

# EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 156/2019

## ORDER

*Before: -*

<b>Rashid Hossen</b>	-	<b>President</b>
<b>Vijay Kumar Mohit</b>	-	<b>Member</b>
<b>Feroze Acharauz</b>	-	<b>Member</b>
<b>Kevin Lukeeram</b>	-	<b>Member</b>

*In the matter of: -*

**Rodrigues Tourism and Allied Industries Workers Union**

*(Applicant)*

and

**Escale Vacances Ltee**

*(Respondent)*

The Rodrigues Tourism and Allied Industries Workers Union has entered the present application under *section 38* of the *Employment Relations Act* (the “Act” as amended) seeking to be recognised as sole bargaining agent at the Escale Vacances Ltee. The Applicant Union claims to have the support of 18 workers in the bargaining unit as per its application.

The Rodrigues Tourism and Allied Industries Workers Union have stated that they shall be abiding by the decision of the Tribunal in relation to the present application. Likewise, the Escale Vacances Ltee have stated that they have no objection that the Applicant Union be recognised as sole bargaining agent in relation to the employees in the bargaining unit. The Applicant and Respondent were *inops consilii*.

Mr Devianand Narrain, Negotiator, filed documents on behalf of the Applicant Union. He notably informed that Rodrigues Tourism and Allied Industries Workers Union wishes to be recognised as sole bargaining agent in the categories of manual employees and staff, excluding management, at Escale Vacances Ltee. He produced a list of the categories of workers in the

bargaining unit (Document A). According to him, there are 18 workers in the bargaining unit of which the Applicant Union presently has the support of more than 50% of workers. He produced a bundle of the Membership Admission Forms of 18 workers (Document B).

In view of the evidence adduced and the membership forms produced, the Tribunal, pursuant to *section 38 (2)(b)* of the Act, proceeded to organise and supervise a secret ballot in the bargaining unit at the seat of Escale Vacances Ltee at Fond La Digue, Rodrigues on 11<sup>th</sup> September 2019. The secret balloting exercise confirmed the overall majority support held by the Applicant Union among the workers in the bargaining unit applied for (i.e. 77.8%).

Out of 17 voters (1 Absent), 14 voted for recognition and 3 voted against.

The Tribunal therefore orders that the Rodrigues Tourism and Allied Industries Workers Union be recognised as sole bargaining agent by the Escale Vacances Ltee in the bargaining unit comprising the following categories of workers:

*Manual employees and staff employees excluding management, under employment at Escale Vacances Ltee.*

As per the requirements of the Act, the Rodrigues Tourism and Allied Industries Workers Union and the Escale Vacances Ltee are to meet at specified intervals or at such time and on such occasions as the circumstances may reasonably require for the purposes of collective bargaining. Moreover, the Rodrigues Tourism and Allied Industries Workers Union shall be the sole bargaining agent of the workers in the aforementioned bargaining unit.

The Tribunal orders accordingly.

**SD Rashid Hossen**  
**(President)**

**SD Vijay Kumar Mohit**  
**(Member)**

**SD Feroze Acharauz  
(Member)**

**SD Kevin C. Lukeeram  
(Member)**

**Date: 11<sup>th</sup> September 2019**