

PRIVATE NOTICE QUESTION

EMPLOYMENT RIGHTS ACT 2008 – EMPLOYEES - LAID OFF, UNEMPLOYMENT BENEFIT ETC.

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Minister of Labour, Industrial Relations and Employment whether, following the promulgation of the Employment Rights Act 2008, he will state -

The number of employees who have been laid off, indicating the number of firms concerned;

The number of employees who have to contribute 1% of their wages, indicating the monthly estimate of the contributions;

The amount paid as at to date as transitional unemployment benefit, indicating the number of employees receiving same, and

The number of cases lodged before the Industrial Court.

The Minister of Labour, Industrial Relations and Employment (Mr J. F. Chaumière): Mr Speaker, Sir, with your permission, I propose, in replying to the PNQ, to reply also to PQ Nos.+99 B/32, B/39, B/66 and B/70 as they relate to the same subject.

Mr Speaker, Sir, as all Members are aware, the new labour laws were adopted by this Assembly in August 2008, at a time when there was no indication that the financial crisis, which had originated in the USA, would reach our shores. Since then, the crisis has reached global proportions.

With our economy heavily reliant on tourism and exports, and therefore on external markets, Mauritius has not been spared of the effects of the global financial crisis, which has translated into a global job crisis as has been highlighted by both IMF and the ILO. According to these international institutions, the global unemployment rate in 2009, in an optimistic scenario, could rise to 6.1% or even up to 6.5% over 2007 figures. The actual increase in the number of additional people unemployed could range therefore from 18 million to 30 million. In a worst case scenario, which may happen if recovery is delayed into 2010, the additional number of unemployed could reach the 50 million figure, of which about 22 million, unfortunately, would be women. It is public knowledge that over 20 million jobs have already been lost in China and over 10 million in India as a direct consequence of the global crisis.

It is thus fortunate that the Employment Rights Act makes provision for innovative measures such as the Workfare Programme which provides, to some extent, a safety net to those workers in the affected sectors, who would, anyway, have lost their jobs as a consequence of this global financial crisis. Notwithstanding the crisis we are in, I have to draw the attention of the House to the fact that the unemployment rate has been consistently going down since the “astronomic” figure of 9.6% was registered in 2005. According to latest CSO figures, the unemployment rate had gone down to 7.2% at the end 2008.

Mr Speaker, Sir, from the coming into operation of the Employment Rights Act on 02 February 2009 and up to 30 March 2009, 939 workers have been laid off, 237 in the month of February and 702 during the month of March. As I have pointed out already, these job losses cannot be ascribed to the new labour laws, as some may too easily conclude.

Thirty-two firms are concerned with these lay-offs. A breakdown sectorwise is as follows -

- Tourism – 3 firms with 130 workers laid off.
- Construction - 2 firms with 27 workers laid off.
- Distributive Trade - 1 firm with 4 workers laid off.
- ICT - 2 firms with a total of 64 workers laid off.
- Non-EPZ Manufacturing - 6 firms with 93 workers laid off.
- The Manufacturing sector for export - 11 firms with a total of 621 workers laid off.

The House will agree that it is not proper to reveal the names of the firms concerned.

As will be noted from the figures given by me, most of the laid-off workers are from the tourism sector and the export oriented manufacturing sector. This is the confirmation that these lay-offs are a direct consequence of the global economic crisis affecting our main export markets. It is not, in any manner, a consequence of the new labour legislation.

May I draw the attention of the House to the fact that notwithstanding the crisis affecting particularly the tourism and manufacturing sectors, jobs have been created in other sectors. According to CSO figures, we have in 2008 seen the creation of 16,900 new jobs.

As regards part (b) of the PNQ, according to figures obtained from the Ministry of Social Security, 227,000 workers will be called upon to contribute 1% of their basic salary, capped at the NPF ceiling which currently stands at Rs9,435. The monthly total contribution expected to be paid by these workers is estimated at Rs16.4 m.

