



REPUBLIC OF MAURITIUS

MINISTRY OF LABOUR,
HUMAN RESOURCE DEVELOPMENT
AND TRAINING

ANNUAL REPORT ON PERFORMANCE

**Fiscal Year
2019-2020**

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Vision and Mission Statement

Part I – ABOUT THE MINISTRY

OUR CORE VALUES

Integrity:
we are guided by the highest standards of professional ethics

Quality:
we are result-oriented and are committed to provide services of the highest quality in a timely manner

Team spirit:
we foster teamwork and the sharing of information and resources.



MISSION

Promote decent work, support employers and workers in creating a safe, conflict-free and productive workplace and facilitate access to gainful employment.

VISION

That all Mauritians have access to gainful and productive employment and that the work environment be safe and conflict-free.

Minister's Statement

This Annual Report for the Ministry of Labour, Human Resource Development and Training for the Financial Year 2019-2020 is being presented in a challenging period of the COVID-19 pandemic. The Report highlights the major achievements of my Ministry and also identifies the areas where more focus is required.

As I stated in the previous Report, Government was fully committed to introducing a new legal framework to better protect the fundamental rights of workers, promote collective bargaining and social dialogue. In this end, the Workers' Rights Act was enacted in August 2019 and promulgated in October 2019. Amendments were also brought to the Employment Relations Act. Moreover, so as to further enhancing the standard of living of our fellow workers, the national minimum wage was reviewed in January 2020.



With a view to mitigating the adverse impact of the COVID-19 pandemic on the labour market, as a caring and responsible Government, several bold measures were adopted to pursue our endeavor to continue protecting employment. In this regard, amendments were brought to the Workers' Rights Act and the Employment Relations Act. Furthermore, the Redundancy Board was set up with a view to exercising control on enterprises reducing their labour force on, amongst others, economic, financial and structural or any other similar ground.

As regards the employment situation in the country, it is worth noting that the unemployment rate has been dropping steadily for the last five years to reach 6.7% in 2019. This was due to the numerous economic measures taken by Government, coupled by the relevant employment and training initiatives offered by my Ministry. In the forthcoming years, the challenge will be to try to keep the unemployment rate at the lowest possible, amidst operating with the pandemic of COVID-19 in the background.

Since 12 November 2019, my Ministry has also been allocated responsibilities for Human Resource Development and Training. These, in themselves constitute major challenges in achieving Government vision for a highly skilled and trained labour as well as improving the employability of school leavers, through relevant technical and vocational training.

As Minister of Labour, Human Resource Development and Training, I assure workers and jobseekers alike that I will always uphold the rights of workers and strive so that Mauritians continue to have access to gainful and productive employment and that the work environment remain safe and conflict-free.

I thank all the Heads of Divisions and Staff of the Ministry for their unflinching support, collaboration and contribution in the delivery of quality services to the public.

Hon S. S. Callichurn
**Minister of Labour, Human
Resource Development and
Training**

Roles and Functions of the Ministry

The Ministry of Labour, Human Resource Development and Training aims at providing a high level of services to members of the public as well as safeguarding the rights of the citizens in obtaining relevant services from the Ministry through a conducive working environment. The key functions of the Ministry are to:

- a) promote industrial peace and harmony and to protect the fundamental rights and dignity of workers.
- b) enhance productivity and the general well-being of the workforce through improvement in the standards of safety and health and prevention of occupational diseases and injuries at the workplace.
- c) facilitate the employment of jobseekers, provide assistance and guidance with regard to employment prospects and facilitate the employment of non-citizens, where required.
- d) regulate the functioning of associations and trade unions.
- e) regulate the operation of recruitment agencies involved in the recruitment of Mauritians for employment locally and/or overseas and the recruitment of non-citizens for employment in Mauritius.
- f) monitor the performance of parastatal bodies operating within its aegis.
- g) promote the human resource development in line with economic and social objectives, stimulate a culture of training and lifelong learning.
- h) promote excellence, research and enhance knowledge in technical, vocational education and training.
- i) provide quality guidance and counselling to students and the public at large.

Legislations:

- Workers' Rights Act 2019
- Employment Relations Act
- Occupational Safety and Health Act (2005)
- Registration of Associations Act 1978
- Recruitment of Workers Act
- Non-Citizens (Employment Restriction) Act
- Employment and Training Act
- End of Year Gratuity Act
- Employees Superannuation Fund Act
- Manufacturing Sector Workers Welfare Fund Act
- National Wage Consultative Council Act 2016
- Human Resource Development Act
- Mauritius Institute of Training and Development Act
- Trade Union Trust Fund Act



The Ministry comprises several Divisions and Units at its Headquarters, which are mainly responsible for policy formulation and implementation and monitoring of Labour, Industrial Relations, Employment and Training issues and programmes.

Labour and IR Division

- ensure compliance with labour legislation both in respect of Mauritians and migrant workers and institutes such civil or criminal proceedings as deemed necessary and conduct such proceedings in the Industrial Court for or in the name of a worker
- provides a conciliation service to promote the settlement of industrial disputes reported to the Minister

Employment Division

- register jobseekers, including laid-off workers and place them in gainful employment
- collection and dissemination of Labour Market Information
- enforce the Non-Citizens (Employment) (Restriction) Act and issue work permits to migrant workers
- enforce the Recruitment of Workers Act and issue Recruitment License to Recruitment Agencies.

Occupational Safety and Health Division

- enforcement of legislation pertaining to occupational safety and health
- ensures continual enhancement of safety and health standards at workplaces

National Remuneration Board

- make recommendations to the Minister regarding minimum remuneration and terms and conditions of employment in the private sector

Commission for Conciliation and Mediation

- provide conciliation, mediation and advisory services for promoting the improvement of industrial relations in the workplace

Registry of Associations

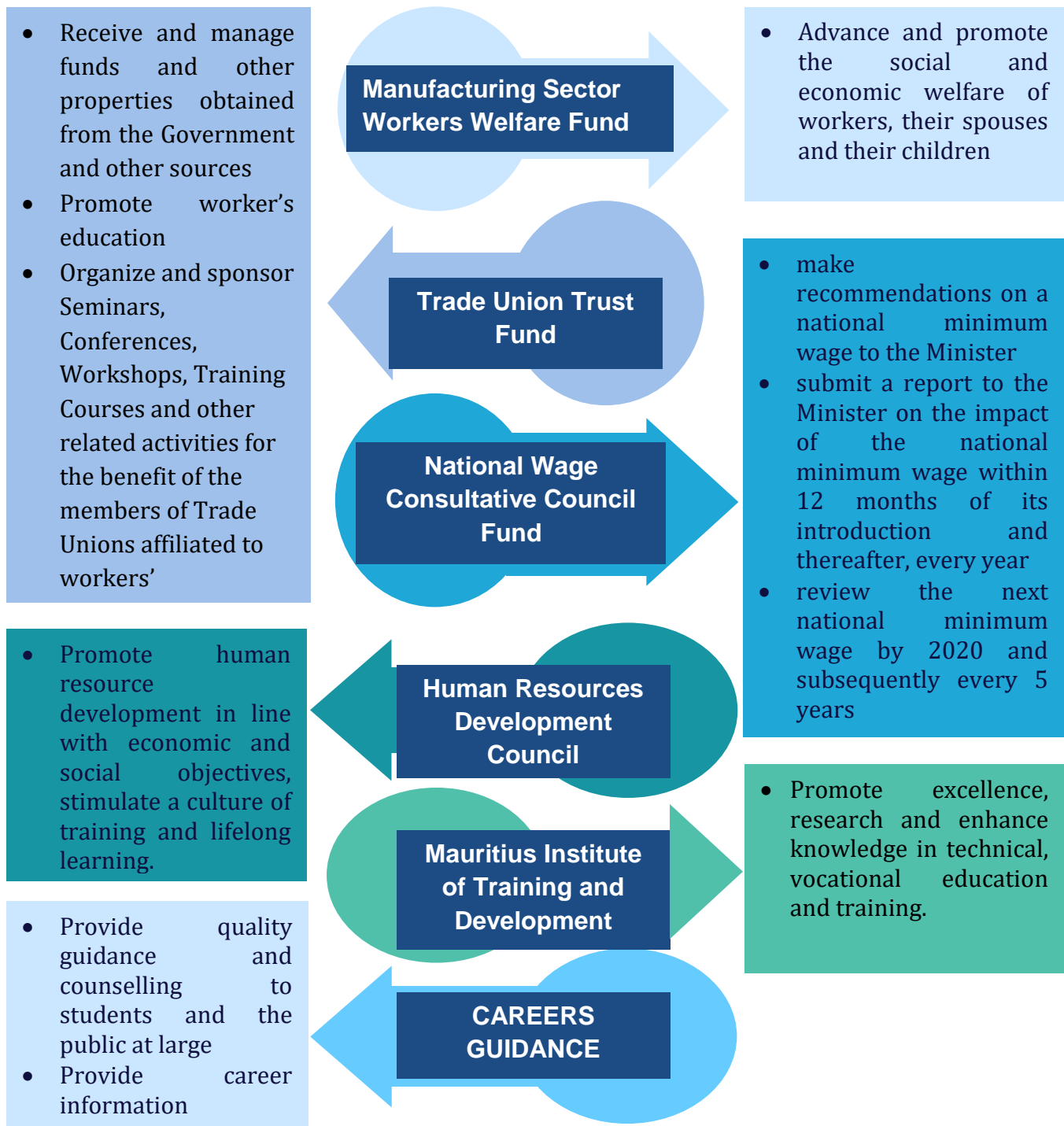
- conferring legal status on associations and trade unions
- ensuring compliance to the Registration of the Associations Act

Redundancy Board

- deal with all cases of reduction of workforce and closure of enterprises for economic, financial, structural, technological or any other similar reasons.

