

**SIXTH NATIONAL ASSEMBLY****PARLIAMENTARY
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(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 28 of 2019

Sitting of 13 August 2019

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

The Prime Minister: Madam Speaker, the Papers have been laid on the Table.

A. Office of the Speaker

The Biennial Report 2017-2019 of the Parliamentary Gender Caucus.

**B. Ministry of Local Government and Outer Islands
Ministry of Gender Equality, Child Development and Family Welfare**

The District Council of Savanne (Environmental Health) (Amendment) Regulations 2019. (Government Notice No. 132 of 2019)

C. Ministry of Industry, Commerce and Consumer Protection

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 22) Regulations 2019. (Government Notice No. 130 of 2019)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 23) Regulations 2019. (Government Notice No. 131 of 2019)

D. Ministry of Financial Services and Good Governance

The Annual Report 2017/2018 of the Competition Commission of Mauritius.

ORAL ANSWERS TO QUESTIONS

PETROLEUM PRODUCTS – PROCUREMENT AND SUPPLY

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the supply of petroleum products through Emergency Procurement for an amount of some Rs14 billion, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the –

- (a) names of the respective suppliers for Clean Petroleum Products and Dirty Petroleum Products, respectively;
- (b) period covered by the contracts;
- (c) relative prices, premium and freight rates for Clean Petroleum Products and Dirty Petroleum Products, respectively, and
- (d) basis on which negotiations were held with the lowest bidders.

Mr Gungah: Madam Speaker, the contract for the supply of Petroleum Products between the State Trading Corporation (STC) and Mangalore Refinery and Petrochemicals Limited (MRPL) expired on 31 July 2019. In this respect, on 25 March 2019, the STC launched a tender for the supply of 915,000 Metric Tons of Clean Petroleum Products (CPP) and 325,000 Metric Tons of Dirty Petroleum Products (DPP) for the period 01 August 2019 to 31 July 2020, on both FOB (Free on Board) and DAP (Delivery at Place) basis.

Eleven (11) bidders submitted their offers, out of which nine (9) were for Clean Petroleum Products (CPP) and eight (8) were for Dirty Petroleum Products (DPP).

Following the evaluation exercise, the most competitive substantially responsive bids were from Vitol Bahrain E.C. for Clean Petroleum Products and PetroChina International (Singapore) Pte. Ltd for Dirty Petroleum Products.

In parallel, on 03 May 2019, the STC also launched tenders for Contract of Affreightment (COA) for the transport of petroleum products should tender for the supply of the products be allocated on a FOB basis.

On 22 May 2019, the Board of the STC approved the award for supply of Clean Petroleum Products to Vitol Bahrain E.C. and to PetroChina International (Singapore) Pte. Ltd for Dirty Petroleum Products.

However, on 31 May 2019, the Supreme Court, in the case of STC v Betamax Ltd, set aside the arbitration award of the Singapore International Arbitration Centre and provided guidance on the application of the Public Procurement Act (PPA). In the wake of the judgement of the Supreme Court, the STC sought the advice of the State Law Office on the procurement proceedings to be followed by the STC. The SLO advised that the STC has to follow the provisions of the PPA.

On 07 June 2019, STC had a meeting with the Central Procurement Board (CPB) to discuss the procedures to be followed under the PPA. A timeline for launching of the tender for supply of petroleum products was defined as per the provisions of the PPA and the process worked out to last over a period of about 6 months.

Considering that the contract for procurement of Petroleum Products with MRPL would expire on 31 July 2019, and to avoid any shortage of Petroleum Products, the Board of the STC on 10 June 2019, approved that –

- a) STC annuls the tender exercises for the supply of clean and dirty petroleum products launched on 25 March 2019 and for Contract of Affreightment for these products launched on 03 May 2019;
- b) STC carries out an Emergency Procurement for the period 01 August 2019 to 31 January 2020 in accordance with the section 21(3)(b) of the PPA, that is, the Public Procurement Act, which stipulates – *“life or the quality of life or environment may be seriously compromised”*;
- c) negotiations be carried out with the lowest substantially responsive bidders in the tender exercise launched on 25 March 2019 which are Vitol Bahrain E.C for Clean Petroleum Products and PetroChina International (Singapore) Pte. Ltd for Dirty Petroleum Products, and
- d) the Panel for the negotiations be composed of representatives from the Ministry of Industry, Commerce and Consumer Protection, the Ministry of Finance and Economic Development, the Central Procurement Board and the State Trading Corporation.

On 17 June 2019, STC attended a meeting at the Central Procurement Board (CPB) to discuss on the process for the Emergency Procurement exercise. The CPB informed that in line with the Provisions of the PPA, they cannot participate in any negotiation exercises. This would tantamount to being judge and party.

However, in line with Circular 15 of 2008 issued by PPO, the CPB agreed to assist STC and guide them on the negotiation process. The CPB further requested the STC to prepare a Strategy Paper for the negotiations and to submit same for clearance. Given that MRPL has been the supplier of the STC since 2006, it was proposed that MRPL also be invited to participate in the negotiation process; the CPB had no objection to the proposal as this would enhance competition. Following discussions with the CPB, the Strategy Paper was finalised and approved by the CPB on 21 June 2019.

Madam Speaker, with regard to part (a) of the question, I am informed by the STC that the negotiating panel held meetings with Vitol Bahrain E.C. and MRPL for Clean Petroleum Products and with PetroChina International (Singapore) Pte. Ltd and MRPL for Dirty Petroleum Products at the seat of the STC on 25 and 26 June 2019.

The negotiation panel recommended that the contract for the supply of Clean Petroleum Products for the 6 months' period be awarded to Vitol Bahrain E.C. and that the contract for Dirty Petroleum Products be awarded to PetroChina International (Singapore) Pte. Ltd.

Madam Speaker, as regards part (b), the contracts are for a six months' period, from 01 August 2019 to 31 January 2020.

Regarding part (c) of the question, there is a Confidentiality Clause in the contracts between the State Trading Corporation and the two suppliers, which prohibits disclosure of sensitive and commercial information to third parties. However, Madam Speaker, in a spirit of transparency, I wish to inform the House that prices of petroleum products fluctuate constantly everyday on the international market. The basis of pricing in the contracts is Platts postings which are widely known and available.

As regards the freight rates, I wish to inform the House that as the contracts with the two suppliers are on a DAP basis (Delivery at Place), freight rates are not available as they are included in the supply price.

With respect to premium, as per the Confidentiality Clause in the contracts, the figures cannot be disclosed.

Madam Speaker, with regard to part (d) of the question, the premiums quoted by the most competitive substantially responsive bidders in the tender exercise launched on 25 March 2019, were used as starting point for the negotiations.

After negotiations, the suppliers agreed to reduce their premiums for both clean and dirty petroleum products by around Rs40 m. for the six months' period.

I also wish to inform the House that compared to the proposal of MRPL for the supply of both clean and dirty petroleum products, procurement from the two selected suppliers, namely Vitol Bahrain E.C. and PetroChina International (Singapore) Pte Ltd, represents a savings of around Rs309 m. for the six months' period.

Mr X. L. Duval: Madam Speaker, I must say I am, for once, pleasantly surprised that, at least, we have the names of the suppliers which the hon. Minister had refused to provide to this House only a few weeks ago, and which I thought quite unacceptable. Let me ask the hon. Minister, as far as the Strategy Paper of the CPB is concerned, can he table this paper, please?

Mr Gungah: Well, first of all, I wish to reply to the hon. Leader of the Opposition that when the PQ was asked last time, I did not say that I would not give the names, but I said at a later stage for reasons which I explained, the way Betamax has reacted in the past. But now that the contract with the MRPL is over, that is why I have been able to provide the names. Well, I have the Strategy Paper for the Emergency Procurement, Madam Speaker, but I would like, first of all, to seek advice before laying it on the Table of the National Assembly because there are figures which I just mentioned are very sensitive commercially.

Mr X. L. Duval: Can I remind the hon. Minister that he is dealing with public money. On what basis has he taken it on himself, for the Government, to include a Confidentiality Clause in a contract whereas since 1982 there have been no Confidentiality Clauses in such contracts apart from the G to G with Mangalore?

Mr Gungah: Madam Speaker, the hon. Leader of the Opposition has been in Government in the past, he has been Deputy Prime Minister, he knows very well how the contract of MRPL was, the G-to-G contract. There was a Confidentiality Clause. Now, I must say that the Confidentiality Clause between the two suppliers and STC, and this has also been proposed by the suppliers, and it is clear.

I can table a copy of that Clause if the hon. Leader of the Opposition wants to have a look at it, because it says –

“The buyer and the supplier shall keep confidential and shall not, without the written consent of the other party hereto, divulge to any third party, any documents, data or information furnished directly or indirectly by the other party thereto in connection

with the contract. Whether such information has been furnished prior to, during or following completion or termination of the contract (...).”

Well, it goes on with several conditions on that.

Mr X. L. Duval: I would like to perhaps remind the hon. Minister that when the MRPL contract was signed, the then Leader of the Opposition was invited - I don't know if he went - by Government to consult even the Confidential Clauses of the contract. Is he aware of that?

Mr Gungah: Well, at that time, it is difficult for me to say that I am aware or not, because it happened quite some time back, but, again, I say, I will seek advice of the SLO, of the parties concerned, and in case they tell me that the hon. Leader of the Opposition can come and have a look at the contract, well, he will be most welcome.

Mr X. L. Duval: I am not asking for myself, I am just saying, Madam Speaker, that I find it unacceptable this Confidentiality Clause. I would like to ask the hon. Minister whether the CPB has been consulted with regard to that Confidentiality Clause and, if so, can he give us their response, please?

Mr Gungah: Madam Speaker, I do not have that information with me. Maybe, if officers who are present here can advise me. In the meantime, if there is any other question...

Mr X. L. Duval: I take it that you have not consulted the CPB with regard to this Confidentiality Clause. Get the answer!

Mr Gungah: The answer is no, Madam Speaker.

Mr X. L. Duval: The CPB has not been consulted with regard to a contract that you have signed for Rs14 billion, is that so, although you consulted the CPB for a Strategy Paper? Is that what you are saying?

Mr Gungah: That is what I am saying. And, as I said, there are two suppliers. They have their own conditions because they do not supply only Mauritius, they supply throughout the whole world. We have negotiated with them to have a better price than what we ought to have paid. And, of course, I do not think that they would wish that these figures be made public. I must say that the tender documents that were launched, included a Confidentiality Clause that was vet by the State Law Office.

Mr X. L. Duval: Madam Speaker, we are not talking about the State Law Office, we are talking about the Central Procurement Board and you know, now, that the STC has no

longer the right to issue such large contracts beyond Rs100 m. without going to the CPB. So, this is why I am asking, why the hon. Minister did not think it wise, given the Court Judgment and given all the issues concerning integrity in the signing of contracts, that he did not clear this crucial issue which is now blocking democracy now? Why he did not clear that with the CPB?

Mr Gungah: Madam Speaker, I have already replied concerning the supplier's conditions for the Confidentiality Clause. But, I must say, Madam Speaker, the hon. Leader of the Opposition is, today, in this august Assembly, talking about transparency and all. But what happened in 2009? Who signed the contract between STC and Betamax? Who gave approval for that? And that are the consequences that we are facing today. We have had a judgment in the Supreme Court which has shown that the contract itself was illegal, and from thereon, now, we are taking corrective actions so that in the future, nothing as was done in the past years with the previous Government will be done again.

Mr X. L. Duval: Madam Speaker, I would like to remind the hon. Minister that on 04 February, I think, he attended a Press Conference...

(Interruptions)

2015, I am talking about, four years ago, where it was said quite clearly, and I will quote from two newspapers, if you do not want to believe one –

“Le fait que l’octroi du contrat et les signatures n’ait pas été avalisés par le CPB (...),”

and this is what you stated in that conference - made the contract illegal. That was four years ago. So, I am going to ask, why STC, four years later, issued tender documents, requested for prices, etc, against what you, yourself, as their Minister had said in a Press Conference four years earlier?

Mr Gungah: Madam Speaker, we have gone through all the procedures that have been advised to us. STC has not done anything just by itself. There have been consultations with all parties concerned; there has been consultation with the SLO. As the hon. Leader of the Opposition is talking about Press conference, he also made a Press conference some time back in 2017. What did he say when STC was asked to pay a big amount for the arbitration: *“J’avais supplié mes anciens collègues de ne pas aller dans cette direction”*. And what did he say when there was a judgment of the Supreme Court: *“La population est soulagée.”*

Donc, Madame la présidente, on fait des conférences de presse avec les informations qu'on a, à un certain moment. And now that the judgment has fallen, we are taking action so that, in the future, nothing happens as it used to happen in the past.

Mr X. L. Duval: Madam Speaker, I still hope that Betamax will lose in the Privy Council, but that's another issue. Here, you, yourself, went to say that STC was not legally authorised to issue, to ask for tenders, for petroleum products and ancillary services without going to the CPB. I will table these two Press cuttings, Madam Speaker. I would like then clearly to ask the hon. Minister, since you clearly knew that the STC was illegal in its action, how, as Minister of Commerce, responsible for STC, you allowed it on 23 March to issue and asked for tenders for Rs28 billions worth of goods in contravention to what you, yourself, said in that Press conference?

Mr Gungah: Contravention to what I said - but, Madam Speaker, we had the judgment on 31 May. It is following that judgment that we were made aware that STC should have followed the procedures set out in the PPA. I think the judgment supersedes not only what I said some time back, but what everybody has been saying since there was the contract between the STC and Betamax. So, the judgment is here, and we are, as I said, taking remedial measures so that such things do not occur again in the future.

Mr X. L. Duval: Since you, yourself, has said that it was illegal, as Minister responsible for STC, ought you not to have issued them instructions - even the highly paid General Manager will come to the website in a moment at the STC? Ought you not to have issued instructions under STC, your responsibility, you answer in Parliament, for them not to act illegally, as you had gone to a Press Conference and stated?

Mr Gungah: I already replied, Madam Speaker, to this question. The Leader of the Opposition is asking the same question each time and I already gave my explanation.

Mr X. L. Duval: Madam Speaker, is the hon. Minister aware – we understand that the CEO of the STC gets Rs400,000, higher than most of us here in Parliament - that the STC website, today, this morning, still shows that it is exempt from the provisions of the Public Procurement Act. Do you know that it still shows that so many years after what you said, and even after the judgment, people will consult that website all over the world?

Mr Gungah: I will check, Madam Speaker. I cannot reply now for that.

Mr X. L. Duval: I assure you that this is the case, Madam Speaker. Now, let us talk about the prices paid because, you know, we always say that it is based on Platts, etc, but we

are not, hon. Minister, buying crude petroleum, are we? We are buying refined products. So, the difference between crude and refined products, as everybody knows, is a hefty premium that is paid to the supplier for refining and for his mark-up. Now, we know that the premium for Mangalore was around 30 dollars. Now, can you tell us – and this is, therefore, not a viable price, as you stated. It is a fixed price, I presume, over the whole six months' contract and it comes to hundreds of millions of rupees. So, I would like to ask the hon. Minister, in the spirit of transparency, can he tell us what is the premium over and above the Platts reference price that he mentioned that is payable to PetroChina and Vitol, please?

Mr Gungah: First of all, Madam Speaker, the Platts for refined product is also published and available; it is not that only the crude is published and available, it is also for refined products. Concerning the second part of the question which the Leader of the Opposition asked, I said that globally STC is, today, making a savings of around Rs309 m. for the six months' period that is going to come, compared to what we ought to have paid to MRPL, in case we had recourse to the supply of products from MRPL. Well, as I said, I am not in a position to give the amount, the quantum of the premiums, even for what we used to pay at the MRPL, nor for the new suppliers, Vitol and PetroChina.

Mr X. L. Duval: Madam Speaker, does the hon. Minister agree that had this contract gone through CPB, all these figures would have automatically been published, as in normal case or any CPB contract?

Mr Gungah: I repeat, Madam Speaker, we have done everything with the advice from the State Law Office. There have been massive consultations and we are here, today, in this Parliament, giving figures that nobody could give in the past when there was a contract with MRPL. And, if we are here today, it is because this Government had the courage to stop having recourse to Red Eagle, the tanker of Betamax. And I think that we should pray to God that we have reached here and we are sure that in the future such contracts won't be signed again.

Madam Speaker: Hon. Leader of the Opposition, you have five more minutes.

Mr X. L. Duval: Thank you. Five is fine. Madam Speaker, unless my colleagues, I do not know if they want to take part.

Madam Speaker, I would like to ask the hon. Minister, we, ourselves, campaigned on the eve of the General Elections when the Parliament was mostly closed for that year, against the purchase of big aircraft by Air Mauritius and against the Metro Express, whatever it was

called then. Now, on the eve of this election also, he is refusing on the pretence or the reason being the Confidentiality Contract, when Parliament, we presume, is about to close, to provide information in the same way that the previous Government which you are blaming, - which I was not part of at that time - refused to provide information to the House and the House was closed.

Mr Gungah: I don't know if we are on the eve of the elections.

(Interruptions)

Well, I said that we have a Confidentiality Clause which has been put in the contract by the supplier and I explained why there is that Confidentiality Clause. I explained how we are benefiting from lower rates from these two suppliers and they do not want this to be public because they supply throughout the world. I have given the explanation, Madam Speaker.

Mr X. L. Duval: It is totally unusual for this Confidentiality Clause when you are using public money for a contract of this sort and this also we must be clear of. Can I ask the hon. Minister whether, since the prices he had obtained from the bidding exercise were for the one year? Now, they have been reduced to the six months - I am talking of basic, about the premium - whether the premium that has been now obtained, how does it compare to the original premium that had been quoted for the one-year contract?

Mr Gungah: Well, of course, after negotiations. As I have said, the suppliers agreed to reduce their premiums for both clean and dirty petroleum products by around Rs40 m. for the six months' period.

Mr X. L. Duval: Can I ask, finally, Madam Speaker, whether CPB which will now issue the new contract, hopefully, with all the transparency that is required, have the new tenders for the full year supply been issued by the CPB and, if not, why not?

Mr Gungah: New tenders are being finalised. As I said, we had a period of six months, including the preparation of the tender documents, the launching of the tenders and, of course, the evaluation till the procurement - the documents are being finalised and new tenders will be issued, of course - with the concurrence of Central Procurement Board, I think, very soon.

Madam Speaker: You have two minutes.

Mr X. L. Duval: I would like to ask, as we have some time, whether the Minister can inform us whether he has dealt directly with PetroChina and Vitol or whether there have been any intermediaries, brokers, or anything in-between these two?

Mr Gungah: There have not been any brokers, Madam Speaker. Tenders have been launched and evaluations have been carried out and we know what happened with the judgment of the Supreme Court; negotiations were carried out. But, as I said, Madam Speaker, - I repeat once more - we are not repeating what the previous Government has been doing, we are acting as a good Government, in the interest of our citizens and with the way we have proceeded, we have a minimum savings of Rs300 m. in the procurement of the petroleum products.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Madam Speaker, can I ask the hon. Minister how does he explain now to this House that this contract has been given in emergency direct procurement, that he has included a Confidentiality Clause, therefore, Parliament cannot be apprised of the terms, while if it goes to the CPB, not only is everything public, but it is challengeable? So, how does the Minister now reconcile that and whether or not doesn't he think that he is doing even worse than what was done before, given that he has willingly put the Confidentiality Clause?

Mr Gungah: Madame Speaker, I have already replied to that question, I don't think that I will repeat again and again.

Madam Speaker: Hon. Leader of the Opposition, last question. No?

Time is over!

Hon. Members, the Table has been advised that PQ B/774, in regard to the National Environment Commission, will be replied by the hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development.

PQ B/794, in regard to the Gambling Regulatory Authority, will be replied by the hon. Prime Minister, time permitting.

PQ B/777 has been withdrawn.

Hon. Uteem!

(Interruptions)

You have a point of order?

Mr Osman Mahomed: Yes, I do.

Madam Speaker: Can you tell me to which Clause you are referring?

Mr Osman Mahomed: Under Clause 21 (2) - with regard to the decision to transfer my question on high level of nitrate in boreholes and aquifers of Port Louis to the Minister of Environment.

Madam Speaker, the Clause states that questions may be asked of Ministers relating to public affairs with which they are officially connected or of any matter of administration for which such Ministers are responsible.

Now, it is known that the *de facto* Chairman of the National Environment Commission is the hon. Prime Minister and my question is specific, to be included in the agenda. How can the Minister of Environment take it on himself to include an item in the agenda of the Commission?

Madam Speaker: Let me remind the hon. Member that I have several times stated in this House that the transfer of questions rests with the Executive, that the Chair does not have anything to do with the transfer of questions and that it is up to the Executive to decide on who will reply which question. For me, the matter is closed.

We pass on to hon. Uteem!

Mr A. Duval: Madam Speaker, if I may, on a Point of Order. A different Point of Order on the same section of the Standing Orders, however, my question, Madam Speaker, is directed...

Madam Speaker: Please, resume your seat! Please, resume your seat!

(Interruptions)

Please, resume your seat, hon. Adrien Duval! I have already given my ruling and my ruling on this matter is final, there is no debate on the ruling of the Chair.

Hon. Uteem!

(Interruptions)

No, no! I will not entertain any other matter on this issue! Hon. Uteem!

(Interruptions)

No, not on the same matter!

(Interruptions)

Not on the same matter!

(*Interruptions*)

Not on the same matter!

(*Interruptions*)

No! My ruling is final!

(*Interruptions*)

No! Hon. Uteem, would you proceed with the next question? If you don't want, then...

(*Interruptions*)

Okay! Hon. Uteem, yes!

Mr Uteem: B/775!

(*Interruptions*)

Madam Speaker: No! I have said no! Hon. Uteem!

(*Interruptions*)

Hon. Uteem! Are you proceeding?

Mr Uteem: I have already said it. B/775!

Madam Speaker: Yes, Prime Minister!

(*Interruptions*)

Hon. Prime Minister, would you reply to the question? Hon. Uteem has already asked the question.

(*Interruptions*)

The Prime Minister: Hon. Duval is drawing my attention, so I am trying to reply to him.

FONDS DE SOLIDARITE AFRICAIN - CONTRIBUTION

(No. B/775) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the *Fonds de Solidarité Africain*, he will state the –

- (a) annual contribution made by Government thereto, indicating if any outstanding amount is owed thereto;
- (b) name of the representative of Government serving on the Board thereof, indicating the terms and conditions thereof, and
- (c) aggregate amount of financial assistance received therefrom by Mauritius enterprises.

The Prime Minister: Madam Speaker, in regard to part (a) of the question...

(Interruptions)

Madam Speaker: Hon. Rutnah, please! With due respect to the hon. Prime Minister, please don't make provocations! Yes!

The Prime Minister: Madam Speaker, in regard to part (a) of the question, there is no annual contribution by Government to the *Fonds de Solidarité Africain* (FSA). Instead, all payments being made are in respect of the amount due by Mauritius relating to the increase in share capital.

Madam Speaker, following the commitment taken at the Board of Governors' meeting held in July 2008 for the increase in capital, a revised Agreement was signed in December 2008 whereby our share capital, which stood at Rs92 m., was increased to Rs264 m. To date, Mauritius owes an amount of Rs150 m. to the FSA.

Any non-payment of our obligations may be construed as non-compliance with the commitment taken by Member States, and may be interpreted by other Member States as a lack of solidarity. It is pertinent to note that Senegal and Ivory Coast, where Mauritius is setting up Special Economic Zones, form part of the 14 Member States of the FSA. It is in this context that Mauritius has to honour its obligations, and has made necessary provisions to settle the outstanding amounts over the next two financial years, that is, Rs75 m. in 2019/20 and Rs75 m. in 2020/21.

