

EMPLOYMENT RELATIONS TRIBUNAL

RN 1066

AWARD

Before

Rashid Hossen	-	President
Hurryjeet Sooreea	-	Member
Jean Paul Sarah	-	Member

In the matter of:-

Union of Primary School Teachers (UPST)

(Applicant)

And

Roman Catholic Education Authority (RCEA)

(Respondent)

**In presence of: (1) Ministry of Education, Culture & Human
Resources**

(Co-Respondent No. 1)

(2) Pay Research Bureau

(Co-Respondent No. 2)

On 19th September, 2008 the Union of Primary School Teachers (UPST) reported an industrial dispute against the Roman Catholic Education Authority (RCEA), to the then Minister for Labour, Industrial Relations and Employment, (as

it then was). Conciliation meetings were held at the Ministry but no settlement was reached. The Minister in terms of **Section 82 (1) (f)** of the **Industrial Relations Act, 1973** (as amended), now repealed, referred the said report of dispute to the then **Permanent Arbitration Tribunal**, now **Employment Relations Tribunal** for arbitration as outlined in the following Terms of Reference.

Terms of Reference:-

**“The dispute is between
Union of Primary School Teachers
12 Ramdour Flats
Royal Road
Rose Hill**

AND

**Roman Catholic Education Authority
1, Sir Celicourt Antelme St
Rose Hill**

In the presence of

**Ministry of Education, Culture & Human Resources
IVTB House
Phoenix**

The points in dispute are:-

- 1. Whether employees of the Roman Catholic Education Authority, having signed the Option form after the publication of Pay Research Bureau report, are governed for the purposes Pay, Grading structures and conditions of service by the said report.*
- 2. Whether the post of Deputy Head Teacher restyled Deputy Head Master should be filled **‘by promotion on the basis of work experience and merit of Teacher/Senior Teachers, restyled Educators’**, as recommended by the Pay Research Bureau Report 2 May 2008, instead of **‘by selection’**.*
- 3. Whether the post of Head Teacher/Senior Head Teacher, restyled Head Master should in future be filled by selection from among Deputy Head*

Teachers, restyled Deputy Head Masters, Mentors and Health and Physical Education Instructors possessing a Diploma in Education Management as well as Educators (Primary), and Teacher/Senior Teachers possessing the Diploma and reckoning at least 18 years' teaching experience or possessing a Degree and reckoning at least 12 years' teaching experience as recommended by the Pay Research Bureau Report May 2008."

After prolonged negotiations and the Tribunal using its best endeavours to assist parties to reach a consensus, the Tribunal is pleased to note that an agreement has finally been reached between the parties concerned. It reads:-

“Proposed Settlement.

Promotion to the grade of Deputy Head Master

Promotion to the grade of Deputy Head Master will be made in accordance with the existing mode of appointment which has served the interests of the Roman Catholic Aided Schools well over the years.

However, the RCEA undertakes:

1(a) For the next exercise to promote all present serving officers who have attained 400 months (33 1/3 years) of service to the grade of Deputy Head Master.

Note: The applicant should be holder of the Advanced Certificate of Education (MIE) with no adverse report for misconduct.

(b) For all future exercises, to promote to the grade of Deputy Head Master all serving officers who have attained 400 months (33 1/3 years) of service.

The applicant should be holder of the Advanced Certificate of Education (MIE) with no adverse report for misconduct and/or recurrent underperformance.

2. Promotion to the Grade of Head Master

Promotion to the grade of Head Master will be made in accordance with the new prescribed scheme of duty (in attachment).

3. To set up as and when the need arises, a Panel of Moderators, appointed by the Bishop of Port Louis, to listen to the grievances of unsuccessful candidates and report to him. This is not an appeal procedure. Consequently, lawyers will not be heard.

In the light of the above, the UPST:

1. Withdraws the present case before the Tribunal.
2. Undertakes to withdraw all cases and disputes entered against the RCEA before all Courts and all extra-judicial institutions.”

The Tribunal awards as per the terms of the above agreement.

The dispute is otherwise set aside.

(Sd) Rashid Hossen
(President)

(Sd) Hurryjeet Sooreea
(Member)

(Sd) Jean Paul Sarah
(Member)

Date: 18 April 2014