



Republic of Mauritius

Annual Report

Employment Relations Tribunal

Year 2025

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Note from the Acting President

Note from the Acting President

It is with great pleasure that I forward the Annual Report of the Employment Relations Tribunal for the year 2025. The Tribunal has delivered 2 Awards, 9 Determinations, 29 Orders, 1 Declaration and 2 Rulings, and has disposed of a total of 126 cases in the year 2025.

This Annual Report is prepared in accordance with section 86(2)(d) of the Employment Relations Act 2008, as amended. It provides an aperçu of the cases dealt with by the Tribunal during the relevant year. However, I will recommend that readers go on our website <https://ert.govmu.org> to have the full and authoritative versions of the awards and other decisions delivered.

The Tribunal has had the opportunity to deal with a number of interesting cases during the year 2025 including a case in relation to an appeal made to the Tribunal but which had been lodged outside the statutory time limit, and two consolidated cases where the complainants had claimed reinstatement and where they had contended that their employment had been terminated for having worn the *hijab* at the workplace.

I hope you enjoy reading about these cases, and I seize this opportunity to thank all the staff and members of the Tribunal for their effort and contribution to enable the Tribunal to deliver its mandate. I thank the Vice-President, Mr Janhangeer, for his continued support, and all those who appeared before the Tribunal and who through their sense of responsibility and professionalism assisted the Tribunal in meeting the tight time frames which are imposed on the Tribunal to hear and dispose of cases.

I. Sivaramen

Acting President

Employment Relations Tribunal

Mission

To provide an efficient, modern, reliable and rapid means of hearing and resolving disputes between workers or trade unions of workers and employers or trade unions of employers so that peace, social stability and economic development are maintained in the country.

Vision

To be the expert tribunal for the settling of industrial disputes.

Composition of the Tribunal

ACTING PRESIDENT

Indiren SIVARAMEN, LLB (Hons), MBA (Finance) (University of Leicester), FCI Arb, Barrister was called to the Bar in 1996. He practised at the Bar from 1996 to 1999. He was also acting as Legal Consultant for International Financial Services Ltd from 1998 to 1999. He joined the Civil Service in 1999 as Temporary District Magistrate and was appointed District Magistrate in 2000. In 2003, Mr Sivaramen was appointed Senior District Magistrate. He was also a part-time lecturer at the University of Mauritius from 2005 to 2007. He was the Returning Officer for Constituency No. 20 for the National Assembly Elections in 2005. After a brief span as Legal Counsel for Barclays Bank PLC, Mauritius Branch and Barclays Bank (Seychelles) Ltd in 2006, he occupied the post of Vice-Chairperson at the Assessment Review Committee from 2006 to 2010. In February 2010, he was appointed as Vice-President of the Employment Relations Tribunal. As from 3 November 2019, he is the Acting President of the Employment Relations Tribunal.



VICE-PRESIDENT

Shameer JANHANGEER, LLB (Hons) (London), MBA (Business Finance), Barrister (Lincoln's Inn), FCI Arb was called to the Bar in the U.K. in 1999. He also holds a LLM in Law and Economics from Queen Mary University of London. After shortly practicing at the Bar, he joined the service as State Counsel at the Attorney-General's Office in 2002. In 2004, he joined the Judiciary as Acting District Magistrate and was later appointed as same. He was Deputy Returning Officer for Constituency No. 6 at the National Assembly Elections in 2005. He chaired a Board of Assessment in 2007 and upon returning to the Attorney-General's Office he was appointed Senior State Counsel in 2007. In 2009, he was appointed Temporary Principal State Counsel at the Attorney-General's Office/ Office of the Director of Public Prosecutions. In June 2011, Mr. S.



Janhangeer joined and was appointed as Vice-President of the Employment Relations Tribunal. He is also a member of the Commonwealth Magistrates' Association and (CMJA) Judges' since 2013 and the International Council for Commercial Arbitration (ICCA) since 2015.

Members of the Tribunal

(Year 2025)

Representatives of Workers

	Name
1.	Mr. Greetanand BEELATOO
2.	Mr. Alain HARDY
3.	Mrs Bhawantee RAMDOSS
4.	Mr. Anundraj SEETHANNA

Representatives of Employers

	Name
1.	Mr. Kirsley E. BAGWAN
2.	Dr. Sunita BALLAH-BHEEKA
3.	Mr. Chetanand K. BUNDHOO
4.	Mrs Christelle Perrin D'AVRINCOURT (resigned as from 26 July 2025)

Independent Members

	Name
1.	Mrs. Divya Rani DEONANAN
2.	Mr. Ghianeswar GOKHOOL
3.	Mrs Venusha AUTAR
4.	Mr. Muhammad Nayid SIMRICK

Members of the Tribunal

(as from 03 March 2026)

Representatives of Workers

	Name
1.	Mr Bhojeparsad JHUGDAMBY
2.	Mrs Bhawantee RAMDOSS
3.	Mr Francis SUPPARAYEN
4.	Mr Dan Dhayant DUSSARAM
5.	Mr Patrick Erol YVON

Representatives of Employers

	Name
1.	Mr Kritanand RAMKHELAWON
2.	Mrs Fiona HUNGLEY-QUIRIN
3.	Mr Dominique Ange BAUDA
4.	Mr Trilok PURRYAG

Independent Members

	Name
1.	Mrs Yogita BABBOO-RAMA
2.	Mr Mohammad Ibrahim Deelun SOMAUROO
3.	Mr Gaël Désiré HENRIETTE-BOLLI
4.	Mr Sheik Nashir RAMJAN
5.	Mr Eddy Louis SADIEN
6.	Mrs Rehana ABDOOL GAFOOR

Staff List

NO.	NAME	TITLE	EMAIL	PHONE
Professional Level				
1	Mr SIVARAMEN Indiren	Acting President	isivaramen@govmu.org	Thro' CS 213 2892
2	Mr JANHANGEER Shameer	Vice-President	sjanhangeer@govmu.org	Thro' CS 210 0998
3	Mrs HORIL Luxmi	Registrar	registrar-ert@govmu.org	212 5184
4	Mrs SAWO BURTHIA-BHANDAY Vanisha	Deputy Registrar	ert@govmu.org	2124636
Administrative/Supportive levels				
1	Mrs BOODHUN Saraspaday	Principal Financial Operations Officer	fin_ert@govmu.org	211 1303
2	Mr BHOLAH Yusuf Parvez	Human Resource Executive (Part time – as from 23 September 2025)	ybholah@govmu.org	260 2936/ 212 8286
3	Mr KURMOO Randeer	Office Management Executive (on secondment)	rkurmoo@govmu.org	208 4536
4	Mr BUSGEET Mohammad Faiz	Office Management Assistant (On leave without pay)	fbusgeet@govmu.org	
5	Mrs AUCKLOO JOOMUN S. Nasseema	Assistant Procurement and Supply Officer (Part-time)	snajoomun@govmu.org	212 4636
6	Mrs BHUGWANDASS JORY D.	Safety and Health Officer/Senior Safety and Health Officer (Part-time)	ert@govmu.org	212 4636
7	Mrs UJOODHA GOKHOOL Lakshana	Senior Transcriber	ert@govmu.org	208 0091
8	Mrs DOOBUR Vidiawatee	Transcriber (Retired on 30 January 2026)		
9	Mrs PURREMCHUND Priya Ashwini	Transcriber	ert@govmu.org	208 0091
10	Mrs BUNGSY Nandani	Confidential Secretary (Mr Sivaramen)	nbungsy@govmu.org	213 2892