Madam Speaker, as regards part (b) of the question, Mr Gérard Pascal Bussier, Deputy Financial Secretary, has represented the Government of Mauritius in several meetings up to May 2017. Thereafter, Dr. Dharamraj Paligadu, Director Economic and Finance at the Ministry of Finance and Economic Development, has represented Government in the Council of Ministers meeting in July 2017.

As regards the terms and conditions for serving on the Board of the FSA, the criteria required to be eligible for membership on the Board of Directors of FSA is that the officer should be of a senior official level, preferably Director level, in the Ministry of Finance of the Member State.

Regarding participation in its meetings, *Fonds de Solidarité Africain* meets the travel, accommodation and other related costs.

Madam Speaker, concerning part (c) of the question, Mauritius has benefitted from financial assistance amounting to Rs24 m., in terms of interest subsidies on loans taken for the construction of the Bulk Sugar Terminal in Port Louis, as well as the construction of social housing units in favour of 944 beneficiaries.

In 2017 and 2018, the FSA signed Agreements with four local institutions, namely the Development Bank of Mauritius Ltd, MauBank Ltd, the Mauritius Africa Fund (MAF) and the SBM Group Ltd, containing several areas of intervention of the *Fonds de Solidarité Africain* in favour of Mauritius. These include –

- Offer for the allocation of risk sharing guarantee to the Development Bank of Mauritius Ltd for an amount of Rs350 m. as advance to Small and Medium Enterprises (SMEs) in Mauritius.
- Creation of a Fund equally endowed by MauBank Ltd and the FSA with an initial amount of Rs200 m., which will be used to finance projects in the field of agriculture, animal rearing, fishing and aquaculture and will provide for equal sharing of project risks.
- Equity participation of FSA in existing and new financial vehicles for projects to be implemented by the Mauritius Africa Fund in Africa.
- Use of FSA guarantee to carry out projects in the form of Public Private Partnership established by MAF in the Special Economic Zones set up by Mauritius in countries like Senegal and Côte d'Ivoire.
- Acquisition of equity interest in existing or new financial vehicles being developed by the SBM.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. May I know from the hon. Prime Minister, why is it that the commitment was taken in 2008 and more than 11 years later, Mauritius has still not honoured its commitment to put in the increased share capital?

The Prime Minister: Well, it is only recently that we have revived this initiative with regard to our engagement with the FSA and that, therefore, we have committed to contribute Rs150 m., and as I said, it is already planned in the Budget that we will be doing so in the years to come; but I cannot explain for the years 2008 till 2014, why is it that nothing has been done.

Mr Uteem: Madam Speaker, may I know from the hon. Prime Minister when was the last time our representative, a Minister or the gentleman from the Ministry of Finance sat on the Board of the *Fonds de Solidarité Africain*?

The Prime Minister: Minister - I would not know, but when we were represented last time, that was on 27 July 2017 and I know we could not do so later on because - I am speaking from memory - each time that there were meetings, I remember we were taken up with Budget preparations. At least, on two occasions, I do remember. And, therefore, it was very difficult to send the responsible officer to that meeting because he was taken up and fully involved in Budget preparation.

Mr Uteem: The hon. Prime Minister mentioned that we have in the past received interest subsidy. In 2002, for example, we received Rs10 m. as interest subsidy with respect to loans to beneficiaries of social housing from the NHDC. So, may I know from the hon. Prime Minister why is it that, in Mauritius, we don't avail ourselves of that facility? Why don't we ask for additional subsidy on interest which can then be passed on to the applicant for housing in NHDC?

The Prime Minister: Well, I have replied, Madam Speaker, that now we have engaged with the FSA and I have mentioned - I am not going to repeat - what are the agreements, in fact, that have been made, but these now are due to be discussed with the relevant institutions, like DBM, MauBank, all those institutions I have mentioned, for them to now come up with the terms and conditions that will prevail in regard to those agreements.

Madam Speaker: Next question, hon. Bhagwan!

MR K. M. – ADVISER – TERMS AND CONDITIONS OF APPOINTMENT

(No. B/776) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National

Development Unit, Minister of Finance and Economic Development whether, in regard to Mr K.M., he will state if he has been appointed as adviser at the Prime Minister's Office and, if so, indicate the terms and conditions of appointment thereof.

The Prime Minister: Madam Speaker, Mr K.M. is employed on contract as Adviser, but not at the Prime Minister's Office. He is, in fact, employed as Adviser on Information Matters at the Ministry of Public Infrastructure and Land Transport.

He is drawing a salary of Rs59,700. The other terms and conditions of his appointment, that is, travelling, car benefits, leave, passage benefits and gratuity are in line with the recommendations of the Pay Research Bureau.

Mr Bhagwan: Can the hon. Prime Minister inform the House whether this person was the same Director of the Mauritius Tourism Promotion Authority, the same person?

The Prime Minister: Yes, I believe so. He was at one time, Director.

SICOM TOWER – EBENE – FUNDKISS TECHNOLOGIES LTD

(No. B/777) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the SICOM Tower, at Ebene, he will, for the benefit of the House, obtain from the Economic Development Board, information as to if Fundkiss Technologies Ltd. is occupying office spaces thereat and, if so, indicate –

- (a) the terms and conditions of the said occupation, including since when, and
- (b) who approved same.

(Withdrawn)

Madam Speaker: Next question, hon. Ameer Meea!

DIRECTOR OF AUDIT – DATE OF APPOINTMENT – WORKING EXPERIENCE

(No. B/778) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Director of Audit, he will state the name of the incumbent thereof, indicating the –

- (a) date of appointment thereof, and

- (b) working experience thereof, including in the different posts held in the public service.

The Prime Minister: Madam Speaker, Mr Sunil Charanjivsingh Romooah has been appointed as Director of Audit by the Public Service Commission, pursuant to section 110 of the Constitution. The effective date of appointment is 01 August 2019.

In regard to part (b) of the question, Mr Romooah reckons more than 34 years of service in the Public Service. As a matter of fact, he joined the service on 01 July 1985 as Trainee Examiner of Accounts at the then Government Audit Department and served in different positions as follows –

- (i) Examiner of Accounts - from 15 June 1987 to 10 December 1991;
- (ii) Junior Auditor - from 11 December 1991 to 25 October 1992;
- (iii) Auditor - from 26 October 1992 to 04 November 1992, and
- (iv) Senior Auditor - from 05 November 1992 to 31 August 1994.

On 01 September 1994, he left the National Audit Office to join the Accountant-General Department as Assistant Accountant-General. He was appointed as Deputy Accountant-General on 21 December 1999. Mr Romooah held the post of Accountant-General in an acting capacity from 08 April 2014 to 01 February 2015 and was subsequently appointed as Accountant-General in a substantive capacity with effect from 02 February 2015.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker for the Financial Year end 30 June 2019, the incumbent, that is, the previous Accountant-General, has given his approval for every rupee that his Office has disbursed. Now, he will be called as Director of Audit to audit all sums that have been disbursed by Government under his signature as Accountant-General. Is there not a clear case of conflict of interest, for the present period?

The Prime Minister: Well, first of all, let me say that he is not the accounting officer of the Ministries concerned. Therefore, he does not approve, he only carries out the disbursements that are made by the different Ministries.

Secondly, for the information of the hon. Member, the financial statements for that Financial Year, that is, July 2018 to June 2019, will be prepared and will be signed during the

period of October to December 2019, now, by the one who is acting as Accountant-General. Therefore, he has had nothing to do with anything with regard to the financial statements for that financial year.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, not only he has been the Accountant-General, but he has also been a Board Member of various funds for the Government, like the Loto Fund, Prime Minister's Cyclone Relief Fund and Foreign Currency. As a Board Member, he does not prepare the accounts, but he takes decisions. Now, decisions that have been taken by him as a Director will be audited and signed by him. This is another case of conflict, Madam Speaker.

The Prime Minister: Madam Speaker, I am surprised. The hon. Member, I think, I am told he is also an Accountant. Well, this is what I am told. He should know that as a Board Member, he has had nothing to do with the preparation of the financial statements of those public bodies. Nothing to do at all!

Mr Ameer Meea: Madam Speaker, until recently, it has been the case to promote the Deputy Director of Audit as Director of Audit. It has always been the case to promote automatically the Deputy Directors. Why in this case, this year, the deputies, - because there are various deputies - why it has not been done in-house and we had had to look for an Accountant-General, and this was done in the past in order to prevent these cases of conflict?

The Prime Minister: The hon. Member is completely wrong. Completely wrong! This has not been the case. Not now, not even before. I ask him to go and check, but I will provide him with the information. Each time, it is the Secretary to Cabinet and Head of Civil Service who is the Responsible Officer who makes recommendations to the PSC. He consults the Prime Minister and then the PSC in turn takes a decision and consults the hon. Leader of the Opposition. This is how it has always been done.

Let me remind the hon. Member now. He joined the MMM later on, I think, but maybe he should know, and maybe he should ask what has happened before also. In 2002, Dr. Rajen Jagarnauth was nominated as the Director. Now, he was not employed and he was not working at the Audit Office. He was the Director of the MAB and this is the same process that applied where the Secretary to Cabinet then, Head of Civil Service, after consultation with then the hon. - it was not Paul Bérenger, but it was the Prime Minister and the recommendation was made to the PSC and then the PSC, in fact, nominated Dr. Jagarnauth.

So, let me say that the post of Director of Audit is not a promotional one. Never has it been and it is according to law. You have to check and maybe probably you have to dig in further in order to see that you are completely wrong on this.

Madam Speaker: Hon. Adrien Duval!

MR ALVARO SOBRINHO - ICAC - INQUIRIES

(No. B/779) Mr A. Duval (First Member for Curepipe & Midlands) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the inquiries carried out by the Independent Commission against Corruption against Mr Alvaro Sobrinho, he will, for the benefit of the House, obtain information as to where matters stand.

The Prime Minister: Madam Speaker, I am advised by virtue of section 81 of the Prevention of Corruption Act, any inquiry carried out by the ICAC is subject to confidentiality provisions. Divulging any information in relation thereto would be prejudicial.

Mr A. Duval: Madam Speaker, let me ask the hon. Prime Minister whether Mr Sobrinho has given any undertaking since his flash interrogation one year ago, in August, to come back to Mauritius if needed, because he was never arrested, placed on bail and has been allowed to leave.

So, whether he has given an undertaking to come back for the purposes of the inquiry - it has nothing to do with the inquiry itself, but with regard to whether he will come and give information when needed.

The Prime Minister: I cannot say, Madam Speaker. I have just said that, according to section 81, I am not entitled to get any information with regard to any case which is before ICAC.

Mr A. Duval: Madam Speaker, may I ask the hon. Prime Minister whether any provisional charges have been launched against any person with regard to this enquiry, so far?

The Prime Minister: That is a substantive question. I shall, obviously then, inquire from the Commissioner of Police to know whether any charges have been laid before anyone.

Mr A. Duval: Madam Speaker, is the hon. Prime Minister aware that the Director of ICAC has said, last year, that, according to him, it has been published in '*Le Défi*', according to him, this inquiry would take months, maybe years, because of the language barriers since

that Mr Sobrinho speaks Portuguese? Yet, we all remember in his Press Conference, even to attack the Leader of the Opposition, it was in English. So, therefore, has he heard that from the ICAC as a reason for any delay in the investigation?

The Prime Minister: That question must be asked to the Director of ICAC. How can I answer with regard to whether Mr Sobrinho speaks Portuguese, he does understand English?

Madam Speaker: Last question!

Mr A. Duval: Whether with regard to the serious allegations that his Deputy Prime Minister has accompanied that person to Royal Park, and given that he was a staunch defender of Mr Sobrinho and his pools of fund, whether he can tell us as Prime Minister, if the Deputy Prime Minister has been required to assist in the inquiry of ICAC, so far?

The Prime Minister: Madam Speaker, what I can say is this - of course, this matter has been raised in this House before; there have been so many allegations. In fact, I am saying this because that is within my personal knowledge. I have also received letters of wild allegations, and I decided to refer that letter to ICAC for ICAC to decide whatever action they will take, whether they will inquire into it or not. So, I think this has already been answered before.

Madam Speaker: Next question, hon. Baloomoody!

CASINOS DE MAURICE – PROPOSED SALES

(No. B/780) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed sale of the Casinos de Maurice, he will, for the benefit of the House, obtain from State Investment Corporation Management Services, information as to if the Staff Unions thereof have been consulted in relation thereto and, if not, why not.

The Prime Minister: Madam Speaker, as I mentioned in my reply to Parliamentary Question B/675 at the sitting of 30 July 2019, a Steering Committee will be set up to look into all aspects concerning the disposal of the non-strategic assets, including the Casinos, and once this exercise is completed, consultations will be held with the Staff Unions with a view to safeguarding the interests of the employees.

Mr Baloomoody: Can I ask the hon. Prime Minister whether he has taken notice of the statement made by the Unions of the Casinos that they prefer a restructuring of the Casinos rather than the sale, because they believe it is profitable?

The Prime Minister: Well, Madam Speaker, I must say this issue has been on the Table, has been debated, discussed for years and years now. I am not saying that it is the same, because, probably, there are other people now representing the Unions; but since the days of the former Government, I remember when Rama Sithanen was Minister of Finance, there was a decision that was taken in order to dispose of the Casinos. Then, after that, I do remember, myself, having been Minister of Finance, I know under what circumstances - I do not want to go into that today, but the process was cancelled and then we decided to again come up with disposal of the Casinos. In the meantime, I had left the Government and then the hon. Leader of the Opposition then, was at some time Minister of Finance, and they also came up with this decision, then to try to dispose of the Casinos individually also, but it did not work out.

So, Madam Speaker, I think I shall leave it to the Steering Committee. I am not saying that we have not already decided what to do, but I leave it to the Steering Committee, try to consult with all the stakeholders and, of course, with Consultant also to see to it what is the best way to move forward. But, certainly, I do not think - I have always stated that, and this is my personal belief, that it is not the job for Government to run the casinos, because this is what happened when we end up with massive losses and so on. So, something must be done about it. I believe that it is for the private sector to get involved, but how to do it, restructuring, and then - this is what we are trying to do to put it on a good financial footing so that it becomes attractive also whenever we are going to ask a private sector or whomever to come with an expression of interest.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Do I take it that the Steering Committee will consult the Unions...

(Interruptions)

...in the course of their meetings. They will have meetings, not only with the private sector, but also with the Unions?

The Prime Minister: Yes, of course, it is something that has to be done to get the views also of the Unions, and then, a decision will be taken following their recommendations.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, apart from the reply given by the Prime Minister, which is public now, can the hon. Prime Minister inform us that, at least, he will give instructions to the Unions to be informed of the status, what Government intends to do in writing, to send them a communication?

The Prime Minister: But, as I said, they will be consulted. So, they will, obviously, be told what is being done and what is the way forward.

Madam Speaker: Next question, hon. Ameer Meea!

AMBROISINE STREET – DRAIN NETWORK, COST, ETC.

(No. B/781) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development, Minister of Finance and Economic Development whether, in regard to the drain works being carried out at Ambroisine Street, in Port Louis, he will state the –

- (a) scope of works thereof, indicating the roads/lanes concerned therewith;
- (b) cost thereof;
- (c) name of the contractor, and
- (d) expected completion date, indicating if any delay has occurred.

The Prime Minister: Madam Speaker, the National Development Unit had awarded a contract for the construction of a drain network at Ambroisine and Cité Laval Streets in Plaine Verte on 19 October 2018.

With regard to part (a) of the question, the Scope of Works of the project consists of –

- (i) construction of about 500 m. of new drains;
- (ii) provision of concrete covers and metal gratings over the drains;
- (iii) cleaning of the existing drains;
- (iv) resurfacing of the roads, and
- (v) provision of handrail near the bridge.

The roads and lanes concerned are –

- (i) Ambroisine Street;
- (ii) Cité Laval Street, No. 1;
- (iii) Avice lane;
- (iv) Road 1 (Adjacent to Bilaal Mosque), and
- (v) Road 2 (Opposite Perimbe Street).

With regard to parts (b) and (c) of the question, the contract was awarded to Square Deal Multipurpose Cooperative Society Limited for an amount of Rs9,468,151.83 inclusive of VAT under the Framework Agreement for Drains of the NDU.

Madam Speaker, regarding part (d) of the question, the initial completion date of the project was 31 May 2019 and the revised completion date is 31 of August 2019. Delay has occurred in the implementation of the project due to the following –

- (i) during site investigation, trial pits were undertaken to locate underground structures and buried services. It was found that along the narrow lanes, the bases of the existing boundary walls and houses and the presence of wastewater network did not allow any deep excavation since same would have damaged the boundary walls and houses. The Consultant had to review the design and change the scope of works to adapt to the existing underground structures and services;
- (ii) following requests from the inhabitants, works had to be stopped during the month of Ramadan and Eid-Ul-Fitr as the excavation works were being undertaken in the vicinity of a Mosque;
- (iii) Mauritius Telecom cables had to be relocated and several Mauritius Telecom manholes reconstructed;
- (iv) there was need to relocate some CWA pipes along Ambroisine Street, and
- (v) at the request of the inhabitants, works have been stopped from 01 August to 15 August 2019 due to a wedding ceremony in the project area and to Eid-Ul-Adha festival.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, one of the problems with this Contractor in question, namely Square Deal Multipurpose Cooperative Society Limited, is that the Contractor opened several sites in Port Louis, and then, what he does, he abandons the site

for another site, and when the inhabitants go to look for the local MP or the Municipal Councillor, then they come back to the site.

Can I ask the hon. Prime Minister to see to it that they do not open several sites around the island or the capital and that they finish one by one to move on? Thank you.

The Prime Minister: I do not know about the other sites the hon. Member is referring to, but with regard to this one, Madam Speaker, I have said, from the information that I have, it does not look as if he is to be blamed. In this case, the project had to be reviewed and also, while carrying on with the project, they discovered that there were certain services with regard to CWA, Mauritius Telecom and so on that had to be displaced. And I tried to find out why is it that it is taking some time and, in fact, I must say that when I look at the extent of the work, for example, with regard to CWA pipes which are all along the Ambroisine Street, the main road, and, therefore, I believe this has to be relocated. There have been circumstances also where there is, I think, or was a wedding, so, the inhabitants...

(Interruptions)

Madam Speaker: I am sorry to interrupt you, but I think that it is the second time. Is that your phone, hon. Ganoo?

(Interruptions)

I think it is the second time that we are having ringing tones from your phone. I think it would be appropriate for you to put your phone on silent mode as I have already put an annex in the Standing Orders with regard to mobile phones.

Yes, hon. Prime Minister!

The Prime Minister: As I said, Madam Speaker, and then the two festivals also, the period of Ramadan and Eid, and now Eid-Ul-Adha. I have requested the Officers of the NDU to monitor closely and to see to it with the Contractor that they do proceed, I believe, as from the 15th, and I hope then they can proceed rapidly.

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/814, in regard to the award of the administration contract for the Government Medical Insurance Scheme to the NIC General Insurance Co. Ltd. will be replied by the hon. Minister of Civil Service and Administrative Reforms.

Hon. Osman Mahomed!

NATIONAL PROPERTY FUND LTD - BAI GROUP (FORMER)

(No. B/782) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the assets of the former BAI group, he will, for the benefit of the House, obtain from the National Property Fund Limited, information as to the value thereof as recently assessed, giving details thereof.

Mr Sesungkur: Madam Speaker, I wish to refer the hon. Member to the reply I made to Parliamentary Question B/458 at the sitting of 18 June 2019 wherein I indicated that the value of the assets of the National Property Fund Ltd was approximately Rs12 billions.

Madam Speaker, I wish to reiterate that the valuation exercise covered only the immovable properties of the National Property Fund Ltd, as mentioned in my reply to Parliamentary Question B/458.

And, as I already mentioned in the same reply, the National Property Fund Ltd. has initiated action for the disposal of these immovable properties.

As the information asked for by the hon. Member is commercially sensitive, it would not be appropriate for me to disclose the value of these properties because it would cause prejudice and hinder the disposal exercise.

Mr Osman Mahomed: Well, what cannot be disclosed can be seen! Madam Speaker, look at what happened to the properties of the ex-BAI Group, Kapu Kai for example. Look at the state in which Kapu Kai has been led to rot and decay, even for Diplomat Gardens. Can I ask the hon. Minister to explain to us the state of affairs, being given that money to be recouped from this will have to be used to pay back policyholders and those people who are awaiting their hard-earned money? How can the Minister explain this state of affairs to the country and to the population of this country?

Mr Sesungkur: Madam Speaker, I do not manage the property myself, but, as the hon. Member is insisting, I want the population to know that this Member has benefitted from the favours of the BAI himself. He is one of the culprits who has brought...

Madam Speaker: No! Hon. Sesungkur!

(Interruptions)

Sit down!

(Interruptions)

Hon. Sesungkur, I am calling you to order! Please! I would ask you not to impute motives and not to make allegations because if you do so, then you take the entire responsibility for the allegations that you have made.

Mr Sesungkur: Madam Speaker, this is public information. This was in the Press. This Member has taken a cheque from the Bramer Bank...

(Interruptions)

Madam Speaker: Hon. Sesungkur, please resume your seat!

(Interruptions)

Hon. Sesungkur! I have already given my ruling on this matter.

Hon. Bhagwan, please tone down!

(Interruptions)

Hon. Sesungkur, I have already given my ruling on this matter and I don't want you to pursue further on this line of making allegations to the hon. Member.

(Interruptions)

Mr Osman Mahomed: It is your party that has benefitted Rs19 m.! Show me the cheque!

(Interruptions)

Why don't you show...

(Interruptions)

Madam Speaker: Hon. Osman Mahomed!

(Interruptions)

Hon. Osman Mahomed!

(Interruptions)

Hon. Osman Mahomed! It is the third time that I am drawing your attention. Right! I have asked the hon. Minister not to make allegations and not to impute motives. I would ask you to do same.

Mr Osman Mahomed: What I am saying are not allegations. These are proven. We have the cheques.

Madam Speaker: But then, are you disputing the authority of the Chair?

(Interruptions)

Please, resume you seat! Are you then disputing the authority of the Chair? I have given my ruling. Now, you are saying this is not so. It is tantamount to challenging the authority of the Chair, hon. Osman Mahomed.

Mr Osman Mahomed: Can I ask the hon. Minister to confirm to the House whether the Commission of Inquiry that has been initiated by this Government - because the Government itself found that there is something wrong in the management of the ex-BAI affair - has been completed and, if not, when will it be completed so that the population knows, once and for all, the truth of this very dark episode in the history of our country?

Mr Sesungkur: Madam Speaker, the population knows who has brought the downfall of the BAI. They have been behind the bankruptcy of BAI. They have been tolerating a massive Ponzi Scheme which has been going on and on during the whole of the mandate of the Labour Party. You are responsible for the downfall of this BAI...

(Interruptions)

Madam Speaker: No! Hon. Sesungkur!

(Interruptions)

Hon. Sesungkur! Then, now, after the hon. Member, it is you who are disputing the ruling of the Chair. I have told you not to impute motives. There are things which have to be said and you can say it in a decent way.

(Interruptions)

Mr Osman Mahomed: Yes, thank you. The hon. Minister is talking about...

(Interruptions)

Madam Speaker: Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Now, hon. Bhagwan and hon. Baloomoody, I am trying to draw your attention, you continue to ignore the Chair.

(Interruptions)

I will have to take sanctions. If anybody in this House, be it on this side or on the side of House continues to ignore the Chair when you are being called to order, I will take sanctions immediately. This is the last time I am saying it.

Mr Osman Mahomed: Thank you, Madam Speaker. The hon. Minister has just used the word ‘Ponzi’. Then, how does he reconcile with the fact that there has not been any proof of that so far, and not even arrest, because my colleague had asked some questions before about whether someone had been arrested and jailed for being responsible for a Ponzi, there was no case. Then, how does the hon. Minister explain this?

