

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 139/2023

Before:

Shameer Janhangeer	-	Vice-President
Anundraj Seethanna	-	Member
Christelle Perrin D'Avrincourt (Ms)	-	Member
Venusha Autar Hemrazsing (Mrs)	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Long Beach Hotel 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 Long Beach Hotel 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 Miss H. Maherally, Ag. Principal State Counsel whereas Mr Anil Kumar Seetulpersand, Assistant Secretary represented the Respondent Union.

At the hearing of the matter, the Applicant’s representative, Mrs Z. Ackbarkhan, Principal Inspector deposed and produced the Certificate of Registration of the trade union, an Annual Return for the year 2012, a notice issued under *section 7 (1)(d)* of the *Act* dated 9 December 2022

addressed to the Respondent's office bearers, a letter dated 6 March 2015 from the Respondent's Treasurer and Secretary stating that they have resigned, a letter dated 3 March 2015 from the Respondent's President stating that he has resigned as well as the Rules of the union. The returns requested were not submitted despite the notice served. The Respondent's representative deposed and stated that the union was inactive, that there was no objection to the cancellation of the union and that the union had no money or assets.

Having considered the evidence on record, it is clear that the Respondent union failed to respond to the notice dated 9 December 2022 and remedy the default. 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 Anundraj Seethanna
(Member)

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SD Christelle Perrin D'Avrincourt (Ms)
(Member)

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SD Venusha Autar Hemrazsing
(Member)

Date: 13th March 2024