

**CIVIL SERVICE ARBITRATION TRIBUNAL
AWARD**

R.N. 332

Mr. H. Balgobin	-	President
Dr. F. Hemraj	-	Assessor
Mr. M. N. Deerpalsing	-	Assessor

Parties:

Post Office Administrative Staff Association

and

The Postmaster General

In Presence of: Union of Post Office Workers (Branch No.1)

The dispute arises in relation to changes in the conditions of service following the implementation of the 1993 PRB Report.

The report of the dispute is as follows:

Postal Controllers, Senior Postal Controllers and Assistant Postmaster Generals and, on the other part, the Government of Mauritius (the employer) represented by the Postmaster General.

The industrial dispute arises out of the expected implementation of the changes in the conditions of service recommended by the Pay Research Bureau, especially on the following points:

- (A) The creation of a new "Postal Executive Cadre" - (Paragraph 17.3) - resulting in the abolition of existing separate "Operation" and "Administrative" cadres of the department";
- (B) The imposition of the qualification of Diploma in Public Administration & Management for appointment as Principal Postal Executive.
- (C) The merging of holders of the Posts of Superintendent of Posts in the proposed new grade of Senior Postal Executive along with -Senior Superintendent of Posts and Senior Postal Controllers.
- (D) As a result of the amalgamation of the "operational" and "Administrative" cadres, the changes in the hours of work of officers of the last-named section who will, in future, have to work on a 40 hours 6 days week basis also.

The facts relating to the disputes are briefly as follows:

(A) Creation of Postal Executive Cadre

A.1 The Postal Services have always operated in two distinct sectors, the Administrative Section,

responsible for the Administrative, accounting, personnel work and the Operational staff concerned mainly with the direct services to the public.

- A.2 this set up has been retained by the PRB in its reports of 1982 and 1987 and by the salaries commissioner, Mr. D. Chessworth, in his 1988 report.
- A.3 All officers join the service as Postal Officers.
- A.4 As from the year 1975, promotion to the Administrative side was subject to the Postal officer passing an examination conducted under the supervision of the Public Service commission. Those who were successful were eligible for promotion as Postal Controller, then as Senior Postal Controller, and ultimately as Assistant Postmaster General, . Deputy Postmaster General and Postmaster General.
- A.5 Those postal officers who were unsuccessful or did not compete at the examination were promoted in the "operational" side being eligible for promotion as Junior Superintendent of Posts, Superintendent of Posts, then as Senior Superintendent of Posts, and ultimately (like the officers of the Administrative side) as Assistant Postmaster General, Deputy Postmaster General and Postmaster General.
- A.6 Since the year 1982, the examination has been abandoned, and the Postal Officers have an opportunity to opt for either one side or the other and promotions were made on the basis of merit experience and seniority.
- A.7 On opting for the Administrative side the Postal Officer had to make a sacrifice in that there were more Posts of Junior Superintendent of Posts than of Postal Controllers and the initial salary of the Junior Superintendent of Posts was higher than that of the Postal Controller.
- A.8 The existence of the two separate sections recognised the need for some "specialisation" in the discharge of the duties in the two sections, but yet left the door open for a deserving Senior Superintendent of Posts to be promoted to the higher posts of Assistant Postmaster General, Deputy Postmaster General and Postmaster General.
- A.9 The recommendation of the PRB report may have been suggested by a committee set up by the Ministry of Energy, Water Resources and Postal Services on which no representative of staff side sat and which did not hear any representative of the trade union. The trade union having been granted recognition, the absence of consultation for such a change in the organisation constituted a breach of the Code of Practice.(Third schedule to the Industrial Relations Act.)

(B) The Diploma in Public Administration & Management

- B.1 While it is common practice for officers of the "General Services" to be posted to all Ministries/Departments of the Government services, it will be noted there is only one post of clerical officer / Higher clerical officer in the Posts & Telegraphs Department and no Executive Officer. This recognises the "specialised" nature of the work of the Administrative staff of the department which does not require the same type of training and abilities as in other Ministries.
- B.2 The requirement of the Diploma in Public Administration and Management for the new grade of Principal Postal Executive will shut the door to promotion to the existing staff and open the door to officers coming from other services without any experience of the work of the Posts & Telegraphs Department.
- B.3 The new posts of Principal Postal Executive will be the stepping stone for the Posts of Assistant Postmaster General. Opening appointment to the Post to outsiders will create a situation where officers with no experience in postal matters will occupy higher posts in the service.

- B.4 Many officers with long years of service have not had the opportunity over the years to follow courses in Public Administration and cannot be expected late in life to follow courses and sit for examinations.
- B.5 Provision should therefore be made as regards the suspension of the requirement of the Diploma in respect of serving officers and the promotion to the Posts of Principal Postal Executive to be on the basis of merit, experience and seniority.

