

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 140/23

Before

Indiren Sivaramen	Acting President
Christelle Perrin D’Avrincourt	Member
Ghianeswar Gokhool	Member

In the matter of:-

Registrar of Associations (Applicant)

And

The Health Care Assistant Union (Respondent)

This is an application made by the Applicant under section 7(3) of the Employment Relations Act, as amended (the “Act”), for an order directing the cancellation of the registration of the Respondent union. The Applicant was assisted by Counsel whereas the Respondent was represented by its Secretary, Mr M. Moorghen. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. The Tribunal thus fixed the matter for hearing and proceeded to hear both parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the certificate of registration of the Applicant (Doc A), (2) the rules of the Applicant (Doc B), (3) a list of officers filed at the time of registration of the Respondent (Doc C), (4) a letter dated 10 October 2013 where the Secretary, Mr M. Moorghen, informed that the Respondent had been dissolved pursuant to a special general assembly (Doc D), (5) various correspondences sent to the Respondent (Docs E to J) and finally (6) a Notice dated 13 January 2023 sent to the Respondent under section 7(1)(d) of the Act (Doc K). Though Applicant gave time to the Respondent to produce the relevant documents there was no response from the latter. The representative of the Applicant stated that the Respondent has breached the requirements of the law by not filing its annual returns though several written requests were sent by the Applicant. The

Applicant then applied for cancellation of the registration of the Respondent as per the Notice which was sent to Respondent (Doc K).

The representative of the Respondent also deposed before the Tribunal, and he stated that everyone had left the Respondent which had no funds/assets at all. He stated that this was the reason why they decided to cancel the registration of the Respondent. In cross-examination, he stated that the Respondent had no compliant members. He even suggested that the Respondent never had any bank account and did not collect fees from its members.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal finds that the registration of the Respondent should be cancelled on the grounds specified under section 7(1)(d) of the Act. Rule 25.2 of the Rules of the Respondent provides as follows:

25.2 All the debts and liabilities legally incurred on behalf of the Union shall be discharged and the remaining funds and property divided equally among the compliant members in the event of:

25.2.1 the Union being dissolved as provided in Rule 25.1.

25.2.2 the registration of the union being cancelled by order of the Employment Relations Tribunal.

In the light of all the evidence on record including the stand of the representative of Respondent, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of as provided for by Rule 25.2 of the Rules of the Respondent. In case the Respondent is not wound up as per the above and section 7 of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

(SD) Indiren Sivaramen

Acting President

**(SD) Christelle Perrin
D'Avrincourt**

Member

(SD) Ghianeswar Gokhool

Member

29 December 2023