

# **Permanent Arbitration Tribunal**

## **Interim Award**

**RN 850**

**Before**

**Rashid Hossen - Acting President**

**B. Ramburn - Member**

**R. Gayan - Member**

**In the matter of:-**

- 1. Sea Lord Fishing Co. Ltd**
- 2. IKS Fishing Co. Ltd**
- 3. Mecfish Co. Ltd**
- 4. Les Pêcheries de la Perle Ltée**
- 5. Talbot Fishing Co. Ltd**
- 6. Noor Fishing Co. Ltd**

**Represented by : Bank Fishing Operators Association (BFOA)**

**And**

**Maritime Transport & Port Employees Union (MTPEU)**

The parties have jointly referred the present industrial dispute to the Tribunal by way of Voluntary Arbitration under Section 78 of the Industrial Relations Act 1973 as amended after giving notice to the Minister responsible for Industrial Relations.

The issue in dispute is –

**“Whether the Bank fishermen and frigo-workers should be governed by the new terms and conditions of employment specified in the Appendix to this letter”.**

Both parties are referring to a letter dated 23/08/04 bearing their signatures and to which is attached an Appendix with the following title: “**Terms and Conditions of Employment of Banks Fisherman and Frigo-Workers**”. (as amended).

Given the urgency of the matter, especially regarding the two projected fishing campaigns on the banks, the Tribunal is invited to deliver an Interim Award as an agreement has been reached between parties on the issue of pay and described in detail in the Memorandum of Agreement submitted to the Tribunal:-

“**WHEREAS** the parties have, in a letter dated 23 August 2004, jointly referred to the Permanent Arbitration Tribunal under Section 78(1) of the Industrial Relations Act 1973 an industrial dispute existing between them, both parties now declare having reached an agreement on the provisions contained in the memorandum annexed to our letter dated 23 August 2004.

**CONSIDERING** that the rate of pay specified in the First Schedule to the Banks fisherman and Frigo workers (Remuneration Order) Regulations (GN 144 of 1977, as amended) are counter-productive, the parties have, therefore, agreed that the rate of pay per catch to be inserted at paragraph 4.2.1 of the memorandum should be as follows:-

<u>Catch per Fisherman</u>	<u>Rate per Kilo</u>	
	Rs	cs
0 to 87 kgs	7.	00
0 to 125 kgs	11.	00
126 kgs and above	15.	00

**NOTING** that the agreed rate of pay per catch is a new method of remuneration and is different from the existing rate prescribed in the Banks fisherman and Frigo-Workers (Remuneration Order) Regulations 1997, as amended, the parties have furthermore agreed that the new rate of pay be implemented on a trial basis for the first two fishing vessels having completed their fishing campaigns and that it be revised or confirmed only on the assessment made at the end of these fishing campaigns.

**HAVING DETERMINED** that the terms and conditions of employment of Banks Fisherman and Frigo-Workers should be as per the agreement reached, the parties, therefore, entreat the Permanent Arbitration Tribunal to make an award thereon under Section 78(1) of the Industrial Relations Act 1973, save for the rate of pay per catch and the Insurance cover for which the parties pray that an interim award be made on these issues. The Parties also agree to maintain the rate of pay per catch until the final award is made by the Permanent Arbitration Tribunal”.

The agreement is to be implemented by both parties on a trial basis pending the settlement of other outstanding issues upon which the parties have indicated to the Tribunal that an agreement may be reached by December 2004.

The Tribunal awards accordingly, and appreciates both parties endeavour for the settlement of their dispute.

It is understood that the parties will revert back to the Tribunal for a final award as soon as a complete agreement is reached.

This Interim Award shall take effect on the date of its publication in the *Gazette* and binds the parties for a period not exceeding two years.

**Rashid Hossen**  
**Acting President**

**R. Gayan**  
**Member**

**B. Ramburn**  
**Member**

**17 September 2004**