

TRADE DISPUTES PANEL

Under the Trade Disputes Act 1981

Case No. L9/17 of 1997

BETWEEN: SOLOMON ISLANDS PUBLIC EMPLOYEES UNION
Applicant

AND: SOLOMON ISLANDS GOVERNMENT
Respondent

AWARD

On 3rd July 1996 the applicant gave notice of a trade dispute to the Panel between itself representing its members who are employees of the respondent party and the Prime Minister's Office over the applicant's claim that the respondent failed to implement the General Terms and Conditions of Service contained in the Union submission of 8th May 1995, and further implement the revised propose wage structure allowances and incentives embodied in the Union Submission of the 24th April 1996 to be backdated to 8th May 1995."

Following a conciliation Order by the Panel, the parties successfully settled their differences with the assistance of a conciliator. Further to this referral the Union referred an appendage issue pertaining to the implementation of the 2.5% salary arrears of the 14.5% salary adjustment due to the applicant's members. It was not in dispute that the parties had in principal agreed on the 14.5% increase with effect from 1.01.96 .This however was not incorporated in a written agreement. Thereafter the respondent paid the applicant only 12% of the increase and backdated to 1.01.96 and decided not to backdate the 2.5% to 1.01.96

The reasons for failing to honour the 2.5% were attributed more to policy decisions but the Panel was satisfied that the parties had entered into a binding agreement and that the employer was obliged to pay the total package of 14.5% backdated to 1st January 1996. There was no agreement made on the apportioning of the total percentage offered and the respondent party did not substantiate its reason for dishonouring the 2.5% included in the total package. Under the circumstances, the Panel the Panel makes the following award:

1. That the remaining 2.5% of the 14.5% salary adjustment is payable by the respondent to members of the applicant ~~party~~ and,

2. That the outstanding 2.5% is to be backdated to 1st January 1996.

Dated at Honiara this 17th day of April 1997.

A.N. Tongarutu
CHAIRMAN/TRADE DISPUTES PANEL