

# Workers Program



## Labour Day 2024 & Coming General Election

- In the face of -
  - the deepening of the climate & ecological crisis, flooding, heat waves, cyclones, and other disasters,
  - discrimination between private and public sector workers, and
  - Familial & societal mutation , what are the new parental rights, woman rights?
- For the realignment of all salaries after the introduction of the new minimum salary, to valorise and recognise the experience, skills, and years of service of workers in both private and public sectors.
- In the face of the country's wealth appropriation by a few capitalist elite and those under the good graces of government.
- How to enforce and consolidate existing laws and workers' rights?
- How to strengthen workers trade union's rights?
- In face of the deterioration of public and social, specially health services.
- What constitutional amendments are necessary for workers and the country?



# Worker's Program

## For a New and Enhanced Working life and Rights of Workers of Mauritius/Rodrigues

### 1. Disasters – Climate Crisis

- (a) To eliminate all forms of discrimination between public and private sector workers when there are risks of endangering life with torrential rain. When the government decides that public sector workers cannot work, private sector workers should also not work. One law for all.
- (b) When there is class 1 or class 2 cyclones warning and there is an imminent risk of torrential rain associated, workers shall not be required go to work and receive a paid leave, similar to classes 3 and 4 cyclone warning.
- (c) When there is class 1 or class 2 cyclone warning and there is a risk of torrential rain associated, if workers need to stay at the workplace, the same provisions applicable for cyclone class 3 or 4 must be applied.
- (d) To harmonize regulations on public transport systems in the event of cyclones and other climate related disasters.
- (e) To align the provision of metro transport, bus transport and other means of transportation in National Disaster situations.
- (f) To ensure the general safety of workers and transport workers, specific legislation must be put in place to specify the required time before or after any disaster, when public transportation needs to operate.
- (g) Weather bulletins, in time of cyclone or other disasters, must also be broadcast before 4:10 a.m. because many transports and workers of other sectors have already left their residences for work before 4.10 pm.
- (h) To ensure that all transportations which need to be operated during class 3-4 cyclones or other Disasters are covered by the proper insurance.
- (i) Introduction of Disaster Leaves, so that if authorities refuse to act at any time of National Disaster, workers have the right take Disaster Leaves. Disaster Leaves shall apply to torrential rain or increase in heat wave levels at the workplace.
- (j) In this context, we advocate for the implementation of a 'humindex' system similar to Canada's policy, to measure not only temperature but also its combined effect with humidity on human health.
- (k) For all Risk Assessments to include risks of water/flooding/heat/ultraviolet rays at the workplace and evacuation plan procedures and necessary safety measures, taking into account these new risks.

- (l) When a worker is required to work during class 3-4 cyclones or any other circumstances where there is a national or localised disaster, the Insurance Cover and Compensation Scheme introduced in the Workers' Rights' Act 2019 (WRA), under our initiative, must compulsorily include compensation for monthly remuneration and retirement benefits, plus damages, for any deceased worker or any worker suffering a disability that prevent them from working.
- (m) For Mauritius to declare October 13<sup>th</sup> as the International Day for Disaster Risk Reduction (IDDRR), so that every enterprise practices its Disaster plan in the morning on this Day and in the evening workers and citizens participates in localised grassroots activities on Disaster Risk Prevention and Reduction.
- (n) To amend the National Disaster Risk Reduction And Management Act:
  - i. to include 3 Unions' representatives in the National Disaster Risk Reduction And Management Council and the National Crisis Committee.
  - ii. To include village councils and resident committee members, PTA and other associations in the National Disaster Risk Reduction and Management Council and the National Crisis Committee.
- (o) To establish a Climate-related Disasters Fund.
  - i. To compensate all victims of Climate or related Disasters, including cyclones,
  - ii. To finance safety measures in workplaces and local areas, and
  - iii. To ensure that more than 50% of funds from Climate Finance, COP or other international sources go into this Climate-related Disasters Fund.

