

PERMANENT ARBITRATION TRIBUNAL

AWARD

RN 725

Before :

Rashid Hossen	-	Ag President
Binnodh Ramburn	-	Member
Rajendranath Sumputh	-	Member

In the matter of:-

Mrs Joyce Pierrot

Mrs Marie Anne Lenette

And

Air Mauritius Ltd

The present dispute has been referred for compulsory Arbitration by the Minister responsible for Labour, Industrial Relations and Employment by virtue of **Section 82 (1) (f) of the Industrial Relations Act 1973 as amended**

Mr J. Panglose, of Counsel, appears for the Applicants.

Mr F. Nouraully, of Counsel, appears for the Respondent

The Terms of Reference read:-

“Whether Mrs Joyce Pierrot and Marie Anne Lenette should be appointed Senior Administrative Officer, or otherwise”

The applicants aver in their statement of case:-

1. Mrs Pierrot joined Air Mauritius in October 1981 as Clerk/Typist in the Inter-Island Services Department and was promoted to Confidential Assistant in April 1992 in the Operations Department.
2. Mrs Lenette joined Air Mauritius in November 1981 as Clerk/Typist in the Ground Operations Department and was subsequently appointed as Confidential Secretary in April 1990.

3. In 1997, Applicants were upgraded to the AM5 salary scale on a personal to bearer basis.

4. In the year 2000 subsequent to the upgrading of Mrs N. Peersaib, certain Senior Confidential Secretaries, were automatically appointed as Senior Administrative Officers after representations made. Their appointment took place without any vacancies for the post of Senior Administration Officer being internally advertised. These appointments were in breach of Procedural Agreement between Air Mauritius and Air Mauritius Staff Association, wherein Air Mauritius agreed that all vacancies would be internally advertised.

5. The Management of Air Mauritius, again bypassing the Procedural Agreement, set criteria to nominate persons to the post of Senior Administration Officer. This criteria was established after inquiries were made by Air Mauritius Staff Association. The criteria were that the person eligible for the post would have had to have twenty years of service, reckoning seven years in their post as Senior Confidential Secretary.

6. A certain Mrs Anita Canabady who did not meet these criteria, was appointed to the post of Senior Administration Officer. In fact Mrs Canabady was not a Senior Confidential Secretary when she was appointed as Senior Administration Officer.

7. Applicants aver that in November 2001, as they satisfied the criteria set out in paragraph 4 above, except that they were not Senior Confidential Secretaries, they requested appointment for the post of Senior Administration Officers, but they were not appointed.

8. Applicants further aver that as Mrs Canabady was appointed to the post of Senior Administration Officer, they are entitled to the same appointment.

9. Applicants pray that they be appointed to the post of Senior Administration Officer as from November 2001 and be upgraded in the then AM7 salary scale with effect from November 2001.

The Respondent avers in its Statement of Case:-

That the position and salary scale claimed by Applicant no longer exists on its establishment as effective 23 December 2004, it has signed off an agreement with the largest union, the Air Mauritius Staff Association (AMSA) catering for the interest of the staff grade. With this agreement, a new salary structure with 5 levels for the ground staff has been introduced in the company with all job titles rationalized and the generic specifications in terms of level of responsibilities and sample duties to be performed at each level, clearly laid down.

Respondent states that the level of responsibility entrusted to the Applicant does not in any way warrant an upgrading in the current structure.

Alternatively Respondent avers as follows with regards to Mrs Pierrot:-

1. Applicant joined its service as Clerk/Typist in the Flight Operations Department on 05 October 1981. She was on 01st April 1989 appointed as Secretary I.
2. In January 1992, Respondent caused a Job Evaluation to be carried out for its staff and manual grade and Applicant's post was restyled to Confidential Assistant.
3. Applicant was on 01st April 1996 promoted to the position of Confidential Secretary in the Cabin Services and following an agreement between Respondent and Applicant's union, Applicant was upgraded on a personal to bearer basis on the AM5 salary scale of the Company, although the post of Confidential Secretary is categorized on the AM4 salary scale.
4. In May 2000, Respondent received representations from its senior most Senior Confidential Secretaries then on top of their salary scale (AM6) attached to the Directors of the Company, regarding extra administrative duties they were being called upon to perform, which fell outside their normal scheme of duties as Senior Confidential Secretary.
5. Respondent, surveyed those additional duties and to provide for a career path for the senior most Senior Confidential Secretaries, created, in May 2000, on its establishment, a new position of Senior Administrative Officer which post was scaled on the AM7 salary scale. The requirements set for appointment to the new post of

Senior Administration Officer were put to 20 years service in the Company with 7 years as Senior Confidential Secretary and the job description is attached (*Annex I*)

6. The following Senior Confidential Secretaries who reckoned 20 years service in the Company with 7 years at that position and who were already performing the duties attached to the new post, had thus their post of Senior Confidential Secretary (AM6 salary scale) restyled to Senior Administration Officer (on the AM7 salary scale).