(Interruptions)

Mr Sesungkur: Madam Speaker ...

Madam Speaker: Please, resume your seat!

Hon. Osman Mahomed, you have asked the questions relating to the value of the assets ...

(Interruptions)

Please, resume your seat! When I am on my feet, you resume your seat, please! You have asked with regard to assets of the former BAI group, the value recently assessed and give details of the value. Now, your question has to relate to the value and your subsidiary question has to fall within the main question.

Mr Osman Mahomed: In reply to my second question which was completely aside, he kept insisting on Ponzi, so, I have to go along on the same line that he is asking.

(Interruptions)

Madam Speaker: But then, don’t reply!

Mr Sesungkur: Madam Speaker, everybody knows there is the nTan Report which clearly states that the BAI was a Ponzi Scheme. Above all, this matter was raised by the hon. Paul Bérenger in his PNQ years before. So, it is public domain.

Madam Speaker: Next question, hon. Osman Mohamed!

EDUCATION AND TRAINING CO-ORDINATOR - POST

(No. B/783) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the post of Education and Training Co-ordinator, he will state if the filling thereof is being envisaged and, if so, indicate the –

- (a) role and responsibilities thereof, and
- (b) qualifications requirements therefor.

Mr Sinatambou: Madam Speaker, the filling of the post of Education and Training Co-ordinator is envisaged and I am informed that the Management of my Ministry is currently finalising the scheme of service according to the procedures laid down in the Human Resource Management Manual.

With regard to part (a) of the question, the role and responsibilities of the Education and Training Co-ordinator will be as follows –

- (a) to develop and conduct training and education programmes in line with the National Disaster Risk Reduction and Management Policy, Strategic Framework and Action Plan for the general public, for educational institutions and for other stakeholders, and
- (b) to monitor the effectiveness and efficiency...

(Interruptions)

Well, if that is what makes you laugh, I don't stay free of charge and I don't eat free of charge...

(Interruptions)

Madam Speaker: Hon. Bhagwan, would you start again!

Mr Sinatambou: Maybe your leader does!

Madam Speaker: I have said that remarks from a sitting position ...

(Interruptions)

Order, please! Yes!

Mr Sinatambou: It seems they are all laughing about whether I stay free in a hotel; I do not. I pay my bill.

(Interruptions)

Madam Speaker: Hon. Bhagwan! Now, I will have to take action against you! This is my final warning to you, otherwise I will take action against you.

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

I suspend the sitting!

At 12.49 p.m., the sitting was suspended.

On resuming at 12.59 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please, be seated! Hon. Members, I wish to remind the House that all hon. Members are taking the time of the House and that you have already lost 10 precious minutes reserved for Question Time in flimsy arguments and flimsy matters. If that continues in the afternoon session, I am already giving a warning that I will take severe sanctions against the hon. Members. I wish also to inform you that the 10 minutes lost will not be recouped.

I suspend the sitting for one and a half hours.

At 1.00 p.m., the sitting was suspended.

On resuming at 2.33 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please, be seated! Yes, Hon. Osman Mahomed!

Mr Osman Mahomed: B/783!

Madam Speaker: B/784! No?

Mr Osman Mahomed: B/783 because we have not discussed the question.

Madam Speaker: But you have lost the time of the House in futile discussion.

Mr Osman Mahomed: Not me. It is the Minister who decided to raise his case of maritime, not me. It is the Minister who wasted the time of House, I need to have an answer. It is not me.

Madam Speaker: Next question!

INTERMEDIATE COURT (CIVIL DIVISION) –

OLDEST CASE LODGED – JUDGEMENT

(No. B/784) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Civil Division of the Intermediate Court, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the date on which the oldest case awaiting judgement was lodged.

Mr Gobin: Madam Speaker, I am informed by the hon. Master and Registrar that the oldest case awaiting judgement before the Civil Division of the Intermediate Court was lodged in May 2007. The hearing has been completed and the parties are awaiting judgment.

Mr Osman Mahomed: So, it is quite a long time 2007, and justice delayed is justice denied. Can I request the hon. Attorney General, since it has to do a lot with administration that I suggest he takes up the matter with the Chief Justice so as to clear all pending cases awaiting judgment for the sake of all litigants in this country? There are many cases where people are suffering because of the delay in awaiting judgment in their cases.

Mr Gobin: We all agree that justice should be delivered as expeditiously as possible, but each case has to be decided on its own merits, but I will, of course, take up matters with the hon. Chief Justice. In this case, particularly, however, I do not want to make any comment because we are awaiting judgment.

Mr Rutnah: Can the hon. Attorney General enlighten the House that this 2007 case, which has been heard and awaiting judgement, is or are the Magistrates who have heard this case, still Magistrates at the Intermediate Court or have they been promoted elsewhere?

Mr Gobin: As far as I know, they are still at Intermediate Court.

Mr Uteem: Madam Speaker, may I know from the hon. Attorney General if he has the information, what is the arranged time taken to deliver judgment by the Civil Division of the Intermediate Court.

Mr Gobin: Unfortunately, I do not have this information.

Mr Ramful: It was recently announced, I think, in the last Budget that Government is proposing to set up a Mediation Division in the Intermediate Court. Maybe that will help to

dispose of a lot of those old cases. May we know where matter stands with regard to the setting up of the Mediation Division?

Mr Gobin: This concerns the administration of justice within the jurisdiction of the Chief Justice, but I can inform the House that rules have already been made by the Chief Justice for the Mediation Division.

Madam Speaker: Next question, hon. Quirin!

CÔTE D'OR – INTERNATIONAL FOOTBALL ACADEMY – SETTING UP

(No. B/785) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the proposed setting up of an International Football Academy at Côte D'Or, he will –

- (a) state the reasons why the Mauritius Multi Sports Infrastructure Ltd. (MMSI) has been entrusted with the implementation thereof, and
- (b) for the benefit of the House, obtain from MMSI Ltd., information as to –
 - (i) if the agreement with the Liverpool Football Club and Athletics Grounds Ltd., UK, has been signed and, if so, table copy thereof;
 - (ii) the coming into force thereof;
 - (iii) the terms and conditions thereof, and
 - (iv) the annual amount of funds to be invested therein.

Mr Toussaint: Madam Speaker, as the House is aware in the Government Programme 2015-2019, mention was made at paragraph 43, that with a view to increasing the level and standard of sports activities in the country, a high-level football academy would be set up in Mauritius in collaboration with an English Premier League soccer club, to offer talented youngsters the opportunity to pursue a career locally and abroad. In this connection, since last year, discussions had been initiated with Liverpool Football Club and Athletics Grounds Ltd. (LFC) and in the Budget Speech 2019/20 it was announced that an agreement would be signed between the Mauritius Multi-Sports Infrastructure Ltd. (MMIL) and LFC for the setting up of the LFC International Football Academy Soccer School in Mauritius at Côte d'Or.

In regard to part (a) of the question, I wish to inform the House that the project of setting up of an international football academy in Mauritius is in line with the National Sport

and Physical Activity Policy which was launched in October last year by the hon. Prime Minister and which contains, *inter alia*, an elite strategy with a strong focus on talent and supporting, nurturing and developing young athletes and players for the future. The Policy also recommends the concept of clustering, academy-type projects and high-performance centres to be developed at Côte d'Or, thus, the proposal to set up the LFC International Football Academy Soccer School within the compound of Côte d'Or National Sports Complex which is managed by MMIL. This explains why the agreement has been signed between MMIL and LFC.

As for part (b)(i) and (iii) of the question, I am informed that the agreement between LFC and MMIL was signed on 17 June 2019. I am further informed that the agreement contains a confidentiality clause and in pursuance therefore neither can a copy be tabled nor can the terms and conditions therein be disclosed.

Madam Speaker, regarding part (b)(ii) of the question, I am informed that the LFC International Football Academy Soccer School (Mauritius) will be launched on 23 August 2019 and selection of the first batch of trainees will be finalised by mid-September this year.

As for part (b)(iv) of the question, the total cost of the project for the period 2019/2020 to 2021/2022 is estimated at Rs108,566,500. Funds have been provided in the Lotto Fund to the tune of Rs25 m. for the Financial Year 2019/2020, Rs20 m. for the Financial Year 2020/2021, and Rs20 m. for the Financial Year 2021/2022, as contribution to part finance the project. The remaining costs will be met by MMIL as the latter will engage into revenue-generating activities and also secure sponsorships.

Madam Speaker: Yes, hon. Quirin!

Mr Quirin: Madame la présidente, permettez-moi de trouver inconcevable qu'on ne puisse dévoiler le contenu d'un contrat qui concerne le sport entre Liverpool Athletics Grounds et l'État Mauricien à travers le Mauritius Multi Sports Infrastructure Ltd.

Enfin disons que le fait que la MFA ne soit pas partie prenante de ce projet, n'est-t-il pas en totale contradiction avec la section 47 du Sports Act 2016 qui dit que le ministre peut lancer une académie de sports mais avec la collaboration du la fédération nationale et je lis rapidement avec votre permission madame la présidente, l'article 47 Sports Academies –

“The Minister may, for the purposes of this Act, in collaboration with National Sports Federations and such other person or organisation, whether local or international, as he may determine, set up such sports academies as he may consider necessary”

Donc, il est clair que tout projet d'académie doit se faire avec la fédération en question.

Mr Toussaint: Madame la présidente, je crois que l'honorable membre se trompe totalement. Pendant les négociations, pendant tous les discussions, la MFA a toujours été *onboard* et dans toutes les réunions que nous avons faites, les représentants de la MFA étaient présents. Et permettez-moi de rappeler aussi à la Chambre et à toute la population que, au lendemain de l'annonce de ce projet dans le discours du budget, le président de la fédération monsieur Sobha a accueilli cette annonce avec joie et a parlé de l'avancement du football et que la MFA, le ministère, le MMIL, nous travaillons main dans la main pour l'avancée du football et demain ce sera la même chose pour l'athlétisme, le volleyball et ainsi de suite.

Mr Quirin: De toutes les façons, ce n'est pas ce qui se dit, mais passons à une autre question.

Madame la présidente, peut-on savoir le contrat qui lie justement Liverpool Football Club et Athletics Grounds au Mauritius Multi Sports Infrastructure Ltd. est d'une durée de combien d'années?

Mr Toussaint: Trois ans.

Mr Quirin: Madame la présidente, peut-on savoir en ce qui concerne le Mauritius Multi Sports Infrastructure Ltd., c'est une compagnie qui normalement a pris naissance dans le contexte des Jeux des Iles, rénovations des infrastructures, le nouveau complexe de Côte d'Or, etc. Peut-on savoir comment cette organisation, cette compagnie peut d'un coup avoir le savoir-faire en ce qui concerne la gestion d'une telle académie?

Mr Toussaint: Madame la présidente, j'ai le regret de dire que l'honorable membre se trompe encore une fois puisque le MMIL a été créé, ce n'est pas juste par rapport aux Jeux des Iles et la rénovation des autres infrastructures, c'est l'AUGI qui était responsable de la rénovation des infrastructures par rapport aux Jeux des Iles. Le MMIL c'est la compagnie qui gère le complexe national de Côte d'Or et comme je l'ai dit dans ma réponse, avec la vision de notre gouvernement, avec ce que préconise le National Sport and Physical Activity Policy, c'est que le complexe de Côte d'Or par le biais de MMIL aura la responsabilité de créer des académies, de mettre sur pied le High Performance Centre de l'Ile Maurice.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker.

Madam Speaker, may I ask the Minister with regard to the confidentiality clause, I find it hard to believe that the (LFC) Liverpool Football Club being a UK organisation where the Freedom of Information Act applies that they would push for a confidentiality clause in an agreement with a Government entity. Therefore, is it not the Ministry and the Minister who have included that Confidentiality Clause in that contract so as to deny Parliament of its accounting...

Mr Toussaint: Madame la présidente, en tout cas, c'est très, très grave ce que l'honorable membre est train d'insinuer. Le contrat a été signé avec MMIL et Liverpool, que l'honorable membre me croit ou non, il peut aller demander à Liverpool aussi, il n'y a pas souci.

Madam Speaker: Next question, hon. Uteem!

DECAEN FLYOVER PROJECT – COSTS OVERRUNS

(No. B/786) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Decaen Flyover Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the final cost thereof, indicating the quantum of costs overruns, if any, and
- (b) if any study has been carried out to assess the impact thereof on the flow of traffic.

Mr Bodha: Madam Speaker, with your permission, I will answer this question.

As regards part (a), I am informed by the Road Development Authority that the design-build/turnkey and completion of the construction of the Grade Separated Junction on motorway M1 at Deschartres and other upgrading works was awarded for a lump sum of Rs320,999,000 to Transinvest – Gen. Con. Deschartres joint venture. There has been no cost overrun in this project and the final cost thereof has remained the same.

As regards to part (b) of the question, I am informed that the following assessments were made before and after implementing the project. The time to travel from Réduit to Port Louis City Centre using Motorway M1 was measured during peak time between 08.00 in the morning to 10.00. And the time to travel from Bell Village to Port Louis City Centre using the A1 was measured during peak time between 08:00 and 10:00. In general, the following

observations were made by the RDA. Firstly, Before the project, the time to travel from Réduit to Port Louis City Centre varied between 40 to 45 minutes. With the coming into operation of the project, the travel time varies between 20 to 25 minutes. Therefore, there is an average travel time saving of 15 to 20 minutes. Before the project, the time to travel from Bell Village to Port Louis City Centre varied between 25 and 30 minutes. After the project, the travel time varies between 10 and 15. Therefore, there is an average travel time savings of 10 minutes. Furthermore, it has been observed that the queue length along motorway M1 entering Port Louis at Place d'Armes has been reduced by 50%. With the construction of the slip lane at Place d'Armes coming from John Kennedy Avenue, traffic exiting Port Louis Centre are also taking less time to join Motorway M1.

Madam Speaker, I am informed that the traffic flow in Port Louis North, that is, on the Street is still being assessed. It is envisaged to implement other projects to further improve the traffic flows such a review of the Traffic Scheme along Farquhar Street and the implementation of Quay D flyover project.

Mr Uteem: Thank you, Madam Speaker. Is the hon. Minister aware that not even one year after completion of this project, there are cracks on the road? The cracks were tarmacked and now the cracks appear again. And I will lay down copies of two pictures which I have taken yesterday which show cracks opening up again on places which were supposed to have been resurfaced.

Mr Bodha: Madam Speaker, I mentioned these cracks when we had the Budget Speech and at Committee Stage, and I had given the length and also the width of the cracks.

First of all, I would like to say that there are no new cracks. Second, that the structural integrity of the bridge is without question. Third, we have been monitoring the cracks all the way for about 2 months, and for the last 6 weeks, there was no movement and recently, these days, there have been a movement of about 2 cm. We are closely monitoring the situation and we know that we have major infrastructural works on the other side of the road with the Metro, so what we are going to do, as soon as the structural works are completed in the week and 10 days to follow, we will sit down and consider the stability of the whole region.

Mr Uteem: The hon. Minister just mentioned that in recent days there has been movement, again, of 2 cm. So, may I know from the hon. Minister who did the survey about the structure after the cracks came down and whether that engineer's report can be tabled before the National Assembly?

Mr Bodha: Well, I have some of the documents here. Well, I have it here but I would prefer to have the latest one as well tabled for the hon. Member.

Mr Uteem: May I know from the hon. Minister whether according to that report, the contractor is in anyway blamed for the quality of the work carried out on the Decaen Bridge?

Mr Bodha: Madam Speaker, we are within what we call the Defects Liability Period of one year and we have also retained Rs50 m. So, if there is any repair to be done, it has to be completely on his responsibility because he did the design and the build.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: This is a design and build contract, the whole responsibility is on the contractor. Can I ask the hon. Minister on what basis was the project commissioned? Has RDA taken the full responsibility or will it be -because 2cm, maybe it will be augmenting over time, whether the contractor will be responsible for good or it will be at some point in time the responsibility of whichever Government will be in place?

Mr Bodha: At no time, the responsibility will be on the RDA. At all times, whatever happens, whatever repair works have to be done, they will be done under the full responsibility of the contractor.

Mr Osman Mahomed: *Ad infinitum?* Meaning forever?

Mr Bodha: We will have the defects liability period which is a year. Yes. But then, we have the decennial guarantee; as you know, that any infrastructure of that magnitude should be able to have the decennial guarantee that at least it can last for 10 years.

Madam Speaker: Next question, hon. Uteem!

ROAD DEVELOPMENT AUTHORITY A1-M1 LINK ROAD PROJECT -

(No. B/787) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the A1-M1 Link Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the work progress thereof.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that the contract for the construction of grade separated junctions at Pont Fer/Jumbo/Dowlut roundabouts and the A1-M1 link Road was awarded to a joint venture, Transinvest-GCC-

Bouygues - VSLi Junction Pont Fer & A1-M1 Link Rd Joint Venture Ltd on 23 February 2018. Works started on the site on 06 April 2018.

Madam Speaker, I am further informed that the Korea Expressway Corporation had done the design based on all investigations done prior to tender. After the award of the contract, further investigations were done under the supervision of KEC by the contractor as per its obligations by the contract. The detailed investigations revealed the presence of a weak soil strata underneath the proposed bridge foundation and possible failure lines on the 2 cliffs of the Grand River North West valley.

Consequently, the initial tender foundation had to be changed from spread footings to bored piles. Additionally, to minimise the risk to the bridge due to the potential cliff instability, the peers of the bridge were also shifted 20m further away from the cliffs, that is inside the valley.

Madam Speaker, the modified bridge is now of a total length of 330m, with 3 spans of 100 m, 130m and 130m. This is necessary to mitigate the weak soil conditions and possible cliff instability which could have affected the long-term performance of the bridge. Therefore, a decision was taken in consultation with all experts, ARQ, Prof. Mayan, Dr. Kim, KEC and the contractor to do 3 things –

- (i) To shift the central peers which is 90m high in the valley;
- (ii) To change the foundation to piles; each pile will rest on 50 piles with a cap of 25x40m, that is the base, and
- (iii) Reinforce the abutments in view of the risk of cliff instability.

These additional works which were approved by the CPB and by Cabinet will cost around Rs155 m. but will certainly improve the resilience of the bridge.

I am further informed that the A1-M1 Link Road consists of 3 components –

- (i) The Chebel viaduct;
- (ii) The Soreze interchange, and
- (iii) The bridge itself.

Madam Speaker, works at the Chebel viaduct have already started. Retaining works are ongoing, piling works are completed; reinforcement of pile cap ongoing and displacement of utilities are in progress.

The work at Soreze interchange also is ongoing; site clearance, construction of embankment is in progress, construction of box culvert is ongoing, displacement of utilities is in progress.

As regards the bridge itself, the final detailed design is being done by the contractor and KEC, site clearance and site establishments have been completed, excavation works for abutment at Chebel are in progress, mobilisation in Grand River Nord West valley has been completed and the piling works for the base will start mid-September.

The bridge is to weigh 24,000 tons, Madam Speaker. Each pillar is to weigh 9,000 tons and the 2 bases are to weigh 6,900 tons.

Madam Speaker: Hon. Uteem, you have a supplementary question?

Mr Uteem: Madam Speaker, according to the tender document, whether it is in Clause 4.11, it is clearly written that it is the contractor who has to do the due diligence on the quality of the soil before submitting a bid. Now, why is it that after the contract had been awarded the contractor comes back and tells you that the soil condition is not good and wants for a variation? So, does the hon. Minister find it acceptable that after a contract has been awarded, the contractor now is asking for variation of Rs155 m. on the basis of the soil?

Mr Bodha: Let me explain Madam Speaker. Some investigations were done before the tender for the basic design which was tendered and the basic design was done by Korea Expressway Corporation. One of the obligations of the contractor is to do the thorough investigation of the whole area, which they did. Because I really wanted them to do so, it took us 3 months to do that, to understand the Valley. When we understand the valley, we have found out that if we were to put the piles at 25 metres, there was a soft layer below the 25 meters.

Second, we found out that the cliffs on both sides were fragile because rocks could fall and the abutments were not very strong enough to lay the table of the bridge. So, we had two things to do, whether we continue with the design or we have an option. I think for security, we decided to have this option so that we go deeper and then, we stabilised the cliffs and we stabilised also the abutment for the table to be placed on it. This is a variation which is of 3% because the bridge is about 2 something billion, and we went to the CPB, we went to Cabinet because the soil condition in the end, the final investigation led to the fact that we could stay with the original design, but it was very clear that the best thing for the bridge would be to go deeper and to consolidate the cliffs.

Mr Uteem: All this should have been done before the tender. Does not the hon. Minister agree that once it was discovered that the soil had such problem, that he should have done a new tender? Because he is unfairly penalising all the bidders who, probably, had realised the soil was not appropriate and had factored that in their initial tender. So, does not he agree that he ought to have done a new tender exercise?

Mr Bodha: Madam Speaker, just to do the first investigation, to prepare the tender documents, it could took us one year. To do the whole exercise, when we don't do the tender, we see that we have to go by the procurement. We respected the procurement; we went to the CPB to ask whether this work could be done. The CPB considered the matter, considered the variations, also explained the additional works which had to be done and gave us the approval that we could go ahead and I went to Cabinet for the approval of Government.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: There is a case of Terre Rouge/Verdun, there is a case Deccan and now for A1/M1, we see the same contractor Colas Transinvest. So, should not the hon. Minister refer the matter to the Public Procurement Office to take whatever sanction needs to be taken against this contractor?

Mr Bodha: Madam Speaker, for Terre Rouge/Verdun, well, that was what it was. As regards to this one, not many companies in the world could provide for the procurement. The only way to do the bidding for such a bridge is that you should have constructed, at least, two other bridges somewhere else of that span. So, in fact, it was a consortium of Transinvest, General Construction, Bouygues from France, VSLi and all these people came together, SYSTRA, to be able to make the bid.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. Korea Expressway Corporation has been here for more than three years now. And they are being paid nearly half a billion rupees for services that they are providing to the Government of Mauritius, you said so in Parliament. And the Minister was full of praise for this consortium. Can I ask the hon. Minister, how does he reconcile the fact that such basic *manquement* could be found now costing Government of Mauritius Rs155 m. with such a consultant of international repute?

Mr Bodha: Madam Speaker, the works at Pont Fer is going on well. The works at Soreze is going on well. The works at Coromandel is going on well. As regards the bridge, we could have stayed with what we are, but then, when we saw in detail what was the

consistency of the soil and the fact that on the cliffs, we could have some rocks falling and the abutments could be consolidated, but it is Rs155 m. out Rs2.5 billion which is 3%. That's why we changed, we moved to that option, because we believe that the base will be stronger. As I said, it is 24,000 tonnes on a table. It is each pillar is 9,000 tonnes and both bases are 7,000 tonnes. It is not a small difference. So, we want to make assurance doubly sure and see to it that we have the infrastructure that we need.

Madam Speaker: Next question, hon. Uteem.

RAJIV GANDHI SCIENCE CENTRE – ALLEGED ABUSE OF POWER

(No. B/788) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Rajiv Gandhi Science Centre, she will state if she is aware of allegations of abuse of power and of corruption thereat and, if so, indicate the actions, if any, taken in relation thereto by her Ministry.

Mrs Dookun-Luchoomun: Madam Speaker, my Ministry received an anonymous letter making representations against a few staff members of the Rajiv Gandhi Science Centre regarding work related problems, but not on abuse of power or corruption as such. An internal audit was carried out and certain weaknesses were noted in the Administrative and Procurement Sections which were mainly as a result of a shortage of staff. Officers were often called upon to carry out multiple tasks for administrative convenience and smooth conduct of operations.

However, it was noted that there was no proper segregation of duties in the Administrative and Procurement Sections. Recommendations were made for the recruitment of additional staff to remedy the situation. Actions were taken accordingly. I am informed that 13 key posts have been filled after a recruitment exercise.

