

EMPLOYMENT RELATIONS TRIBUNAL

INTERPRETATION OF AWARD

ERT/RN 156/17

Before

Rashid Hossen	-	President
Raffick Hossenbaccus	-	Member
Rabin Gungoo	-	Member
Teenah Jutton-Seeburrin (Mrs)	-	Member

In the matter of:- Clency Bibi and 83 others (Disputants)

And

The Central Electricity Board (Respondent)

This is a joint application for a declaration under section 75 (1) of the **Employment Relations Act 2008**, as amended.

On 15th April 2008 the then Permanent Arbitration Tribunal (R. Hossen Ag President, as he then was, B. Ramburn, member and M. Goinden, member) delivered its award in Cause Number RN 816 in the matter of Clency Bibi & 13 others and the Central Electricity Board ('CEB') and the date of implementation was retrospective as from 1 July 2001 with regard to the first three disputes which were before the then Permanent Arbitration Tribunal ('PAT').

The award of the PAT was in relation to the shift employees and former shift employees of the CEB and their respective basic and consolidated salaries, as the case may be, *inter alia* following upgrading of salary scales from scales 6 to 7 for Assistant Shift Foremen, scales 8 to 9 for Shift Foremen and scales 10 to 11 for System Control Operators.

By August 2008 the PAT's award has been satisfactorily implemented by the CEB, save and except for one issue which has been and is still separating the parties and which has given rise to proceedings before the Industrial Court in the form of five test cases where the CEB has raised preliminary points of law as to jurisdiction and urged that the issues raised before the Industrial Court should be referred to the Employment Relations Tribunal for interpretation. The court urged the parties to these suits to explore ways and means of disposing of these five following pending cases amicably:

- (i) Anthonee v CEB CN 452/12;
- (ii) Taher v CEB CN 453/12;
- (iii) Bibi v CEB CN 454/12;
- (iv) Ossiany v CEB CN 455/12; and
- (v) Lily v CEB CN 456/12.

On the one hand, the above-mentioned Plaintiffs are of the view that their respective basic salaries should, for the purpose of implementing the aforesaid 2008 award of the then PAT, be calculated, worked out and determined in accordance with the point to point conversion method which has been agreed upon between CEB Staff Association ('CEBSA') and the CEB pursuant to a JNC Agreement dated 8 August 1991.

On the other hand, the CEB disagrees and has, sometime in or about February 2009, implemented the aforesaid award of the PAT, under the aforesaid first three disputes, with retrospective effect as from 1 July 2001, by applying the Salary Commission's Master Salary Conversion Table on "hypothetical basis" with effect from 1 July 1999 as contained in the Memorandum of Understanding between CEB and CEB Staff Association signed on 26 December 2000.

The parties are now jointly praying that the Tribunal should make a declaration under section 75 of the Employment Relations Act, 2008, as to which is the appropriate conversion method which should be applied by the CEB in implementing the aforesaid award of the PAT in relation to the parties hereto.

For the proper and continuing satisfactory implementation of the Award, the Tribunal, after considering the intervention of both parties, declares that the interpretation to be given to it is the following:-

The conversion of the July 2001 salary to the corresponding salary in one higher scale, as awarded by the then PAT, shall be made at the nearest higher point plus one increment.

The Tribunal notes with concern the inordinate delay in this application. It has nevertheless interpreted the award in consideration of the agreement reached by the parties.

SN Rashid Hossen
President

SN Raffick Hossenbaccus
Member

SN Rabin Gungoo
Member

SN Teenah Jutton-Seeburrin (Mrs)
Member

5th March 2018