18th March, 2009

**To**

**Kathleen Ibrahim**

**Managing Director**

**The Fitness Centre**

**1Starlite Shopping Plaza**

**Four Roads**

**Diego Martin**

Dear Madam,

**RE: Illness benefit/ Ms. Camille Daniel Nottingham**

**PRE ACTION PROTOCOL ISSUED IN ACCORDANCE WITH PRACTICE DIRECTION DATED THE 15TH DAY OF NOVEMBER, MADE BY THE CHIEF JUSTICE OF TRINIDAD AND TOBAGO**

We act on behalf of Ms. Camille Daniel Nottingham.

This pre Action Protocol is issued in accordance with the Practice Direction dated 15th day of November, 2005 made by the Judiciary of Trinidad and Tobago.

**FACTUAL SCENARIO:**

My Client instructs me as follows:

1. She was employed in your Fitness Centre (hereinafter called Centre) March 2005
2. In August 2005 Whilst working on the floor alone, assisting a client with resistance training she experienced what described to be a spasm like pain in and around her navel area. She assumed the spasm like pain to be related to sore abdominals from all the classes she at that time instructing.
3. However, over time as the pain persisted, the condition made her, more and more concerned as it became a hindrance to her performance when scheduled to do her classes.
4. Upon speaking to Mr.Colin Sebright she was advised to visit a Doctor. Dr.Errol James, after examining her

Our Client informs us that,

We act on behalf of Ms. Camille Daniel Nottingham. We are in the process of initiating legal process against her employers. She instructs us that she has been an employee of Brian & Kathleen Ibrahim of ‘The Fitness Centre.”

She had been on Certified Sick Leave for Sixty (60) Days with effect from January 28th, 2008. However upon Review by her Medical Practitioners on March 26th 2008, she was given an additional sixty (60) days leave. Copies of both Medical leave Certificates were submitted to the Fitness Centre’s Office.

The supervisor at Fitness Centre made several attempts to complete her NIS forms but did so incorrectly. Even though guided by a clerk at your office via telephone. As a result her NIS claims were late and she was therefore unsuccessful in receiving any such claims.

She was an employee of the Fitness Centre all along and was never dismissed. She was on a sick leave and was never on a no pay leave. It is a policy of the Centre that staff is paid for 10 sick days only and any additional days would be considered as a no pay leave and hence the forms would state as no pay leave. But in reality it is the sickness leave as she was on sick leave.

I request you that the benefit figures for both periods be calculated and send to this office at your earliest convenience, so that we can determine what is owing to her and would have been paid to her but for the negligence of her employer’s.

Thanking you in advance

Yours in service

Christopher Ross Gidla