



EMPLOYMENT 101

So you've lost your job... What next?



Seek counseling. Talk it out! Don't incubate. You have been cut loose and naturally, it hurts. You probably have a million things swirling in your mind. Right now, all that you can think about are all those years and tears that you sacrificed at the altar of employment only to be cut loose at the whim of someone else's discretion! This may be a difficult proposition, but do not take dramatic or hasty action. Talk to

someone you trust; maybe a pastor, a parent, a close friend, a representative from Social Services or other Counselor. In fact, many companies have an Employee Assistance Program designed to assist recently terminated employees with coming to grips to life's challenges. There is even **DIAL A PRAYER!** The important thing is just to find someone to talk to.

Now that you've calmed down, its time to consider your options. In the event of termination, do you feel the action taken against you was appropriate?

The first step (and perhaps the most cost effective one at this stage) is to either call in or pay a visit to the Labour Board at the Clarence Bain Building, Thompson Boulevard and secure an appointment to discuss your situation with one of the many qualified Conciliators there. In many instances, they will call your employer on the spot and try to ascertain from them, their side of the story and fill in the blanks behind those areas you may not have been very clear on. Please appreciate, their role is **NOT** to take sides, but to simply seek to understand both sides and facilitate the two sides coming to their own resolution. Ultimately, the Labour Board process is intended to be a voluntary, 'user' friendly, cost and time effective process. At times, the Conciliator is able to assist in case resolution without even securing a meeting, but sometimes, employers (just like employees), are 'stiff necked' and a meeting must be convened.

If this becomes the case, then you will be provided with the Report of Trade Dispute to complete and to present to your employer. Subsequent to this, a Notice of Trade Dispute, setting out the time and date of the meeting is issued to both parties. At the appointed time, the parties will meet to present their respective sides. Once a meeting is set, both sides are subject to a \$5,000.00 penalty for non-appearance (this clause appears on **ALL** such Notices, but I have yet to hear of anyone who was actually fined in such a way...)

Given the human condition, we understand that at times, emotions may run hot, but what you **DO NOT** want to do is thwart the process by being rude or disrespectful. Your employer has a right to his opinion, as you do yours, but I have seen many hearings go awry because one side would not let the other get a word in edge wise.

Here's a good old fashioned tip. **LISTEN**, then put brain in gear before you put mouth in motion. Be prepared to take full advantage of the two meeting requirement. You are the dismissed employee, so typically, you would present your side first. It helps if you have a summary of your 'case' laid out. This safeguards against repetition and helps you set a methodical play by play perspective of all the matters that led to your termination. Make sure you cover everything. Speak slowly because in many instances, the Conciliator must make a note of what you say. When you are done, sit back, and let the other side present their position. Of course, it is likely they will say something with which you may disagree. This is expected! Stay calm and let them complete. You will have more than sufficient opportunity to respond or even to ask questions, so do not interrupt them. This is important. After all, this is your case and it does not help if you become overly emotional, incoherent and intolerant. In my experience, I have found in many instances, employers are prepared to resolve a matter out of what they call a 'nuisance' value assessment. No... they are not calling you a nuisance. This is simply a legal term which means that it would more likely cost the employer more to defend the matter than to just settle it upon reasonable terms, more or less.

Should your case not be resolved by the second meeting at the Labour Board, then you may request that the matter be referred to the Bahamas Industrial Tribunal or undertake litigation before the Supreme Court. The major difference between the two - **TIME** and **COST**. The Bahamas Industrial Tribunal under usual circumstances may be a friendlier, more expeditious and less costly option, compared to the Supreme Court. On the other hand, the Supreme Court is taken more seriously and has stronger sanctions for inappropriate conduct during the hearing.

For either of these options, I would highly recommend that you retain legal counsel. There are a number of Attorneys who specialize in Labour Law, who would be happy to assist in reviewing your matter.

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