

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 101/2024

Before:

Shameer Janhangeer	-	Vice-President
Bhawantee Ramdoss (Ms)	-	Member
Christelle P. D'Avrincourt (Mrs)-		Member

In the matter of:

Registrar of Associations

Applicant

and

Federation of All Trade Unions

Respondent

The Registrar of Associations has applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of the Federation of All Trade Unions as a Federation on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent left default despite there being personal service on its Assistant Treasurer. The Applicant was assisted by Mr Y. Alimohamed, Ag. Senior State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs R. Junkeesaw-Sunjhorrea, Ag. Principal Inspector deposed and notably produced the Certificate of Registration of the Federation; a Notice dated 22 February 2023 issued under *section 7 (1)(d)* of the *Act* giving the Union a deadline up to 21 March 2023 to file overdue returns; as well as the Rules of the

Federation. She also stated that the Federation has never submitted any Annual Returns and she is not aware of any assets.

Having considered the evidence on record, it is clear that the Respondent Federation failed to respond to the Notice dated 22 February 2023 and file its Annual Returns. The Tribunal therefore finds that the registration of the Respondent Federation should be cancelled pursuant to *section 7 (1)(d)* of the Act. The Respondent's Rules notably provide, at paragraph 19.2, that:

In the event the Federation is dissolved as provided for in rule 19.1, all debts and liabilities legally incurred on its behalf shall be fully discharged and the remaining funds divided proportionately - on the basis of the respective membership strength of each compliant affiliate - among its compliant affiliates, taking into account their monthly affiliation fees.

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a Federation. Any assets of the Respondent shall be disposed of as provided for by paragraph 19.2 of the Respondent's Rules. In case the Respondent is not wound up as per the above, pursuant to *section 7 (9)* of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

The Tribunal orders accordingly.

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(SD) Shameer Janhangeer
(Vice-President)

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(SD) Bhawantee Ramdoss (Ms)
(Member)

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(SD) Christelle P. D'Avrincourt (Mrs)
(Member)

Date: 20th January 2025