

The Challenges Facing The World of Work and The Trends In Employment and Employment Relations In Africa: The Mauritian Experience

Abstract by

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1. Introduction

Mauritius is commonly cited for its success stories in bringing an economic miracle in the 1980's. The country successfully transformed itself from an agricultural based economy at the time of independence in 1968 to an export oriented, manufactured-based economy by the mid 1980's. The focus since the 1990's has been on Mauritius as a provider of knowledge based services and banking to the local and international markets, particularly in the high-tech financial and ICT areas, and tourism.

From the facts already stated employment and employment relations in Mauritius have during the past decades demonstrated consistent resilience and adaptation to meet the challenges of the world of work that has been characterized by an industrial revolution in the form of globalization which has shaped the national employment laws of the country.

The pattern that was commonly visible since the advent of globalization in Mauritius, is the spreading out by multinational companies of their economic powers captured by such indices in goods and services, private capital flows in different forms, foreign investments and technology transfer. As much as globalization has been described as increasing acceptance of free markets and using private enterprises as the principal mechanism to economic growth in Mauritius it is also an accepted fact that it has shaped the workplaces much more decisively that the legal instruments could meaningfully regulate them.

Thus despite the inability to detect such external impositions by the international companies on the Mauritian national laws, a new employment law is being emerged in the global economy that will, eventually, strongly influence employment and employment relations, distribution of income and the role of labour standards in Mauritius.

2. The aims of this paper

To show:

- In the year 1970, with the influx of multinational corporations commencing their commercial operations in Mauritius, the national laws that is the Export Processing Zone an Expansion Act 1917 was put under irresistible pressure to reduce regulatory

requirements in order to create business friendly environment and thus to create a competitive advantage over other countries. It was essentially a compromise on already established contractual and customary legal arrangements.

- Along with the Export Processing Zone Act, there were parallel legislations in the form of Industrial Relations Act 1973 and Labour Act 1975. These two sets of statutes made clear distinctions in their regulatory functions. Whereas the Industrial Relations Act and the Labour Act upheld the democratic right of workers and trade unions, the Export Processing Zone Act showed instances of:
 - acts of anti-union discrimination;
 - lack of willingness to recognize a bargaining agent at the workplace for collective bargaining purposes;
 - unwillingness to disclose information and bargain in good faith; and
 - provide unfavourable terms and conditions regarding working hours, overtime and maternity leave.

Therefore, the paper will elucidate on points that though Mauritius could integrate into the world economy and found a powerful means to promote economic growth and raise living standards, the working conditions and labour relations have still remained contested issues. Attempts will be made to show the strategic plans engineered by the Mauritian government to bring employment and employment relations so as to satisfy the requirements of international labour standards proposed by the International Labour Organizations.

3. The present trends in employment and employment relations in Mauritius

Mauritius is now a signatory of the following ILO Conventions:

- The Right of Association 1948 No.87
- The Right To Organize Collectively 1949 No.98
- Prohibition Of Any Form of Forced Labour or Compulsory Labour 1930 No.29
- Minimum Age For Employment For Children 1973 No. 138
- Non-Discrimination 1958 No. 100 and No. 111

These labour standards ratified by Mauritian government have a strong connotations dealing with respect for individuals and application to Human Rights to workers which have been universally recognized and are the framework conditions for labour standards in present Mauritius.

However, in the new era of globalization trends in employment and in employment relations have shown, according to the Decent Work Country Programme 2012 – 2014, the following phenomenon:

- The labour market is facing increasing skills mismatch and a consequent rise in unemployment despite sustained economic growth;
- Labour force is characterized by semi-skilled and low-skilled workers who account for 90% of employment. Many specialized jobs cannot be filled because of lack of related skills;
- The demand for labour and its supply cannot be equated. Employers are not able to find skills they require in the labour market. Without the required knowledge and skills students are not likely to be employed;
- The traditional power relations have changed in the information age, where intellectual capital has become a dominant force. With an adult literacy rate of 85%, free education until university level, Mauritius has a pool of potentially literate mass that needs to be geared towards employability;
- There are possibilities of job losses through redundancy due to automation or retrenchment due to closure of business;
- Manufacturing and production jobs are expected to decline due to unprecedented financial crisis and consequential economic downturn;
- Unwillingness of people, especially women, to take full time jobs due to lack of convenient works schedules either home-based or flexi-based;
- The world of work in Mauritius has undergone substantial changes due to competitive pressures and the justification to reduce unit labour costs. Employers are aiming at more systematic re-appraisals of organizational structures impacting on variation in the contract of employment and an application of the law relating to the termination of employment due to operational requirements, transfer of undertakings and mergers.
- In the labour market, individual labour law is giving place to collective labour law. There is now an extensive overlapping between individual collective rights of employees; and
- Mauritius is undergoing through global pressures as well as internally induced structured economic political reforms that are having profound effects on national policies and in turn employments relations.

4. Strategic plans to meet the challenges in creating a more conducive employments relations in Mauritius

The government of Mauritius has signed a Memorandum of Understanding with the International Labour Organization on 30th November 2012 with a firm commitment to promote decent employment through specific programmes and activities determined in consultation with the social partners to improve the work and the living conditions of men and women workers in Mauritius. The document addresses significantly to the creation of decent and productive employment which is considered central to efforts made towards poverty reduction as a means of achieving equitable, inclusive and sustainable development. The strategic plans have the objectives to conform with ILO's strategic vision:

- To increase opportunities to decent employment;
- To strengthen tripartism; and
- To promote right at work.

With a view to implementing the above objectives the Mauritian government has, in consultation with the social partners identified three main priorities to pave the way for a better world of work. These are:

- Creation of decent work and productive employment with the provision of adequate social protection;
- Strengthen social dialogue;
- Elimination of all sorts of discrimination;
- A more inclusive society created through the promotion of decent employment opportunities for the disabled;
- Social dialogues enhanced through the National Tripartite Forum;
- Improve the functioning of existing industrial relations institutions such as the Commission for Conciliation for Mediation, the Employment Relations Tribunal and the National Remuneration Board;
- Discrimination and stigma against workers affected with HIV-Aids reduced through greater sensitizations;
- Training culture to be promoted among social partners; and
- Creating enabling environment for gender equality.

5. Conclusion

In the new era of economic transformation in Mauritius, employment and employment relations have become vital for the promotion of social justice based on:

- Recognizing the democratic rights of workers, trade unions and employers;
- Building a productive employment relationship through the promotion of good faith and behavior and mutual trust in all aspects of work relations;
- Promoting collective bargaining; and
- Encouraging voluntary settlement of disputes.

Therefore the challenge still remains, borne out of imperatives of socio economic conditions in Mauritius, to widen the focus on organizational issues, labour conflicts, and values enhancing good human relations between employers, workers and trade-unions which have now become a new standardized norm to the necessary conditions of harmonious relations at the work place.