

Annual Report on
Performance of the
Employment Relations
Tribunal
2016/17

Vision

To be the expert tribunal for the settling of industrial disputes.

Mission

To provide an efficient, modern, reliable and rapid means of arbitrating and settling disputes between workers or trade unions of workers and employers or trade unions of employers so that peace, social stability and economic development are maintained in the country.

Supervising Officer's Statement

The Tribunal started the Financial Year 2016/2017 with 35 pending cases. 173 cases (industrial and employment disputes) were lodged before the Tribunal during the Financial Year 2016/17 and it disposed of a total of 177 cases, with 15 Awards and 10 Orders delivered.

This achievement despite limited resources in terms of skilled and semi-skilled employees (no Registrar and/or Deputy Registrar and no sufficient Shorthand Writers) is thanks to the remarkable effort put in by some members of the staff who make sure that taxpayers money is not squandered. In that exercise we have been greatly assisted by the contribution of three trainees under the Youth Employment Programme.

I need to salute the assistance of the two Vice-Presidents in their effort to meet deadlines.

The good delivery of justice cannot be measured by the number of cases disposed but by simply doing justice. In other words, a proper evaluation of the Tribunal's work cannot be subject only to a judgmental exercise by a calculation of percentage of cases disposed.

Our challenge remains the promotion of industrial relations bearing in mind budgetary constraints.

**Rashid Hossen
President (ERT)**

Roles and Functions of the ERT

List of Services

- Arbitration of labour disputes and the making of awards
- Making of orders in relation to recognition, procedure agreement, check-off agreement, minimum service and any other issues under the Employment Relations Act.
- Making awards in relation to cases referred to the Employment Promotion and Protection Division.
- Sitting on appeal in relation to certain decisions of the Commission for Conciliation and Mediation and Registrar of Associations.

Details of Services

- Acting as arbitrator between parties having to resolve a dispute.
- Settling labour disputes after hearing parties, more especially employer's and worker's representatives, and any other witnesses. Under the Employment Relations Act, a labour dispute
 - (a) means a dispute between a worker, or a recognised trade union of workers, or a joint negotiating panel, and an employer which relates wholly or mainly to wages, terms and conditions of employment, promotion, allocation of work between workers and groups of workers, reinstatement or suspension of employment of a worker;
 - (b) does not, notwithstanding any other enactment, include a dispute by a worker made as a result of the exercise by him of an option to be governed by the recommendations made in a report of the Pay Research Bureau or a salary commission, by whatever name called, in relation to remuneration or allowances of any kind;
 - (c) does not include a dispute that is reported more than 3 years after the act or omission that gave rise to the dispute.
- Applications may be made directly to the Tribunal by trade unions under various provisions of the Employment Relations Act in relation to recognition, revocation of recognition, procedure agreement, unfair labour

practice during collective bargaining, check-off agreement, time-off facilities and access to workplace and to information, among others.

- Awards are delivered after hearing parties in relation to their disputes within 90 days as from the day the cases have been referred to the Tribunal (except for the Employment Promotion and Protection Division where it is 30 days). It is similar to a Court of Law delivering judgment after hearing parties.

- Cases where an employer has reduced the number of workers in his employment or closed down his enterprise may be referred to the Employment Promotion and Protection Division of the Tribunal and the Tribunal has the power to order the reinstatement of the former worker where applicable or the payment of severance allowance as provided in the Employment Rights Act.

About our people

Composition of the Employment Relations Tribunal

President

Hon. Rashid HOSSEN

Vice-Presidents

Mr Indiren SIVARAMEN

Mr Shameer JANHANGEER

Members

Representatives of Workers

1. Ms Marie Desirée Lily LACTIVE
2. Mr Francis SUPPARAYEN
3. Mr Raffick HOSSENBACCUS
4. Mr Abdool Kader LOTUN
5. Mr Vijay Kumar MOHIT

Representatives of Employers

1. Mr Abdool Feroze ACHARAUZ
2. Mr Eddy APPASAMY
3. Mr Andy R. HAU KEE HEE
4. Mr Rabin GUNGOO
5. Mrs Karen K. VEERAPEN

Independent Members

1. Mr Kevin C. LUKEERAM
2. Mr Arassen KALLEE
3. Mr Parmeshwar BUROSEE
4. Mr Ghianeswar GOKHOOL
5. Mr Yves Christian FANCHETTE
6. Mrs Teenah JUTTON-SEEBURRUN

Staff List

| SN | NAME | TITLE | EMAIL | PHONE NO (230) |
|----|---------------------------------------|--|--|----------------------|
| 1 | Hon. HOSEN Rashid | President | rhossen@govmu.org | Thro' CS 211 6368 |
| 2 | Mr SIVARAMEN Indiren | Vice-President | sivaramen@govmu.org | Thro' CS 213 2892 |
| 3 | Mr JANHANGEER Shameer | Vice-President | sjanhangeer@govmu.org | Thro' CS 210 0998 |
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| 8 | Mrs TOOFANY Bibi Ansoo | Confidential Secretary (Hon. Hossen) | atoofany@govmu.org | 208 4536 |
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| 18 | Mr MOHUN Purmessursingh | Office Auxiliary/ Senior Office Auxiliary | ert@govmu.org | 208 0091 |

