

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 100/17

Before

Indiren Sivaramen	Vice-President
Raffick Hossenbaccus	Member
Rabin Gungoo	Member
Ghianeswar Gokhool	Member

In the matter of:-

Artisans and General Workers' Union (Applicant)

And

SOGE International Limited (Respondent)

The present matter is an application made by the Applicant union under section 38 (1) of the Employment Relations Act (the "Act") for an order directing the Respondent to recognise the Applicant as the bargaining agent in a bargaining unit in relation to employees of the Respondent. The Applicant was represented by its President, Mr Dewnath whereas the Respondent was assisted by Counsel.

The application is resisted by the Respondent on the ground that the Applicant does not have the relevant support of workers in the bargaining unit as prescribed under section 37(1) of the Act. The Tribunal has already delivered a ruling in relation to a preliminary objection which was also taken on behalf of the Respondent.

Witnesses deponed and in the light of the evidence adduced and the Statements of case filed, the Tribunal found that this was a fit and proper case for the Tribunal to organize a secret ballot in the relevant bargaining unit. The Tribunal in the circumstances thus proceeded for a secret ballot exercise as agreed on behalf of both parties.

The secret ballot exercise was organized and supervised by the Tribunal at the seat of the Respondent on Thursday 28 September 2017. There was a total number of 25 employees in the relevant bargaining unit as agreed by both parties and all 25 employees participated in the ballot exercise. Eight (8) employees were in favour of the recognition of Applicant as bargaining agent at the Respondent whilst seventeen (17) employees voted against. The Applicant thus secured the support of 32% of the workers in the bargaining unit, that is, a support of not less than 30% of the workers in the said bargaining unit.

The Tribunal thus orders that the Respondent is to recognise the Applicant as the bargaining agent in the bargaining unit consisting of manual grade workers working as machinists, sorters and helpers at the Respondent at Plaine-Magnien and La Sourdine, L'Escalier. The Respondent and the Applicant are to meet at such time and on such occasions as the circumstances may reasonably require for the purposes of collective bargaining.

SD Indiren Sivaramen

Vice-President

SD Raffick Hossenbaccus

Member

SD Rabin Gungoo

Member

SD Ghianeswar Gokhool

Member

29 September 2017