



Confédération des Travailleurs du Secteur Privé

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Mr S Callychurn

Minister of Labour and Industrial Relations
Victoria House
Port Louis

Sir

The Confederation des Travailleurs du Secteur Privé (CTSP), seizes the opportunity of this first letter to congratulate you on your appointment as Minister of Labour and Industrial Relations. The CTSP hopes that a long and fruitful collaboration will be maintained so that workers interest is safeguarded during your mandate. We wish you and your family also a very happy new year 2015.

The CTSP has been officially registered in 2008, but was set up under the name of Fron Travayer Sekter Prive (FTSP) since February 2003, following a hunger strike of 9 days. At that time 60 Drivers working at White Sand Tours were arbitrarily sacked and we had to have recourse to a hunger strike so that justice could be given to the 60 workers. Since then the FTSP and now the CTSP has done its utmost so that workers of the Private Sector be given their true value and be respected as such, as they are the one who toil for the company to prosper and are exposed to all occupational hazards.

You are surely aware that on 22 August 2008 two new set of labour legislations were voted in replacement of the Labour Act and the Industrial Relations Act. The Employment Relations Act and the Employment Rights Act were then promulgated on 2 February 2009. Since then instead of protecting the rights of workers, we have witnessed a complete deregulation of the working conditions of workers. They were at the mercy of unscrupulous employers now have the absolutely power to hire and fire at will. This situation will have to stop under the mandate of this new government. The CTSP is actually finalizing a document on all the aspects of the two pieces of legislations that should be amended, and same will be forwarded to you in the coming days.

The CTSP wish to inform you also that some officers actually at your Ministry have not been doing their work properly and in the interest of the victimized workers. This also need to be looked into and we are prepared to give you facts on our above statement.

We are pleased to submit to you a first set of document containing all pending issues that need immediate attention. The CTSP would also welcome a meeting personally with you to elaborate further on our document and also as a first contact with you as new Minister of Labour.

We wish you success in your new job and hope that our request will be positively entertained.

Yours truly

Reez Chuttoo & Jane Ragoo (Ms.)

Spokespersons - CTSP

MEMORANDUM

TO MR S Callychurn
MINISTER OF LABOUR AND INDUSTRIAL RELATIONS

1. MINIMUM WAGE

Introduction

Statistics of Mauritius is here to prove that there are 549,200 workers in the formal economy in Mauritius.

However **83,000** of them are from the Public and Para-Statal Bodies Sector and are covered by the Pay Research Bureau (PRB). The PRB reviews the salary and condition of work every 3 YEARS.

About **300,000** workers are in the Private Sector and are covered by the National Remuneration Board (NRB) through 30 Remuneration Orders (RO). These ROs' are revised only when any Minister of Labour so decides and also IF ever the RO is reviewed, the Minister of Labour can decide to accept it in toto, to reject it all or to accept part of it. (*See extract of EReA attached*)

Furthermore the remaining 150,000 has no prescribe wages at all, although Mauritius has signed ILO Convention 26 on Minimum Wage Fixing Mechanism (ilo.org). Workers from the ICT Sector (e.g. call centres etc), Services Sector (women working with children with disabilities etc), Financial Sector (workers from the banking sector etc). Therefore the employer can decide to pay whatever wages it so decides. Collective Bargaining is very difficult as workers do not join the Trade Union and even if they are brave and do so, no true Collective Bargaining can be performed as there is no legislation on the starting wage to start negotiation.

Proposal CTSP

1. That all 30 Remuneration Orders be **harmonized**, so that all conditions of work be the same, e.g. vacation leave after ten years of service to all workers.
2. That new Remuneration Orders be introduced in sectors mentioned above
3. That all Remuneration Orders be revised every 3 years as is the case for the PRB
4. That a Minimum Wage of not less than 60% of the median wage be introduced
5. That the Construction Industry Remuneration Order be immediately revised as employers through (BACECA) and the Unions concerned have already agreed since 2011 for a salary increase of 15%.

2. Hours of Work

Actually in most sectors of the economy, 45 hours of work is the norm, although the CTSP's demand is for a 40 hour week. It should be noted that recently with the amendment of the Catering Industry Remuneration Order, 48 hours have been brought to 45 hours.