Statutory Bodies under the purview of the Ministry

There are six parastatal bodies/institutions operating under the purview of the Ministry. Their main functions and aims are as follows:

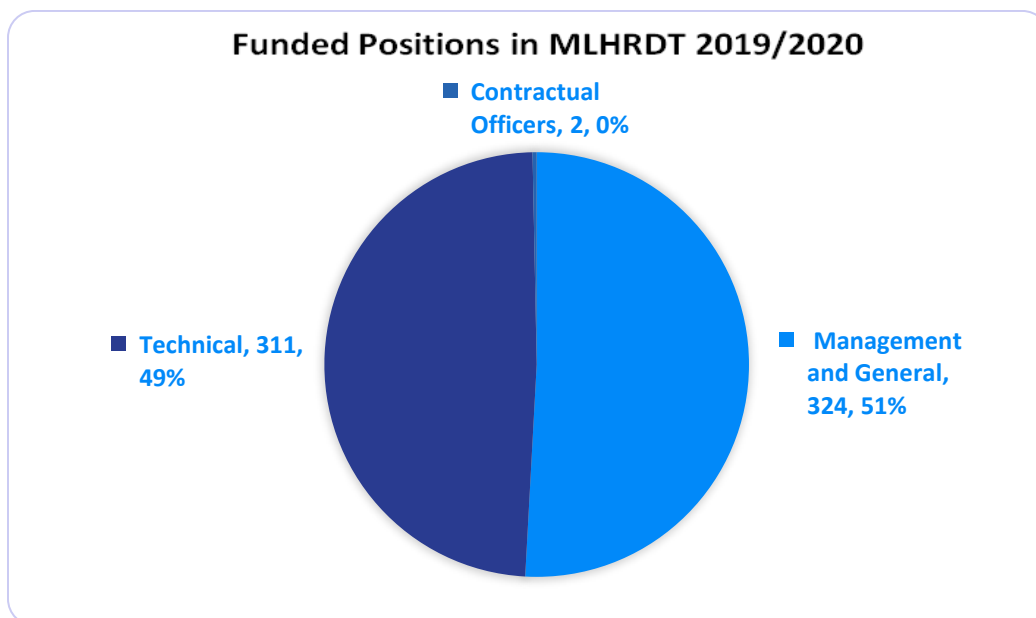


The two Permanent Secretaries are the Administrative Heads of the Ministry of Labour, Human Resource Development and Training.

During the period July 2019 to June 2020, the Labour and Employment Division were each headed by a Permanent Secretary. The Permanent Secretary Labour Division was assisted by one Deputy Permanent Secretary, one Assistant Permanent Secretary and other support staff. The technical staff constituted of Director of Labour and Industrial Relations and Director Occupational Safety and Health. He is also supported by the Director, Labour and Industrial Relations, Director Occupational Safety and Health, Registrar of Associations, President of Commission for Conciliation and Mediation, the Chairperson National Remuneration Board and the President of the Redundancy Board.

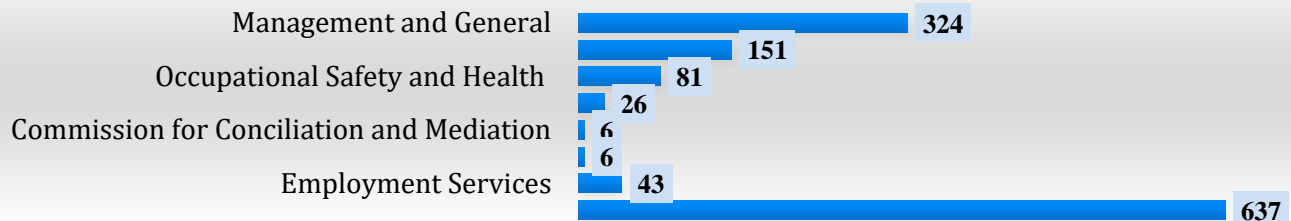
On the other hand, the Permanent Secretary Employment Division was assisted by one Deputy Permanent Secretary, three Assistant Permanent Secretaries. The technical staff comprises one Director, one Deputy Director and five Chief Employment Officers.

For the financial year 2019/2020, the Ministry had 637 funded positions and 5 advisers.



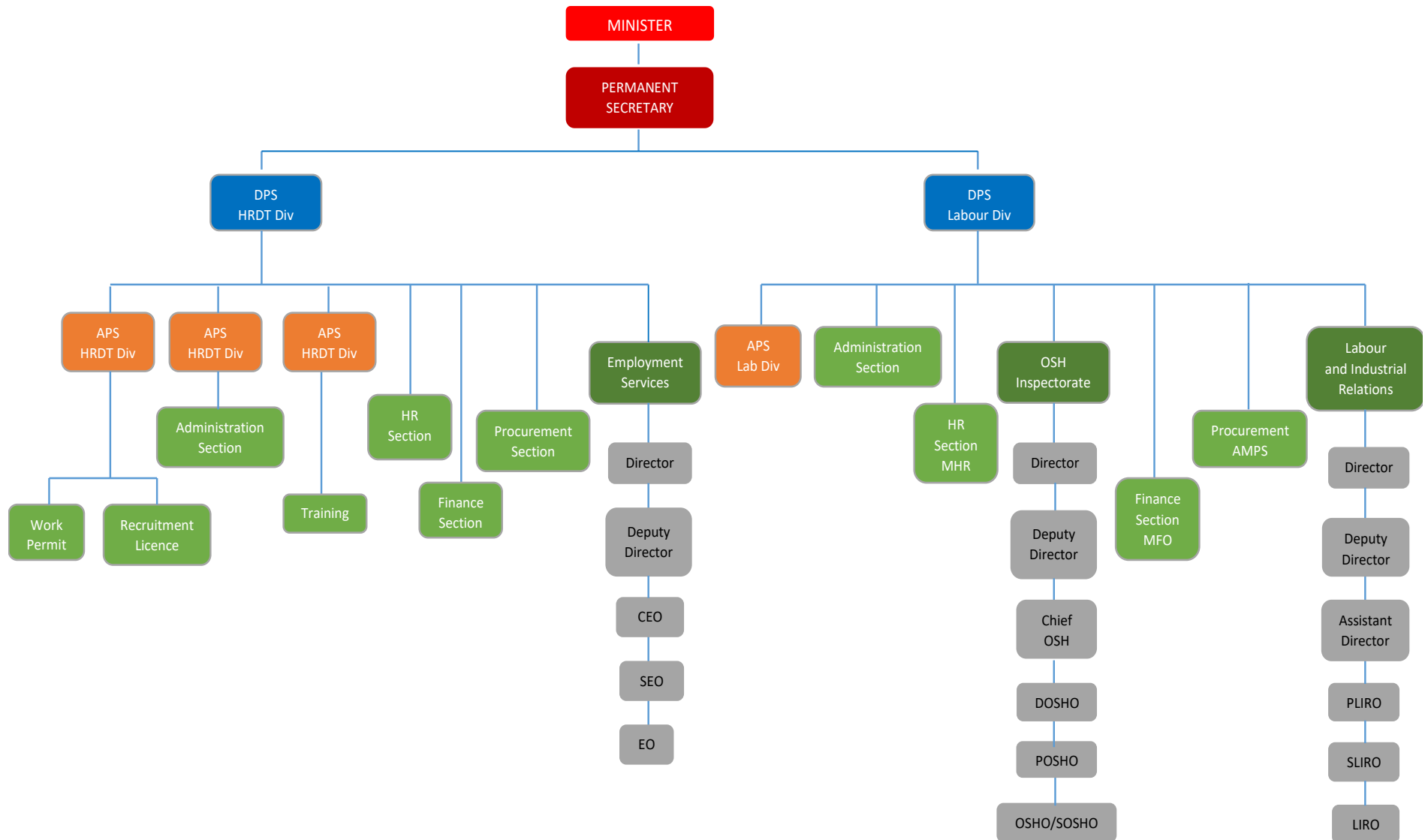
Total HR for the Ministry

Funded positions 2019/2020



Job Title/Category

Minister	1
Permanent Secretary	2
Deputy Permanent Secretary	2
Assistant Permanent Secretary	4
Manager, Financial Operations	1
Assistant Manager, Financial Operations	1
Registrar of Associations	1
Chairperson, National Remuneration Board	1
Vice Chairperson, National Remuneration Board	1
Director, Labour and Industrial Relations	1
Deputy Director, Labour and Industrial Relations	1
Director, Occupational Safety and Health	1
Deputy Director, Occupational Safety and Health	1
Director, Employment Services	1
Deputy Director, Employment Services	1
Assistant Manager (Procurement & Supply)	1
Assistant Manager, Internal Control	1
Internal Control Officer/Senior Internal Control Officer	1
Principal Financial Operations Officer	1
Financial Officer/Senior Financial Officer	3
Principal Procurement and Supply Officer	1
Procurement & Supply Officer/Senior Procurement & Supply...	1
Other Support Staff	296
Total	324



GENDER POLICY

Gender Policy Statement

There is an acknowledgement that women's rights are human rights and there is a broad acceptance that gender equality is a critical and indispensable component of human development in Mauritius to achieve the Sustainable Development Goals (SDGs) in a holistic manner.

