

PERMANENT ARBITRATION TRIBUNAL

Award

RN 792

BEFORE

Rashid Hossen	-	Acting President
R. Sumputh	-	Member
B. Ramburn	-	Member

In the matter of:

Mrs L. Juganaikloo and 20 Others

And

The Municipal Council of Beau Bassin/Rose Hill

In presence of Ministry of Local Government

This dispute has been referred by the Minister of Labour, Industrial Relations and Employment by virtue of section 82(1) (f) of the Industrial Relations Act 1973, as amended.

Mrs L. Juganikloo and 20 others are hereafter referred to as the applicant and the Municipal council of Beau Bassin/Rose Hill as the Respondent.

Both Parties were represented by Counsel.

The matter was called in presence of the Ministry of Local Government.

The points in dispute are:-

- (i) *"Whether the uniform entitlements which formed part of the conditions of employment up to 1993 should be reinstated in the collective conditions of employment as otherwise on basis of personal bearer or otherwise that a compensation of Rs 1,200.- yearly to be paid in lieu thereof.*
- (ii) *Whether the existing uniforms scheme should provide for (a) 2 skirts (b) 4 blouses and (c) 1 winter coat to the following categories of employees (1) Personnel Officer (2) Senior Committee Clerk (3) Committee Clerk (4) Confidential Secretary (5) Word Processing Operator (6) clerk (7) Librarian (8) Senior Librarian (9) Library Clerk (10) Cadastral Officer (11) Senior Clerk (12) Head of Pay (13) Head Clerk (14) Scene Painter/Stage Designer.*

The initial list of disputants was as follows:

Serial No	Name	Category
1	Sybille Marechal	Senior Committee Clerk
2.	Liseby Juganaikloo	Committee Clerk (now Senior Committee Clerk)
3	Amoy Chung	Committee Clerk
4	Marie Aimee Magny	Confidential Assisant (now Conf. Secretary)
5	Sheela Kalasopatan	Clerk/Typist (now Confidential Secretary)
6	Marie Claude Cotte	Clerk/Typist (now Word Processing Operator)
7	Gillette Ducasse	Telephonist
8	Radha Tapesar	Receptionist/Telephonist
9	Marie Claire Duval	Librarian
10	Lutchmee Acheemootoo	Senior Library Clerk
11	Suzette Patou	Senior Library Clerk
12	Marie Noelle Sambat	Library Clerk
13	Kathleen Sullivan	Cadastre Officer
14	Yola Deville	Cashier
15	Josephine Syed	Input Output Controller
16	Abedah Ibrahim	Senior Clerk
17	Sheila Govinden	Senior Clerk
18	Danielle Hack	Head of Pay
19	Sahida Allybacus	Senior Clerk
20	Roselyne Savreemootoo	Clerical Officer (now Clerk)
21	Bernadette Sanspeur	Scene Painter/Stage Designer

Following a motion from applicants' Counsel, the following names were deleted as they were no longer employees of the Municipal Council of Beau Bassin/Rose Hill:-

Amoy Chung

Marie Claude Cotte

Marie Claire Duval

Kathleen Sullivan

Yola Deville

Josephine Syed

In its Statement of Case the applicants aver that:-

- Uniforms were issued to female employees of the Municipality of Beau Bassin/Rose Hill up to 1993.
- Each provision which is mentioned in the estimates is scrutinized before approval by the Ministry.
- In 1992 – 93 the Ministry gave instruction to the Municipality to stop the grant of uniform to female employees.

The aggrieved employees claim that the grant of uniform should be provided to all ladies employees who joined the service prior to the financial 1992-93 be reinstated and applied to all female staff employees, as a measure of protection and as per reasons for which it was issued in the past. Should the Tribunal consider that the issue of uniforms cannot be reinstated, it is requested that the Tribunal awards on the issue of uniforms on personal to bearer basis or otherwise that a compensation be paid in lieu thereof. The amount claimed is Rs 1200 with effect from 1994.

They claim that with the passage of time, the provision of uniforms to the ladies employees who have enjoyed the grant of uniforms for nearly twenty years have made the entitlement become part and parcel of their conditions of service. According to them, it is an acquired right which cannot be withdrawn.

The Respondent avers the following in its Statement of Case:-

- The Council was requested by the Ministry of Local Government to assume entire responsibility in respect of uniform and uniform allowances granted not in accordance with the existing regulations and the Ministry clearly pointed out inter-alia that it did not enclose the grant to employees on ground of acquired rights.
- There is no existing uniform scheme for the 21 female officers in the 14 grades.
- The grant of uniform/uniforms allowances to the applicants was an irregularity in the first place and/or was the result of 'simple tolerance', therefore it cannot be a "Source de droit" for the applicants.

Mrs Abedah Ibrahim confirmed under solemn affirmation to be the representative of all the applicants in the present case and the correctness of their Statement of Case.

She confirmed having signed an option form of the PRB Report on 27th June 2003 which stipulates at "Para

3(a) I hereby opt in conformity with the Circular note to accept the revised emoluments and terms and conditions of same as set out in the report. I understood that this option is irrevocable".

& 4 She also conceded that she understands the English Language and the meaning of "irrevocable".

Mrs C. Nagalingum, Personnel Officer, representing the Municipal Council of Beau Bassin/Rose Hill confirmed under Solemn Affirmation that the Respondent has no objection to meet the applicants' demands.

There being no live issues before the Tribunal with regard to the disputes as per the Terms of Reference, the matter is set aside.

R. Hossen
Ag President

R. Sumputh
Member

B. Ramburn
Member

Date: 10 May, 2006