However since 1984 the hours of work for the Export Processing Zone Sector has been fixed for 45 hours normal work AND 10 hours of Compulsory Overtime PER WEEK. This is a flagrant discrimination. Please note that more than 85% of the workforce are women.

The problem exists also for the Security Guards Remuneration Order, where workers have to work on a 12 hours shift per day and 72 hours PER WEEK.

Proposal CTSP

That the hours of work in all sectors be 45 hours as a way forward to a 40 hour week. The notion of 8 hour rest, 8 hour sleep and 8 hour work should predominate when a government really cares for its citizen. We believe that the notion of measuring a society through the well being of its citizen should come through labour laws that protects the worker by having job that is socially, economically and environmentally sustainable.

3. Introduction of the Portable Severance Allowance Fund

The anti worker labour laws of 2008 (Employment Relations Act and Employment Rights Act) provide that when a worker is sacked for economic reason, the employer does not have to pay any severance allowance, even though the worker has 1 or 40 years of service. Since February 2009 this very reason is used to sack workers and workers, **if they can prove** that the company is at fault can have recourse to the Industrial Court for justice and request 3 months per year of service. Otherwise they find themselves in a ridiculous workfare program for one year and receive an 'allocation chomage' but nothing for their contribution in the company while the latter was making profits.

Proposal CTSP

The CTSP found a solution to the benefit of both the employer and the worker since long. We proposed the introduction of a Portable Severance Allowance Fund. A Fund under the aegis of the Government, as is the case for the National Pension Fund. The employer has only to contribute a day's remuneration every month in the name of every worker, while it is still in operation and as from the first month the worker is in employment. Whenever there is need for closing down or the worker need to quit, he or she has his severance allowance waiting to be taken immediately or at retirement age.

Even the ILO has found the idea revolutionary. Many employers as well as different Ministers in the previous government welcomed the idea but so far had no political will to really consider its introduction. We hope that a round table would be called to push for the introduction of a Portable Severance Allowance Fund.

4. OCCUPATIONAL HEALTH AND SAFETY AT WORK

- The number of fatal accident is increasing. The number of inspection is cruelly decreasing for lack of human resource at level of the Ministry of Labour & Industrial Relations.
- New recruits are working in the Ministry of Labour to gain experience and thereafter they seek for greener pastures in the private sector where the pay packet is more attractive. New degree holders in Occupational Health and Safety recruited at the level of the

Ministry of Labour where the job is more pronounced and more stressful are integrated in a wage structure with a diploma holder salary (recommended by PRB).

- On the other hand their fellow colleagues who are working in the Civil Service and are supposed to report to their colleagues. In the Ministry of Labour are enjoying a higher wage structure with degree. The salary in the Civil Service starts as a degree holder and not as a diploma holder. Consequences: the Ministry of Labour is continuously suffering from a lack of human resource as many of the personnel quits their job because of low wage.
- Finally workers suffer from lack of proper enforcement of the OSHA 2005 through lack of regular inspection and surprise checks.
- Despite the proclamation of many Regulations, same cannot be enforced due to lack of inspection. One simple example is the Personal Protective Equipment Regulations - All PPE need to be to MSB standards. Who is actually checking same ? Are all PPE according to norms ? How many companies' have been sanctioned for non compliance to the above ?
- As the OSHA 2005 does not mention that the Report of any Risk Assessment should be given to the Ministry of Labour and to workers, no true check can be ascertained on the proper Risk Assessment being carried by Management.

Proposal CTSP

That the law be amended and specify that the report of the Risk Assessment conducted by the Employer be given to the Ministry of Labour and a copy of same be given to workers concerned as they have a right to know the risk that exist and the precaution that should be taken to avoid injury at work.

5 Foreign Worker

The issue of foreign worker should be deeply looked into. There have been too many cases of abuses and many recent cases can testify on this issue.

We believe that some officers of the foreign department of the Ministry of Labour are not doing their job properly, sometimes they even collaborate with employers on this issue.

Proposal CTSP

The CTSP proposes the introduction of an Employment of Foreign Worker Regulations to cater for foreign worker in Mauritius. We believe if they are a "mal necessaire", they should be given the necessary protection and support. However their presence in Mauritius should be restricted to scarcity areas only.