



Republic of Mauritius

ANNUAL REPORT *2010-2012*

LABOUR INDUSTRIAL RELATIONS EMPLOYMENT

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MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

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Message from the Minister

This Annual Report outlines the key achievements and provides a snapshot of the overall functioning of the Ministry of Labour, Industrial Relations and Employment since 2010.

It includes detailed information on the roles and functions of different key sections and divisions of the Ministry, and highlights, with facts and figures, some of the major events and activities that have taken place during the period under review.

Since 2010, and even before, we have witnessed that the drive for corporate competitiveness and flexibility has led to sweeping changes in the way enterprises are organised. New technologies, new equipment, new production methods and new patterns of work have given rise to new challenges, not only with regard to Employee-Employer relations, but also to new hazards at the workplace.

*Being fully aware that people, and particularly workers, should be at the centre of any development, the Ministry is always striving to update and modernise legislation that governs Labour and Industrial Relations issues and Occupational Safety and Health. The **Decent Work Agenda**, therefore,*

*remains the primary goal of the Ministry as part of its commitment to the ideals of the **International Labour Organisation**.*

*Towards this end, since I was appointed as Minister of Labour, Industrial Relations and Employment, I have deemed it necessary to introduce new amendments, in the National Assembly, to the **Employment Relations Act** and **Employment Rights Act**, as well as introducing a series of Regulations – all this with a view to ensuring better protection of workers, and to further strengthening social dialogue and sound Industrial Relations. These could have only been achieved thanks to the efforts of dedicated and highly motivated staff and officers of my Ministry.*

However, our major focus in the coming years will be to continue to strengthen our institutional capacity, to improve our service-delivery, and to revisit some of our Regulations, so as to address new challenges with a view to attaining the overall objectives of the Decent Work Agenda.

To conclude, I will fail in my duty if I do not acknowledge the contribution of all our staff - the Technical and Administrative Cadres - as well as Advisers in the attainment of the goals contained in the Annual Report despite the challenges experienced during the period under review.

Hon Shakeel Mohamed
Minister
19.05.14

Foreword by the Permanent Secretary

It is indeed a privilege and a great honour for me to present this Report which comes at a very opportune moment and aims at highlighting the main programmes, projects and activities undertaken by the different divisions of this Ministry during the period January 2010 to 31 December 2012.

At a time when the quest for excellence is fast gaining ground as a national ethos, this Ministry is called upon to play a critical role in Labour Relations, Occupational Safety and Health and Employment. We are fully alive to the need for maintaining a high standard of efficiency so that quality services are offered to our stakeholders.

In fact, this Ministry has spared no effort to fulfill its mandate and I will ensure that we pursue the enhancement of the working conditions, health, and welfare of all workers in Mauritius.

Whatever has been achieved so far along the journey which the Ministry has undertaken would not have been possible without the spirit of dedication of each and everyone. I would like to assure them that their work and dedication to the various responsibilities entrusted to them is very much appreciated. The achievements covered by this report are, first and foremost, their achievements. We shall continue to work as a team, complementing each other in our duties and responsibilities to meet the daunting challenges facing the world of work.

I am fully confident that the Annual Report will provide a valuable reference to all stakeholders, that is, all those concerned with the protection and safeguarding of the rights of workers and employers.

Let us be inspired in all our endeavours by Nelson Mandela who stated:

“After climbing a great hill, one only finds that there are many more hills to climb”

R. P. Nowbuth
Permanent Secretary
19.05.14

1. Vision , Mission and Values

VISION

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

MISSION

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

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.

1.1 We Value...

OUR CUSTOMERS

All workers and employers.

All organisations of workers and employers.

All associations

&

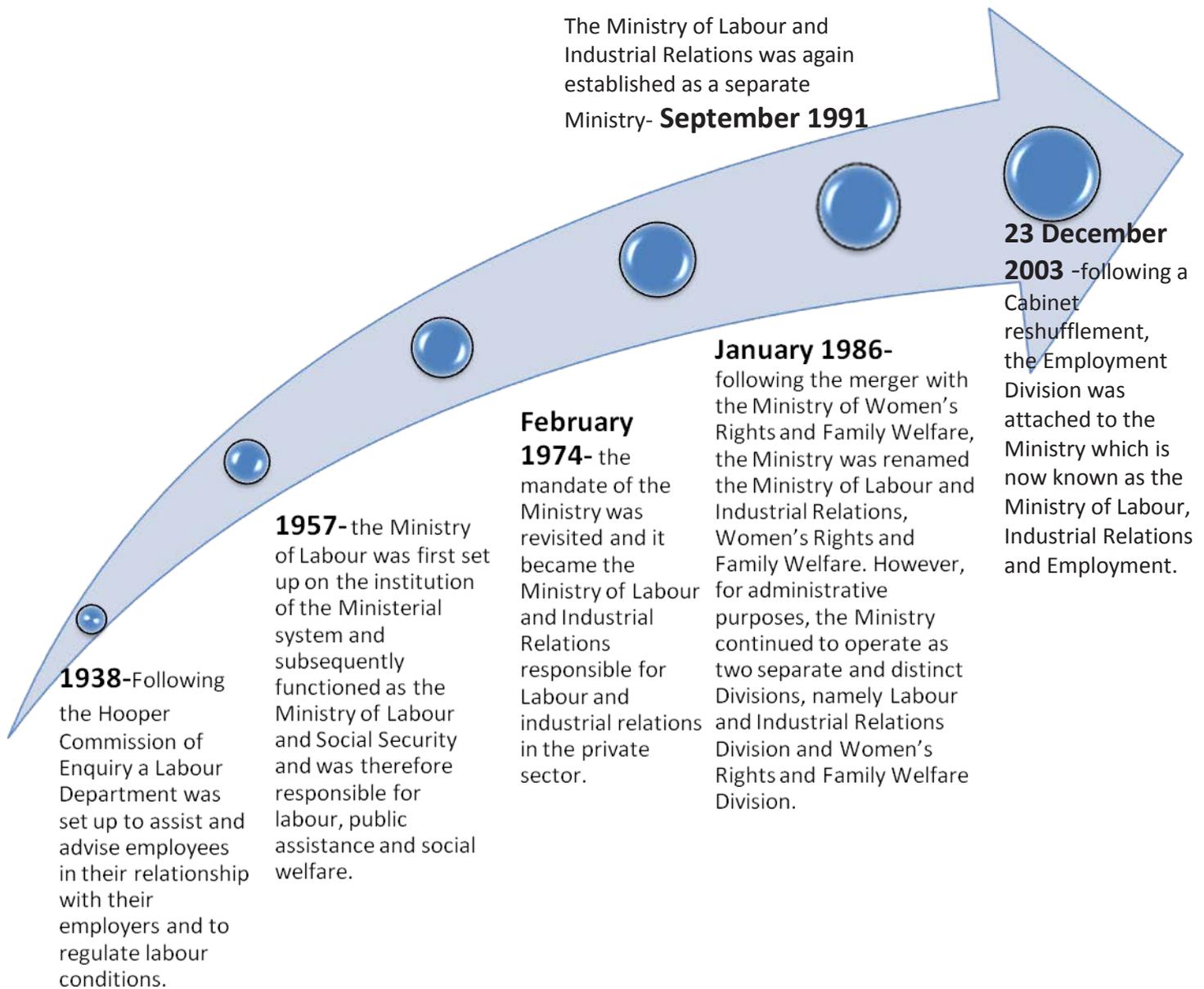
The general public

1.2 We Strive...

OUR OBJECTIVES

- ✓ To promote industrial peace and harmony and to protect the fundamental rights and dignity of workers.
- ✓ To enhance productivity and the general well-being of the workforce through the improvement in the standards of safety and health and prevention of occupational diseases and injuries at the workplace.
- ✓ To facilitate the employment of jobseekers, provide assistance and guidance with regard to employment prospects and facilitate the employment of non-citizens, where required.
- ✓ To regulate the functioning of associations and trade unions.
- ✓ To 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.

1.3 OUR HISTORICAL BACKGROUND



1.4 MINISTRY'S STRUCTURE



Moreover, the Export Processing Zone Labour Welfare Fund (presently the Manufacturing Sector Workers Welfare Fund), a parastatal body operating under the aegis of this Ministry, caters for the welfare of workers in the Manufacturing Sector.

2. LABOUR & INDUSTRIAL RELATIONS DIVISION

Divisional Structure



2.1 INSPECTION AND ENFORCEMENT SECTION

- Responsible for the application of all labour legislation that regulates payment of remuneration and conditions of employment by carrying out regular inspections at places of work.
- Register complaints of rights and look for settlement.
- Process applications for Workfare Programme.
- Implementation of the Workmen's Compensation Ordinance in sectors where the National Pensions Act does not apply.
- Tender advice to workers and employers and their respective organizations to understand their rights and obligations and to improve the labour relationship existing between them.
- Initiate civil and criminal proceedings on behalf of workers against employers who infringe individual employment rights.

It operates **18** regional labour offices where workers may seek redress regarding the infringements of individual employment rights. A list of the labour offices is at **Appendix I**.

The Division has carried out during the period January 2010 to December 2012 , 2,515 inspections , 2,068 enquiries, attended to 26,782 complaints thereby covering 137,171 workers and recovered an amount of Rs 193,149,454 from employers .

Inspection Visits carried out**TABLE 1 - NUMBER OF INSPECTIONS AND ENQUIRIES**

YEAR	NO. INSPECTION VISITS	NO. OF ENQUIRIES	WORKERS COVERED			AMOUNT RECOVERED (Rs)
			MALE	FEMALE	TOTAL	
2010	485	440	24,904	15,413	40,317	NIL
2011	529	710	9,272	9,447	18,719	3,694,185
2012	1,501	918	44,780	33,355	78,135	103,352
TOTAL	<u>2,515</u>	<u>2,068</u>	<u>78,956</u>	<u>58,215</u>	<u>137,171</u>	<u>3,797,537</u>

Complaints Registered at Labour Offices**TABLE 2 - NUMBER OF COMPLAINTS REGISTERED AND CASES DISPOSED**

YEAR	NO. OF COMPLAINTS REGISTERED	CASES DISPOSED	AMOUNT RECOVERED (Rs)
2010	7,067	7,276	38,037,614
2011	8,600	8,831	83,738,370
2012	11,115	11,027	67,575,933
TOTAL	<u>26,782</u>	<u>27,134</u>	<u>189,351,917</u>

- During the same period **27,134** complaints were examined and a total amount of **Rs189,351,917** was recovered on behalf of workers. A breakdown showing the outcome there of is at Table 2 above.

Cases dealt with at the Industrial Court

TABLE 3- CASES DEALT IN CHAMBERS

CHAMBERS				
YEAR	OUTSTANDING FROM PREVIOUS YEAR	NEW	DISPOSED	AMOUNT RECOVERED (Rs)
2010	13	359	333	2,324,234
2011	39	188	195	2,147,338
2012	32	294	238	1,880,300
TOTAL		<u>841</u>	<u>766</u>	<u>6,351,872</u>

- For the period January 2010 – December 2012, **841** cases were heard in chambers and a sum of **Rs6,351,872** was recovered on behalf of workers. A breakdown is at Table 3.

