

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

ERT/RN 31/16

Before:

Rashid Hossen	–	President
Vijay Kumar Mohit	–	Member
Jay Komarduth Hurry	–	Member
Georges Karl Louis	–	Member

In the matter of :-

**Hotels and Restaurants Employees Union
And
Maritim Resort and Spa Mauritius (Maritim Mauritius Ltd)**

This is a joint application made under Section 63 of the Employment Relations Act 2008 as amended for voluntary arbitration with regard to the following dispute:-

“Whether the management should revert back the schedule work 7.00 a.m. to 4.00 p.m. instead of 8.00 a.m. to 5.00 p.m.”

The parties on the one hand are the Hotels and Restaurants Employees Union (hereinafter referred to as the 'Union') and on the other hand the Maritim Resort and Spa Mauritius (Maritim Mauritius Ltd) (hereinafter referred to as 'Management')

Mr Dev Ramano, of Counsel, appeared for the Union. Miss Sanjala Sumputh, of Counsel, appeared for the Management.

The Union avers in its Statement of Case that:-

1. Management has unilaterally changed the roster of the employees from 7.00 a.m. to 4.00 p.m. as from July 2013 without informing and prior discussion with the union and the employees.
2. Management did not consult the union before effecting the change in roster and thus breaching article **17 of the Procedural Agreement** that is *“The Company further undertakes that full consultations will take place with the Union, whenever appropriate and particularly in matters concerning reduction in workforce and changes in conditions of work”*.
3. The change in hours of work is a hardship for the employees and to that effect they had informed the employer that one of the prejudices is that they reach home much later after work due to traffic jam.

4. The employees are facing many problems with the new time schedule and have submitted a petition to that effect in 2009. When another manager wanted to change the time schedule the management revert back the roster and did not implement it.
5. Many workers have young children to look after and therefore their families and social life are being penalized by the change in roster.
6. Another petition dated August 2013 from the employees was submitted by the employees.
7. From picking point to their homes, some workers have to walk or travel by taxi because no bus is available at that time.

Management avers in its Statement of Case that:-

1. The change in roster was effected on 04 July 2013 in order to optimize the workforce efficiently and meet the demand of the guests.
2. A memo was affixed on the notice board on 02 July 2013, informing all the team members and also communicated to all Department of the change and the “reschedule of team transport” as from 04 July 2013. However, no complaints were received from employees to that effect.
3. Furthermore, meetings were held with staffs of different departments in presence of their Union representatives, but no complaint was received from workers regarding the change in roster and transport problem.

4. The Company explained that previously when the workers joined at 7.00 a.m., they had to stay idle, as the guests wake up after 8.00 o'clock. Hence, for greater efficiency and productivity they were asked to join at 8.00 a.m. However, there is a small team from Kitchen Department, Food and Beverages and Housekeeping Department who joins at 7.00 a.m.

5. The Company added that this change has facilitated internal training to be organized for employees from 15.00 hrs to 17.00 hrs.

6. Management emphasized that at least 66 employees submitted a document regarding the memo dated 02 July 2013 to the Employer on 10 July 2014 stating that:

“We, staff of Maritim Hotel, hereby wish to confirm that this new schedule is favourable to our daily work and social life. We also wish to point out that it is a good initiative from Management to use the time between 15h 00 to 17h 00 efficiently by organizing internal training for employees.”

7. The Company pointed out that the employees' contract of employment makes provision for the changes in the interest of the service for overall improvement of the business.

The Tribunal invited and assisted the parties through various meetings and negotiations in settling their differences.

In the meantime there has been a change in the relevant remuneration order.

On 22.11.2016, parties informed the Tribunal that an agreement has finally been reached and it is as follows:

“22 November 2016

Re: Hotels and Restaurants Employees Union and Maritim Resort and Spa Mauritius (Maritim Mauritius Cause No: 31/2016)

Agreement between two parties

It is agreed that the respondent company would adjust the employees' roster by fifteen minutes making the new working time schedule to be from 07H45 to 16H15 hours same being effective as from 1st December 2016.

(Sd) Patrick Veerapin

Hotels and Restaurants Employees Union

(Sd) Amba Lutchoomanen

Hotels and Restaurants Employees Union

(Sd)

Maritim Resort and Spa Mauritius”

The Tribunal awards in terms of the above written agreement.

(Sd) Rashid Hossen
(President)

(Sd) Vijay Kumar Mohit
(Member)

(Sd) Jay Komarduth Hurry
(Member)

(Sd) Georges Karl Louis
(Member)

12th January 2017