They were upgraded on 01st September 2000.

	<u>Name of Employees</u>	<u>Date of Entry</u>	<u>Date of Appointment</u>	<u>As Senior Confidential Secretary (previously Senior Confidential Assistant)</u>
1.	Mrs Jacqueline Etienne	19/09/77	01/01/92	
2.	Mrs G Selvom Rengasamy	21/10/77	01/01/92	
3.	Mrs P Hang Hung Pew	01/11/77	01/01/92	
4.	Mrs Genevieve Affoque	16/01/79	01/01/92	

7. Respondent avers the case of Mrs A Canabady was a special case and latter who was then Publicity Assistant on the AM6 salary scale, had her post restyled to Senior Administrative Officer on the AM7 scale, based on the nature of her functions which consisted essentially of performing administrative duties for the Publicity Section.

8. Respondent avers that at the time of her appointment as Senior Administrative Officer, Mrs Canabady reckoned 33 years service in the Company and had held these different positions:-

- Secretary
- Publicity Assistant
- Senior Administrative Officer

9. Respondent avers that in October 2000, it had referred the whole issue of appointment of the Senior Administrative Officers to the Air Mauritius Compensation Committee (AMCC) which is the body within Air Mauritius vested with the specific role of:-

- (i) establishing the levels of remuneration and benefits to its local and overseas employees.
- (ii) Reviewing and authorizing changes to remuneration or benefits covering employees of the Company

and the committee at its meeting of 2 October 2000, had ratified the decision of Management.

10. Respondent avers that it has not bypassed any procedures of the Company as all employees who fitted in the requirements of the new post, had been appointed and there was thus no need to have the post advertised.

11. Respondent avers that applicant did not in May 2000 satisfy the requirements of the new post and she was furthermore not performing the duties attached thereto.

12. Respondent avers that any piecemeal upgrading of applicant will upset the equilibrium of internal relativity existing between different posts on its establishment and was likely to have snowball effects.

13. Respondent moves in the light of the above, the case of Applicant be set aside.

ANNEX 1

The Senior Administrative Officer will be responsible for carrying out the following duties:-

- *Compiling and establishing statistics for the department*
- *Monitoring leaves of absence (local, sick, special, etc)*
- *Administering Human Resources Information Systems for the department*
- *Making arrangement of logistics, catering, transport, etc for the department*
- *Taking dictation and notes of meeting*
- *Preparing slides for high-level presentation – Use of OHP/Power Point, etc.*
- *Maintaining assets register of the department*
- *Coordinating with driver/messenger re official and private errands for the department*
- *Launching and coordinating invitations for social events*
- *Tracking costs for the department*
- *Carrying out induction programme for new comers*
- *Any other cognate duties as may be assigned by your Superior.*

In relation to Mrs Lenette, the respondent avers:-

1. Applicant joined its service as Clerk/Typist in the Customer Services Department on 01 November 1981. She was on 01st April 1990 appointed as Confidential Secretary .
2. Following an agreement reached with Applicant's union AMSA and respondent, Applicant was upgraded as Confidential Secretary on the AM5 salary scale on a "personal to bearer" basis in 1996. The post of Confidential Secretary was then scaled on the AM4 salary scale.
3. Applicant was on 01st April 1996 promoted to the position of Confidential Secretary in the Cabin Services and following an agreement between Respondent and Applicant's union, Applicant was upgraded on a "personal to bearer basis" on the AM5 salary scale of the Company, although the post of Confidential Secretary is categorized on the AM4 salary scale.
4. In May 2000, Respondent received representations from its senior most Senior Confidential Secretaries then on top of their salary scale (AM6) attached to the Directors of the Company, regarding extra administrative duties they were being called upon to perform, which fell outside their normal scheme of duties as Senior Confidential Secretary.
5. Respondent, surveyed those additional duties and to provide for a career path for the senior most Senior Confidential Secretaries, created, in May 2000, on its establishment, a

new position of Senior Administrative Officer which post was scaled on the AM7 salary scale. The requirements set for appointment to the new post of Senior Administration Officer were put to 20 years service in the Company with 7 years as Senior Confidential Secretary and the job description is attached (*Annex I*)

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13. Respondent moves in the light of the above, the case of Applicant be set aside.

