

EMPLOYMENT RELATIONS TRIBUNAL

INTERPRETATION OF AWARD

Before:

Shameer Janhangeer	-	Vice-President
Kumaraswamy Venkatasawmy	-	Member
Philippe Edward Blackburn	-	Member
Maurice Christian Aimé Laurette	-	Member

In the matter of:-

ERT/RN 66/12

Sugar Industry Labour Welfare Fund

Applicant

and

Social Welfare and Community Centres Employees Union

Respondent

The *Tribunal* delivered an award in a labour dispute referred voluntarily by the Applicant and the Respondent under *section 63* of the *Employment Relations Act* (the “*Act*”) on 11 June 2012 (vide *ERT/RN 18/12* published in *Government Gazette No. 62 of 2012*). The Sugar Industry Labour Welfare Fund (the “*SILWF*”) is now seeking an interpretation under *section 75* of the *Act* in relation to two paragraphs of the aforesaid award.

Firstly, with regard to the following paragraph of the award:

“In the circumstances, the *Tribunal* can only award that those workers, formerly employed by the Committee of Social Welfare and Community Centres and are now integrated with the *SILWF* as from 13 August 1987, who satisfy the conditions of eligibility set out in *paragraph 1.33 (v)* of the *PRB Report 2003* and have opted to accept the revised terms and conditions of

service as set out in the aforesaid *Report* be granted the additional increment with effect as from 1 July 2003.”

The *SILWF* is praying for an interpretation of the award as to whether the applicants “do satisfy the conditions of eligibility set out in *paragraph 1.33 (v)* of the *PRB Report 2003* and should be granted the said additional increment”.

The *Tribunal*, in relation to this question, declares that to determine whether each worker does satisfy the conditions of eligibility set out in *paragraph 1.33 (v)* of the *PRB Report 2003* amounts to an exercise on its own which would allow to determine and decide upon the facts of each worker who claims to be eligible for the aforesaid increment provided for in the aforesaid paragraph of the *PRB Report 2003*.

Secondly, with regard to the following paragraph of the award:

“The *Tribunal* has drawn the attention of counsel in this matter that it cannot pronounce on whether each individual worker who joined the *SILWF* in August 1987 from the Social Welfare Centre would be eligible for the additional increment recommended in the *PRB Report 2003*. Each worker would have his own particular circumstances on whether they would be eligible or not for the additional increment and any worker who firmly believes that he would meet this entitlement would be advised to report a case on his own.”

The *SILWF* is praying to the *Tribunal* that if by way of this paragraph, it is understood that any worker, who fairly believes that he/she would meet this entitlement, would have to report a case on his/her own.

In relation to this question, the *Tribunal* declares in the affirmative. The workers concerned may make use of the conciliation service provided for the public service under *section 68 (4)* of the *Act* or report the dispute to the *Commission for Conciliation and Mediation* or jointly with the *SILWF* refer the matter before the *Tribunal* for voluntary arbitration. It is also open for the workers to bring an action before the civil courts.

(Sd) Shameer Janhangeer
(Vice-President)

(Sd) Kumaraswamy Venkatasawmy
(Member)

(Sd) Philippe Edward Blackburn
(Member)

(Sd) Maurice Christian Aimé Laurette
(Member)

Date: 4 October 2012