NO.	NAME	TITLE	EMAIL	PHONE
11	Mrs LAM TO Ivonnette	Confidential Secretary (Mr Janhangeer)	ylamto@govmu.org	210 0998
12	Mrs LOOTFUN Amiiarah Zahrah	Management Support Officer	ert@govmu.org	212 4636
13	Mrs NEERUNJUN- GUJADHUR Binta Devi	Management Support Officer	ert@govmu.org	212 4636
14	Mrs DAUHAWOO- GUNGADIN Priscilla	Management Support Officer	ert@govmu.org	212 4636
15	Mr POONOOSAMY Srinivassen	Management Support Officer	ert@govmu.org	212 4636
16	Miss DABOO Lakshana Devi	Management Support Officer	ert@govmu.org	212 4636
17	Mrs BISESAR Doonita	Word Processing Operator (On secondment)	ert@govmu.org	212 4636
18	Mrs SIBSURN RAMSAHYE MARAZ Shristee Devi Sharma	Word Processing Operator (On secondment)	ert@govmu.org	212 4636
19	Mr CHEETAMUN Soobeeraj	Head Office Auxiliary	ert@govmu.org	208 0091
20	Mr NEERUNJUN Amitah	Office Auxiliary/ Senior Office Auxiliary	ert@govmu.org	208 0091
21	Mrs HURRYPAUL Ashwinee	Office Auxiliary/ Senior Office Auxiliary	ert@govmu.org	208 0091

Summary of Cases

NOTE: This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for that decision. The full opinion of the Tribunal is the only authoritative document.

ERT/ RN 125/24 – Registrar of Associations (Applicant) And Ireland Blyth Ltd Staff Association (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2017, 2018, 2019, 2020 and 2021. She prayed for the cancellation of the registration of the Respondent.

There was no evidence that the notice had been complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the grounds specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent, and provided for the disposal of the assets of the Respondent.

ERT/ RN 124/24 – Registrar of Associations (Applicant) And Union of Public Officers of Ex-TDA Workers (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2019, 2020 and 2021. She prayed for the cancellation of the registration of the Respondent.

There was no evidence that the notice had been complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the grounds specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent, and provided for the disposal of the assets of the Respondent.

ERT/RN 106/24 – Registrar of Associations (Applicant) AND Civil Service Manual and Other Staff Union (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(d)* of the Act. The Respondent left default. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 103/24 – Registrar of Associations (Applicant) AND Insurance Sector Employees Union (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent 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. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 101/24 – Registrar of Associations (Applicant) AND Federation of All Trade Unions (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent Federation on the ground specified under *section 7 (1)(d)* of the Act. The Respondent left default. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a Federation. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 113/24 – Registrar of Associations (Applicant) AND Business Process Outsourcing Employees Union (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent 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. After having conducted a hearing

into the matter, the Tribunal directed the Applicant to cancel the Respondent's registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 126/24 – Mr David Thierry Lebon (Complainant) AND City and Beach Hotels (Mauritius) Limited (Respondent) – Determination

The matter concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour, Human Resource Development and Training. The Complainant raised several grounds in support of his claim for reinstatement.

The Complainant's first contention was that the minutes of proceedings of the disciplinary committee were incomplete. Having noted that a disciplinary committee is no substitute for a court of law nor has it got its attributes, the Tribunal could not reasonably conclude that the minutes of the committee were incomplete based on the mere sayings of the Disputant and his witness. It was also contended that the Chairperson of the disciplinary committee refused to allow the Complainant and his legal representatives to visit the locus where the incident occurred. However, the Tribunal did not find this ground to be substantiated.

Another Complainant's contention was that the employer refused to tender its representative for cross-examination during the disciplinary committee. In relation to this, the Tribunal notably found that no evidence was adduced as to where in the minutes of proceedings of the disciplinary committee was it shown that the Chair refused to have the representative tendered for cross-examination and that the Complainant's legal representative recognised that he was allowed to call her as a witness. The Complainant also contended that the Chairperson of the disciplinary committee refused to declare the employer's witness as hostile when she was refusing to answer questions. The Tribunal could not see the relevance of that contention and it was not shown where or when that happened before the disciplinary committee.

It was also contended that none of the witnesses present at the time of the incident on 9 June 2024 were called before the Tribunal. The Tribunal notably found that it was open for the Complainant to call them as witnesses and that the Complainant did lengthily testify as to the incident before the Tribunal. The Complainant also submitted in relation to the video of the incident which was not communicated to him prior to the disciplinary committee. The Tribunal noted that the video had not been produced or viewed before the committee and that the Complainant and his legal representative had the opportunity to view the video, once the Chair of the committee ruled that it should be viewed.

The Complainant also questioned the fairness of the Respondent's investigation. However, the Tribunal did not find any unfairness with regard to the investigation carried out by the employer. The Complainant also stated that he gave a statement against his will to the employer, but could not remember if this was produced before the disciplinary committee. The Tribunal noted that as per *section*

64 (9) of the *Workers' Rights Act* any statement acknowledging guilt by the worker would be inadmissible. The Tribunal had no difficulty in finding that the incident occurred within the context of work between two hotel employees although they were just outside the hotel premises.

It was also submitted that the five charges brought against the Complainant were not proved. The Tribunal notably found that the Complainant did not adduce evidence in relation to the five charges other than stating that he pleaded not guilty to same and also noted that the charges were brought before a disciplinary committee which decided on same after having had the benefit of conducting a full hearing into the matter. It was also noted that the Complainant did not give any oral explanations before the disciplinary committee preferring to rely on an affidavit he had sworn to. In the circumstances, the Tribunal could not find that the Complainant's termination of employment was unjustified and that he should be reinstated. The matter was set aside.

ERT/ RN 118/24 – Registrar of Associations (Applicant) And Air Services Workers Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the secretary of the Respondent had provided a statement to the effect that the Respondent had ceased to function since the end of the year 2017 and that it had no member for the year 2017 and up till 13 November 2018. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the grounds specified under section 7(1)(a) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent, and provided for the disposal of the assets of the Respondent.

