

# Communiqué de presse

## Informations :

1. **Coup de téléphone du Président par intérim de la République le 20 septembre 2019 pour m’informer de ma requête qu’il parle au Premier Ministre et à l’Évêque de Port Louis, au sujet du contenu de mon affidavit.**

**Dans les faits il a parlé à Pravin Jugnauth et à Maurice Labour.**

**Il a ainsi accompli sa promesse et la balle maintenant est entre les mains de ces deux personnes. Dev Ramano représentera les quatre employés.**

2. **Il y a eu plusieurs développements concernant les cas Meunier, Armoogum, Aurokium et Saintas.**
3. **Comme promis je vous transmets l’affidavit que j’ai soumis au Président par intérim de la République.**

## Supreme Court – Republic of Mauritius

**I, Jack BIZLALL, holder of ID B230746300176E, Negotiator of several unions, members of the Federation of Progressive Unions (FPU), under Section 14 of the Employment Relations Act, and residing at 26, MHC, Vuillemin, Beau Bassin;**

**DO MAKE MY SOLEMN AFFIRMATION AND SAY AS FOLLOWS:**

1. That one **Praveena Salaye** has been dismissed by the **Mauritius Broadcasting Corporation**, without the latter complying with Section 37 (2) of the **Employment Rights Act**, stating that “*The Employer shall, at the time of notifying a worker of the termination of his employment, state the reason of such termination*”.
- 1.1 The **FIRST contention** of the **Federation of Progressive Union** is that the MBC has **NOT** been sued as per provisions of **Section 67** of the **Employment Rights Act**, stating that: Any person who contravenes subsection 67(e) (iii) (any *provision of this Act or any regulations made under this Act*), **shall commit an offence** (Subsection 2) and “*on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment not exceeding 2 years*”
- 1.2 The **SECOND contention** is that **Section 72** of the **Constitution of the Republic of Mauritius**, which governs the powers of the **Director of Public Prosecutions** is **NOT** being applied. Subsection (5) states “*The powers conferred upon the Director of Public Prosecutions under subsection (3) (b) and (c) shall be vested in him or through other persons acting with his general or specific instructions*”

1.2.1 It is therefore contended that the **Ministry of Labour** is exercising the powers of the **Director of Public Prosecution**, with or without the latter's instructions, **BUT** is **NOT** applying the law under delegated authority, or otherwise. Thus, in the circumstances, it is allowing employers to flout the provisions of the **Employment Rights Act** and eventually the **Workers' Rights Act**.

1.2.2 It is also contended that the **Employment Rights Act** and specifically its Section 67, forms an integral part of the **Penal Code**, and cannot be otherwise construed.

2. The **THIRD contention** is that one, **Mahentee Boolakee** (employed by the **Central Electricity Board**), and one **Asha Rampadaruth**, (Employed by the **State Bank of Mauritius**), have been dismissed by their respective Employer following findings made by the **President of the Employment Relations Tribunal**, and a **Magistrate of the Industrial Court**, acting in their private capacity (and remunerated for that), as Chairpersons of the disciplinary boards, **Disregarding** the fact that such dismissals can be referred for redress to the **Employment Relations Tribunal** and the **Industrial Court**
3. The **FOURTH contention** is that the **Bishopric of Port Louis** (acting as per its religious authority emanating from or copied on the Vatican) has dismissed one **Michel Aurokium** and one **Lynelle Saintas**: and has notified one **Dolores Armoogum** that her employment will be terminated **AGAINST** the provisions of the **Employment Rights Act** protecting employees from unjustified dismissals. As under mentioned:
  - 3.1 The Bishopric cannot at the same time comply with the Republican Laws and the Vatican Laws. The Vatican Laws are couched in the **Code de droit canonique** of **1917**, as replaced by the **Code de droit canonique** of **2083**; and apply sanctions to **ANY** member of the Roman Catholic Church. In addition the Church has the right to promulgate protocols of different nature, such as the **Décret de Promulgation** signed by the **Chancelier** (Hervé de St. Perne) and the **Cardinal Maurice Piat**, Evêque de Port Louis, on the 22<sup>nd</sup> of May 2018. On “**Procédures à suivre par toute personne se trouvant en présence d’allégations d’abus sexuels sur mineurs impliquant un Clerc**»; which is a combination of the law of the Republic of Mauritius (**The Child Protection Act of 1994**)**AND** the laws and procedures applicable in the Church. This being considered unacceptable.
  - 3.2 Mrs. **Lynelle Saintas** has been dismissed on matters of facts and **NOT** on guilt;
  - 3.3 Mr. **Michel Aurokium**, dismissed without the proper holding of a disciplinary hearing;
  - 3.4 Mrs. **Dolores Armoogum**, notified in writing that her contract of employment will be terminated **WITHOUT** the appropriate procedures as provided in the ERA and compensation. Paragraph 2 of the letter signed by Father Adien Wiehe is a glaring reference to what is applied **ONLY** in the Roman Catholic Church as procedures leading to **Exclusion**
  - 3.5 Mrs. **Christine Meunier** has been refused her request for transfer from Mauritius to Rodrigues, on the ground that Educators employed by the Bishopric are placed on two distinct establishments when this is **legally** and most of all **constitutionally** not sustainable. It is contended that 1) Rodrigues forms part of the Republic of Mauritius; 2) The Rodrigues Regional Assembly is governed, inter alia, by Section 26 (3) (a) of the Rodrigues Regional Assembly Act of 2001 as amended, and 3) The schools belonging to the Roman Catholic Church, fall under the general administration of the RRA and the Ministry of Education, and that any difference applicable in such administration that creates any discrimination is **NOT** legally acceptable.