TABLE 4- CASES DEALT IN OPEN COURT

OPEN COURT				
YEAR	OUTSTANDING FROM PREVIOUS YEAR	NEW	DISPOSED	AMOUNT RECOVERED (Rs)
2010	255	455	356	24,520,729
2011	325	431	422	15,062,637
2012	333	513	431	26,424,713
TOTAL		<u>1,399</u>	<u>1,209</u>	<u>66,008,079</u>

- A total of **1,209** cases were disposed of in the open court whereby an amount of **Rs66,008,079** was recovered.

Table 5 - CRIMINAL CASES

CRIMINAL					
YEAR	OUTSTANDING FROM PREVIOUS YEAR	NEW	DISPOSED	FINES (Rs)	COSTS (Rs)
2010	27	95	78	230,000	13,450
2011	44	158	116	386,400	13,950
2012	87	184	84	294,000	15,600
TOTAL		<u>437</u>	<u>278</u>	<u>910,400</u>	<u>43,000</u>

- The Ministry lodged **437** criminal cases at the Industrial Court against employers for failing to comply with the provisions of the labour law and a total amount of **Rs 910,400** as fines was imposed on employers as shown in Table 5 above.

2.2 SPECIAL MIGRANT WORKERS UNIT

The “Special Migrant Workers Unit” caters for migrant workers employed in Mauritius and addresses their specific problems.

A full-time Chinese interpreter helps officers to communicate with Chinese workers and the services of a part time Hindi interpreter are resorted to whenever required in cases lodged in the Industrial Court.

The Unit carries out regular inspections in enterprises where migrant workers are employed to ensure that the employers are complying with the terms and conditions of employment of the workers as provided for in the labour legislation and in their contracts of employment which are duly vetted by the Unit.

- During the period January 2010 to December 2012, brochures in English, Chinese and Hindi were distributed to disseminate information to Mauritians as well migrant workers on the Mauritian Legislations and the services provided by various Ministries and Departments.

Inspection Visits carried out**TABLE 6 – NUMBER OF INSPECTIONS AND WORKERS COVERED**

YEAR	NO. OF INSPECTION VISITS	WORKERS COVERED			AMOUNT RECOVERED (Rs)
		MALE	FEMALE	TOTAL	
2010	320	21,239	12,522	33,761	2,723,254
2011	489	14,458	4,580	19,038	2,752,527
2012	441	19,013	7,512	26,525	863,292
TOTAL	<u>1,250</u>	<u>54,710</u>	<u>24,614</u>	<u>79,324</u>	<u>6,339,073</u>

- From 01 January 2010 to 31 December 2012, the officers of the Special Migrant Workers Unit carried out **1,250** inspection visits covering a total of **79,324** workers and has recovered a total amount of **Rs6,339,073**.

Complaints Registered**Table 7 - NUMBER OF COMPLAINTS REGISTERED**

YEAR	NO. OF CASES OUTSTANDING AS FROM PREVIOUS YEAR	COMPLAINTS REGISTERED	TOTAL	AMOUNT RECOVERED (Rs)
2010	13	311	314	4,865,787
2011	15	303	318	5,129,018
2012	18	225	243	8,046,006
TOTAL		<u>839</u>	<u>875</u>	<u>18,040,811</u>

- January 2010 - December 2012: A total of **839** complaints were registered for the period under review and the amount recovered was **Rs18,040,811**.

2.3 CONCILIATION AND MEDIATION SECTION

The Conciliation and Mediation Section provides a conciliation/mediation service for labour disputes not yet reported to the Commission for Conciliation and Mediation. Section 64 of the Employment Relations Act provides that no labour dispute shall be reported to the Commission for Conciliation and Mediation except after meaningful negotiations have taken place between the parties for a period not exceeding 90 days from the start of negotiations or such longer period agreed in writing between the parties. During the period of negotiations any party may, not later than 20 days before the expiry of the period of 90 days or such longer period as may be agreed between the parties, seek the assistance of the Conciliation and Mediation Section with a view to reaching an agreement. In case an agreement is reached, it has the effect of a collective agreement which binds the parties. Where no agreement is reached, the Conciliation and Mediation Section may advise the parties to jointly refer the dispute to the Employment Relations Tribunal or to an arbitrator appointed by them for voluntary arbitration.

2.3.1 WORKFARE PROGRAMME UNIT

The Workfare Programme (WP) became operational on 02 February 2009 following the proclamation of the Employment Rights Act 2008 (ERA 2008). The purpose of WP is to provide :

- (i) immediate assistance to laid-off workers by offering them the choice of either being placed in a job through the Employment Service; or being trained and re-skilled for greater employability through the National Empowerment Foundation; or starting up a small business with the assistance of the Small and Medium Enterprises Development Authority (SMEDA); and

- (ii) payment of a Transition Unemployment Benefit (TUB) for a period of 12 months varying from 90% of his basic wages for the first 3 months; 60% from the 4th to the 6th month and 30% from the 7th to the 12th month .It is to be noted that a contribution is being paid on behalf of the laid-off workers to the National Pensions Scheme during the period they benefit from TUB.

A Workfare Programme Fund (WPF) has been established under ERA 2008 for the financial transaction of the WP. The WPF is managed by the National Savings Fund as per Section 45 of (ERA 2008). The WP is financed by employers, workers and Government as follows:

(A) Employers' Contribution

- (i) The Training Levy has been increased from 1% to 1.5%, out of which 1% is credited to the Workfare Programme Fund;
- (ii) Within 30 days of termination of contract, the employer should pay a recycling fee (as per Eighth Schedule of the Act) to the National Savings A/C of the worker.

(B) Workers' Contribution

The workers contribute 1% of their basic wages monthly to an individual account in the National Savings Fund.

(C) Government's Contribution

A worker is entitled to the payment of Transition Unemployment Benefit (TUB) as follows:

First 3 months:	90 percent of basic wage or salary
4 th month to 6 th month:	60 percent of basic wage or salary
7 th to 12 th month:	30 percent of basic wage or salary

The TUB is calculated on the last basic salary of the worker (or on the maximum salary on which the National Pension Fund contribution is made

i.e. currently Rs13,740 in case the basic salary exceeds such ceiling) but cannot at any rate be less than Rs3,000 per month.

- For the period January 2010 to December 2012, a total of **Rs294,135,669** was paid as TUB to laid off workers .

TABLE 8 - STATISTICS OF WORKFARE PROGRAMME UNIT

PARTICULARS	2010			2011			2012		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
Total No. of cases registered	748	907	1655	1039	969	2008	1355	1476	<u>2831</u>
No. of workers opted for job placement	599	670	1269	850	796	1646	1100	1242	<u>2342</u>
No. of workers opted for training and re-skilling (NEF)	51	164	215	76	95	171	92	128	<u>220</u>
No. of workers opted to open a small business(SMEDA)	98	73	171	113	78	191	163	106	<u>269</u>

- For period January 2010 to December 2012, the total number of cases registered by this unit was **6494**. Out of this number (i) **5257** workers opted for job placements (ii) **606** persons chose the training and re-skilling programme offered by the National Empowerment Foundation and (iii) **631** workers opted to open a small business with the help of SMEDA.
- The Recycling fee collected from February 2009 to 30 November 2012 was **Rs 37,968,854.82**.

2.4 RESEARCH, LEGISLATION AND LABOUR STANDARDS SECTION

This section comprises the Legislation Unit and the Labour Standards Unit as per hereunder –

2.4.1 Legislation Unit

This Unit is responsible for the formulation of labour legislation, maintaining a record of labour laws and enactments and giving technical advice on labour legal matters.

New Remuneration Regulations were made as follows:-

- On 02 April 2010, the Remuneration Orders (Amendment) Regulations to include the Additional Remuneration in 28 sectors for 2010 were made and were effective as from 01 January 2010.
- On 23 April 2011, the Remuneration Orders (Amendment) Regulations to include the Additional Remuneration in 28 sectors for 2011 were made and were effective as from 01 January 2011.
- On 10 April 2012, the Remuneration Orders (Amendment) Regulations to include the Additional Remuneration in 28 sectors for 2012 were made and were effective as from 01 January 2012.

Additional Remunerations:-

- The Additional Remuneration (2011) Act 2010 was passed by the National Assembly on 14 December 2010;
- The Additional Remuneration (2012) Act 2011 was passed on 13 December 2011; and
- The Additional Remuneration (2013) Act 2012 was passed on 11 December 2012.
- A list of 30 Remuneration Orders presently administered by the Ministry of Labour, Industrial Relations and Employment is as per **Appendix II**. The revision of the Remuneration Orders is effected in a phased manner, in order of priority according to the last date of review.

2.4.2 Labour Standards Unit

The ILO Section is responsible for international labour matters and processes international labour standards and resolutions adopted at the International Labour Conference for tabling in the National Assembly. It also prepares annual reports on ratified and unratified ILO Conventions .

ILO Conventions

The formal ratification by Mauritius of the various *ILO Conventions* covered by the period under review are as follows:-

- *Collective Bargaining Convention 1981 (No. 154)* – ratified on 23 November 2011;
- *Domestic Workers Convention 2011 (No.189)* – ratified on 13 September 2012 ; and
- *Promotional Framework for Occupational Safety and Health Convention, 2006 (No 187)* ratified on 19 November 2012.

2.4.3 Submission of ILO Instruments to Competent Authority

- The ILO Recommendation concerning *HIV and AIDS and the World of Work (Recommendation No. 200)*, adopted at the International Labour Conference in June 2010 was tabled in the National Assembly on 21 June 2011. A report was accordingly sent to the ILO through the Ministry of Foreign Affairs, Regional Integration and International Trade on 4 July 2011.
- The International Labour Conference (ILC) adopted at its 100th Session the Domestic Workers Convention, 2011(No.189) and the Domestic Workers Recommendation, 2011(No.201). These two instruments constitute a strong recognition of the economic and social value on domestic work and call for action to address the existing exclusions of domestic works from labour and social protection. The

two instruments were tabled on 1 June 2012 in line with our obligation as a Member State under article 19 of the ILO Constitution.

2.4.4 International Labour Conference

The Minister of Labour, Industrial Relations and Employment attended the following Sessions of the International Labour Conference, Geneva, Switzerland, at the head of a tripartite delegation as required by the rules of the International Labour Organisation (ILO):-



Venue of the International Labour Conference

(1) 99th Session (2 – 18 June 2010)

In the margin of the International Labour Conference, the newly designated Minister of Labour, Industrial Relations and Employment, Hon Shakeel Mohamed met the then Director General of the International Labour Organization, Mr Juan Somavia and Executive Directors of various departments of the International Labour Organization.

