A. INTRODUCTION

A. 1 In the matter of the Industrial dispute between:

   The Government Teachers Union
   The Union of Primary School Teachers
   The Government Hindi Teachers Union
   and
   The Government of Mauritius

The Tribunal, composed of:

   Mr. L. J. J. Vallet    -    President
   Dr. C. Yip Tong       -    Assessor
   Mr. R. Dookhony      -    Assessor

proceeded to enquire into the following industrial dispute referred to it by the Prime Minister on the 19th June, 1979, in accordance with the provisions of Section 82 of the Industrial Relations Act, 1973.

A.2 The parties were represented by S. P. Naidoo, Esq., assisted by Sir Gaetan Duval, Q.c., instructed by Mr. Attorney P. Balmano, on behalf of the Unions, and by Mr. S. Rajahballee, Administrative Officer, Prime Minister's Office, assisted by Mr. D. Ramsewak on behalf of the Government of Mauritius.

A.3 Written statements of case were presented to the Tribunal by all parries to the dispute and were duly filed.

B. CONSIDERATIONS

   In relation to this case, the Tribunal has had to deliver an interim award as when as make interlocutory rulings.

B.2 The actual parties to this case are, on the Staff Side, the Government Teachers Union, the Union of Primary School Teachers and the Government Hindi Teachers Union, and, on the Official Side, the Government of Mauritius, more particularly the Ministry of Education & Cultural Affairs.

B.3 As there could not be any agreement on the terms of reference, the Tribunal is now faced with two terms of reference. The Official Side one relates merely to the question of whether there is any justification in making any award involving increases of salary adjustment or correction of anomalies, being given the current overall review of the Pay Research Bureau yet leaving the door open to recommendations by the Tribunal.

B.4 The dispute is however differently particularized in the terms of reference as submitted by the staff Side to which the Official Side has answered in detail.

B.5 When looking back over the history of the case in the light of the evidence and of the numerous documents produced, there is no doubt that the crux of the dispute between the parties was the question of salaries of teachers, more particularly those of the lower bracket.
B.6 As a matter of fact, the letter of reference, as directed by the Prime Minister, only mentions discussions regarding salaries of Teaching Staff.

B.7 The Staff Side has however mentioned two other items related to the Establishment restructure and the schemes of service as proposed by the Commission. Being given the fact that the salary scales proposed by the Commission were in the light of a salary restructure related to the Establishment restructure and the schemes of service, the Tribunal will look into the whole matter.

B.8 The Tribunal has therefore had to make a very thorough survey and appraisal of the matter to be looked into and has drawn its conclusions thereon. Being given however the temporary unavailability of one of the Assessors of the Tribunal, the actual drafting of the award is not complete on all points and the Tribunal has accordingly decided to deliver a Part Award which will deal with the salary restructure aspect of the dispute. The Tribunal must however add that its decision on this point has been taken within the whole context in regard to part of which the final draft of the award is in the process of being completed.

B.9 Let us now review the main sequence of events:

(i) In 1973, the Salaries Commissioner, Mr. P.C. Sedgwick, made certain recommendations regarding salaries of teaching staff which were approved by Government.

(ii) In 1978, as a result of anomaly claims by Civil Servants, the Chesworth Committee, appointed under the aegis of the Tribunal, made recommendations which by agreement of parties were awarded upon by the Tribunal.

(iii) Following representations by the Teaching Staff, the Government implemented a combined salary for the grades of Teachers and Senior Teachers and for Head Teachers and Senior Head Teachers.

(iv) As an intervening grade in between the two combined scales, and in anticipation of the findings of the Richard Commission, 330 posts of Deputy Head Teachers were created.

(v) The Richard Commission was created on May 17th 1978, and at the end of May 1978, there was some agreement that the establishment structure schemes of service and salaries of teachers would be considered by the Commission.

(vi) The terms of reference of the Commission however did not specifically mention the question of salaries, and the main report of the Commission, although it made a direct reference to salaries of teachers did not quote any salary figure.

(vii) The Unions were not satisfied and the "Suggested Salary Scale to go along with proposed schedules or duties" emanating from the Commission was then published in the form of an addendum to the report. The Commission however specified therein that its proposal was a restructure of salary and not a salary revision.

(viii) This addendum did not meet with the approval of the Staff Side, and after some tribulations, the matter round its way to the Tribunal.