ERT/RN 128/24 – Mrs Fawzia Auckle (Disputant) And National Women's Council (Respondent) – Determination

The above case was referred to the Tribunal under the direction of the Supervising Officer acting under Section 69A (2) of the *Workers' Rights Act*, as amended. The point in dispute in the terms of reference read as follows:

“Whether the termination of employment of Disputant is justified or not in the circumstances and whether Disputant should be reinstated or not.”

The Disputant was convened to appear before a disciplinary committee on 16 October 2024 by way of a letter dated 2 October 2024. Three charges were levelled against her. The Tribunal examined carefully all the evidence adduced before it. The Tribunal noted that all three charges had been found to be proved against the Disputant by the chairperson of the disciplinary committee. The Tribunal found that the charges taken collectively in the particular circumstances of that case did amount to gross misconduct. The Tribunal stated that there was nothing wrong that the Respondent found that it could not, in good faith, continue with the employment of the Disputant. The Tribunal added that the Disputant's attitude of insubordination constituted a threat to the good running of the Respondent. The Tribunal observed that an employee may comply under protest but he cannot refuse to follow a lawful and reasonable order from his superior without a valid and genuine reason. The Tribunal was satisfied that this was a case where there were not only valid reasons for the termination of employment of the Disputant but also where the Respondent could not, in good faith, take any other course of action than to terminate the employment of the Disputant. For all the reasons given in its determination, the Tribunal found that the termination of the employment of the Disputant was justified and that the Disputant had failed to prove on a balance of probabilities that she should be reinstated in her employment. The case was set aside.

ERT/RN 111/24 – Registrar of Associations (Applicant) AND Union of Private Secondary Education Employees (Respondent); Ipo: Secondary and Preparatory School Teachers and Other Staff Union (Co-Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Union of Private Secondary Education Employees (“UPSEE”) as a trade union after having received an application from the Co-Respondent Union under *section 7 (2)* of the *Act* for the cancellation of registration of the UPSEE on the ground that the registration of the latter was obtained by fraud or misrepresentation.

After having heard the matter, the Tribunal notably found that it cannot be said that the UPSEE has obtained its registration by fraud or misrepresentation as its objects as stated in Article 3 (a) of its Rules had remained unchanged as from the time of its registration as the Union of Private Secondary School Teachers in 1976 and this clearly provides for the regulation of relations between members and their employers. The Tribunal was not satisfied that the UPSEE's registration should be cancelled pursuant to the said application and same was set aside.

ERT/RN 115/24 – Registrar of Associations (Applicant) AND All Employees Confederation (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent Confederation on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent left default. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent's registration as a

Confederation. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 119/24 – Registrar of Associations (Applicant) AND Pre Primary School Employee’s Union (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent resisted the application. After having conducted a hearing into the matter, the Tribunal notably found that the Respondent Union had failed to respond to two Notices dated 30 December 2022 and 8 July 2024 and file its overdue Annual Returns. Despite her objection, the Respondent’s representative did recognise that the Annual Returns were not duly submitted as requested. However, the Applicant’s stand was to insist with the application as the Returns communicated before the Tribunal were not approved in an AGM. The Tribunal therefore directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 122/24 – Registrar of Associations (Applicant) AND Syndicat des Travailleurs Unis de la Fonction Publique (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(a)* of the *Act*. The Respondent had no objection to the application. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 120/24 – Registrar of Associations (Applicant) And Ministry of Agriculture Professionals’ Union (Respondent) – Order

The Applicant made an application under *section 7(3)* of the *Act* for an order directing the cancellation of the registration of the Respondent union. The application was resisted and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. The annual returns for the accounting periods ending 31 December 2022 and 31 December 2023 had been filed only after the said application was lodged. The representative of the Applicant referred to the various shortcomings in relation to the returns which were produced. She prayed for the cancellation of the registration of the Respondent.

The Tribunal observed that the Respondent had failed to comply with very important provisions of the *Act* and with a Notice dated 29 July 2024 which was duly

served on the Respondent. The Tribunal stated that it could not condone such failures on the part of the Respondent and had no hesitation in finding that the Applicant had proved its case on a balance of probabilities that the registration of the Respondent should be cancelled on the ground of breach of section 7(1)(d) of the Act.

ERT/ RN 97/24 – Mr Lewis Guilbert Roussel (Disputant) And Central Electricity Board (Respondent) i.p.o Central Electricity Board Staff Association (Co-Respondent) – Award

The above case was referred to the Tribunal by the Commission for Conciliation and Mediation under section 69(9)(b) of the Act. The terms of reference of the dispute read as follows:

“Central Electricity Board is, up to now, refusing to consider my request for additional increments under the ‘Long Service Increments’ Scheme, as contained in the Collective Agreement.”

The Disputant stated that he had 20 years of experience in the same post of Senior Technical Officer. He agreed that he was appointed as Senior Technical Officer on 14 May 2008 but he suggested that even before 2008 he was occupying the post of Senior Technical Officer in an “acting” capacity. He stated that he met the requirement for the Long Service Increment which was 20 years of experience in the post of Senior Technical Officer.

The Tribunal examined all the evidence adduced before it and compared the version of the Long Service Increment in the collective agreement 2017-2021 and the collective agreement of 2021-2025. The Tribunal was not impressed by the version that the replacement of the words “in their present posts” (as appear in the collective agreement 2017-2021) by “in the same scale/post” was such as to change the “rationale” or the philosophy behind the payment of the Long Service Increment. The Tribunal held that the philosophy stayed the same and it was so as not to penalise employees (reckoning more than 30 years’ service) with 20 years’ experience in the same scale/post and who have neither been given the opportunity to get any promotion nor any salary increase thereon. The Tribunal found that the words “in the same post” could, in the circumstances, only mean in the same substantive post. The Tribunal added that any other interpretation would simply defeat the purpose of having the Long Service Increment. The Tribunal added that as opposed to a lateral transfer, where there is no salary increase, in that case there was unchallenged evidence that the Disputant benefitted from three increments on his appointment as Senior Technical Officer.

For all the reasons given in its award, the Tribunal was not satisfied at all that the Disputant had “20 years’ experience in the same scale/post” as used in paragraph 2.10 of the collective agreement 2021-2025 when he was appointed as Senior Technical Officer only on 14 May 2008. The said dispute was thus set aside.

ERT/RN 130/24 – DBM Ltd Staff Association (Applicant) AND Development Bank of Mauritius Ltd (Respondent) – Declaration

The DBM Ltd Staff Association (“DBMSA”) applied under *section 62 (2)* of the *Employment Relations Act* (the “Act”) for a declaration on the interpretation of section 4.1 (ii) of the Collective Agreement signed on 31 August 2023 between it and the Development Bank of Mauritius (“DBM”) Ltd.

Upon having heard the matter, the Tribunal found that from a plain reading of section 4.1 (ii) of the Collective Agreement, there is no express requirement for staff or former staff to provide the quantum of duty element for an equivalent vehicle run by petrol. The requirement for staff to submit a document on the duty element for an equivalent vehicle run by petrol was introduced by the Board’s decision dated 18 September 2023, in order to allow the DBM to obtain a figure to process the duty remission as per what has been provided for in paragraph 4.93 (B). The Tribunal therefore declared that there is no requirement in section 4.1 (ii) of the Collective Agreement for staff or former staff to provide the quantum of duty element for an equivalent vehicle run by petrol.