Discussions were focused mainly around new projects /programmes relating to the Workfare Programme, the proposed Decent Work Country Programme for Mauritius, the proposed National Tripartite

Forum and the consultations for a satisfactory mechanism for determining salary compensation.

(2) 100th Session (1 -17 June 2011)

In his address to the Conference on 10 June 2011, Hon Shakeel Mohamed reiterated his commitment to tripartism and social dialogue. He also announced the creation of the National Tripartite Forum as a testimony to our belief whereby Government, representative of workers, representative of employers all sit together with the common goal of taking matters forward.

The Minister pledged that the International Labour Organization should lead a process whereby all Governments have to ensure that some sort of financial instrument is devised to compensate the millions of migrant workers worldwide who are stranded and stuck abroad for reasons beyond their immediate control.

(3) 101st Session (30 May – 14 June 2012)

The Minister again addressed the Conference on 8 June 2012. He mentioned, amongst others, Government's commitment to address the issue of youth unemployment through a three-year National Youth Employment Programme, and the implementation of circular migration projects following bilateral agreements with countries such as Canada, France and Italy. He also highlighted efforts made to maintain the welfare state and consolidate social protection in spite of the difficult economic situation worldwide.

2.5 INFORMATION, EDUCATION AND COMMUNICATION SECTION

This Section was created in 1977 with the specific purpose to cater for the public at large in so far as labour legislation and the world of work are concerned. Its main responsibilities are to:-

- (i) create a better understanding between workers and employers to ensure that harmonious industrial relations prevail for workers' awareness of their rights and responsibilities;
- (ii) contribute to foster a better understanding among the social partners, which is a *sine-qua-non* condition for the socio-economic development; and
- (iii) provide training to staff on labour legislation and Industrial Relations matters.

The Section is also engaged in the elaboration and publication of brochures, pamphlets and booklets on topics pertaining to the world of work. Sensitisation to the world of work is done at colleges, workplaces and job fair through talks, seminars and workshop etc.

- For period January 2010 to December 2012, Officers of the Section organised **149** seminars and delivered **187** talks covering **6,833** males and **5,245** females.
- For the period 2011 – 2012, Officers participated in various seminars organized by trade unions and other organisations and delivered talks on topics pertaining to labour legislation and trade union education. Tables 9 and 10 give a recap of talks delivered and seminars held .

TABLE 9 – SEMINARS (IN HOUSE AND SITE LEVEL)

YEAR	NO. OF TALKS DELIVERED	PARTICIPANTS		
		MALE	FEMALE	TOTAL
2010	48	1106	549	<u>1655</u>
2011	46	795	435	<u>1230</u>
2012	55	1855	1049	<u>2904</u>

TABLE 10- TALKS (SITE LEVEL)

YEAR	NO. OF TALKS DELIVERED	PARTICIPANTS		
		MALE	FEMALE	TOTAL
2010	91	1343	1263	<u>2606</u>
2011	72	1206	1252	<u>2458</u>
2012	24	528	697	<u>1225</u>

- Basic courses for rank and file workers in the EPZ sector and talks on the Export Enterprises Regulations were also delivered at enterprise level during the period under review. In fact, a total of **187** talks were delivered to **6,289** participants.

TABLE 11 – TALKS DELIVERED TO STUDENTS OF SECONDARY LEVEL

YEAR	NO. OF TALKS	NO. OF STUDENTS		
		MALE	FEMALE	TOTAL
2010	11	338	308	<u>646</u>
2011	19	132	642	<u>793</u>
2012	42	767	778	<u>1587</u>

- During the period covered by this report, **72** talks were delivered to students of Forms V and VI including those of vocational institutions on the topic: **“The world of work and Labour Legislation”**.

3 Decent Work Country Programme (DWCP)

The Ministry jointly with the International Labour Organisation (ILO) Office in Madagascar, has, since November 2008, embarked on the elaboration of a DWCP for Mauritius with the objective to optimizing the benefits that can be drawn from ILO co-operation framework.

The DWCP for Mauritius, prepared after intensive consultations with representatives of the tripartite constituents, highlights policies for the labour market and reflects our needs and priorities to achieve greater economic development and social justice.

The three country priorities identified by tripartite constituents and under which specific programmes and projects have been proposed in the document for intervention/assistance from the ILO and other donor organizations are as follows:

- PRIORITY I** - Creation of Decent and Productive Employment with the provision of adequate Social Protection;
- PRIORITY II** - Strengthening Social Dialogue; and
- PRIORITY III** - Elimination of All Forms of Discrimination.

The DWCP 2012 – 2014 for Mauritius was signed in the presence of Mr. Charles Dan, ILO Regional Director for Africa and the national tripartite constituents on 30 November 2012.



Hon Shakeel Mohamed signing the DWCP in the presence of Mr Charles Dan (ILO) and the former Permanent Secretary of the Ministry, Mr S.Ragen

4 International Labour Day

During the year 2012, for the first time ever, the Ministry celebrated the Labour Day to commemorate the International Labour Day. To mark that event, a series of activities were organised:-

- 30 April - Half day forum for Form VI (2nd Year) and University students who were to join the world of work on the theme “Origin of the Labour Day” at Octave Wiehe Auditorium.
- 30 April - Exhibition on the World of Work and the services offered by different Divisions of this Ministry.
- Leisure activities for workers and their families as follows:-
 - Access to leisure parks, sites and cinemas at reduced rates;
 - “A nou alle la mer”;
 - 1st May - Recreational and Cultural programmes at Mon Choisy, Belle Mare, Flic En Flac and Riambel public beaches with the participation of reputed local artists; and
 - 25 April - Live Radio & TV programmes on OSH, Labour, ROA and Employment such as Magazine, Dossier with the participation of historians, well-versed in the struggles of the working class.

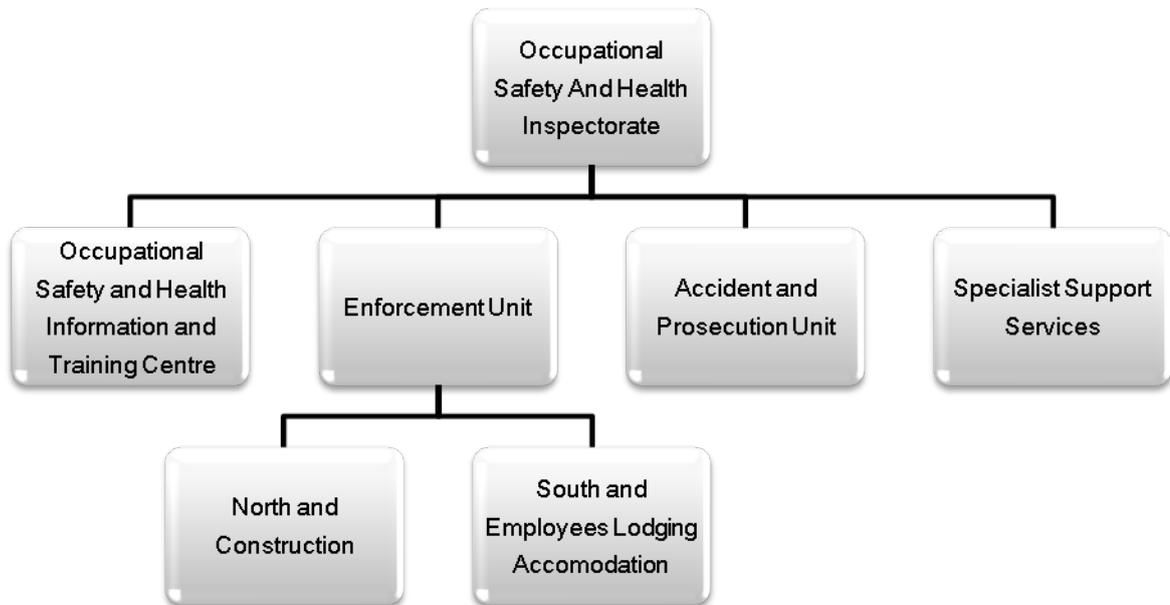
- Celebration of “World Day on Safety & Health at work” on 28 April 2012;
- Distribution of posters on OSH from International Labour Office;
- National seminar on 28 April 2012 on the theme, “Safety & Health in a green economy” selected by ILO;
- Joint exhibition on OSH at the Octave Wiehe Auditorium of the University of Mauritius on 30 April 2012; and
- Visit of Hon S. Mohamed, Minister of Labour, Industrial Relations and Employment to factories and enterprises.



Keynote Address and Official Opening of Forum on the theme Origin of the Labour Day at Octave Wiehe Auditorium on 30 April 2012 by Hon Shakeel Mohamed.

5. OCCUPATIONAL SAFETY AND HEALTH

Divisional Structure



The Occupational Safety & Health Division, set up in 1981, has, as mission-

- (i) promotion of decent work;
- (ii) continual enhancement of safety and health standards at workplaces; and
- (iii) improvement of the national safety and health culture through awareness raising campaigns, training programmes and information dissemination on occupational safety and health.

The Occupational Safety and Health Division carries out various activities which ultimately aim at minimising risks at workplaces. These include-

- (i) the upgrading of existing Occupational Safety and Health legal framework so as to address all risks at workplaces;
- (ii) enforcement of legislation pertaining to occupational safety and health;
- (iii) registration of factories, steam boilers, Safety and Health Officers and Boiler and Machinery Inspectors;
- (iv) provision of regular training to employers, employees and trade unions;
- (v) awareness raising on occupational safety and health through ILO national tripartite workshops, national sensitisation campaigns and information dissemination on occupational safety and health;
- (vi) investigation into complaints made by employers, employees, trade unions and the public in general and making of appropriate recommendations for remedial measures to be taken;
- (vii) provision of information on occupational safety and health issues and a “Centre d’information sur la santé et la sécurité au travail” (CIS Centre) is operational for that purpose;
- (viii) conducting investigation into all accidents and dangerous occurrences notified; and

- (ix) institution of criminal proceedings against employers for breach of legislation.

5.1 Legislation

As at 31 December 2012, the following Occupational Safety and Health legislation were being enforced by the Division-

- *Occupational Safety & Health Act 2005 and regulations pertaining to OSH;*
- *Dangerous Chemical Control Act; and*
- *Employment Rights Act 2008.*

5.2 New Legislation

- The following Regulations were made:-
 - (i) The Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011.
 - (ii) The Occupational Safety and Health (Fees and Registration) (Amendment) Regulations 2011.
 - (iii) The Occupational Safety and Health (Scaffold) Regulations 2011.
 - (iv) The Occupational Safety and Health (Noise at Work) Regulations 2012.
 - (v) The Occupational Safety and Health (Safety of Lifts at Work) Regulations 2012.
 - (vi) The Occupational Safety and Health (Personal Protective Equipment) Regulations 2012.
 - (vii) The Occupational Safety and Health (Employee's Lodging Accommodation) (Amendment) Regulations 2012.

