

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

RN 922

Before:

Rashid HOSSEN	-	President
Jean Paul SARAH	-	Member
Abdool Feroze ACHARAUZ	-	Member
Harryjeet SOOREEA	-	Member

In the matter of:-

Mrs. Shirley Radegonde

and

- 1. Bureau de L'Education Catholique**
- 2. College de la Confiance**

This dispute has been referred by the Minister responsible for Labour, Industrial Relations and Employment by virtue of **Section 82(1)(f)** of the then **Industrial Relations Act 1973**, as amended.

The newly enacted Employment Relations Act 2008 that came into force last year makes provision for such dispute to be heard before the present Tribunal:

“108. Transitional Provisions

Any proceedings pending immediately before the commencement of this Act before the Permanent Arbitration Tribunal and the Civil

Service Arbitration Tribunal shall be deemed to be proceedings pending under this Act and may be proceeded with before the Tribunal.”

The points in dispute read as follows:-

1. *“Whether the transfer of Mrs. Shirley Radegonde from the College de la Confiance to St Mary’s College, Bambous, is punitive, unlawful, arbitrary and/or in disregard of the PSSA rules and regulations.*
2. *Whether the transfer of Mrs. Shirley Radegonde should be set aside quashed, annulled, and she is reinstated in her post of Rector at College de la Confiance.”*

The Tribunal invited the parties throughout the various proceedings held to undergo meaningful negotiations with a view to settle the points in dispute.

The Tribunal was pleased that the parties successfully reached that end.

At the sitting of the 27th August 2009, both parties moved for an award in terms of the following agreement:-

- that the transfer of Mrs. Radegonde from La Confiance College to St. Mary’s West was not a punitive measure;
- her work at La Confiance was satisfactory and
- she elects to stay as Rector at St. Mary’s West.

The Tribunal awards accordingly.

The dispute is otherwise set aside.

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Rashid HOSSEN
President

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Jean Paul SARAH
Member

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Abdool Feroze ACHARAUZ
Member

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Hurryjeet SOOREEA
Member

Date: 11 September, 2009