

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 32/2024

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

Mauritius Examinations Syndicate Senior Staff Association (MESSA)

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 Mauritius Examinations Syndicate Senior Staff Association as a trade union on the ground specified under *section 7 (1)(c)* of the *Act*. The Respondent had no objection to the application. The Applicant was assisted by Mr Alimohamed, Ag. Senior State Counsel whereas Mr Brimanand Ramessur, Secretary represented the Respondent Union.

At the hearing of the matter, the Applicant’s representative, Mrs L. Ramgoolam, Principal Inspector of Associations deposed and notably produced a copy of the Respondent’s Certificate of Registration; a statement dated 5 June 2014 from the Respondent’s Secretary stating that the

Respondent trade union has less than 30 members; a return dated 30 April 2013 from the trade union showing its total number of members to be 12 as at 31 December 2012; and the rules of the Respondent trade union. She also stated that the Respondent did not produce its register of members despite being requested to do so. The Respondent's representative made a statement notably stating that they do not have the required members and that the membership is under 30. Regarding assets, he stated that the Treasurer has around Rs 5000.

Having considered the evidence on record, it is clear that the Respondent trade union no longer has the required membership of a minimum of 30 members as per the requirements of the Act. 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)(c)* 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