

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 113/2024

Before:

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

In the matter of:

Registrar of Associations

Applicant

and

Business Process Outsourcing Employees Union

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 Business Process Outsourcing Employees Union as a Trade Union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent’s representative and President, Mr S. Seegoolam stated that he had no objection to the application. The Applicant was assisted by Mr Y. Alimohamed, Ag. Senior State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs Z. Ackbarkhan, Principal Inspector deposed and notably produced the Certificate of Registration of the Trade Union; a Notice dated 14 December 2022 issued under *section 7 (1)(d)* of the *Act* giving the Union a deadline up to 31 January 2023 to file overdue returns; and the Rules of the Trade Union. She

also stated that the Union has never submitted its Annual Returns and is not aware of whether the Union possesses any assets or liabilities.

Having considered the evidence on record, it is clear that the Respondent Union failed to respond to the Notice dated 14 December 2022 and file its Annual Returns. Moreover, the Respondent's stand is clear as regards the application. The Tribunal therefore finds that the registration of the Respondent Union should be cancelled pursuant to *section 7 (1)(d)* of the *Act*. The Respondent's Rules notably provide, at paragraph 26.2, that:

26.2 All the debts and liabilities legally incurred on behalf of the Union shall be discharged and the remaining funds and property divided equally among the compliant members in the event of:

...

26.2.2 the registration of the union being cancelled by order of the Employment Relations Tribunal.

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a Trade Union. Any assets of the Respondent shall be disposed of as provided for by paragraph 26.2 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