(C) Absorption of Superintendent of Posts in new grade of Senior Postal Executive

C.1 The Report (Recommendation 3) provides for a new grade of Senior Postal Executive in which will be absorbed the existing grades of : Superintendent of Posts, Senior Superintendent of Posts and Senior Postal Controller.

C.2 At present:

(a) These existing posts carry salary as follow

Superintendent of Posts (21 posts):
Rs5,300 x 150 - 5,600 x 200 - 6,200.

Senior Superintendent of Posts (11 posts):
Rs6,200 x 200 - 7,000.

Senior Postal controllers (27 posts):
Rs6,200 x 200 - 7,000.

C.3 The absorption of Superintendent of Posts in the same grade will create an imbalance.

(D) Hours of Work

D.1 This recommendation (Recommendation 10) is a two-line one and shows that no study has been made of the situation and that it is seen solely as a consequence of the proposed amalgamation of the two sections.

D.2 In accepting to forego promotion in the operational section and then to accept a lower initial salary as Postal Controller, officers have in fact opted in the Administrative section because of the nature of work and different hours of work even though this entailed travelling over long distances to come to work in Port Louis. Here again the change is to be made without consultation with the Trade union and in breach of the Code of Practice.

The Tribunal has considered the evidence adduced before it including the various documents and submissions made on behalf of the parties.

Creation of Postal Executive Cadre

Counsel for the Applicant has submitted that the applicant Trade Union was not properly consulted on the question of restructure of the Postal Cadre.

We find that from para 1.16 and Annex I (especially page 112) of Volume I of the PRB Report that the PRB heard and in fact gave due consideration to the submissions of the Post Office Administrative Staff Association which was represented before the PRB during its working sessions by its President, Vice President, Secretary, Assistant Secretary and Treasurer and that the Postmaster-General and the Senior Establishment Officer of the Postal Department were also given a hearing (page 103, Vol. I, PRB Report)

before the PRB.

Chapter 4 of Volume I of the PRB Report and the outline of the PRB's approach in making its recommendations shows that the Union was given a hearing before the PRB. The Recommendation for the Postal Class was embodied in the PRB Report and all members of Post Office Administrative Staff Association have irrevocably exercised an option to be governed by the recommendations in the Report.

We agree that the Unions should be consulted and we find that they were consulted but this contention is not especially relevant since the Tribunal has now given the Unions a full opportunity to make out their cases.

We have nevertheless carefully assessed the merits of the case on the basis of the evidence on record.

It was led in evidence that those who formerly chose to work in the Administrative Cadre preferred to forego certain benefits compared to the Operational Side in order to enjoy the privileges of a five-day week.

Now that both the staff from the Operational & Administrative sides have opted to work under the new Terms & Conditions of Service laid down by the PRB (1993) for both categories under a new Postal Executive Cadre, it would not be fair for the Tribunal to award that for the same conditions of service one category of staff would work on a five-day week and the other category would continue to work on a six-day week.

We agree with the present stand of the Postal Services to promote the concept of the Post Office as a one stop shop, whereby an employee should be in a position to handle any type of postal operation thereby enabling an optimum use of human resources in a cost effective way.

The Tribunal therefore finds that it is not desirable to change the present structure and awards accordingly.

Requirement of The Diploma in Public Administration and Management

The Tribunal has decided that this requirement be waived until a future review of the conditions of service in this Department and awards accordingly.

We recommend that the Postal Authorities should organise appropriate management courses.

Merging of three grades in one grade

The Tribunal finds that the merging of grades -constitutes a structural rationalisation and, in the process, makes the work more effective.

In such a restructure there is bound to be a situation whereby certain officers may find themselves to be in a more advantageous position but it would not be proper for the Tribunal to interfere in such cases as it has to look at the restructure on a global basis.

We agree that with the proliferation of grades within the Postal Department mobility of staff between different sections has been hindered due to staff on-the operation side having no exposure at all to administrative duties and vice-versa.

The same problem occurs within the same sector where due to multiplicity of grades staff does not get sufficiently exposed to the different levels of postal duties to different grades.

There is no doubt that the merging of grades constitutes a structural rationalisation which will render postal staff more effective and productive.

This dispute is rejected and Tribunal awards accordingly.

Hours of Work

The PRB found in the different working hours of the officers in the operational and administrative sides, organisational and structural weakness and that in practice employees of the Department had been working on Saturdays without any supervision, thereby adversely affecting the quality of the service.

It is equally true that the nature of the services, provided by the Post Office warrants that the Postal Department should be made to provide all its services on a six-day week basis.

In view of our findings under the Dispute relating to Postal Executive Cadre the Tribunal has come to the conclusion that there should be one set of hours of work for all officers in the New Postal Grade as is at present the case.

The dispute is rejected and the Tribunal awards accordingly.

(H. Balgobin)
President

(Dr. F. Hemraj)
Assessor

(N. Deerpalsing)
Assessor

6th October, 1995