There is a misunderstanding in some quarters on the use of the 1% contribution of workers. I have to reiterate the fact that this 1% contribution will go to the personal savings account of the worker at the National Savings Fund. The money which will accrue will earn interest and will, if not utilised, be refunded to the worker on his retirement, in addition to all other benefits under the NPS and in addition also to the retirement gratuity that will be payable by his employer according to law. This 1% contribution will be used only for the part funding of 50% of the TUB payable to the worker in the event that he is laid off and joins the Workfare Programme. The other 50%, and also in the event adequate funds are not available in the personal NSF amount of the worker, the difference will be paid from the Workfare Programme Fund.

In reply to part (c) of the PNQ, I am informed that Rs3 m. have been paid as at to-date as Transition Unemployment Benefit and 234 workers are in receipt of same.

As regards part (d), my Ministry has so far entered two cases before the Industrial Court and another case will be lodged shortly. The two cases already entered in court refer to failure by the employer to afford to the worker an opportunity to answer charges in a case of in discipline. The third case is in respect of failure to pay salary in time, that is, last working day of the month. This is deemed to be a breach of contract on the part of the employer.

As was the case previously, the Employment Rights Act does allow a worker who is laid off to contest his termination if he is not satisfied with the reason put forward by the employer. The possibility exists in the new law for my Ministry to investigate and, in case a *prima facie* case is established, to institute court action on behalf of the worker and claim severance allowance at the rate of 3 months' remuneration per year of service.

Mr Speaker, Sir, to conclude, allow me to address three specific issues raised in PQ Nos. B/66 and B/70. I wish to inform the House that from August 2008, i.e. since the Employment Rights Act was adopted in the Assembly, up to 30 March 2009, 1,770 workers - but the law was not proclaimed yet - have been laid off. Since proclamation of the Employment Rights Act on 02 February 2009, 101 workers who have been laid off have opted not to join the Workfare Programme and have been paid compensation at rates mutually agreed. I wish also to inform the House that the question of a review of the newly proclaimed Employment Rights Act to amend the procedure relating to lay-offs is not envisaged.

Mr Bérenger: In regard to the first part of my question, can I ask the hon. Minister of Labour whether he is satisfied that firms that are laying off employees since the coming into operation of the Employment Rights Act are notifying the Ministry and, if yes, within which delay and, if not, what action is envisaged?

Mr Chaumière: I have to inform the House, Mr Speaker, Sir, that in case of laying off the employers have to send a letter to the Minister, which they are doing actually. As I have said in my answer, when we are not satisfied ourselves, for example, of the fact that employers come with reasons like people have been laid off for misconduct or for poor performance, if they do not give the possibility to the employee to answer charges, we take actions and that is why we have three cases before the Industrial Court.

Mr Bérenger: For my part, I am not saying that the coming into operation of the Employment Rights Act has caused lay offs. It is not the point. The point is that the coming into operation of the new legislation has coincided with the international finance law and economic crisis beginning to hit us hard. Does the Minister not agree that this was the worst possible time to bring the new Employment Rights Act into operation?

Mr Chaumière: Mr Speaker, Sir, I must say that, on one point, the hon. Leader of the Opposition is right, that the legislation coincided with the international financial crisis. He is right. But, I must add as well that, if we didn't have the Workfare Programme in the law today, most of our sisters and brothers in the EPZ sector now would not benefit from anything and this has been proved in the past, Mr Speaker, Sir.

You would remember that in the years 2000-2005, Mr Speaker, Sir, 48,000 people were laid off. I am not saying that there should be

(Interruptions)

Mr Speaker: There is only one Minister of Labour!

Mr Chaumière: 48,000 people were laid off in the EPZ sector and most of the time, Mr Speaker, Sir, workers in the EPZ sector were not covered by the TCSB, then they would go to Court with the help of the Ministry. Hon. Soodhun will be able to confirm....

(Interruptions)

We would go to Court, we would get a judgement in favour of the employees – an academic judgement – but the workers would not cash a single rupee. We have changed that today, Mr Speaker, Sir. Every time that a worker is laid off, he immediately enters into the Workfare Programme.

