

Permanent Arbitration Tribunal

Variation of Award

Before

A R Hossen	-	Acting President
B Ramburn	-	Member
R Sumputh	-	Member

RN 932

In the matter of :-

Technical Management School Trust Fund

and

Technical Management School Trust Fund Staff Association

This is an application for Variation of an Award delivered by the Tribunal on 15th February 2006 in **Re: Technical Management School Trust Fund Association v/s Technical Management School Trust Fund (RN 735/05)**. The application is made by virtue of **Section 85(2) and (3) of the Industrial Relations Act 1973**, as amended and which states as follows:-

“Any party to whom the award applies may, while the award is in force, make an application to the Tribunal for a variation of the award and the Tribunal may, after hearing all parties to whom the award applies, vary the award where it is satisfied that there has been since the making of the award, a change in the circumstances which justifies the variation”.

It is the case for the applicant that the PRB Report 2003 prescribed a salary scale with a qualification bar for the Technical Management Trust Fund but not for the Industrial and Vocational Training Board when the award was issued and the salary recommended does not mention a Qualification Bar.

This is being resisted by the Respondent on the ground that the applicants have to show that there has been a change in circumstances which justifies a variation. If there is no change in the circumstances, the Tribunal cannot vary its award.

After hearing the parties, the Tribunal considers that the reason put forward to amend the award does not hold water. One must establish a change in circumstances since the delivery of the award, and cannot add anything to the award for its implementation. A party can still make use of **Section 84** should it feel the need. This section reads: “ *Where a dispute has been referred to the Tribunal under this part, no party to the dispute may report any other dispute between the same parties within the period of 6 months immediately following the date on which the original report was made*”.

The application is accordingly set aside.

(sd) A R Hossen
(Ag President)

(sd) B Ramburn
(Member)

(sd) R Sumputh
(Member)

Date: 11 January, 2007