TRIBUNAL INDUSTRIJALI

Interpretazzjoni ta' Decizjoni Nru. 305

Kaz Nru. 422

Fil-Kwistjoni tax-Xoghol

bejn

Joseph Borg Bartolo

u

Corinthia Group of Companies

dwar tkeccija mill-impieg allegata li hi ngusta

Data: 13 ta' Gunju, 1988

Chairman: Major Stanley J.A. Clews

1. INTRODUZZJONI

Is-sur Norman Rossignaud f'isem l-appellant talab lit-Tribunal sabiex jaghti interpretazzjoni ta' l-Award Nru. 305 fis-sens illi l-Award ikun esegwibbli kontra l-Corinthia Palace Hotel Co. Ltd. bhala l-Kumpanija li kienet iffirmat il-Work Book tal-appellant u kienet ukoll tohroglu c-cheque tal-Pagi.

2. INTERPRETAZZJONI

Meta wiehed iqis din it-talba ghall-'interpretazzjoni' it-Tribunal jixtieq jghid illi:-

peress li l-Corinthia Group of Companies kienet involuta fil-ftehim bejn il-Corinthia Hotel Co u l-GWU fejn il-Corinthia Group of Companies kellha wkoll toffri xoghol alternattiv addattat lil dawk l-impjegati li gew zejda (Redundant) fil-Corinthia Hotel;

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peress li l-Corinthia Group of Companies fil-fatt offriet lill-appellant impieg fil-Jerma Palace Hotel kif ukoll xoghol il-Libya, f'isem zewg kumpaniji li jaqghu taht il-Corinthia Group;

peress li zewg impjegati tal-Corinthia Group - il-Group Personnel Manager is-sur C. Navarro Gera u l-assistent tieghu s-sur J Vella dehru f'isem il-principal (employer) f'dan il-kaz;

peress li l-Corinthia Group ghamlu avvizi f'isimhom, i.e. Corinthia Group of Companies, biex jimpjegaw nies fil-Kumpaniji taghhom li jaqghu taht il-Corinthia Group kemm f'Malta kif ukoll fil-Libya;

peress li l-Convenut f'dan il-kaz kien il-Corinthia Group of Companies;

peress li skond il-Conditions of Employment (Regulation) Act 1952, Part 1 (General) paragrafu 2 (I) Interpretation, Amended XLIV 1965, XXI 1969.2, XLII 1975.2, XII 1976.2, XI 1982: l-'interpretazzjoni' tal-'Emplyer' tghid:- "employer" includes a partnership, company, association or other body of persons, whether vested with legal personality or not";

huwa evidenti ghalhekk, illi l-Corinthia Group of Companies, ghandha tigi ikkonsidrata bhala l-'Employer' f'dan il-kaz, u ghalhekk l-Award Nru. 305 ghandu jkun izegwibbli kontra l-Corinthia Group of Companies.

S.J.A. CLEWS
CHAIRMAN

CHARLES CHETCUTI
SEGRETARJU

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