In 2 amended Statements of Case that do not appear to have been vetted the applicants aver:-

"In 1996, Mrs Véronique MIN FA, had been upgraded by Management to the post of Confidential Secretary. No internal Vacancy, nor any selection exercise was carried out. Following representations from the Union, all Secretaries, (Secretaries, Confidential Secretaries and Senior Confidential Secretaries) were upgraded one salary scale in 1997 (back payment effective 01 APR 1996) with job titles staying the same".

Statement of Case of Respondent dated 05 JULY 2006

Miss Pierrot's claim dates back to November 2001. The post of Senior Administrative Officer was at that time carrying salary scale AM7. The post still exists with the Levelling Agreement but with lower responsibilities in salary scale LM4. Those who were Senior Administrative Officer have shifted to Personal Assistant in salary scale LM5.

Miss Pierrot is still Confidential Secretary in ancient grade (which does not exist in present Levelling Agreement) because of the Company has not yet cleared cases of Personal to bearer. According to the Levelling Agreement signed between Management and the Union, Management should have sorted out everything by MAR 2005. Furthermore, the Agreement signed between parties did not mention that the claim submitted in 2001 elapsed automatically. The case is that the duties and level of responsibility shouldered by Miss Pierrot as set by Management (see Scheme of Duties of Senior Administrative Officer now Personal Assistant) reflect amongst other what she is doing presently. Management should therefore pay accordingly.

"Respondent states that the level of responsibility entrusted to Applicant does not in any way warrant an upgrading in the current structure".

- Miss Pierrot has been working with 4 Chief Pilots until July 2006 who have under their responsibilities more than 200 Pilots. Due to the increase in workload and responsibilities, in January 1998, the Chief Pilots made a recommendation to the Director of Flight Operations for

an upgrading as Senior Confidential Secretary which was never actioned by Management.

- During all these years Miss Pierrot has obtained Very Good Performance Appraisal.

- Miss Pierrot has been providing administrative support to the Chief Pilots and Pilots.

.....Mrs Lenette's claim dates back to November 2001. The post of Senior Administrative Officer was at that time carrying salary scale AM7. The post still exists with the Levelling Agreement but with lower responsibilities in salary scale LM4. Those who were Senior Administrative Officer have shifted to Personal Assistant in salary scale LM5.

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"Respondent states that the level of responsibility entrusted to Applicant does not in any way warrant an upgrading in the current structure".

- The Station Managers (since 2000) were not conversant with the day-to-day running of Administration and Mrs Lenette had to train them.

- During all these years Mrs Lenette has obtained Very Good Performance Appraisals.

- Also worked with Chief Operations Executive for nearly 16 months (APR 2003 – JUL 2004)
He had > 1700 employees under him. One Director with the Chief Operations Executive and had a Senior Administrative Officer now Personal Assistant working with him. Mrs Lenette had no salary upgrading, no acting allowance.

- Mrs Lenette worked alone in absence of Station Managers for 7 months in 2005. Has to manage, organize and execute all administrative duties.

- She was responsible for all Administrative side of Group Operations (>450 staff).

So an upgrading is warranted”.

Mrs Lenette deponed before the Tribunal and confirmed the contents of her Statement of Case.
She further stated:-

An increment is alongside a scale, whereas an upgrading is usually 2 increments granted to an employee who changes responsibility and who has added responsibility. She has been working in the Company for more than 25 years and with the work she has been doing together with the responsibilities allotted, she should get what she is asking for. She gave examples of anomalous cases on the part of the Respondent:-

- (a) In 1996 Mrs Min Fa was upgraded following representations made by the Union and by the Employees, all categories of Secretaries were upgraded and were given 2 increments.

- (b) In 1999 there was the upgrading of Mrs Peersaib and following this, again the Senior Confidential Secretaries were promoted, upgraded to the post of Senior Administrative Officers with no vacancy notice and no selection exercise being carried out. A decision was taken at a meeting between the Union and Management that a career path would be created, but it was never done.

