R.N. 214 (A)

In the matter of:

The Docks and Wharves Staff
and
Employees Association
and
The Cargo Handling Corporation Ltd.

1. The Tribunal composed of:

   Mr. Harris Balgobin - President

   Mr. Max Serret - Member

has enquired into the abovementioned industrial dispute referred to it in terms of Section 82(1)(f) of the Industrial Relations Act. 1973, by the Minister in charge of Industrial Relations.

The points in dispute are:

"(1) Whether the salary scale of the categories of employees affected by the implementation of the double shift in the Port should be adjusted to compensate for regular overtime lost and the changes brought to the existing contract of employment regarding hours of work, or otherwise;

(2) Whether the employees posted on second shift should be paid a meal allowance of Rs 13. or otherwise;

(3) Whether a productivity target bonus should be introduced for non-piece rate workers. Or otherwise:

(4) Whether all Tally-Clerks ("board" and "shore") should be paid the same salary, or otherwise:

(5) Whether the Documentation Clerks should be paid the same salary as Berth Office Clerks, or otherwise:
Whether the Clerks should be guaranteed a personal allowance equivalent to an extra (i.e. after 3 p.m.) if a vessel finishes before 1 p.m., or otherwise;

Whether the employees should be entitled to obtain loans not exceeding 2 1/2 months salary, refundable in 15 monthly instalments, or otherwise:

Whether when required to perform duties of another post employees should be remunerated accordingly, or otherwise;

Whether employees should be paid at the end of the year for all sick leave not taken, or otherwise:

Whether an allowance should be paid to employees on a team when there is an employee short ("dimoune manque"), or otherwise;

Whether uniforms should be allotted as follows:

3 pairs of trousers and 6 shirts

and 2 pairs of shoes a year, or otherwise".

Mr. Guy Ollivry, Q.C., instructed by Mr. P. Balmano, Attorney-at-Law, assisted the Docks and Wharves Staff and Employees Association, hereinafter referred to as the Association. Whereas Mr. K. Matadeen then Principal Crown Counsel, appeared for the Cargo Handling Corporation Ltd., hereinafter referred to as the Corporation.

The Tribunal has concluded the proceedings with the President and one Member only after obtaining leave from the Parties.

The Tribunal has already dealt with Item 1.

**Item 2**

*Whether the employees posted on second shift should be paid a meal allowance of Rs 13, or otherwise*.

A meal allowance is paid to all workers who are required to perform overtime beyond 3 p.m. but the Corporation has refused to grant a meal allowance to those who are required to work on double shift between 3 p.m. and 11 p.m. on the ground that they receive the required notice to prepare their night meal.

The Tribunal agrees that the question of paying a meal allowance should not arise when employees on the second shift have been notified in advance that they have to perform overtime work. The Tribunal awards accordingly.
**Item 3**

*Whether a productivity target bonus should be introduced for non-piece rate workers, or otherwise:*

7. The Applicants aver that piece rate workers are motivated by a system of work to increase their output whereas non-piece rate workers are more interested in performing overtime work.

8. The Union suggests that non-piece rate workers should be allowed to draw 12% of their daily salary/wages on each day the average daily production target is reached.

9. The Corporation argues that non-piece rate workers do not affect productivity directly or indirectly in the process of loading and unloading of cargo and it is not possible to assess with accuracy the level of productivity of such employees.

10. The Tribunal finds this claim unacceptable in the context of the present salary structures. The Tribunal awards accordingly.

**Item 4**

*"Whether all Tally Clerks ("board" and "shore") should be paid the same salary. or otherwise".*

11. The Tribunal finds that the distinction between these two categories of workers is essentially based on their origins rather than what actually takes place and that the time has come for a merger of these grades.

The Tribunal awards that "board" and "shore" Tally Clerks should be paid the same salary with effect from 1st December, 1992.

**Item 5**

*"Whether the Documentation Clerks should be paid the same salary as Berth Office Clerks. or otherwise ".*

12. The Tribunal again finds that both Documentation and Berth Office Clerks should draw the same salary.


**Item 6**

*"Whether the Clerks should be guaranteed a personal allowance equivalent to an extra (Le after 3 p.m.) if a vessel finishes before 3 p.m., or otherwise ".*

13. The Tribunal finds this claim unjustified and it is accordingly set aside.

The Tribunal awards accordingly.
**Item 7**

"Whether the employees should be entitled to obtain loans not exceeding 2 1/2 months salary, refundable in 15 monthly instalments, or otherwise"

14. The principle of granting loans merely for the asking is unacceptable especially as there exists a scheme whereby loans are granted to employees for the purchase of motorcycles. The Tribunal awards accordingly.

**Item 8**

*Whether when required to perform duties of another post employees should be remunerated accordingly, or otherwise*.

15. The Tribunal considers that whenever a worker who is made to act in a post which earns a higher pay he should be paid an Acting Allowance equivalent to the difference between the salaries of the two posts whenever the actingship is for a period of more than 14 days. The Tribunal awards accordingly.

**Item 9**

"Whether employees should be paid at the end of the year for all sick leave not taken, or otherwise",

16. The Tribunal finds that the payment of unused sick leave is as a matter of principle unacceptable and only exceptional circumstances can justify such a claim.

This claim is accordingly set aside. The Tribunal awards accordingly,

**Item 10**

"Whether an allowance should be paid to employees on a team when there is an employee short ("dimoune manque"), or otherwise"

17. The Tribunal finds that this problem does not really exist as there is an excess of employees in each gang. The Tribunal awards accordingly.

**Item 11**

"Whether uniforms should be allotted as follows: 3 pairs of trousers and 6 shirts and 2 pairs of shoes a year, or otherwise"

18. The Tribunal finds that the Corporation should supply the following number of uniforms:

2 pairs of trousers
4 shirts
2 pairs of shoes each year. The Tribunal awards accordingly.

(H. Balgobin)
President

(M. Serret)
Member

18th December 1992