

# EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 02/2019

## ORDER

*Before: -*

<b>Shameer Janhangeer</b>	<b>Vice-President</b>
<b>Francis Supparayen</b>	<b>Member</b>
<b>Rabin Gungoo</b>	<b>Member</b>
<b>Kevin C. Lukeeram</b>	<b>Member</b>

*In the matter of: -*

**PRIVATE SECTOR EMPLOYEES UNION**

*(Applicant)*

and

**MAURITIUS FREEPORT DEVELOPMENT CO. LTD**

*(Respondent)*

*In presence of: -*

**PORT LOUIS MARITIME EMPLOYEES ASSOCIATION**

*(Co-Respondent)*

The Private Sector Employees Union has entered the present application under *section 38* of the *Employment Relations Act* (the “*Act*”) seeking to be recognised as sole bargaining agent at the Mauritius Freeport Development Co. Ltd (“MFD”). The Applicant Union claims to have the support of 265 workers in the bargaining unit as per its application. The Port Louis Maritime Employees Association (“PLMEA”) is presently recognised as the sole bargaining agent at MFD.

The MFD have stated that they shall be abiding by the decision of the Tribunal in relation to the present application. Likewise, the PLMEA 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 at the MFD. The Applicant and Co-Respondent were *in ops consilii*, whereas the MFD was assisted by Miss K. Teck Yong and Mr R. Bhookhun of Counsel, who appeared together with Mr P. Doger de Speville, SC.

Mr Jean Yves Chavrimootoo, Negotiator, adduced evidence on behalf of the Applicant Union. He notably stated that Private Sector Employees Union wishes to be recognised a sole bargaining agent in the categories of manual employees and staff, excluding management, at MFD. He produced a list of the categories of workers in the bargaining unit (Document A). According to him, there are 320 workers in the bargaining unit of which the Applicant Union presently has the support of 282 workers. He produced a bundle of the Membership Admission Forms of 282 workers (Document B). He added that the PLMEA no longer wish to represent the workers at the MFD and wish to concentrate on the Cargo Handling Corporation.

Mr Madre Ananden, Treasurer of the PLMEA, made a statement on behalf of the Co-Respondent. He stated that both unions are in the General Workers Federation and he has no objection for the Applicant Union to be recognised as sole bargaining agent at the MFD.

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 the MFD at Mer Rouge, Port Louis on 13 March 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. 85.49%).

The Tribunal therefore orders that the Private Sector Employees Union be recognised as sole bargaining agent by the Mauritius Freeport Development Co. Ltd in the bargaining unit comprising the following categories of workers:

*Senior Supervisor, Supervisor Maintenance, Other Supervisors, Sanitation Supervisor, Mechanical Coordinator, Team Leader, Mechanic, Frigorist, Electrician, Welder, Painter, Security Technician, Mentor, Plumber, Stacker Operator/Driver, Planning Officer, Lorry Driver, Reach Truck Operator/Driver, Forklift Operator/Driver, Side Lifter Operator/Driver, OTS Officer, Senior Custom Clerk, Custom Clerk, Secretary, Senior Tally Clerk, Weigher Bridge, Tally Clerk, Internal Auditor, Warehouse Security, Sizing Officer, Access Controller, Data Entry Clerk/Operator, Senior CPO, Container Park Officer, Administrative Assistant, Administrative Secretary, Facilities Help Desk Assistant, Washer, Handler, Lorry Helper, Site and Yard Controller, Cleaner and Gardener.*

As per the requirements of the Act, the Private Sector Employees Union and the Mauritius Freeport Development Co. Ltd 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 Private Sector Employees Union shall replace the PLMEA as the bargaining agent of the workers in the aforementioned bargaining unit.

The Tribunal orders accordingly.

**SD Shameer Janhangeer  
(Vice-President)**

**SD Francis Supparayen  
(Member)**

**SD Rabin Gungoo  
(Member)**

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

**Date: 14<sup>th</sup> March 2019**