

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

ERT/RN 136/17

Before

Rashid Hossen	-	President
Francis Supparayen	-	Member
Andy Hau Kee Hee	-	Member
Teenah Jutton-Seeburrin (Mrs)	-	Member

In the matter of:-

ERT/RN 136 /17 –Mrs Deepti Ramtohul (Sarrop) (Disputant)

And

Université des Mascareignes (Respondent)

On the 14th April 2017, Disputant reported to the President of the Commission for Conciliation and Mediation the existence of a labour dispute between herself and the Respondent, as per Section 64(1) of the Employment Relations Act 2008, as amended. As no settlement could be reached, the Commission referred the labour dispute to the Tribunal for arbitration in terms of Section 69(7) of the Employment Relations Act (*supra*).

The point in dispute is whether Disputant “*should be employed as Lecturer at Université des Mascareignes on a permanent basis*”

Disputant avers in her Statement of Case that she started employment on 1st April 2009 at the Institut Supérieur de Technologie as Assistant Lecturer on a month to month basis with an initial salary of Rs 23,200. She was to replace

one Mrs Fardeena Joomun, Assistant Lecturer who was on leave without pay and who eventually retired due to family constraint in 2011. Save and except for the PRB report increases of 2012 and 2016, Disputant received no increment. She appealed to be on permanent and pensionable basis when the institute went under the aegis of University of Technology. In 2012, the Université des Mascareignes Act was introduced following the PRB report 2016, her job title changed from Assistant Lecturer to Lecturer. The Université des Mascareignes Act made no mention of contractual employees but only of permanent ones. She further pointed out that when she applied for the post in 2008, there was only a requirement for a Bachelor's Degree.

The Respondent's case as per its Statement of Case is based on the fact that Disputant not being a holder of a Master's Degree, her request could not be entertained.

On 12th December 2017, both parties informed the Tribunal that an agreement has been reached and that Disputant will be employed as Lecturer at Université des Mascareignes on a permanent and pensionable basis and that the appointment will take effect as from the 14th of April 2014.

Both parties having moved for an award in terms of the settlement, the Tribunal awards accordingly.

The Tribunal wishes to place on record its appreciation of the effort put in by the parties to maintain good employment relations.

SD Rashid Hossen

President

SD Francis Supparayen

Member

SD Andy Hau Kee Hee

Member

SD Teenah Jutton-Seeburrin (Mrs)

Member

26th December 2017