- (viii) The Employment Rights (Registration of Employers and Permits of Job Contractors) (Amendment) Regulations 2012.
- (ix) The Occupational Safety and Health (Fees and Registration) (Amendment) Regulations 2012.

Revenue generated by Division

TABLE 12 – TOTAL REVENUE FROM THE DIVISION

YEAR	AMOUNT (Rs)
2010	1,769,950
2011	7,969,417
2012	12,248,922
TOTAL	<u>21,988,289</u>

- The number of factories registered with the Inspectorate under the Act as at 31 December 2012 was **4,135** and the total revenue from the registration of factories, factory building permits, employee lodging accommodation permits and boiler registration for period 2011 and 2012 were **Rs21,988,289** (Table 12).

5.3 Field Work

TABLE 13 – NUMBER OF INSPECTIONS AND COMPLAINTS

YEAR	NO. OF ROUTINE INSPECTIONS	NO OF COMPLAINTS INVESTIGATED
2010	2,179	123
2011	2,957	184
2012	3,350	186
TOTAL	<u>8,486</u>	<u>493</u>

- For period January 2010 – December 2012, the number of routine inspections carried out was **8,486** while **493** complaints were investigated into (Table 13).

TABLE 14 – NUMBER OF ACCIDENTS

YEAR	NOTIFIABLE FATAL ACCIDENTS	NOTIFIABLE NON-FATAL ACCIDENTS	NON-NOTIFIABLE ACCIDENTS
2010	13	181	81
2011	16	233	91
2012	9	231	123
TOTAL	<u>38</u>	<u>645</u>	<u>295</u>

- The number of occupational accidents reported to the Division, under the Occupational Safety and Health Act for period January 2010 to December 2012 is shown in the Table above.

All fatal accidents as well as the non-fatal accidents which have resulted in serious injury were investigated into and appropriate action taken in each case.

Court Action

Employers who failed to comply with the provisions of the legislation on Occupational Safety and Health were prosecuted before the Industrial Court. Table 15 gives details regarding the number of cases lodged before the Industrial Court.

TABLE 15 – NUMBER OF CASES LODGED

YEAR	NO OF CASES LODGED
2010	104
2011	132
2012	139
TOTAL	<u>375</u>

Training

- For the period Jan 2010 to December 2012, **68** national seminars were held and **666** training sessions were organized for employers, Job contractors, employees, trade unions, middle management and Safety and Health Officers targeting **10,832** persons in sectors such as: agriculture, hunting and forestry; construction; manufacturing; parastatal bodies; public sector; transport, storage and communication.
- The topics covered included: Occupational Safety and Health Legislation, Alcohol/Tobacco/Substance Abuse Prevention/Violence at Work, HIV/AIDS Prevention, Healthy living Habits, Stress Management, Safety and Health at Work, Electrical Safety, Machinery Safety, Working at Heights, Chemical Safety, Occupational Safety and Health (Scaffold) Regulations 2011, Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011, Employment Rights Act 2008, Risk assessment, Manual Handling, Occupational Safety and Health Management System, Excavation Works Safety, Ergonomics, Evolution of Safety and Health Legislation, Safety And Health in the use of Pesticides, Safe Use of Personal Protective Equipment, Machinery Safety and Fire Safety.

Job Contractors

- The Occupational Safety and Health Division issued job contractor's permits as indicated below in Table 16.

TABLE 16 – NUMBER OF JOB CONTRACTOR PERMITS

YEAR	NUMBER OF JOB CONTRACTOR PERMITS
2010	2,843
2011	2,456
2012	3,020
TOTAL	<u>8,319</u>

Guidelines

- The Occupational Safety and Health Division has launched the following guidelines:
 - ❖ Guidelines on Risk Assessment.
 - ❖ Guidelines on Occupational Safety and Health Training.

5.4 World Day for Safety and Health at Work

- On 28 April 2011, the Occupational Safety and Health Division commemorated the World Day for Safety and Health at work on the theme “Occupational Safety and Health Management System” and distributed 4,000 posters to employers, Safety and Health Officers, trade unions and other stakeholders. The Division organised an exhibition from 28 to 29 April 2011 and a half-day workshop at the Municipal Council of Port Louis on 28 April 2011.
- On 28 April 2012, the World Day for Safety and Health at Work was again commemorated with the theme “**Promoting safety and health in a green economy**”. On that occasion some 7,000 posters were distributed to employers, Safety and Health Officers, trade unions and other stakeholders. Moreover, a half-day tripartite seminar was organised in the Conference Room of the Ministry, Victoria House, Port Louis.

Labour Day

- In the context of the International Labour Day 2012, the Occupational Safety and Health Inspectorate participated in an exhibition organised by the Labour Division on 30 April 2012 at the Octave Wiehe Auditorium. On that occasion, guidelines prepared by the OSH Inspectorate on Occupational Safety and Health were distributed to visitors.

5.5 HIV and AIDS at Workplace

The Ministry is also at the forefront in combating HIV/AIDS in Mauritius. To this effect, several workshops on HIV/AIDS at the Workplace under the AIRIS/IOC Project were held at the Gold Crest Hotel, Quatre Bornes as follows:-

- 05 to 06 and 12 to 13 September 2011, 17 to 18 and 24 to 25 October 2011 for Safety and Health Officers.
- 22 to 23 September 2011, 03 to 04, 17 to 18 and 24 to 25 October 2011 for Safety and Health Committee Members.
- A Policy on HIV/AIDS at the workplace was launched on 02 February 2012. The Policy was prepared, in consultation with the Advisory Council for Occupational Safety and Health, the National AIDS Secretariat and the AIDS Unit of the Ministry of Health and Quality of Life. The objectives of the Policy are to manage and mitigate the impact of HIV/AIDS on the world of work and to eliminate stigma and discrimination.

5.6 Workshop on ILO Conventions

- A National Tripartite Workshop on the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) in collaboration with the ILO was organized from 25 to 27 July 2011 at the Gold Crest Hotel, Quatre Bornes.

5.7 Visit to Rodrigues

- Hon. Shakeel Mohamed, Minister and Mr. S. Balgobin, Director OSH effected a visit to Rodrigues from 27 to 28 September 2010. They visited some enterprises where they held discussions with management and workers on safety and health issues.

6. EMPLOYMENT DIVISION

Employment Service

The Employment Service governed by the Employment and Training Ordinance 1963 and the Employment and Training Act 1982 is ISO certified 9001:2000 since November 2002. It aims at providing an efficient and effective platform through labour market exchange. It also contributes proactively in addressing the mismatch in the labour market through proper collection and dissemination of Labour market information. It also acts as an agency for jobseekers and employers to interact free of cost for the matching of the labour demand with labour supply.

There are 13 EICs located throughout the island of Mauritius and one in Rodrigues to enable all jobseekers to have easy access to the services.

Main Functions of the Employment Service are:

- Registration of Jobseekers
- Visiting enterprises to canvass for vacancies
- Processing of Vacancies/placement of jobseekers
- Providing Counselling to Jobseekers
- Preparation and publication of statistical reports on employment situation and survey of the employment market and the publication of labour market reviews
- Job analysis in enterprises and the preparation and publication of occupational descriptions by sectors
- Operating the Labour Market Information System

- Planning and organizing sensitization sessions for laid-off workers
- Preparation and publication of the National Classification of Occupations

- Conducting inspections in enterprises to ensure conformity with the Employment legislation
- Operating the “Choisir ou travail” television programme to disseminate vacancies through an “Audiotex ” service
- Processing vacancies for the placement of Mauritian nationals abroad

6.1 Registered jobseekers

The following table provides the average number of jobseekers registered in two categories, that is those unemployed and those in employment for the period under review.

TABLE 17 - NUMBER OF REGISTERED JOBSEEKERS, AVERAGE YEARLY 2010-2012

Average Yearly	UNEMPLOYED			IN-EMPLOYMENT			TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	GROSS TOTAL
2010	8,602	18,628	27,230	13,837	6,053	19,890	22,439	24,681	47,120
2011	6,244	16,196	22,440	12,846	5,844	18,690	19,090	22,040	41,130
2012	4,560	13,834	18,394	12,642	6,503	19,145	17,202	20,337	37,539

- The number of registered jobseekers who are unemployed as well as in the in-employment category have kept on decreasing over the three years 2010 to 2012.

Overall, the average number of unemployed jobseekers had decreased from **27,230** in 2010 to **18,394** 2012.

- In 2011, the average number of jobseekers was **41,130** while in 2012, it was reduced to **37,539** (by 9%).
- The average number of unemployed registered jobseekers for the year 2012, amounts to **18,394** while in 2011 this figure represented **22,440**, a decrease of **4046**, i.e, by 18%.

- During the year 2012, the number of unemployed jobseekers who registered themselves for the first time was **7,679**, while the number of unemployed jobseekers who renewed their applications during the year was **7,011**.

TABLE 18 - NUMBER OF NEW AND RE-REGISTERED JOBSEEKERS FOR PERIOD 2010 TO 2012

	NEW REGISTRATION			RE-REGISTRATION		
	2010	2011	2012	2010	2011	2012
TOTAL	13,827	7,098	7,679	9,331	7,323	7,011

6.2 Vacancies notified through the press and EIC

TABLE 19 – NUMBER OF VACANCIES NOTIFIED THROUGH THE PRESS AND EIC

YEAR	EIC	PRESS	TOTAL
2010	23,889	20,536	44,425
2011	18,248	15,694	33,942
2012	17,956	13,564	31,520

- The above table shows that a total number of **44,425** vacancies were notified through the Employment Information Centres (EIC) and the Press in 2010
- During the year 2011, **33,942** vacancies were obtained while **31,520** vacancies were notified or advertised during the period January to December 2012, out of which **17,956** (57%) were through the EIC and **13,564** (43%) through the press.

Placement by Employment Information Centres & Employment Service Main Office

TABLE 20: PLACEMENT EFFECTED BY THE EMPLOYMENT SERVICE

YEAR	EIC	PUBLIC	REDUNDANT/ WORKFARE	CHOISIR OU TRAVAY	TOTAL
2010	709	312	332	872	2,225
2011	519	82	361	814	1,776
2012	451	5	487	750	1,693
TOTAL	1,679	399	1,180	2,436	5,694

- During the period January 2010 to December 2012, **2,225** jobseekers were placed in jobs. During 2011, **1,776** jobseekers were placed while the number of placement in 2012 was **1,693**. Most of the jobseekers were placed through the TV programme, “*Choisir ou travay*” and the majority of them were placed in sectors like manufacturing, services, construction and ICT.