Mr Bérenger: May I know from the hon. Minister - we read the press, amongst other things, and we know which firms are in difficulty and which firms are laying off - what is the point of refusing to give the names of the firms that have laid off workers? It is not a crime, we want to know what is the point, what is the big secret as we learned that in the press and we should get precise information here.

Mr Chaumière: Mr Speaker, Sir, in some cases, for example, enterprises are being taken over by other people as well. I don't think it is proper for me to come and reveal information for the sake of the employees themselves.

Mr Bérenger: On the second part of my question, we have been informed that the employees are expected to contribute 1%, a total of – if I got it right - Rs16 m. per month. Does the hon. Minister think that it is fair, now that the international financial and economic crisis is hitting us and, at the time when, through the stimulus package, firms are going to receive millions of rupees, in that context to request those 227,000 employees in the private sector to contribute 1%, that is, Rs16 m. per month?

Mr Chaumière: Mr Speaker, Sir, the hon. Leader of the Opposition is referring to the Workfare Programme and I must inform him that the contribution to the Workfare Programme is a tripartite contribution whereby the employee contributes 1%, but the employer also has to contribute and Government also contributes to the Workfare Programme. And we must say that the objective of the Workfare Programme is to encourage mobility of the worker first. And, secondly, Mr Speaker, Sir, it is to allow the employee to be recycled, to allow the employee to get a new job if he so wishes, to allow the worker to be able to have proper training if he so wishes, to be trained and be reskilled, to allow the employee to start a small business with the help of Government, accompanied with the payment of a transition unemployment benefit, Mr Speaker, Sir, which is, for the first three months, 90% of the basic salary of the worker, four months to

six months, it is 60% of the basic wage or salary and from the 7th month to 12th month, it is 30% of the basic wage or salary, and in no case the TUB shall be less than Rs3,000. Mr Speaker, Sir, the employer has to contribute as well a recycling fee to the National Saving Funds Account of the worker as follows –

Between 12 and 36 months continuous employment: three days' basic wage or salary for every 12 months' of continuous employment.

Above 36 months up to 120 months continuous employment: six days basic salary.

Above 120 months up 240 months: 10 days' basic wage or salary.

More than 240 months: it is 15 days' basic salary.

As I said, sooner, Mr Speaker, Sir, the workers contribution is credited to an account which belongs to the worker. It does not belong to the State, it does not belong to the employer, it belongs to the worker himself. And, if ever there is no accident in his professional career, he is going to get this 1% at the end of his professional career together with interest, Mr Speaker, Sir.

Mr Bérenger: We have been informed, Mr Speaker, Sir, that the employees concerned contribute Rs16 m. every month, and yet to date only Rs3 m. have been paid out as transitional unemployment benefit.

(Interruptions)

Mr Speaker: What is the problem? Is there a problem?

Mr Bérenger: Can I ask the hon. Minister to explain the discrepancy, the difference between the Rs16 m. that comes in every month and the expenditure of only Rs3 m. to date?

Mr Chaumière: Mr Speaker, Sir, one thing we must be sure is that for the time being it is the Government which is contributing to the Workfare Fund after two months that the legislation has been proclaimed.

Mr Bérenger: In the last part of my question, Mr Speaker, Sir, we have been informed that only two cases have been placed before the Industrial Court since the coming into operation of the new legislation and one of them being a case not of dismissal, but non-payment of wages, that is, breach of contract. Will the hon. Minister agree that the reason why there is only finally one case of dismissal brought before the Industrial Court is that the new law prevents workers and their lawyers from bringing cases because economic factors come in, refusal of this or that comes in and, therefore, the workers and their lawyers cannot bring cases through the Labour Office or just cannot do it.

Mr Chaumière: Mr Speaker, Sir, since my coming into this Ministry and even after February, I have cases before the Ministry itself or before the Department of Conciliation and Mediation and we have also tripartite institutions; when both employers and employees at the Commission for Conciliation and Mediation, the Employment Relations Tribunal where representatives of trade unionists and employers sit together. I have to give the assurance to the hon. Leader of the Opposition that every time a worker comes before us and seeks to go before Court, there cannot be anyone who could prevent the worker to go before Court. Mr Speaker, Sir, that there have been so many avenues in the law to give the opportunity to the workers to go before Court and I have to make an appeal to the trade unionists that they have an important role to play within the framework of the law itself. When you look at the Employment Relations Act, Mr Speaker, Sir, when you see the easiness with which a trade union can be registered first, the moment it has got...