ERT/RN 132/24 – Chemical Manufacturing and Connected Trades Employees Union (CMCTEU) and Private Enterprises Employees Union (PEEU) (Applicants) AND C-Care (Mauritius) Ltd (Wellkin and Clinique Darné) (Respondent) – Order

The matter concerned an application under *section 58 (2)* of the *Employment Relations Act* (the “Act”) for a variation of the Collective Agreement on the ground that there has been a substantial change of circumstances warranting the variation.

Upon hearing the matter, the Tribunal notably found that the Applicants were not precise as to what was the change in circumstances warranting the variation being applied for, but gathered that this related to the revision of the national minimum wage to Rs 16,500. The Applicants’ Negotiator was also not precise as to the terms of the variation for which the Applicant Unions have made the application. In particular, it had not been elaborated what provision of the Collective Agreement ought to be varied and on what terms this should be done. On the other hand, the Respondent notably contented that there had not been any decision or position taken as to the Applicants’ request. Thus, there had been no formal refusal from the Respondent to vary the Collective Agreement.

The Tribunal was therefore not satisfied that the Applicants had demonstrated that a variation of the Collective Agreement was warranted. In the circumstances, the Tribunal could not make any order for a variation and the application was set aside.

ERT/ RN 116/24 – Registrar of Associations (Applicant) And Tobacco Board Employees Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2020, 2022 and 2023. She prayed for the cancellation of the registration of the Respondent.

There was no evidence that the notice had been complied with and in the light of the unchallenged evidence on record and the stand taken on behalf of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 121/24 – Registrar of Associations (Applicant) And Union Syndicale Des Employes De Presse (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2013 up to then. She prayed for the cancellation of the registration of the Respondent.

There was no evidence that the notice had been complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 95/24 – Mr Ananden Madre (Disputant) And Cargo Handling Corporation Ltd (Respondent) – Award

The above case was referred to the Tribunal by the Commission for Conciliation and Mediation under Section 69(9)(b) of the Act. The terms of reference of the disputes read as follows:

1. *“Whether Mr. Madre should have been paid three increments equivalent to Rs3,000 (Rs1,000 per increment) due to him monthly, as acting ship allowance as per the current practice instead of having been paid a daily responsibility allowance to perform duties about Foreman Lasher from 18 July 2020 to 31 December 2020 and 3 increments monthly equivalent to Rs3,300 (Rs1,100 per increment) due to him instead of having been paid daily responsibility allowance as from 1st January 2021 to 08 February 2022 or otherwise.”*

2. *“Whether three increments equivalent to Rs3,300 as an acting ship allowance due to him should have been added to his retiring salary in force at the time of his retirement on 8 February 2022 to calculate his monthly pension or otherwise.”*

3. *“Whether his converted retiring salary, following the conversion table of Collective Agreement 2021 equivalent to Rs41,875.00 should have been taken into consideration to calculate:*
 - (a) the refund of all outstanding leave as per the provisions of the conditions of service set out in the collective agreement 2013, 2016 and 2021 respectively, or otherwise*

 - (b) and to severance allowance due to him at the time of his retirement on 08th February 2022, or otherwise.”*

4. *“Whether three increments equivalent to Rs3,300 as an acting ship allowance due to him should have been added to his Retiring Basic Salary equivalent to Rs41,875 at the time of his retirement on 8 February 2022 to calculate*

5. *(a) the refund of his Outstanding leave as per the provisions of the Collective Agreement 2013, 2016 and 2021 respectively, or otherwise*
 - (b) the severance allowance due to him at the time of retirement, or otherwise.”*

The Disputant explained why, according to him, he should have been paid three increments and he stated that if he had been promoted from Signalman to Foreman Lasher along the promotional route, he would have benefitted from three increments. The HR Manager explained the specificity of the port and stated that though the Disputant was continuously acting as Foreman Lasher, he stated that this was on a daily basis. He explained that there is actingship on a daily basis in the operations section depending on the number of vessels which have to be attended to. He maintained that if the Disputant had performed as Foreman for 15 days, he would be paid for those 15 days. He added that this was in line with the pay slips of the Disputant. His evidence was not seriously challenged and very importantly, there was no evidence of any “practice” to the effect that allowances paid in these circumstances at the Respondent were generally equivalent to three increments monthly. In the absence of satisfactory evidence that there was a “current practice” to pay three increments as allowance when one is acting as Foreman Lasher on a daily basis in the port, the Tribunal could not make any finding to that effect. The

Tribunal bore in mind the unchallenged evidence on record that flexibility is required in the port and that an employee like the Disputant could even be paid 'double' when he replaced further other colleagues.

Also, in the absence of any dispute or even prayer that the Disputant should have been appointed as Foreman Lasher or that he should have been deemed to be a Foreman Lasher, the Tribunal found that it could not find any basis to conclude that three increments should have been paid to the latter. The Tribunal observed that it was not being requested to consider issues pertaining to appointment or promotion and any award on such issues would be "*ultra petita*" the terms of reference before it. The Disputant admitted clearly that he was never promoted to the substantive post of Foreman Lasher, and the Tribunal thus found that it could not award that three increments should have been paid to the Disputant instead of the daily responsibility allowance.

The Tribunal referred to the relevant collective agreement and found that the terms of the last paragraph referred to therein were clear and could not apply in the case of the Disputant. The employees mentioned in the last paragraph were employees who retired or will retire during the period starting from the signature of the collective agreement (that is, as from 1 August 2023) up to the actual promotion date and who had been or were under continuous actingship for more than one year. Disputant retired on 8 February 2022 and did not fall within such categories of employees. For the reasons given in its award, the Tribunal set aside points of dispute No. 1 and 2.

After having carefully examined paragraph 8 of the collective agreement, the Tribunal stated that the unavoidable conclusion was that the parties to the agreement intended to restrict back pay to the components which were specifically listed in the said paragraph and these were salary, overtime, productivity bonus, new non-pensionable allowance and end of year bonus. In the absence of items such as sick leaves or leaves and "severance allowance", the unescapable conclusion was that the parties to the agreement deliberately did not include these items for the purposes of back pay. For the reasons given in its award, the disputes under point in dispute No. 3 was also set side. The Tribunal also observed that there were only four points in dispute since point in dispute No. 5 could not stand on its own. For the reasons given in relation to the other points in dispute, the Tribunal found that the point in dispute No. 4 could not stand and both points in dispute Nos. 4 and 5 were set aside.