(ix) In the meantime, the Official Side has decided to implement the salary recommendations to be found in the addendum. As the suggested new scale for Teachers/Senior Teachers was shorter than the former long combined scale, a conversion table was devised by the Official Side.
The Tribunal is now to decide whether, in the light of the proposals and recommendations of the Richard Commission, the salary scales proposed by the same Commission are, as stated by the Unions anomalous", and if so, make the required corrections, or whether the Tribunal should refrain from doing so having regard to the overall review being performed by the Pay Research Bureau and the prevailing economic situation.

It is the view of the Tribunal that its present investigation is not to be taken as a salary revision exercise and that its duty merely lies in the interpretation and valuation of the relevant part of the Commission's report and its correlation with the proposed salary restructure.

The Tribunal, at this stage, will have nothing to say as regards the scales for Head Teachers upwards, as they have benefited from the restructuration at the base. As a matter of fact, although the other grades have been mentioned before the Tribunal, the real dispute concerned the salary proposed for the lower bracket and actually, at page 23 of the Statement of Case of the Unions, the scale submitted for the Head Teacher is the same as that of the Commission, except that there probably is a clerical mistake for the initial step which does not tally with the increment suggested and is actually lower than that proposed by the Commission.

There now remain therefore the Teacher/Senior Teacher scale and that of the intervening grade of Deputy Head Teacher.

The reasoning of the Unions regarding the former long combined scale and the new proposed scale for Teachers/Senior Teachers does not appear to be very consistent. At least it must be surmised that a different approach must have been placed before the Commission:

(a) The Commission did point out that representations were made before it regarding the 'Soul Killing influence on teacher morale' that a teacher should have to crawl up a ladder of twenty four rungs, and accordingly reduced their number to seventeen.
(b) The Unions seems now to say that seventeen points are not enough and that the ladder should be lengthened to twenty four points once more; of course by adding seven more increments to the proposed top of the ladder. They further add that by so doing there would be no difficulty to adopt a corresponding point system of conversion.

It is difficult to conciliate the above with the Unions' astounding statement that the Commission had made suggestions 'on an amateur basis', when the Tribunal is aware that the Commission was composed of very eminent people including at one time two of the signatories of that very statement.

As regards the starting point of the scale, although in some parts of their documents other figures are mentioned, the Unions did actually suggest the same figure of Rs 525.

The first point which has to be decided therefore is whether the top of the scale is the correct one.

The Tribunal has noted that the Commission, in its attempt to improve the career prospects of a teacher, has had to squeeze in the Deputy Head Teacher between the former Senior Teacher segment on the revised Teacher / Senior Teacher scale and that of the Head Teacher.

In so doing, the bottom part of the Head Teacher/Senior Head Teacher scale has benefited from an increase of over 230/., and, although the number of steps has been reduced from 9 to 6, the top rung has gone up by 15%.

In relation to the Teacher/Senior Teacher scale, it appears that from the point of view of the basic
salary whereas the bottom of the scale has gone up by about 28% the top one has gone up by about 3.7%. When the various cost of living corrections have been added, the actual restructuration amounts to an increase of about 23% at the bottom and about 1.80/., at the top.

The Tribunal must at the outset however state that this is a matter which cannot be solved merely by mathematics, inasmuch as we must, inter alia, take into consideration the fact that the substantial number of intervening posts created will benefit those of the lower grade and not those of the upper grade.

The Tribunal however feels that for many reasons, including the smoothness of industrial relations and the avoidance of frustration, there should be a harmonious relation of changes within the restructuration proposed.

Although the Tribunal does not agree with the suggestion that a scale should be lengthened merely for the sake of lengthening it, in the present case, it does feel that the justice of the case requires that the proposed scale be lengthened by one step.

The Tribunal further feels that there should be a slight modification to the scale as from the 9th step which should be 790 so that each of the other steps would go up by to and the top of the scale will then be 1150 after the addition of one step. This slight adjustment will help harmonising the restructuration as viewed in the whole context. The Tribunal therefore awards that the Teacher/Senior Teacher scale should read as follows: 525 X 25550 C.B. 600x30-750x40-1150.

There remains now what the Tribunal considers is the more important aspect of the salary restructure, and that concerns the conversion system to be adopted so that teachers in the former long combined scale do not feel disappointed when joining the new scale.

The Tribunal is aware of the difficulties which exist when one attempts to convert a longer scale into a shorter one especially when the difference in length is eight years, as in the present case. The Tribunal has however examined and considered very closely the conversion table proposed and implemented by the Official Side and must state that it does not entirely agree therewith.

The Tribunal will again apply the principle that within a restructuration system there must be a goal of optimal harmony, so that bitterness and frustration do not creep in.

