

ADDRESS BY HON. JEAN FRANÇOIS CHAUMIERE

MINISTER OF LABOUR, INDUSTRIAL RELATIONS &

EMPLOYMENT

WORKSHOP ON

"EMPLOYMENT RELATIONS ACT

&

EMPLOYMENT RIGHTS ACT"

Organised by

FEDERATION OF CIVIL SERVICE AND OTHER UNIONS

in collaboration with

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND

EMPLOYMENT

Date: 06 November 2008

Time: 0945 hrs

Venue: Workers Education Centre
Coromandel

Mr Tulsiraj Benydin, President of Federation of Civil Service Unions,

Members of Executive Committee of FCSU,

Dear Participants & Guests,

Ladies and Gentlemen,

I am indeed very delighted to be among you today and to address participants and guests of **Federation of Civil Service and other Unions** on the occasion of the opening of this important workshop on the new labour legislations, namely the **Employment Relations Act** and the **Employment Rights Act**.

I would like, at this very outset, to congratulate the President and members of FCSOU for this laudable initiative and, more importantly, for having chosen, through this workshop, to sensitise the members of the Federation on how they should operate under the new legal framework that the Government has introduced.

Dear Friends,

The changing world economic and social order, and the process of globalisation have certainly an impact on our social and economic structures and systems that necessitate a complete transformation. As you may be aware, government has been compelled to initiate a number of reforms in various important sectors and areas.

The government has also embarked on a series of initiatives to transform the public sector into a most modern and most efficient one that will be able not only to address the challenges of the day, but also to act as the engine of development of our country. The implementation of these measures also aims at enhancing the quality of public services and making them more customer-oriented.

We are indeed living in an era of transformation where we will all have to reckon with revolutionary changes and challenges for the public sector. I am sure that with the introduction of such measures like the **Performance Management System** (PMS) and **Performance Based Budgets** (PBB), it must have challenged your comforts and day-to-day routines. Nevertheless, you would also agree with me that these measures have become extremely necessary in the face of the emerging challenges.

Our twin reforms geared towards a modern civil service management and performance oriented budget may be pioneering for us but we are only following in the footsteps of countries like Australia, UK, France, New Zealand, Malaysia, amongst others, who have already gone far along the path of improved public service delivery.

Over the years, due to the foresightedness and vision of its leaders, the **Federation of Civil Service and other Unions** has certainly left its

indelible imprint in the history of our civil service. Your organisation can legitimately boast itself for its many remarkable achievements in favour of employees in the Public Sector. I can, therefore, rely on the full support and cooperation of your Federation with respect to sensitising your members and workers in general on the importance of all the reforms which are currently under way.

Dear Friends,

Having said this, let me again congratulate the FCSU for having chosen to focus on the new labour legislations during this one-day workshop. I wish other trade unions organisations could emulate you in coming up with similar activities with a view to preparing their members on how they should operate under the new legal framework that the government has already proposed by introducing the **Employment Relations Act** and the **Employment Rights Act**.

The formulation of these new labour laws which are going to replace the outdated IRA and the Labour Act, has necessitated lengthy consultations with stakeholders. You must concur with me, that never before had a new labour law been the subject of such lengthy discussions and consultations as it has been the case under this government. Through out the consultation process, government has consistently acted in accordance with the spirit of dialogue. In fact, no less than 24 meetings were held with workers representatives since discussions first started on the review of the labour laws.

There have been some unwarranted apprehensions about certain provisions of the new labour laws on the part of some Trade Unionists. Let me assure our friends from the Trade Unions, that in fact, while preparing these new laws, government has made every effort to be in line with the Conventions and Recommendations of the ILO, which are recognised by all as international best practices.

The main aim of the two new labour laws is to put in place a legal and institutional framework, which will not only respond to economic imperatives but also to better protect workers, to effectively strengthen tripartism and social dialogue as well as to promote effective Collective-Bargaining.

The focus of these new legislations is more on finding solutions to industrial relations problems and reaching agreements through **speedy conciliations** and **settlement of disputes** – and of course, primarily through **Collective-Bargaining** which remains “*La Raison d’être*” and the most important function of trade unions.

