

[JACKSON, C.J., AND HALID, J.]

THE LIMASSOL MUNICIPAL WORKERS TRADE UNION,
Appellants,

v.

MIKIS AGROTIS, IN HIS CAPACITY AS REGISTRAR OF
TRADE UNIONS, *Respondent.*
(*Trade Union Appeal No. 1 of 1943.*)1944
June 29
THE
LIMASSOL MUNICIPAL
WORKERS
TRADE
UNION
v.
MIKIS
AGROTIS.*Trade Union—Refusal to register an association as a Trade Union—Workmen—Municipal Employees—Statement in writing of grounds of refusal to register—Trade Unions and Trade Disputes Law, 1941.*

The Registrar of Trade Unions refused to register the appellants as a trade union, on the ground that no such trade union could be formed under the Trade Unions and Trade Disputes Law, 1941, a Municipal Corporation not being engaged in trade or industry but solely in the exercise of statutory powers and the performance of statutory duties.

Held: Municipal Employees belong to "trades" and are "workmen" within the meaning of the Trade Unions and Trade Disputes Law, 1941. The Registrar's statement in writing under section 15 of the grounds for his refusal to register an association as a trade union must be such as to enable them to remove the objections, if removable, or to contest them in Court.

Appeal under section 16 of the Trade Unions and Trade Disputes Law, 1941, against the refusal of the Registrar of Trade Unions to register the appellants as a union.

J. Potamitis for the appellants.

P. N. Paschalis, Acting Solicitor-General, for the respondent.

The facts are set forth in the judgment of the Court which was delivered by:

JACKSON, C.J.: This is an appeal by an association of persons calling themselves "The Limassol Municipal Workers Trade Union" against the refusal of the Registrar of Trade Unions to register the association as a Trade Union under the Trade Unions and Trade Disputes Law, 1941.

It appears from the rules of the association, furnished by them to the Registrar, that the association is composed entirely of persons who are "temporary workers or employees of the Limassol Municipality".

It was explained to us at the hearing that the adjective "temporary" in the description of persons who can be members of the association has a special meaning and is in no way inconsistent with continuity of service for a number of years.

The grounds of the Registrar's refusal to register the association as a Trade Union, as stated by him to the applicants under section 15 of the Law, were that "no such Trade Union can be formed under the said Law." No reasons were given for that statement. We shall have to say something about the form of the Registrar's statement later on. For the moment it is sufficient to observe that it appeared at the hearing of this appeal that the real grounds of the Registrar's refusal were that a Municipal Corporation is not engaged in trade or industry but solely in the exercise of statutory powers and the performance of statutory duties. Consequently, in the Registrar's opinion, the employees of a Municipal Corporation

1944
June 29

THE
LIMASSOL
MUNICIPAL
WORKERS
TRADE
UNION
v.
MIKIS
AGROTIS.

cannot be said to be employed in trade or industry and were not therefore within the definition of "workmen" in section 2 of the Trade Unions and Trade Disputes Law, 1941.

The members of the appellant association are engaged in a variety of occupations. These include mechanics, plumbers, cart-drivers, street-sweepers, road-repairers, gardeners and others.

It is clear that such persons belong to "trades" in the sense in which that word is used in the Trade Unions Law, and the Acting Solicitor-General, on behalf of the Registrar of Trade Unions, admitted that they would be fully entitled to join ordinary Trade Unions. If this is so, and clearly it is so, they must be persons whose relations with their employers it would be one of the statutory objects of a Trade Union to regulate, in other words they must be "workmen" within the meaning of the Trade Unions Law. We found some difficulty, therefore, in following the Acting Solicitor-General's argument that though in spite of their employment by the Municipality, they can join ordinary Trade Unions, they cannot themselves form a Trade Union consisting only of Municipal employees. His reason for this proposition appears to be that the Municipal Corporation does not employ these persons for profit and they are not therefore engaged in trade.

We have already dealt fully with this point in the case of the Pancyprian Schoolmasters Association which we have just decided. In that case we said that, in our opinion, if by reason of the nature of a person's employment he should be regarded as employed in trade or industry for the purposes of the Trade Unions Law, he should be so regarded whether his employer employs him for profit or not.

The essence of this case, like that of Schoolmasters' case, is the freedom of workers to associate, under the protection of the Trade Unions Law, for the preservation and improvement of their conditions of employment, and the extent of that freedom cannot, in our opinion, be made to depend on the ultimate motive of their employer in employing them. We think therefore that this appeal must be allowed and the Registrar must be directed to deal with the appellants' application on the basis that the persons whose interests the association is intended to serve are workmen within the meaning of the Trade Unions Law. The appellants' costs must be paid by the respondent.

We said earlier that we thought it necessary to comment on the statement which the Registrar of Trade Unions gave to the appellants under section 15 of the Trade Unions Law as a statement of the grounds of his refusal to register the appellants as a Trade Union.

Section 15 of the Law clearly requires that applicants for registration must be fully informed of the reasons why registration is refused. The statement must be such as to enable them to remove the objections, if they are removable, or to contest the Registrar's reasons in this Court if they wish to do so. The Registrar simply stated "that no such Trade Union can be formed under the said law". There might be a variety of reasons for such an opinion, but no indication is given of what the precise reason was. Consequently it was not until the actual hearing of this appeal,

and not until we had asked the Acting Solicitor-General, in order to save the time of all concerned, to specify the reasons more fully, that either the appellants, or we ourselves, knew what the real reasons for the Registrar's refusal were. The appellants applied twice to the Registrar for a fuller statement of the grounds of his refusal, and the Registrar finally replied that he was instructed to inform the appellants that there was "nothing to be added" to his original statement. When we expressed some surprise at this reply during the hearing of the appeal, the Acting Solicitor-General referred to certain Rules of Court made under section 16 of the Law, governing appeals of this kind. He said that it was open to the appellants, if they were dissatisfied with the Registrar's statement, to apply to the Court for an order directing the Registrar to give further particulars. We recognize that there might be cases in which the Registrar would have some reason to think that particulars required by applicants to whom registration had been refused were unnecessary and that the requests were vexatious. In such cases it would be properly open to the Registrar to refuse the particulars and to leave it to the Court to decide, if the appellants persisted in their request, whether the particulars were reasonably required or not. In the case before us further particulars were obviously necessary to inform the applicants of the Registrar's real grounds for refusal of registration. His original statement was not a proper compliance with section 15 of the Law and his later refusal to amplify that statement was an aggravation of his previous failure.

Appeal allowed.

1944
June 29

THE
LIMASSOL
MUNICIPAL
WORKERS
TRADE
UNION
v.
MIKIS
AGROTIS.