ERT/RN 92/24 & 93/24 – Mrs Sehnaaz Bee Chundoo & Mrs Beebee Sahida Allibacus AND Municipal Council of Beau Bassin/Rose Hill; Ipo: Ministry of Local Government and Disaster Risk Management – Ruling

Both matters were referred to the Tribunal for arbitration by the Commission for Conciliation and Mediation and were consolidated. The common Terms of Reference of the disputes read as follows:

Grant of one increment hypothetically effective as from date of implementation of PRB Report 2016 and in conformity with PRB option, instead of 4th of August 2017.

The Respondent raised Preliminary Objections in law *ex-facie* its Statement of Reply as follows:

- (a) The dispute referred to by the Disputants is not a labour dispute pursuant to section 2 (b) of the Employment Relations Act 2008 inasmuch as the dispute relates to an option to be governed by the recommendation of the PRB.*
- (b) The dispute is time barred inasmuch as it has been referred to the Commission for Conciliation and Mediation (“CCM”) after seven years from the fact that gave rise to the dispute; and*
- (c) Ex facie the Disputants’ Statement of Case (“SOC”), the dispute is between the Disputants and the Co-Respondent. Therefore, the Municipal Council of Beau Bassin Rose Hill has been wrongly styled as Respondent.*
- (d) The dispute lacks legal basis and inasmuch as their prayers sought are based on humanitarian grounds and ‘to meet the end of justice’ which does not fall under the jurisdiction of this Tribunal.*

The Tribunal notably found, under the first limb of the Preliminary Objections, that the dispute would not amount to a labour dispute pursuant to *paragraph (b)* of the definition of a labour dispute under *section 2* of the *Employment Relations Act* having noted that increments would amount to remuneration. The Tribunal therefore found that the first limb of the Preliminary Objection in law raised by the Respondent must succeed.

Under the third limb of the Preliminary Objections, the Tribunal noted from the Disputants’ letters of appointment, that it has been stated that the local authority has been directed by the Local Government Service Commission to inform the Disputants that the Commission has decided to offer them appointment as Finance Officer/Senior Finance Officer. The appointment of the Disputants therefore came from the Local Government Service Commission and not the Respondent. The Tribunal therefore found that the third limb of the Respondent’s Preliminary Objection in law must succeed. In light of the two Preliminary Objections which were upheld, the consolidated disputes were set aside.

ERT/ RN 8/25 – Registrar of Associations (Applicant) And Textile, Garment And General Workers Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no

objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2015 up to 31 December 2023. She prayed for the cancellation of the registration of the Respondent.

There was no evidence that the notice had been complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 6/25 – Registrar of Associations (Applicant) And The Newspaper and Printing Industry Employees Association (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. Despite good service on the Respondent, the Respondent left default and the Tribunal had no alternative than to proceed with the case in the absence of the Respondent.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2021 and 31 December 2022. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 11/25 – Registrar of Associations (Applicant) And Organisation of Artisans Unity (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. The representative of the Respondent informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. However, on the day fixed for hearing, the Respondent left default and the Tribunal had no alternative than to proceed with the case in the absence of the Respondent.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2020, 31 December 2021 and 31 December 2022. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/RN 07/25 – Registrar of Associations (Applicant) AND Airline Employees Association (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(d)* of the Act. The Respondent left default. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 09/25 – Registrar of Associations (Applicant) AND Junior Police Officers Union (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “Act”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(d)* of the Act. The Respondent resisted the application. After having conducted a hearing into the matter, the Tribunal notably found that the Respondent Union failed to respond to the Notice dated 30 July 2024 issued under *section 7 (1)(d)* of the Act and file its Annual Returns due, that it has therefore infringed the requirements of *section 25* under *Part III* of the Act and failed to remedy the default within the time limit set in the Notice. The Tribunal therefore directed the Applicant to cancel the Respondent’s registration as a trade union and also provided for the disposal of the assets of the Respondent.

ERT/ RN 24/25 – Landscape (Mauritius) Ltd Employees Union (Appellant) And Registrar of Associations (Respondent) i.p.o Union of Management Professional and Support Staff Landscape (Mauritius) Ltd (Co-Respondent) – Ruling

The Appellant sent a letter to the Tribunal “to formally appeal against the decision of the Registrar of Associations to register the Union of Management Professional and Support Staff Landscape (Mauritius) Ltd, as published in the daily newspaper ‘Le Mauricien’ dated 13 March 2025 under registration number TU 804

on 24 June 2024.” The Appellant added that he wished to contest this registration as per section 5(8) of the Act. The letter was dated 25 March 2025 and was received at the Tribunal on 28 March 2025.

The Respondent took a plea *in limine litis* which read as follows:

In Limine Litis

Respondent moves that the present appeal be set aside inasmuch as it has been lodged outside the prescribed delay under the Employment Relations Act (the “Act”).

The Co-Respondent took a Preliminary Objection which read as follows:

Preliminary Objection

The Co-Respondent moves that the present appeal be set aside since it has been lodged outside the prescribed delay under the Employment Relations Act (as amended) (the “ERiA”)

The Tribunal examined all the pleadings and submissions made before it. The Tribunal referred to a certified copy of the Government Gazette of 15 February 2025 and to Section 16(1) of The Interpretation and General Clauses Act which provides as follows:

16. Gazette

(1) Where by any enactment, a publication is required to be made in the Gazette, a copy of the Gazette containing the publication shall be evidence of the facts stated in the publication and shall be conclusive evidence of the fact of publication.

As per section 5(8) of the Act, the Tribunal noted that the Appellant had up to 7 March 2025 to appeal to the Tribunal. The Appellant did not appeal to the Tribunal within that delay and only sent a letter dated 25 March 2025 to the Tribunal and which letter was received by the Tribunal on 28 March 2025. The Tribunal found that the Appellant clearly failed to comply with section 5(8) of the Act. However, the Tribunal noted that it has a discretion to allow an appeal to proceed outside delay and went to consider extensively the case law in relation to appeals lodged outside the statutory time limits.

For all the reasons given in its ruling, the Tribunal was not satisfied on a balance of probabilities that there were exceptional circumstances warranting the exercise of its discretion to entertain the said matter which had been lodged outside the statutory time limit. The plea in limine litis and preliminary objection taken on behalf of the Respondent and Co-Respondent respectively were upheld and the case was purely and simply set aside.

ERT/RN 33/25 – Registrar of Associations (Applicant) AND All Police Officers Unity (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Respondent Union as a trade union on the grounds specified under *section 7 (1)(a) & (c)* of the *Act*. The Respondent had no objection to the application. After having conducted a hearing into the matter, the Tribunal directed the Applicant to cancel the Respondent’s registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

ERT/RN 35/25, ERT/RN 36/25 – Mr Satyam Goness (Appellant No. 1) And The President of the Commission for Conciliation and Mediation (Respondent) Mr Nemchand Jugurnauth (Appellant No. 2) And The President of the Commission for Conciliation and Mediation (Respondent) – Order

The consolidated cases concerned appeals under section 66 of the Act against the decision of the President of the Commission for Conciliation and Mediation to reject a dispute dated 17 April 2025 reported by Appellant No 1 and a dispute dated 18 April 2025 reported by Appellant No. 2.