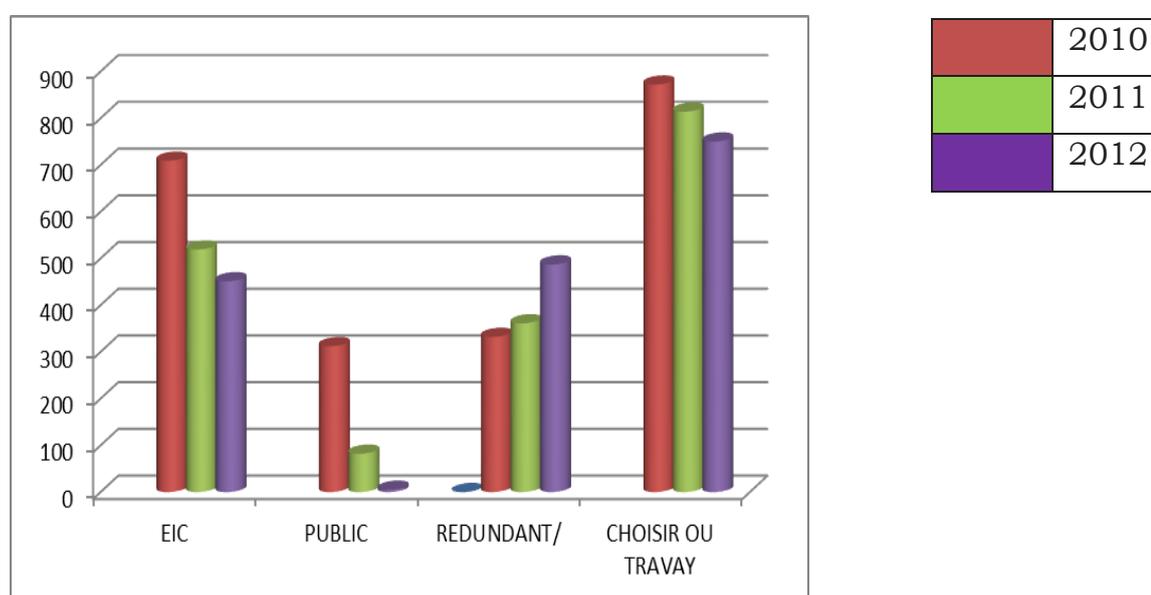


FIGURE 1: NUMBER OF PLACEMENT OF JOBSEEKERS EFFECTED BY THE EMPLOYMENT SERVICE, 2010 - 2012

6.3 Electronic Labour Exchange

The Electronic Labour Exchange (ELE) is hosted on the website of the Employment Service : <http://www.gov.mu/lmisweb>. The ELE is an on-line interactive and reliable platform meant for jobseekers and employers to operate on their own. It is a free 24/7 service.

TABLE 21 – STATISTICS ON LMIS WEBSITE AND ELE

TYPES OF STATISTICS	2010	2011	2012
Number of times the Employment Service Website has been visited	1,008,387	1,028,943	1,133,713
Number of jobseekers registered on ELE	1,026	1,050	870
Number of employers registered on ELE	48	49	40
Number of job matching effected by jobseekers on ELE	1,755	1,932	1,305
Number of job matching effected by employers on ELE	748	316	182
Number of vacancies posted by employers on ELE	155	102	73
Number of vacancies posted on Website by EICs	3,085	1,449	1,383

- **137** employers and **2,946** jobseekers have registered on the ELE for period January 2010 to December 2012. The employers posted **330** vacancies and **1,246** jobs matching were effected, while jobseekers effected **4,992** job matching. The number of hits on the website was **3,171,043**.

6.4 Audiotex System

The audiotex system is operational since 7 February 2005 and was devised in collaboration with the Mauritius Telecom. A special line has been provided at the LMI Unit to register information on vacancies. The audiotex service is available for the public on a 24 hour basis and the phone number is **301-6080**.

TABLE 22 – CALLS ON THE AUDIOTEX SYSTEM

	NO OF CALLS	NO. OF DAYS	AVERAGE NO. OF CALLS PER DAY
2010	4,790	365	13
2011	4,367	365	12
2012	3,870	366	11

- The number of calls obtained on the audiotex system from the year 2010 to 2012 has decreased from 4,790 to 3,870 (19%)
- For the period 2010 to 2012, a total of **13,027** calls have been obtained in the system.

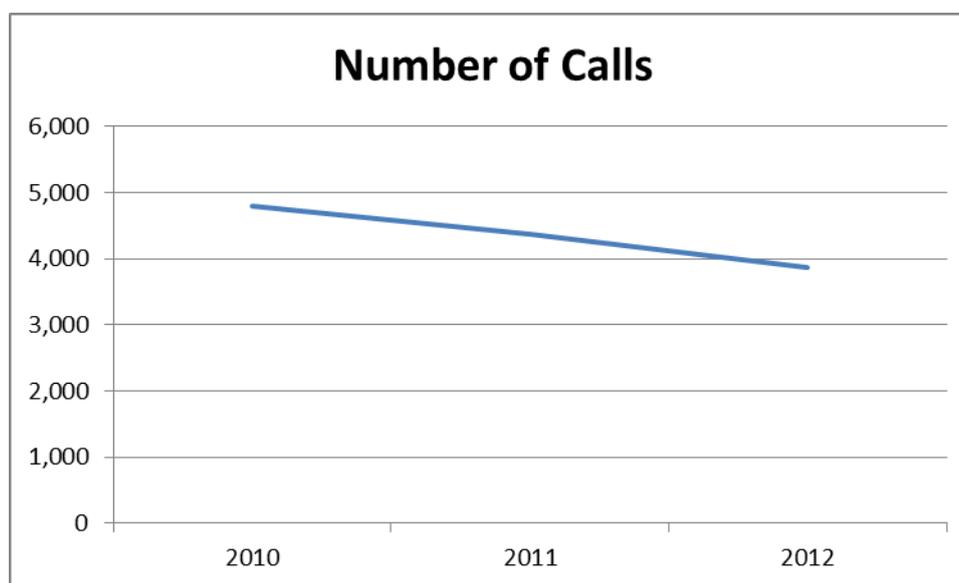


FIGURE 2: NUMBER OF CALLS OBTAINED ON THE AUDIOTEX SERVICE

6.5 Enforcement, Monitoring & Licensing Unit

The table below provides statistics on Work Permit and Recruitment Licence inspections for period 2010 to 2012.

TABLE 29-NUMBER OF INSPECTIONS

PARTICULARS	WORK PERMIT			RECRUITMENT LICENCE		
	2010	2011	2012	2010	2011	2012
Number of inspection carried out	794	680	655	23	6	68
Number of complaints inspections dealt with	19	19	24	-	-	2

6.6 Circular Migration

Mauritius became a member of the International Organisation for Migration (IOM) in 2006 with the aim of opening avenues for Mauritian nationals so that they can acquire new skills and knowledge abroad and return home to start their own business and share their experiences. In this context, it was decided that this Ministry would act as facilitator for the placement of Mauritian nationals abroad. Since 2007, IOM has been collaborating with the Government of Mauritius to facilitate the migration of Mauritian workers to Canada.

This Ministry also works in close collaboration with the National Empowerment Foundation (NEF) and the IOM to screen, shortlist and convene candidates for pre-selection exercises. The final selection of candidates is carried out by Canadian employers or their representatives.

- As at December 2012, **396** Mauritians including Rodriguans have been employed under the Circular Migration Project in various occupations in Canada.

6.7 Work Permit

- For year 2010, **14,518** work permits were issued and **15,714** work permits were renewed. At the end of December 2010, there were **33,808** valid work permits.
- As at 31 December 2011, there were **33,932** valid work permits; while **11,310** work permits were issued and **17,654** were renewed during the year 2011.
- For year 2012, **10,735** work permits were issued and **12,447** work permits were renewed. At the end of December 2012 there was **34,509** valid work permits.
- The table below shows the number of work permits issued, renewed and valid work permits for the years 2010 to 2012

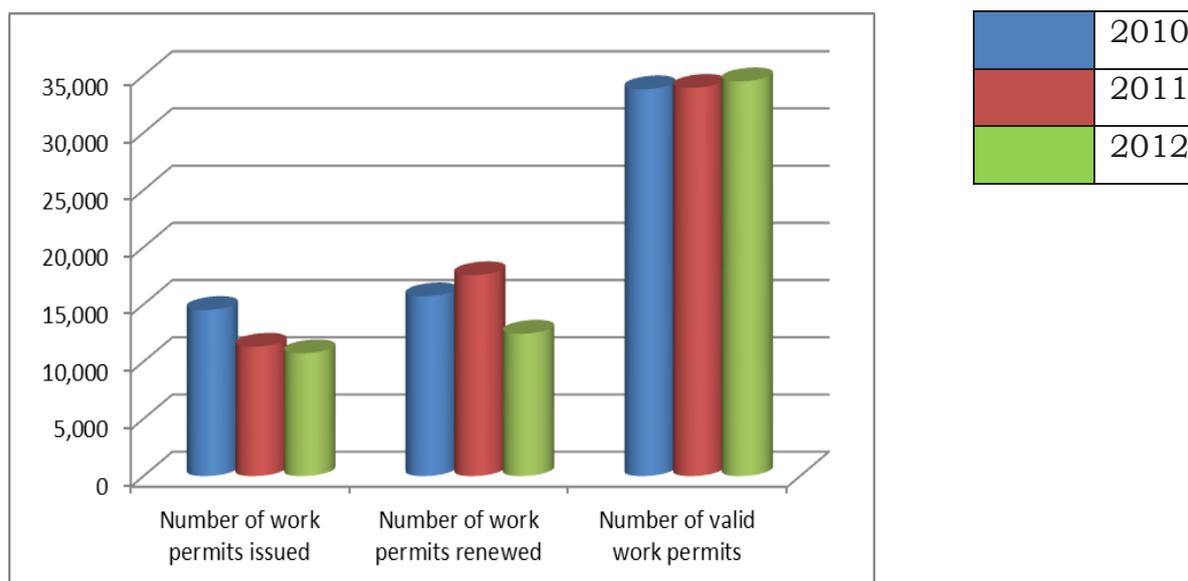


FIGURE 3: NUMBER OF WORK PERMITS ISSUED, RENEWED AND VALID WORK PERMITS FOR THE YEARS 2010 TO 2012

Vacancies notified and Placement effected during the period under review were as follows:-

- For year 2010, a total of **38,895** applicants were referred to employers and **312** jobseekers were placed by the EICs. In all **23,889** vacancies were notified. Out of these, **10,354** applicants failed to report to employers, **5,905** declined the job offers and **8,447** were not selected.
- For the year 2011, **18,248** vacancies were notified to the EICs and **22,321** jobseekers were referred to employers and **519** were placed while for the year 2012, **17,956** vacancies were obtained. **20,994** jobseekers were referred to employers and **451** were placed by the EICs.

6.8 Legislation

- In 2011, the Recruitment of Workers Regulations were amended to provide for the contract of employment to be endorsed with the full name, office address and seal of:-
 - (a) the licensee; or
 - (b) the employer, where the recruitment is made directly by the employer; and the quantum of deposit was increased from Rs **200,000** to Rs **500,000**.
- The Employment (Non-Citizens) (Restriction) Regulations 1973 were amended in 2011 to provide that companies employing foreign workers to submit the particulars of their recruitment agencies at the time of submission of applicants to the Ministry.

