

10. EMPLOYMENT RELATIONS TRIBUNAL

- 10.1 The Employment Relations Tribunal (ERT) has been set up as an independent Tribunal to hear industrial/labour disputes with a view to making awards thereon and to deliver orders and other decisions in relation to various applications and even appeals made by interested parties. The Tribunal has wide powers in employment relations matters and can deliver orders in a series of cases including declaring any existing or threatened strike to be unlawful.
- 10.2 The ERT is a quasi-judicial body to which industrial disputes are referred, inquired into and awards made thereon. Where an industrial dispute, whether existing or apprehended, is rejected by the Conciliation and Mediation Commission, to whom responsibility for the subject of industrial relations is assigned, the aggrieved party may appeal against the rejection to the Tribunal, which, in any such appeal may confirm or revoke the decision of the Commission.
- 10.3 With a vision to be the expert tribunal for the settling of industrial disputes, the mission of the ERT is to provide for an efficient, modern, reliable and rapid means of arbitrating and settling disputes between workers or trade unions of workers and employers or trade unions of employees so that peace, social stability and economic development are maintained in the country.
- 10.4 The Tribunal aims at settling industrial disputes in the Civil Service, the Private Sector, Parastatal Bodies and the Local Government Services; hear appeals against the decision of the Conciliation and Mediation Commission; and promote harmonious industrial relations.
- 10.5 According to existing provision of law, the ERT shall consist of a President and two Vice-Presidents whose offices are public officers and not more than 13 members. A person cannot be appointed President or Vice-President unless he qualifies for appointment as a Judge of the Supreme Court.
- 10.6 The structure of the ERT is currently composed of the President, ERT and the Vice-President, ERT. At the professional level, there is a Registrar, ERT who also acts as Secretary to the Tribunal. Officers in the grades of Senior Shorthand Writer, Shorthand Writer and other General Services Staff enhance the complementary functions at the administrative/supportive levels.

Deputy Registrar, Employment Relations Tribunal (New Grade)

- 10.7 During the course of consultations in the context of the present review exercise, the Management of the ERT submitted that with the implementation of the new law for the setting up of the EPPD within the Employment Relations Tribunal, and also in view of the substantial increase in the number of cases, there are two hearing rooms which often operate simultaneously.

10.8 At present an officer in the grade of Office Management Assistant has been assigned duties to act as Registrar, ERT during hearing sessions and also to replace the Registrar in the absence of the latter. In view of the above, it has been proposed that a grade of Deputy Registrar, ERT be created on the establishment of the Tribunal which would allow for a professional to maintain the decorum of the Tribunal. We are recommending, accordingly.

Recommendation 1

10.9 We recommend the creation of the grade of Deputy Registrar on the establishment of the Employment Relations Tribunal. Appointment thereto, should be by selection from among (i) serving officers possessing a diploma in Legal Studies from a recognised institution and reckoning at least three years' service in a substantive capacity; or from among holders of a Cambridge Higher School Certificate or passes in at least two subjects obtained on one certificate at the General Certificate of Education "A" level; and a diploma in Legal Studies from a recognised institution.

10.10 Incumbent would, among others, be required to assist the Registrar, ERT in the performance of his duties; receive and process disputes and appeals; prepare and issue Notice of Hearing, Summons Orders and similar processes; prepare minutes of Tribunal proceedings, take charge of court records; be the custodian of record files, registrar seals, exhibits produced; ensure the proper handling and safeguarding of evidence and keep control of exhibits produced in Court; tax witness attendance documents; prepare cause list and daily rolls; and administer oath to witnesses and call cases before the Tribunal.

Judicial and Legal Allowance

10.11 Request has been made for the continued payment of the Judicial and Legal Allowance to both the President, ERT and the Vice-Presidents, ERT. Those officers were previously entitled to such allowances as Members of the Judiciary. We are, therefore maintaining the payment of the allowance.

Recommendation 2

10.12 We recommend that the President, Employment Relations Tribunal and Vice-President, Employment Relations Tribunal be paid a yearly Judicial and Legal Allowance of Rs 36850 and Rs 22000 respectively.

Black Jacket Allowance

10.13 The Registrar, Employment Relations Tribunal has submitted that in the exercise of his functions, he is required by the rules of the Tribunal, to wear a black jacket with tie, the moreso, to maintain the decorum of the Tribunal same as Courts. In view of the above, he has requested for the payment of a black jacket allowance

along similar lines as that paid to officers of the Court cadre and the Court Ushers' cadre.

- 10.14 A "constat-de-visu" made by the Bureau has revealed that the hearings of the Employment Relations Tribunal are similar to those of the District Courts or other Courts at the Judiciary. The request of the Registrar, ERT being beyond reasonable ground justified, we are making the necessary recommendations.

Recommendation 3

- 10.15 We recommend that the Registrar, ERT and the Deputy Registrar, ERT, who are required by the rules of the Tribunal, to appear in black jacket with tie, be paid a yearly allowance of Rs 4800.

EMPLOYMENT RELATIONS TRIBUNAL SALARY SCHEDULE

Salary Code	Salary Scale and Grade
12 000 109	Rs 164000 President, Employment Relations Tribunal
12 000 107	Rs 140000 Vice-President, Employment Relations Tribunal
12 063 082	Rs 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 49950 x 1625 – 58075 Registrar, Employment Relations Tribunal
12 035 066	Rs 16400 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 32500 x 925 – 35275 Deputy Registrar, Employment Relations Tribunal (New Grade)
08 058 074	Rs 28625 x 775 – 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 45375 Senior Shorthand Writer
08 051 070	Rs 23200 x 775 – 32500 x 925 – 37125 x 1225 – 39575 Shorthand Writer

Salary Code	Salary Scale and Grade
24 022 051	Rs 12750 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 Driver
