



Attention

**Hon. Soodesh Callychurn**

Minister of Labour & Industrial Relations  
Victoria House, Port Louis.

**16<sup>th</sup> August 2019**

**Re: New Versions & Amendments of the Workers Rights Bill & Employment Relations (Amendment) Bill as voted by the National Assembly on the 13<sup>th</sup> August 2019**

Dear Minister,

The GWF-JNP write to you to convey the following after the adoption of the Workers Rights Bill and the Employment Relations (Amendment) Bill, with a series of new amendments.

The GWF-JNP take positive note that:

- (i) the critical amendment proposed by the GWF-JNP, on Redundancy has now been fully integrated in the bill;
- (ii) there will be only 1 % deduction contribution of employees that will be made instead of 2% deduction as mentioned in version 2 of the Bill, and that this 1% is now fully guaranteed to be maintained in the NSF Personal Employee Account.

In contrast, the GWF-JNP is very outraged that:

- (i) the critical set of amendments proposed by the GWF-JNP in the Employment Relations Act, on Procedure Agreement, Collective Bargaining and the Right to Strike have been brushed aside, thus seriously undermining these vital rights, and blatantly violates ILO Conventions 87, 98 and 145.
- (ii) a last minute fundamental amendment has been brought in Clause 3 of the Workers Rights Bill, by the government to please the economic oligarchs., thus, seriously **undermining/derogating** some of the very minimal work conditions the Workers Rights Bill seeks to advance. As it stands, the new Clause 3, is a serious '**lake ferblan**' attached to the law. It will not only cause grave prejudices to thousands of workers, but will also create a complete mess when the law will be operational.

The latest re-amendment brought to Clause 3 on *Application of the Act*, of the Workers Rights Bill amend the previous version which was as follows:

(1) Subject to subsection (2) and notwithstanding any other enactment, this Act shall apply to every agreement.

The new clause, now reads as follows:

(1) Subject to subsection (2) and to any provisions to the contrary in any other enactment, this Act shall apply to every agreement.

There are several direct consequences of this critical amendment. One of them, will be the exclusion of all employees whose condition of employment falls under the 30 Remuneration Orders (more than 80%) of the

private sector employees, meaning potentially some 360,000 employees. They will be seriously prejudiced. Condition of employment found in the Remuneration Orders which are less favorable to the worker, will now apply, as it will be considered 'contrary' to those of the Workers Rights Bill voted by the National Assembly on 13th of August 2019!

The new Clause 3 will lead to very alarming incongruousness and absurdities....causing VERY serious prejudices to employees of the private sector. Here are some examples:

(1) The Portable Retirement Gratuity Fund (PRGF) will be declared none applicable to those private sector employees, whose 'gratuity' are 'contrary' to what is stipulated in the Workers Rights Bill. As it stands, a private sector lawyer, will easily explain to a Court of Law, that it will be the "Gratuity" provision under R.O which is applicable and NOT the freshly voted PRGF provision!

(ii) The new provision of vacation Leave after 5 years of service will NOT apply to almost 80% of Private Sector workers, whose vacation leave under an R.O is 'contrary' to those specified in the enacted Workers Rights Bill!

(iii) The 14 weeks of Maternity Benefit of women employees will NOT apply to private sector working women's, whose maternity leave' under an R.O is 'contrary' (12 weeks) to those specified in the enacted Workers Rights Bill!

(iv) The Miscarriage' leave of 3 weeks, just voted will NOT apply to women whose miscarriage leaves are 2 weeks under an R.O!

(v) The Meal Allowance of Rs 85, freshly enacted, will NOT apply to ANY of the 450,000 employees of the Private Sector, except those under a Collectivize Agreement which provides for meal allowance above Rs 70.

(vi) Overtime payable after the completion of one day's work, will not apply to those governed by Remuneration Orders, which stipulate the payment of overtime after completion of 45 or 40 normal hours in a week.

(vii) A new Export Oriented Industry can now even pay a meal allowance of Rs 15.00 to its worker!!

The above are just a few of an exhaustive list of alarming incongruousness and absurdities prejudicial to thousands of employees of our country. For example serious prejudices will also be caused to contractual and seasonal worker of the Sugar Industry.

Given the latest amendment to Clause 3, the GWF-JNP, cannot, unless necessary actions are forthwith taken, but to conclude that a section at high-level of the State and government people are systematically and deliberately sabotaging the advancement of the working people of this country. Otherwise EVIL BUGS, as we rightly spotted in the initial Bills, and now the new Evil Bug of Clause 3, would not have been sneaked in.

The explanation furnished by your senior officer, to us, does not stand the road, as Clause 3 (1) in the first two versions of the Employment Rights Bill was very clear. A last minute, turn around bow down, did occur after midnight, to satisfy the desire of some unscrupulous oligarchs and masters. Those, you rightly refereed in the National Assembly, who once considered our peoples "**as meubles**" has once again stood in the dark side of history to stop advancement....Time changes, the exploitative mindset of economic oligarchs never change!

In light of the above, we leave it to you to assume your duty and to FORTHWITH take the appropriate steps to stop the serious prejudices to be caused to thousands workers of the private sector! History will recall...

Yours sincerely



**Clency Bibi (Prezidan GWF) , Devanand Ramjuttun (JNP)  
Jean Yves Chavrimootoo (Animater GWF) & Ashok Subron (GWF-JNP)**