The previous teacher scale was of 19 steps which, when added to the Senior Teacher scale of six, made a total of 25 steps for the long combined Teacher/Senior Teacher scale.

In this perspective one must for example take into account the fact that a teacher who has reached his top salary before the combination must have worked as such for nineteen years at least and that to compel him to do four or five more years to reach his new top salary could have a frustrating effect.

Furthermore, if a teacher, in a similar position were to realize that the conversion within a salary restructure results in a very meagre actual increase compared to about four times as much or more, which another colleague would be getting, he would be bound to feel somewhat bitter.

In the course of its report, the Commission after having analysed and commented on the 'unhealthy climate' existing at the Primary Education level, had this to say:

"This climate must change, an increase of salary alone cannot bring it about, it requires a change of mentality if not a change of heart and the realization that the school's success if it is worth anything is a matter of team work involving the whole staff, the parents and the community at large" (Richard
The Tribunal cannot agree more, but it is necessary, if there is to be a change of climate, of mentality or of heart, that conditions be not such as to defeat the aim to be achieved. As the Commission rightly pointed out. 'all increase of salary alone' cannot do it. This however does connote that there must be a grouping of all the stated requirements including the increase mentioned so that were the conversion to be such as not to grant any increase to some, or such as to create avoidable disparities such a conversion would he in contradiction with the recommendations of the Commission. In this connection the Tribunal wishes the parties to read anew pages 103 and -- 104 of the Commission Report.

The Tribunal is therefore satisfied that because of the above and other reasons, the justice of the case requires that the present conversion method be modified. It has accordingly prepared a conversion table which is annexed to the present award. In this conversion table, the Tribunal has first of all had to take into account the fact that the scale recommended by the Commission contains a Confirmation Bar after two years. This aspect seems to have been overlooked in the Table proposed and implemented by the Official Side. This table has further been harmonized in such a way that all through the scale there is what is considered a reasonable benefit accruing to the teacher within the restructuration.

As mentioned in paragraph B. 13, our terms of reference also include the remuneration proposed for the Deputy Head Teacher. There has been little evidence on this point, except that in the statement of case of the Union it is suggested that the Deputy Head Teacher should be on a flat salary equivalent to the actual proposed top of the Deputy Head Teacher Scale.

The Deputy Head Teacher is a new intervening grade between the Teacher / Senior Teacher and the Head Teacher/Senior Head Teacher. The Tribunal, after considering the matter, although it finds that the scale proposed by the Commission is not 'anomalous' per se, yet it does feel that as a consequence to the modification brought about to the Teacher/Senior Teacher scale. a slight adjustment to the Deputy Head Teacher scale is warranted.

It is the view of the Tribunal therefore that the scale for this new intervening grade should be as follows:

1190 X 40 to 1350 X 50 to 1400

The Tribunal awards accordingly

The Tribunal would like now to reiterate its remarks at para. 0.5 in relation to the two other connected items. In this connection and at this juncture, the Tribunal wishes to inform the parties that in its consideration of Establishment and career matters it will make a pronouncement aimed at the promotion of a sense of belonging within the teaching staff and at the maintenance therein of a continued interest in their work.

The Tribunal hopes that this award will have cleared the air and thanks the parties for their cooperation.

L. J. J. VALLET
President

R. DOOKHONY
Assessor

28th May, 1982.
Note: The findings and conclusions of the present award are also those of Dr. C. K. L. Yip Tong who could not physically sign it.

ANNEXE

Conversion Table: Teacher / Senior Teacher

<table>
<thead>
<tr>
<th>525</th>
<th>550</th>
<th>550</th>
<th>C.B.</th>
<th>600</th>
<th>630</th>
<th>660</th>
<th>690</th>
<th>720</th>
<th>750</th>
<th>790</th>
<th>830</th>
<th>870</th>
<th>910</th>
<th>950</th>
<th>990</th>
<th>1030</th>
<th>1070</th>
<th>1110</th>
<th>1150</th>
</tr>
</thead>
<tbody>
<tr>
<td>390</td>
<td>430</td>
<td>450</td>
<td>490</td>
<td>530</td>
<td>600</td>
<td>625</td>
<td>650</td>
<td>675</td>
<td>700</td>
<td>730</td>
<td>760</td>
<td>790</td>
<td>820</td>
<td>850</td>
<td>910</td>
<td>970</td>
<td>1030</td>
<td>1070</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td>-</td>
<td>470</td>
<td>510</td>
<td>550</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>940</td>
</tr>
</tbody>
</table>