



# TRINIDAD AND TOBAGO GAZETTE

## (EXTRAORDINARY)

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Port-of-Spain, Trinidad, Monday 20th January, 2003—Price \$1.00

No. 10

78

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE INDUSTRIAL COURT

INJUNCTION—ILLEGAL INDUSTRIAL ACTION

No. A1 of 2003

IN THE MATTER OF

THE INDUSTRIAL RELATIONS ACT CHAP. 88:01

AND

IN THE MATTER OF

AN APPLICATION BY

THE HONOURABLE MINISTER OF LABOUR AND SMALL AND MICRO ENTERPRISE DEVELOPMENT  
FOR AN EX PARTE INJUNCTION UNDER THE PROVISIONS OF THE INDUSTRIAL RELATIONS ACT CHAP. 88:01  
AND IN PARTICULAR UNDER SECTIONS 7(1) AND/OR 10(1)(B) AND/OR 65 THEREOF AND UNDER ITS INHERENT  
POWERS AS A SUPERIOR COURT OF RECORD

Between

THE HONOURABLE MINISTER OF LABOUR AND SMALL  
AND MICRO ENTERPRISE DEVELOPMENT

*Party No. 1*

And

THE MEDICAL PROFESSIONALS ASSOCIATION OF TRINIDAD AND TOBAGO  
(OTHERWISE KNOWN AS MPATT) AND/OR ALL MEDICAL PRACTITIONERS WITHIN THE MEANING OF  
AND/OR REGISTERED UNDER THE PROVISIONS OF THE MEDICAL BOARD ACT CHAP. 29:50

*Party No. 2*

Ex-Parte

In Chambers

Dated this 19th day of January, 2003

Entered this 19th day of January, 2003

BEFORE HIS HONOUR MR. ADDISON M. KHAN, PRESIDENT AND HIS HONOUR MR. HERBERT SOVERALL, MEMBER

*Appearances*

Mr. Seenath Jairam, S.C. leading Mr. Reginald T.A. Armour of Counsel  
Instructed by Ms. Vanessa Gopaul for Party No.1

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**UPON APPLICATION** for an Ex Parte Injunction this day made unto this Court by Senior Counsel for Party No.1

The above-mentioned Application having been heard by this Honourable Court on the 19<sup>th</sup> day of January 2003, leave having been granted to lodge all documents herein for filing

**AND UPON READING** the Notice lodged herein on the 19<sup>th</sup> day of January, 2003

**AND UPON READING** the affidavits of Emmanuel George and Ashford Sankar both sworn to and lodged herein on the 19<sup>th</sup> day of January 2003 together with the exhibits thereto.

**AND UPON MATURE CONSIDERATION AND DELIBERATION IT IS ORDERED THAT:**

- (1) The Medical Professionals Association of Trinidad and Tobago, otherwise known as MPATT (hereinafter referred to as "MPATT") whether by its President, Vice-President, Secretary, Treasurer, Trustees, Officers, Executive Members, servants and/or agents and/or its members or all workers and/or employees and/or other persons who are Medical Practitioners within the meaning of and/or under and by virtue of the provisions of the Medical Board Act Chap.29:50 (hereinafter collectively referred to as "the Medical Practitioners") who are employed with the Government/State of the Republic of Trinidad and Tobago and/or the Ministry of Health of the Government of Trinidad and Tobago (hereinafter referred to as "the Government") and/or Medical Practitioners who are employed and/or who are currently engaged in negotiations for renewal of their contracts of employment with the Government and/or the Regional Health Authorities (as hereinafter defined) or any of them or howsoever otherwise be restrained from taking and/or continuing to take industrial action within the meaning of the Industrial Relations Act Chapter 88:01 (hereinafter referred to as "the Act") and in particular sections 65 and 67 thereof and the First and Second Schedules thereto in relation to all public hospitals, health centres, laboratories and/or public health care and/or convalescent facilities or other public health facilities (hereinafter referred to as "the public health care facilities") owned and/or operated and/or controlled by the Government and/or the North-West Regional Health Authority

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and/or the Central Regional Health Authority and/or the South-West Regional Health Authority and/or the Eastern Regional Health Authority (within the meaning of the Regional Health Authorities Act, 1994 (Act No.5 of 1994) hereinafter collectively referred to as “the Regional Health Authorities”)

- (2) MPATT, its President, Vice-President, Secretary, Treasurer, Trustees, Officers, servants and/or agents and/or its members and/or all Medical Practitioners employed by the Government and/or any and all Medical Practitioners employed and/or all Medical Practitioners who are currently engaged in negotiations for the renewal of their contracts of employment with the Regional Health Authorities and who are engaged in industrial action be and are hereby enjoined from taking and/or continuing to take any such industrial action within the meaning of the provisions of the Act
- (3) All the workers and/or employees and/or Medical Practitioners of the Government and/or the Regional Health Authorities and/or members of MPATT shall not take part in and by this Order are restrained from taking and/or participating howsoever otherwise in any industrial action in accordance with Section 67(2) of the Act
- (4) The Order made herein is without prejudice to the Government’s and/or the Regional Health Authorities’ rights under Section 63(1)(c) of the Act in relation to all workers and/or employees and/or Medical Practitioners who are at present engaged in industrial action.

**AND IT IS ALSO ORDERED** that leave be and the same is hereby granted to serve a copy of the said affidavits of EMMANUEL GEORGE and ASHFORD SANKAR both sworn to and lodged herein on the 19<sup>th</sup> day of January 2003 together with the exhibits thereto together with a copy of this Order on MPATT, with liberty to Party No. 1 to serve such other person or persons as Party No.1 may deem fit

**AND IT IS FURTHER ORDERED** that this Order be published once in the Trinidad and Tobago Gazette and once in two (2) daily newspapers circulating in Trinidad and Tobago

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**NAME AND ADDRESS OF THE ATTORNEY-AT-LAW FOR PARTY NO.1:**

The Attorney-at-Law on record for Party No. 1 is Ms Vanessa Gopaul of Marie De Vere Chambers, 90 Maraval Road, Newtown in the city of Port-of-Spain whose address for service is the same

**AND IT IS FURTHER ORDERED** that a penal clause be endorsed hereon as shown below in red

.....  
**HIS HONOUR MR. ADDISON KHAN**  
**PRESIDENT, INDUSTRIAL COURT**

.....  
**HIS HONOUR MR. HERBERT SOVERALL**  
**MEMBER, INDUSTRIAL COURT**

**NOTE:** *IF YOU THE WITHIN NAMED MEDICAL PROFESSIONALS ASSOCIATION OF TRINIDAD AND TOBAGO OTHERWISE KNOWN AS MPATT WHETHER BY ITS PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER, TRUSTEES, OFFICERS, EXECUTIVE MEMBERS, SERVANTS AND/OR AGENTS AND/OR ITS MEMBERS AND/OR ALL MEDICAL PRACTITIONERS EMPLOYED WITH AND/OR OTHER PERSONS CURRENTLY ENGAGED IN NEGOTIATIONS FOR RENEWAL OF THEIR CONTRACTS WITH THE GOVERNMENT AND/OR THE SAID REGIONAL HEALTH AUTHORITIES DISOBEY THIS ORDER YOU WILL BE LIABLE TO PROCESS OF EXECUTION FOR THE PURPOSE OF COMPELLING YOU TO OBEY THE SAME*