Gender equality refers to equal access to social goods, services and resources, and equal opportunities in all spheres of life for women and men. However, the gender equality does not necessarily result in equal outcomes for men and women, as they have different needs and priorities. Gender equality is the process of being fair to women and men. Women and men should not only be given equal access but they should be given the means of benefiting from this equality.

This philosophy is even enshrined in section 3 of our Constitution, which stipulates that "in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex...".

As regards Ministry of Labour, Human Resource Development and Training, provisions have been made in section 5 of the Workers' Rights Act to the effect that no workers should be discriminated on ground of gender and sex orientation in the course of his employment. Section 26 of the Act also provides for equal remuneration for work of equal value. The Occupational Safety and Health Act 2005 on the other hand, ensures that the specific needs of women at work are catered for. As such, section 39 of the Act provides for special sanitary conveniences for employees of each sex while section 42 for special accommodation for clothing for each sex. Furthermore, the Employment Rights Act ensures special facilities for pregnant women at work.

The National Remuneration Board (NRB) set up under section 90 of the Employment Relations Act 2008 (EReA) is responsible for making recommendations on minimum remuneration and other terms and conditions of employment for workers in the private sector. While reviewing Remuneration Regulations, the NRB remains guided by the principles outlined at section 97 of EReA and in so far as is consistent with the contextual evolution of the sectors of activity, ensures that wage determination, job appellations and classifications are based on principle of "*equal remuneration for work of equal value*" as outlined in ILO Convention No. 100 and section 20 of ERiA.

As a commitment to the advancement of its gender equality agenda, the Ministry even ensures gender disaggregated data in terms of target groups and amount of money spent on all genders.

Furthermore, a Gender Cell has also been set up at the Ministry. It comprises representatives of the Human Resource and Finance sections, as well as from the Administration and Technical Cadres. The Cell provides a platform for dialogue where views and concerns on gender mainstreaming issues are shared. The gender focal point is responsible to ensure that gender is mainstreamed in all programmes, policies and activities of the Ministry. A budget of Rs. 200,000 has been allocated to the Ministry to implement Gender Responsive Budgeting. The Cell has to report to the Ministry of Gender Equality, Child Development and Family Welfare on programmes being implemented within the Ministry to address women's empowerment and gender equality.

Consideration is also being given to the amendment brought to the Statutory Bodies (Accounts and Audit) Act which requires Statutory Bodies under the aegis of the Ministry to have at least one woman on their board of directors.

NUMBER OF STAFF

CADRE	MALE	FEMALE	TOTAL
Labour	45	78	123
Occupational Safety and Health	24	41	65
Registry of Associations	7	15	22
HRD and Training (Employment Service)	9	32	41
HR Analyst	2	-	2
Administrative	4	3	7
Adviser	6	-	6
Officers on Contract	4	1	5
NRB	2	6	8
Financial Operations	3	5	8
Procurement and Supply	1	4	5
Internal Control	1	1	2
HR Cadre	2	4	6
General Service	38	127	165
Careers Guidance Unit	3	4	7
Shorthand	-	4	4
Receptionist	2	6	8
Head Office Auxiliary	2	-	2
Office Auxiliary/Senior Office Auxiliary	19	18	37
Handy Worker	9	10	19
General Worker	5	10	15
Driver	7	-	7
STM	1	5	6
TOTAL	196	374	570

On a concluding note, the Ministry will continue to foster a working environment free of any gender discrimination.

COVID-19 PANDEMIC

Covid-19 measures adopted by the Ministry

Following Government's decision for home confinement on Thursday 19 March 2020, the officers of the Ministry provided an on-line a "work from home" service to maintain a link with workers, trade unions and employers with a view to recording and attending to complaints and to clarify any queries on legal issues. Enquiries were also carried out in exceptional circumstances at places of work, to monitor the conditions of employment of workers, especially migrants. Employers were also encouraged to shift to work from home as far as possible. Furthermore, the labour legislation has been amended in the COVID-19 (Miscellaneous Provisions) Act 2020 on 15 May 2020 to further protect employment.

LABOUR AND INDUSTRIAL RELATIONS DIVISION

Key Legislations

- Workers' Rights Act
- Employment Rights Act
- National Wage Consultative Council Act
- End of the Year Gratuity Act
- Workmen's Compensation Act

Major amendments in the legal framework

Year 2019 – 2020 is a year to be remembered in the history of the Ministry. The enactment, on 23 August 2019, of the Workers' Rights Act (WRA), a modern and innovative piece of labour legislation, which repealed and replaced the Employment Rights Act, introduced bold measures to improve working conditions and to reinforce the protection of workers against the setbacks of a fast changing economy.

A few among the far-sighted provisions contained in the WRA are principally the establishment of a Portable Retirement Gratuity Fund, a Wage Guarantee Fund Account, provision for Protective Order on remuneration due, the setting up of a Redundancy Board, the harmonization of terms and conditions of employment across all sectors of activity, initially regulated under numerous Remuneration Regulations, establishment of vicarious liability in cases of violence at work and the strengthening of penalties for breaches of a number of provisions of the WRA.

In the same vein, the 30 existing Remuneration Regulations were revisited in October 2019 and two new Remuneration Regulations, namely the Workers' Rights (Atypical Work) Regulations and the Information and Communication Technologies and other Related Services (Remuneration) Regulations were promulgated. Similarly, the Workers' Rights (Portable Retirement Gratuity Fund) Regulations was enacted in early 2020 to provide for the rate of contribution by employers to the Fund and the payment of gratuity to workers with effect 01 January 2020.

Brief Overview of Sections/Units

The Labour and Industrial Relations Division comprise the following sections/ units: -

- Inspection and Enforcement Section, divided into six regions, each headed by one Assistant Director.
- Research and Legislation/Information, Education and Communication /Labour Standards Sections, under the control of one Assistant Director.
- Flying Squad (ex-Special Migrant Workers Unit)/Workfare Programme Unit/Conciliation and Mediation Section, supervised by one Assistant Director.
- The Prosecution Unit, headed by one Assistant Director.

The Inspection and Enforcement Section (IES)

The section consists of 17 regional Labour Offices scattered all over the island. All the Labour Offices operate on a full-day basis. Our customers report at this section to seek information on labour laws or to register complaints. Complaints received are of different nature such as termination of employment, non-payment of wages/bonus/allowances, and reduced payment of wages, workplace violence and other disputes of rights of workers. This section also carries out inspections throughout the island to ensure compliance with labour laws.

The Research and Legislation/Information, Education and Communication/ Labour Standards Sections

These are specialized units and their primary functions are as follows –

- Research and Legislation section – responsible for the drafting of labour legislation;
- Labour Standards section- responsible for reporting to International Labour Office and other international organizations on behalf of the Government; and
- Information, Education and Communication section – responsible for the dissemination of information to the public as well as for the education of social partners. The section is also responsible for the capacity building of technical staff.

The Flying Squad/Workfare

Programme Unit (WPU)/ Conciliation Mediation Section (CMS)

- The Flying Squad specifically caters for the terms and conditions of employment of migrant workers in Mauritius. There are currently about 45,000 migrant workers in Mauritius. Prior to the issuing of a work permit by the Employment Division, the Flying Squad vets the contract of employment of the migrant workers in line with our labour legislation. The unit also carries out inspections to ensure that conditions of employment of migrant workers are not less favourable than local workers.
- All the applications from laid-off workers for registration to the Workfare Programme are worked out by officers of the Enforcement Section and transmitted to the WPU for processing and referral to the Ministry of Social Security, National Solidarity and Reform Institutions for the payment of the Transition and Unemployment Benefit to the workers concerned.
- The CMS provides a conciliation service upon representations to the Ministry made by workers' representatives or workers themselves under section 68 of the Employment Relations Act, prior to reporting a dispute to the CCM.

The Prosecution Unit

The unit is required to process criminal and civil cases of non-compliance with the law in view of prosecution.