Furthermore, arrangement has been made for an Assistant Manager, Financial Operations from the Ministry of Education to provide support and guidance to the Rajiv Gandhi Science Centre on HR matters. Guidelines on basic financial principles have also been forwarded to the Centre for proper financial procedures to be followed.

The problems identified, Madam Speaker, were mostly on Operational Management due to interpersonal conflicts and now that the recruitment of staff has already been effected, these issues, I am informed have already been addressed. The situation is going to be monitored.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister just mentioned an internal report. So, would the hon. Minister be prepared to table a copy of that internal report?

Mrs Dookun-Luchoomun: I have no problem doing so, Madam Speaker.

Mr Uteem: The hon. Minister mentioned administrative issues. Is she aware that for almost 10 years, a Confidential Secretary has been doing the job of an Administrative Officer? So, for 10 years, they did not advertise and that Administrative Officer, contrary to the PRB Report, was given a full salary instead of a partial allowance as recommended by PRB Report.

Mrs Dookun-Luchoomun: Madam Speaker, I have been informed by the Rajiv Gandhi Science Centre that officers were asked to do several tasks and very often, they had to do overtime due to a shortage of staff and when this was noted through the internal audit, actions were taken for the filling of post and that person is now being asked to do the job for which she was appointed.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Has the attention of the hon. Minister also been drawn to the fact that solar sunglasses which were supposed to be sold at Rs25 on the day of the eclipse were actually sold for Rs50 and the difference was never accounted for? So, all the school children who went to the Rajiv Gandhi Centre to watch the eclipse had to pay twice the amount which the Board had budgeted for and this is one of the complaints made to ICAC.

Mrs Dookun-Luchoomun: Madam Speaker, I was not aware of that particular point, but I am going to look into it.

Madam Speaker: Hon. Baloomooody!

Mr Baloomooody: Coming back to that Confidential Secretary, may we know from the hon. Minister her qualification?

Mrs Dookun-Luchoomun: I don't think I have it with me, Madam Speaker.

Mr Uteem: A last question!

Madam Speaker: Next question, hon. Quirin.

NEW GEORGE V STADIUM – BIDDERS – COST

(No. B/789) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the renovation works at the New George V Stadium, he will state –

- (a) the names of the bidders and the respective bid values thereof;
- (b) the final cost thereof, and
- (c) if a commissioning test was done and, if so, by whom and table copy of the report thereof, if any.

Mr Toussaint: Madam Speaker, in November 2016, the Association for the upgrading of the Indian Ocean Islands Games Infrastructure (AUGI) was set up by Government with the responsibility of upgrading/renovation of existing sports infrastructures. I am informed that following a bid exercise launched by the AUGI, J & A Architects Ltd was appointed on 30 November 2017 as consultant for the renovation of New George V Stadium.

I am further informed that bids for renovation works at New George V Stadium were launched in June 2018 and by the closing date, two bids were received as follows –

- (1) RBRB Construction Ltd – Rs102,194,643 (excluding VAT), and
- (2) Tayelamay & Sons Enterprise Ltd - Rs105,773,871.76 (excluding VAT).

Since the lowest bid was 38.1% higher than the estimated costs of Rs74 m. (excluding VAT) submitted by the consultant, the bidding exercise was cancelled.

In the meantime, given the urgency to complete the renovation and construction works at all sites which were to be utilised for the Indian Ocean Islands Games (IOIG), Government decided to adopt the same method as in year 2003, that is, inviting major contractors to undertake the renovation and construction works at cost as a gesture of national solidarity for the IOIG 2019. At a meeting held under the chairmanship of the hon. Prime Minister on Friday 17 August 2018 with Grade A contractors, the latter responded positively to the request from Government.

Subsequently, the contract for New George V Stadium was awarded to Rehm Grinaker Co. Ltd for an amount of Rs94,949,475.18 (including VAT). J & A Architects Ltd was maintained as the consultant for the project. The start date for the renovation works was 15 October 2018 and the expected completion date was 15 May 2019. Following joint site visits carried out with the consultant, additional works were approved as follows –

- bird netting: Rs2.2 m. (excluding VAT), and
- new metal structure for the roof - Rs4.5 m. (excluding VAT).

Madam Speaker, in regard to part (b) of the question, I am informed that to date, an amount of Rs100,299,633.81 has been paid to the contractor.

As for part (c) of the question, I am informed that the actual completion dates for the works were as follows –

- building and site works: 10 June 2019; and
- football pitch: 08 July 2019.

In both cases, the consultant, J & A Architects Ltd. submitted a Taking Over Certificate, certifying the completion of works as per the conditions of the contract, with a list of snags which were to be completed urgently prior to the holding of the IOIG. I am tabling copies for the two Taking Over Certificates submitted by the consultant.

Mr Quirin: Merci, Madame la présidente. Heureusement que les documents que va déposer l'honorable ministre ne sont pas confidentiels mais peut-on savoir de l'honorable ministre les noms des personnes qui font partie de l'association AUGI et nous dire aussi, comment et par qui, ils ont été choisis ?

Mr Toussaint: Madame la présidente, je n'ai pas toute la liste des AUGI *members* avec moi mais je sais que l'AUGI est présidée par le *PS* du ministère de la Jeunesse et des sports.

Mr Quirin: Peut-on savoir, Madame la présidente, il paraît que le consultant a pris possession du stade, il a été satisfait mais nous connaissons tous les problèmes qu'il y a eu avec la pelouse. De ce fait, si des travaux, comme vient de dire l'honorable ministre, ont été effectués *at cost* et donc le coût total avoisine les 100 millions, est-ce que c'est cela que l'honorable ministre appelle faire des travaux *at cost*? Vraiment, Madame la présidente, toute l'Ile Maurice, toute la population est toujours frustrée par rapport à cette situation.

Mr Toussaint: Il n'y a aucune frustration par rapport à cette situation, Madame la présidente. Je suis désolé si l'honorable membre est frustré lui-même. J'ai répondu à une question sur la pelouse du stade George V la semaine dernière, disant que nous avons demandé un rapport avec l'AUGI. L'AUGI s'est rencontré une première fois la semaine dernière justement et nous attendons un rapport final d'ici la fin du mois d'août et s'il y a des mesures correctives à prendre, nous allons le faire.

Madam Speaker: Hon. Armance!

Mr Armance: Since the Minister just mentioned that the project was a cost based project, may I know from him whether there is any defect liability period and if the retention money has been released or not?

Mr Toussaint: Bien sûr, Madame la présidente, comme tout contrat, il y a *defects liability period* et j'ai répondu à cela la semaine dernière.

Madam Speaker: Yes. Hon. Quirin!

Mr Quirin: Oui, Madame la présidente. Ne pensez-vous pas qu'il serait approprié qu'une enquête approfondie, non seulement sur l'allocation du contrat pour le stade George V mais aussi concernant toutes les autres infrastructures qui ont été rénovées dans le cas des jeux des îles; qu'une enquête approfondie soit effectuée parce qu'il est clair la somme totale de toutes ces infrastructures avoisine 700 à 800 millions, près d'un milliard. Il est clair, Madame la Présidente, après ce que nous avons vu avec le stade George V qu'une enquête approfondie doit être effectuée en ce qui concerne l'allocation des contrats de toutes les infrastructures qui ont été rénovées dans le cadre des derniers jeux des îles?

Madam Speaker: Hon. Quirin, your main question relates to the renovation work at New George V Stadium and I think we should remain with this unless the Minister wants to reply.

Mr Toussaint: Madame la présidente, donc, comme je l'ai dit, nous avons demandé un rapport d'AUGI et j'ai aussi répondu la semaine dernière que, dans les 100 millions par rapport au stade George V, il y avait plusieurs travaux qui devraient être faits. J'ai parlé, par exemple, de toute la structure métallique, la toiture du stade George V, tout le réseau électrique, enfin plusieurs parties incluant, bien sûr, la pelouse, et permettez-moi de rappeler, encore une fois, que ce n'est qu'après 16 ans que nous entamons des rénovations aussi importantes que cela sur nos infrastructures que ce soit George V ou les autres. En ce qu'il s'agit des autres infrastructures, pour le moment, il n'y a absolument rien et je pense que les honorables membres, en général, opposition et gouvernement sont bien venus assister aux différents jeux, *ine bien amizer*.

Madam Speaker: Next question, hon Quirin!

10th IOIG 2019 – CARS – COST

(No. B/790) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the 10th Indian Ocean Island

Games 2019, he will, for the benefit of the House, obtain from the Comité d'Organisation des Jeux des Iles, information as to if cars were purchased from a private company therefor and, if so, indicate the number and use made thereof, indicating –

- (a) the total cost thereof, and
- (b) if these cars were chauffeur-driven.

Mr Toussaint: Madam Speaker, in regard to part (a) of the question, I am informed by the Comité d'Organisation des 10^{ème} Jeux des Iles de l'Océan Indien (COJI) that following a tender exercise launched in November 2018, one car was purchased in December 2018 for the sum of Rs1,699,000 inclusive of VAT. The car was put at the disposal of the CEO of the COJI for his official use.

As for part (b) of the question, I am informed that the car allocated to the CEO of the COJI was not a chauffeur-driven one.

Madam Speaker: Hon. Quirin!

Mr Quirin: Oui, Madame la présidente. Peut-on savoir si cette voiture est toujours en possession du secrétaire général?

Mr Toussaint: Non, ce n'est pas le secrétaire général, c'est le CEO du COJI, Madame la présidente et tous les *assets* que le COJI a acquis pendant les jeux, à la fermeture du COJI, ces *assets* reviendront automatiquement au ministère de la Jeunesse et des sports.

Madam Speaker: Yes. Next question, hon. Quirin!

IOIG 2019 – FACT-FINDING COMMITTEE – TICKETS

(No. B/791) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the 10th Indian Ocean Island Games 2019, he will state if consideration will be given for the setting up of a Fact-Finding Committee to look into the sale of the tickets therefor and, if not, why not.

Mr Toussaint: Madam Speaker, with your permission, I shall reply to Parliamentary Questions B/791 and B/807 together as they relate to the same issue.

I am informed by the Comité d'Organisation des 10^{ème} Jeux des Iles de l'Océan Indien (COJI) that, at the beginning of this year, two local companies involved in ticketing namely Otayo Ltd and MonTicket.mu approached the COJI to express their interest to take charge of the sale of tickets for the Indian Ocean Island Games (IOIG). In view of the fact that the two

companies are the only ones offering such services in Mauritius, they were both invited by the COJI for a presentation of their services and submission of their best quotes. The COJI Bureau, after assessment of both proposals, decided to award the contract to Otayo Ltd based on two major criteria namely price and local experience.

As regards the question as to whether it is proposed to set up a Fact-Finding Committee on the sale of tickets, I wish to inform the House that all the Commissions set up by the COJI in the context of the IOIG, including the Commission on Ticketing, are expected to submit a report by the end of August 2019. The decision as to the need for a Fact-Finding Committee will be taken in the light of the report to be submitted by the Commission on Ticketing.

Madam Speaker: Hon. Quirin!

Mr Quirin: Merci, Madame la présidente. Il est clair que la vente des billets d'entrée sur les différents sites de compétition a été une des plus grosses failles au niveau de l'organisation des derniers jeux.

Madam Speaker: No comment. Ask your question!

Mr Quirin: Oui, Madame la présidente. L'honorable ministre, peut-il nous expliquer comment sur certains sites de compétition - stade et gymnase, les gradins étaient vides alors que le site de la compagnie Otayo elle affichait '*sold out*', c'est-à-dire qu'il n'y avait plus de billets disponibles. L'honorable ministre peut-il donner des explications?

Mr Toussaint: Madame la présidente, si je prends l'exemple du stade Auguste Vollaire où il y avait des matchs de football, par exemple, de la Réunion, des Comores, etc, il est évident que beaucoup de personnes ne sont pas parties voir ces compétitions, mais en ce qu'il s'agit des autres sites de compétition, écoutez, si on me dit qu'il y avait des gradins vides, je suis désolé.

Madam Speaker: Hon. Lepoigneur, yes!

Mr Lepoigneur: Merci, Madame la présidente. Est-ce que le ministre trouve normal que, pendant les jeux, il y avait un magasin en l'occurrence Galaxy qui offrait deux tickets pour chaque achat à partir de R 5,000? Est-ce une pratique normale alors qu'il y avait des billets dans tous les autres stades?

Mr Toussaint: Madame la présidente, Galaxy, comme nombreux de nos sponsors - il y avait beaucoup de sponsors - ont reçu un quota de billets et c'est à eux de voir ce qu'ils font avec ces billets-là. Donc, il n'y a pas de problème avec cela.

Madam Speaker: Hon. Quirin!

Mr Quirin: Oui. L'honorable ministre, peut-il nous dire - je suppose qu'il est au courant qu'il y a eu un marché parallèle, c'est-à-dire, un marché noir de billets mis en place sur le net. Peut-on savoir ce qui a été fait par le COJI au moment où ils ont constaté effectivement ce trafic de billets?

Mr Toussaint: Tout trafic allégué, Madame la présidente, nous avons passé l'information à la police qui a commencé leur enquête et qui a essayé de trouver les personnes qui essaient de faire ce genre de trafic. Malheureusement, à l'heure que je vous parle, moi, je n'ai pas les renseignements nécessaires par rapport à la police, qu'est-ce qui s'est passé là-dessus.

Madam Speaker: Yes. Hon. Lepoigneur!

Mr Lepoigneur: Merci, Madame la présidente. Mais peut-on savoir pourquoi changer cette pratique? Avant c'était les fédérations elles-mêmes qui vendaient leurs billets par rapport aux disciplines respectives. Peut-on savoir pourquoi on a changé de système cette fois-ci?

Mr Toussaint: Non, Madame la présidente, je crois que l'honorable membre se trompe et qu'il aille vérifier ses informations. Aux derniers jeux des îles de 2003, ce n'était pas les fédérations qui vendaient les tickets, non.

Madam Speaker: Next question, hon. Baboo.

Mr Baboo: Thank you, Madam Speaker. B/792 please!

GANESH CHATURTHI FESTIVAL 2019 – UPGRADING WORKS

(No. B/792) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the forthcoming Ganesh Chaturthi Festival 2019, he will table a list of the rivers where desilting will be carried out and state if consideration will be given for the upgrading thereof.

Mr Sinatambou: Madam Speaker, for the first time in the history of this country, there is now a task force chaired by no less than the hon. Prime Minister, Minister of Finance and Economic Development himself to oversee and coordinate activities regarding the Ganesh Chaturthi Festival.

This task force chaired, as I said, by the hon. Prime Minister, Minister of Finance and Economic Development also comprises ten Ministers, eight Parliamentary Private Secretaries, Chairpersons of District Councils, Mayors, officers of different organisations such as the Central Water Authority and the Central Electricity Board and members of religious organisations.

For the forthcoming Ganesh Chaturthi Festival, my Ministry will carry out works at 75 sites as follows: desilting at 33 river sites and upgrading works at 42 sites, such as river banks, places of worship and public sites. I will be tabling a list of rivers and other sites where desilting, upgrading, maintenance and clearing works will be carried in the context of the Ganesh Chaturthi Festival.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Can the hon. Minister equally table the list of contractors who have been awarded the contract and scope of works, please?

Mr Sinatambou: I don't even know whether all the contracts have been awarded, but there is any objection to that being done subject to legal advice being sought.

Madam Speaker: Yes, hon. Baboo.

Mr Baboo: Can the hon. Minister inform the House of any major works being undertaken by his Ministry at Baie du Cap in the context of the national celebration of Ganesh Chaturthi.

Mr Sinatambou: Yes. As the House may know, the Ganesh Chaturthi Festival will be celebrated nationally at Baie du Cap and it goes without saying that both the Ministry of Public Infrastructure and my Ministry will be doing quite some substantial works over there.

Madam Speaker: Next question, hon. Baboo.

Mr Baboo: B/793, please!

BEACH AUTHORITY – CONSTITUTED BOARD

(No. B/793) Mr S. Baboo (Second Member for Vacoas and Floreal) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Beach Authority, he will, for the benefit of the House, obtain therefrom, information as to the date on which the current Board thereof was constituted.

Mr Sinatambou: Madam Speaker, section 7 subsection 1 of the Beach Authority Act of 2002 provides that the Authority shall be managed by a Board comprising –

- (1) a Chairperson, who shall be the Chairperson of the Authority, to be appointed by the Minister;
- (2) a representative of the Ministry responsible for the subject of local government;
- (3) a representative of the Ministry responsible for the subject of tourism;
- (4) a representative of the Ministry responsible for the subject of environment;
- (5) a representative of the Ministry responsible for the subject of fisheries;
- (6) a representative of the Ministry responsible for the subject of housing and lands;
- (7) a representative of the Ministry responsible for the subject of youth and sports;
- (8) a representative of the Commissioner of Police, not below the rank of Superintendent;
- (9) a representative of the Association of District Councils;
- (10) a representative of the Rodrigues Regional Assembly, and finally not more than 2 other members appointed by the Minister.

By virtue of section 7 subsection 2 of the Act, every Board member holds office for a period of not more than 2 years and is eligible for re-appointment. However, under section 31 subsection (3) of the Interpretation and General Clauses Act, members whose term of office has expired remain in office unless and until they are replaced.

The Board was last fully constituted in March 2015. It is to be noted that, out of the twelve Board members, nine are ex-officio Board members representing Ministries and Departments.

In the event of promotion or change in posting of those ex-officio members, they are replaced by other officers of their Ministries and Departments. Accordingly, various members were appointed on 10 March 2015, 21 December 2016, 15 March 2017, 10 April 2017, 22 January 2018, 23 January 2018 and finally 10 January 2019 respectively.

Over and above the ex officio members, the Minister appoints the Chairperson of the Authority as per section 7(1)(a) of the Act and not more than two other members who are not ex officio members by virtue of section 7 subsection 1 paragraph (k) of the Act.

In the case of all the three non ex officio members appointed by the Minister, they were appointed on the 10 of March 2015.

Mr Baboo: Madam Speaker, according to our knowledge, the last Board of the Beach Authority was constituted like the Minister just said in March 2015 for a period of two years and since then the Board has never been reconstituted. Can the hon. Minister inform the House as to on which date the Cabinet was informed or apprised of the said reconstitution for two subsequent terms?

Mr Sinatambou: I just stated, Madam Speaker, under section 31 subsection 3 of the Interpretation and General Clauses Act, any member whose term of office has expired remains in office unless and until he or she is replaced. Accordingly, whoever has been in office since 2015 has remained in office and will remain in office unless and until he or she is replaced. And if ever they have not been changed, it is because Government is of the view that we don't change a winning team.

Well, in fact, the Board has not been constituted fully, not for the past two years, but for the past four years. Again, by virtue of section 31(3) of the Interpretation and General Clauses Act, it does not need to be reconstituted because it is deemed to be regularly constituted by virtue of that section of the law.

Mr Baboo: According to the Minister's response, does he find it normal then that a board is operating on a month-to-month basis for more than two years?

Mr Sinatambou: The Board is not operating on a month-to-month basis. The Board is constituted and sits as and when it deems fit, chaired by the current Chairperson.

Madam Speaker: Next question, hon. Adrien Duval!

SUGAR INSURANCE FUND BOARD – FACT-FINDING COMMITTEE

(No. B/795) Mr A. Duval (First Member for Curepipe & Midlands) asked the hon. Minister of Agro-Industry and Food Security whether, in regard to the Fact-Finding Committee instituted by his Ministry to inquire into alleged malpractices at the Sugar Insurance Fund Board in relation to procurement of land, he will table copy of the report thereof and indicate the actions taken in relation thereto, if any.

Mr Seeruttun: Madam Speaker, the Fact-Finding Committee submitted its report on 24 May 2019 and a series of recommendations have been made. In this context, a team has already been set up to implement the recommendations. The team is being chaired by the Senior Chief Executive of my Ministry and comprise the Chief Executive Officer of the Sugar Insurance Fund Board, a Lead Financial and Governance Analyst from the Ministry of Justice, Human Rights and Institutional Reforms, a representative from the Internal Control Unit of the Ministry of Finance and Economic Development and the Manager Human Resource of my Ministry. The Committee met a first time already.

Madam Speaker, I am further informed that the ICAC is also conducting an investigation in the procurement of the land by the SIFB and my Ministry is assisting in providing all related documents as requested by the former.

I am, therefore, advised that it would not be appropriate to table a copy of the report at this stage as it may cause prejudice to the enquiry.

Mr A. Duval: Madam Speaker, firstly, may I ask the hon. Minister why is it that the Board of the SIFB has not yet been apprised of the report which apparently is damning on the management of the SIFB, including that famous CEO who is part of that investigating team?

Mr Seeruttun: Well, Madam Speaker, probably the hon. Member is not aware, the CEO who was there at the time that the whole thing cropped up is no more there. We have a new CEO who has been appointed.

Madam Speaker: Hon. Adrien Duval.

Mr A. Duval: I was talking about the COO, I do apologise, the Chief Operating Officer, if I am mistaken, who is still there, who is still in office and has not been faced with any disciplinary action, not even interim measures to suspend him while the investigation has been ongoing. Is that correct?

Mr Seeruttun: Yes, with regard to the COO, he is still in office, but like I said, as soon as the Fact-Finding report was submitted, a committee has been set up to look at all the observations made with regard to all the officers responsible for whatever happened during that investigation and in the light of that, action would be taken.

Mr A. Duval: Madam Speaker, if I may, with regard to the same COO, with regard to the land acquisition, is it not the case that he sent a mail 20 days before the Board had approved for the acquisition of the land to the seller saying that the SIFB would go ahead with the purchase? So, 20 days before, he was empowered to do so by the Board, that COO did that and secondly, that COO, as I have said, has been pointed the finger in the report and is still in office. Does not he think that he should have, pending the investigation, been made to step aside?

Mr Seeruttun: Well, Madam Speaker, I think again the hon. Member is mistaken with regard to the responsibilities of COO and the responsibility of the CEO at that time. With regard to the land issue, I cannot recall having seen any blame put on the COO with regard to the land acquisition issue. So, I will refrain to that for the time being.

Mr A. Duval: I appreciate the fact that the Minister will reply that the enquiry is still ongoing and that he cannot answer. Let me just ask the hon. Minister why is it months have gone by since this matter was raised here in a PNQ. Okay, he will not table both reports which are damning against management. At least what we want now is disciplinary actions to follow as soon as possible because someone has to be at fault. It cannot be that you have defrauded Rs450 m., *les petits planteurs* or that land has been bought from Rs12 m. to Rs15 m. and that nobody is responsible in the management. What we want is someone in that management to bear that blame, the one who is responsible.

Mr Seeruttun: Well, first, Madam Speaker, there was no defraud of Rs450 m. as being stated by the hon. Member. Compensation was not paid because as per certain recommendations made at that time, that crop year was not declared an event year. But with regard to who was the responsible person for what happened, this is why according to the recommendation of the report, a committee had been set up with certain members who were going to look into all the observations made, and in the light of that, we will be able to pinpoint all those concerned and sanctions to be taken accordingly.

Dr. Boolell: Madam Speaker, can I ask the hon. Minister whether there has been any adverse comment against the Chairman or any member of the Board?

Mr Seeruttun: With regard to the issue of non-declaration of the event year for the crop 2017 and 2018, one of the observations made was that the Board did not dig deep enough into the works of the management and also with regard to the acquisition of land, some members were pinpointed on that matter as well.

Madam Speaker: Next question, hon. Adrien Duval!

DR P.S. – MEDICAL COUNCIL - COMPLAINTS

(No. B/796) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to Dr. P. S., Cardiac Anesthetist, he will, for the benefit of the House, obtain from the Medical Council, information as to if it is in presence of complaints in relation thereto and, if so, indicate the actions taken against him, if any.

