

**AWARD**

**OF**

**THE ARBITRATION TRIBUNAL**

**OF**

**THE REPUBLIC OF THE FIJI ISLANDS**

**AWARD NOS.20 AND 21 OF 2005**

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**THE ARBITRATION TRIBUNAL**

In the Disputes Between

**TRANSPORT WORKERS UNION**

and

**REGENT TAXIS LIMITED**

TWU: Mr A Singh  
Regent: Mr G Lala

**DECISION**

These disputes are between the Transport Workers Union (the "Union") and Regent Taxis Limited (the "Employer") concerning alleged breaches of the Collective Agreement and the issue of individual contracts.

The Minister authorized the Permanent Secretary to refer both these Disputes to an Arbitration Tribunal for settlement pursuant to section 6 (2) (b) of the Trade Disputes Act Cap.97.

Both Disputes were referred to the Permanent Arbitrator on 1 September 2003 with terms of reference. The first terms of reference stated:

***"1. Failure of the company to pay all members wages of "48 hours minimum weekly pay per week since 18 December 2002, in breach of clause 7.1 of the Collective Agreement.***

***2. Failure to pay all members overtime and meal allowances for overtime worked as per the Road Transport Wages Order, in breach of the said Order and clause 3.1 and 7.1 of the Collective Agreement, since 18 December 2002".***

The second terms of reference stated:

***"..... over the Company's declared intention to deprive our members of continued employment unless they entered individual contracts with the Company, in breach of clause 1.1, 3.1 and 4.1 of the Collective Agreement. The Union claims that all individual contracts are in breach of the Collective Agreement and therefore void and of no effect and that all members deprived of work are re-instated without loss of benefits".***

The Disputes were listed for preliminary hearing on 21 October 2003. On that day the parties were directed to file preliminary submissions by 7 November and the Disputes were listed for hearing on 12 November 2003.

As the parties were not in a position to proceed on 12 November 2003, the hearing date was vacated and the Disputes were relisted for hearing on 3 December 2003.

The Union had filed its preliminary submission on 7 November and the Employer did so on 12 November 2003.

Due to the appointment of a new Permanent Arbitrator, the hearing date of 3 December 2003 was vacated and the Disputes were relisted for mention on 19 January 2004.

The Disputes were listed for mention on a number of occasions between January 2004 and February 2005. The delay was brought about by two issues which arose during this period. The first issue concerned the status of the Collective Agreement. It was claimed that the Employer was Southern Motors Limited trading as Regent Taxis. It was further claimed that Regent Taxis was not a legal person and that there was no company in existence by the name of Regent Taxis Limited.

The second issue was concerned with the recognition of the Transport Workers Union under the Trade Unions (Recognition) Act 1998.

On 18 March 2005 the parties appeared before the Tribunal. On that day, the employer presented the Tribunal with a copy of a Letter dated 15 March 2005 from the Acting Chief Executive Officer of the Ministry of Labour which indicated that the Union ceased to be entitled to recognition as there was no evidence that more than 50% of eligible workers were members of the Union.

As a result the Tribunal indicated that the appropriate course was for the Disputes to be marked struck out.

**AWARD**

The Disputes are struck out as a result of the change in status of the Union.

**DATED** at Suva this                      day of March 2005

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**ARBITRATION TRIBUNAL**