The Inspection and Enforcement Section of the Labour & IR Division carried out 4,112 inspections a total amount of Rs 668,030 on behalf of workers for the period under review. For the same period 25,821 complaints were registered island wide, out of which 8,682 were settled and a sum of Rs 161,892,066 recovered on behalf of workers.

The Flying Squad carried out 1055 inspections at workplaces and recovered a total amount of Rs 31,590.762 on behalf of workers. 489 complaints were reported by migrant workers, out of which 421 were settled and Rs 50,893,933 on behalf of workers. Furthermore, 27,492 contracts of employment of migrant workers were vetted.

5,964 laid-off workers were admitted to the Workfare Programme and a total amount of Rs 454,923,211 was disbursed as Transition Unemployment Benefit.

Court cases:

- 946 new civil cases were referred to the Industrial Court; 383 cases were settled and a total sum of Rs 22,760,084 was recovered on behalf of workers; and
- 15 new criminal cases were lodged in addition to the 167 cases already before the Court, with 17 convictions recorded and fines amounting to Rs 46, 000.

A total of 408 new representations were made at the Conciliation and Mediation Section. 346 cases were disposed of and 25 Collective Agreements registered during period July 2019 to June 2020.

Some 1,445 workers (780 male and 665 female) were sensitized on labour issues and 17 training sessions were conducted for staff of the labour cadre. The Information, Education and Communication Section also attended to 3132 requests for information from the public.

Priorities and Way forward

Decent Work Country Programme

The Decent Work Country Programme (Second Generation) for Mauritius, which is presently in its finalization stage, brings together the social partners, through their respective activities under a centerpiece objective of promoting innovative, productive, gainful and decent work as well as enhancing working conditions of workers through better protection of rights at work with the unflinching support and technical assistance of the International Labour Organisation (ILO).

International Labour Standards

The ILO Maternity Protection Convention, 2000 (No. 183), which Mauritius ratified on 13 June 2019, is fully effective as from 13 June 2019. It is opportune to note that enhanced maternity benefits and protection have been afforded to female workers under the new WRA.

Mauritius is presently envisaging to ratify two other ILO Conventions, namely-

- the “Violence and Harassment Convention 2019” (No. 190) with a view to accelerating efforts to eliminate all forms of violence against women and girls, and preventing and responding to violence against women and girls in the world of work;
- the “Social Security (Minimum Standards) Convention 1952” (No. 102) to ensure equality of social protection to one and all including migrant workers recruited for employment in Mauritius.

Consultation with all stakeholders concerned with the implementation of the above two Conventions are currently being held prior to submission of the proposed course of action to cabinet for approval.

The Occupational Safety and Health Division is the competent authority responsible for ensuring safety and health of the working population through the enforcement of an adequate and up-to-date legislative framework (List at Annex II) which includes ensuring decent lodging accommodations for guest workers. It is also involved in the enhancement of the national safety and health culture through training of all stakeholders and provision of information and preparation of guidelines on occupational safety and health topics.

One of the key functions of the Ministry is to ensure the general well-being of the workforce through the improvement of the standards of safety and health and prevention of occupational diseases and injuries at the workplace,

For financial year 2019/2020, the number of technical staff in funded posts was 67 out of a total of 83 on establishment. The Occupational Safety and Health Division is also supported by 16 administrative staff.

Activities carried out by the Division for period July 2019 to June 2020

The Occupational Safety and Health Division carried out **3,693** visits at factories, places of work and construction sites (including 1,194 COVID-19 inspections). **1,435** visits were also carried out in lodging accommodations. The Division enquired into **244** complaints, conducted **506** visits in relation to accident investigations, issued **22** prohibition orders, registered **3,410** factories and sensitized **4,354** stakeholders on occupational safety and health issues. Furthermore, around **4,521** visits relating to the Clean-Up Mauritius and Embellishment campaign were also carried out by the Division (Detailed statistical figures on activities carried out by the OSH Division is given at Annex III).

World Day for Safety and Health at Work

The ILO theme for the commemoration of the World Day for Safety and Health at Work on 28 April 2020 was “Stop the pandemic: Safety and health at work can save lives”. The Occupational Safety and Health Division participated in the campaign even though the country was under

lockdown. The poster for the World Day for Safety and Health at Work 2020, the “Prevention and Mitigation of COVID-19 at Work” and the “ILO Action Checklist” were sent through emails by officers of the Occupational Safety and Health Division to employers, Safety and Health Officers of public and private sectors, trade unions and other stakeholders with the aim of raising awareness on the adoption of safety and health practices in combating this pandemic.

Sensitisation on COVID-19 guidelines

The ILO guidelines on “COVID-19 and the world of work” were sent via emails to employers, Safety and Health Officers, trade unions and other stakeholders by officers of the Occupational Safety and Health Division during lockdown to sensitise them on the measures to be taken to keep employees at the workplace safe and healthy by preventing contamination and the spread of the COVID-19.

Legislation

Occupational Safety and Health (Foundries and Construction Works) Regulations 2019- GN No. 167 of 2019.

These regulations, which came into operation on 12 September 2019, aim at regulating the safety and health standards in foundries and construction works so that workers’ safety and health are ensured while involved in such activities.

WAY FORWARD - TRENDS AND CHALLENGES

Occupational safety and health is a multidisciplinary and dynamic subject due to the continuous changes in the world of work. New occupational risks are arising as a result of technical innovation, patterns of work and social changes. In light of the new risks and challenges, there is a need to take appropriate preventive measures to protect the workforce so that they have an improved quality of life.

Improving Service Delivery

In order to improve effectiveness and efficiency of the Occupational Safety and Health Division, the Ministry is embarking on several projects to achieve these objectives.

Computerisation

Computerisation of the Occupational Safety and Health Division will provide a centralised access to up-to-date information and it will allow for more efficient and quicker response to address safety and health related problems

Decentralisation

With a view to providing a better proximity service to our stakeholders, the Ministry is setting up an autonomous decentralised office for the Occupational Safety and Health Division in the Upper Plaine Wilhems. This office will enable employers, employees and other stakeholders to have easy access to the Occupational Safety and Health services such as renewal of Certificate of Registration of factories, renewal of Lodging Accommodation Permits as well as reporting of complaints.

Improving Legislative Framework

With a view to ensure that the legislative framework is up-to-date so as to address existing and new risks, the Occupational Safety and Health Division is regularly updating its legislation on occupational safety and health.

Addressing challenges related to COVID-19 in the world of work

a) Following the outbreak of COVID-19 in Mauritius, the Ministry is coming up with the Occupational Safety and Health (Coronavirus Disease – (COVID - 19)) Regulations under the Occupational Safety and Health Act 2005 to ensure a safe return to work and that enterprises operate in safe and healthy conditions. These protective and preventive measures will ensure that safety, health and sanitary measures are observed to protect the workers, customers and the public thereby preventing the resurgence of COVID-19 at the workplace.

b) Furthermore, in order not to penalised employers who have either not been able to renew their certificates of registration of a factory and Lodging Accommodation Permits or submit report of machines which expired during the lockdown period, amendments have been brought to existing occupational safety and health legislation through the:

**Occupational Safety and Health
(Employees' Lodging Accommodation)
(Amendment) Regulations 2020**

Occupational Safety and Health Division

Occupational Safety and Health (Extension of Time During COVID-19 Period) Regulations 2020

As such the concerned employers will be able to renew their Certificates and Permits, which expired during the COVID-19 period, without requiring them to pay a 50% surcharge on the renewal fee and submit their reports, which expired during the COVID -19 period, without being liable for sanctions.

Addressing challenges related to COVID-19 in the world of work

- a) Besides existing hazards at the workplace, the world of work is facing new challenges and thus, the Ministry is proposing to bring some amendments to the existing Occupational Safety and Health Act 2005 through the **Occupational Safety and Health (Amendment) Bill**.
- b) The Ministry is also taking appropriate measures to reinforce the existing legal framework by coming up with these two undermentioned new regulations to upgrade safety and health standards as these two areas have shown an exponential growth of employees over the years and thus there is a need for these regulations to address the specific risks in these areas:
 - **Occupational Safety and Health (Refuse Collection Works) Regulations** which will cater for the safety and health of employees in the refuse collection sector.

- **Occupational Safety and Health (Display Screen Equipment) Regulations** which will regulate the use of display screen equipment at workplaces and will apply to employers whose workers use display screen equipment as a significant part of their normal work.
- (c) The Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011, which aims at establishing safety and health norms for employees' lodging accommodations, are being amended in order to enhance the provisions as regards to health, safety and fire standards in the lodging accommodations through the Occupational Safety and Health (Employees' Lodging Accommodation) (Amendment) Regulations.



