

ADDRESS BY

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

Official Opening of

'Workshop on Trade Union Unity'

in collaboration with

International Labour Office/ACTRAV

and the

International Trade Union Confederation (Africa)

Date: Thursday 18 February 2010

Time: 1000 hrs

Venue: Sheraton Four Points

Ebène City

Mr. Dan Cunniah, Director of ACTRAV, ILO
Presidents of Trade Union Confederations & Federations
Dear Participants
Ladies and Gentlemen:

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I wish to thank Mr. Dan Cunniah, **Director of ACTRAV, ILO**, for inviting me to address this gathering on the occasion of the opening of this 2-day workshop being organised by the ILO in collaboration with the **International Trade Union Confederation** (ITUC), and major trade union organisations in this country.

I would like, at the very outset, to express my appreciation to the ILO for taking the initiative to organise this important workshop on **'Trade Union Unity'**. This activity has indeed come at an opportune time when Trade Unions across the world are struggling to come to terms with the challenges of globalisation, and with the challenges of change to which we are all being continuously confronted.

Today, we are at the crossroad of our development, and more than ever before, we need the understanding and the support of all stakeholders, and above all, of the trade union organisations in our country.

Ladies & Gentlemen:

Never before, has there been such relentless social, economic and technological change. The changing world economic and social order, the process of globalisation and the drastic emergence of new technologies and international economic and financial crisis have certainly an impact on our social and economic structures and systems that necessitate a complete transformation and overhauling.

Under this economic and social background not only the government, but also many institutions and organisations have been compelled to review their strategies, and to initiate a number of reforms. We too, at government level, we have initiated, in addition to economic, social and institutional reforms, reforms in our labour legislation. Many of these reforms that have challenged the comfort of traditional and outdated practices and expectations, have revealed themselves as being necessary and instrumental in order to better respond to the on-going challenges.

Employers associations, too, under the umbrella of only one federation, namely the **Mauritius Employers' Federation**, have not hesitated to take such actions that were necessary in order to adapt to these changing business and working environment.

We must be aware that today, employers associations, in addition to further expanding their activities and services to their members, have also managed to assert themselves as powerful and effective organisations who are

able to better protect and defend the interest of their members in their respective sectors.

Now, what is the situation regarding Trade Unions in Mauritius? Are they as strong and as effective as Employers associations in advancing and defending the interest of their membership?

Dear friends, before I give you the facts and figures, allow me to say that trade unions have played and will continue to play an important and crucial role in the socio-economic development of our country. However, the economic and social changes that are unfolding before you, must compel you as well to do some re-thinking regarding the new roles and objectives of Trade Unions. If Trade Unions can legitimately comment on, and quite often, question economic and social reforms and measures, they have also the duty to think of their own reforms, and identify ways and means that will enable them to better adapt to this new environment.

Ladies and Gentlemen:

We live in an era of dynamic labour markets, in which employment relations have become vital for the promotion of social justice and economic development. Over the past 35 years, the concept of work and employment relations have undergone far reaching transformations in Mauritius with the advent of new technologies, emergence of new sectors like ICT, Finance and Service Sectors, the widening of the informal sector, influx of labour migration, increased participation of women in the labour market and the adoption of flexible market policies.

In this changing context, trade unions all over the world have been experiencing decreased membership and have to cope with a more diversified workforce, more complex issues and broader societal concerns. In order to ensure their very survival, many trade union organisations, at individual to national and international levels, have taken some interesting initiatives. Let me mention just a few examples:-

In Germany, several Trade Union Organisations operating in various sectors took the decision in 2001 to merge into one single Trade Union Organisation, known today as VERDI – making it as one of the largest independent and individual Trade Union in the world with over 2.3 million members. This union has a dense and widespread network of offices across Germany and employs thousands of trained and experienced officials, notwithstanding its increased financial capacity that enables members on strike to receive financial support.

Most of you present today must be aware of the historical merger, in November 1, 2006, of the ICFTU and WCL, resulting in the creation of the World's largest International Trade Union Organisation, namely the **International Trade Union Confederation** (ITUC) – to which several Trade Union Organisations in Mauritius are affiliated.

