

CIVIL SERVICE ARBITRATION TRIBUNAL

Interpretation of Award

R.N. 392

Harris Balgobin	-	President
Nunkoomar Deerpalsing	-	Assessor
Dr. Farojdeo Hemraj	-	Assessor

Parties

The Government General Services Union

and

The Minister for Civil Service Affairs & Employment

The Applicant has asked for the following interpretation of the Award given in RN 324 (The Government General Service Union and the Minister for Civil Service Affairs and Employment);

'The Government General Services Union was a party in the above matter and on 4 May 1994, and an award was handed down by the Tribunal.

The matters on which issue was joined was the following:

"What the Tribunal is being asked is whether the Ministry can, by the simple mechanism of issuing circulars, adversely affect the acquired rights of specific categories of officers in appropriate situations;"

By virtue of Section 88 of the Industrial Relations Act, the Union is applying for a declaration from the Tribunal on the question arising as to the interpretation of the award reading as follows:-

"We agree with the recommendations of the Pay Research Bureau.

The Tribunal awards accordingly."

Submission of Union

It is submitted that the Tribunal handed down its Award in the Industrial Dispute R.N.324, the Government General Services Union and the Minister for Civil Service Affairs & Employment on 4 May 1994.

The issue of the Industrial Dispute as stated at page of the Award was:

"... whether the Ministry can, by the simple mechanism of issuing circulars, adversely affect the acquired rights of specific categories of officers in appropriate situations;"

The findings of the Tribunal are that the Pay Research Bureau has examined this issue in

depth and that it agrees with its recommendations and has awarded accordingly.

In the opinion of the Union, the relevant recommendations of the Pay Research Bureau have merely reviewed those recommendations of the Chesworth Report which have given rise to the dispute. However, they do not reply to

"...whether the Ministry can, by the simple mechanism of issuing circulars, adversely affect the acquired rights of specific categories of officers in appropriate situations."

The Union is therefore seeking confirmation as to its understanding of the answer given to this matter:

"...whether the Ministry can, by the simple mechanism of issuing circulars, adversely affect the acquired rights of specific categories of officers in appropriate situations".

It is the understanding of the Union that the Tribunal meant that it is not open to the Ministry

"....by the simple mechanism of issuing circulars," to "adversely affect the acquired rights of specific categories of officers in appropriate situations."

The Union considers that this is the effective answer provided by the Award.

It is trite law that conditions of Service cannot be unilaterally changed but it is for the aggrieved party in each instance to seek legal advice and decide whether or not to take the matter before the appropriate forum for redress.

(H. Balgobin)
President

(N. Deerpalsing)
Assessor

(Dr. F. Hemraj)
Assessor

11th April, 1995