7. REGISTRY OF ASSOCIATIONS

The Registry of Associations aims at-

- ❖ Conferring legal status on trade unions, associations and superannuation funds;
- ❖ Ensuring that superannuation funds pay the contribution payable in conformity with the legislation; and
- ❖ Ensuring that registered trade unions, associations and superannuation funds operate within the ambit of their respective legislations.

The services provided and activities of the Registry of Associations are as follows:-

1. Registration of associations, trade unions and employees superannuation funds and of their rules.
2. Registration of amendments of the rules of registered associations, trade unions and employees superannuation funds.
3. Keeping of:-
 - ❖ Register of Associations;
 - ❖ Register of Trade Unions; and
 - ❖ Register of Employees Superannuation Funds.
4. Provision of certified copies of documents (rules, annual returns, accounts, list of committee members) on request by associations and trade unions.
5. Handling of complaints made by members of registered associations, trade unions and employees superannuation funds regarding the management and finance of their organisations.
6. Inspection of books, accounts and records of associations and trade unions.

7. Publication of returns of registered trade unions found in Register of trade unions.
 8. Computation of contribution payable by employees superannuation funds.
 9. Delivery of talks and conduct of training sessions on request by registered trade unions and associations.
- For January 2010 to December 2012, the number of registration was **1786** and **602** registrations were cancelled. Furthermore, **434** complaints were received and **358** of them were disposed of while **50** cases were referred to Court. During the same period, **771** amendments of rules were registered and **6151** inspections were carried out.

7.1 Registered union of employees, employers and federation.

A comparative table showing the number of trade unions registered from 2010 to 2012 is given hereunder:-

TABLE 30 - NUMBER OF REGISTERED TRADE UNION

YEAR	NO OF REGISTERED UNIONS OF EMPLOYEES	NO OF REGISTERED UNIONS OF EMPLOYERS	NO OF REGISTERED FEDERATIONS OF TRADE UNIONS	TOTAL
2010	338	13	20	<u>371</u>
2011	309	12	21	<u>342</u>
2012	317	12	23	<u>352</u>

7.2 Registration of Associations

The table below gives details of associations registered during the last three years:-

TABLE 31 – NUMBER OF REGISTERED ASSOCIATIONS

YEAR	NO OF NEW ASSOCIATIONS REGISTERED	NO OF ASSOCIATIONS STRUCK OFF	TOTAL NO OF REGISTERED ASSOCIATIONS
2010	641	193	8580
2011	622	159	9,043
2012	478	185	9336

7.3 Registration and Inspection

Table 32 gives a breakdown of activities for the period covered by this report.

TABLE 32 - NUMBER OF REGISTRATION AND INSPECTIONS CARRIED OUT BY ASSOCIATIONS AND TRADE UNIONS FOR PERIOD 2010 TO 2012

PARTICULARS	ASSOCIATION	TRADE UNION	SUPERANNUATION FUND	TOTAL
Registration	1,741	43	2	1786
Amendments to rules	699	62	10	771
Inspections carried out	5,169	982	0	6151
Complaints received	376	55	3	434
Complaints disposed	298	56	4	358
Cancellation	537	62	3	602
Cases referred to court	34	16	0	50

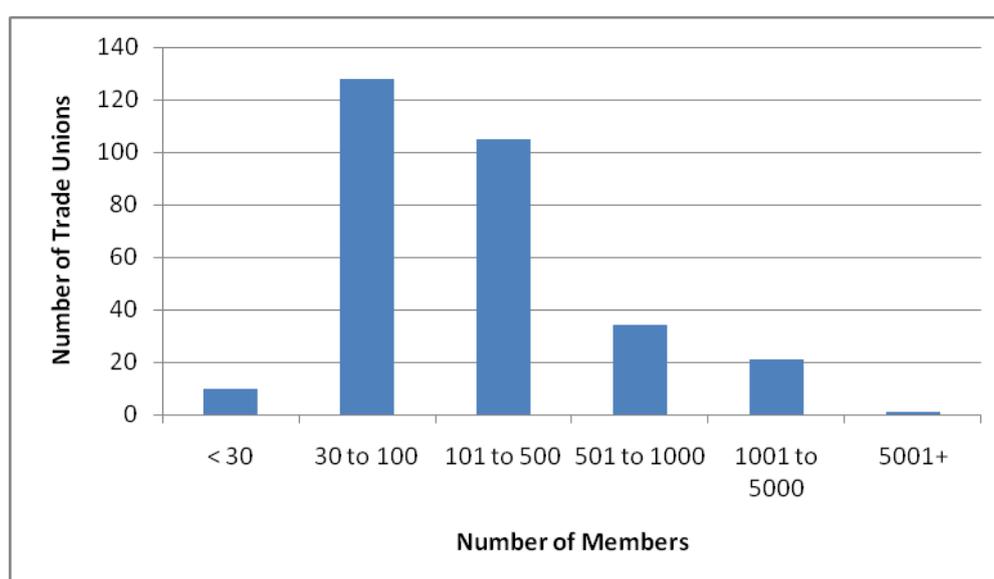
7.4 Size of membership

TABLE 33 – NUMBER OF TRADE UNIONS BY SIZE OF MEMBERSHIP

NUMBER OF MEMBERS	NUMBER OF TRADE UNIONS (2011)	NUMBER OF TRADE MEMBERS
< 30	10	184
30 to 100	128	6,972
101 to 500	105	23,450
501 to 1000	34	25,121
1001 to 5000	21	43,732
5001 to 10 000	0	0
10 000+	1	10,071
In process of dissolution	1	0
Not available	9	0
TOTAL	<u>309</u>	<u>109,530</u>

The number of Trade Unions by size of membership for the year 2011 is at Table 33 above.

The Figure below shows the number of Trade Unions by size of membership as at 31 Dec 2012.



NUMBER OF TRADE UNIONS BY SIZE OF MEMBERSHIP

8 THE NATIONAL REMUNERATION BOARD

The National Remuneration Board (NRB) is a quasi judicial body whose main function is to make recommendations to the Minister regarding minimum remuneration and terms and conditions of employment in the private sector. These recommendations form the basis for the Remuneration Orders [RO] Regulations. Presently there are 30 distinct sectors governed by ROs with an average of 300,000 workers.

The NRB comprises a Chairperson and a Vice Chairperson, assisted by Remuneration Analysts, Labour Officers, Accountant and Statistics Officer.

THE GUIDING PRINCIPLES OF THE NRB ARE:-

- (a) Independence
- (b) Timeliness
- (c) Confidentiality
- (d) Customer Focus and Objectivity
- (e) Team Spirit

The Board:-

- (i) makes recommendations to the Minister on wages and conditions of employment for employees of the private sector.
- (ii) consults trade unions and employers' representatives and make such investigation as it thinks fit before submitting recommendations.

8.1 New Remuneration Regulations made:

- The Attorney's and Notaries' Employees (Remuneration Order) Regulations were repealed and replaced by new Regulations with effect from 1 September 2010. The Regulations which cover some 800 workers,

granted a wage increase varying from 9 to 12% to the different categories of workers and improved several of their conditions of employment.

- The Domestic Workers (Remuneration Order) Regulations were repealed and replaced by new Regulations with effect from 1 December 2010 which covers some 43,000 households employing domestic workers.

8.2 Reviews Completed

The reviews which have been completed are:-

- Attorneys' & Notaries Employees (R.O) Regulations – Final Recommendations submitted to the Minister on 26 February 2010.
- Domestic Workers (R.O) Regulations – Final Recommendations submitted to the Minister on 13 September 2010.
- Cleaning Enterprises (R.O) Regulations - Final Recommendations submitted to the Minister on 31 March 2012.
- Office Attendant (R.O) Regulations - Final Recommendations submitted to the Minister on 25 October 2012.

8.3 Reviews pending before the Board

- (i) The Catering and Tourism Industries (RO) Regulations
- (ii) The Newspaper and Periodicals Employees (RO) Regulations
- (iii) The Sugar Industry Agricultural Workers & Non-Agricultural Workers (RO) Regulations
- (iv) The Bank Fishermen and Frigo-workers (RO) Regulations
- (v) The Pre-Primary School Employees and Child Day Care Sector (RO) Regulations
- (vi) The Public Transport (Buses) Workers (RO) Regulations



Mr W. P. Gungah, Chairperson of the National Remuneration Board and Mrs D. Fowdar-Seesurrun , Vice-Chairperson (left) during a working session.

9 COMMISSION FOR CONCILIATION AND MEDIATION

The Commission for Conciliation and Mediation has been established under Section 87 of the Employment Relations Act 2008 (Act No. 32 of 2008) thereby replacing the Industrial Relations Commission (IRC) which was established under Section 41 of the repealed Industrial Relations Act 1973.

The main function of the Commission for Conciliation and Mediation is to provide conciliation, mediation and advisory services for promoting the improvement of industrial relations in the workplace.

The Commission comprises:-

- (a) a President;
- (b) a Vice-President;
- (c) not more than 6 other members appointed by the Minister after consultations with the most representative organizations of workers and employers; and not more than 2 independent members appointed by the Minister.

THE CORE VALUES OF THE CCM ARE:-

- (a) Quality
- (b) Neutrality
- (c) Confidentiality
- (d) Responsiveness, Relevance and Timeliness
- (e) Team Spirit

The Division:

- monitors the relevant provisions of the industrial relations legislation;

- provides a conciliation service in cases of conflicts between employees (or trade unions of employees) and employers;
- promotes sound industrial relations through enquiries and meetings on sites of work and at Head Office at Port Louis;
- deals with reports of industrial disputes through conciliation and or/mediation. Unresolved disputes are referred either to the Industrial Relations Commission or the Permanent Arbitration Tribunal, as provided for at Part VII of the Industrial Relations Act 67/73 as amended; and
- enquires into representations/complaints relating to discriminatory practices at places of employment to bring parties to acceptable solutions.

Cases dealt by the Commission

TABLE 34 – CASES DEALT BY THE COMMISSION

YEAR	LABOUR DISPUTES	CONCILIATION MEETINGS	CASES DISPOSED	PENDING LABOUR DISPUTES
2010	215	460	125	90
2011	489	482	368	121
2012	258	392	145	113
TOTAL	<u>962</u>	<u>1,334</u>	<u>638</u>	<u>324</u>

- During period January 2010 to December 2012, the Commission dealt with **962** labour disputes. There were **1,334** meetings held with a view to conciliating parties to the labour disputes and the Commission has disposed of a total of **638** cases.

Conciliation and Mediation Meetings

When labour disputes are reported at the Commission for Conciliation and Mediation, the President, the Vice President and the experienced industrial relations technical officers advise and assist parties as to the receivability of same.