Challenges and Constraints of the Future of Work

The constant change in the world of work with the introduction of Metro Express, fish farms aquaculture, photovoltaic farms, wind farms, Artificial Intelligence (AI), Digitalisation will give rise to emerging and unknown risks which need to be addressed proactively. Given the complexity and technicality of these various sectors, capacity building of staff in these technical areas of occupational safety and health is a major concern due to unavailability of funds and appropriate resource persons in Mauritius. So, there is an immediate need to identify adequate and appropriate measures in order to train members of staff of the Occupational Safety and Health Division for effective service delivery to the workforce in these sectors.

Furthermore, under the Decent Work Country Programme II, the Ministry is planning to prepare an updated National Occupational Safety and Health Profile to identify challenges in existing and emerging sectors in the Republic of Mauritius and to propose measures to mitigate the risks and overcome obstacles through a National Occupational Safety and Health Programme which will take on board occupational safety and health issues related to the future of work.

Improving National Safety and Health culture

With the continuous changes in the world of work, technology and work patterns, the Occupational Safety and Health Division is coming up with the following guidelines so as to sensitise stakeholders on safety and health issues related to the risks covered by the guidelines:

- Guidelines on work in the vicinity of uninsulated overhead conductors.
- Guidelines on Manual Handling.
- Guidelines on Work in Cold Environment.
- Guidelines on prevention of Slips, Trips and Falls
- Guidelines on Ergonomics and the use of Display Screen Equipment
- Guidelines on Prevention and Management of Coronavirus Disease 2019 (COVID-19) at the workplace.
- Guidelines on Safe Use, Handling and Storage of Pesticides.

Registry of Associations

Aims and Objectives

- To register associations, trade unions and their respective rules to enable these organizations to have a legal status
- To ensure that these organizations operate within their respective legal framework.

Legislations Enforced

The Registry of Associations, a division of the Ministry, is headed by the Registrar of Associations. The Registrar enforces the Registration of Associations Act and the Employment Relations Act as well as certain sections of the Sports Act.

Services provided and Activities

- Registration of associations, trade unions and of their rules;
- Registration of amendments to the rules of registered associations and trade unions;
- Keeping of:
 - Register of Associations
 - Register of Trade Unions
- Provision on request by associations and trade unions, of copies of rules, annual returns, list of officers;
- Handling of complaints made by members of registered associations and trade unions against their organizations;

- Inspection of books, accounts and records of associations and trade unions;
- Publication of returns of trade unions registered on the Register of trade unions;
- Delivery of talks/training sessions on request.

Achievements covering the period 01 July 2019 to 30 June 2020

Number of registrations	312
Number of amendments of rules registered	210
Number of inspections carried out	433
Number of complaints received	99
Number of complaints disposed of	127
Number of registrations cancelled	135
Number of cases referred to court	0

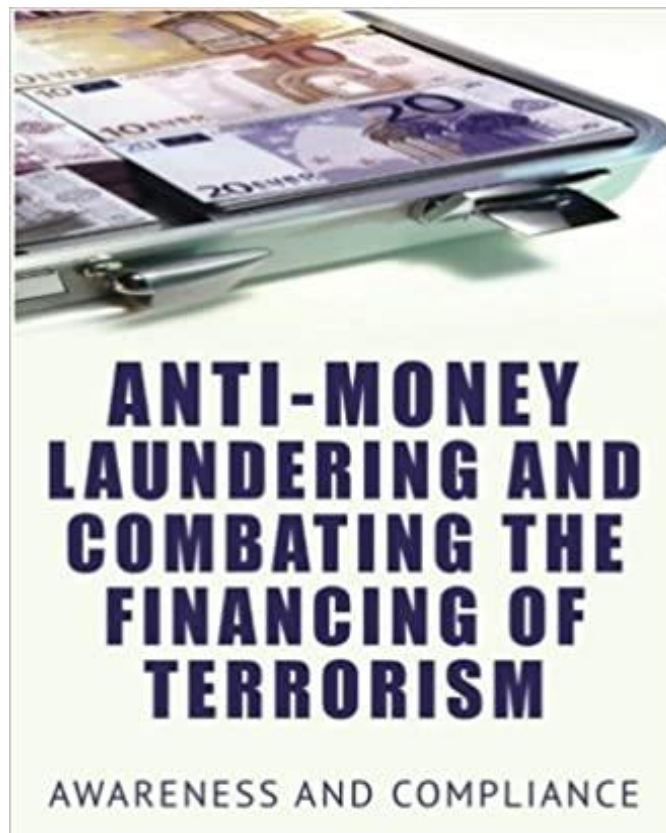
Computerisation of the Registry of Associations

With a view to obtaining a web-enabled software for harnessing Information and Communication Technologies (ICT) to enhance the operations and service delivery of the Registry of Associations, the processes of the Registry of Associations has been computerised and the system is live since 26 September 2016. The computerised system enables the Division to reduce the time taken to process applications of registration of associations from 8 weeks to 45 days.

Legislations

The Finance (Miscellaneous Provisions) Act 2018 amended the Registration of Associations Act, to, *inter alia*, empower the Registrar of Associations to undertake educational programs so as to raise and deepen awareness among all associations as well as the donor community on the potential vulnerabilities of the sector to terrorism financing abuse and terrorism financing risks and the measures that associations can take to protect themselves against such abuse.

The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Act 2019 amended the Registration of Associations Act *inter-alia* to include measures related to good governance.



Conciliation and Mediation

According to section 87 of the Employment Relations Act, the Commission Conciliation and Mediation is comprised a President and a Vice-President. The Commission is supported by staff comprising one Principal Labour Inspector, one Senior Labour Inspector, one Labour Inspector, Manager Human Resource, Human Resource Executive and Shorthand Writer.

- makes proposals to the parties for the settlement of the dispute;
- conciliates the parties;
- mediates and makes recommendations to the parties; or
- makes such investigations.

Cases dealt with by the Commission

YEAR	MONTH	NUMBER OF DISPUTES BROUGHT FORWARD	NUMBER OF DISPUTES DEALT WITH (INCLUDING NEW DISPUTES REPORTED)	NUMBER OF DISPUTES DISPOSED
2019	July	250	285	6
2019	August	279	289	12
2019	September	277	332	30
2019	October	302	325	50
2019	November	275	338	35
2019	December	303	314	129
2020	January	185	192	18
2020	February	174	193	14
2020	March	179	217	8
2020	April	209	209	0
2020	May	209	210	40
2020	June	170	176	12

- 254 formal meetings were held with a view to conciliating parties to the labour disputes.
- **206** informal meetings were held with disputants and management to deal with representations.
- **66** Agreements were signed at the CCM between parties concerned.
- As at **30 June 2020, 164** labour disputes were still pending before the Commission due to the reporting of new labour disputes and postponements requested by parties.

Advisory Services

The Employment Relations Act 2008, as amended, also provides that the Commission should “advise a party to a labour dispute on procedures to be followed in accordance with the Act”. Consequently, the Commission holds informal meetings with disputants with a view to sharing information and discussing issues relevant to the dispute.



National Remuneration Board

Section 90 of the Employment Relations Act 2008 provides for the setting up of the National Remuneration Board (NRB). Its objective are Inter-alia, to make investigations and to submit recommendations on minimum remuneration and other specific terms and conditions of employment in sectors which are referred to it by the Minister.

The NRB is currently working on:

- the Review of the Newspaper and Periodicals Employees RO and the Radio Stations employees sector.
- the Review of the Child Day Care Centre

In so far as the request for the amendments in the Cleaning Enterprises are concerned, same has already been included in the new Remuneration Regulations 2019 made in the context of the harmonisation of terms and conditions of employment in all Remuneration Regulations.

- (a) Following amendments to section 91 of the Employment Relations Act 2008 in 27 August 2019, the NRB is called upon to determine basic wage on an occupational basis as opposed to the former sectoral approach.
- (b) ILO has agreed to provide expert guidance to ensure a smooth transition from the current sectoral system to the new national occupational system, with the least consequential negative impact.
- (c) In this connection, a grounding exercise has already been carried out by an ILO expert in close collaboration and support of the NRB. The latter is presently working on a national job classification which is an essential pre-requisite for the new system. This is a very complex and time consuming process given the broad categories of the labour force in the private sector in Mauritius.
- (d) ILO expertise has also been sought for capacity building and training of the technical staff of the NRB to conduct the transition/tasks accurately and meaningfully with, inter alia;
 - (i) the development of a national classification of occupations;
 - (ii) the assignment of classification codes to occupations;
 - (iii) the assessment of the relative importance of the occupations and the assignment of accurate values to them;

National Remuneration Board

- (iv) the performance of job levelling on a national basis;
- (v) the design of appropriate occupational wage structures to adapt the current wage system to the new one
- (vi) the removal of subjectivity, stereotypes and pay inequity in areas such as health (nursing occupations), early childhood education and child care (pre-primary schools), media (broadcasting and online platform work);
- (vii) the integration of digital economy and automation in work performed in traditional sectors for e.g. sugar industry;
- (viii) the formulation of a classification which will facilitate data collection (by NRB and Statistics Mauritius), labour market research and impact evaluation studies

