

Mauritius National Assembly

Parliament House

Port Louis

The Employment Relations (Amendment) Bill
(No. XXXI of 2012)

Proposed amendments to be moved at Committee Stage

The Clerk of the National Assembly presents his compliments to Honourable Members and has the honour to inform them that the Honourable Minister of Labour, Industrial Relations and Employment has given notice of the following amendments which he proposes to move at the Committee Stage of the above Bill, in lieu and stead of the amendments circulated on 25 March 2013 –

- (a) in clause 3 –
 - (i) by deleting paragraphs (a), (b), (d) and (e);
 - (ii) in paragraph (c), by deleting subparagraph (i);
 - (iii) in paragraph (g), by deleting the definition of “group of workers”;
- (b) in clause 5, by deleting paragraph (b);
- (c) by deleting clauses 7, 8, 14, 15, 19, 21, 22, 24, 35, 37, 38 and 48;
- (d) by deleting clause 12 and replacing it by the following clause –

12. Section 29 of principal Act amended

Section 29 of the principal Act is amended, in subsection (1)

–

- (a) in paragraph (a), by deleting the words “to establish” and replacing them by the words “subject to subsection (1A), to establish”;
- (b) by inserting, after subsection (1), the following new subsection –

(1A) A worker shall have the right to join only one trade union, of his own choice, in the enterprise where he is employed or his bargaining unit.

- (e) in clause 13, by deleting paragraph (a);
- (f) in clause 16 –
 - (i) by deleting paragraph (a);
 - (ii) in paragraph (b), by deleting subparagraphs (ii), (iii) and (iv);
- (g) in clause 17, in the proposed section 37, by deleting the figures “35” and “70” wherever they appear and replacing them by the figures “30” and “50”, respectively;
- (h) in clause 18, in the proposed section 38 –
 - (i) in subsection (2)(c)(ii), by deleting the figure “70” and replacing it by the figure “50”;
 - (ii) by deleting subsection (10), the proposed subsections (11) to (13) being renumbered (10) to (12);
- (i) by deleting clause 20 and replacing it by the following clause –

20. Section 39 of principal Act amended

Section 39 of the principal Act is amended, in subsection (1), by deleting the figures “38(7)” and replacing them by the figures “38(10)”.

- (j) by deleting clause 25 and replacing it by the following clause –

25. Section 55 of principal Act amended

Section 55 of the principal Act is amended –

- (a) by repealing subsection (3) and replacing it by the following subsection –

(3) Subject to subsection (3A) and to any award made under section 56(5), a collective

agreement shall remain in force for a period of not less than 24 months from the date of its coming into force.

(b) by adding the following new subsection –

(3A) Negotiation for the renewal of a collective agreement shall start –

- (a) not later than 3 months before its expiry;
- (b) where the agreement specifies a date for the start of renegotiation, on such date; or
- (c) where the agreement specifies an event on the occurrence of which renegotiation shall start, on the date on which that event occurs.

(k) in clause 28, in paragraph (a), in the proposed subsection (1)(b), by deleting the words “or recognised group of workers, whichever is applicable,”;

(l) in clause 29, by deleting paragraph (b) and replacing it by the following paragraph –

(b) by repealing subsection (1)(e);

(m) by deleting clause 30 and replacing it by the following clause –

30. Section 67 of principal Act amended

Section 67 of the principal Act is amended by adding the following new paragraph, the full stop at the end of paragraph (b) being deleted and replaced by the words “; or” –

(c) while a collective agreement is in force, a labour dispute on matters relating to wages and terms and conditions of employment which –

- (i) are contained in the collective agreement;
- (ii) have been canvassed but not agreed upon during the negotiation process leading to the collective agreement; or
- (iii) have not been canvassed during the

negotiation process leading to the collective agreement, except during a period of negotiation for renewal of the collective agreement starting from a date specified in section 55(3A).

- (n) in clause 33, in the proposed new section 77(a), in the proposed paragraph (b)(i), by inserting, after the word “wages”, the words “, and terms”;
- (o) by deleting clause 34 and replacing it by the following clause –

34. Section 78 of principal Act amended

Section 78 of the principal Act is amended –

- (a) in subsection (1) –
 - (i) by inserting, after the word “decision”, the words “to have recourse to a strike”;
 - (ii) by deleting the word “Commission” and replacing it by the words “supervising officer”;
 - (b) in subsection (2), by deleting the words “a representative of the Commission” and replacing them by the words “the supervising officer”;
 - (c) by repealing subsection (4).
- (p) in clause 36, in the proposed new section 79A(1), by deleting the words “provide a conciliation service to the parties to a labour dispute” and replacing them by the words “, at the request of parties to a labour dispute, provide a conciliation service with a view to conciliating the parties”;
 - (q) in clause 49 –
 - (i) by deleting subclause (1), the existing subclauses (2) to (6) being renumbered (1) to (5);
 - (ii) in subclause (3), as renumbered, by deleting the words “subsections (1) and (5)” and replacing them by the words “subsection (4)”;
 - (r) by deleting clause 50 and replacing it by the following clause –

50. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

(s) by inserting the following long title –

To amend the Employment Relations Act

Honourable Members are kindly requested to govern themselves accordingly.

05 April 2013