

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 93/18

Before

Indiren Sivaramen	Vice-President
Raffick Hossenbaccus	Member
Karen Veerapen	Member
Ghianeswar Gokhool	Member

In the matter of:-

Private Sector Employees Union (Applicant)

And

La Moisson Ltée (Respondent)

The present matter is an application made by the Applicant union under section 38 of the Employment Relations Act (the “Act”) for an order directing the Respondent to recognise the Applicant as the sole bargaining agent in a bargaining unit “consisting of the categories of manual employees under employment at La Moisson Ltée”. The Applicant was represented by Mr Narrain, Secretary of the union whereas the Respondent was assisted by Counsel.

The application is resisted by the Respondent basically on the ground that the Applicant “does not satisfy the threshold of 50% required under section 37(4) [should read section 37(2)(a) instead] of the Employment Relations Act 2008 to be recognised as bargaining agent”.

The representatives of the parties deponed and in the light of the evidence adduced, Statements of case filed and the statement made by Counsel, the Tribunal found that this was a fit and proper case for the Tribunal to organise a secret ballot in the relevant

bargaining unit. The Tribunal in the circumstances thus proceeded for a secret ballot exercise.

The secret ballot exercise was organised and supervised by the Tribunal at the seat of the Respondent on Friday 7 September 2018. There was a total number of 89 employees in the relevant bargaining unit as agreed by both parties and 52 of the said employees participated in the ballot exercise. Fifty-one (51) employees were in favour of the recognition of Applicant as their sole bargaining agent at the Respondent whilst one (1) employee voted against. The Applicant thus secured the support of 57.3 per cent of the workers in the bargaining unit, that is, a support of more than 50 per cent of the workers in the said bargaining unit.

The Tribunal thus orders that the Respondent is to recognise the Applicant as the sole bargaining agent in the bargaining unit consisting of manual employees employed by Respondent. 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 Karen Veerapen

Member

SD Ghianeswar Gokhool

Member

12 September 2018