

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO. 33 OF 2006

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In the Dispute Between

FIJI BANK AND FINANCE SECTOR EMPLOYEES UNION

and

COLONIAL NATIONAL BANK

FBFSEU: Mr P Rae
Colonial: Ms R Naidu

DECISION

This is a dispute between Fiji Bank and Finance Sector Employees Union (the "Union") and Colonial National Bank (the "Employer") concerning the contractual employment and termination of employment of Mr Joseva Raumakita (the "Grievor").

A trade dispute was reported by the Union. The report was accepted by the Chief Executive Officer who referred the Dispute to a Disputes Committee. The Minister subsequently authorized the Chief Executive Officer to refer the Dispute to an Arbitration Tribunal for settlement pursuant to section 5A(5)(a) of the Trade Disputes Act Cap.97.

The Dispute was referred to the Permanent Arbitrator on 2 November 2005 with the following terms of reference:

"..... For settlement over :

- (1) Colonial's appointment of Joseva Raumakita on short term temporary contracts in breach of the collective agreement clause 3a(i);**
- (2) Colonial's failure to appoint Joseva Raumakita as a permanent employee;**
- (3) Colonial's dismissal of Joseva Raumakita's employment on 30 September 2004.**

The Union views Colonial's actions to be in breach of the Collective Agreement clause 3A(i) and unfair dismissal of Joseva Raumakita and seeks his re-instatement and compensation for all pay and benefits he was entitled to during his employment with Colonial".

The Dispute was listed for a preliminary hearing on 25 November 2005. On that day the parties were directed to file preliminary submissions by 6 January and the Dispute was listed for mention on 27 January 2006. On that day the Union was granted an extension of a further 14 days to file its preliminary submission. This Dispute was relisted for mention on 24 February 2006.

The Employer had filed its preliminary submission on 26 January and the Union eventually did so on 20 February 2006.

The Dispute was subsequently relisted for mention on 24 March 2006 at the request of the parties. On that day the Dispute was fixed for a one day hearing on 23 May 2006.

When the Dispute was called for hearing on 23 May 2006, the parties informed the Tribunal that the Dispute had been settled. A signed copy of a document dated 23 May 2006 setting out the terms of settlement was filed with the Tribunal. The parties indicated that the only award sought from the Tribunal was that by consent the Dispute be withdrawn and the proceedings before the Tribunal discontinued.

CONSENT AWARD

The Dispute is withdrawn and the proceedings discontinued.

DATED at Suva this 30th day of May 2006


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ARBITRATION TRIBUNAL