Mr Speaker: I am sorry to stop the hon. Minister. I think the hon. Minister is making a statement. I think he has to be specific to the question. What is there in the framework of the law for cases to be reported to the Court?

Mr Chaumière: Mr Speaker, Sir, there are many possibilities. I have just given two cases whereby if the worker feels that he has been unjustly dismissed, he can go to Court, he can go to the Tribunal. There is nothing which prevents the workers from doing so.

Mr Bérenger: Nothing prevents the worker from going, but he will lose because the law provides for the employer to be able to dismiss him for economic reasons, for this and that reason. Now, although I am stressing the fact that it is now very difficult for workers, employees and their lawyers to go before the Industrial Court, nevertheless, on 18 August, the then Minister of Labour, Industrial Relations & Employment said in the House that Government, I quote –

“(...) will set up a fast track in the Industrial Courts.”

Granted that with one case, a fast-track is not yet needed, but can I ask the hon. Minister what detailed arrangements have been made in the Industrial Court for that supposedly fast track to perform?

Mr Chaumière: Mr Speaker, Sir, I think we have to let the Industrial Court work and then we will see. The proof of the pudding is in the eating, Mr Speaker, Sir. Two months only have elapsed since the proclamation of the legislation, Mr Speaker, Sir. Let us see the institutions at work and then we will decide, but I am still consulting, Mr Speaker, Sir. I am still open to suggestions, Mr Speaker, Sir, and I must say if a worker is not satisfied...

(Interruptions)

Mr Speaker: Order! Order, please!

Mr Chaumière: Mr Speaker, Sir, I have always said and I will reiterate it here today that the legislation has been proclaimed since two months. We must see the legislation at work and then we can come with conclusions, Mr Speaker, Sir, not now!

Mr Jugnauth: Will the hon. Minister confirm whether he has made a public statement that some companies are making an abuse of the actual legislation and, if so, on what did the Minister base himself to say so?

Mr Chaumière: I have never said something of that sort, Mr Speaker, Sir. I remember when I was, for example, at the MEF, I have said that there has always been the case - and it is not linked to the law - that some people in certain sectors have not played the game, paid their workers on time. I mean that has always existed, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: I'll have to give the floor to hon. Dulloo first and then to the other Member.

(Interruptions)

Order!

Mr Dulloo: Mr Speaker, Sir, formerly under the previous law, with the existence of the Termination of Contract Service Board, notice should be given to the Minister of the intention of reduction of workforce or closing down of the enterprise altogether. Now, under the new law, there is still provision under section 37 that notice should be given to the Minister where the employer intends to reduce any number of workers or to close down his enterprise for reasons of economic, technological, structural or similar nature. So, once the notice would be given to the Minister, what would happen? This is not clear to the workers. What would the Minister do with that notice because now there is no longer the Termination of Contract of Service Board where a whole mechanism is set into motion with relevant delays and all that?

Mr Chaumière: Mr Speaker, Sir, if the hon. Member is referring to the TCSB, we would remember that, in the past, workers would go in front of the TCSB and then if the findings are in their favour...

(Interruptions)

Mr Speaker: Order!

Mr Chaumière: ...what would the employer do? He would go to the Industrial Court. Then, if there is a judgment in favour of the employee, then he would just process on and make an appeal to the Court, Mr Speaker, Sir. And you would remember that in a lot of cases, when it comes to payment of the workers, there were no funds available to pay the workers, and now with this Workfare Programme, Mr Speaker, Sir, they are

immediately in the Workfare Programme. May I add something, Mr Speaker, Sir? In a modern developing nation, Mr Speaker, Sir, which has to rely mainly on the external world for export and tourism and in this globalised and competitive world we will have to face the music. There is an international financial crisis in the world, Mr Speaker, Sir.