The Minister of Arts and Culture (Mr P. Roopun): Madam Speaker, I am informed that the Medical Council received two complaints dated 03 and 05 April, 2019 against Dr. P. S., Cardiac Anesthetist who was employed by a private clinic.

The allegation made was that Dr. P.S. was performing all types of anesthesia and thereby charging patients and earning extra money over his salary. On 09 April, 2019, the Medical Council initiated an investigation into the said complaints and informed the Director of the private clinic thereof.

I am further informed that on 26 April 2019, the Medical Council requested the Commissioner of Police to carry out an enquiry into the allegations made. On 03 July, 2019, the Commissioner of Police informed the Medical Council that the enquiry did not reveal anything conclusive and the matter was referred back to the Council.

On 10 July 2019, Dr. P. S was also called before the investigation Committee at the Medical Council. At its sitting of 24 July 2019, the Medical Council considered the report of the Investigation Committee and decided to set aside the case.

Mr A. Duval: Madam Speaker, I appreciate that the Minister is not the substantive Minister. However, amongst the many complaints that have been made to the Medical Council and to Government is that this Doctor has been doing all sorts of medical interventions, not specially in his field which is Cardiac Anaesthetist and he has been gaining extra money which is against his terms of employment. He is a foreign Doctor and therefore, subject to an occupation permit. My question is: has any enquiry been opened at the level of

the EDB or if it is a work permit, at the level of the Ministry of Labour, with regard to this part of the allegations?

Mr Roopun: Madam Speaker, the question relates to complaint made at the level of the Medical Council. I cannot, in fact, state whether there has been any investigation made at the level of the EDB. The information I have is regarding the Medical Council.

Mr A. Duval: Will the hon. Minister provide information clearly as to what was investigated by the Medical Council, and whether it comprises of allegations that this Doctor has been performing different operations at the same time, which is one of the serious allegations? And there also has been a serious allegation of medical negligence leading to the death of the patient; has this been part of the investigation?

Mr Roopun: Madam Speaker, as per the two complaints received on 03 and 05 April, I do not find any mention made about medical negligence or whatever the hon. Member is stating. But what I can say is that following the two complaints received early April, all the issues have been investigated upon and on 24 July 2019, the Medical Council considered the report of the Investigation Committee and decided to set aside the case.

Mr A. Duval: If I may ask a last question. If I pass on to the Minister certain documents, will he pass it on to his colleague, Minister of Health, so that the Medical Council or his Ministry or the Minister of Labour or even the Passport and Immigration Office may inquire into serious allegations, again, of performing many operations at the same time, firstly, and secondly, performing operations for gaining remuneration which is not entitled to, according to the conditions of the work permit? Will he then pass it on so that the light can be shed on this case?

Mr Roopun: Madam Speaker, I believe that whenever there is any complaint against anybody, the relevant institutions can be apprised straightaway. I do not find any problem for the hon. Member or whoever informing the Medical Council that there has been some wrong doing, and I am sure that the Medical Council will look into it.

Mr A. Duval: Madam Speaker, if I may ask a last question?

Madam Speaker: No, that question has sufficiently been canvassed; we have taken more than five minutes on it. Hon. Ramful, next question!

MAURITIUS CANE INDUSTRY AUTHORITY –
CHIEF EXECUTIVE OFFICER – POST

(No. B/797) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Agro-Industry and Food Security whether, in regard to the post of Chief Executive Officer, he will, for the benefit of the House, obtain from the Mauritius Cane Industry Authority, information as to if same has been filled and, if so, indicate the name of the incumbent thereof and since when.

Mr Seeruttun: Madam Speaker, I am informed by the Mauritius Cane Industry Authority that the post of Chief Executive Officer was advertised through the Press on 21, 23 and 27 February 2019.

19 applications were received and following a screening exercise, 11 candidates were found suitable as per the requirements laid down in the scheme of service for the post of CEO.

An Independent Selection Board was set up by my Ministry and the interview has been carried out.

The recommendation of the Selection Board is awaited.

Mr Ramful: Can we know the current CEO? Is it the case that he has already reached retirement age back in February and his contract is being renewed on a month-to-month basis? Is it the case?

Mr Seeruttun: Yes.

Mr Ramful: Can the hon. Minister ensure that this post is going to be filled before the next General Elections?

Mr Seeruttun: Well, the whole exercise process has already started. So, it won't take long, I believe.

Madam Speaker: Same question or next question? You have got a supplementary on this one?

Mr Ramful: No.

Madam Speaker: Next question!

MOLASSES – PRICE

(No. B/798) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Agro-Industry and Food Security whether, in regard to molasses, he will state the final price thereof for Crop 2017 and Crop 2018, respectively.

Mr Seeruttun: Madam Speaker, I wish to inform the House that provisions are made in the Sugar Industry Efficiency (Amendment) Act 2016 whereby the revenue accruing to a planter for molasses at 86-degree brix accruing to him out of canes supplied by him and sold on his behalf shall be derived from a basket of prices as the MCIA may determine.

Based on the above provision, the final price of molasses are as follows –

For the crop 2017: Rs3,543.20 per *tonne* of molasses; and was published in the Government Gazette on 28 March 2019.

For the crop 2018: The MCIA Board has approved the price of Rs3,840.44 per *tonne* of molasses and arrangements are being made for same to be published in the Government Gazette.

The notice has been published in two daily newspapers namely, Le Mauricien on 12 August 2019 and L’Express today, and will be published in Le Défi Quotidien shortly.

Mr Ramful: With regard to the price for 2014, can the hon. Minister confirm whether this price has been published in three daily newspapers as provided in section 39 of the Act?

Mr Seeruttun: Well, like I said in my reply, it has been published in the Government Gazette on 28 March 2019. So, it should have gone through that process, I believe.

Mr Ramful: I am given to understand that for year 2017, this procedure has not been followed, it has not been published in the newspaper, therefore, denying any party the right to appeal against this determination. Is it the case, hon. Minister?

Mr Seeruttun: Well, I can say that I’ll have to check because the fact that it has been published in the Government Gazette, it should have gone through that process, but, anyway I’ll check into that.

Mr Ramful: If that is not the case, then, can I know what procedure will be followed; whether the Minister will look into the matter and ask the Board to conduct an enquiry?

Mr Seeruttun: First, I’ll have to check whether that is the case.

Madam Speaker: Next question, hon. Ramful!

TAXI SERVICE VEHICLE LICENCES – APPLICATIONS –
SSR INTERNATIONAL AIRPORT

(No. B/799) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Taxi Service Vehicle Licenses, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the number of applications received for operation at the Sir Seewoosagur Ramgoolam International Airport, since January 2015 to date, indicating the number thereof which have been issued.

Mr Bodha: Madam Speaker, with your permission, I will answer this question.

I am informed that application for taxi permits to operate at the Sir Seewoosagur Ramgoolam International Airport was not invited by the National Transport Authority in 2015, 2016 and 2017.

I am further informed that, following invitation of applications launched by the NTA in March 218, 154 applications for taxi permits to operate at the airport were received, but following a request of the hon. Member in April, the NTA also invited applications so that additional taxi licences, to operate from SSR International Airport, on transfer from bases of operation within a radius of 8 kms. 33 applications have been received in addition to the 154.

So, the interviews have been completed and the request for criminal and driving licence records of the applicants has been made to the Commissioner of Police, because, as we know, the permit is granted to somebody who is a fit and proper person to hold licence.

Mr Ramful: Can we know as at today, how many permit holders are there that operate from the SSR International Airport?

Mr Bodha: No, I do not have this information, but I can provide the information to the hon. Member.

Mr Ramful: Can we know how many more licences is the NTA proposing to grant?

Mr Bodha: There has been a recommendation to go about 25.

Madam Speaker: Next question hon. Ramful!

FISHING LICENCES – BENEFICIARIES

(No. B/800) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Fishing Licences, he will give the list of the beneficiaries thereof, region-wise, since January 2015 to date, indicating the procedure followed for the issue thereof.

Mr Koonjoo: Madam Speaker, as the information is bulky, I am tabling same, including the procedures followed.

Madam Speaker: Hon. Ramful, he is tabling the information required.

Mr Ramful: Okay!

Madam Speaker: Next question, hon. Ms Sewocksingh!

GLOBAL INNOVATION INDEX – MAURITIUS – RANKING

(No. B/801) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Technology, Communication and Innovation whether, in regard to the Global Innovation Index, he will, for the benefit of the House, obtain from the Mauritius Research and Innovation Council, information as to the reasons for the decline in the ranking of Mauritius therein, since 2015 to date.

Mr Sawmynaden: Madam Speaker, in my summing up, when the Mauritius Research and Innovation Council Bill was passed two months back, this issue was raised by the hon. Leader of the Opposition and I gave a clear explanation why this drop in the Global Innovation Index. Last week, in PQ B/771 of hon. Ms Sewocksingh, hon. Baloomoody came up with a supplementary question on the same issue and I gave the explanation one more time. So, today, for the third time, I am giving the explanation why this drop of the Global Innovation Index.

So, I am informed that the Global Innovation Index is based on seven pillars, which are divided into 80 sub-indicators. The seven pillars are –

- (i) Institutions;
- (ii) Human Capital and Research;
- (iii) Infrastructure;
- (iv) Market Sophistication;

- (v) Business Sophistication;
- (vi) Knowledge and technology outputs, and
- (vii) Creative outputs.

After the release of each GII Report, the MRC conducts an analysis of the sub-indicators. Accordingly, after the release of the GII 2019 Report, the MRC identified the indicators where Mauritius did not perform very well since 2015. It was noted that significant drops occurred for the following sub indicators –

- FDI net outflow as a percentage of GDP;
- Cost of Redundancy Dismissal for salary in weeks;
- gross capital formation as a percentage of GDP;
- Government online service;
- E-Participation;
- state of cluster development;
- High Tech imports as percentage of total trade, and
- ICTs and business model creation.

Madam Speaker, further analysis by the MRC has revealed that one of the sub indicators which dropped significantly and impacted on the overall ranking was cost of redundancy dismissal, salary weeks moving from rank 36 in 2017 to rank 124 and 127 in 2018 and 2019 respectively.

I am informed that misreporting from independent surveys carried out by the World Bank has led to this drop. This misreporting has been confirmed in a technical meeting held on 30 May 2019 between the Mauritius Research Council, the Economic Development Board, the Ministry of Labour, Industrial Relations, Employment and Training and the Ministry Technology, Communication and Innovation. On analysis, the MRC found that the prevailing cost of redundancy dismissal is, in fact, 5.3 salary weeks in Mauritius and not 69.3 salary weeks as reported by the World Bank and considered by Cornell University/WIPO for the GII Report 2018/2019.

Following the technical meeting, the EDB acting in its captivity as national focal point for the World Bank, sent an official mail to the World Bank on 31 May 2019 to report on this faulty information and requested that corrective actions be taken. The MRC was

subsequently informed by Cornell University that this corrective figure can be considered only next year subject to World Bank doing the necessary changes.

Madam Speaker, the House might also wish to note that as in the case of the sub indicator cost of redundancy dismissal, some sub indicators are captured directly by the international organisations such as the World Bank and IMF from private stakeholders. The Government bodies have no control on data that are being provided and which can be inaccurate or not up-to-date.

As I have already mentioned, the MRC has been conducting in-depth analysis of the sub indicators and in collaboration with relevant stakeholders, including Editor-in-Chief of the Global Innovation Index Report. One of the reasons communicated by the Editor-in-Chief of the GII Report to the MRC for the decline in ranking is that there are some indicators which are reported as non-available for Mauritius and that since many years.

There are some technical reasons pertaining to non-availability of GII specific data, for example, the Programme for International Student Assessment, scales in reading, maths and science. The reason is that Mauritius does not currently take part in the PISA; however, with the forthcoming National Certificate of Education in the context of the Nine-Year Schooling, this figure will be available as from 2020.

Another data reported as non-available from Mauritius is the Patent Cooperation Treaty, patents by origin, the reason being that Mauritius is not yet signatory to the Patent Cooperation Treaty which is administered by the WIPO. This will be catered in the Industrial Property Bill which has already been adopted by the National Assembly on 30 July this year.

So, Madam Speaker, to address the issues of misreporting and non-availability of data, a new mechanism is being set up to ensure appropriate data capture and reporting by relevant institutions. Further, the MRC has already started to develop a platform to collect and update data on gross expenditure on research and development and the MRC has already communicated some data to UNESCO. This will be captured on the GII only as from next year.

The House might also appreciate that as a global ranking exercise, the GII benchmarks countries on the same footing, irrespective of their specificities. Some factors like our small domestic markets, heavy reliance on external market and narrow resource base are at our relative disadvantage in such benchmarking.

Madam Speaker: Hon. Ms Sewocksingh.

Ms Sewocksingh: Thank you, Madam Speaker. The hon. Minister mentioned that this is the third time he is bringing this matter into the House. Indeed, Madam Speaker, whenever we had the opportunity, we asked the same question...

(Interruptions)

Madam Speaker: Please hon. Ms Sewocksingh, do not make a statement. If you have a question and you want to provide information so as to make your question become intelligible, I can accept this. But do not make remarks.

Ms Sewocksingh: Madam Speaker, the hon. Minister took minutes to reply...

(Interruptions)

Madam Speaker: Hon. Ms Sewocksingh, I will stop you. I have given my ruling on that matter; now do not challenge the Chair.

Ms Sewocksingh: Madam Speaker, the figures say that in 2015 we were 49th in the ranking and this year 2019 we are 82nd. The hon. Minister gave a very lengthy reply. The tendency was there since years, may I know from the hon. Minister what has his Ministry done all this time, since 2015 till now, to avoid this problem?

Mr Sawmynaden: Madam Speaker, I think in my reply I gave a thorough explanation. Let me explain slowly so that she understands.

There is one sub indicator which the World Bank took as the prevailing cost of redundancy dismissal.

(Interruptions)

Listen! In fact, in Mauritius...

(Interruptions)

Madam Speaker: Hon. Thierry Henry. Don't obstruct the work of this House.

Mr Sawmynaden: It is 5.3 salary weeks in Mauritius, whereas what has been reported is 69.3 salary weeks. Madam Speaker, it is 10 times higher what is actually being done in Mauritius.

Secondly, I have explained that some indicators were not available and corrective measures have already been adopted, just like my colleague, the Minister of Foreign Affairs, has passed on the Intellectual Property Bill. So, this is going to correct this measure. And the

other one, my colleague the Minister of Education, has already introduced the Nine-Year Schooling. So, as from 2020, those information will be available to the World Bank. So, definitely, all the indicators will change considerably.

Ms Sewocksingh: Madam Speaker, if the Minister is saying that because of redundancy and all the reasons he is giving, which means that he will agree that the tendency of the decline will continue next year also?

Mr Sawmynaden: Madam Speaker, I have just explained again. The sub indicator, the World Bank took 69.3 as the measurement whereas the figure in Mauritius is 5.3. So, there is a mistake somewhere that we have already addressed to the World Bank and they are going to put the corrective measure and the ranking will change.

Ms Sewocksingh: Madam Speaker, now I got the answer. There is a mistake somewhere and I humbly request the Minister to look into the matter so that next year we are not in the same situation. Will he give us the confirmation that this will not happen and he will take into consideration that we are not going down and down again.

Mr Sawmynaden: Madam Speaker, I have just mentioned that on 31 May 2019, an official mail was sent to the World Bank. What else can we do?

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. We have heard the hon. Minister blaming communication. Why there is a difference between the ranking and what actually happened. But would not the Minister agree that Global Innovation Index, one of the main criteria - and it is in the report, if you look at Mauritius - is the number of patents registered in Mauritius, and under this heading, it is called below expectation for level of development? So, will the hon. Minister agree that as far as patent is concerned, we are not filling sufficient patent to upgrade ourselves in the ranking?

Mr Sawmynaden: Madam Speaker, as I mentioned, again, my colleague, the Minister of Foreign Affairs, two weeks back, came with the new Industrial Property Bill for the registration of patent. That means that the patent is owned by the person who is inventing. Long ago, it was held by the Council. So, there was a problem somewhere, now with the new IP law which will be proclaimed soon, this is going to address this issue and definitely, the ranking will improve.

Madam Speaker: Next question, hon. Ms Sewocksingh.

CUREPIPE POLICE STATION – INQUIRIES – PENDING

(No. B/802) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Curepipe Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of Police inquiries pending thereat as at to date.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that since January 2015 to date, out of 29,375 reported cases at Curepipe Police Station, enquiry into 20,223 cases has been completed, and the remaining nine thousand one hundred and fifty-two (9,152) are under enquiry. These cases are categorised as follows –

OFFENCES	No. of Cases
Crimes	92
Misdemeanours	1,193
Contraventions	6,760
Others	1,107

The House will note that the majority of cases relate to contraventions.

Madam Speaker: Ms Sewocksingh!

Ms Sewocksingh: Thank you, Madam Speaker. May the Rt. hon. Minister Mentor inform the House if Curepipe Police Station has adequately equipped logistics and vehicles to cater for the number of cases which he just mentioned?

Sir Anerood Jugnauth: I did not follow exactly. What is she asking?

Ms Sewocksingh: If the Police Station has sufficiently equipped logistics like staff, vehicles to cater for all these cases?

Sir Anerood Jugnauth: Well, I understand, yes. But these cases that are not over yet is because they are complicated. They need information from other sources and all that; it takes time.

Madam Speaker: Next question, hon. Bhagwan!

CARREAU LALO – CCTV SURVEILLANCE SYSTEM

(No. B/803) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Carreau Lalo, in Vallée des Prêtres, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the setting up of a Police post thereat and for the installation of CCTV Surveillance System thereat, following the recent homicide and other serious criminal offences perpetrated thereat and petitions addressed by the inhabitants thereof therefor.

Sir Anerood Jugnauth: Madam Speaker, in my reply to PQ B/419 at the sitting of 21 May 2019, I informed the House that a plot of land under private ownership was identified at Vallée des Prêtres for the setting up of a Police Station and the Ministry of Housing and Lands was requested to proceed with its acquisition.

However, I am now informed by the Commissioner of Police that following recent incidents which occurred and cases reported in that region, the Mauritius Police Force has urgently initiated procedures for the renting of a building for the setting up of a Police Post thereat as this would be more appropriate to deal with the prevailing situation.

As such, a tender has been launched on 19 July 2019, through an Opened Advertised Bidding calling for “Renting of Office Space with amenities to accommodate new Police Post at Vallée des Prêtres”. The Closing Date for submission of tender is 14 August 2019.

Madam Speaker, under the existing policy to equip all Police Stations with CCTV surveillance cameras, the proposed Police Post will be provided with same. Moreover, as part of the Safe City Project, ten Intelligent Video Surveillance cameras are currently being installed at Vallée des Prêtres.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, pending the coming into operation of a new Police Station and other initiatives announced by the Rt. hon. Minister Mentor, may the Rt. hon. Minister Mentor, at least, urge upon the Commissioner of Police to have more Police patrols in view of the recent cases? There have been two cases of murder there and also theft. So, I am making a request on behalf of the inhabitants who have come to me to, at least, have more Police patrols, even at night, in view of the recent cases of murder and theft, which are acknowledged by Government?

Sir Anerood Jugnauth: I understand from the Commissioner of Police that additional measures have already been taken.

Madam Speaker: Hon. Mrs Perraud!

Mrs Perraud: Thank you. Can the Rt. hon. Minister Mentor indicate to the House the number and types of criminal offences perpetrated at Carreau Lalo in Vallée des Prêtres?

Sir Anerood Jugnauth: The number of crimes?

Mrs Perraud: The number and types of criminal offences as it is in the question.

Sir Anerood Jugnauth: Carreau Lalo - I do not have this information. Carreau Lalo is not there.

Madam Speaker: Next question, hon. Jahangeer!

POLICE – MARRIED OFICERS – RENT ALLOWANCE

(No. B/804) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the quantum of monthly Rent Allowance payable to married Police Officers in lieu of Police Quarters.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the payment of rent allowance to eligible Police Officers is governed by the PRB Report 2016 and Standing Order No. 123. I am hereby tabling a list of officers indicating the quantum payable for each rank, on a monthly basis.

According to Standing Order No. 123, married Officers (both male and female) with at least three years' service whose names appear on the Roll of Married Establishment of the Force are eligible for a rent allowance, as mentioned in the PRB.

They should not be occupying Police Head Quarters.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Madam Speaker, the Rt. hon. Minister Mentor is known to be the first Prime Minister to allow the Police Force to syndicate and cares much about the welfare of the Police Force.

Madam Speaker: Don't make statements!

Mr Jahangeer: Therefore, will he consider...

(Interruptions)

Shut up!

(Interruptions)

Will he consider addressing the Commissioner of Police to take into consideration this issue for the next forthcoming PRB report?

Sir Anerood Jugnauth: I will make the suggestion to the Commissioner of Police. Of course, he will communicate that to the PRB and it will be for the PRB to decide finally.

Madam Speaker: Next question, hon. Jahangeer!

PROFESSIONAL ENGINEERS – MSC & PHD HOLDERS – COUNCIL OF REGISTERED PROFESSIONAL ENGINEERS

(No. B/805) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Council of Registered Professional Engineers, he will state if consideration will be given for the holders of MSc and PhD, who have undergone overseas training in specific establishments, to be exempted from the requirement of doing an internship to satisfy the eligibility criteria for registration therewith.

Mr Bodha: Madam Speaker, with your permission, I will reply to this question. The Council of Registered Professional Engineers (CRPE) is established under the Registered Professional Engineers Council Act of 1965. It is responsible for the registration of persons who wish to practice as Professional Engineers in Mauritius.

The benefits of Registration are as follows –

- (i) it indicates the Professional Engineer's commitment to practice engineering within a legal framework;
- (ii) it ensures that the person has the necessary competencies;
- (iii) it indicates that the competence and professionalism of the Professional Engineer have been assessed by his peers, that is, other practicing Registered Engineering Professionals, and

- (iv) to satisfy modern trends in tendering or post-tender contract compliance which require key members of project teams to have professional registration.

Madam Speaker, hence, in order to be able to practice his profession on the same basis as other professionals of the construction industry such as Architects, Quantity Surveyors, Land Surveyors, the Professional Engineer needs to register with the Council of Registered Professional Engineers.

In addition to the academic qualifications, that is, the degree in the relevant engineering field, the potential candidate should also demonstrate relevant work experience acquired through on-the-job training under the close supervision of a Registered Professional Engineer.

An MSc or a PhD degree is only an additional academic qualification and cannot replace work experience or be given credit in lieu of work experience. However, the registration process of the CRPE already provides for recognition of work experience in similar engineering capacities carried out or undertaken outside Mauritius.

Madam Speaker, consequently, it is not envisaged to exempt holders of MSc and PhD to be exempted from registration with the Council of Registered Professional Engineers.

Madam Speaker: Yes, hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Is the hon. Minister aware that a PhD student degree holder has to undergo two years training in industry and his research in an industry? Therefore, these two-year period should be counted as his training for registration.

Mr Bodha: I understand the argument of my hon. Colleague. Well, research is done under the supervision of a University. But what I think the Professional Council is saying that the training should be done under the supervision of a professional engineer. So, I think they are making a difference between professional training and research in an academic institution.

Madam Speaker: Next question, hon. Ms Sewocksingh!

CUREPIPE MARKET – STALLS RELOCATION – METRO EXPRESS PROJECT

(No. B/806) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of

Gender Equality, Child Development and Family Welfare whether, in regard to the stalls in the Curepipe Market, she will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to the number thereof, which have been relocated in the wake of the implementation of the Metro Express Project.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I am informed by the Municipal Council of Curepipe that no decision has been taken yet for the relocation of stalls in the Curepipe Market in the context of the implementation of the Metro Express Project.

Ms Sewocksingh: Thank you Madam, in line with the question, may I know - concerning the Metro Express as it is coming in Curepipe - if there has been any meeting with these people at the Curepipe Market fair to inform them about what is happening concerning the Metro Express?

