

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: C/UD/1 OF 2023

BETWEEN:

SHENELL GREENE

Employee

and

FOOD BROKERAGE SERVICES LTD

Employer



**DECLARATION AND ORDER AFTER HEARING IN CONTEMPT PROCEEDINGS
AGAINST ANDERSON E. CARTY, THE EMPLOYEE'S REPRESENTATIVE**

Before: The Hon. Charlesworth O.D. Brown	President
The Hon. Samantha May-Francis	Vice President
The Hon. John H.R. Benjamin	Member
The Hon. Judith A. Dublin	Member
The Hon. Collin R. Maynard	Member
The Hon. Hesketh A. Williams	Member
The Hon. Dalmer A. McCoy	Member

Dated the 3rd day of November 2023

Entered the 06th day of November 2023

Appearances:

Mr. Wayne Marsh, Attorney-at-Law holding papers for Mr. Wendell Alexander,
Attorney-at-Law for Mr. Anderson E. Carty, the Employee's Representative
Mr. Septimus A. Rhudd, of Rhudd & Associates, Attorneys-at-Law for the Employer

THIS MATTER having come up on October 30, 2023 for hearing in the Contempt Proceedings initiated by the Court by Summons issued and served on October 23, 2023;

AND THE COURT NOTING that there was no "Notice of Acting" and/or any other correspondence or other communication on record that Counsel would appear with/or on behalf of Mr. Carty;

AND THE COURT HEARING the representations of learned Counsel Mr. Marsh, that:

- (a) he had been “**ambushed**” just before 9:00 am by learned Counsel Mr. Alexander and who persuaded him to attend these proceedings with only limited instructions;
- (b) he was informed by Mr. Alexander that he had applied to the High Court for an injunction to prevent this Court from proceeding with the hearing;
- (c) that Mr. Alexander was then appearing in the High Court in a murder trial and had to appear in several other subsequent murder trials;

AND UPON HEARING learned Counsel Mr. Rhudd in response expressing his concerns about the said representations made on behalf of Mr. Carty;

AND THE COURT NOTING that, based on its record and/or the representations of Mr. Marsh, there was no indication as to when Counsel would be available to appear in this Court and that otherwise there were no good or sufficient grounds for an adjournment of the proceedings;

AND UPON THE COURT GRANTING the request of Mr. Marsh that he be excused from further participation in the hearing;

AND UPON MR. CARTY ACKNOWLEDGING that he is an “Officer of the Court” and reserving his right not to speak without the benefit of his Counsel;

AND THE COURT ORDERING that the hearing proceed;

UPON HEARING Mr. Carty assert on oath that he would participate in the proceedings while reserving his right not to respond to the Court on certain matters mentioned in the summons without the benefit of the presence of his Counsel;

AND HAVING REGARD TO the audio recording and transcript of selected offending statements made by Mr. Carty;

AND UPON HEARING the testimony of Mr. Carty, the explanations given by him in respect of some of his offending statements and his responses to questions put to him individually by the President, Vice President and the other Members of the Court and observing his demeanour;

THE COURT having reserved its judgment and carefully considered all aspects of the matter;

IT IS HEREBY DECLARED that Mr. Anderson E. Carty, an Officer of the Court, by his selected statements made on the programme "Connecting with Dave Lester Payne" broadcast live on Observer Radio 91.1 FM between 2:00pm and 4:00pm on October 9, 2023, is guilty of **indirect contempt** of Court in that he did:

1. Scandalize the Court
2. Attack the integrity of the Court
3. Bring the Court into disrepute
4. Create prejudice to the due course of justice

by stating, inter alia as follows:

- (a) "...The lady lost 40% of nothing, because this is what happens because the system is compromised"
- (b) "... This is what happens to the little man because the system is compromised."
- (c) "... The most fundamental point that I also want to make ...is that our legal system is in chaos...yes our legal system at almost every level is in chaos"

By those statements Mr. Carty, the Contemnor, meant or was understood to mean or deliberately or recklessly created the perception that the Court is biased against the "little man" in favour of employers; that such decisions which make no sense, will always be made against the "little man" because the administration of justice at the Court has been compromised and brought into disrepute; that the legal system is in chaos; and that the general public should have no confidence in the Court and should hold the Court in low esteem.

AND IT IS HEREBY ORDERED that the Contemnor, Mr. Carty, do within 14 days after the date of this Order:

1. Retract the said offending statements listed in the declaration above;
2. Proffer a draft written apology for the approval of the Court;
3. Broadcast the retraction and settled apology live on the programme "Connecting with Dave Lester Payne" on Observer; Radio 91.1 FM between 2:00 and 4:00pm.

BY THE COURT

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Registrar