(Interruptions)

And we will have to face the music and there was, therefore, an urgent need to introduce a system of payment to cope with something which will turn out to be recurrent problem, Mr Speaker, Sir.

Mr Ganoo: Mr Speaker, Sir, can I ask the hon. Minister this question? The law, as it is now, has done away with the concept of severance allowance and this concept of severance allowance exists in all countries, even in capitalist countries and this concept of severance allowance should not be in contradiction with the unemployment benefit. In fact, the Convention of the ILO states clearly, Mr Speaker, Sir.

Mr Speaker: The hon. Member should come straight to the question.

Mr Ganoo: My question to the hon. Minister is: can't we reintroduce into our law the TCSB, the concept of severance allowance keeping untouched the unemployment benefit?

Mr Chaumière: Mr Speaker, Sir, shall I come back to the fact that when we talk about severance allowance, we talk about the TCSB? I must reiterate that when the employer did not comply with an order of the TCSB, he had to enter proceedings before the Industrial Court to claim his dues, Mr Speaker, Sir...

(Interruptions)

...and during the last three years, there has only been one case where the TCSB found that the termination was unjustified. Mr Speaker, Sir, the case was referred to the TCSB in 2006 and the employer had applied to the Supreme Court for judicial review and in 2008 only, there was agreement before the Supreme Court. But let me correct something, Mr Speaker, Sir. Severance allowance is still here for unjustified termination.

Mr Speaker: Hon. Mrs Hanoomanjee! I would like to have short questions and short answers as time is running out.

Mrs Hanoomanjee: Mr Speaker, Sir, the Minister in his reply has stated - and rightly so - that, at the time the legislation was passed, there was no indication of the economic crisis. Now, our colleague on this side of the House, hon. Soodhun, had proposed 28 amendments to the Act in the interest of workers. Can the Minister state whether in the present context, he doesn't feel that now due consideration should be given to the amendments that we had proposed to the legislation and, as time may, he comes with the appropriate amendments?

(Interruptions)

Mr Speaker: Hon. Minister of Finance, please!

Mr Chaumière: Mr Speaker, Sir, the spirit of the law at this juncture, I am convinced that if we didn't have the Workfare Programme - one of the main sectors which has affected us....

Mr Speaker: The question is a straight question, please!

(Interruptions)

The question is a simple question. There were 28 amendments which were introduced in the House. Will the Minister now, in the context that we are living, reconsider them?

Mr Chaumière: Mr Speaker, Sir, indeed, hon. Soodhun came with so many amendments when the law was debated. But there was a debate and the law was adopted. I do not intend to have a permanent debate on the law. Let us see the law at work and then we will see.

Mr Gunness: Mr Speaker, Sir, I heard the hon. Minister said that 939 workers have been laid off. 234 have benefited from the transitional unemployment benefit. May I know from the Minister what happened to the 705 remaining workers? The hon. Minister has also given a list of firms. Can I know why the workers who have been laid off by SMEs are not included in the list?

Mr Chaumière: Mr Speaker, Sir, when we talk about workers, we talk about SMEs also. I did give a list, Mr Speaker, Sir, of workers who were laid off in each sector. I have to add also that a certain number of workers have been redeployed elsewhere. Some have applied for training and some have opted to set up a small business, Mr Speaker, Sir.

Mr Soodhun: Thank you, Mr Speaker, Sir. I will be very short as usual. A lot has been said concerning the permanent workers and the Minister will agree with me that today the industries are employing about 122,000 casual workers. I would ask the hon. Minister whether he is now ready to introduce the necessary measures to protect the employment of part-time workers who are dismissed for justified reasons, but who are excluded from the Workfare Programme and are not entitled for the payment of severance allowance under the present legislation?

Mr Chaumière: I forgot to tell, Mr Speaker, Sir, that among one of the laid-offs was the former hon. Ashok Jugnauth. Mr Speaker, Sir, I must say honestly that I am for a social dialogue. Hon. Soodhun has made a lot of suggestions which have been set aside at the moment. This is democracy, Mr Speaker, Sir....