In line with the Employment Relations Act 2008 which provides that the Commission should investigate and enquire, site visits were effected to the following places:

- In 2010-
 - Mauritius Broadcasting Corporation
 - Jack Tellor International Ltd
 - Ministry of Local Government, Rodrigues and Outer Islands
 - Ministry of Civil Service and Administrative Reforms
 - Innodis Ltd
 - PSSA

- In 2011-
 - The Mauritius Ports Authority
 - Airports of Mauritius Co Ltd
 - Pay Research Bureau
 - Cargo Handling Corporation Ltd
 - Innodis Ltd
 - Kline Textiles Ltd
 - Universal Fabrics Ltd
 - ABE Industrial Products (Indian Ocean) Ltd
 - University of Mauritius
 - Triolet Bus Service
 - National Transport Corporation
 - Mauritius Revenue Authority
 - Grewals Ltd

- In 2012
 - Duraco Ltée (ex Kaylor Rotomoulders Ltd)

- Private Secondary Schools Authority
- Central Water Authority
- Sugar Investment Trust.

Advisory Services

- The law also provides that the Commission should “*advise a party to a labour dispute*”. In this context, the Commission has held 339 informal meetings before each case is reported to the Commission, and thereafter parties have been called to share information and discuss informally pertinent issues relevant to the dispute.

Training on ‘Conflict Management and Mediation Techniques’

- The Commission in collaboration with the Nelson Mandela University of South Africa and the Human Resources Professional Association organized a 2-Day Seminar on ‘*Training Programme for Conciliation and Mediation Users on Conflict Management and Functioning of the Commission for Conciliation and Mediation*’ on 4 and 5 May 2011 at the Grand Mauritian Hotel, Balaclava.
- On 25 October 2011, a workshop on ‘*Dispute Resolution under the Law*’ was conducted at the Mauritius Employer’s Federation.
- On 18 November 2011, a half-day Workshop on ‘*Mediation Techniques*’ was held at Le Labourdonnais Hotel, Caudan with the presentation of Mr Anil Changaroth, Partner and Consultant from Aequitas Law LLP, Singapore.
- The Commission also organised a 4 half-day Workshop on 2, 5, 8 and 9 December on ‘*Conflict Management and Mediation Techniques*’ at the Mauritius Revenue Authority for both Top Management and Middle Management Staff.

Research and Customer Service Charter

- As per the provision of the Employment Relations Act, the Commission has conducted research and provided guidelines to parties on the procedures and conduct of mediation proceedings, issues regarding reinstatement, salary increase and various conditions of service.
- In order to provide a guideline to parties to a labour dispute, the Commission has published a Customer Service Charter to create awareness on the vision, mission and the core values of the Commission, same was launched on 4 May 2011 at the Grand Mauritian Hotel, Balaclava.
- During the year 2012, the President of the Commission for Conciliation and Mediation conducted training sessions on Labour Disputes and the Principles of Conciliation and Mediation as per table 35.



Hon Shakeel Mohamed addressing AHRP/CCM Workshop participants

TABLE 35 – TRAINING SESSIONS ON LABOUR DISPUTES AND PRINCIPLES OF CONCILIATION AND MEDIATION

Date	Place/Organisation
09 February 2012	University of Mauritius
30 April 2012	University of Mauritius – Forum in the context of Labour Day
15 June 2012	Mahatma Gandhi Institute
29 June 2012	Association of Magistrates
26 July 2012	Association of Human Resource Professionals
24 September 2012	Ministry of Labour, Industrial Relations & Employment
28 September 2012	Ministry of Labour, Industrial Relations & Employment
18 October 2012	Government Printing
25 October 2012	Government Printing
7 November 2012	Ministry of Labour, Industrial Relations and Employment

Other Activities

- A 2-day strike ballot was organised by the Port Louis Maritime Employees Association on 8 and 9 August 2011 at the Cargo Handling Corporation Ltd under the supervision of the Commission.
- Orientation Programme was carried out by the Commission with the Delegation from Rodrigues Commission for Conciliation and Mediation.
- Mr Edwin Glasgow CBE QC FCIARB gave a presentation on Mediation to the technical staff of the Commission.

10. HUMAN RESOURCE DEPARTMENT

The Human Resources Department facilitates the recruitment, training, changes in posting, promotion and retirement of the staff of the

TABLE 36 – NUMBER OF STAFF PROMOTED AND RECRUITED

PARTICULARS	2010	2011	2012
PROMOTION			
Labour Administration	6	17	2
Occupational Safety and Health Inspectorate	9	5	1
Registry of Associations	-	-	1
National Remuneration Board	-	1	1
RECRUITMENT			
Labour Administration:			
Labour and Industrial Relations Officer	9	7	17
Occupational Safety and Health Inspectorate:			
Occupational Safety and Health Officer/Senior Occupational Safety and Health Officer	10	4	3
Registry of Association	-	2	1
National Remuneration Board:			
Chairperson	-	1	-
Vice Chairperson	-	1	-
Remuneration Analyst	-	1	1
Ministry:			
Handyworker	-	-	5
Intern recruited under Service to Mauritius Programme	-	-	3

11 FINANCE SECTION

As from 2008, with the advent of the Programme Based Budgeting (PBB), the activities of the Ministry have been grouped under 4 programmes and budget allocations have been effected accordingly. The 4 Programmes are as follows:

TABLE 37 – PROGRAMME AND SUB-PROGRAMME NUMBER

Programme/ Sub-Programme Number	Programme/ Sub-Programme Name	Programme Manager
541	Policy and Management for Labour and Employment	The Permanent Secretary
54201	Employment Relations	The Director, Labour Division
54202	Occupational Safety and Health	The Director, Occupational Safety and Health
543	Registration of Associations, Trade Unions and Superannuation Funds	The Registrar of Associations
544	Employment Facilitation	The DPS, Employment Division

Moreover, specific targets for each programme have been formulated to evaluate the performance/achievement of the Ministry.

GRANTS

The budget allocations included yearly grant of Rs3M and Rs4M to the Trade Union Trust Fund (TUTF) and the Export Processing Zone Labour Welfare Fund (EPZLWF) respectively. The TUTF and the EPZLWF are both parastatal bodies under the aegis of this Ministry.

Budget allocations for the last 3 years per programme were as hereunder:

TABLE 38 – BUDGET ALLOCATED AND ACTUAL EXPENDITURE

Year	Programme	Budget Allocated	Actual Expenditure (Rs)
2010	541	19,693,000	19,674,347
	54201	97,145,000	92,037,902
	54202	33,594,000	30,907,673
	543	18,368,000	17,165,510
	544	63,163,000	53,013,067
2011	541	21,608,000	21,287,449
	54201	94,353,000	85,043,800
	54202	35,140,000	31,916,971
	543	18,343,000	16,724,511
	544	66,476,000	59,667,047
2012	541	35,924,000	28,225,857
	54201	85,719,000	85,771,338
	54202	35,386,000	33,893,012
	543	18,951,000	16,861,584
	544	67,055,000	58,283,747

CAPITAL PROJECTS

The construction of Curepipe Labour Office which started in May 2009 was completed in June 2011 at a total cost of Rs14.3M.

Budget allocations also included provisions for the following capital projects

- (i) Computerisation of the Workfare Programme Unit
- (ii) Computerisation of the Lodging Accommodation Unit
- (iii) Computerisation of the Registry of Association

12 THE EXPORT PROCESSING ZONE LABOUR WELFARE FUND

VISION AND MISSION STATEMENT

The Export Processing Zone Labour Welfare Fund Act was passed by the National Assembly in November 1987. The Act, as subsequently amended in 2002, provides for the establishment and management of the Export Processing Zone Labour Welfare Fund (EPZLWF) whose object is to do all such things as appear requisite and advantageous for or in connection with the advancement and promotion of the welfare of the workers and their children.

Vision

To be the number one customer focused welfare service provider of the EPZ sector in the region.

Mission

To do all such things as appear requisite and advantageous for or in connection with the advancement and the promotion of the welfare of EPZ workers and their families.

POLICIES AND STRATEGIES

To achieve the object of the Fund as set out in the Act, the Board has, over the years, implemented a number of policies focusing essentially on:

- Improving quality of life
- Providing educational support & training
- Promoting computer literacy
- Promoting family well-being and general welfare through increased engagement in leisure & sports activities
- Stimulating awareness on welfare matters at work & at home
- Providing support to families with children below school going age.

- Providing for welfare of expatriate workers

These policies have been implemented through a number of strategies, namely, loan schemes, grants, scholarships, recreational activities, counseling and sensitisation programmes and other assistance, as follows:

Loan Schemes

House Enhancing Scheme: Provision of a loan of Rs10,000 to finance house embellishment initiatives, refundable over a period of 24 months with a one off administrative fee of 3%.

Marriage Loan Scheme: Provision of a loan of Rs10,000 to enable workers to cater for miscellaneous sundry expenses associated with marriage of the worker or any immediate member of his/her household. The loan is refundable in 24 months with an administrative fee of 3%.

Medical Loan Scheme: Provision of a loan of up to Rs5,000, refundable over a period of 12 months, to assist workers to cope with medical expenses. An administrative fee of 3% is charged.

Examination Loan Scheme: Provision of a loan of Rs5,000 to assist workers regarding payment of SC and HSC examination fees of their wards. The loan is refundable over a period of 12 consecutive months. An administrative fee of 3% is charged.

Computer Loan Scheme: Provision of a loan of Rs20,000 to workers for the purchase of a computer. The loan is

refundable in 48 months with a one off administrative fee of 5%.

Grants & Other Assistance

Scholarship Scheme:

Scholarship is granted to children of workers for the pursuit of secondary & tertiary education and for industrial/vocational and ICT training as well. A yearly stipend as well as SC and HSC examination fees are paid to the scholar as appropriate.

Daycare Grant Scheme:

A monthly grant of Rs300 is paid to EPZ workers in respect of their children aged 3 months up to 4 years who are registered in accredited daycare centres across the island.

Social Aid Scheme:

An assistance of up to Rs5000 is extended to workers affected by natural calamities, e.g. cyclone, flood or fire.

Death Grant:

A death grant of Rs5,000 is paid to the person who has borne the funeral expenses of an employee of an Export Oriented Enterprise who dies in service and who has been contributing to the Fund.

Promotion of Recreational Activities

Transport Facilities:

Transport facilities are provided to workers and their families for outings during weekends and public holidays.

Expatriate workers also benefit from the scheme.

Migrant Day Celebration: In the context of the International Migrant Day, a full day cultural exchange programme is organised in honour of expatriate workers of the EPZ sector .

Sensitisation Activities

Organisation of Workshops and Seminars Workshops and Seminars on issues pertaining to welfare of the family and on Stress and Conflict Management are organised.



