

## EMPLOYMENT RELATIONS TRIBUNAL

**ERT/RN 45/17**

**Before**

<b>Rashid Hossen</b>	<b>- President</b>
<b>Francis Supparayen</b>	<b>- Member</b>
<b>Eddy Appasamy</b>	<b>- Member</b>
<b>Ghianeswar Gokhool</b>	<b>- Member</b>

**In the matter of:-**

<b>ERT/RN 45/17 - Radio and Television Services Station Workers Union</b>	<b>(Applicant)</b>
<b>And</b>	
<b>Multi Carrier Mauritius Ltd</b>	<b>(Respondent)</b>

The Applicant is seeking for an order requiring the Respondent to comply with a provision of a procedure agreement signed by both parties. Reference is made to article 3 of the said procedure agreement which provides:-

**‘Managerial Functions**

*It is understood that the Company shall have the sole right to conduct its business and manage its operation, to hire, control and direct the workforce, to introduce technical improvements, to determine the time, methods and manner of working and type of work to be done.*

*(i) In the exercise of rights specified above, Management shall have prior discussion with the Union when the decisions of the company will impact in a significant manner on the employees working conditions of employment except in*

*circumstances requiring urgent decision and this only after discussion with the representatives of the Union.’’*

The Union’s representative, Mr Atma Shanto, stated that on two occasions, namely 27<sup>th</sup> March and 7<sup>th</sup> April 2017, the Respondent convened a meeting with the employees regarding decisions relating to wages, terms and conditions of employment and which decisions impact in a significant manner on the employees working conditions of employment. He further added that this has been done without discussion with the Union.

The Respondent, through its representative Mr Kishan Oogarah, stated that the employees are governed by the Pay Research Bureau Report and given that a dispute was lodged regarding conditions of work before the Commission for Conciliation and Mediation, the implementation of the Report was put on hold, pending the decision of the Commission for Conciliation and Mediation. Soon after, the Secretary of the Union, produced a document signed by its President, stating that they are withdrawing the issue of conditions of work before the Commission for Conciliation and Mediation and the Respondent immediately proceeded with the implementation of the Report and informed its employees accordingly.

Although there might not have been any need for discussion in the mind of Management, it cannot be overlooked that the implementation of the Pay Research Bureau Report does impact in a significant manner on the working conditions of the employees. To that extent, Management would not have overdone it in convening the Union and informing it of its initial decision to withhold implementation and eventually to proceed with it. We believe such

communication in future would dissipate tense if not hostile relationship between Management and the Union. This would certainly be to the credit of an efficient Management.

Now that the Respondent has already implemented the contents of the Report, the Tribunal considers there is no reason to deal further with the present application. It is accordingly set aside.

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

**(Sd) Francis Supparayen**  
**Member**

**(Sd) Eddy Appasamy**  
**Member**

**(Sd) Ghianeswar Gokhool**  
**Member**

**15<sup>th</sup> June 2017**