The appellants did not include the reports of the actual disputes made to the President of the Commission for Conciliation and Mediation. In both cases, the Respondent had rejected the disputes because the disputes do not fall within the definition of a labour dispute as provided in section 2(b) of the Act. The Tribunal observed that the Appellants who had appealed had the burden to show that the President of the Commission for Conciliation and Mediation was wrong to reject their disputes and that her decisions should be revoked. In the absence of the actual terms of the disputes reported, the Tribunal concluded that it could not decide or find that the said disputes were labour disputes, as defined in the Act or not.

The Tribunal held that the appellants, under the pretext of seeking an interpretation of the relevant recommendation/s, were in fact trying to challenge clear and unequivocal recommendations of the PRB Report in relation to allowances, as being allegedly against provisions of the law. The Tribunal found that there was nothing on record to suggest that the Respondent wrongly rejected the ‘disputes’ reported by the appellants. The Tribunal added that the disputes were not labour disputes as defined under section 2 and more particularly bearing in mind section 2(b) of the Act. For the reasons given in its award, the Tribunal found no reason at all to intervene in the said matter and confirmed the decision of the Respondent.

ERT/ RN 34/25 – Registrar of Associations (Applicant) And Mauritius Meat Authority Employees Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear the matter.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2019 to 31 December 2023. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand taken on behalf of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 39/25 – Mrs Chandini Mooroghen (Complainant) And Mauritius Recreation Council (Respondent) – Determination

The above case was referred to the Tribunal under the direction of the supervising officer of the Ministry of Labour and Industrial Relations acting under Section 69A (2) of the Workers' Rights Act, as amended. The point in dispute in the terms of reference reads as follows: "*Whether the termination of employment of Disputant is justified or not in the circumstances and whether Disputant should be reinstated or not.*"

The Complainant stated that she started working on 12 January 2024 and on 31 March 2025, she received a letter informing her that her contract had not been renewed. She stated that no reason was given as to why her contract of employment had been ended. However, the Complainant agreed that she had been employed on a contract of determinate duration for a period starting from 12 January 2024 to 11 January 2025. She suggested that nobody had informed her that her contract had been renewed on a month to month basis.

The Chairperson of the Respondent deposed before the Tribunal and stated that there was no board to take decisions and the parent Ministry had given instructions to the Managing Secretary of the Respondent that the contract would, as an interim measure, be renewed on a month to month basis until a decision was taken by the board in relation to the renewal of the contract. At its first board meeting held on 21 March 2025, the board decided that the contract of employment of the Complainant would not be renewed on the basis that the contract was a contract of determinate duration.

The Tribunal observed that unlike an employee who is employed on an indeterminate contract, the Complainant was employed on a contract of determinate duration or a fixed term agreement (term used in the Workers' Rights Act). The contract had come to an end on 11 January 2025 and the Complainant was allowed to continue to work at the Respondent after that date. However, the contract of the Complainant was not formally renewed and from 12 January 2025 until the termination of her agreement after the notice period of one month, the Complainant did not hold any written contract with the Respondent. The Tribunal thus found that there was a major flaw in the case of the Complainant before us. The Tribunal added

that it has been given jurisdiction only exceptionally in relation to the Workers' Rights Act and being an administrative tribunal, it had only powers as were specifically given to it by law. The Tribunal observed that it had no jurisdiction like the relevant Court of Law which could find that there was deemed to be an agreement or new agreement or that the Complainant was deemed to be in continuous employment. The Tribunal stated that before any reinstatement could be considered by the Tribunal, the latter had to find first that there had been some sort of extension of the contract beyond a monthly renewal. However, this was denied on behalf of the Respondent. The Tribunal found that any finding on that issue would go beyond the jurisdiction of the Tribunal. The Tribunal referred to section 71 of the Act.

For all the reasons given in its award, the Tribunal could not find that the claim for reinstatement of the Complainant was justified, and the matter was purely and simply set aside.

ERT/RN 40/25 – Mr Nikhil Anandsing Awootar (Complainant) AND Air Mauritius Ltd (Respondent) – Determination

The matter concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour. The Complainant was a First Officer and two charges relating to his handling of the ATR aircraft upon landing were brought against him which led to his dismissal following a disciplinary hearing. He was seeking reinstatement on several grounds.

It was first raised that the charges laid against the Disputant before the disciplinary committee were not clear and lacked precision. The Tribunal notably found that there were discrepancies in the charges that the Complainant was made to answer to and in the letter of termination as well, which came to light from the evidence of the Respondent's own witness, Captain Baichoo. The Complainant also raised the point that he, through his then Counsel, requested full and detailed particulars of each of the three charges and was only communicated the Flight Monitoring Data and the Air Safety Report for the second charge. The Tribunal notably found that the Respondent was not under an obligation to provide other information or documents other than those it had already provided to the Disputant.

An issue was also raised as to a further document which was not produced and the Tribunal could only infer that this further document would have helped it in some way in determining the present matter and that its absence can be considered to have left a gap in the evidence relating to why it was decided not to send the Disputant on remedial training. The Complainant also raised the issue of dismissal as a last resort in his written submissions. The letter of termination notably stated that Management could not in good faith take any other course of action than to terminate the Disputant's employment with immediate effect. The Tribunal notably found, from the letter of termination, that no mention had been made of remedial training for the Complainant or whether this had ever been considered as an alternative. In light of this, the Tribunal could not find that in all the surrounding circumstances the only course reasonably open to the Respondent was to dismiss the Complainant.

In the circumstances, the Tribunal could only find that the Complainant's reinstatement was justified. However, in light of the evidence adduced, the Tribunal could only find that it has reason to believe that the relationship between the Disputant and the Respondent has irretrievably been broken. The Tribunal therefore ordered that the worker be paid severance allowance at the rate specified in *section 70(1)* of the *Workers' Rights Act*.

ERT/RN 45/25 – Mr Palani Perumal (Complainant) AND Air Mauritius Ltd (Respondent) – Determination

The matter concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour. The Complainant was an Assistant Supervisor Operations (Cargo) and also performed as Part-Time Trainer – Dangerous Goods Regulations at the Respondent. He was seeking reinstatement on several grounds.

The first ground raised by the Complainant is that of the Trade Union Negotiator, Mr R. Sadien, being shut out from the disciplinary committee. Having considered this particular ground, the Tribunal could not find that any unfairness was caused to the Disputant, the more so that he was assisted at all times by Counsel at the disciplinary hearing, he was allowed to give his explanations to the committee and the charges had not yet been put to him on 2 May 2025. The Tribunal also noted that it was open for the Complainant to raise the issue of his part-time contract as Trainer in his explanations to the disciplinary committee and he agreed, in evidence, that nothing prevented him from saying so at the disciplinary hearing.

