

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 20/2024

Before:

Shameer Janhangeer	-	Vice-President
Atchanah P. Ramasawmy	-	Member
Dr Sunita Ballah-Bheeka	-	Member
Muhammad Nayid Simrick	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Water Industry Workers Union

Respondent

The Registrar of Associations has applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Water Industry Workers Union as a trade union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent had no objection to the application. The Applicant was assisted by Mrs A. Sungkur-Daby, Senior State Counsel whereas Mr Konal Dhunye, Treasurer represented the Respondent Union.

At the hearing of the matter, the Applicant’s representative, Mrs R. Junkeesaw-Sunjhorreea, Ag. Principal Inspector of Associations deposed and notably produced the Respondent’s Certificate of Registration; a Notice dated 12 January 2023 asking the Respondent to submit its Annual Returns; and a copy of the Respondent’s Rules. She also stated that the

Respondent has never filed any return. The Respondent representative stated that the union should be cancelled.

Having considered the evidence on record, it is clear that the Respondent has failed to respond to the Notice dated 12 January 2023 and remedy the default. As such, it has also been borne out that no returns have ever been submitted to the Registrar of Associations. Moreover, the Respondent's stand is clear as regards the application. The Tribunal therefore finds that the registration of the Respondent union should be cancelled pursuant to *section 7 (1)(d)* of the Act. The Respondent's Rules notably provide, at paragraph 25.2, that:

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:

...

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

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a trade union. Any assets of the Respondent shall be disposed of as provided for by paragraph 25.2 of the Respondent's Rules. In case the Respondent is not wound up as per the above, pursuant to *section 7 (9)* of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

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SD Shameer Janhangeer
(Vice-President)

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SD Atchanah P. Ramasawmy
(Member)

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SD Dr Sunita Ballah-Bheeka
(Member)

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SD Muhammad Nayid Simrick
(Member)

Date: 14th June 2024