4. The **FIFTH contention** is that the **State Law Office** has **ONLY** to provide legal advice to **Government**, it has **ALSO** the obligation to contribute to a fair and just legal system and the promotion of the rule of law, in the interest of the **State** and the **People** (The Government, the State and the People being three distinct constitutional doctrines), it cannot allow its officers, to counsel both the **Employment Relations Tribunal**, and the **Commission for Conciliation and Mediation**, on the **ONE** side and counsel **ALSO**, for private remuneration, any party appearing before the ERT and the CCM.

### **Purposes of this Affidavit**

#### **Purpose No 1**

**The Federation of Progressive Union** has decided that in case the **State of Mauritius**, through the Government in office, is not taking the appropriate steps to redress the above contentions, an application shall be made to the appropriate Commission of the **International Labour Office**, to conduct an inquiry into the following three points set below and in case the State is **NOT** acting as per the ILO conventions it has ratified, to take all appropriate actions, as per ILO practices and regulations.

- 1) **First inquiry** - The role of the Government of Mauritius condoning the President of the Employment Relations Tribunal and the Magistrate of the Industrial Court, as chairpersons of disciplinary boards **WITHOUT** the consent of the employees concerned and in contravention with their mandatory duties.
- 2) **Second Inquiry** - The decision of the Government **NOT** to take legal actions against the MBC which falls under its control as a parastatal body, in relation to the non application of a mandatory obligation to give the reason of the termination of a contract of employment.
- 3) **Third Inquiry** - The decision of the Government to allow the Bishopric of Port Louis to act as a state in a state flouting the laws of the Republic.

#### **Purpose No 2**

This affidavit serves **ALSO** the purpose of : 1) Respecting the undertaking given by me (At the meeting held at the State House on the 12<sup>th</sup> September 2019 with the Acting President) that I would submit this affidavit to him for his verification of the facts presented above; and 2) Supporting my request that he meets the Bishop of Port Louis for the application of the Law of the Republic in dealing with the cases mentioned in paragraph 3 above, **AND** the Prime Minister of Mauritius for the redress of the **FIVE** contentions.

#### **Purpose No 3**

This Affidavit will be served on the **Minister of Labour**, with a request that the settlement of above be considered:

1. **Item 3** - At level of a **Tripartite Committee** to be chaired by him;
2. **Items 1, 2 and 4** by their reference to the Cabinet for consideration or otherwise.

**Sworn by the above-named.**

**To be used in connection with the applications as mentioned above.**

(S) Jack Bizlall

AT CHAMBERS, SUPREME COURT, NEW COURT HOUSE, PORT LOUIS,

THIS 16<sup>th</sup> DAY OF September 2019

BEFORE ME

(S) D. Budhna  
Chief Court Officer/Court Manager

- 4- Essayez de vous procurer une copie de ce texte, dont je fais référence dans mon affidavit.

