

ADDRESS BY

HON. JEAN FRANÇOIS CHAUMIERE
MINISTER OF LABOUR, INDUSTRIAL
RELATIONS & EMPLOYMENT

Official Launching of 2009 Magazine

Organised by the

Association of Human Resource Professionals

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Time: 1915 hrs

Venue: Four Points by Sheraton, Ebène

Mr. Areff Salauroo, President of the Association of Human Resource Professionals,

Executive Members,

Distinguished guests,

Ladies and Gentlemen:

Good evening to all of you.

I am indeed very pleased to be among you today and for the opportunity that the **Association of Human Resource Professionals** has given me to address you in the context of the launching of its magazine.

I am also thankful to Mr. Areff Salauroo for associating me with the launching of this magazine.

Ladies and gentlemen, I still recall that, at the opening of a seminar organised by your organisation in July at La Plantation Resort, I spoke lengthily on various important issues on which I wanted the members of the **Association of Human Resource Professionals** to give some thoughts. I spoke on **optimising the Human Capital**, on the need to change our **work attitude and mindset**, on the need to develop a **Productivity Culture**. I also spoke on the need for your organisation to facilitate debates and constructive discussions on such issues as **Corporate Social Responsibility, Workers Participation and Profit-Sharing Schemes, Health and Welfare Schemes** in the workplace, and on the **24 by 7 mauritian economy**.

In my brief address today, I wish to focus my attention and that of yours on one subject only namely on **Collective-Bargaining – as a means of promoting sound and harmonious Industrial Relations**. I don't want to dwell on the theories, but rather on some specific provisions of the **Employment Relations Act** with respect to the promotion of effective Collective Bargaining.

Ladies and gentlemen, indeed, one prominent feature of the new labour law, namely the **Employment Relations Act**, is the effective recognition of the right to collective-bargaining as a voluntary mechanism for regulating, amongst others, terms and conditions of employment. This new legislation sets out the conditions for harmonious development of collective-bargaining and for a conflict-free workplace. Barriers to **good faith Collective-Bargaining** such as **union access to the Workplace, access to information, recognition** and **time-off facilities** have been addressed in the new legislation. Other provisions deal specifically with the **responsibility of management** as well as with such issues as **Procedural Agreements** in order to facilitate effective Collective Bargaining.

I seize this opportunity to request all Human Resource Professionals to ensure a better understanding of the relevant provisions of the **Employment Relations Act**, and also of the **Code of Practice** with regard to Collective-Bargaining. It should be noted that the new labour law, unlike the IRA, provides the necessary safeguard against unfair labour practices, which could undermine the process of Collective- Bargaining.

Ladies and gentlemen,

In many countries, there has been an important move to demarcate the adversarial approach to Collective-Bargaining to a more interest-focused approach. This change tends to deliver, as far as possible, outcomes of mutual gain rather than win-lose outcomes. Under the previous law, namely the **Industrial Relations Act**, there were

hardly any adequate statutory regulations and procedures for the promotion of Collective-Bargaining. The IRA, in fact, did not specifically deal with the legal regime of Collective-agreements. Instead, the IRA favoured a voluntary approach and set only broad parameters, procedures and guidelines for matters pertaining to the implementation of Collective-Bargaining.

This approach has not given the expected results. The adversarial industrial relations pattern, which prevailed for many years, has prevented the development of effective Collective-Bargaining. So much so, that there was too much reliance on institutions like the **National Remuneration Board** that recommends only the minimum. It was hardly possible, with the exception of very few enterprises, to reach Collective agreements that could provide much better terms and conditions of employment to workers. In such a situation, neither workers nor the enterprises gain anything.

The **Employment Relations Act**, indeed, marks a major change in the Mauritian statutory industrial relations systems, which now also favours a more proactive and expeditious dispute resolution system, within a given time-frame, where the system is less technical and more accessible to parties. I also wish to add that the **Employment Relations Act** also provides that a Collective-Agreement can be renegotiated after a period of only two years from the date of its coming into force. This is indeed the outcome of fruitful discussions with all stakeholders as well as with representatives of the ILO on the duration of a Collective-Agreement. I also wish to draw your attention that a Collective-Agreement cannot contain any provision reducing the wages prescribed in **Remuneration Order Regulations**. In fact the prescribed wages become the basis on which negotiations must start.

Ladies and gentlemen,

The new labour legislation, in fact, provides the country with a new legal framework in which individual and collective relations operate. Human resource professionals must have a good grasp not only of the provisions of the labour laws, but also of the role and functions of the numerous tripartite structures that have already been set-up - such as the **Employment Relations Tribunal**, the **Commission for Conciliation and Mediation**, and the **National Remuneration Board**, amongst others.

I have always said that the ultimate aim of these laws is to find solutions to industrial relations problems through speedy conciliation and expeditious settlement of disputes.

However, I would also wish that Human Resource Managers focus their attention on resolving disputes and grievances at the level of the enterprises as a matter of priority. Many of the cases referred by workers to my Ministry could have been resolved positively at enterprise level.

This year alone – from January up to October – as many as **6500 complaints** were registered and dealt with at the level of my Ministry. A total amount of Rs52,661,200 was recovered on behalf of workers, of which Rs30,995,500 through mediation and conciliation efforts and a further Rs21,666,200 through the Industrial Court.

I am sorry to say that many of these complaints relate to non-compliance with labour legislation by management. This unfortunately, reflects badly on the image of not only the enterprises but on you mostly as HR Professionals. Somewhere there must be something wrong in some HR departments that have led to such a situation.

I, therefore, invite all Human Resource Practitioners to initiate corrective measures to ensure proper implementation of each and every provision of our Labour Laws. I am sure I can rely on the support of your organisation in this regard.

To conclude, let me again tell you how extremely pleased I am to be associated with the launching of the Annual Magazine of the **Association of Human Resource Professionals**. This magazine, I am sure, will be looked upon as a reference by Human Resource Practitioners and Human Resource students in Mauritius.

With these words, I wish to thank you again for giving me the opportunity to address this august gathering.

I thank you for your attention.