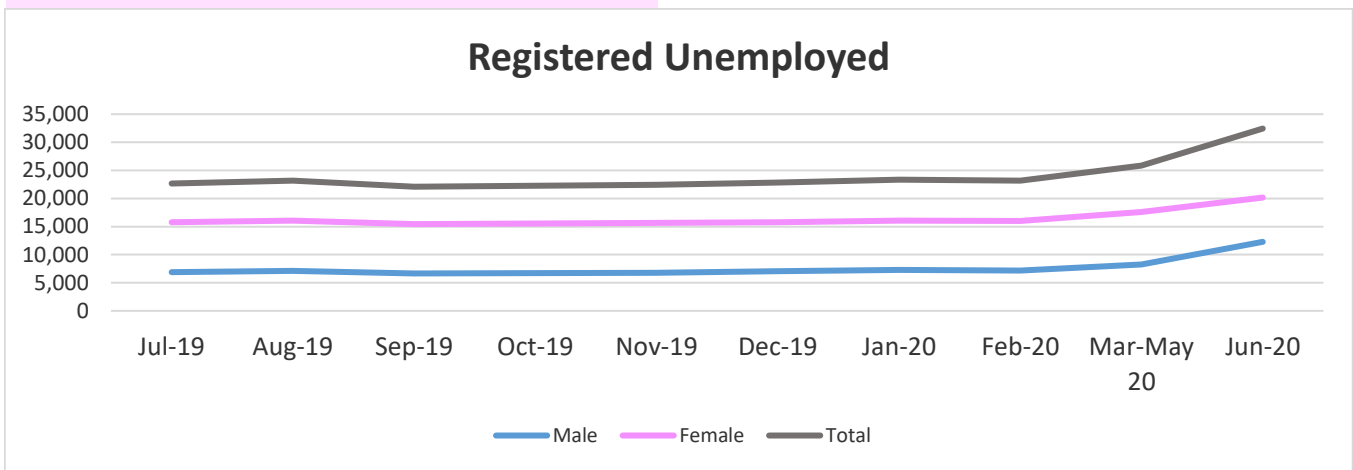
Employment Division

The Employment Division of the Ministry comprises of three sections, namely, the Employment Service, the Human Resource Development and Training as well as the Work Permit Unit.

Achievements for the period July 2019 to June 2020

Employment Service

1. 22,654 unemployed jobseekers were registered as at end of July 2019. This number increased to 32,441 unemployed jobseekers as at end of June 2020. This evolution is depicted in the graph below.



- 2. 5,359 jobseekers were placed in various enterprises by the Employment Service.
- 3. 7,400 youth and 390 employers were registered under the Youth Employment Programme. 1,027 youth were placed in private companies and 154 others in the Public Sector.

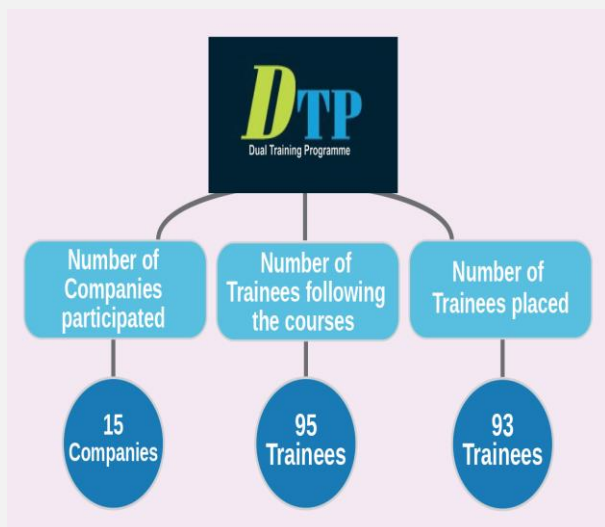


Employment Division

4. Under the Back to Work Programme, 163 women and 54 employers were registered. 98 women were placed in private companies.



5. 15 companies participated in the Dual Training Programme and 95 trainees were still following the courses while 93 others had obtained permanent placement



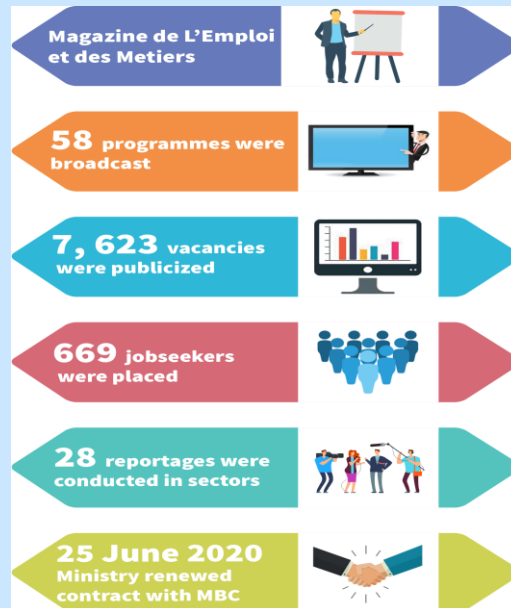
6. Under the Trainee Engineer Scheme, 50 Trainee Engineers were placed in private companies and 80 others in the Public Sector.



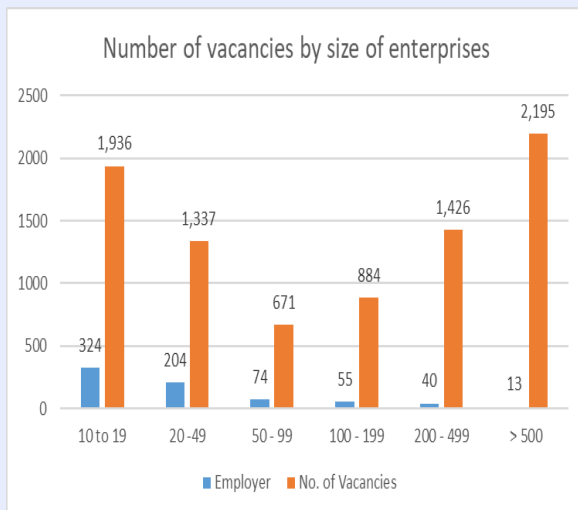
7. Mapou EIC moved to its new location in Goodlands on 2 March 2020 (now named Goodlands EIC), while Rose Hill EIC has moved to its new office on 27 July 2020.

Employment Division

8. Through the TV programme “Magazine de L’Emploi et des Métiers’, 58 programmes were broadcast, 7,623 vacancies publicized and 669 jobseekers were placed. 28 reportages were conducted on different sectors and occupations to show the evolution of the labour market. On 25 June 2020 the Ministry renewed the contract agreement with the MBC so as to continue the broadcast of information on the labour market.



9. A Labour Market Survey (LMS) 2020 was conducted from November 2019 to February 2020. The response rate was 20% and 8,449 vacancies were registered.



A validity exercise was conducted with the same employers and as expected due to the unpredictable situation caused by COVID-19, the vacancies reported reduced by 87% to reach 1,065 for period July to August 2020.

10. The Employment Information Centres conducted 1,797 job canvassing with employers and recorded 56,936 vacancies. Employment Counselling (Entretien de Suivi) were conducted with 743 jobseekers, while 173 workshops (Ateliers) were conducted to increase employability skills of jobseekers.

11. 259 work permit inspections and 43 recruitment license inspections were carried out. Monthly monitoring exercises were made for 342 recruitment agencies.

12. 200,000 pamphlets on training and placement opportunities were published for wide distribution. Six training institutions participated with the Ministry in the project.

Employment Division

13. The Employment Service participated in “ensam avек CSU” activities at the following Citizen Advice Bureau:

SN	Date	Regions
1	15 February 2020	St. Pierre
2	22 February 2020	Triolet
3	29 February 2020	Vacoas
4	7 March 2020	Chemin Grenier

Members of the public were provided with information on vacancies, services offered and training and placement programmes.

14. The cooperation with Pole Emploi of France, established since 2015 is ongoing. With the support of Pole Emploi, a labour market statistics and survey was conducted in October 2019 by Mr Pierre Broissier and another one by Mr Pierre Perrin in IT Development in early December 2019. The technical guidance of both experts was very helpful in ensuring the successful completion of the projects.



Distant modalities will continue with Pole Emploi. The Ministry will soon sign a new contract with Pole Emploi for the extension of activities until 31 December 2020. Testing for the development of Phase 1 of the IT system started on 15 January 2020.

15. The World Bank, through Statistics Mauritius, conducted a survey involving 147 unemployed youth having achieved a lower level of education. The survey concerned six EICs and was carried out in February and March 2020. The exercise was however put on hold due to the national confinement imposed in connection with COVID-19 pandemic. The survey resumed in April 2020 and participants were contacted through phone calls and the face to face interviews were planned for September 2020, subject to prevailing sanitary conditions.



THE WORLD BANK

Employment Division

16. Human Resource Development and Training

This section deals mainly with policy issues pertaining to approved programmes and projects being implemented by the Human Resource Development Council and the Mauritius Institute of Training and Development

17. Status on Implementation of Key Actions

Key Actions with Key Performance Indicators were stipulated in the Budget document 2019 - 2020 and the status is given in the table below.