(Interruptions)

Mr Speaker: I don't understand.

Mr Chaumière: But...

Mr Speaker: I am sorry, I am on my feet!

(Interruptions)

Order! I have said I need short questions. There is a question whether part-time workers, who are not covered by this law, will be reconsidered to cover them. That is all.

Mr Chaumière: Mr Speaker, Sir, the answer is that part-time workers get severance allowance, that is, eight days for year of service. The Workfare Programme is not appropriate here as they may be holding other jobs.

Mr Cuttaree: Mr Speaker, Sir, the hon. Minister said that workers can go to Court. Why is it that if a laid-off employee goes to Court against his employer, he is not entitled to benefit from the Workfare Programme? Is not that a sort of undue pressure being put on the worker to prevent him from taking his employer to Court?

Mr Chaumière: Mr Speaker, Sir, again, the hon. Member has got wrong information. I have said that workers who have been laid off for misconduct, for poor performance can, at the same time, benefit from the Workfare Programme and go to Court, Mr Speaker, Sir.

Mr Bodha: May I ask the hon. Minister whether, in the wake of the protests and the demonstration which we have had in the country with the workers and the trade unions, he can consider the advisability to convene the tripartite meeting to address the concerns of the workers because there has been an acceleration of laying off after the law has been promulgated?

Mr Chaumière: Mr Speaker, Sir, I have made it a point to meet all the trade unions since my coming into that Ministry. I have no problem on that, Mr Speaker, Sir. In fact, I intend to set up a national tripartite forum. The workers, the employers and Government will sit together on that national tripartite forum.

Mr Dulloo: Mr Speaker, Sir, I will come back on the question of severance allowance where the hon. Minister, unfortunately, is wrong because formerly for redundancy or termination of the employment for economic or similar reasons, the workers would be paid wages until the determination by the Termination of Contract and Service Board. For unjustified dismissal, he would get four months wages and for justified termination of employment, then he would get severance allowance at the normal rate. But the law as it is now, it is for the worker to go and prove that the economic reasons used are not justified. The burden is on him and secondly, he will get

only three months, and thirdly, there is no severance allowance at the normal rate whereby the employer will have to pay for justifying his termination of employment.

Mr Chaumière: Mr Speaker, Sir, it is because the hon. Member is reading the law through the prism of the Labour Act. I have said and I maintain that the Workfare Programme is one of the best and it has been said so by the ILO, that it is an innovative mechanism to keep the employer in touch with the world of work, Mr Speaker, Sir.

Mr Jugnauth: We know that one of the declared policies of this Government is to try to protect jobs, but we have also heard from the former Chairperson of the MEF that this is apparently not their priority and in spite of the fact that they are going to benefit from large sums of money, doesn't the Minister think that since the private sector and the Government do not see eye to eye on this issue, this is going to be, in fact, very detrimental to the workers?

Mr Chaumière: Mr Speaker, Sir, I have heard the same thing, but I must say that - and the hon. Minister of Finance has said so as well as the Government and I also am saying so - when it is the choice of the firm to apply for the stimulus package, it is its choice and it has to adhere to the conditions that are contained therein, for the objective of the Government is to protect and preserve jobs in this country.

Mr Dowarkasing: Mr Speaker, Sir, my question is very simple. I want to know from the hon. Minister, besides the list that he has given to this House, is he in presence of any fresh notice for termination of employment?

Mr Chaumière: Mr Speaker, Sir, that is the list that I have submitted.

Mrs Labelle: Mr Speaker, Sir, I think I have heard the hon. Minister mentioning that an employee can benefit from the Workfare Programme and go to Court at the same time. May I ask the Minister whether it is only in cases of misconduct and when structuring the company, it is not the case? Can he confirm that?

Mr Chaumière: Mr Speaker, Sir, I will refer the hon. Member to section 42(3) of the Employment Rights Act whereby if, for example, a worker elects to join the Workfare Programme, he registers himself, but where the agreement of a worker, of a group of workers is terminated, the worker, the group of workers or the trade union recognised by the employer may agree on the quantum and the payment of a compensation. If ever, Mr Speaker, Sir, just to answer to the specific question on these two problems - and I have said it before - if the workers have been laid off on matters of misconduct and poor performance, they might as well go to court and benefit from the Workfare Programme.

