

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO. 8 OF 2006

No. 8 of 2006

AWARD

of

THE ARBITRATION TRIBUNAL

In the Dispute Between

FIJI PUBLIC SERVICE ASSOCIATION

and

FIJI MEAT INDUSTRY BOARD

FPSA : Mr N Tofinga/Mr N G Singh
FBIB : Mr J Apted

DECISION

This is a dispute between the Fiji Public Service Association (the "Association") and the Fiji Meat Industry Board (FMIB) concerning the termination of employment of Mr Dinesh Prasad (the "Grievor").

A trade dispute was reported by the Association on 14 February 2005. The report was accepted on 15 March 2005 by the Chief Executive Officer who referred the Dispute to conciliation. The Dispute was not settled and the parties subsequently agreed to refer the Dispute to Voluntary Arbitration. As a result the Minister authorized the Chief Executive Officer to refer the Dispute to an Arbitration Tribunal for settlement pursuant to section 6 (i) of the Trade Disputes Act Cap.97.

The Dispute was referred to the Permanent Arbitrator on 31 May 2005 with the following terms of reference:

"..... for settlement over the wrongful termination of Mr Dinesh Prasad from 6 December 2004 which the Union views as harsh, unfair and unjustified. The Union therefore seeks his reinstatement without loss of pay and benefit".

The dispute was listed for preliminary hearing on 24 June 2005. On that day the parties were directed to file preliminary submissions by 24 July 2005 and the Dispute was listed for mention on 29 July 2005. On that day the parties were granted an extension of time to file preliminary submissions by 1 August 2005. The Dispute was listed for hearing on 7 September 2005.

Due to unforeseen circumstances and through no fault of the parties, the hearing of the Dispute could not proceed on 7 September and the Dispute was listed for further mention on 30 September 2005.

In the meantime the Association had filed its preliminary submissions on 29 July and FMIB had done so on 1 August 2005.

The Dispute was subsequently listed for hearing on 17 October 2005. On that day the Tribunal was informed that the Grievor was not able to attend due to illness. A doctor's certificate was produced. Furthermore, a witness who had been summoned to appear had not brought the necessary documents. The parties indicated that settlement was also being discussed.


As a result the Tribunal vacated the hearing date by consent. The Dispute was relisted for mention on 28 October 2005. On that day there was no appearance by or on behalf of the Association and the Dispute was again listed for mention on 25 November 2005. At the request of the parties the Dispute was then listed for mention on 27 January 2006.

On that day the parties indicated that the only order sought from the Tribunal was that by consent the Dispute be withdrawn and the proceedings be discontinued.

CONSENT AWARD

The Dispute is withdrawn and the proceedings discontinued.

DATED at Suva this 20th day of February 2006


.....
ARBITRATION TRIBUNAL