

EMPLOYMENT RELATIONS TRIBUNAL

INTERPRETATION OF AWARD

RN 06/12

In the matter of:-

Union of Bus Industry Workers

And

Triolet Bus Service Ltd

The Union of Bus Industry Workers has referred the Tribunal to page 6 of the Award delivered in R.N 288/11 (Union of Bus Industry Workers and Triolet Bus Service Ltd) and more particularly the paragraph which reads as follows:

“Absences on sick leave or annual leave shall be deemed to constitute attendance at work and will be counted to arrive at the number of days of attendance at work for determining entitlement to annual and sick leave. Even overseas leave shall be deemed to constitute attendance at work for the purposes of annual and sick leave (as per Regulation 7 of the same GN No. 76 of 2008). Thus, the qualification in terms of the number of days a worker must have attended work before he or she is entitled to annual or sick leave cannot be viewed as a major impediment. If a worker has used his 14 annual leave and 21 sick leave (with the authorisation of Respondent), he would actually have to work only 195 days in that twelve months’ period to qualify for annual and sick leave for the next twelve months’ period. This represents only some 4 days per week.”

The Tribunal is asked to declare (two other questions having been dropped) “Whether the Award should be interpreted to mean that all monthly paid workers as from 5th May 2008 should work at least 195 days to qualify for Sick and Local leaves for the forthcoming year”.

The Tribunal declares that this is not the proper interpretation and that a requirement of 230 days ‘attendance at work’ in any continuous period of twelve months for entitlement to (both) annual and sick leave in the following period of twelve months has been maintained for the relevant workers.

**(SD)Indiren Sivaramen
Vice-President**

**(SD)Hurryjeet Sooreea
Member**

**(SD)M.P.J Henri de Marassé-Enouf
Member**

**(SD) Geeanduth Gangaram
Member**

22 March 2012