Trainees under Youth Employment Programme

| SN | NAME | TITLE | E MAIL | Phone No. |
|----|---|--|--|-----------|
| 1 | Miss SOCKALINGUM Yorgeshwaree | Giving assistance at the level of Registrar | ert@govmu.org | 212 8286 |
| 2 | Mrs MAHEEPUT- PURREMCHUND Priya Ashwini | Giving assistance at the level of Shorthand Writer | ert@govmu.org | 208 0091 |
| 3 | Mr LEE CHEE Steven William | Giving assistance at the level of Shorthand Writer | ert@govmu.org | 208 0091 |

Part II: ERT ACHIEVEMENTS AND CHALLENGES

Major Achievements

For the period 2016/17, 173 cases (industrial & employment disputes) have been referred to or lodged before the Tribunal.

The Tribunal has delivered 15 Awards and 10 Orders and has disposed of a total of 177 cases. The total number of cases pending before the Tribunal as at 1 July 2017 stood at 31.

The Tribunal has disposed of 99 cases within statutory time limits thus enabling the Tribunal to meet its 2016/17 Target which was 92 cases.

Status on Implementation of Key Actions

| Key Action | Key Performance Indicator | Target 2016/17 | Status of Key Action as at 30 June 2017 |
|--|--|----------------|--|
| Dealing with increasing number of disputes and applications targeting a yearly increase of 5% in the number of cases disposed of within statutory time limit subject to complexity of cases. | Number of cases disposed of within statutory limit (actual 2015/2016: 88). | 92 | 99 Target for Financial Year 2016/17 has been met (exceeded). |

Other Internal Developed KPI's

Number of cases disposed

The number of cases disposed of gives a rough indication of the ability of the ERT to cope with an increasing number of cases referred to or lodged before the Tribunal. The Tribunal aims at achieving roughly a 5% increase annually in the number of cases disposed (subject obviously to the number of cases lodged and complexity of cases).

As at 30 September 2017 (starting from 1 July 2017), the Tribunal had disposed of 30 cases.

Part III – FINANCIAL PERFORMANCE

Financial Highlights

The Budget Estimates of Rs 24,200,000 allocated to the ERT for Year 2016/2017 comprise mostly of remunerations for its staff.

Rs 16,055,000 out of the total budget relates to Compensation of Employees. Rs 8,125,000 was provided under Goods and Services and Rs 20,000 was provided under Grants to meet expenses as Contributions to International Organisations.

Expenditure trends are the same for both Financial years 2015-2016 and 2016-2017.

Analysis of Major Changes

Expenditure trends are the same for both Financial Years 2015-2016 and 2016-2017

Statement of Expenditure

The table hereafter provides figures as regards to Estimates for Year 2016-2017 and actual expenditure for the years 2015-2016 and 2016-2017

| Head/Sub-Head of Expenditure | 2015-2016 Actual | 2016-2017 Estimates | 2016-2017 Actual |
|------------------------------|---------------------|------------------------|---------------------|
| Compensation of Employees | 14,453,000 | 16,055,000 | 14,227,000 |
| Goods and Services | 7,702,000 | 8,125,000 | 7,559,000 |
| Grants | 14,000 | 20,000 | 15,000 |
| Total | 22,169,000 | 24,200,000 | 21,801,000 |

PART IV – WAY FORWARD

Trends and Challenges

The Tribunal which consists of a President and two Vice-Presidents who can each sit as presiding member on a panel of the Tribunal is called upon to attend to and hear an increasing number of cases. Besides the staff of the Tribunal, the Tribunal also comprises of other members appointed in line with section 85(2) of the Employment Relations Act. The Tribunal can accommodate more sittings with its two hearing rooms and in line with its Key Performance Indicator, is endeavouring to increase the number of cases disposed of within the relevant prescribed time limits. The recent appointment (as from 28 April 2017) of new members of the Tribunal for a period of three years will no doubt assist the Tribunal in disposing of an even larger number of cases. Indeed, prior to this appointment, the Tribunal was having difficulties to constitute panels owing to the unavailability of some of the then members.

The Employment Promotion and Protection Division (EPPD) of the Tribunal has been set up following an amendment to the Employment Rights Act in 2013. The EPPD has proved to be quite challenging for the Tribunal and has increased the work load of the Tribunal in relation to a law and matters under which the Tribunal had no jurisdiction at all before. Also, currently, there is no Registrar for the Tribunal.

Strategic Direction

The Tribunal aims and will continue to:

1. foster and promote good employment relations between parties
2. ensure the rights of aggrieved parties are restored in line with employment laws; and
3. dispose of cases with celerity whilst ensuring fairness to all parties.

The Tribunal also aims at dealing with and disposing of a larger number of cases as the workload increases. It is thus envisaged that a Deputy Registrar (new post) will be appointed shortly and current vacancies in relation to short hand writers will be filled.

The post of Registrar is promotional from the grade of Deputy Registrar with two years experience in the grade.