It was also submitted that the Complainant was put on roster to conduct training on 18 February 2025 but that this was cancelled. His contention was that by not allowing him to conduct the scheduled training, he was sacked as a part-time worker and the issue of the disciplinary committee should not have arisen. The Tribunal notably found that the cancellation of the training on 18 February 2025 did not amount to a sanction whereby the Disputant was sacked as a Part-Time Trainer. It was also found that the Respondent was not estopped from holding the disciplinary committee as it was duly entitled to follow the procedure prescribed by law in convening the Complainant to answer to charges brought against him following the completion of its investigation.

Another issue raised is that of the part-time contract of Trainer, which was to be read separately from the substantive contract of Assistant Supervisor. The Tribunal notably found that it could not be said that the two contracts should be read separately from one another, particularly in view of the clause in the part-time contract stipulating that the Complainant would maintain his current position with all the terms and conditions attached to his post of Assistant Supervisor. The Complainant has also raised the issue that the part-time contract was concealed by the Respondent at the disciplinary committee. The Tribunal noted that nothing prevented the Complainant from raising the issue of the part-time contract at the disciplinary hearing and did not find any merits in this ground.

Another issue raised concerned the time taken for the Respondent to notify the Complainant of the charges, which had to be done within 10 days as from when the Respondent became aware of the misconduct. The Tribunal notably found that as the Respondent had carried out an investigation, pursuant to *section 64 (3)* of the *Workers' Rights Act*, the period of 10 days to notify the worker of the charge was suspended until the completion of the investigation. Having considered the various grounds raised before it, the Tribunal could not find that the Complainant's claim for reinstatement was justified and the matter was set aside.

ERT/RN 56/25 & 57/25 – Mrs Nadrah Bintee Diouman-Ameer & Ms Mushiirah Hanna Humeirah Aubdoollah (Complainants) AND ENSafrica (Mauritius) (Respondent) – Determination

Both matters concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour. Both cases were consolidated. Both Complainants were employed as Departmental Assistants in the Respondent's Litigation Department prior to their employment being terminated. They contend that their employment was terminated for having worn the *hijab* at the workplace.

As per the Terms of Reference of the disputes, the Tribunal was asked to find whether the Complainants' termination of employment is justified. As per the Respondent's written submissions and Statement of Case, it has not been disputed that the Complainants' termination of employment was unjustified for being in breach of *section 64 (2)(a)(ii)* of the *Workers' Rights Act* ("*WRA*") inasmuch as it had not been denied that the Complainants were not given the opportunity to answer to any charges laid against them in relation to their alleged misconduct in an oral hearing by the Respondent.

The Tribunal went on to find that the reinstatement of the Complainants was justified. In light of the evidence adduced and the submissions offered, the Tribunal found that it has reason to believe that the relationship between the Disputants and the Respondent has irretrievably been broken. The Tribunal therefore ordered that both Complainants be paid severance allowance at the rate specified in *section 70 (1)* of the *WRA*.

ERT/RN 58/25 – Mr Frédéric Francois Law Kwang (Complainant) AND Princes Tuna (Mauritius) Ltd (Respondent) – Determination

The matter concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour. The Complainant was employed as Turner, Industrial Mechanic and Welder at the Respondent company. He carried out personal work during overtime on a Sunday for a colleague and was charged with misconduct. Following a disciplinary hearing, the charges laid against him were proved and he was dismissed. He claimed reinstatement on several grounds before the Tribunal.

The Complainant first contended that he had obtained the permission of his Line Manager prior to carrying out the personal task. He was however contradicted by the latter on this issue. The Tribunal could not therefore find that the Complainant had permission to do the personal work of his colleague. The Complainant also raised the issue that no witnesses were called before the disciplinary committee. The Tribunal notably found that in allowing the Complainant to give his version before the committee, the Respondent had discharged its burden in setting up a disciplinary committee to enable the Complainant to put forward his version in relation to the charges laid against him. Thus, no unfairness was caused to him.

The Complainant also questioned the report of the disciplinary committee. The Tribunal noted that this particular issue had not been pleaded in the Complainant's Statement of Case and that it would not be appropriate for the Tribunal to ground its determination on same. In any event, the Tribunal held that it is trite law that the decision to terminate is that of the employer. The independence of the Chair of the disciplinary committee was also questioned as he works for a company having a business relationship with the Respondent. The Tribunal noted that the Complainant was asked if he had any issues with the Chair chairing the committee before the disciplinary hearing and he stated he had no objection. Having considered the evidence on record as well as relevant case law on the matter, the Tribunal could not find that there was a real possibility that the Chairman of the disciplinary committee had been biased towards the Complainant.

Another issue raised was that the Complainant was influenced by colleagues to attend the disciplinary proceedings unassisted. The Tribunal notably found that this could not be imputed on the Respondent who did inform the Complainant, in writing as per the letter of charges dated 20 June 2025, of his right to be accompanied by a representative of his trade union or a legal representative or both, or an officer of the Ministry of Labour and Industrial Relations at the hearing. It was not disputed that the Complainant did also approach the Labour Office for assistance at the disciplinary hearing. Having considered the various grounds raised before it as well as the evidence on record, the Tribunal could not find that the Complainant's claim for reinstatement was justified and the matter was accordingly set aside.

ERT/ RN 67/25 – Registrar of Associations (Applicant) And Police Officers Solidarity Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2023 and 31

December 2024. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 68/25 – Registrar of Associations (Applicant) And Mauritius Qualifications Authority Staff Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2023 and 31 December 2024. She also stated that the Applicant had received a document from the secretary of the Respondent whereby the latter had informed the Applicant that the Respondent union was no longer operational. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the grounds specified under section 7(1) [(a) and (d)] of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 77/25 – Bank of Mauritius Employees Union (Applicant) And Bank of Mauritius (Respondent) – Order

The Applicant made an application under section 36(5) of the Act for an order directing the Respondent to recognise the Applicant as the sole bargaining agent in a bargaining unit consisting of employees of the Respondent in several grades as described in the application.

At the hearing of the matter, both parties agreed that the Respondent would carry out a verification exercise of the signatures appearing on a list provided to the representative of the Respondent. At another sitting of the Tribunal, Senior Counsel for the Respondent informed the Tribunal that the representative of the Respondent had positively identified the names and ascertained the signatures of 210 employees out of a total of 226 names which were on the list which the Applicant had provided to the Respondent. He stated that, in all fairness, the stand of the Respondent thus

was that the requirements of section 37 of the Act would be satisfied. The Tribunal also ascertained from Senior Counsel that there was no dispute in relation to the bargaining unit as described. Evidence was adduced by the representative of the Respondent that there were 226 employees in the relevant bargaining unit. In the light of all the evidence before it and for the reasons given in its order, the Tribunal had no hesitation at all in finding that the Applicant union had the support of more than 50 per cent of the employees in the bargaining unit. The Tribunal ordered that the Respondent is to recognise the Applicant as sole bargaining agent with sole bargaining rights in the bargaining unit as described in the application. The Tribunal also ordered that the parties are to meet at such time and on such occasions as the circumstances may reasonably require for the purpose of collective bargaining.

