



Employment
Relations Tribunal

Interlocutory Decision

Title of Matter:	Labour Officer v Khan Brothers Bulldozing Works Ltd
Section:	Section 6 Workmen's Compensation Act 1964
Subject:	Claim for Compensation in Case of Fatality
Matter Number:	ERT WC No 25 of 2018
Appearances:	Ms V Doge, for the Labour Office Mr Singh, Samsamuvodre Sharma Lawyers, for the Defendant Employer
Date of Hearing:	Monday 3 December 2018
Before:	Mr Andrew J See, Resident Magistrate
Date of Decision:	Monday 3 December 2018

KEYWORDS: Capacity for widow to settle a claim commenced by Labour Officer; Duty of defendant lawyers to ensure Labour Office is apprised of any attempts to settle claim.

[1] The Tribunal has considered the submissions of the parties and is of the view that the *Terms of Settlement* entered into between the deceased's widow Ms. Musharat Bi and the Director of the Defendant, Mohammed Nasid Khan, has no bearing on the present application before it.

[2] The Application in these proceedings has been commenced by the Labour Officer on behalf of the dependents of the Deceased Worker.

[3] As the Labour Officer is not a party to the *Deed of Settlement* dated 3 April 2017, nor was the Agreement in place prior to the Notice of Claim (17/1/17) being served on the Employer, there is no reason why the claim for Statutory Compensation should not proceed.

[4] It should have been abundantly clear to the lawyers for the Employer, that upon receipt of a Notice of Claim served by the Labour Office on that Employer, that the Labour Office be the starting place for any discussions regarding liability under the Act.

[5] That it appears the legal representatives for the Employer directly approached the deceased's widow and thereafter sought to undermine the Statutory Claim process, is a matter warranting further examination by an independent body.

[6] In the case of this threshold matter, it is the decision of this Tribunal that the statutory application should now continue to trial, in a manner consistent with the policy imperatives made clear in Section 30 of the Act.

[7] The matter will be listed for hearing in Lautoka on 22 January 2019, at a time not before 12 noon.



Andrew J See
Resident Magistrate