

# **EMPLOYMENT RELATIONS TRIBUNAL**

## **AWARD**

**ERT/RN 161/17**

**Before**

<b>Rashid Hossen</b>	<b>-</b>	<b>President</b>
<b>Raffick Hossenbaccus</b>	<b>-</b>	<b>Member</b>
<b>Rabin Gungoo</b>	<b>-</b>	<b>Member</b>
<b>Teenah Jutton-Seeburrin (Mrs)</b>	<b>-</b>	<b>Member</b>

**In the matter of:-**

**ERT/RN 161 /17**

**Mr Muammar Shameem Ackburally** (Disputant)

**And**

**The Statutory Bodies Mutual Aid Association Ltd** (Respondent)

On the 30<sup>th</sup> October 2017, Disputant reported to the President of the Commission for Conciliation and Mediation the existence of a labour dispute between himself and the Respondent as per Section 64(1) of the Employment Relations Act 2008 as amended (the Act). Conciliation meetings were held at the Commission and no settlement has been possible. Consequently, the Commission referred the labour dispute to the Tribunal for arbitration in terms of Section 69(7) of the Act.

The point in dispute is:

***“Whether the Statutory Bodies Mutual Aid Association Limited should waive the letter of warning issued to me on 11 August 2017.”***

The Disputant who has been employed as office attendant by the Respondent is also a shareholder of the latter. His duties consist *inter alia* of organizing and serving snacks and refreshments for the Annual General Meetings of the Respondent. In a letter dated 31<sup>st</sup> March 2017, the Acting Manager of the Respondent requested the Disputant to give written explanation for his presence at the Annual General Meeting of the Respondent held on 31<sup>st</sup> January 2015. On 4<sup>th</sup> April 2017, Disputant wrote to the Acting Manager and explained that he was present at the Annual General Meeting following the instruction of the Acting Manager himself. On the 11<sup>th</sup> August 2017, Disputant was issued with the warning *in lite*.

The Respondent replied that the Annual General Meeting mentioned above was an illegal one and Disputant was invited not to be present as his brother was a candidate for election.

On the 2<sup>nd</sup> April 2018, when the matter was called for hearing, the parties informed Tribunal of the following agreement reached:-

**“Both Parties regret any inconvenience which may have been caused with respect to the Annual General Meeting of the Respondent held on 31 January 2015.**

**Mr Heerah, representative of the Respondent, undertakes to give written instructions to the Disputant in connection with the organization of any Annual General Meetings of the Respondent and the Disputant undertakes from now on to act only on written instructions in**

**connection with the organization of any Annual General Meetings of the Respondent.**

**The Respondent agrees to withdraw the letter dated 11 August 2017 issued to the Disputant.**

**Both Parties have no further claim whatsoever against each other.**

**Both Parties move that an award be made by the Tribunal in terms of the above.”**

The Tribunal awards in terms of the settlement.

**SD Rashid Hossen  
President**

**SD Raffick Hossenbaccus  
Member**

**SD Rabin Gungoo  
Member**

**SD Teenah Jutton-Seeburrun (Mrs)  
Member**

**25<sup>th</sup> April 2018**