Mrs F. Jeewa-Daureeawoo: Not yet but I have been given to understand that there will be meetings with these people.

(Interruptions)

Yes!

IOIG 2019 – TICKETS – SALES

(No. B/807) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the sale of tickets for the 10th Indian Ocean Island Games 2019, he will, for the benefit of the House, obtain from the Comité d'Organisation des Jeux des Iles, information as to if bids were launched therefor, indicating the –

- (a) number of bids received, and
- (b) name of the successful bidder.

(Vide reply to PQ B/791)

Madam Speaker: The Table has been advised that PQ B/808 has been withdrawn. So, we go to B/809.

ANNUAL REPORT – FISCAL YEAR 2018/2019

(No. B/808) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Annual Report of his Ministry for fiscal year 2018/2019, he will state when same will be ready, and, if same will be tabled.

(Withdrawn)

NEF -PREFABRICATED HOUSING UNITS – LEARNING CORNERS

(No. B/809) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Prefabricated Housing Units, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to the number thereof delivered to date, district-wise, indicating if same are also being used for the purpose of setting up Learning Corners.

Mr Wong Yen Cheong: Madam Speaker, I am informed by the National Empowerment Foundation that six Prefabricated Module housing units have been delivered as follows –

- (1) there are two pre-fab module housing units to fire victims in the district of Black River;
- (2) there are two pre-fab units for the setting up of a learning corner at Jean Blaise, Pointe aux Sables, and
- (3) two pre-fab units for the setting up of a learning corner at Residence Vignol, St Pierre.

Madam Speaker, for the information of the House, each single modular housing unit is of an extent of 15 m^2 which can accommodate a small bedroom, a toilet, a bathroom and a kitchenette, cum living/dining room whereas a double modular pre-fab housing unit is of an extent of 30 m^2 and can accommodate 2 bedrooms, a toilet, a bathroom and a kitchenette cum living/dining room. Moreover, the models purchased can be further enhanced to provide additional living area by including a terrace of about 18 m^2 .

Madam Speaker, the purpose for having recourse to pre-fab modular or pre-fab concrete housing unit is to provide a quick and sustainable housing solution to SRM beneficiaries and also those who are fire victims or victims of other natural calamities.

Madam Speaker, prefabricated Housing is a new concept and is therefore taking time to be accepted, especially among SRM beneficiaries. From past experience and from feedback obtained from SRM beneficiaries, we now have modified and enhanced on those models and types of such houses. Gradually people are now accepting the new concept.

Madam Speaker, I am informed by the National Empowerment Foundation that tenders were launched for the setting up of 40 pre-fabricated modular housing units on 16 May 2019. Two bids were received. However, following a Bid Evaluation Exercise, it was noted that offers were non-responsive. The tenders will be relaunched by the end of this month.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you Madam. Can I have an indication of the cost of the housing unit? I understand only six have been done since 2018 to date. So, may I know the cost and if this was included in the tender that was launched of 40 that the Minister just mentioned.

Mr Wong Yen Cheong: The cost itself of the housing unit is approximately, I believe, from memory I would say, it is about Rs200,000-Rs250,000 and then there are some additional costs for the setting up, of doing the clearing and the landscaping of the place.

Mr Armance: From what I picked up from the website of the NEF, Madam Speaker, the Minister mentioned «*c'est une première à Maurice de venir avec un tel projet*» and yet, he just mentioned now that it is very complicated. Has he done a feasibility study before the implementation of the Prefabricated Housing Units?

Mr Wong Yen Cheong: Certainly, Madam, we have well thought about it, but what we believe the SRM - you know, when we build a concrete house, like even the hon. Member says a contractor knows there are new and new materials that are used today, that are being invented, that are well-known, but people are always afraid of new systems to come. They prefer the concrete which is not environmentally sustainable for Mauritius. These prefabricated can be put in places very quickly. There are families who are waiting sometimes for 2, 3, 4, 5 years for houses. When we have a modular house which is prefabricated and they are very well against cyclones, against winds and they are set up in a certain way so that even when we have inundation or flooding, it is not being damaged by such. That's all the studies that we have done.

Madam Speaker: Hon. Armance!

Mr Armance: If the hon. Minister is prepared to table a copy of the report of the feasibility study, and I would like to know from him, the one that has been converted into Learning Centres, who bears the costs of the maintenance and the operation costs, the running costs of all these Learning Centres?

Mr Wong Yen Cheong: Learning Centres usually are being given to NGOs and even from this morning, I had a call from a brother in Pointe aux Sables, who says the hon. Member was asking, was enquiring and he was very happy and he was upset that something wrong was happening. But he says he is very happy, he is bearing the cost. He looked for the fund himself - we are here at the National Empowerment Foundation to give it to these people so that in their areas where there are lots of SRM, there are places where people are at proximity, they cannot have places at home to learn. And it is fantastic when you see all these kids in the afternoon come and do their homeworks at these places and are helped by these brothers.

Madam Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

Mr Hurreeram rose and seconded.

Question put and agreed to.

(4.13 p.m.)

STATEMENT BY MINISTER

Madam Speaker: Hon. Deputy Prime Minister!

RENEWABLE ENERGY PROGRAMME

The Deputy Prime Minister: Madam Speaker, with your permission, I wish to make the following statement.

The Government Programme 2015-2019 had mentioned that Government would launch a Renewable Energy Programme.

Indeed, in 2015, Mauritius was faced with a grave conundrum. Prior to 2015, fossil fuels, especially coal had been a privileged source for the production of electricity. The general thinking was that coal provided a convenient and cheap source of energy. CT Power was just the culmination of that entrenched Government policy.

This Government had taken a pledge. Mauritius was to promote renewable energy. With the end of CT Power, Government turned to the implementation of a renewable energy programme.

In his last Budget Speech, the Prime Minister and Minister of Finance stated that Government would soon present a Renewable Energy Roadmap. The object of the Roadmap was to optimise the use of the various renewable sources of energy to produce electricity, and to facilitate private investment in the renewable energy sector.

My Ministry called several studies to be conducted for the collection of essential data which would enable Government to define strategies for specific technologies. One example is the wave energy resource assessment by Carnegie Clean Energy Ltd of Australia, which involved collection and analysis of data over a period of more than 12 months.

Seminars, workshops and studies were conducted at the coordinating level of my Ministry in order to work towards a conceptual roadmap on the matter.

My technical staff, including my advisers, worked towards the updating of drafts taking into account the major international developments in that field.

The most momentous of such developments was the creation of the International Solar Alliance (ISA). The ISA was founded by India and France. The Prime Minister of India, Mr Narendra Modi and the then President of the French Republic, Mr François Hollande hit on a superb idea: Creating an international alliance to promote solar energy between the Tropic of Cancer and the Tropic of Capricorne - that is, countries where solar irradiation is at its highest, but where fossil fuels are utilised to the maximum for the production of electricity.

Mauritius is making optimal use of the International Solar Alliance which is now headquartered in New Delhi. I have attended all the important meetings of the Alliance, the most important one being the meeting which was attended by President Macron in New Delhi.

In addition, Mauritius is a member of the International Renewable Energy Agency (IRENA). We have been soliciting IRENA for advice on the roadmap and on strategies related to the deployment of renewable energy, especially in a small island like ours.

In the wake of the policy decision which we took in 2015, and throughout the time during which we were preparing the Roadmap, we remained guided by the 2013 Report of the National Energy Commission, chaired by Mr Dev Manraj, and entitled “Making the Right Choice for a Sustainable Energy Future”. This document had recommended valuable pathways for the development of renewable energy in Mauritius, but had unfortunately not been subject of serious consideration prior to 2015.

My Ministry has now finalised the Roadmap. And Government approved it on 26 July 2019.

Madam Speaker, I wish now to table an advance copy of the Roadmap. This is pending a formal presentation which will be made to all stakeholders and which will take place on Thursday 20 August at 15.00 hrs at Shri Atal Bihari Vajpayee Tower, Ebene.

My Ministry will now arrange for distribution of individual copies by next week. The document will also be placed on my Ministry’s website. It is expected that this document will spark a contradictory debate on the future of renewable energies in Mauritius. This will enable us to continue our progress towards lessening of dependency on fossil fuels.

In view of fast-moving developments in renewable energy technologies, this document will need to be reviewed periodically or at the most every two years.

Thank you, Madam Speaker. I will now table two copies of the Roadmap.

PUBLIC BILLS

Second Reading

(4.19 p.m)

Order read for resuming adjourned debate on the Second Reading of the following Bills –

- (a) The Workers’ Rights Bill (No. XXIV of 2019)
- (b) The Employment Relations (Amendment) Bill (No. XXV of 2019)

The Prime Minister: Madam Speaker, let me, at the very outset, congratulate my colleague, the Minister of Labour, Industrial Relations, Employment and Training on bringing those two Bills to the House, the Workers' Rights Bill and the Employment Relations (Amendment) Bill.

Madam Speaker, it is worth at times going back down memory lane. When I intervened on the proposed amendments to the labour laws in April 2013, I highlighted how cruel the Labour-PMSD Government had been against the workers of this country when they enacted the Employment Rights Act and the Employment Relations Act in 2008.

In fact, Madam Speaker, those two laws were adopted amidst a policy of ultra-liberalism that became the mark of the 2005-2009 Government.

The ultra-liberal agenda of the then Government was being implemented 'full swing' with, of course, the blessing of the then Prime Minister Dr. Navin Ramgoolam.

Inflation was high. Workers and the population at large bore the brunt of price increases.

Subsidies were slashed on SC/HSC examination fees for the majority of our students; decision was taken to even deprive schoolchildren of a loaf of bread.

The tripartite mechanism for determining salary compensation for the increase, the cost of living was dismantled and the much contested National Pay Council was set up.

In fact, we had then reached a situation where, for the first time since the glorious days of economic miracle in the eighties, the then Minister of Finance, himself, said we had 'absolute poverty' in our country.

Madam Speaker, the essence of the 2008 anti-worker Labour Laws had been announced by the then Minister of Finance in the 2006/2007 Budget Speech. And it is good to recall what the then Minister said, and I quote –

"Our greatest deficiency is the misery we have imposed on our workers. By protecting jobs, we have made it impossible for our younger workers to find employment and for those who lose their jobs to get back to work. The inflexibility of some laws and the rigidity of some regulations and practices have consigned tens of thousands of our compatriots to the margins of development. They have been excluded by the very system that purports to protect them".

Could you or could anyone had imagined a Labour Government speaking such a language? And as a remedy to the newly found misery, they gave to employers ‘firing’ powers. They took away from the workers many of their acquired rights.

Madame la présidente, le gouvernement de l’Alliance Sociale avait ainsi bafoué les droits des travailleurs. Ce gouvernement Travailliste/PMSD avait légiféré en faveur de l’insécurité et de la précarité de l’emploi. Le coût de licenciement avait été réduit au détriment des travailleurs.

Le licenciement sans compensation pour raison économique et pour licenciement justifié avait été introduit et des provisions avaient été votées pour que les heures supplémentaires soient payées qu’après 90 heures de travail normal. Le ‘*Termination of Contract Services Board*’ avait été aboli.

Madame la présidente, en un trait de plume, ce gouvernement travailliste version Navin Ramgoolam, avait trahi tout un combat du Parti travailliste, d’Anquetil, de Rozemont, du Pandit Sahadeo et tant d’autres tribuns.

Madam Speaker, at the time when the Employment Rights Bill and the Employment Relations Bill were being discussed both outside and inside the House, we, in the Opposition at that time, said forcefully that the new labour laws would be detrimental to the workers. We warned that employees would be victims of the new provisions of the Labour legislation and I can still remember hon. Soodhun came with as many as 32 amendments meant to safeguard the acquired rights of workers. But the then Government did not listen. They rejected all the proposed amendments and tried, as usual, to justify everything; they pretended that the new laws would improve work conditions; that workers would be better off and they voted the new Labour Laws.

Madam Speaker, what we apprehended did actually materialise; many employees have lost their jobs under the new Labour legislation.

Madame la présidente, les amendements aux lois du travail en 2013 n’allaient en aucun cas corriger les injustices commises envers les travailleurs en 2008. Toutefois, le ministre du Travail d’alors, l’honorable Shakeel Mohamed avait voulu jeter le blâme sur son prédécesseur, le Dr. Vasant Bunwaree, quand il avait déclaré que «le travail avait été bâclé en 2007-2008». Malheureusement, les travailleurs en ont payé les conséquences.

And I must say in some instances, he did even worse, because the amendments of 2013 were, in fact, mere eyewash. With regard to redundancy, there was even a setback. As I

said, it was worse. We had gone from getting prior permission from the Ministry before such a redundancy is materialised on economic grounds to just informing the Ministry prior to such an Act. It was certainly very, very far from protecting workers. In fact, it equated to fooling the working class!

C'était une nouvelle trahison du Parti travailliste, du docteur Navin Ramgoolam envers tous les travailleurs!

L'autre trahison concernait l'amendement qui avait été proposé à la Section 77(b) de l'*Employment Relations Act*. Le gouvernement d'alors avait légiféré pour rendre caduque un accord qu'il avait lui-même discuté et finalisé avec les employeurs du secteur sucrier en août 2012! C'était un autre crime envers les travailleurs cette fois-ci du secteur sucrier.

Madam Speaker, when the '*Alliance Sociale*' Government came with its so-called economic and labour law reforms, the then Prime Minister and many of his Ministers at that time said there were no other alternatives. I think we have not forgotten the Tinawallahs who claimed nothing else could be done except inflict pain on the population and on the workers.

Madam Speaker, today, this Government is correcting the harm that had been inflicted on the working class. I must say true it is it has taken some time, as some Members have been saying, but we have been working on it and so on. Yes, it has taken some time, but, we are honouring our word and another of our promises to the population.

This historic step, Madam Speaker, was due, in fact, to materialise 15 years ago. In fact, we had missed such an opportunity in 2004 as I still remember that we did come up with a draft Employment Relations Bill to replace the contested Industrial Relations Act. But, unfortunately, the then Prime Minister - we were not agreeable. In fact, the Bill was introduced in the House. It came for First Reading, but it did not proceed further.

Madam Speaker, we should bear in mind that the two Bills before the House today...

(Interruptions)

You will have the time to reply, I can show you the Bill itself...

(Interruptions)

The hon. Member has a copy; so he will reply.

We should also bear in mind that the two Bills before the House today are to correct injustices and are in the broader interest of the country as we pursue our transformative

journey to an Inclusive High Income nation.

Moreover, the International Labour Organisation (ILO) has underscored the need for labour and industrial relations laws to be in tune with a country's development objectives.

Workers' Rights Bill

The Workers' Rights Bill, Madam Speaker, brings the following advantages to the working class –

- First, the setting up of a Wage Guarantee Fund that will ensure that workers who lose their jobs when the employer becomes insolvent be paid a remuneration of up to Rs50,000 representing unpaid wages, wages in lieu of notice and end of year gratuity;
- Second, the setting up of a Portable Retirement Gratuity Fund (PRGF) will ensure that workers be paid a gratuity on retirement that takes into account their length of service with any employer contrary to the present regime where the worker is paid a gratuity only for the period of employment with his last employer;
- Third, introducing the concept of Atypical Work to bring into the main stream legislation workers who do not presently fall within the standard employment relationship;
- Fourth, protecting against discrimination at work so that workers obtain equal pay for work of equal value;
- Fifth, protecting against violence at work by introducing the concept of vicarious liability. Thus, an employer will be made liable for any acts or doings of a worker where the employer does not give the consideration it deserves to a complaint of violence at work;
- Sixth, introducing flexi time to reconcile work with family obligations;
- Seventh, protecting workers against precarious employment by addressing the issue of fixed term contract, discrimination at work, equal remuneration for work of equal value, abusive termination of employment, by giving the status of worker to a person performing Atypical Work and by introducing the Portable Retirement Gratuity Fund;

- Eighth, harmonising core and common conditions of employment in the main Act and maintaining conditions of employment specific to a sector in the Remuneration Order Regulations;
- Ninth, protecting workers' jobs by the setting up of a Redundancy Board;
- Tenth, extending maternity benefits to a mother who adopts a child of up to 12 months old, and
- Eleventh, providing for any amicable agreement to be vetted by a worker's representative or an officer from the Ministry of Labour.

Employment Relations (Amendment) Bill

Madam Speaker, as regards the Employment Relations (Amendment) Bill, its main object is to amend the Employment Relations Act with a view to consolidating and reinforcing industrial relations through enhanced mechanisms for more efficient collective bargaining, greater social dialogue and better dispute resolution.

Accordingly, the Bill, *inter alia*, provides the following –

- First, reducing the eligibility threshold for negotiating rights of a Trade Union from 30 percent to 20 percent of workers in a bargaining unit;
- Second, introducing the concept of good faith through meaningful negotiation with a view to finding mutually acceptable solutions;
- Third, introducing mediation mechanism for dispute resolution;
- Fourth, empowering the Employment Relations Tribunal to make an award for the reinstatement of a worker whose employment has been terminated, particularly where some of his fundamental rights have been infringed;
- Fifth, giving right to a Trade Union to assist his members at the workplace in defence of their legal rights, and
- Sixth, making provision for the setting up of a new National Tripartite Council to promote social dialogue and consensus building on labour, industrial relations and socio-economic issues which are of national importance, and, of course, other related labour and industrial relations issues.

Madam Speaker, these two Bills will indeed pave the way towards achieving our development goals.

Mauritius is poised to achieve two development milestones in the next year or so, that

is, of attaining the High Income Country Status and that of joining the league of the Very High Human Development countries such as Australia, Canada, Germany, New Zealand, the Nordic countries, the USA, UK, Singapore, amongst others. Reaching these two milestones will unfold a new future for our children and give a new impulse to the development of our country.

Moreover, our country is entering the age of innovation, AI technologies and robotics that will require a new approach to the institutional development of our labour market. That is why Government is acting on all fronts.

Today, the two Bills further add to our efforts to create a strong and effective legal framework to support economic growth and development. And, indeed, they are complementary to our previous efforts as they are about fundamental reforms in the labour market and industrial relations system to enhance and better protect workers' rights, while at the same time striking a fair balance in the relations between workers and employers.

The numerous instances of distress calls to Government and the subsequent need for the State to intervene to resolve crisis between employers and employees, including the cases of incredibly low salaries to women employed as cleaners on contract, the hunger strikes of employees at the CWA stemming from contractual work arrangements and the laying off without notice and without payment of dues to workers at Palmar Ltd and Future Textiles are pointers that the legislative framework and the market are not adequately responding to our expectations for the smooth operation of the labour market.

It is too easy for an economic system based on the principles of free market and driven by the profit maximising motive to evolve in such ways that workers are treated as mere inputs in the production process. When such an attitude prevails, workers lose their dignity - they lose their sense of belonging. And, Madam Speaker, such a situation is unacceptable. In fact, such a situation should not be allowed to see the light of the day.

The recent cases of Palmar and Future Textiles are quite instructive of how easily firms can choose to close down and how ruthlessly they can send their workers on the street without notice and even without payment of their dues. These are but the most visible examples. We just cannot let these kinds of things happen to men and women in our country.

Workers, as I said, should not be seen as inputs in the production process, but as human beings who must be fairly compensated for their skills, talents and their labour, as

human beings who should feel comfortable in their working space and as human beings who have rights. We have to see to it that those rights are also respected.

I should here point out, Madam Speaker, that while this legislation reflects fully the determination of this Government to protect the rights of workers and enhance their well-being, we have, since taking office, implemented several strong measures to improve significantly the conditions of living and well-being of workers.

Let me give you some concrete examples of the actions that this Government has taken to lift up the standard of living and the well-being of workers.

First, let me recall that since the very beginning of our mandate, we have increased salaries by providing an across the board, unprecedented monthly compensation of Rs600. And subsequently, we have also seen to it that every year, workers at the lower rungs actually received compensation higher than inflation rate so as to improve their purchasing power. I would not give the details with regard to each year, what was the inflation rate and how much compensation has been given.

Second, somebody mentioned, I believe during question time, that we had granted the Police Force, for the first time in our history, the right to unionise.

Third, we have reduced the normal working hours in the Catering and Tourism Industries from 48 hours to 45 hours per week to be effective as from 08 November 2014.

Fourth, we have made new Bank Fishermen and Frigo-workers Remuneration Regulations covering around 1,300 employees and granted them a wage increase of approximately 40 percent while improving their conditions of employment.

Fifth, we have increased the maternity leave from 12 weeks to 14 weeks and extended that benefit to workers reckoning less than twelve months of service.

Sixth, this Government has also promoted the ‘Working From Home’ concept to give more flexibility to workers, especially to women so that more of them can participate in the economic development of our country while also improving their own standard of living.

Seventh, after implementing the negative income tax, we have introduced one of the most fundamental and boldest reforms in the labour market and in the economy, that is, the National Minimum Wage. The benefits of the Minimum Wage are numerous and flow to thousands of workers, to the economy, to society, to the country as a whole.

In fact, Madam Speaker, an estimated 70,000 workers are now earning higher wages. One can imagine the difference which the Minimum Wage makes to these families. For them it is a real game changer.

The Minimum Wage has also removed a gender gap in terms of earnings of low-income workers since both men and women are paid the same wage.

Furthermore, the minimum wage has narrowed the income gap in our country and as a result - we shall look at the figures later on - we expect to see an improvement in the Gini ratio.

And we also expect the minimum wage to reduce poverty and in the long run to also raise productivity.

I should say that this fundamental reform to the wage determination system in our economy has multiple economic benefits, but most of all it is about consideration for the very low-income and low-income workers - about recognition for their contribution to our economic progress and about inclusive development. It goes to the very heart of workers' rights and the right to a decent and fair wage.

These actions, I have just mentioned, Madam Speaker, are but a few examples of the depth and comprehensiveness of our efforts to improve the well-being of workers and to ensure that their rights are respected.

As regards the Employment Relations (Amendment) Bill, I am satisfied that it consolidates one of the core strengths of our economic model, that is, the Tripartite Approach.

Although we must admit that our industrial relations system has served us well in the past, times have changed and the aspirations of workers and employers also have evolved. The legal framework, therefore, must be adapted to this new situation.

For example, good industrial relations ensure continuity of production. They allow for uninterrupted flow of income for employees as well as employers, reduce industrial disputes, keep high the morale of employers and employees, result in higher productivity for the firm and enhance the country's competitiveness, amongst others.

Madam Speaker, before concluding, I would like to bring some clarifications on a few issues that have been raised by Members on the two Bills.

In fact, Madam Speaker, questions have been raised by hon. Bérenger, hon. Mohamed and hon. Adrien Duval as to the source of funding for the Wage Guarantee Fund and the PRGF. To reassure the House, the workers and other relevant stakeholders, let me make the following clarifications.

Let me start with what hon. Bérenger has queried on the financing of the Wage Guarantee Fund. I would like to clarify that the different payments and financial support to the SMEs, as specified in the definition of the seed capital, will be financed from the Workfare Programme Fund, which is in turn funded totally by employers only.

Clause 2 of the Workers' Rights Bill provides a definition of seed capital to cater for –

- (i) Default payment of wages, unpaid contribution to the PRGF and partial payment of contribution for SMEs which will be funded from the Workfare Programme Fund, and
- (ii) The Financing of these schemes by the Workfare Programme Fund shall be financed by the contributions of the employers only.

For the information of the House, I shall give some explanations on the financing of the Workfare Programme Fund.

According to Clause 78 of the Workers' Rights Bill, the Workfare Programme Fund would be financed by –

- (i) Employers' contribution;
- (ii) Interests accrued on investment, and
- (iii) Government - of course, if the need arises.

In fact, it is under the Human Resource Development Act of 2003 that the imposition of the levy for purpose of financing the Workfare Programme Fund is provided.