Opening of workshop by Hon Shakeel Mohamed on the theme Stress Management organised by EPZLWF

TABLE 39 – NUMBER OF BENEFICIARIES

SCHEME	NO OF BENEFICIARIES (2010)	NO OF BENEFICIARIES (2011)	NO OF BENEFICIARIES (2012)
House Enhancing Scheme	199	526	292
Marriage Loan Scheme	29	23	24
Medical Loan Scheme	17	16	28
Examination Loan Scheme	72	19	44
Computer Loan Scheme	221	146	400
Scholarship Scheme (New Cases)	Secondary Level: 460 Tertiary Level: 68 IVTB: 4	Secondary, Form I to V: 63 Secondary HSC: 33 Tertiary: 25 IVTB: 2	Secondary, Form I to V: 58 Secondary HSC: 19 Tertiary: 33 IVTB: 3
Day Care Grant Scheme (New Cases)	63	11	14
Social Aid	3	3	3
Death Grant	6	16	6
Provision of Buses for outings	1800	1920 workers (32 buses)	2400 workers (40 buses)
Migrant Day Celebration	-	500 expatriate workers	1000 expatriate workers

Workshops and seminars

- 3 seminars on stress management were organised for the benefit of EPZ workers each year.

Other Activities

- In the context of Labour Day Celebrations, the fund organised a full day activity including a cultural programme at Le Waterpark & Leisure Village on 29 April 2012 with the participation of 5,000 local employees of the EPZ sector .

- The EPZLWF celebrated its 25th anniversary on 16 December 2012 and on that occasion various activities were organised at Le Waterpark Leisure Village. 5,000 local workers as well as 1,000 expatriate workers participated in the aforesaid activities.



Hon Shakeel Mohamed addressing workers of the EPZ sector on 29 April 2012 at Le Waterpark & Leisure Village.

LIST OF APPENDICES

APPENDIX I**INSPECTION AND ENFORCEMENT DIVISION
Regional Labour Offices**

REGION	LABOUR OFFICE	ADDRESS
<u>Port Louis</u>	Port Louis	4th Floor, Victoria House, Cr. Barracks/St. Louis Streets, Port Louis
<u>North and East</u> <u>(including</u> <u>Quatre Bornes)</u>	Grand Bay	Suryamurthi Road, Behind Grand Bay Store, Grand Bay
	Triolet	NPF Building, Trois Boutiques, Triolet
	Pamplemousses	Ex CWA Cash Office Building, Royal Road, Pamplemousses
	Goodlands	Traffic Centre, NPF Building, Goodlands
	Riviere du Rempart	Schoenfeld Road, Riviere du Rempart
	Flacq	Royal Road, (Behind CAB Office), Flacq
	Bel Air	Royal Road, (Opp. Govt. School), Bel Air Riviere Seche
	St Pierre	Morcellement Raffray, St Pierre
	Quatre Bornes	36 Kiwis Ave, behind La Colline Commercial Centre, Candos, Quatre Bornes
<u>Rose Hill/</u>	Rose Hill	1st Floor Galerie St Ignace, Royal Road, Rose Hill
<u>Black River/</u>	Bambous	(1st floor, CAB Office), Royal Road, Bambous
<u>Vacoas</u>	Petite Riviere	Royal Road, Petite Riviere, (1st Floor, Pharmacie de Petite Riviere Bldg)
	Vacoas	Municipal Multicomplex, Independence Avenue, Vacoas
<u>Curepipe/</u>	Curepipe	Sir Celicourt Antelme Street, Curepipe
<u>Rose Belle/</u>	Rose Belle	Naggeea Road, Baramia, Rose Belle
<u>Mahebourg/</u>	Mahebourg	Cr. Dr Hangard & Sivananda Street, Mahebourg
<u>Savanne</u>	Riviere des Anguilles	Boodram Building, Maisonette Rd, Riviere des Anguilles
	Chemin Grenier	Royal Road, Chemin Grenier

APPENDIX II**LIST OF (REMUNERATION ORDER) REGULATIONS**

(REMUNERATION ORDER) REGULATIONS	
1.	The Attorneys' and Notaries' Workers (Remuneration) Regulations 2010
2.	The Baking Industry (Remuneration Order) Regulations 2003
3.	The Banks Fisherman and Frigo-workers (Remuneration Order) Regulations 1997
4.	The Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations 2003
5.	The Catering and Tourism Industries (Remuneration Order) Regulations 2004
6.	The Cinema Employees (Remuneration Order) Regulations 2005
7.	The Cleaning Enterprises (Remuneration) Regulations 2013
8.	The Distributive Trades (Remuneration Order) Regulations 2004
9.	The Domestic Workers (Remuneration) Regulations 2010
10.	The Electrical, Engineering and Mechanical Workshops (Remuneration Order) Regulations 1983
11.	The Export Enterprises (Remuneration Order) Regulations 1984
12.	The Factory Employees (Remuneration Order) Regulations 2001
13.	The Field Crop and Orchard Workers (Remuneration Order) Regulations 2008
14.	The Light Metal and Wooden Furniture Workshops (Remuneration Order) Regulations 2002
15.	The Livestock Workers (Remuneration Order) Regulations 2008
16.	The Newspapers and Periodicals Employees (Remuneration Order) Regulations 2001
17.	The Nursing Homes (Remuneration Order) Regulations 1984
18.	The Office Attendants (Remuneration Order) Regulations 2000
19.	The Pre-Primary School Employees (Remuneration Order) Regulations 2000
20.	The Printing Industry (Remuneration Order) Regulations 1984
21.	The Private Secondary Schools Employees (Remuneration Order) Regulations 1984
22.	The Public Transport (Buses) Workers (Remuneration Order) Regulations 2008
23.	The Road Haulage Industry (Remuneration) Regulations 2009
24.	The Salt Manufacturing Industry (Remuneration Order) Regulations 1983
25.	The Security Guards (Remuneration Order) Regulations 1986
26.	The Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations 1983
27.	The Sugar Industry (Non-Agricultural Workers) (Remuneration Order) Regulations 1985
28.	The Tailoring Trade (Remuneration Order) Regulations 2001
29.	The Tea Industry Workers (Remuneration Order) Regulations 1984
30.	The Travel Agents and Tour Operators Workers Remuneration Regulations 2009

APPENDIX III

ILO CONVENTIONS – RATIFIED

SR	Convention	Date of Ratification
1	Unemployment Convention, 1919 (No. 2)	02.12.69
2	Unemployment Indemnity (Shipwreck) Convention, 1920 (No.8)	02.12.69
3	Right of Association (Agriculture) Convention, 1921 (No. 11)	02.12.69
4	Workmen's Compensation (Agriculture) Convention, 1921 (No.12)	02.12.69
5	Weekly Rest (Industry) Convention, 1921 (No. 14)	02.12.69
6	Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	02.12.69
7	Workmen's Compensation (Accidents) Convention, 1925 (No. 17)	02.12.69
8	Equality of Treatment (Accidents Compensation) Convention, 1925 (No.19)	02.12.69
9	Minimum Wage Fixing Machinery Convention, 1928 (No. 26)	02.12.69
10	Forced Labour Convention, 1930 (No. 29)	02.12.69
11	Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)	02.12.69
12	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)	02.12.69
13	Certificate of Able Seamen Convention, 1946 (No. 74)	02.12.69
14	Labour Inspection Convention, 1947 (No. 81)	02.12.69
15	Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)	02.12.69
16	Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)	1.05.05
17	Employment Service Convention, 1948 (No. 88)	03.09.04
18	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	02.12.69
19	Protection of Wages Convention, 1949 (No. 95)	02.12.69
20	Migration for Employment Convention (Revised), 1949 (No.97)	02.12.69
21	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	02.12.69

22	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	02.12.69
23	Equal Remuneration Convention, 1951 (No. 100)	18.12.02
24	Abolition of Forced Labour Convention, 1957 (No. 105)	02.12.69
25	Seafarers Identity Documents Convention, 1958 (No. 108)	02.12.69
26	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	18.12.02
27	Dock Work Convention, 1973 (No. 137)	18.03.03
28	Minimum Age Convention, 1973 (No. 138)	30.07.90
29	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	14.06.94
30	Labour Administration Convention, 1978 (No. 150)	5.04.04
31	Workers with Family Responsibilities Convention, 1981 (No. 156)	5.04.04
32	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	09.06.04
33	Labour Statistics Convention, 1985 (No. 160)	14.06.94
34	Part-time Work Convention, 1994 (No. 175)	14.06.96
35	Worst Forms of Child Labour Convention, 1999 (No. 182)	08.06.00

APPENDIX IV

ILO CONVENTIONS – DENOUNCED

SN	Convention	Date of Ratification	Date of Denunciation
1.	Minimum Age (Industry) Convention, 1919 (No. 5)	02.12.69	30.07.90
2.	Minimum Age (Sea) Convention, 1920 (No. 7)	02.12.69	30.07.90
3.	Minimum Age (Trimmers and Stockers) Convention, 1921 (No. 15)	02.12.69	30.07.90
4.	Recruiting of Indigenous Workers Convention, 1936 (No. 50)	02.12.69	02.03.00
5.	Minimum Age (Sea) Convention (Revised), 1936 (No. 58)	02.12.69	30.07.90
6.	Minimum Age (Industry) Convention (Revised), 1937 (No. 59)	02.12.69	30.07.90
7.	Convention Concerning Statistics of Wages and Hours of Work, 1938 (No. 63)	02.12.69	14.06.94
8.	Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)	02.12.69	08.07.99
9.	Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)	02.12.69	08.07.99

APPENDIX V

REVIEW OF REMUNERATION ORDERS AND STAGE REACHED

SN	REVIEW OF REMUNERATION ORDERS	STAGE REACHED
1.	Cleaning Enterprises (RO) Regulations	Final recommendations submitted to the Minister on 31 March 2012
2.	Office Attendant (RO) Regulations	Final recommendations submitted to the Minister on 25 October 2012
3.	Electrical Engineering and Mechanical Workshop (RO) Regulations	Proposed Recommendations have been made public. Counter representations received and are currently being dealt with by the Board. Final Recommendations will be submitted to the Minister in due course
4.	Printing Industry (RO) Regulations	Public hearings held by the Board are over and field investigation is being conducted by the Technical team of the Board.
5.	Catering and Tourism Industries (RO) Regulations	Public hearings held by the Board are over. Report of a Technical Committee set up by the Board to address issue of normal working hours and job descriptions is being awaited.
6.	Newspapers and Periodical Employees (RO) Regulations	A few parties have been heard during the public hearings and the Board, upon the request made by a recently formed association of employees of the media and the press is awaiting written submissions.
7.	Sugar Industry(Agricultural Workers and (Non Agricultural Workers) (RO) Regulations	Notices inviting representations in connection with the three issues sent to the NRB for consideration have been issued. Representations have been received from thirteen stakeholders. Same are presently being analysed and public hearings will be fixed shortly.
8.	Bank Fishermen and Frigo Workers (RO) Regulations	Employers have been heard on the subject matter. Convocation sent to the employers concerned and competent authorities for their inputs. No inputs/response has been received from employers. The Board has decided to go ahead with its field investigation.
9.	Pre-primary School Employees and Child Day Care Sector (RO) Regulations	The unions of employees heard and the Board contemplates launching its field investigation