Dear Friends,

After having personally gone through the various provisions of the two pieces of legislations, I have come to the conclusion that trade unionists who have developed a culture for Collective-Bargaining need not worry at all.

Because, the new labour laws provide, in fact, the necessary tools for effective Collective-Bargaining.

It is my own sincere belief that confrontation does not necessarily resolve problems. The answer to many of our Industrial Relations problems lies in social dialogue, good communication based on mutual respect.

Since I took office as Minister of Labour, Industrial Relations and Employment, I have made it a duty to promote continuous social dialogue with all stakeholders, and particularly with the Trade Unions and workers. Social dialogue has certainly been instrumental in providing the results that we know in connection with the Industrial Relations problems at the **Bank of Mauritius** and **Air Mauritius**. It is therefore essential that social dialogue becomes a cornerstone of our Industrial Relations Strategy.

Again, it is under this spirit, that I would like to send a clear and strong message to those at the helms of state-owned and para-statal enterprises – that they should be the first to give the right examples regarding respect for and compliance to Labour and Trade Unions fundamental rights.

As regards the trade unions, I would reiterate my call to them to rethink and redefine their strategies. New challenges also call for new orientations on the part of all institutions and organisations, including trade unions organisations. A new mindset and a change in the attitude are the **sine-qua-non** conditions for successfully addressing the challenges facing our country. Of course, all these changes will also require changes in the mindset and attitude of all employers from both the public sector as well as the private sector.

Dear Friends,

It was, indeed high time for the government to come up with these new labour legislations to replace the outdated IRA and Labour Act which no longer respond to the exigencies of globalisation. We cannot pretend to successfully address the current and future challenges with legislations that are more than 35 years old.

As a responsible and caring government we had to take a decision in the best interests of one and all. The review of the IRA and the labour Act could not be postponed indefinitely and unnecessarily. I sincerely believe that, although it was a very difficult task, we have managed to reconcile the need to protect the fundamental rights of workers on one hand with the necessity to providing optimum conditions for investment – with the view to creating decent jobs for our citizens.

Dear Friends,

The **Employment Relations Act** provides provisions regarding the formation, administration, registration and recognition of trade unions and will, therefore, facilitate the emergence of stronger trade union

organisations. Workers and Employers' organisations will also have greater autonomy and financial independence in the management of their affairs.

We also have consolidated the protection to workers against discrimination and victimisation when involved in trade union activities. For any offence in this connection, the fine has been increased from Rs2000 to Rs75000.

You will also note that in the Employment Relations Act, the personnel of the **Mauritius Prisons Service** and of the **Fire Services** will also have the right to form or become a member of a trade union of their choice. This is currently not possible under the IRA. We have maintained, however, the exclusion of the police from the right to organise for obvious reasons and this is in conformity with **Article 9 of the Convention No. 87** of the ILO.

Dear Friends,

The setting-up of a **Workfare Programme** under the **Employment Rights Act** for the benefit of all laid-off workers can be considered as a revolutionary measure, indeed. The aim of the Workfare Programme is for government to support, for a reasonable period of time, workers who are laid off, particularly for economic reasons, through the provision of job placement or self employment facilities, training for greater employability and a measure of financial assistance.

This **Transition Unemployment Benefit** will be paid during a period not exceeding 12 months, between 90% of the last basic salary for the first 3 months to 30% for the last 6 months.

In no circumstance, will the worker draw less than Rs3000 per month. In addition, the **NPF Pension** Contribution of a laid-off worker will be paid by the Workfare Programme Fund.

The problems that redundant workers are facing due to closure of factories like Job Textiles, etc... lead us to believe that the Workfare Programme has become necessary.

Dear Friends,

Without going into further details – being given that you will get all relevant explanations from officers of my Ministry during this workshop – let me inform you that necessary measures are being taken as regards the setting-up of the new institutional framework and other relevant regulations with a view to the promulgation of the two new laws in the near future.

The Federation of Civil Service and other Unions along with other workers organisations will always remain major partners of my Ministry. I am confident that I can rely on the cooperation and full support of the FCSOU and its members in our efforts of formulating and implementing the best strategies for the promotion of harmonious industrial relations.

I wish all participants fruitful interactions during this workshop and I now have the pleasure to declare open this workshop.

Thank you for your kind attention.