Key Action	Key Performance Indicator	Target (as per budget estimates)	Status
Facilitate placement opportunities for registered jobseekers	Number of persons placed by the Ministry of Labour	7,500	7,786 (97%) target achieved. The target placement of jobseekers was reviewed Post COVID-19
Restructure the employment service with the setting up of a National Employment Department	Number of Employment Information Centres (EICs) restructured	2	2 EICs have been restructured. The 3 remaining will be undertaken in the next financial year
	New EICs to be set up	-	The setting up of the two new EICs has been kept in abeyance pending the recruitment of Employment Counselling Officers who will operate those EICs, subject to budget allocation.
Flexing of work permit policies in respect of foreign workers for the agricultural sector	Number of foreign agricultural workers employed	1,000	594 foreign workers were in employment as at end of June 2020.
Enforcement of labour legislation to address relevant grievances	Percentage of registered complaints settled	70	72%
Compliance with the National Minimum Wage Regulation	Percentage of firms implementing the national minimum wage where inspections were carried out	95	98%
Registration of Associations and Trade Unions	Average time taken to process an application for registration (Weeks)	5	45 days

18. Work Permit

The Non-Citizens (Work Permits) (Fees) Regulations were successfully amended in October 2019 to impose a surcharge of 100 % of work permit fees payable on all applications for the renewal of permits submitted more than 30 days after their expiry.

Government agreed in June 2020 to the introduction of measures proposed by the High-Level Committee set up under the purview of this Ministry to address the growing phenomenon of “missing foreign workers”.

From July 2019 to June 2020, 4560 Certificates of Exemption and 19,777 Work Permits were issued.

19. Challenges

- Increase in number of registered jobseekers
- Lack of skills of registered jobseekers
- Training of jobseekers
- Recruitment of staff
- Reduction in availability of vacancies
- Setting up of the National Employment Department and ensuring that the relevant sections of the National Employment Act are being implemented
- Formulation of a National Employment Policy (NEP) for Mauritius

20. Strategic Direction

- Improving the e-service accessibility to jobseekers and employers through enhancement of the IT system
- Improving service delivery through a focused client-oriented approach
- Developing wider marketing strategies for improved service delivery
- Building a skilled workforce through training and re-skilling
- Supporting an Inclusive Labour Market
- Opening opportunities for overseas employment
- Developing Capacity Building programmes for Staff

Risk Management, Citizen Oriented Initiatives & Good Governance

Internal Control Unit

The Ministry has an Internal Control Unit as from September 2016 which operates independently and assists management in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the organization's risk management, control, and governance processes.

Using a risk assessment model for audit selection, the Unit comprising one Assistant Manager, Internal Control prepared an annual audit plan for period July 2019 to June 2020, under which seven audits were performed, with priority given to areas where the risk was deemed to be higher.

Audit Committee

In accordance with the Charter issued by the Office of Public Sector Governance, the Ministry has set up an Audit Committee to assist the Accounting Officer in monitoring and reviewing both the risk control and the governance processes established in the Ministry. For the period under review, the Committee met on four occasions.

Customer Care Service – a citizen oriented initiative

The Ministry is committed to provide the highest level of services in a timely manner. With this objective in mind, a special desk has been set up at the Head Office to provide support services and information to workers, employers, representatives of trade unions and members of the public. The same services are also provided in all the 16 Labour Offices and 13 Employment Information Centres located around the island.

Financial Highlights

The Budget of the Ministry of Labour, Human Resource Development and Training is categorised under 4 Sub-Heads which represent the main sectors of MLHRDT, namely:

Sub-Head	Sector
20-101	General
20-102	Labour & Employment Relations Management
20-103	Registration of Associations & Trade Unions
20-104	Employment Facilitation

Funds to the tune of Rs. 644,600,000 were appropriated to the Ministry for financial year 2019/20.

Statements of Revenue and Expenditure

Item/Revenue	2018/19 Actual (Rs)	2019/20 Estimates (Rs)	2019/20 Actual (Rs)
Registration of Associations	505,177	1,030,000	2,426,795
Registration of Factories	2,426,795	2,600,000	2,806,936
Miscellaneous	2,806,936	3,700,000	505,177
Work Permits	151,721,400	278,300,000	151,721,400
Recruitment Licences	264,000	620,000	264,000

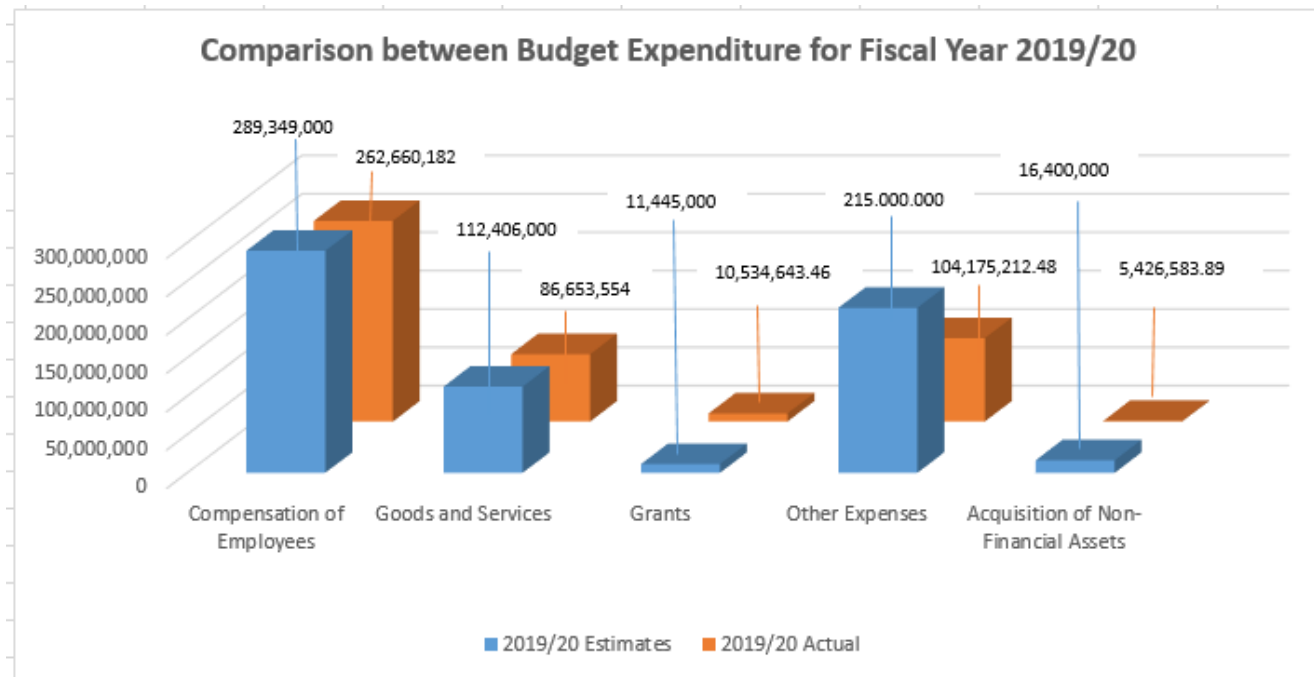
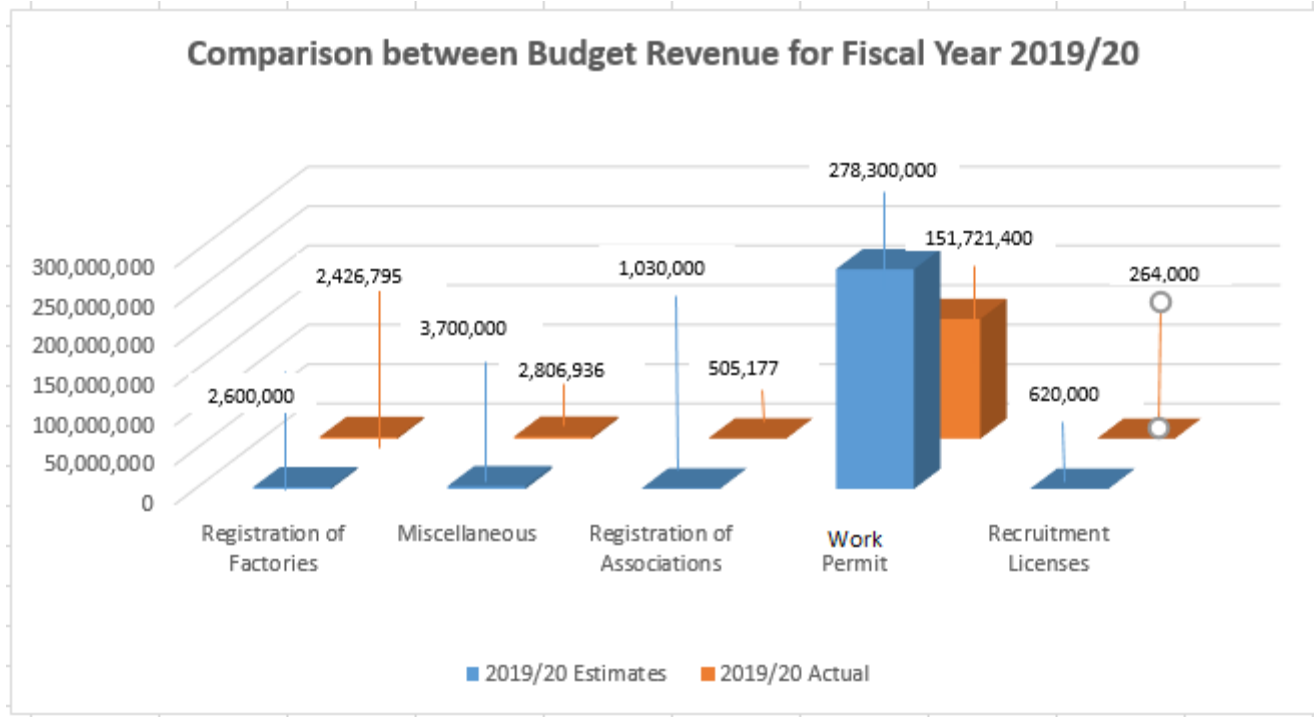
The Statements of Revenue and Expenditure have been prepared from the Estimates 2019/20 and data captured from the Treasury Accounting System (TAS).

