supreme Court in the City of Nassau on the Island of New Providence, one of the Islands of the Commonwealth of The Bahamas;

UPON HEARING Mrs. Kayla Green-Smith, Ms. Melisa S. Wright, Ms. Nyanne Olander, Ms. Adele Mangra and Mr. Nevado Frazer of Counsel for the Claimants;

AND UPON READING the Claimant’s Notice of Application an Draft Amended Notice

of Application filed on 14th January, 2025 and the Affidavits of : Mr. Lenn King, Dr. Aubynette Rolle and Dr. Philip Swann filed on 14th January, 2025;

AND UPON THE COURT being satisfied that the matter is urgent;

AND UPON THE CLAIMANT UNDERTAKING:

- (i) To file the Draft Amended Notice of Application
- (ii) If the Court later finds that this Order has caused loss to the Defendants and decides that the Defendants should be compensated for that loss the Claimant undertakes to comply with any Order the Court may make so as to compensate the Defendants for any reasonable loss or damage which the Defendants may prove has resulted from the granting of this Order.
- (iii) Anyone notified of this Order will be given a copy of it by the Claimant's attorneys.

PENAL NOTICE

If you, members of the Bahamas Air Traffic Controllers Union, the Bahamas Doctors Union, the Consultant Physician Staff Association and the Bahamas Nurses Union disobey this Order, you may be held to be in contempt of Court and liable to be imprisoned or fined.

Any other person who knows of this Order and does anything which helps or permits the Defendants to breach the terms of this Order, may also be held to be in contempt of Court and may be imprisoned, fined or have their assets seized.

NOTICE TO THE DEFENDANTS

1. You should read the terms of this Order very carefully and you are advised to consult an attorney as soon as possible.
2. You have the right to ask the Court to vary or discharge this Order.

3. If you disobey this Order you may be found guilty of contempt of Court or may be sent to prison or fined or your assets may be seized.

IT IS ORDERED THAT:

1. An Injunction restraining the Defendant, its officers and any member of the Defendant, whether or not they are employees of the Defendant, from taking part in any strike activity or any form of industrial action against the Claimant, including by refusing to report to work when scheduled to do so, or by leaving their place of employment when they are scheduled to be at work;
2. An Injunction restraining the Defendant, its officers and any member of the Defendant, whether or not they are employees of the Defendant, from inducing, inciting, or intimidating employees who are employed by the Claimant from in any way impeding the Claimant's employees from attending work, or encouraging the Claimant's employees not to attend work;
3. An Injunction requiring any officer or member of the Defendant, who is an employee of the Claimant, to return to their specified areas of employment, and to report to work when scheduled to do so, and not to take part in or continue to take part in any form of industrial action, or to take sick leave without a valid sick certificate;
4. Provision be made for the usual undertakings; and
5. Cost be awarded to the Claimants in this Application.
6. Such further or other relief as the Court deems just.

VARIATION OR DISCHARGE OF THIS ORDER/RETURN DATE

The Claimants and the Defendants do return before The Honourable Justice Darron Ellis Justice of the Supreme Court on the day of **28th day of January, A.D., 2025 at 10:00am** o'clock in the forenoon, or so soon thereafter as the parties may be heard, at the Supreme Court Building Bank Lane, Nassau, Bahamas.

Dated this 14th day of January, 2025.

BY ORDER OF THE COURT

REGISTRAR

This Order was drawn up by the Office of the Attorney-General, Paul L. Adderley Building, No. 18 John F. Kennedy Drive, New Providence, The Bahamas, Attorneys for the Claimant.

In The Commonwealth of The Bahamas

In the Supreme Court

Common Law and Equity Division

Claim No. 2025/CLE/GEN/00021

IN THE MATTER of Section 74, 75 and 83 of the Industrial Relations Act, Chapter 321

AND IN THE MATTER of Parts 17.1. (b) and 17.2 of the Supreme Court Civil Procedure Rules 2022

Between:

**THE MINISTER OF TOURISM, INVESTMENTS AND AVIATION
THE MINISTER OF HEALTH AND WELLNESS
THE PUBLIC HOSPITALS AUTHORITY
MINISTER OF LABOUR AND PUBLIC SERVICE
THE ATTORNEY GENERAL**

Claimants

AND

**BAHAMAS AIR TRAFFIC CONTROLLERS UNION
THE BAHAMAS DOCTORS UNION
THE CONSULTANT PHYSICIAN STAFF ASSOCIATION
THE BAHAMAS NURSES UNION**

Defendants

INTERIM INJUNCTION ORDER

Kayla Green-Smith

Office of the Attorney-General
Paul L. Adderley Building
No. 18 John F. Kennedy Drive
Nassau, N.P., The Bahamas
Attorneys for the Claimant

Email: kaylagreensmith@bahamas.gov.bs

Telephone: 242-502-0400

Filed on behalf of the Claimants