

EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 109/2023

ORDER

Before: -

Shameer Janhangeer	Vice-President
Greetanand Beelato	Member
Chetanand K. Bundhoo	Member
Dayanand Amavasee	Member

In the matter of: -

PRIVATE SECTOR EMPLOYEES UNION (PSEU)

Applicant

and

FREPORT OPERATIONS (MAURITIUS) LTD

Respondent

In presence of: -

PRIVATE ENTERPRISES EMPLOYEES UNION (PEEU)

Co-Respondent

The Private Sector Employees Union (“PSEU”) has entered the present application under *section 36 (5)* of the *Employment Relations Act* (the “Act”) seeking to be recognised as sole bargaining agent at Freeport Operations (Mauritius) Ltd (“FOM”) in the general categories of manual employees and administrative staffs, excluding management staff. The Applicant Union claims to have the support of 42 workers in the bargaining unit as per its application. The Private Enterprises Employees Union (“PEEU”) is presently recognised as a bargaining agent at the Respondent representing manual workers (Operatives) and staff.

The Applicant Union was represented by Mr Ashok Subron and Mr Devianand Narain. The FOM was assisted by Mr G. Glover SC and Miss S. Choung, of Counsel. The Co-Respondent was represented by Mr V. Rungasamy and Mr M. France.

The matter was heard before the Tribunal whereby the representative of the Applicant produced 42 membership forms of the workers in the bargaining unit. At the close of evidence from all the parties, the Tribunal ordered that a secret balloting exercise be carried out to determine which trade union the workers in the bargaining unit wished to have as their sole bargaining agent pursuant to *section 38 (7)* of the *Act*. The secret ballot exercise revealed the PSEU to have the support of 75.9% of the workers in the bargaining unit applied for. In light of the results of the secret ballot exercise, the Respondent and the Co-Respondent stated that they had no objection that the PSEU be recognised as sole bargaining agent.

The Tribunal therefore orders that the PSEU be recognised as sole bargaining agent by Freeport Operations (Mauritius) Ltd in the bargaining unit comprising the following categories of workers:

Manual employees: Forklift Driver, Forklift/Reach Trunk Driver, General Worker Maintenance, Lady Attendant, Reach Trunk Driver, Warehouse Attendant and Operative.

Administrative staffs: Clerk, Data Entry/Input Clerk, Exhibition Attendant, Senior Clerk, Supervisor, Trainee Supervisor, Warehouse Clerk and Warehouse Supervisor.

As per the requirements of the *Act*, the PSEU and the Respondent are to meet at specified intervals or at such time and on such occasions as the circumstances may reasonably require for the purpose of collective bargaining. Moreover, as the PSEU has been recognised as a sole bargaining agent in respect of the bargaining unit applied for, it shall supersede the PEEU as the bargaining agent of the workers in the bargaining unit in accordance with *section 38 (16)* of the *Act*.

The Tribunal orders accordingly.

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SD Shameer Janhangeer
(Vice-President)

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SD Greetanand Beelato
(Member)

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SD Chetanand K. Bundhoo
(Member)

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SD Dayanand Amavasee
(Member)

Date: 26th October 2023