

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 145/2023

Before:

Shameer Janhangeer	-	Vice-President
Parsooram A. Ramasawmy	-	Member
Kirsley E. Bagwan	-	Member
Divya Rani Deonanan (Mrs)	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Funeral Services Employees 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 Funeral Services Employees Union as a trade union on the ground specified under *section 7 (1)(a)* of the *Act*. The Applicant was assisted by Miss P. Mauree, Principal State Counsel. The Respondent was represented by its former President, Mr Louis Charles-Henri Pierrot.

At the hearing of the matter, the Applicant’s representative, Mrs R. Junkeesaw-Sunjhoreea, Ag. Principal Inspector deposed and notably produced the Certificate of Registration of the trade union, the Rules of the Union, a letter dated 2 March 2018 addressed to the Respondent’s Treasurer, a statement from the Respondent’s President dated 9 March 2018, a statement from the Respondent’s Secretary dated 9 March 2018 and four letters dated 30 March

2018 sent by the Applicant to the Respondent's office bearers. There was no response to the letters sent and an application for cancellation has been made as the Union has ceased to function. She also stated that the Union has not applied for voluntary dissolution.

The Union's representative, Mr Charles Henri Pierrot adduced evidence under oath and notably stated that they were informed that they have started the procedures (for deregistration). They voted to cease to function as stated in a letter dated 5 January 2024. The members wish to remain anonymous and do not wish to put their names and sign on paper fearing repercussions. He does not agree with the ground on which the Applicant is asking for cancellation. The Union does not have a bank account. He believed that the cancellation was already effected at the level of the Applicant. He has no objection that the registration of the Union be cancelled but not on the same grounds.

Having considered the evidence on record, it is clear that the Respondent Union has ceased to function as per the tenor of the Applicant's evidence and it has also been borne out that the Respondent has no objection to its registration being cancelled but not on the ground put forward by the Applicant. Despite the Respondent's representative's impression that procedures had commenced for the voluntary dissolution of the Union, it is clear that the procedure as provided under *section 20* of the *Act* has not been followed, its members wishing to remain anonymous. The Tribunal therefore finds that the registration of the Respondent Union should be cancelled pursuant to *section 7 (1)(a)* of the *Act*. The Union'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 under 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) Parsooram A. Ramasawmy
(Member)

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(SD) Kirsley E. Bagwan
(Member)

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(SD) Divya Rani Deonanan (Mrs)
(Member)

Date: 19th April 2024