

ADDRESS BY

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MINISTER OF LABOUR, INDUSTRIAL
RELATIONS & EMPLOYMENT

Association of Human Resource
Professionals

ANNUAL GENERAL MEETING

Date: Thursday 27 May 2010

Time: 1630 hrs

**Venue: Labourdonnais Hotel
Caudan**

**The President of the Association of Human Resource Professionals,
The delegates of the Association,
Distinguished Guests,
Ladies and Gentlemen,**

A very good afternoon to everyone of you. I am indeed very pleased to be among you today on the occasion of the annual General Meeting of the **Association of Human Resource Professionals (AHRP)**. Allow me to thank Mr Areff Salauroo, the President of the Association for associating me with this important event.

An AGM is '**par excellence**' the forum for members of an organisation to analyse, assess, discuss and reflect on issues that are of direct relevance to them and to the future of the organisation. It is an important occasion to take stock of achievements and to discuss the way forward.

Ladies and gentlemen, the context today is a particularly challenging one. Immediately following my appointment as Minister of Labour, Industrial Relations & Employment, I have embarked in a series of meetings and consultations with representatives of employers' organisations, as well as with those from Trade Unions Federations. We had discussions on a wide range of issues relating to the world of work and industrial relations.

I must say that with what I have heard during these discussions prompt me today to focus my intervention on some specific issues on which I want you as HR Professionals to give some thoughts.

Almost 15 months after coming into effect of the new labour laws, and despite the fact that there exist specific provisions in the law regarding the role and responsibilities of enterprises, particularly of management, with regard to the promotion of Collective-Bargaining, I must say that I am particularly disappointed to note that the status of Collective-Bargaining, has not registered much progress. Many enterprises have yet to sign the **procedural agreement** with duly recognised trade unions.

Furthermore, the right to **Freedom of Associations** is a fundamental right and as Minister of Labour, Industrial Relations & Employment, I am deeply concerned whenever this right is denied not only to Mauritian workers, but to expatriates as well – by some enterprises. I therefore appeal to you, as HR Professionals, to facilitate the process of recognition where trade unions are adequately represented as per provisions of the law and facilitate also the process of **Collective-Bargaining** where the need arises.

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 terms and conditions of employment, amongst others. The Employment Relations Act, indeed, 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 labour 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.

With the feedback I am getting from various quarters, and particularly from workers organisation, I must say that I am not happy with the situation prevailing in private sector enterprises in particular with regards to the degree of non-compliance to some very basic sections of our labour laws by some HR managers.

It is not a surprise, therefore, if the rate of unionisation in the private sector is about 12% as compared to over 50% in the Public Sector.

I am not happy that the process of negotiation must drag on for years as in the case of trade unions and the MSPA in the Sugar Industry, that trade unions are unduly penalised with regard to their right to recognition, that trade union representatives are still victimised in some enterprises, etc... I am really disappointed of the total disregard shown by some enterprises to comply with the minimum standard with regard to health, safety, welfare and labour regulations.

In addition, I wish to draw the attention of all HR managers on the excessive number of complaints that my Ministry has to deal with. Last year alone, about **8,000** complaints were registered and dealt with at the level of my Ministry. A total amount of **Rs65.4million** was recovered on behalf of workers, of which **Rs38.7million** through mediation and conciliation efforts and **Rs26.7million** through the Industrial Court. In addition, my Ministry has recovered on behalf of migrant workers, an amount of **Rs5.3million** for year 2009. Many of these cases relate to non-compliance with labour legislation by management. Having personally analysed and assessed these cases, I have come to the conclusion that many of these issues could have been resolved positively at enterprise level. I, therefore, view with much concern those enterprises who find it an easy way to have their cases being dealt by my Ministry and by the Industrial Court, thus wasting unnecessarily the time, financial and human resources in the process.

This state of things, particularly with regard to non-compliance with our labour laws and collective-agreements 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, firmly urge all Human Resource managers to ensure that disputes and grievances be resolved at the level of the enterprise as a matter of priority. I also invite all HR Professionals to ensure a better understanding of the relevant provisions of our labour laws, and to initiate corrective measures to ensure proper implementation of each and every provision of these laws, regulations and collective-agreements.

I must also draw your attention that the **Employment Relations Act**, unlike the IRA, provides the necessary safeguard against unfair labour practices which could undermine the process of collective-bargaining and sound industrial relations. If need be, I am prepared to bring necessary amendments in the labour laws in order to discourage and deter those who deliberately have recourse to unfair labour practices at the expense of workers.

Ladies and gentlemen, I have noted with concern that, in many cases, workers aged 40 and above are the first to be laid-off during downsizing of an enterprise, this despite their considerable work experience and skills and their demonstrated loyalty to the enterprise. Another factor of concern is the perceived reluctance on the part of some enterprises where vacancies exist to recruit such

workers who are referred to them for placement by the Employment Service of my Ministry. We should not forget that these middle-aged workers have family responsibilities and financial commitments. More often than not, their contribution to the financial upkeep of their families is crucial, particularly with regard to the education of their children, housing loan repayments, etc... The reluctance shown by some enterprises to recruit such workers is prejudicial to them on a number of counts.

I am sure that you are all conscious of what a tragedy it is for a middle-aged worker, who has spent his best years and energy working for the success of an enterprise to ultimately find himself redundant with little hope of an early placement in another similar job.