- (c) Again in 2004 there were the upgrading of Mrs Peersaib, Mrs Chan Sim and Mrs Barbe with no internal vacancy, and

- (d) On 11 January 2007 there was a recommendation from the HR Manager that an employee - Mrs Sandia Banymandhub - be upgraded from Level 1 to Level 4.

She stated in cross examination that:-

She joined Air Mauritius as Clerk/Typist on 1 November 1981 and has SC, HSC, Secretarial Duties, Certificate in London Chamber of Commerce, Pitman as qualifications. She along with Mrs Pierrot are requesting that they be upgraded to the same level as from November 2001 – as Mrs J. Etienne, Mrs S. Rengasamy, Mrs P. Pew and Mrs G. Affoque who were upgraded in 2000 and thereafter to Level 5. She conceded that in the year 2000 she had 19 years of service whereas those who were appointed they had already 20 years of service and 7 years as Senior Confidential Secretary. Mrs Peersaib and Mrs Chan Sim have been promoted to management level and she is aware that there is no need in the Company for recruitment exercise for management posts. Applicants are not contesting the nominations of their colleagues but they are only requesting to have a fair treatment as their responsibilities warrant an upgrading. The 'personal to bearer' should have been settled by March 2005. They would like that their job be reassessed because

they are performing higher responsibilities. As per the generic duties of the Levelling Agreement, she is sure that she be upgraded to Level 5.

She saw a letter that Mrs Sandia Banymandhub has been recommended to jump from Level 1 to Level 4 but she cannot say that it was executed. Mrs Banymandhub was an Ex-Flight Purser and she has been grounded.

The Company, in her opinion, has bypassed procedures in the appointments because in the procedures between their Union and Management for any new position, there is an Employee Request Form to be filled and an Internal Vacancy Notice and selection exercise to be effected. She did not in the year 2000 hold 20 years of service including 7 years at Senior Level.

Mr Beeharry-Panray, for the respondent testified as follows:-

Many Senior Confidential Secretary (SCS) were attached at Director's Level and Management decided in September 2000 to lift up the duties of these people as compared to what they had initially in terms of their duties. The job of a S.C.S. who was attached at a Director's Level was different to one of S.C.S. attached to a Manager or any in management grade. At that time, since there were some administrative duties which were coupled with the duties of S.C.S., Management decided to create a post of Administrative Officer. The decision was taken and approved by the Air Mauritius Compensation Committee that a new post be created and the requirements which were set at that time for this post are a 20-year service in the Organisation and 7 years as S.C.S. Management therefore appointed those people who had those requirements of 20 years and 7 years as S.C.S. Among the S.C.S. there was a lady namely Mrs Canabady who initially was Secretary but who was at that time doing the job of S.C.S. Being given that she had Administrative duties linked to the publicity section, Management decided to restyle the post and she was also in the same way appointed as S.A.O. on the AM7 salary scale of the Company. At that time Mrs Canabady was holding 33 years of service.

According to the witness, the two Applicants did not satisfy the requirement. There were only 7 persons who could have got those posts and there were 7 posts. There was therefore no need for an advertisement. The two applicants did not fall into that category. There is another structure within Air Mauritius and a Levelling Agreement has been signed with the Union whereby the salary scale has been compressed – there is no longer the AM1 to AM7 but there is the Level 1 to Level 5. Those people who were on AM7 or AM6 have now been brought to Level 5. There is no requirement for S.A.O. anymore. These posts which were created at that time only catered for Senior Confidential Secretaries who were attached to work at Director's Level and those people are still there. There is no vacancy technically at this level.

In the case of Mrs Peersaib she was working with the Managing Director. It was decided by the Managing Director at that time that in view of the high responsibility she had and having to work with the Managing Director of the Airline, the decision was taken to have her upgraded and that was also in the case of Mrs Chan Sim. In both cases there had been no vacancy notice because under the Procedural Agreement that exists with the Union, posts at Management level are not necessarily advertised. There are many Confidential Secretaries on the establishment of Air Mauritius – between 20 and 30 – and any upgrading will create a snowball effect. The internal relativity within the Secretaries will be disturbed.

Mrs Sandia Banymandhub - who is the wife of the Director of Flight Operations, Mr Pramil Banymandhub, - was a Flight Purser, a high position fetching a high salary. At some period of time there had been a problem between the Director and the Cabin Crew Union. There had been anonymous calls made to the Director regarding his family. Management then decided to ground Mrs Banymandhub with a salary worked out according to what a person in that position should be getting. She has not been transferred to Level 4.