Statement of Expenditure

Particulars	2018-2019 Actual (Rs)	2019-2020 Estimates (Rs)	2019-2020 Actual (Rs)
Compensation of Employees	262,660,182	289,349,000	262,660,182.48
Goods and Services	86,653,553	112,406,000	86,653,553.64
Grants	10,534,643	11,445,000	10,534,643.46
Other Expenses	104,175,212	215,000,000	104,175,212.48
Acquisition of Non-Financial Assets	5,426,583	16,400,000	5,426,583.89
Total	469,450,175	644,600,000	469,450,175.95

Part III – FINANCIAL PERFORMANCE

Analysis of Major Changes



Part III – FINANCIAL PERFORMANCE

A comparison made of the budget appropriated to the Ministry by the National Assembly for the year 2018/19 and 2019/20 indicates a decrease of Rs. 38,000,000. The major chunk of this decrease was in respect of the Youth Employment Programme (YEP), the Back to Work Programme (BTW) and the Dual Training Programme (DTP).

The contraction in the YEP provision for the year 2019-2020 was due to the fact that applications for placement of trainees in the education sector including Pre-primary, Primary, Secondary, Tertiary and Training Institutions and in companies operating guest houses were no longer being entertained under the YEP

As regards the estimates for the year 2019/2020, budgetary provisions under sub head 20-101- "General", sub head 20-102- "Labour and Employment Relations Management" and sub head 20-103- "Registration of Associations and Trade Unions" were relatively the same in comparison to budget 2018/2019.

Part IV – WAY FORWARD

Trends and Challenges

The ever changing world of work is being driven by accelerating connectivity, new talent models, and cognitive tools. As robotics, AI, the gig economy and crowds grow, jobs are being reinvented creating the “augmented workforce”. We must reconsider how jobs are designed and work to adapt and learn for future growth.

New trends such as robots, AI in the workplace, dispersed workforces, with people working from anywhere, anytime, and the constant need of employees to learn new skills are just part of what the future of work could entail. Organisations must adapt, regardless of functional, geographic or business boundaries. In face of the actual challenge imposed by the COVID-19 pandemic, work from home has become the norm in many countries. This concept was hugely adopted even in Mauritius as witnessed during the lock down.

Furthermore, new digital trends are redefining the relationship between the individual and the organisation. There is, therefore, need to record this trend and work with employers to navigate the future of work by offering advisory and implementation support for workforce transformation programs. This includes the need to adopt new technologies such as artificial intelligence (AI), chatbots and augmented reality.

To operate in this fast-moving environment, organisations must realign themselves constantly, implement innovative and creative solutions into everyday HR tasks and have the courage to take unusual, pioneering steps.

The challenges now and in the near future is to prevent closure of enterprises and preservation of jobs as there is no visibility how the current pandemic will unfold. In these testing times, there is also the need to look for new jobs for those who have been laid off due to closure of their enterprises.

Some other challenges which will continue to exist are:

- Skills Mismatch
- Decreasing birthrate
- Ageing Population
- Regular improvement of legal and administrative framework
- Continual improvement of safety and Health framework

Strategic Direction 2019-2020

- Promote new employment opportunities across all sectors and improve working conditions
- Ensure availability of labour in scarcity area
- Expand employment opportunities abroad for Mauritians
- Provide better terms and conditions of employment to workers in line with the requirements of the labour market
- Combat labour trafficking
- Improve compliance with national occupational safety and health standards
- Develop a timely and comprehensive database for manpower planning to support labour market policies

ANNEX

LIST OF LEGISLATION

Legislation		Made by Minister on	In Force
1	Occupational Safety and Health Act 2005 – Act No. 28 of 2005	13/05/2005	Yes
2	Occupational Safety, Health and Welfare (First-Aid) Regulations 1989 – GN No. 65 of 1989	26/04/1989	Yes
3	Occupational Safety, Health and Welfare (Woodworking Machines) Regulations, 1989 – GN No. 66 of 1989	26/04/1989	Yes
4	Occupational Safety and Health (Fees and Registration) Regulations 2007 – GN No. 123 of 2007	29/08/2007	Yes
5	Occupational Safety and Health (Electricity at Work) Regulations 2009 – GN No. 47 of 2009	14/05/2009	Yes
6	Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011 – GN No. 27 of 2011	27/01/2011	Yes
7	Occupational Safety and Health (Noise at Work) Regulations 2012 – GN No. 107 of 2012	09/05/2012	Yes
8	Occupational Safety and Health (Safety of Lifts at Work) Regulations 2012 – GN No. 108 of 2012	09/05/2012	Yes
9	Occupational Safety and Health (Personal Protective Equipment) Regulations 2012 – GN No. 146 of 2012	25/07/2012	Yes
10	Occupational Safety and Health (Work at Height) Regulations 2013 – GN No. 190 of 2013	18/07/2013	Yes
11	Occupational Safety and Health (Ship Construction and Ship Repairs) Regulations 2013 – GN No. 254 of 2013	08/10/2013	Yes
12	Occupational Safety and Health (Safety of Scaffolds) Regulations 2013 – GN No. 16 of 2014	22/11/2013	Yes
13	Occupational Safety and Health (Control of Asbestos at Work) Regulations 2014 – GN No. 216 of 2014	20/10/2014	Yes
14	Occupational Safety and Health (Transportation of Employees) Regulations 2014 – GN No. 210 of 2014	31/10/2014	Yes
15	Occupational Safety and Health (Foundries and Construction Works) 2019	12/09/2019	Yes

STATISTICS FOR PERIOD JULY 2019 TO JUNE 2020	
1. Data on registration of factories , lodging accommodations and Scaffold Contractors Permits issued as at 30 June 2020	
Number of Factories registered as at 27 May 2020	3,410
No. of Employees' Lodging Accommodation with valid permits	748
No. of Scaffold Contractors' Permits with valid permits	8
Total (Jul 2019 – Jun 2020)	
2. Accidents and dangerous occurrences	
Notifiable fatal accidents reported	13
Notifiable non-fatal accidents reported	203
Non-notifiable accidents reported	168
Dangerous occurrences reported	2
Field visits carried out in connection with accident and dangerous occurrences investigation	506
3. Visits (includes inspections and follow up only)	
Places of work/factories	2,773
Construction sites	660
Employees' Lodging Accommodations	1,435
Specialist Support Services Unit	260
Clean-Up Mauritius and Embellishment Campaign	4,521
TOTAL	9,649
4. Complaints investigation	
Places of work/factories	163
Construction sites	28
Employees' Lodging Accommodations	47
Specialist Support Services Unit	6
TOTAL	244
5. COVID-19 (Period March – 27 May 2020)	
Inspection (Factories, Employees' Lodging Accommodation, General places of work, Construction)	1,194
Complaint (Factories, Employees' Lodging Accommodation, General places of work, Construction)	60
6. Lodging Accommodation Permits and Scaffold Contractors' Permits issued	
No. of lodging accommodation permit issued	158
No. of scaffold Contractors permit	40
7. Talks delivered on occupational safety and health	
At the Occupational Safety and Health Training and Information Centre	158
On site	40
TOTAL	198
Total number of persons sensitised on different occupational safety and health topics	4,354
8. Registration of Safety and Health Officer	
No. of Safety and Health Officers registered	125
9. Prosecution	
Cases lodged in Court for failure to comply with provisions of the occupational safety and health legislation *	1
Number of counts	13
10. Prohibition Orders	
Prohibition orders issued	22
11. Noise Surveys	
Noise survey	4