## 2. Social Reproduction Responsibility

- (a) **Parental leave.** Recognizing 12 days of parental leave with pay, which shall be accumulated, for the functions a worker to fulfil his/her responsibilities as a parent. e.g., School events, Medical or other responsibilities related to the bringing up of a child.
- (b) **Menstrual leave:** every female worker should get one day of leave with pay per month for complications related to their period (menstruation).
- (c) **Increasing Paternity leave for assisting the spouse,** in cases where a woman undergoes caesarean section or other birth complications.
- (d) **A woman should have the right to light duty** after having entered into her 3 months of pregnancy.

## 3. Elimination of discrimination between public and private sector workers

- (a) Example:
  - i. Standardization of the normal working week of 40 hours, 5 days, for all workers in Mauritius/Rodrigues/Agalega.

- ii. Same Annual Vacation Leave for all workers.
- iii. Classification Criteria – for all Retirement to align, full retirement after 38 and a half years of service.
- iv. Salary Scale recognizing workers’ years of service and experience to be aligned.

#### **4. Inflation/Cost of Living – Salary**

- (a) Introduction of a COLA 2.0, *Cost Of Living Allowance 2.0*, where each worker’s salary is automatically indexed (adjusted) on inflation rate, that is the increase in the cost of living. Salary can be adjusted according to inflation rate up to a certain threshold or pay a COLA 2.0 applying inflation rate on the basket of household budget, established by the CSO (Household Budget Basket for CPI).
- (b) Replacing the *National Minimum Wage* with the introduction of a *National Minimum Living Wage* based on what a family needs to live, not on a median salary proportion, as it currently is.

#### **5. Salary Relativity Realignment**

- (a) Publishing of the Draft Report on Salary Relativity realignment prior to any implementation.
- (b) That all salaries readjustment be at least by the same proportional differential between the same category of workers and between different categories of workers within the same sector.
- (c) That all salary readjustment exercises be based on the actual salary of the worker or the latest Collective Agreement, not on outdated salaries in the Remuneration Regulations.
- (d) To ensure that every sector without a Remuneration Regulation does not suffer any prejudice whenever there is a salary relativity exercise is being carried out.
- (e) While readjusting salary, it is to be ensured that every sector has a salary scale for at least 10 years, to recognize years of service and to prevent discrimination between different work sectors or different categories of workers.

#### **6. Reintroducing the National Pension Scheme 2.0 for all workers**

- (a) Where contributions of 3% of the employee and of 6% of the employer are made on total earnings, without any ceiling.

#### **7. To ensure that the law on workers’ rights is respected**

- (a) The Ministry of Labour, Human Resource Development and Training may apply to the Employment Relations Tribunal (ERT) for an Interim Order, or to the Industrial

Court, to enforce the provisions of the law if an employer objects to a Compliance Notice as provided under Section 121 of the Workers Rights' Act 2019.

#### **8. To prevent abuse on Part Time workers and contractual/seasonal workers**

- (a) All workers who work for more than 25 hours a week shall be considered as a full time worker and shall be paid accordingly. This provision existed in the repealed Labour Act.
- (b) For Principal Employer and its sub-contractors, shall be in solido, jointly and severally. responsible for the entire working conditions and rights entitlements of a contractual worker.
- (c) That the proportion of contractual/outsourced workers in any enterprise shall not exceed 20% of the permanent workforce.

#### **9. No penalty on worker's benefits for any leave authorized under law.**

- (a) No Performance or Attendance Bonus or any other benefits can be deducted if a worker has taken any leave authorized by law.

#### **10.To prevent discrimination against foreign workers**

- (a) That any Collective Agreement signed by a Union, to be automatically applied to all foreign workers working in an enterprise, without the foreign workers being part of the bargaining unit.

#### **11.For Old Age Pensions to be aligned to the Minimum Wage**

- (a) Meaning that starting from January 2024, payment of a minimum of Rs 16,500 as old-aged pensions and henceforth old- aged pensions to be automatically aligned to the re-adjustment of Minimum Wage.

#### **12.For Improvements in public services, specially for medical care in hospitals**

- (a) To provide medical care and services more promptly to ensure that any medical test results be obtained in reasonable time, within at least a week.
- (b) To reduce the time between appointments for medical examination and other medical tests to its minimum.
- (c) To recruits in the public services and health sector, new staff to fill in all existing vacancies and create additional posts to fulfil the need of the citizens.

