

11. EMPLOYMENT RELATIONS TRIBUNAL

- 11.1 The Employment Relations Tribunal (ERT) is a quasi-judicial body to which industrial disputes are referred, inquired into and awards made thereon. It aims at settling industrial disputes in the Civil Service, the Private Sector, Parastatal Bodies and Local Government Services; hearing appeals against the decision of the Commission for Conciliation and Mediation; and promoting harmonious industrial relations.
- 11.2 The functions of the Tribunal include, among others, the arbitration of labour disputes; making of awards; making of orders in relation to recognition, variation and non-compliance of a procedure agreement and any other issues under the Employment Relations Act (ERA) 2008 as amended; and sitting on appeal in relation to certain decisions of the Commission for Conciliation and Mediation and Registrar of Associations.
- 11.3 The present structure of the ERT comprises a President, ERT and two Vice-Presidents, ERT. They are assisted by a Registrar, ERT who also acts as the Secretary of the Tribunal and a Deputy Registrar, ERT. Officers of the General Services grades provide support services for a smooth running of the Tribunal.
- 11.4 In the context of this Report, the Bureau has not received any representation from the staff side. Management, on its part, mainly requested for: the payment of certain allowances to the President, ERT and Vice-Presidents, ERT in line with what obtains in the Judiciary; and the quantum of the yearly Judicial and Legal Allowance to be reviewed. In addition, they requested for the creation of a grade of Tribunal Usher to ease the task of summoning parties before the ERT; restyling the grades of Senior Shorthand Writer and Shorthand Writer to Senior Tribunal Transcriber and Tribunal Transcriber respectively; and posting of a Principal Financial Officer and additional Management Support Officers at the Tribunal for a more effective service delivery.
- 11.5 The proposals of Management have been examined and we consider that comparison with members of the Judiciary is not appropriate. To avoid creation of stand-alone grades with no avenue of promotion, it would be more feasible for officers in the grade of Court Usher to be seconded/posted at the Tribunal. Moreover, a few requests relate to implementation issues which need to be addressed at the level of Management.
- 11.6 The Bureau also considers the present structure of the ERT to be appropriate. Nevertheless, we are making recommendations for proposals which are meritorious namely regarding the posting of officers in the grade of Court Usher from the Judiciary to the ERT; restyling of the grades of Senior Shorthand Writer and Shorthand Writer; and maintaining of the payment of existing allowances.

Posting of Court Usher

- 11.7 Management has submitted that the Tribunal has to summon disputants, applicants, respondents and witnesses to appear before it and as per current practice, the summons are effected by registered post. However, difficulties are being faced when

postal summons are not received by parties concerned prior to the matter being called before the Tribunal and the fact that same has reached the party being convened cannot be ascertained. Request has, therefore, been made to create a grade of Tribunal Usher on the establishment of the ERT to render the task of summoning parties more efficient and effective by having an in-house Usher attached to the Tribunal.

- 11.8 As already observed by the Bureau during the consultative meeting, we consider that instead of creating a stand-alone grade, it would be more appropriate for officers in the grade of Court Usher on the establishment of the Judiciary to be seconded to the ERT on a rotational basis.

Recommendation 1

- 11.9 We recommend that Management should make necessary arrangements with the Judiciary for the secondment of officers in the grade of Court Usher to the Employment Relations Tribunal, on a rotational basis. In this context, appropriate provision has been made at paragraph 6.41 of this Volume.**

Judicial and Legal Allowance

- 11.10 At present, the President, ERT and Vice-Presidents, ERT are paid a yearly Judicial and Legal Allowance. Considering that the allowance was granted on the fact they were previously entitled to same as members of the Judiciary, we hold that the incumbents should continue to benefit the Judicial and Legal Allowance on a personal basis.

Recommendation 2

- 11.11 We recommend that the President, Employment Relations Tribunal and Vice-Presidents, Employment Relations Tribunal in post as at the eve of publication of this Report be paid a yearly Judicial and Legal Allowance of Rs 38690 and Rs 24255 respectively, on a personal basis.**

Black Jacket Allowance

- 11.12 At present, the Registrar, ERT and Deputy Registrar, ERT are paid a yearly Black Jacket Allowance. We are maintaining the payment of the allowance on a personal basis for officers in post.

Recommendation 3

- 11.13 We recommend that the Registrar, Employment Relations Tribunal and the Deputy Registrar, Employment Relations Tribunal, in post as at the eve of publication of this Report should be paid a yearly Black Jacket Allowance of Rs 5100, on a personal basis.**

Transcriber Cadre

formerly Shorthand Writer Cadre

- 11.14 Management has proposed to restyle the grades of Senior Shorthand Writer and Shorthand Writer in line with their counterparts at the Judiciary. After comparing the

freshly filled in Job Description Questionnaires of the grades in the Court Transcribers Cadre with that of the Shorthand Writer Cadre at the ERT, it was observed that there are similarities in the nature of duties performed by both cadres. Pursuant to the foregoing, we are making appropriate recommendation.

Recommendation 4

11.15 We recommend that the grades of Senior Shorthand Writer and Shorthand Writer at the Employment Relations Tribunal be restyled Senior Transcriber and Transcriber respectively.

EMPLOYMENT RELATIONS TRIBUNAL

SALARY SCHEDULE

Salary Code	Salary Scale and Grade
12 000 121	Rs 175750 President, Employment Relations Tribunal
12 000 118	Rs 150750 Vice-President, Employment Relations Tribunal
12 067 089	Rs 34825 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 Registrar, Employment Relations Tribunal
12 038 077	Rs 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 44800 Deputy Registrar, Employment Relations Tribunal
08 060 081	Rs 29050 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 50900 Senior Transcriber <i>formerly Senior Shorthand Writer</i>
08 050 077	Rs 23025 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 44800 Transcriber <i>formerly Shorthand Writer</i>

Salary Code	Salary Scale and Grade
24 025 058	Rs 15485 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 Driver