There is a 1.5% levy on Employers, of which 0.5% goes towards contribution to the Workfare Programme Fund. The remaining 1% goes to the National Training Fund.

Hon. Bérenger has also stated to the House that the Minister of Labour has not provided any information on –

- (i) Contribution of employers to the PRGF, and that

- (ii) No mention has been made on the support that Government would provide to the SME sector as already announced in the Budget Speech.

In fact, both statements that were made by hon. Bérenger are not true.

First, the Minister of Labour has already announced in his Second Reading Speech that contribution by employers to the PRGF would be equivalent to 15 days per year of service as is the case under current legislation. The contribution rate of 4.8% per month, determined, of course, by actuaries, is compatible with the 15 days' remuneration per year of service at the time of retirement. Maybe I can say how it is calculated: we take 15 days divided by 312 normal working days multiply by 100, that gives you 4.8%. And if I am wrong, hon. Baloomoody will be speaking after me - you can also say whatever I am saying is not correct; we will see.

Secondly, concerning the SME sector, the following proposal is presently under study by the Technical Committee.

A tapered support for all SMEs is under consideration. I said is under consideration, it has not yet been decided. The schedule of support will be tapered according to turnover of the enterprise. As an example, SMEs with a turnover of less than Rs2 m. would probably pay a reduced rate of 2.4 per cent instead of the normal 4.8 per cent in respect of every month of service in the first year, 3.2 per cent, again I say, probably, in the second year and 4 per cent in the third year. Thus, the SMEs will pay the normal rate as from the fourth year. As I have said, Madam Speaker, these modalities are now being looked into by the Technical Committee.

Hon. Shakeel Mohamed has insinuated that the Transition Unemployment Benefit (TUB) will be financed by the share of contribution of workers only. Again - he is not here - I can say that this is intellectually dishonest, Madam Speaker. He knows very well, he has been a Minister of Labour; he knows the provisions of this law very well. And what he did, was he chose to read the first part only and he did not read the rest. As I say, this is totally not correct.

In accordance with the Third Schedule of the National Savings Fund Act, the Transition Unemployment Benefit is to be financed from –

- (a) 50 percent from the one per cent contribution of the worker in the National Savings Fund account in his personal account;

- (b) The remaining 50 percent from the Workfare Programme Fund which is contributed by the employers themselves, and
- (c) Where the workers contribution is not sufficient, the balance is to be met from the Workfare Programme Fund.

Now, hon. Adrien Duval - he is not here again, but anyway, probably, he will listen to me - has asked the Minister of Labour when the Workers' Rights Bill and the Employment Relations (Amendment) Bill will be proclaimed. He has spoken lengthily just to try to show as if we are of bad faith, we are just legislating now and we will probably never proclaim the law, in the meantime, elections will come. We will see; elections will come; they will come at the right time.

But let me confirm, Madam Speaker, the commitment taken by the Minister of Labour in his Press Conference, in fact, he said it last Saturday, that the two Labour legislations will be proclaimed before the next General Elections.

Madam Speaker, let me conclude. In fact, I could have gone... as there are so many things. In fact, I had tried to refresh my memory.

Let me just, *en passant*, make a comment because - the Party will, of course, surely know to whom I am referring to - he has given a lengthy interview recently in the Press, saying what this Government is doing, as if *on est en train de trop faire*, and that the price will be paid later on. All this, what I have mentioned, Madam Speaker, what we are doing, first, in the interest of the people of this country, and today, in the interest of the workers. I am sure that the trade unionists, the workers will appreciate what we are doing. They will judge, first of all, and they will know what to do in the future.

Let me conclude by saying that I am confident that these two Bills will further add to the efforts that this Government has been making in the past four and a half years to reform and to strengthen the labour market and the industrial relations system.

Together, these two Bills address and provide solutions to objectives which are given high priority in our development model, namely, inclusiveness, fairness for workers, convenience and welfare of workers, their security and safety at the workplace, harmonious and peaceful industrial relations and the strengthening of collective bargaining.

All these objectives and the legal framework required to achieve them have been thought out very thoroughly and finalised after consultation with stakeholders. We are

satisfied that the main issues raised have been dealt with so that the legislation is in the best interests of all stakeholders, our economy, society and the country. Of course, I have also read some comments made *de part et d'autre*. No need for me to name a few but, you know, in consultations, in discussions, there is what I call “give and take”. We shall never be able to satisfy one Party fully, neither shall we be able to satisfy the other Party fully, but, as a Government which knows how to strike the right balance - and I have always said that - and looking at the interest of workers, looking also at the interest of the business community, I am convinced that we have been able to strike the right balance.

Madam Speaker, there is no doubt that the Bills will enhance workers’ rights in our country in an unprecedented way and I am confident also that the workers of our country will realise that more rights also come with more responsibilities.

In my Budget Speech this year, I emphasised the need for collective efforts to improve the nation’s productivity and competitiveness in order to address the issue of rising trade deficit. We need, of course, to export more and at the same time produce more of what we consume, and I hope that the workers of our country will work hand in hand with employers so that we can address this serious issue and embrace a brighter future together.

Once again, Madam Speaker, let me congratulate the hon. Minister of Labour, Industrial Relations, Employment and Training and his team, who have been working very closely. I must say there are very able officers also. I congratulate also my staff at the Ministry of Finance and the Attorney General’s Office and all the officers; we always try to get the maximum out of them, they have been having putting a lot of long hours of work in order to finalise those Bills and, of course, everybody, who in one way or the other, has contributed to those two Bills.

Thank you.

Madam Speaker: I suspend the sitting for half an hour.

At 5.01 p.m., the sitting was suspended.

On resuming at 5.33 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Please, be seated. Hon. Baloomoody!

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, before I go straight to the two Bills, especially after remarks made by certain Members on the Government first side, especially the Attorney General, I think I should briefly go in history when it comes to the struggle of the workers in this country for their rights.

Mr Deputy Speaker, Sir, our Labour law in Mauritius has been formed by struggle between organised labour and employers and, very often, instead of being neutral, the State, those in power have, very often, been in favour of the capital, not to say the capitalists. Our labour law was forged in the struggle of working class people to achieve their dignity through their own effort. It was not, Mr Deputy Speaker, Sir, an intellectual exercise in rational codification of legal principle sitting around a round table or an oval table.

Our Labour law, Mr Deputy Speaker, Sir, has been written with sweat, sacrifices, hunger strike, human sacrifices and in certain historic moment by blood of those who were abused by those controlling economic machinery. Briefly, before independence, we can say we had what was called the first rebellion, between 1934 and 1944, led by genuine *syndicalistes* like Anquetil, Rozemont, Pandit Sahadeo and others.

We all remember the rebellions at Champs de Mars, but, most importantly, Mr Deputy Speaker, Sir, we should not forget the violent repression on 27 September 1943, at Belle Vue Harel Sugar Estate. The hon. Attorney General mentioned the Latanier Brothers, but it is also important to remember those who gave their lives, those who were at point blank range fired by the Police Officers of the colonial powers, where three were people dead on the spot and a fourth one died nine days later as a result of the bullet wounds. There was a pregnant woman known as Soondrun Pavattan better known as Anjalay Coopen, Kistnasamy Mooneesamy, Moonsamy Moonien and the last one, who died in hospital nine days later, was Marday Panapen.

I think, for the record, we should remember these people. Then the second rebellion came after independence which we may call the 1969-1981 period. In 1969, a few whims of the *manifestation* against the visit of Princess Alexandra in Mauritius, St. Jean by members of the then club known as the *Club des Etudiants* led by Paul Bérenger at that time, where many members were arrested and jailed. A few weeks later, the MMM was born. And the MMM was throughout along the side of the workers and remember at that time in the regime, there were over 90,000 to 100,000 unemployed.

The GWF (General Workers Federation) was born with Paul Bérenger as its chief negotiator and, by October 1969, Paul Bérenger was the negotiator of several main trade unions; the Municipality of Workers Union, the Union of Bus Industry Workers Union, the Telecommunication Workers Union, the Bus Industry Workers Union, the Telecommunication Workers Union, the Aloe Industry Workers Union – *l'usine à sacs*, and the struggle continues months and months on the sugar industries and later Paul Bérenger became the main negotiator of the Port Louis Harbour and Dock Workers Union.

Following several organised meetings throughout the island and strikes, the then PMSD-Labour Government voted the Public Order Act which was proclaimed, I remember the date, 31 *décembre 1966*, on the eve of New Year. Then came the strike of 1971 where the reaction of the then Government was most repressive. The Government declared all the strikes illegal and most of the leaders of the GWF, including Paul Bérenger, were *matraqués* and jailed. The State of Emergency was enacted and this was till 1976. However, later, Judge Ramful came to the conclusion that the strike was in strict conformity with the law and it was only in December 1972 that the leaders of the GWF and negotiator were released after having spent more than a year in prison without trial. But, Paul Bérenger and the GWF did not give up the struggle. Seeing the rise in the dualities led by the GWF, and when the IRA was passed, it was during that period of economic crisis, with or without the state of emergency, with or without the new IRA, the struggle went on. Paul Bérenger, together with the GWF, kept the trade unions *flambeau* lighted all throughout the island and it was taken to all the places of work round the island. And then we had in 1979 the huge strike, the first hunger strike of 1979 and *l'accord du 23 août* was signed, but it was not respected. There was another hunger strike and it was then in September 1980. It was only on the third week of the hunger strike that the then Government decided to respect all the principles, all the Clauses of *l'accord du 23 août 1979*.

Then came, of course, the general elections in 1982 and once in power with Jayen Cuttaree - hon. Jayen Cuttaree as he then was Minister of Labour, we set up a Select Committee to relook both at the Labour Law and the Industry Relations Act. But, unfortunately, the Select Committee did not have time to finish its work. But then we should not forget - hon. Adrien Duval mentioned *l'année de zone souffrance*. I remember when I arrived here as a lawyer, in fact today it is exactly 35 years I have been called to the Bar in Mauritius. A few days when I was called, I remember I received a call from Sir Madun Gujadhur, there was no pupil-master but I was in his Chambers. He told me, “*Go to Curepipe*

District Court", that was in 1984. Four members of the GWF has been arrested, Sooklall and others. There was no mobile phone nothing, I just received a call telling me, "You go, go and make a motion". I said, "What motion I am going to make? "Go and make a motion that the IRA and the POA are anti-constitutional. Move that the law be referred to the Supreme Court". Only three days at the Bar. I said to myself, "My God!" So, I went to the Court, I saw there was a lady Magistrate there, she is still around, who told me, "Are you going to make that motion? You? Or do you want to wait for Sir Madun Gujadhur to come?" I said "Can't I make that motion?" She said, "No, it is very strong what you are going to say". So, I took the phone, phoned Madun Gujadhur. He told me, "No, I am going to the Supreme Court, you make the motion!" And I made that motion and from that day, have been always associated with the trade unionists.

And then a few months later, I met my friend hon. Collendavelloo at *la rue l'Eglise* in his Office, he told me, "Do you want to work for the unions?" I said, of course. Then, we joined the team of Soodhun at the *Federation Travailleurs Unis*. Hon. Bodha used to come there very often. And a few months later, hon. Soodhun was arrested, jailed. I and hon. Collendavelloo, we appeared for him, fought for him and after days, it was not easy, even us as Counsel to get access to the Ministers then, to try to negotiate a settlement. No way! Let the Court follows. I remember the Prime Minister then, "*Laisse la loi suivre so cours! Laisse li ramasse so baiser, etc.*" Anyway, then he was released after a few days. Hon. Soodhun was released after a few days, then we went to his office at *la rue l'Eglise* where the Bacha Building is now, his office was there, we had a press conference. We were all sitting, he was sitting here, Alain Laridon was here, I was here. I do not know whether hon. Collendavello was there, probably yes, he was there, I found Mr Soodhun removing his shoes, his socks, placing his foot on the table. I said, "What is happening?" I do not know, he had a shock in jail. "No I have to show the public how *punaises ine pik moi dan prison*". That was the way he was treated. Anyway, this is history but it is good to remember these times. And also, we should not forget Agoo, the (MLC) Mauritius Labour Congress trade unionist who was not only chained, handcuffed but chained in his bed at the Civil Hospital.

(Interruptions)

Agoo! Following his strike. So, these are periods of history. Like I said, labour law is different. We are not buying a commodity, we are not buying a project, we are buying the sweat, the knowhow, the knowledge of a human being. This is why when it comes to law, and contract law and it has got to labour law, we have to deal with it differently.

So, let me now, after this brief remark, come to some of the articles. Let me deal with the Workers' Rights Bill first. I will start with the interpretation of 'worker'. Worker interpretation of Section 2, which means the 'employer'—

- “(a) means a person who employs a worker and is responsible for the payment of remuneration to the worker; and
- (b) includes –
- (i) a job contractor;(...)"

I think this definition is too narrow. In fact, the Court has had many opportunities to interpret definitions. It is not the one who pays who should be declared the employer. In the case of Local Government Service Commission vs Bancilhon, which was taken again in the case of Maurice Merville Beach Hotel in 2009. It says that the Court is wrong to interpret a narrow definition of worker. This is what the Court has to say –

“In his analysis of employer/employee relationships, the learned Magistrate again erred in relying solely on one element normally making up the relationship, namely the remuneration aspect basing himself on section 2 of the Labour Act.

Since no single test is conclusive, it is the duty of the trial Court to look at all the elements to see whether that specific relation has been established.”

The Magistrate was wrong to adopt the very restrictive nexus of remuneration in analysis of employer and employee relation.

It is not always those who pay. I have a case which I still remember, where a daughter, from overseas, paid the worker to look after his old mother here. Suddenly, the mother got upset, sacked that lady. Who is the employer? The one who is benefiting here or the one who is paying? Up to today the Labour Office in Curepipe has not been able to settle the matter. Who do you call to pay, the one who is benefiting from that labour or the one who is doing the job? So, I think, we should reconsider that definition of a worker, have a wider interpretation.

Now, coming to section 6 of the Act which I welcome, of course, where it says where vacancy priority should be given to those who have been acting or his senior most, especially when we have seen recently, after questions are put in this House, what is happening at the MIE. Today, we have heard about the Rajiv Gandhi Centre, *ti copain, ti copine gagne promotion* here without qualification, without merits. So, I think it is interesting that it is in

the law today, that priority should be given to those who have the qualification, the merits and experience.

The new section 14, at page 18-19 of the Bill, I wonder whether this is not discriminatory against full-time workers because what does it say? Whenever there is overtime in a firm/in an industry, I am working as part-time, 20 hours per week and my colleague is working 45 hours per week. If there is a job to be done, the same job to be done. If I take it, I am not paid overtime because I am not doing 45 hours per week, but if my colleague who is doing the same job, will get overtime, is that not discriminatory, for the same work, one is not getting the same wage? And tomorrow, of course, full-time workers will not benefit from overtime. All the overtime will go the part time workers and it benefits mostly the employer. It costs him less. Because I am working 20 hours, I will get only my hourly rate whereas the one who is working 45 hours will earn one and a half times the hourly rate.

Now, let me pause here with regard to the Bill which was introduced. As pointed out by the hon. Prime Minister, the Employment Relations Bill 2005 and Regulations was a very, very interesting Bill, widely circulated. I remember I was a backbencher and as a backbencher, as a practicing barrister - hon. Collendavelloo also was a backbencher - we did assist the Ministry then in drafting that Bill and even up to today many clauses in that Bill and what we have in the Worker's Bill were in that 2005 Bill when the MSM/MMM were in Government.

In 2004, one year before presenting that Bill, there was a white paper, I remember. There were several meetings with all the stakeholders, but unfortunately, the Bill did not go through. We had in 2005 the general elections, etc. So, when the hon. Prime Minister was referring to the 22 amendments proposed by hon. Soodhun when the two Bills were passed in 2008, the Employment Rights Bill and the Employment Relations Bill, most of it came from the law which was drafted in 2005 and it is good that some have been taken onboard in this Workers' Rights Bill. I will come one by one. So, why I am talking about flexitime, section 22 of the Bill? We have spoken about children and all these when hon. Soodhun proposed, and in our Bill, there was also flexitime for old persons. We had it in that Bill and this was proposed by hon. Soodhun. Why can't we have it now? If we are catering at home for our old grandmother who is bedridden, why can't we ask flexitime in this particular case as well? We have it for our children; we have it for handicapped people. I think, as a caring Government, if we care for our elders, we can introduce flexitime. We can ask flexitime if one has to go

home in the evening to feed his or her grandmother or grandfather, I don't what, put him or her to bed. So, probably this is one where we can look into.

My main concern regards the protective order. That is at section 35 (2) (a), one can ask a protective order when one –

“has lodged a case for remuneration due on behalf of a worker or a group of workers before the Court.”

At what time does one enter a case before the Court? When the Labour Office has not been able to settle the matter. How long does it take? Very often, it takes more than a month. By the time you summon the employer, employee, try to have negotiation, negotiation fails and then it says after you have entered a case before the Court of Law. How long does it take to enter a case before the Supreme Court to get the date? Another fortnight! So, by that time, one has already disposed of the property. Why can't this application be made *ex parte* so as to prevent the employer from disposing of his property because he knows if he does not do it now, if he does not remove all his money from the bank - as many of you have done prior to the BAI - he does not recover the money, it will be seized. So, he goes and removes his money because he knows that there will be a case coming in three or four weeks' time. So, why can't this application be made an *ex parte* application and let the Court decide whether to grant that seizure or not.

Now, the new section 38, this is tricky. I don't know whether there have been enough consultations with the stakeholders. The first question I have to ask, section 35 (1) of the Worker's Right Bill empowered the Supervising Officer - following the grant of a protective order by the Judge in Chambers to apply to the latter to order for the Registrar General to make entries in a register. I do not have any problem with that. But section 38 (3) of the Worker's Right Bill said that such order may restrict the property being sold in execution or vest in the liquidator. It is my humble opinion that these two are in contradiction with article 2150 (1) of the Code Civil which list the Creditors as *les créanciers privilégiés* who are being given priority by ranking to be repaid the debt on part of thereof. So, if this property has already been given as guarantee to the bank and subsequently if you have that order, why have the priority? What about the seizure of immovable property under our Sale of Immovable Property Act? Because it is said clearly that the creditor shall notify his debtor that if he fails to pay the amount claimed, a seizure will be effected on his immovable property. The company has already given all his immovable property in guarantee to the

bank. Now, you have an order from the Judge in Chambers. Which is which? Which one has priority?

«**2202-1.** Toute sûreté fixe ou flottante régie par les dispositions du présent chapitre ne peut être inscrite qu'au seul profit d'une institution agréée visée à l'article 2202-2 à l'exclusion de tout autre créancier.»

«(...)l'exclusion de tout autre créancier.»

So, there is a problem here, on paper it looks like excellent. You see the property, you say okay, once it is sold, you give the workers their money. But what about the other institutions which have to take privilege on the property? This is the issue we have to address.

Now, coming to the Wage Guarantee Fund, let us be clear. In the last budget of the MMM/MSM Government, we had something in the budget which was called, where workers were given Rs6,000 per month in case of the company goes bankrupt and their salary is not paid. Now, what is not clear in this case, it says under section 37 - a Wage Guarantee Fund Account is such following the Workplace Programme.

Under the Wage Guarantee Fund account, a worker may be paid remuneration due up to Rs50,000 and any amount due, as may be prescribed in relation to the Portable Gratuity Fund, in cases where the contribution has not been paid by the employer, is considered to be insolvent by the Supreme Court. So, is he going to get that Rs50,000 after the Supreme Court has declared him insolvent? And you know, how long it takes for the Court to declare the company insolvent? Years and years! The Receiver Manager has to pay all their debt, sell all the assets and if there is certain money left, it is not insolvent.

So, when you say after the Supreme Court has declared him insolvent, it takes some time. So, is it as a Receiver Manager being appointed that he gets his money or is it when the Supreme Court declares that company is insolvent that he gets his money? These are things that we have to clarify. It contradicts the definition of insolvent in section 2 of the Act. Look at section 2 of the Act, Declaration of insolvent, it states that - “insolvent” means being placed into compulsory receivership, under administration or in liquidation”. So, which is which? After having declared insolvent by the Supreme Court or according to the definition which the law states? So, here again, probably, we need some clarification from the hon. Minister.

Now, let me come to the definition of spouse, paternity sick, especially paternity sick. I have had some representation from what we may call unmarried father. They are unmarried,

they have declared that they are the father of the child, there is nothing wrong. Our Code Civil, our matrimonial law recognises the rights of unmarried father. Why don't we recognise the rights of unmarried father here? Because spouse is defined as for the father does not include unmarried, you must be the husband. "spouse" means the person with whom the male worker has contracted a civil or religious marriage". But there are many fathers today who have not contracted civil or religious marriage. They go to the Civil Service Office and declare that they are the father. Why can't this father get a parental leave? Question: why this discrimination?

Again, same discrimination under section 48. It is unfortunate, like I say, the Bill we passed for First Reading in 2005. The representation made by hon. Soodhun went very, very deep with regard to Disciplinary Committee. And if there is one harm, one tool, one dagger which we are giving the employer to sack people without any compensation is Disciplinary Committees. I have appeared I don't know how many thousands before Disciplinary Committees, but they are all management made, management guided, management executed, they are judge and party. Disciplinary Committee is a joke. We have to institutionalise our Disciplinary Committee. You cannot have the Chairman appointed, paid, the worker has no say in the choice of the Chairman. You cannot challenge the Chairman. Recently, I have been before a Disciplinary Committee. Mr Gopee spoke about it on the radio a few weeks ago. He went earlier to a Disciplinary Committee at a parastatal body, - I will come to industrial relation later - he saw in the Boardroom, the meeting was scheduled for 2.30, he went at 2.15. In the Board room, the lawyer of the company, the Chairperson, the Human Resources Manager, the witness, they were all sitting at the table, so when he knocked at the door, he went in the Boardroom. They said: 'Oh sorry, wait outside.'

At the Disciplinary Committee, he challenged the Chairperson, the Chairperson refused to go. What do you do? You go to Court. He has been to Court. All the judgements of the Supreme Court tell you that they will not intervene in a Disciplinary Committee because it is an administrative matter as per the law and that anyway injunction, you don't get, you will be compensated. If you will be compensated in case you have been unjustifiably dismissed, you will be compensated, you will get your money. So, we can't give injunction. So, what do you do as a worker? So, we have to regularise our Disciplinary Committee. The worker of the trade unions must have a say in the choice of the Chairman, like when we go for arbitration. You know in our law, the law in 2005 Bill, when we come to certain level of management, especially when it comes to disciplinary, there was a clause where the workers have to be

involved, not in all the day-to-day management, but when it comes to decision to be taken, this was in the Bill that was circulated in 2005. Decision will affect the rights and the lives of workers. Workers were to be involved in the decision making. So, why is it that in a Disciplinary Committee, it is still an empty formality? We have to legislate, we have to find a way, we have to ensure that the Disciplinary Committee becomes fairer and in line with the basic principle of natural justice. It is good now that we have in the law, the findings of the Disciplinary Committee must be communicated to the employer, but I will go even further, the findings are not sufficient. The whole proceeding of the Disciplinary Committee has to be communicated to the worker when the decision has been taken. Why I say so? There are many instances where a case before the Industrial Court, the employer, because they have control of everything, they have their notes, they have their records, they have their own witnesses, because their witnesses are still their workers; very rare, you will get a Human Resources Manager or even a witness who is still working for the company, to come and depone against the company. They come and say new things. They come and say: 'No, at the Disciplinary Committee, the worker says x, y and z.' Then, the employer said this is why, we rely on that to sack him when, in fact, this was never canvassed before the Disciplinary Committee. Who will be witnessed for the worker? The Council? I will withdraw from the case and depone for him to say that, at the Disciplinary Committee, this never happened. So, it is important that the whole proceeding of the Committee be communicated to the worker once decision is taken by the management.