ERT/ RN 70/25 – Registrar of Associations (Applicant) And Energy Services Division Air Conditioning And Other Staff Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the Respondent had failed to comply with a notice served under section 7(1)(d) of the Act and that it had failed to submit annual returns for the accounting periods ended 31 December 2015 to 31 December 2022. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/ RN 63/25 – Registrar of Associations (Applicant) And Government Labour Power Union (Respondent) – Order

The Applicant made an application under section 7(3) of the Act for an order directing the cancellation of the registration of the Respondent union. There was no objection for the cancellation of the registration of the trade union and the Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal, and she produced relevant documents. She stated that the last annual return submitted on behalf of the Respondent was for the accounting period ended 31 December 2021. She also produced a copy of the notice served on the Respondent under section 7(1)(d) of the Act. She prayed for the cancellation of the registration of the Respondent.

In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal found that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The Tribunal directed the Applicant to cancel the registration of the Respondent and provided for the disposal of the assets of the Respondent.

ERT/RN 69/25 – Mr Thierry Jerome L’Etang (Complainant) AND The Mauritius Commercial Bank Ltd (Respondent) – Determination

The matter concerned a claim for reinstatement referred to the Tribunal for determination by the Supervising Officer of the Ministry of Labour. The Complainant was employed as an Internal Auditor at the Respondent company. He was disciplined for submitting a fraudulent medical claim to the Mauritius Commercial Bank Provident Association (the “Association”) and following a disciplinary committee, he was dismissed for serious misconduct.

He based his claim for reinstatement on three main grounds. The first ground put forward by the Complainant was that the Respondent was not the proper party to have taken disciplinary action against him as the latter could only take action for matters which occurred in the course of employment and that any wrong should have been dealt with by the Association under its Rules and Regulations. The Tribunal notably found that the Complainant submitted the medical claim in the course of his employment with the Respondent and was a member of the Association by virtue of his employment and that act was not outside the purview of his employment.

The Complainant also contended that the charge laid against him did not hold water as it was only the report of the Company Doctor that had been filed following a video conference and the said doctor never examined him. Having notably considered that the charge laid against the Complainant had been subject to a disciplinary hearing whereby findings had been made by the Chair of the disciplinary committee in relation to same, that witnesses had been called to substantiate same and that the Complainant, who was assisted by Counsel, did duly provide his explanations to the committee, the Tribunal could not find that the charge laid against the Disputant did not hold water on the basis that it supposedly rested on the report of the Company Doctor.

The other ground being relied upon by the Complainant is that he was informed of the charge more than 10 days after the Respondent became aware of the misconduct. The Tribunal notably found that the Respondent conducted an investigation into the fraudulent medical claim and that the period of 10 days for it to have notified the Complainant of the charge was therefore suspended and would not commence to run until the completion of the investigation. As the Complainant had been informed of the completion of the investigation and of the charge on 20 February 2025, the Tribunal could not find that the Respondent had notified him of the charge beyond the 10 day statutory period. Having considered the evidence on record, the Tribunal could not find that the Complainant’s claim for reinstatement was justified and the matter was set aside.

ERT/ RN 78/25 – Mrs Sanskriti Tirbhowan (Complainant) And World Wide Speaking Ltd (Respondent) – Determination

The above case was referred to the Tribunal under the direction of the Supervising Officer acting under Section 69A(2) of the Workers' Rights Act, as amended. The point in dispute in the terms of reference reads as follows:

“Whether the termination of employment of Disputant is justified or not in the circumstances and whether Disputant should be reinstated or not.”

There was evidence that there was a disciplinary committee which was held and that the Complainant appeared before the said committee and was assisted by a Labour and Industrial Relations Officer. There were eight charges levelled against the Complainant and they related to her time of arrival at work and time of departure from work. There is evidence that all eight charges were found proved by the disciplinary committee against the Complainant. The Tribunal bore in mind that the latenesses were not consequential when taken individually, though it observed that a series of such latenesses give a completely different picture the more so when the Complainant did not rely on any really exceptional circumstance to justify her latenesses. The Tribunal after due consideration found that the issue was the hours of presence at the office which the Complainant had to satisfy as per her contract of employment. The Tribunal observed that the Complainant was not claiming that she was performing the 45 hours of presence at the office. She was instead suggesting that this was not applicable to her and the Tribunal was not impressed by that version. The Tribunal examined all the evidence and was not satisfied that there was an amendment to the contract of employment of the Complainant and even less that there was some sort of 'droit acquis' in relation to the Complainant's hours of presence at the office.

The Tribunal was satisfied on a balance of probabilities that the charges found proved against the Complainant, when taken collectively, did constitute a “*cause réelle et sérieuse*” which held a bearing on the employer-employee relationship to the extent that it brought “*un trouble profond dans le fonctionnement et la marche de l'entreprise*” (Jurisclasseur Travail, Fasc 30, Note 163). Bearing in mind the post occupied by the Complainant and the responsibilities attached to the said post, the previous warnings issued to the Complainant, and the charges found proved against the Complainant and which revealed some kind of “insubordination”, the Tribunal was satisfied that the Respondent had no other option than to terminate the contract of employment of the Complainant. For the reasons given in its award, the case was set aside.

ERT/RN 71/25 – Registrar of Associations (Applicant) AND Union of Airlines and General Sales Agents Employees (Respondent) – Order

The Registrar of Associations applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Respondent Union as a trade union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent left default. After having conducted a hearing into the matter, the

Tribunal directed the Applicant to cancel the Respondent's registration as a trade union. The Tribunal also provided for the disposal of the assets of the Respondent.

Statistics

This annual report is published in accordance with Section 86(2)(d) of the Employment Relations Act 2008, as amended.

During the year 2025:

- The number of disputes lodged before the Tribunal was 104 out of which 39 cases were referred to the Tribunal by the Commission for Conciliation and Mediation, 24 cases by the Supervising Officer of the Ministry of Labour and Industrial Relations, 16 cases by the Registrar of Associations, 22 cases were applications made by trade unions and 3 cases were other cases lodged or referred to the Tribunal.

The number of cases disposed of summarily (through conciliation and agreements between parties) was 83.

- The Tribunal delivered 2 Awards, 9 Determinations, 29 Orders, 1 Declaration and 2 Rulings.

- The Tribunal observed that during the calendar year 2024, nine (9) consolidated cases (ERT/RN 62/24 – ERT/RN 70/24) were disposed of but this was accounted as one (1) case disposed of with eight (8) cases still pending. The number of cases pending before the Tribunal as at 31 December 2024 was thus 111 instead of 119.

- The Tribunal has disposed of a total of 126 cases during the period January to December 2025. As at 31st December 2025, there were 89 cases/disputes pending before the Tribunal.