## IN THE TRADE DISPUTES PANEL OF **SOLOMON ISLANDS**

CASE NO. L9/10 OF 1998

**RETWEEN:** 

SOLOMON ISLANDS NATIONAL

UNION OF WORKERS

Applicant/Union

AND:

SOLOMON CASINO

and

CLUB SUPREME

Respondent/Employer

Date of Hearing: 15th September 1998

Date of Award:

15th September 1998

Coram:

A. N. Tongarutu

Chairman

P. Sute

Employee Member

M. Luialamo

Employer Member

Appearances:

G. Kame, Industrial Relations Officer, for the Applicant

H. Tepuke, Manager, for the Respondent

## AWARD

- On 21st August 1998 the Solomon Islands National Union 1. of Workers (hereinafter referred to as the Union) gave notice of a trade dispute to the Panel between itself and the Solomon Casino and Club Supreme (hereinafter referred to as the Employer) over the issue of Recognition.
- Inorder to grant the recognition sought the Panel has 2. to satisfy itself of the requirements under section 6(5) of the Trade Disputes Act 1981. This section provides:

"Where the dispute involves a recognition issue, the Panel shall, in deciding whether by their award to grant recognition, consider -

- (a) whether the trade union would have the support of a substantial proportion of the employees in respect of whom recognition is sought to be granted, and
- (b) whether the resources and organisation of the trade union are such as would enable it to represent those employees effectively.
- To ascertain the majority membership claimed by the Union 3. the Panel pursuant to Section 5(2) and (3) of the Trade Disputes Act 1981 made a ruling on 3 September 1998 for

a secret ballot to be conducted so as to assist it to establish or dispel the Union's claim of majority support required under s.6(5)(a) of the Act.

- 4. On 9th September 1998 a secret ballot was conducted which showed that the majority of the Respondent's workforce opted to be represented by the Union. Results of the secret ballot was sent to the parties on 10 September 1998.
- on 15 September 1998 the Panel held another hearing to allow the parties to address the results of the secret ballot as well as to address the issue of effective representation by the Union pursuant to section S.6(5)(b) of the Trade Disputes Act 1981. The Union accepted the results whereas the Respondent's representative disputed the results claiming that some of the workers did not understand the secret ballot and were advised by the Union supporters to vote infavour of the Union. This argument however was not substantiated. No submission was made in regards to the Union's capability of representing the workforce.
- 6. On the basis of these Findings and in the absence of any submissions pertaining to effective representation the Panel makes the following Awards:
  - 6.1 The Respondent Party is to grant recognition to the Solomon Islands National Union of Workers as the Union legally representing a majority of the respondent's workforce;
  - 6.2 Upon signing of the Recognition Agreement the parties are to commence negotiations on the terms and conditions of employment of the Union's membership.
- 7. Pursuant to section 11 of the Trade Disputes Act 1981, the Respondent is to pay the costs of the proceedings in the sum of Two hundred and fifty dollars, which sum is payable to the SIG within fourteen (14) days from receipt of this award.

Dated at Honiara this 15th day of September 1998

A. N. Tongarutu

CHAIRMAN/TRADE DISPUTES PANEL