

Mr. Fernando Fonseca, Senior Programme Officer of ITC, ILO

Mr. John Brand, ILO Consultant

Mrs. Ramsamy, Permanent Secretary of my Ministry

Representatives of Employers

Representatives of Workers

Distinguished guests,

Ladies and Gentlemen:

A very good morning to all of you.

I am very pleased to be in your midst this morning on the occasion of the opening ceremony of the two tripartite workshops, namely the one on *'Joint Union-Management Negotiating Skills'* which is starting today, and of the other one on **'Promoting Social Dialogue in Mauritius'** which will be held next week. Both these workshops are being organised in close collaboration with the **International Training Centre of the ILO** based in Turin.

Allow me, at the very outset, to extend a warm welcome to Mr. John Brand, ILO Consultant who will be the resource person for this workshop and Mr. Fernando Franseca, Senior Official of ITC, ILO. I understand that Mr. Christian Welz, ILO Consultant will also be arriving next week for the workshop on Social Dialogue. I am thankful to these gentlemen who have travelled all the way to share their experience with us during the two workshops.

Ladies and Gentlemen:

As you may be aware, Mauritius has ratified all the fundamental conventions of the ILO, which also include Convention No. 87 on **'Freedom of Associations and Protection of the Right to organise'** and Convention No. 98 on the **'Right to organise and Collective Bargaining'**. It has thus undertaken to adopt relevant measures with a view to further protect the right of workers and employers to join organisations of their own choosing and to promote the full development and utilisation of machineries for voluntary negotiation between employers' and workers' organisations, with a view to regulating the terms and conditions of employment by means of Collective Agreements.

Government's commitment and determination to reform the industrial relations framework so as to promote effective Collective Bargaining and to strengthen dialogue with social partners has been translated with the coming into operation of the Employment Relations Act 2008 on 2nd February this year. The object of the

Employment Relations Act which replaces the outdated **Industrial Relations Act of 1973**, is to revise and consolidate the law relating to trade-unions, fundamental right of workers and employers, collective bargaining, labour disputes and related matters with a view to underpinning collective bargaining and to strengthening social dialogue.

One prominent feature of this new Labour Law is the effective recognition of the right to collective bargaining which is a voluntary mechanism for regulating, amongst others, terms and conditions of employment. This new legislation sets out the conditions for the harmonious development of collective bargaining. Barriers to good faith collective bargaining such as union access to the workplace, access to information, recognition and time-off facilities have been addressed in the new legislation.

The new thrust thus imparted to negotiations within the framework of collective bargaining by the **Employment Relations Act** stands as a powerful means and a golden opportunity for trade unions as well as employers to promote the Decent Work Agenda.

Ladies and Gentlemen:

In many countries, there has been an important move to demarcate the adversarial approach to collective bargaining to a more **interest-focused** approach. This change tends to deliver, as far as possible, outcomes of mutual gain rather than win-lose outcomes. Under the previous law, namely the **Industrial Relations Act**, there were hardly any adequate statutory regulations and procedures for the promotion of collective bargaining. The Industrial Relations Act, in fact, did not specifically deal with the legal regime of collective agreements. Instead, the Industrial Relations Act favoured a voluntary approach and set only broad parameters, procedures and guidelines for matters pertaining to the implementation of collective bargaining.

This approach has not given the expected results. The adversarial industrial relations pattern, which has prevailed for many years, has prevented the development of collective bargaining. **The Employment Relations Act**, indeed, marks a major change in the Mauritian statutory industrial relations systems, which now also favours a more proactive and expeditious dispute resolution system, within a given time-frame, where the system is less technical and more accessible to parties.

Ladies and Gentlemen:

In the wake of the coming into effect of the two new pieces of Labour Legislation, the **Employment Rights Act** and **the Employment Relations Act**, it has been felt important to equip our social partners with a thorough understanding of modern mutual gains negotiation theory and practice.

This workshop will aim at highlighting the benefits of Collective Bargaining for both workers and employers. This workshop will also provide the participants with the opportunity to identify how to minimize obstacles to effective negotiation, use consensus-based approaches to conflict management as a first step in conflict handling and ensure that the negotiation process is more **needs-focused** so that at the end of the day outcomes of negotiations reflect mutual gains.