I, therefore, make an appeal to enterprises to exercise due care and consideration and a humane approach whenever they have to proceed with laying-off. However, I need not remind you that the laying-off of workers by enterprises facing difficulties should be a **decision of last resort**. There are other measures and schemes available to such enterprises to assist them without having recourse to laying-off.

Ladies and gentlemen, safety at work is also one of the fundamental rights of workers. As HR Managers, you have a direct responsibility to take all steps necessary to provide a safe working environment. The **Occupational Safety and Health Act 2005**, which is, indeed, a comprehensive and modern legislation, clearly sets out the duties and responsibilities of employers with regard to safety at work. These include:-

- the preparation of an **occupational safety and health policy** where enterprises have more than 50 employees and the implementation of same; and
- the carrying out regularly of a **risk assessment** at the workplace with a view to identifying hazards, evaluating the risks arising and taking corrective measures as necessary.

It is in the interest of every employer to ensure that due consideration is given to occupational safety and health matters as poor safety and health standards impact negatively on the enterprise' productivity and reputation. In this world of cut throat competition there is no room for complacency and appropriate action will be taken whenever cases of negligence or non-compliance are brought to light.

Yesterday, as you may have learned through the media, I made a surprise visit to the dormitories of one enterprise at FUEL. What I saw there was so shocking, that I asked myself how in modern Mauritius, workers, be they local or foreign, could be made to stay in old sugar camps, in such harsh and inhuman conditions, with no basic amenities and so blatantly open to all sorts of health hazards.

You have a responsibility as HR Managers to ensure that at least the basic standard required for health and safety conditions prevail at workplaces as well as in dormitories. I also wish to inform you, in this connection, that I have given instructions to my officers in the Ministry to ensure diligence with an **“Employees Lodging and Accommodation Regulations”**.

It is the duty of any civilised society to ensure that its members enjoy respect and dignity and observance to their rights. We should not forget that the level of development we have attained would not have been possible without the efforts and contribution of workers of this country.

Ladies and gentlemen, my Ministry is also committed to the elimination of all forms of discrimination which may exist in our laws. To that effect, the Ministry commissioned, with the financial assistance from UNDP, a study to identify all discriminatory provisions in our national legislation with respect to international instruments such as the **ILO Convention No. 111** concerning Discrimination in respect of Employment and Occupation, **Convention 100** on Equal Pay for Work of Equal Value and the CEDAW (Convention on the Elimination of all Forms of Discrimination against Women), just to name these three.

I have already had discussions with the new Attorney-General, Hon. Yatin Varma with a view to monitor the implementation of the recommendations of this study and ensure harmonisation of our national legislation with the provisions of these international instruments.

Ladies and gentlemen, I wish to take this opportunity to inform you that my Ministry has already embarked on an exercise relating to the preparation of a **Decent Work Country Programme** for Mauritius. This Decent Work Programme document is nearing finalisation; and I personally intend to discuss about this project with the Director-General and officials of the ILO during my forthcoming visit to Geneva in the context of the annual conference of the **International Labour Organisation**.

The Decent Work concept was, as you may all know, first expressed and formally mentioned by the ILO Director-General, Juan Somavia, in his report to the ILO annual Conference in 1999.

Decent Work is about equal access to a **decent employment** without discrimination, Decent Work is about a **living and reasonable** wage for workers to allow them and their families to live in dignity. It is about social protection in case of illness, pregnancy or the normal ups and downs which most of us face in life. Decent work is **being free from exploitation**. It is about **secure, productive and safer work**. It means allowing people to organise themselves to represent their interest collectively through trade unions and engage in genuine dialogue as citizens and workers.

In short, ladies and gentlemen, decent work is a key element to build fair, equitable and inclusive societies being based around the principles of **employment creation, workers rights, equality between women and men, social protection and social dialogue**. Decent Work goals cannot be achieved overnight. It is rather a long-term strategy in order to achieve sustainable development that is centered on people and more importantly, it requires **a change in our work attitude and mindset**.

Decent Work has been and will be at the heart of our economic and social strategies. In fact, much emphasis is being laid by government on the creation of productive and decent employment, which is considered central to effort being made towards poverty reduction as a means of achieving equitable, inclusive and

sustainable development. **Achieving the Decent Work goals, as promoted by the ILO, should be the benchmark for all Human Resource Professionals.**

Dear friends,

Since my appointment as Minister of Labour, Industrial Relations & Employment, I have made it a duty to ensure that **social dialogue** be given top-priority as a means not only to strengthening employer-employee relations, but also to building better understanding of the principles under-pinning the **Decent Work Agenda**. You will, no doubt, agree with me that social dialogue is another suitable tool for promoting better living and working conditions and greater social justice. In this regard, I am sure I can rely on the **Association of Human Resource Professionals** to help further strengthening the necessary conditions among its members and their enterprises with a view to facilitating effective social dialogue between all stakeholders. As I have said it earlier in other forums, it is essential that social dialogue becomes a cornerstone of our Industrial Relations Strategy.

Dear friends, you may have noted that I have refrained myself to make any lecture on theories relevant to Human Resource Management and on your role and responsibilities as HR Professionals on how to manage the human capital. At the very outset, I mentioned some challenges that we have to address.

Consequently, I have sought it most appropriate to highlight some specific issues and practical problems that need to be addressed urgently. I am sure that I can rely on you as responsible professionals to give appropriate advice to your employers, and also initiate proper and immediate remedial actions to address the problems I have just exposed to you.

On this note, I wish your association fruitful deliberation in your AGM and best of luck in its future endeavours.

I thank you for your attention.