### **13. Sanitary needs.**

- (a) To install special sanitary bins in all workplaces for disposal of menstrual pads.
- (b) To install dedicated toilets in all Bus Terminals for all transport workers.

### **14. Disciplinary Committees to be completely independent from employers**

- (a) All lawyers/persons who wish to preside over a Disciplinary Board must be registered with the Minister of Labour, Human Resource Development & Training who will then be ~~chosen~~ selected by drawing of lots.
- (b) If the lawyer/person selected has a conflict of interest, for example, if he has to represented the employer in any case before any court of law in the last 2 years, he must withdraw himself.
- (c) In every enterprise, workers must have the right to elect a representative to sit on the Disciplinary Board.
- (d) Any decision of the Chairperson of the Disciplinary Board must be submitted to the concerned worker if the employer decides to take any action against the worker.
- (e) The time frame between an alleged misconduct and the initiation of any disciplinary action must be limited to a specific period of time.

### **15. Trade union rights, collective bargaining, and the right to strike.**

#### **(a) Trade Union Rights**

- i. To create a special division in the Employment Relations Tribunal to handle cases of violation of workers' union rights, which already exist in the Employment Relations Act, and to set a deadline of 30 days for the determination.
- ii. To reintroduce the principle of referendum/secret ballot by workers, in cases where the employer objects to grant recognition to a union.
- iii. To change the law to eliminate the bureaucracy, delays, and inefficiencies that characterize the power of the Registrar of Associations.

#### **(b) Collective Bargaining**

- i. To change the law to encourage National Negotiations, in sectors such as the security industry, transportation, freeport, BPO, free trade zones, and others. It must be mandatory for every organization registered to defend employers with the State, to also conduct National Collective Bargaining with unions.
- ii. To amend the Employment Relations Act to make the procedure for declaring a Labour Dispute less ambiguous, which are now being used by employers to render ineffective (caduque) the very fundamental right to strike of workers:

- A.** so that when a union declares a Labour Dispute, the Union have the right to either claim for an arbitration or have recourse to a strike.
- B.** To ensure that when an employer declares a Labour Dispute, they have the right to lockout only and not to compulsory arbitration.
- C.** To ensure that the discretionary power of the CCM is not used to render 'Caduque' the right to strike of workers.

**(c) Right to Strike, a fundamental right of workers**

- i.** To amend the Employment Relations Act:
  - A.** so that no worker loses his/her job for participating in a strike. The employer can only withhold his/her basic wage pay for the days the worker has been on strike.
  - B.** In the context of a legal strike, the strike days must be considered as authorized absences and, therefore, those days should be paid, without any penalties or loss of other benefits related to attendance at work.



# For a Constitutional Amendments for a qualitative change in Working Life and Rights of workers of Mauritius/Rodrigues

## **Five Key Constitutional Amendments for a leap forward**

### **1. Economic and Social Rights as recognized by the UN in the Constitution.**

(a) This includes the right to work, housing, education, social security, and the right to strike.

### **2. Reform the electoral/democratic system for more power to the people and workers.**

(a) For the removal of principle of communalist representation in electoral system and its replacement by the introduction of a system of proportional system to represent a more diverse socio-political opinions in parliament.

(b) Adequate representation of women in the National Assembly.

(c) To introduce the Right to recall deputies between 2 elections.

(d) Introduction of the referendum principle in the Constitution

### **3. Introduction of Nature Rights in the Constitution.**

(a) For Natural Ecosystem to be recognised for its existence and function

(b) For citizens to be recognised as guardians of Nature

### **4. History to recognised in the Constitution**

(a) Include our history in relation to slavery, indentured labourers, and colonialism in the Constitution.

### **5. Include the aspirations of the Mauritian people to peace**

(a) The principle of a demilitarized territory of the Republic of Mauritius with no foreign military base.

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General  
Workers  
Federation



**PRIVATE SECTOR  
EMPLOYEES UNION**



Union of Bus  
Industry Workers



Joint Negotiating  
Panel sindika  
Lindistri Sikriyer



Centre for Alternative  
Research and Studies



**Rezistans  
ek Alternativ**