Ladies and Gentlemen:

Profound changes in the World of Work as a consequence of the new economic cycle triggered by fading trade preferences and emergence of new global exigencies warrant a new mindset on the part of social partners to agree on the rules governing their relationship in a constructive manner and in an atmosphere of mutual trust.

In order to tackle the impact of the severe global economic downturn on the labour markets, we require an integrated economic and social approach. In fact, the human dimension of the crisis is important for economic, social and political stability. In this regard, reinforcing economic, employment and social policies are essential to addressing the significant job losses produced by the international economic crisis. Consequently, providing income relief and training and retraining services for people and households affected by the economic turmoil and preserving the human capital must remain high on our agenda.

Therefore, in addressing the employment and the social impact of the global crisis, it is important and imperative to actively involve the social partners and all stakeholders. In this regard, I firmly believe that a strong, effective and meaningful social dialogue, including greater involvement of workers in the economic restructuring process, may mitigate the effects of the crisis for workers and employers. Strengthening social dialogue in the current context is, therefore, of utmost importance.

Ladies and Gentlemen:

Mauritius has a long tradition of Social Dialogue. We have already ratified **ILO Convention No. 144 on Tripartite** Consultation in 1994. In 2001, the **National Economic and Social Council (NESC)** was established and became operational in the following year. Two new pieces of legislation, namely the **Employment Relations Act and Employment Rights Act** which have already been proclaimed, provide the country with new legal framework in which individual and collective relations operate. Numerous tripartite structures have already been set up such as **the Employment Relations Tribunal, the Commission for Conciliation and Mediation, the National Remuneration Board, the National Pay Council, the Labour Advisory Board and the Advisory Council on Occupational Safety & Health**, just to name a few. The setting-up of a **National Tripartite Forum** is also being envisaged by government with the objective to further consolidate the effective consultation in the formulation of policies on economic and social issues.

Ladies and Gentlemen:

I wish to seize this opportunity to announce our social partners, trade unions in particular, that, following requests made from different quarters, my ministry will soon embark again in a series of consultative and informative meetings with Trade Union Federations, in a first instance, with a view to listening to their grievances with regard to some provisions in the two new labour laws. Notwithstanding the fact that as many as **twenty-four (24)** such meetings were already held with trade unions prior to the adoption by parliament of the

two new labour laws, I am again prepared to listen to the trade union leaders and to give necessary clarifications with a view to dissipate any misinterpretations or misunderstanding of some provisions of these laws.

It is again, with a view to contributing to the creation of a culture and momentum of dialogue among the social partners, that the Ministry has invited the **ILO International Training Centre** to conduct a tripartite workshop next week on '**Promoting Social Dialogue**'. In the course of this workshop, participants will be exposed to a wide spectrum of experiences of Social Dialogue with particular focus on Social Dialogue at national level.

It is expected that at the end of the workshop, participants will be in a position to identify enabling conditions for social dialogue, analyse and discuss trends and modalities of social dialogue, refer to key international labour standards as tools for promoting social dialogue and set down guidelines on how to further strengthen Social Dialogue.

Ladies and Gentlemen:

I need not emphasise that Collective Bargaining is an important way for workers, employers and their organisations to reach agreement on issues affecting the world of work. While collective bargaining can often be an adversarial process, it should better be used to build trust between the parties. This trust can be reinforced through dialogue which can continue after bargaining ends. Solutions that are built on trust and enjoy the genuine support of both sides are more likely to be respected. This is due to the sense of participation and ownership inherent in the process. On the other hand, social dialogue is an important part of good governance as it encourages accountability and participation in decisions making that affect the lives of all in the society.

Before concluding, I would like to address a few words in particular to the participants of the two workshops. I have gone through the programme of the workshops and also taken cognizance of the training methods and materials to be used and, I am really impressed by their contents. I can, say that you are lucky to have two experts from ITC/ILO to conduct the workshops. I would, therefore, urge you to make the most of this opportunity and later to share the knowledge and skills acquired here to help others benefit from them.

With these words, I have now the pleasure to declare the workshop opened and I wish the participants an enriching training experience.

I thank you for your attention.