There are situations where the cabin crew, for family reasons, are grounded and a salary personal to them and acceptable to them are worked out. They earn much less when they are grounded. Therefore it is no favour when they are grounded. Mrs Canabady at the time of her appointment in the lot reckoned 33 years of service. The post was restyled in her department and she was the only person who could aspire for that post. She was the only person working in the Publicity Section at that time. There was the Manager, Mrs Champa, who left at that time and her Assistant was Mrs Canabady. He denied that Station Managers or any Manager whatsoever are trained by Secretaries or Confidential Secretaries. There is no longer the post of Chief Operations Executive on the establishment of the Company because the Company has restructured to face the challenges of liberalization of air access. As per the procedural agreement, should there be a need to create post at that level then this post would have to be advertised. Everyday posts are advertised at the level of Air Mauritius and obviously any new position that exists within the Company will be advertised, and Applicants will be free to apply, according to the witness.

The witness in cross-examination stated:-

It is not necessarily a favour the fact that Mrs Banymandhub has been grounded. If she would have been still a Flight Purser, she would have been getting at least 5 to 6 times more than what she is earning now. Posts are created when they are necessary and not according to the whims of Air Mauritius. There was a requirement of Senior Administrative Officers and the post of Mrs Canabady was restyled based on full the duties in the Publicity Section. Management decided to review the duties and she was offered the position of Senior Administrative Officer. Mrs Peersaib was initially a Senior or a Senior Confidential Secretary, and she was then upgraded to the position of Manager in the Managing Director's Office. As per the Procedural Agreement, not all Management positions are advertised within the Company. He does not agree to the fact that Management decides when to advertise and when not to advertise depending on the persons that Management want to protect. He also does not agree that the Applicants have had to do work which those other persons that have been upgraded are doing. He does not think that Mrs Lenette had been training the Station Manager. A Station Manager is someone who is on Management "A" on the Establishment of the Company and he is responsible for at least 500 people at the

airport. It is normal that a Station Manager newly appointed relies to some extent on his Secretary to know the in and out of the Department.

The witness would not disagree that Mrs Lenette has got a very good performance appraisal from those who were dealing with her, although he does not have personal knowledge of it. At some period of time she was posted to the Chief Executive and this is only in the case of Mrs Lenette. If Mrs Lenette had accomplished duties which are outside her Schedule of Duties, that could have been on a temporary basis but not on a full time position. There are about 15 Confidential Secretaries working with Managers, just like Mrs Lenette is working with the Station Manager. He does not agree that Mrs Lenette as well as Mrs Pierrot are fully entitled to what they have asked in their Statement of Case – at least 2 increments together with what comes with from November 2001. Mrs Lenette is the Confidential Secretary on the AM5 Salary Scale of the Company on a “personal to bearer”. There is an agreement with the Union whereby after they have signed off the Levelling Agreement, they are going to attend to the “personal to bearer” because they are already paid a higher salary from what they are supposed to be getting at that level because Confidential Secretary is on Scale AM 4. Applicants are currently on AM 5 – a high salary scale but on a ‘personal to bearer’ basis.

Mr Nouraully, for the Respondent submitted that:-

1. The issue of the Applicants being upgraded because these officers mentioned by them have been upgraded cannot stand since those persons, all seven of them, actually were given a post at a point in time where they were the only ones having the qualifications for those posts and they are still in service. There were 7 posts and these posts have been filled and therefore there is no possibility for the Company to create more posts for the simple reason that after 20 years of service, it should turn back the clock and allow to the applicants the same treatment as their predecessors. It was not an issue of preferential treatment.
2. There is nothing sinister in the appointment of Mrs Canabady. It was only fair that she was given the post of Senior Administrative Officer. There was no bad faith whatsoever and the procedures of the Company had been followed.

3. Both applicants are not performing any duty which is outside their scope or within the scope of this new position which they are aspiring. Therefore there is absolutely no need to buy the story of the applicants and therefore, in the circumstances, the application should be set aside.

