

AWARD

OF

THE ARBITRATION TRIBUNAL

OF

THE REPUBLIC OF THE FIJI ISLANDS

NO. 16 OF 2006

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In the Dispute Between

**BUILDING CONSTRUCTION TIMBER AND ALLIED WORKERS
UNION**

and

TIMBERS (FIJI) LIMITED

BCTAWU : Mr P Rae with Mr J Paul
Timbers : Mr J Usumaki

DECISION

This is a dispute between the Building Construction Timber and Allied Workers Union (the "Union") and Timbers (Fiji) Limited (the "Company") concerning the suspension and termination of employment of employee members.

A trade dispute was reported by the Union on 19 August 2004. The report was accepted on 20 August 2004 by the Chief Executive Officer who referred the Dispute to a Disputes Committee. As a consensus decision was not reached 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 29 September 2004 with the following terms of reference:

"..... over the unfair and unjustified termination of employment and suspension of member employees from their employment effective from 9 August 2004 after alleging that the workers walked out of their jobs and refused to return to work. The union requests immediate re-instatement of all members without any loss in wages and benefits.

The Dispute was listed for a preliminary hearing on 19 November 2004. On that day the parties were directed to file their preliminary submissions by 20 December 2004 and the Dispute was listed for mention on 26 January 2005.

On that date there was no appearance by or on behalf of the Union. The Dispute was listed for mention on 25 February and again on 30 March 2005. On that day the Dispute was listed for hearing on 10 August 2005.

In the meantime the Company had filed its preliminary submissions on 17 December 2004 and the Union did so in January 2005.

The Dispute was called on for mention on 9 August 2004 together with Dispute No. 58 of 2004 which was listed for hearing on that day. The same parties were

involved in both Disputes. The Union had informed the Tribunal by letter that it was not in a position to proceed with the hearing on 10 August due to the non-availability of its union officials.

The Tribunal directed that the hearing date be vacated and the Dispute was listed for mention on 26 August 2005. Due to unforeseen circumstances it was necessary to relist the Dispute for mention on 30 September 2005. The Dispute was listed for further mention on 25 November and on that day the Dispute was fixed for hearing on 16 March 2006.

On 14 March 2006 the parties sought leave to mention this Dispute and informed the Tribunal that the Dispute had been settled. The parties indicated that the only award sought from the Tribunal was a consent award withdrawing the Dispute.

CONSENT AWARD

The Dispute is withdrawn and the proceedings are discontinued.

DATED at Suva this 22nd day of March 2006.


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ARBITRATION TRIBUNAL