

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

ERT/RN 174/17

Before

Rashid Hossen	-	President
Marie Désirée Lily Lactive (Ms)	-	Member
Abdool Feroze Acharauz	-	Member
Kevin C. Lukeeram	-	Member

In the matter of:-

ERT/RN 174 /17– Mr Nazim Boolaty (Disputant)

And

UBS Transport Ltd (Respondent)

On 6th October 2017, Mr Nazim Boolaty reported to the President of the Commission for Conciliation and Mediation the existence of a labour dispute between himself and UBS Transport Ltd as per Section 64(1) of the Employment Relations Act 2008, as amended (the Act). No settlement has been possible following conciliation meetings held at the Commission. The Commission referred the labour dispute to the Tribunal for arbitration in terms of Section 69(7) of the Act.

We note that the President of the Commission referred to the Terms of Reference as having been amended and this is not in strict compliance with the referral section. The law requires simply that a referral be made. An amended referral would normally occur following an order by the Tribunal.

The point in dispute in the present matter is:-

“Whether the UBS Transport Ltd should reinstate my hours of work from 06.00 am to 17.00 hours instead of from 05.30 am to 13.30 hours or from 13.30 hours to 21.30 hours.”

The Disputant complains of the change brought in his hours of work. He was working on a schedule of 6.00 am to 5.00 pm on a 5 day week basis and this was changed as from 10th August 2016. He claims that the change brought was the result of his active participation in trade union activities.

The Respondent avers that changes brought in the working hours are part of Disputant’s assignment. Respondent agrees that Disputant was initially working from 6.00 am to 5.00 pm in 2014 and 2015 on humanitarian grounds. Disputant was reported to be suffering from heart problems. This schedule working time was changed following his recovery.

On the 8th of March 2017, both parties informed the Tribunal that an agreement has been reached and which is as follows:-

Disputant shall work in the morning shift from 05.30 hrs to 13.30 hrs or from 06.00 hrs to 14.00 hrs only. He will not be entitled to assigned benefits enjoyed by other Traffic Officers working under the normal roster established by the Respondent. Also, he may be posted as Ticket Examiner or Stand Regulator as and when required at any depot, bus terminal or on bus routes.

Both parties moved for an award in terms of the agreement.

The Tribunal awards accordingly.

SD Rashid Hossen
President

SD Marie Désirée Lily Lactive (Ms)
Member

SD Abdool Feroze Acharauz
Member

SD Kevin C. Lukeeram
Member

17th April 2018