

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO 46 OF 2006

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AWARD

of

THE ARBITRATION TRIBUNAL

on 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 the Fiji Bank and Finance Sector Employees Union (the Union) and Colonial National Bank (the Employer) concerning a breach of the Collective Agreement.

A dispute was reported by the Union. The Chief Executive Officer accepted the report and referred the Dispute to a Disputes Committee. As the Committee did not convene within the prescribed time the Minister authorized the Chief Executive Officer to refer the Dispute to an Arbitration Tribunal for settlement pursuant to section 5 A (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 Colonial's employment of a number of employees on short-term contracts in breach of the collective agreement between the employer and the Union.

The Union seeks a declaration that all such contracts are null and void and that all employees who have completed the six months probationary requirements be confirmed as permanent employees."

The Dispute was listed for preliminary hearing on 25 November 2005. On that day the parties were directed to file their preliminary submissions by 6 January 2006 and the Dispute was listed for mention on 27 January 2006.

At the request of the parties the Dispute was subsequently relisted for mention on 24 February, 24 March, 28 April, 26 May and 23 June 2006. During the course of proceedings on 23 June 2006 the parties informed the Tribunal that the Dispute had been settled. The parties were directed to file signed terms of settlement within 14 days.

By letter dated 24 July 2006 the legal practitioners acting for the Employer applied for a further 14 days from that date to file signed terms of settlement. The Tribunal directed that the signed terms be filed by 7 August 2006.

As the parties had not complied with the Tribunal's directions, the Dispute was listed for special mention on 29 August 2006. On that day the parties were directed to file the signed terms of settlement by 4.00pm on 1 September 2006. The parties complied with that direction.

CONSENT AWARD

The Dispute is settled in accordance with the signed terms of settlement dated 31 August 2006 and filed herein, a copy of which is annexed to this Award as Annex A.

DATED at Suva this day of September 2006

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ARBITRATION TRIBUNAL