Mr Ganoo: May I ask the hon. Minister one question concerning the transition of unemployment benefit, the way it is computed and the philosophy of this benefit? The trade unions are strongly complaining of the fact that this unemployment benefit is not a right, it is subject to many conditions as spelt out in the law; it is not based on the length of service. It is determined on an uniform basis. Thirdly, it is not paid on the total remuneration of the worker, it is paid only on his basic wage which makes a lot of

difference. Finally, a ceiling is imposed, that is, for somebody who has been earning Rs15,000, his unemployment benefit will be calculated on the ceiling of Rs9,400 as per the law. Isn't this a matter that needs review, hon. Minister? And this is what the unions are ...

(Interruptions)

Mr Speaker: Will the hon. Minister review?

Mr Chaumière: Mr Speaker, Sir, the recycling fee is based on the length of service. I have already said that. But now, as regards the Rs9,435, this is not the salary, Mr Speaker, Sir. This is a transitional mode of payment to allow the worker, during this passage of one year, where Government will take care of the worker to be given 90% of his salary or 60% and 30%, this is not the salary, Mr Speaker, Sir.

Mr Bodha: Mr Speaker, Sir, will the hon. Minister agree that now that the cost of separation is less than what it was and the labour laws are more flexible, there may be an abuse? In fact, there has been an abuse after the promulgation of the law to accelerate the laying off or to increase the number of workers being laid off by some *ce que j'appellerais des employeurs plutôt zélés et qui profitent de la crise financière pour quelque part diminuer le nombre d'employés.*

Mr Chaumière: Mr Speaker, Sir, as I said before, there have been 939 workers in total who have been laid off and in comparison to that this cannot be compared to what happened from 2000 to 2005.

(Interruptions)

This cannot be compared and I reiterate that there were above 48,000 workers laid off in the EPZ sector.

Mr. Lesjongard: Mr Speaker, Sir, can the hon. Minister confirm whether in the sectors he has mentioned where workers have been laid off, specifically the tourism and construction sectors, there were employees on contractual basis also?

Mr Chaumière: Mr Speaker, Sir, I need notice of the question.

Mr Bérenger: Mr Speaker, Sir, on 19 August, in this august Assembly, we had requested *un renvoi des débats.* I understand that now the trade unions have written to the Prime Minister and the Minister of Labour, Industrial Relations and Employment, asking for the new legislation to be suspended. Can I ask the hon. Minister whether he is prepared to convene Government and the Prime Minister that due consideration should be given and a round table called for, as requested by the trade unions, and immediate actions should be taken to reinstate the Termination of Contract of Services Board and to stop the one percent deduction in the context of the international economic crisis now hitting us?

Mr Chaumière: Mr Speaker, Sir, there is a lot of contradiction in what the hon. Leader of the Opposition is saying. They tell me that we should, at the same time, keep the Workfare Programme and not keep it at the same time. Which is which?

(Interruptions)

Mr Speaker: Order! Order, please!

Mr Chaumière: Secondly, Mr Speaker, Sir, we have major challenges looming around.

(Interruptions)

Mr Speaker: Order, Order!

Mr Chaumière: I will quote the hon. Leader of the Opposition himself when once he was stating: « *En deux ans nous avons enregistré 15,000 cas de perte d'emplois dans le secteur de textile.* » And the title is : « *Nous n'avons pas de temps à perdre.* » And I must say in the wake of the international finance crisis we don't have time to lose, Mr Speaker, Sir.

Mr Speaker: Time is over! The Table has been advised that PQ Nos. B/7 and B/23 have been withdrawn. PQ No. B/16, in regard to the political situation in Madagascar, will be replied by Dr. the hon. Minister of Foreign Affairs. PQ No. B/43, in regard to the recruitment at the Airports of Mauritius Company Ltd, will be replied by Dr. the hon. Prime Minister. Questions addressed to the hon. Ag. Prime Minister!