Many other Trade Unions, International Trade Union Secretariats (ITS), as well as regional organisations have followed suite, and have responded by initiating mergers and amalgamations with a view to further strengthening their respective organisations. I understand that the ITUC affiliates in Mauritius, and in other countries, have also been advised to take such steps so as to unite their organisations in line with the founding principles of the ITUC.

It is unfortunate, however, that the labour movement in our small island is characterised by a multiplicity of organisations, so much so that one is left wondering whether Mauritius should be included in the Guinness Book of Records for the number of unions we have for a country with about 1.2 million people.

My dear friends, a membership breakdown from the returns of trade unions provided by the Registrar of Associations shows the following:-

A total of only **102,901** workers are organised in as many as **338** Trade Unions in a total active labour force of some **544,800** – which means about 18% unionised workers – a reasonable rate as compared to many countries. **While the rate of unionisation in the Public Sector is about 54%, it is shocking to learn that only 11% of workers in the Private Sector are unionised.** However, what is more astounding is the number of unions representing such a small workforce. **338** trade unions, out of which we have as many as **76** unions to-date with less than **30** members – far below the membership requirement for a trade union to continue to exist under the **Employment Relations Act**. This means that these unions have until February next year to ensure they are in compliance with the requirements by taking relevant actions. Otherwise, they will be simply scrapped off the official list of trade unions by the Registrar of Associations. It should be noted that under the previous law, namely the IRA, only 7 workers were needed to form a trade union.

We have about 175 unions having less than 100 members, and another 100 unions having between 100 to 500 workers. Only 27 unions have between 500 to 1000 members, while another 22 represent between 1000 to 5000 members. Interestingly there are more than 50 unions in the education sector alone.

In 1997, a **Trade Union Trust Fund (TUTF)** was set up by government having as primary objectives: the promotion of workers' education and of providing financial assistance to trade union organisations. Notwithstanding the activities of the TUTF organised so far, it remains, however, an irony that since the inception of the TUTF, the number of Trade Union Federations, instead of declining, have further increased from 10 to 23. Some of these organisations have had their membership dwindled substantially, while others have managed to increase their membership.

The present breakdown reveals that there are 4 bona-fide Confederations under the present legislation, and 19 Federations. These 4 confederations

registered under the ERA are namely: The **National Trade Union Confederation (NTUC)**, **Confédération Syndicale de Gauche-Solidarité (CSGS)**, **Confederation of Independent Trade Unions (CITU)** and **Confederation des Travailleurs du Secteur Privé (CTSP)**. As regards the Mauritius Trade Union Congress and Mauritius Labour Congress, they are no longer perceived as confederations. Under the Employment Relations Act, they are now registered as Federations. It should also be noted that the Registrar of Associations is actually processing an application for the registration of a new confederation of trade unions.

In addition to the problems of trade union proliferation, the Trade Union movement has also to confront its short comings in terms of Capacity-Building. With the exception of a few, many trade union organisations do not have a proper office. They have inadequate finance, a lack of trained and effective officers and negotiators. All these most certainly have an impact on the quality of services provided by these organisations to their members. Other factors that have compromised the strength of unions are inter-union rivalry, the inability to penetrate new emerging sectors of the economy, amongst others.

Dear friends, having apprised you of the trade union situation in the country, what should be the way-forward, now? Trade Unions need to re-establish their credentials as partners in development. You should realise that the mauritian society is undergoing a complete transformation and mutation due to globalisation. In order to better respond to these changes and challenges, trade unions should re-invent themselves, review their methods and strategies, and invest more with respect to Capacity-Building.

It also implies moving into new terrain, identifying new constituents, addressing the needs of new target groups and developing new structures. In particular, trade unions need to stretch their arms not only towards the youths, but also towards those who are excluded from traditional forms of work – the unskilled, those in the informal sector, the migrants, etc...

