



# Confédération des Travailleurs du Secteur Privé

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## CONTRACT AND AGENCY LABOUR IN MAURITIUS

### BACKGROUND

The labour market has always been influenced by contractual labour in Mauritius. Until 1975, Mauritius was a mono-crop agri-economy. Since the introduction of sugar-cane by the French, over exploitation of labour was a pertinent issue for its development.

The planting and processing of sugar cane started by the slaves under the whims of the French. Later after 1834 when the British took over the rule of Mauritius, half a million indentured labour from India were brought to replace the slaves.

The episode of the indentured labour were still based on the over exploitation of the labour. With the expansion of the sugar industry, the first form of contractual labour was introduced as seasonal worker. Likewise all agricultural exploitation, during crop season additional labour is needed for harvesting. Since then in the sugar sector every year thousands of workers are recruited through sub-contractors or directly as casual workers.

After 1980 with the development of the textile sector in Mauritius, a new form of labour exploitation started with a separate legislation for the textile free zone sector. Based on very cheap labour and working for long hours (minimum 12 hours) daily with compulsory overtime, the textile sector rapidly expanded. There was scarcity of skilled labour in the textile sector and foreign labour from china; India and Madagascar have been recruited through agencies till now. These foreign workers do not benefit from same legal protection as local workers. They are not covered by collective agreements covering local workers although they are doing similar jobs within a similar category. They are also subjected to many discriminations and abuses.

With an economic growth resulting from overexploitation of labour the construction sector has also witnessed growth with public infrastructural project construction of hotels and commercial buildings. Contractual jobs in the construction sector today amounts to 85% of the total work force and since 2000 foreign workers from China, India and Bangladesh have been recruited through agencies. Similar to their mates from the textile sector they are also subjected to discrimination and are lodged on the worksite itself with poor welfare facilities.

The Zenith to contractual labour was in 1995, with the creation of the (WTO) World Trade Organization on Singapore, Mauritius like many countries in the world, has embarked itself on ultra-liberal reforms. The new orders were, liberalization privatization and competitive with a more flexible labour legislation. All successive governments have since then encourage the corporate sector to out-source to contractors. As such the employment of workers on determined duration is a “sine qua non” step for the enterprises to remain competitive on the market.

Nowadays in all the economic sectors labour is recruited on contractual basis through outsourcing companies.

The labour legislation were replaced in 2008 to favour the hire and fire of workers without any right to a severance allowance or employers to give any justification before sacking workers.

In brief we have inherited a new labour legislation that have rendered legal and legitimate UNJUSTIFIED TERMINATION OF EMPLOYMENT.

Without any right to severance allowance, no obligation on employers to justify any termination, all workers of the private sector are not more favored than any contractual worker.

However, we have not acknowledged defeat we are organising, advocating and many a time we have witnessed progress in our struggle for more social justice.

**Abuses contractual workers are subjected to:**

- (a) They are not covered under collective agreements as they are recruited individually.
- (b) They are not entitled to leaves.
- (c) They do not disclose any of their ill health for fear of not seeing their contract of employment renewed.
- (d) They are not members of trade unions.
- (e) Foreign workers are subjected to racism and xenophobia by local workers who accused them of taking their jobs.
- (f) They are forced to do hazardous work such as manipulating asbestos and are not subjected to any medical surveillance.
- (g) They are not provided with appropriate personal protective equipments.
- (h) They are paid at a lower rate.
- (i) They are subjected to harassment and sexual abuses as managers are fully aware they will not file any complaint for fear of losing their jobs.
- (j) They are compelled to perform overtime and to work on odd and irregular hours.
- (k) Employers in many cases do not contribute for their social protection although deduction is made from their wages as employee's contribution.
- (l) After attaining the age of 50, very few employers will dare to recruit them as they take less physical capacity to do manual jobs.
- (m) Contractual workers do not benefit from any gratuity at the age of retirement.

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