

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO. 17 OF 2006

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In the dispute between

**NATIONAL UNION OF HOSPITALITY, CATERING AND
TOURISM INDUSTRIES EMPLOYEES**

and

WARWICK FIJI

NUHCTIE : Mr F Anthony

WARWICK : Ms S Sorby

DECISION

This is a dispute between the National Union of Hospitality, Catering and Tourism Industries Employees (the "Union") and the Warwick Fiji (the "Hotel") concerning wage rates paid to part-time employees.

A trade dispute was reported by the Union on 18 April 2005. The report was accepted on 31 May 2005 by the Chief Executive Officer who referred the Dispute to a Disputes Committee. The Committee failed to meet and as a result the Minister 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 the continuous failure by management to pay wage rates accordingly for the type of work that the part-timers perform. The union submits that the management action not to pay part-timers wage rates accordingly is a breach of the Collective Agreement and is therefore unfair and unjust and must pay all the part-timers with immediate retrospective effect".

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 2006 and the Dispute was listed for mention on 27 January 2006. At the request of the parties the Dispute was subsequently listed for mention on 24 February and 24 March 2006.

On the last mention day the Tribunal was informed by the parties that the Dispute had been settled. The parties indicated that a signed document setting out the agreement would be filed with the Tribunal.

A signed Terms of Settlement dated 24 March 2006 was filed on the same day.

CONSENT AWARD

The Dispute is withdrawn and the proceedings are discontinued.

DATED at Suva this *28th* day of March 2006

W. Pulanchem
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ARBITRATION TRIBUNAL