It is imperative that trade unions should also focus their activities on the youths. The youths and young workers are indeed the future of the trade union movement. Dealing with young people's concerns and expectations, informing them of their rights and responsibilities, amongst others, and achieving thus their full integration in trade unions is crucial to the strengthening, revitalisation, creativity and future of the trade union movement. As regards Trade Union Finance, one cannot say that the mauritian trade union movement does not have enough financial resources. If we multiply **102,900** by an average per-head monthly contribution of **Rs15.00 only**, we come at an impressive amount of not less than **Rs18.5 million per year** – but unfortunately scattered in **338 unions**. This amount is much more than the budget of some para-statal organisations in the country. Just imagine what the unions could have achieved, had these financial resources been pooled together.

The future of trade unions also depends on their adaptability and improvement in their functioning. Their future depends on their ability to develop healthy relations with employers and the government by re-designing their objectives roles and strategies. I sincerely believe that trade unions and

management can always find some common ground on which to build solutions and develop constructive relationship.

Dear friends,

Since my appointment as Minister of Labour, Industrial Relations & Employment, I have ensured that **social dialogue and tripartism be enhanced** as fundamental approaches in the search for appropriate and lasting solutions to industrial relations problems. My personal interventions with regards to the cases involving trade unions against Air Mauritius, Bank of Mauritius, Mauritius Telecom, just to name a few, could be cited as examples.

My ministry has not only spearheaded the ratification of the **Eight ILO Fundamental Conventions**, but also ensured that the New Labour Laws, namely the **Employment Relations Act** and **Employment Rights Act** are in compliance with these fundamental conventions – which are of direct relevance to **Decent Work Principles**.

The government's commitment and determination to reform the outdated industrial relations framework has been translated in the adoption of the **Employment Relations Act** and the **Employment Rights Act** – having as primary objectives to strengthen dialogue with Social Partners, to better protect workers and to promote effective Collective-Bargaining.

In fact, workers and trade unions have been given all the legal and institutional support and facilities through the new labour laws – much more than what were provided under the **IRA** and the **Labour Act**. It is a comprehensive and modern legislation where the focus is more on finding solutions to Industrial Relations problems.

Ladies and Gentlemen:

One prominent feature of the **Employment Relations Act** is the effective recognition of the right to Collective-Bargaining which remains the Trade Unions most important function. This 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 ERA. 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. Several other provisions deal extensively with trade unions and workers rights as well.

The **Employment Relations Act**, indeed, marks a major change in the mauritian statutory industrial relations system, 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, particularly to trade unions.

Dear friends,

It is up to the trade unions to ensure that they have a good grasp not only of all 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.

It is also important that trade unions make the best use of their presence at the levels of such tripartite bodies like the **Labour Advisory Council**, **Occupational Safety and Health Advisory Council**. Mention must also be made of Boards of Para-Statals, Welfare and Pension Funds, without forgetting the **National Economic and Social Council**, just to name a few – where workers are represented.

Trade Unions, as well as management, must also ensure that workers are all properly sensitised on the important provisions of the new laws. Trade Unions must make necessary efforts to prepare their leaders on how to operate under the new legal framework. It is not an easy task, I understand, being given the number of unions in the country.

I have just laid out bare, for your own benefits, the trade union situation in the country. Notwithstanding all the weaknesses which the labour movement is confronted today, I must concede there are still a few very good trade union leaders of whom workers must be proud of. UNITY IS STRENGTH: There is no one better than trade unionists to understand the very implication of this saying. Mushrooming of trade unions have, for many years, undermined the Collective Bargaining power of workers. For many years, the blame was comfortably and conveniently put on the back of the **Industrial Relations Act**. You have now all the support and necessary protection that the new labour legislation provides to workers and to trade unions. It is up for the present leadership of trade unions to pave the way for a unified labour movement worth its name with a view to better protecting workers and improving their quality of life.

Before concluding, let me again express my heartfelt thanks to both Mr. Dan Cunniah from the ILO, and Mr. Adu-Amankwah from ITUC (Africa) for their efforts to further strengthening the trade union movement in our country.

I also wish all participants fruitful interactions during this workshop.

With these words, I have now the pleasure to declare this workshop opened.

I thank you for your kind attention.

