

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO. 12 OF 2006

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In the Dispute Between

TRANSPORT WORKERS UNION

and

FIJI SHIPS AND HEAVY INDUSTRIES LIMITED

TWU : Mr A Singh
Fiji Ships: Ms R Sharma

DECISION

This is a dispute between the Transport Workers Union (the "Union") and Fiji Ships and Heavy Industries Limited (the "Employer") concerning the termination of employment of Mr Nimilote Camaibulu (the "Grievor").

A trade dispute was reported by the Union on 28 October 2004. The report was accepted on 22 February 2005 by the Chief Executive Officer who referred the Dispute to conciliation. As the Dispute was not settled and as a result of an

agreement between the parties 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 12 July 2005 with the following terms of reference:

"..... for settlement over the termination of employment of Mr Nimilote Camaibulu by the Employer with effect from 27 April 2004 which the Union claims to be unjustified and unfair and seeks his re-instatement without loss of benefits".

The Dispute was listed for preliminary hearing on 29 July 2005. On that day the parties were directed to file preliminary submissions within 21 days and the Dispute was listed for mention on 26 August 2005. As a result of unforeseen circumstances it was necessary to relist the Dispute for mention on 30 September 2005.

On that day the Dispute was listed for hearing on 14 November 2005.

In the meantime, the Employer had filed its preliminary submissions on 19 August and the Union had done so on 1 September 2005.

When the Dispute came on for hearing on 14 November 2005 the Tribunal was informed that the Employer was not in a position to commence the hearing as its two witnesses could not be located. The Employer made an application for the hearing dates to be vacated. The Union opposed the application as it was ready to proceed. After further discussions with the parties the Tribunal directed that the hearing dates be vacated and that the Dispute be relisted for mention on 25 November 2005. The Tribunal also directed that the Employer pay to the Grievor

\$5.00 travelling expenses and \$500.00 to the Ministry in respect of two wasted hearing days. Both payments were required to be made within 14 days.

The hearing of the Dispute commenced in Suva on 1 March 2006, At the conclusion of the evidence for the Employer, the parties sought time to have discussions. When the hearing resumed the parties informed the Tribunal that the Dispute had been settled. The parties requested the Tribunal to make a consent award in the terms set out in a signed document which was handed to the Tribunal.

CONSENT AWARD

The Employer is to pay to the Grievor by way of settlement wages for 8½ months at the basic rate of pay together with the Employer's commitment to FNPF (8%).

The Employer is to pay the above settlement amount within 14 days upon receipt of the Arbitration Tribunal's written Award.

DATED at Suva this *3rd* day of March 2006


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ARBITRATION TRIBUNAL