

# EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 15/12

## RULING

Before:

<b>Rashid Hossen</b>	-	<b>President</b>
<b>Geeanduth Gangaram</b>	-	<b>Member</b>
<b>Jheenarainsing Soobagrah</b>	-	<b>Member</b>
<b>Renganaden Veeramootoo</b>	-	<b>Member</b>

In the matter of:-

**Union of Employees of Central Water Authority (Applicant)**

**And**

**Central Water Authority (Respondent)**

This is an application made under **Section 51** of the **Employment Relations Act 2008** for the drawing up and signing of a Procedure Agreement. The representative of the Union avers that since July 2010 there have been various sessions and Technical Committees regarding a Procedure Agreement. The Union of Employees of Central Water Authority took the initiative to submit to the Central Water Authority (CWA) a draft copy of the Procedure Agreement. In response to this draft copy, the CWA wrote to the Union on the 26<sup>th</sup> of August 2010 and submitted a draft version. A Staff

Negotiation Committee was set up and both Management and Union discussed amongst others the issue of a Procedure Agreement. Secondly a Technical Committee was set up and held various meetings and discussions. The witness stated that it was decided that the version of the Union would be the one to be adopted. It is only now when the matter is before the Tribunal that the version rejected by the Union which is being proposed. Yet, the CWA had accepted to withdraw that at the very outset. The representative of the CWA maintained throughout that Management is willing to draw the Procedure Agreement and have it signed and is at no time refusing to do so. He confessed that matters have been dragging on but now that he is being in charge of the Human Resources Department he is willing to look into the matter and with diligence.

In view of the willingness of Management to draw up and sign a Procedure Agreement with the Union the Tribunal feels that an opportunity must be given to the Employer to exercise his good faith. The Tribunal highlights that good faith is not exclusive to the employer.

The Union is to analyse the draft paper submitted by Management and endeavour to come to terms with proposals made. Imposing one's version on the other coupled with a discipline of arrogance is the wrong track towards reaching an agreement.

The Tribunal invites both Management and the Union to unlock rigidity and make room for genuine negotiations for the betterment of the

conditions of work of the employees and the smooth running of the department.

We, therefore, issue no order at this stage and the application is set aside.

**(Sd)Rashid Hossen**  
**(President)**

**(Sd)Geeanduth Gangaram**  
**(Member)**

**(Sd)Jheenarainsing Soobagrah**  
**(Member)**

**(Sd)Renganaden Veeramootoo**  
**(Member)**

**Date: 11 April 2012**