In his submission, Mr Panglose highlighted:-

1. It is the contention of the Applicants that the Management decides when and how to create posts and this is not done on a strict legal and equitable basis but in a haphazard way. This has been proved by the case of the 7 persons appointed to the post of Senior Administrative Officer. Procedures have not been followed and there has been no advertisement and these 7 persons have been picked and chosen to get an upgrading.
2. In the case of Mrs Lenette-as mentioned in her Statement of Case – she has been acting in a higher level and not paid for that. She has a very good performance appraisal and when it comes to upgrading, she is not upgraded. This according to Counsel, is unfair, inequitable and not consistent with good faith.
3. There has been the case of Mrs Banymandhub where the witness of the Respondent has stated that this person is staying aground and is earning less. The Respondent wants this Tribunal to believe that this person is doing a service to the Company when in fact she was put aground to suit her purpose.
4. The Applicants have been able to prove that the norm for them is to get at least 2 increments. There was also a promise for a career path to be created which was never taken up by the Respondent.

After going through the documentary and testimonial evidence, this Tribunal notes that:-

1. The appointment of the Senior Administrative Officers were effected in the year 2000 without vacancies being internally advertised.
2. The criteria set up for the appointment of the Senior Administrative Officers were 20 years service and reckoning 7 years experience as Senior Confidential Secretary.
3. Both applicants joined Air Mauritius in the year 1981 – Mrs Pierrot on 5 October and Mrs Lenette on 1 November. They became Confidential Secretary in the Cabin Services on 1 April 1996 following an agreement between Respondent and Applicant's Union. They were upgraded on a 'personal to bearer basis' on the AM5 salary scale of the Company although the post of Confidential Secretary is categorized on the AM4 salary scale.
4. There is technically no vacancy for the post the Applicants are aspiring.
5. The salary scale has been compressed. There is no longer the AM1 to AM7 but there is the Level 1 to Level 5. Officers who were on AM7 or AM6 have now been brought to Level 5.

6. The senior most Senior Confidential Secretaries – then on top of their salary scale-were on AM6.

The Applicants have stated that they have been performing more work than what is expected of them. There is no evidence that such has been the case. By all means this should have been taken up with Management for settlement – for instance, the granting of an allowance.

Mrs Lenette referred to anomalous cases and they are all unsupported by evidence.

The Applicants complain that there was no internal vacancy notice for the post of Senior Administrative Officers. Respondent replied that it would have been a waste of time because there were 7 posts and there were only 7 persons on the establishment who could have got these posts. For the sake of transparency there should have been vacancy notice inasmuch as the witness of the Respondent has conceded in re-examination that everyday posts are advertised at the level of Air Mauritius (See Award delivered in **R. H Toofany & C.W.A – RN 872 of 2007**).

We find, however, that the Respondent is not to be blamed in not appointing Mrs Pierrot and Mrs Lenette to the post of Senior Administrative Officer. We refer here to the Award delivered in **E. César & C.W.A – RN 785 of 2005**:-

*“The Tribunal holds that, subject to an abuse of powers on the part of management (**Mrs D.C.Y.P and Sun Casinos – RN 202 of 1988**), matters regarding appointment and promotion of*

employees are essentially within the province of management. (M. Pottier and Ireland Blyth Ltd RN 279 of 1994, A. Ayrga and Tea Board RN 575 of 1998).

However sympathetic a view one wishes to take regarding Mr César's claim, the moreso as it appears to be his last wish before embarking on retirement, there must be some basis upon which the Tribunal can hold to, lest it may create a bad precedent. However small and petty his request may appear to be, we cannot intervene in the absence of evidence in support of his claim. The Tribunal is not here to grant by the mere asking. A claim must be justified".

In the present case, we find that the Applicants did not satisfy the criteria set up because:-

- (a) In the year 2000 they had only 19 years of service
- (b) They did not reckoned 7 years as Senior Confidential Secretary

It should be noted that they were "only" Confidential Secretaries.

Applicants claimed that in November 2001 they satisfied the criteria set out. It is not a question of 'automatic' promotion after 20 years of service as other criterias have to be followed. Moreover, we find that there are numerous Confidential Secretaries and any upgrading not justified will certainly create a snowball effect.

The Applicants have not convinced this Tribunal of the reasonableness of their demand and we find no merit in their claim.

We need to express our dismay regarding the unacceptable conduct of Mrs Lenette making use of a confidential letter addressed to the Human Resource Manager of the Company in relation to a recommendation made. We expect Confidential Secretaries to show qualities of trustworthiness, discretion, tact and maturity among other things. Instead of considering promotion, Management at Air Mauritius should reprimand and take any action that circumstances demand with regard to those flouting what is expected of them.

The dispute is accordingly set aside.

(sd) Rashid HOSSEN

Ag President

(sd)Binnodh RAMBURN

Member

(sd) Rajendranath SUMPUTH

Member

Date: 7th August 2007