Coming to the said Disciplinary Committee, section 12(b), there is a delay which is good, of course. We cannot drag on in Disciplinary Committees, but there are cases which are very complex. And he said the parties may agree to extend the delay referred to paragraph (a). But what about if the party does not agree to extend? Management says: 'I want to finish it within thirty days', and the worker says: 'Sorry, I can't, the case is too complex; I need time to study the case. What happens? Deadlock!'

Now, coming to the question of reduction of workforce, we have fighting. In fact, I spoke, hon. Uteem spoke, hon. Ganoo when he was in the MMM, Cuttaree - we all spoke against the Bill when the Termination of Contracts of Service Board were to do without. We were dead against it and we knew that there would be abuse and abuse there has been, be it when it was amended in 2013, be it when it was first in 2008; there has been much abuse, abuse at the detriment of the workers in favour, of course, of the employee himself. So, we are happy that it is being introduced, but how does it read? Section 72(1)

“(1) An employer who intends to reduce the number of workers in his employment, either temporarily or permanently, or close down his enterprise, shall, except in case of *force majeure*, notify and negotiate with

—

(a) the trade union, (...)"

Who decides for *force majeure*? The employer? Is that in line with the ILO Regulation? Hon. Attorney General said we cannot define *force majeure*, exactly. It is because we cannot define *force majeure* that it should not be left for the employer to decide. It has to go to the President of that institution to decide whether there is *force majeure* or not. But the employer said no. I did not have my material for the last week. The *force majeure* we are talking in the Civil Code is different with the *force majeure* we are talking in a labour law. In the Civil Code, cyclone may be a *force majeure*; shortage of electricity may be a *force majeure*; burglary may be a *force majeure*; fire may be a *force majeure*, but in the labour law no, because this *force majeure* is not very often permanent. They are temporarily. The terms and conditions applicable to ILO contracts for services dated 30.11.2018 talk about *force majeure* and it tells you for *force majeure*, you have to give notice to the Board that there is a *force majeure*. The Board will decide whether there is *force majeure*. If the *force majeure* will exist beyond 60 days, you keep paying. Then, it becomes a *force majeure*, otherwise the workers are entitled to their salary and to 60 days. If it is less than 60 days, there is no *force majeure*.

So, I humbly invite the hon. Minister to come with an amendment. The company can plead *force majeure*, but it cannot decide that it is *force majeure* itself and do not go to the Board. It has to go to the Board. It takes a plea, what we call a *plea in limine* before going to the merits. It says, according to me, it is *force majeure*, let the Tribunal decide.

So, each and every case of redemption of workforce, be it temporarily, be it permanently should go to that Termination of Contract Board. And it is the Board which will decide whether it is *force majeure* or not, not the employer as stipulated by the terms and conditions applicable to ILO Contract of Services dated 30 November 2018. It is very clear, I don't want to go long. It is good reading, plain English, less than 60 days no *force majeure*; over 60 days *force majeure* and it is not for the employer to decide. He has to give notice and it is for the independent Board to decide.

Now, again, the Workfare Programme, like I said it is interesting, it is coming back. It is new because under paragraph 185 of the last Budget of the MMM/MSM Government, we introduced this concept and it was called the workers hardship relief scheme. I am sure the hon. Prime Minister will remember and, at that time, it was Rs6,000 which were given as an off payment for those whose company will not pay their salary due to closure or bankruptcy.

The last one, of course, we have to deal is the Portable Retirement Gratuity Fund which we all welcome. It is their due. They have worked, but still the nitty-gritty has not been worked out. Today, the hon. Prime Minister has rightly said it represents fifteen days per year of service - 4.8%. I have spoken to some unions, they have told me that the 4.8% will not be sufficient when they reach 60. There is that question; according to them, they believe that it should be around 5%, not 4.8%, because we are not taking into account administrative cost. It is said clearly in the law that administrative cost will be paid by the Fund. Administrative cost, we know how it is; we have just learned administrative cost even before making any payment - so much money was spent by hon. Alain Wong Yen Cheong's Ministry. How much money was dispensed as administrative cost even before making any payment to certain organisations?

(Interruptions)

The CSR Foundation, exactly. More money was spent on administration then was given to the societies. So, again, we have to work out and I read today that they still communicate. I don't know whether it is finalised or not finalised, where are we? It should have been clearer today. Anyway, we hope. We will listen to what the hon. Minister will have to say when it comes to his final remarks and I hope by the time he would have shed some more light on this issue.

With regard to the Employment Relations (Amendment) Bill, we don't have much quarrel except with regard to unions, union strikes. It is a fact; let us be honest. Under this Government, in most of the parastatal bodies, I have mentioned it many times - I will repeat it again. Hon. Prime Minister is telling us that the Police are unionised today. They are worse off with the Union. *C'est un cadeau empoisonné*. The Commissioner of Police does not deal with them. There is no communication at the Police level. Just read this Week-End newspaper about what Mr Boojhawon had to say on the Police.

(Interruptions)

You can laugh. Whether you like it or not, he is a Union representative.

He came out from there and shook your hand; Rt. hon. Minister Mentor, you presented that Bill. Don't laugh at him today just because he is fighting for the rights of his workers.

(Interruptions)

You have decorated him on 12 March, one of the years. Today, because he is talking about the rights of his colleagues, you laugh at him.

The Deputy Speaker: Order, please!

Mr Baloomoody: I have to ask a question here in Parliament last Friday. The question will be answered at 2 o'clock, at 11 o'clock he got a call asking him to come because hon. Baloomoody has asked a question to say whether there has been a meeting with us. DCP Jhugroo phoned him, asking him to come, we have a meeting because when hon. Minister Mentor answer, we have to reply 'yes' there has been a meeting. At 11 o'clock, he was prosecuting in Mahebourg, he got a call asking him to come straightforward. This is their way. Mr Nobin has never sat on a table with them for negotiation. Up to today, they have not received what is due under the PRB. They were wearing socks *avec trou*. What is happening in the Prison? Same! Mr Mungra, the Secretary General of the Union is being harassed everyday by the Commissioner of Prison. I have been informed of certain acts which I would not say today because I understand the matter has been reported to ICAC. *Maldonne* by the Commissioner of Prison! What is happening at the Post Office, the President of the Union? What is happening at the Irrigation Authority? What is happening to the Casino's workers? What is happening at the Airports of Mauritius? In all these cases, the Chairpersons are political appointees, people close to those in power. Industrial relation has been worse under this Government in Parastatal Bodies, in Government enterprise than in the private sector and today they want us to believe. Anyway!

Now, let me come back to that issue of right to strike, the amendment which is being proposed. The previous Government in 1988 wanted to introduce the question that the employer can go for compulsory arbitration. So, whenever there is a dispute, there is deadlock, they say either party. And there was a report by the ILO, at that time, in 2007, which says clearly that only the workers who can go for compulsory arbitration so as not to *mette baton dans la roue* with regard to the right to strike. And that report by Mrs Cleopatra Doumbia-Henry of the ILO says this clearly: you cannot do that, and the Government then did not go ahead. They tried to, they could not. But now, by backdoor, we are introducing this right. We are giving the employer now the rights to declare compulsory arbitration, just

delaying their right to strike by the time *travailleur in fatigué*. This is against the ILO principle. This is giving more power to the employer through backdoor. So, I am appealing to the hon. Minister to do away and go according to the Report of the ILO of 2007.

Let me come to that because the hon. Prime Minister made reference to it, the National Tripartite Council. How many National Council we have? We already have the National Economic and Social Council which is chaired by the hon. Prime Minister and when it was first introduced in one of the Budgets, two years ago, it was supposed to meet every three months. The first meeting took place on 01 April, 2018 and the second one took place on 10 January 2019. We already have a National Economic Social Council. Now, we are going to have another Council to advise the Minister, to advise Government. Come on, let us be serious! I think the National Economic and Social Council can do that work. Like I say, one of the remarks was with regard to the right of strike. I welcome the issue that, at least, now the trade unions can enter the place of work at an appropriate time, they do not have to be authorised and that whatever ballots have to be taken because we know what happened in the prison. The union had to go to Court to get the permission to hold the ballot. They work in Richelieu; the Commissioner told them to hold their ballots in one of the Municipalities or in the Social Security Office. They had to go to Court and the Court ordered that it has to be done at the place of work. So, we welcome this.

Like hon. Paul Bérenger has said, there are good things, but the fundamental still remains to be cleared. We are still waiting for the hon. Minister's amendment with regard to the Remuneration Orders. He said in his speech, I hope he will clarify what is coming with regard to the Tourist Industry, with regard to the *Petite and Moyenne Entreprise* and with other sectors when he said that he is coming to amend the Remuneration Orders to clarify certain matters. Up to now, we have not received any amendment, but I hope he will come.

Mr Deputy Speaker, Sir, let me conclude by saying that we have two Bills before us, not much new issues in these two Bills. Some have been canvassed before, be it in the 2005 Bill, be it by the amendment. Some which were there before under the Labour Act has been reintroduced like the compensation and reintegration at the TCSB, it was in the Labour Act, it was amended. Remember, hon. Jayen Cuttarree amended, this was the first amendment we brought to the Labour law to reintroduce reintegration and three months' wages in case of unfair dismissal at the TCSB. So, we are reintroducing what was present; but, unfortunately, we are not clarifying the most important, especially when we still have meeting going on, we do not know when the law could be promulgated, what will be the exact quantum agreed by

all the parties, but we sincerely hope that there will be a consensus because it is in the interest of the workers. There is a consensus on these issues.

Thank you, Mr Deputy Speaker, Sir.

(6.24 p.m.)

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): Mr Deputy Speaker, Sir, let me add my voice to this historic occasion. Hon. Baloomoody said that there have been some ideas before. There were some policies which have been mentioned, some canvassed, but it is not the novelty which matters, Mr Deputy Speaker, Sir, it is the political will of a Government to come with a legislation to protect the workers. The most important thing behind this, Mr Deputy Speaker, Sir, is the political will and we have shown this over the years.

Mr Deputy Speaker, Sir, the introduction of these two labour laws, of course, they are of historic importance. In fact, I have been informed that it is happening a few days before the 134th anniversary of one of the most prominent advocates of workers' rights, Emmanuel Anquetil, who was born on 18 August, 1885. I would like to congratulate my colleague because he is working in the path of so many stalwarts and trade unionists who, over the years, have done everything they could to make the fate of workers better.

It was in 1938 that the Hooper Commission recommended the setting up of a Labour department. And in 1938 onwards, despite the recommendations of a Minimum Wage Board, employers continued to pay workers less than the recommended wage.

Mr Deputy Speaker, Sir, history has been testimony of many of the most important tragic, but most important political events and they always link with the struggle of the workers. Between 1969, 1979, 1971, we went through memory lane and it seems that in 2005, the MSM/MMM Government had a lot of unfinished business. But, today, I think, Mr Deputy Speaker, Sir, we are doing what has to be done.

Mr Deputy Speaker, Sir, in my constituency, in Constituency No. 16, often, on Wednesday, we receive our *mandants*. There is an old lady, not old, but she looks old, she is 50. She comes to you, she says that when she was a young lady, at 18, she started at Floreal Knitwear, she gave her whole youth, her whole life to Floreal Knitwear and then the factory just closed. And now that she is 50, she looks 60 or more, she has nothing. This is one of the cases that I have personally known, and I think all of us have known this. *Il y a une*

génération qui a été lessivée par la Zone Franche, qui a tout donné. And what happened? Over the years, we know many of those factories closed and the workers were those who were left *sur le pavé*.

In 2003, under the chairmanship of the former Prime Minister, Paul Bérenger, we had this Committee where we were talking about the Portable Severance Allowance and we worked on it and then, we had the Bill which was mentioned here.

But the most significant thing, Mr Deputy Speaker, Sir, is the law of 2006. The Prime Minister mentioned this. This spirit which was behind the two Bills, the Employment Relations Bill and the Employment Rights Bill, it was to make the whole labour market a jungle. And beginning in his speech, the then Minister said: “Government is a facilitator.” It has to be investment funding. But the rationale of this, it was the Labour/PMSD Government, of these two Bills was clearly mentioned by the then Minister of Finance. The Prime Minister mentioned a few of the statements he made then. Mr Deputy Speaker, Sir, he said: “*Il parlait dépoussiérer les législations.*” The legislations have outlived their usefulness, saying that flexibility coupled with security and mobility linked to protection. And he said that with the inflexibility of laws, workers have been trapped in sectors that are dying. And he said: ‘There are many reasons why we cannot protect jobs anymore. Empirical determination systems have enhanced the resilience of the economy’, he was mentioning countries like Australia, New Zealand where the Labour laws had been relaxed, and this has enhanced the resilience of the economy and has brought down the level of unemployment and had reduced poverty. And he said: ‘Let me dispel some of the popular myth, Mr Speaker.’ The popular myth is that job for life. And then, he said: ‘Unfortunately, labour is a factor of production just as land also is a factor of production.’ You mentioned this.

This terrible lack of the human touch that workers were reduced, we have, I think, about 550,000 workers in this country and they are a factor of production just as land also is a factor of production. Now, he said that we have to have labour laws which are very flexible so that we can hire and fire and then he came with a certain number of very interesting remarks. We remember this, on both sides of the House. We spoke about the green shoots; we spoke about the bumper crop, which never came. We spoke about the early harvest, and then he introduced this...

(Interruptions)

No, he introduced this concept of absolute poverty. He was the one who did it and he knew what he was doing. So, we are correcting all this, because this Government, Sir Anerood Jugnauth, the ML Leader, the Prime Minister, we have always had this concern for the workers. It is not just paying lip service to it, it is really believing that workers have rights and they have a role and they have to share the benefits of what we call the national cake.

In the socialist system, Mr Deputy Speaker, Sir, often, we have to share the national cake, we try to share it better. And this is what Sir Anerood Jugnauth said in the 1983, we have to have a bigger cake. But once we have bigger cake, the workers should have their fair share. This is how you make an inclusive society, otherwise, what is going to happen. We will have this clash between the workers and what we call capital, that is, the private sector.

Then, I also intervened in that debate and I had said something: '*On est en train d'emmener le boeuf à l'abattoir*'. This is exactly what they are doing. '*Bef travay, souval pas pou manzer*' they are saying. But, in fact, what is going to happen is *bef travay souval pe continier manzer*.

Mr Deputy Speaker, Sir, the terminology which was used then when we came to this bumper crop, we talked about green shoots. You know, how he mentioned...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Bodha:...redundancy. He called it 'releasing labour'. He called the fact when you were sacked, he called it 'separation'. And he said that we should shift protection from jobs to workers and increase the security so that they do not lose out while shifting employment. So, this was the labour market which the Government of 2006. And it is such a pity that when we see what was said in 2005, that is, the unfinished business of the MSM/MMM Government and then you see this Bill coming in 2006, then you see the difference between what we wanted then and what we were doing today.

(Interruptions)

The Deputy Speaker: Hon. Leader of the Opposition, please, do not disturb the Minister!

Mr Bodha: But then, there was something else.

(Interruptions)

The Deputy Speaker: You will have the floor later, then you can say what you want to say.

Mr Bodha: The Financial Secretary then...

(Interruptions)

The Deputy Speaker: You will have the floor later, you can say what you want to say. Hon. Leader of the Opposition, you cannot speak from a sitting position.

Mr Bodha: And the Financial Secretary then said, who was from the World Bank: 'To tackle unemployment employers must be free to hire at wages reflecting productivity; training programmes must allow some of the low skills to raise their productivity. This politically demanding approach will result in many working poor, even though they work hard, their low productivity will make them poorer in relative terms. Moreover, a large subset may be absolutely poor and unable to meet basic demands.' This was the economic policy when the laws of 2006 were passed. And I said: '*Il nous faut un nouveau contrat social qui puisse répondre aux exigences et aux défis de notre temps.*' That is, this is what we are doing.

In fact, the tripartite negotiations for a salary increase every year is quite unique. You do not have it in many countries and this is one of the symbols of *ce que j'appelle le contrat social*, because you need *la paix sociale* for the country to be stable so that you have investment and creation of jobs. And each and every time you have had this compensation, the compensation has been above the inflation rate, Mr Deputy Speaker, Sir.

So, Mr Deputy Speaker, Sir, I would like to say something about the private sector. What is the perception of the private sector? The perception is that it is a very precarious world of work. The perception is that you may have all sorts of discrimination. The perception is that you can lose your job at any time. The perception is that if you have and then you have this *épée de Damoclès* of the Disciplinary Committee, that you can lose your job at any time and often here people have loans, they have commitments and they find themselves after a Disciplinary Committee in a terrible dire strait. Now, this is the perception of the private sector but it is so sad, because you have only 80,000 people working in the public sector and in the parastatal bodies, you have about 450,000 people working in the private sector. I think that the private sector has a role to play. Of course, it is their investment, job creation, innovation, but they should re-engineer their image as an employer. Mauritius cannot have the image of the employer that we have today in the private sector.

Now what is this creating? It is creating a distortion that everybody for a job to be able to feel that they are secure, they are coming to the public sector, and what is this distortion? It is that you have 6,000 jobs in the public sector every year and you have 61,000 people applying for those jobs. Ask for a MSO in a Ministry, you have one post, you have 2,000 people applying. Ask for any job, general worker - now this cannot continue in a country like Mauritius. We cannot have 60,000 people competing to have 6,000 jobs and, on the other side, we have the mismatch between skills because if you don't have foreign workers in this country, you won't have bread, bakeries are not working - the construction industry. I think, if we have to sit down, we have to sit down with the private sector so that it re-engineers its image as a sector which generates employment but which provides the security, which provides the innovative atmosphere for people to come and work. Often what do you have? You have people working in the private sector, getting a good salary but then, as soon as they have a job in the public sector, they leave it, they leave that first job. So, this cannot continue in a country like Mauritius. There is something which has to be done. Is it the economic and social council which must sit down? Is it the Tripartite Council? I think that something has to be done because we cannot have a Mauritius of innovation, of research, of new sectors and with Government providing all the package of incentives for smart cities, for a number of other areas and we continue of having this fact - most of the workers are saying: 'we do not want to go and work in the private sector. In the country, the best people have to go in the private sector and in the public sector also, Mr Deputy Speaker, Sir. This is for me a fundamental paradigm shift that has to be done together with this law. Mr Deputy Speaker, Sir, this distortion in the labour market where, as I said, when you have a job fair in some sectors, for example, in the hotel industry, we have problems to recruit people.

Let me come now to the remuneration orders. The remuneration orders have been triggered, that is, the NRB sits to have remuneration order as and when the Minister in one sector decides to refer the case to the NRB. In 2004, I referred the case of the Tourism industry to the NRB, and then you have the NRB Report. I came back as Minister of Tourism in 2011, I referred back again the case to the NRB which means that seven years later nothing was done.

Now, there are so many sectors where you don't have a remuneration order. The ICT sector, which is about 20,000 people, has no remuneration order. They work in, I would say, some sort of a jungle. So, I really welcome what the Minister has said that we will have a remuneration order on categories/pillars of our economy every five years. This is needed and

one of the sectors where really we don't know exactly what is happening, what are the hours of work, the shift system, the salary system, the promotion system is the ICT. We want more and more people, young people to go and work in that sector. So, RO, this fundamental change is most welcomed and I congratulate my colleague for that and there is something else. Each time you refer the case to the NRB, the private sector will tell you: 'we are already paying the salary, there is no need for the RO because they do not want it as a law. Now, we need it as a law because people must have a career path. When you have an HSC, you have a degree, you have the skill, you should have a career path, you should know where you are starting your career, where you can end up your career.

Now, if you have this uncertainty and *cet enfer de précarité de l'emploi*, you don't have a career path and then you try to find jobs up and until you end up in the Government sector. Your dream is to end up in the Government sector.

Mr Deputy Speaker, Sir, so the question is: we cannot leave the labour market just to the forces of demand and offer. I think that this Bill will go a long way towards making the market better, it will provide protection. I am not going to go into the technical details of the Bill, but what I wanted to say, Mr Deputy Speaker, Sir, is, on the one side, we have to give the workers their rights, their salary and all the facilities that they need because of their dignity, because of their household income. But then we have also to work on the productivity side, on the competitiveness side and we have to own our skills so that we have a labour market which can rise up to the challenges of modern Mauritius. If you want to be an upper middle income country, if you want to be able to enter a number of specific new skills and new areas like with research and innovation - with all the Bills that we have now come forward with, we need to have young people will be able to have the skills but, at the same time, we have to work on this issue of productivity and we have to work on the issue of competitiveness of our economy and our sectors, Mr Deputy Speaker, Sir.

Out of the 450,000 workers in the private sector, you have only 70,000 who can have a pension, and I mentioned this earlier. So, this Bill will go a long way towards providing this and I am very happy about that because, as I said, it was unfinished business in the 2005 and since then we have done everything what we have to do.

Now, I will end up with the political will. The minimum wage was a historic event, Mr Deputy Speaker, Sir. We need to have the courage to bring that. Before the minimum wage, we had the negative income tax and this one is another pillar which we are bringing so

that the workers can say that this Government stood on their side. I think that this has been a hard work. There was a Committee which was chaired by the Deputy Prime Minister. It took a long time. The Bill came to Cabinet. The Prime Minister and all the Ministers brought in there all their comments so that we could come with a Bill which is workable, that is, which is an instrument, which can be operative and which will provide the workers the legal framework that they need for them to be able to have a better living.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Leader of the Opposition!

(6.45 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Thank you, Mr Deputy Speaker, Sir.

I have got a few words to say on the Bill, Mr Deputy Speaker, Sir, because I think that hon. Adrien Duval has summarised as it should, the position of the PMSD concerning the Bill. In short, we welcome the Bill, but before I start, perhaps I will say a few words concerning the speech of the previous orator here.

One thing, we should not forget that when we took office in 2005, the country was officially in *un état d'urgence économique*. That was official; it was said here in the House itself, I think, by the then Prime Minister. *État d'urgence économique!* That was the situation. Tens of thousands of jobs had been lost in the EPZ, which was then called the Export Processing Zone. Tens of thousands of jobs were lost in the EPZ. The tourism sector, he was Minister of Tourism, then, I think, it was hon. Gayan also, was in dire straits, 1% to 2% growth per annum. That was the situation then. It is official figures, you can check. Now, I am very happy that the hon. Minister, so happy and so caring for the workers, I remind him though that at the time he wanted to throw, I think, some 100 and so people out of the payroll of the Tourism Authority, they were hardworking people, they were there, they were cleaning the country completely and the hon. Minister had a good idea, overnight almost, to throw these people *sur le pavé*. But, at the end of the day, there was a fight, as you know, it was stopped, it did not happen. I do not want to get into some sort of *polémique*, these are the facts as I remember them.

Now, we welcome this Bill, Mr Deputy Speaker, Sir. We think some provisions are unclear; I will come back to some of these provisions. And especially we want to avoid any unintended consequences relating to the provisions on the Bill. But if I may, with your

permission, just quickly go back into history and let us go back to the independence and we will remember then that there were two lines of thought; one was socialism, various degrees of socialism, hard left socialism, let us nationalise everything. Back to 1976, we nationalise everything, everything becomes State-owned and we will happy like the USSR. That was one point. That was one and I can produce some manifestos of 1976 if you do not believe me.

That was one, and the other one, there was a softer socialism, but socialism still, and the PMSD, ever since independence wanted democratic socialism, *social démocrate*, the mixed economy. Let us have the public sector, let us have the private sector. But the private sector is going to be the main creator of jobs and the public sector will create jobs but will also make sure that things happen properly in the private sector. And Mr Deputy Speaker, Sir, the development in this country did not happen like this, like as if fluctuate, just moving a magic wand. It happened by the hard labour of people. Hard labour! The EPZ sector, we remember, had a specific law which required the people working in the EPZ sector to work twice as hard as the rest of the economy without even the protection that the rest of the economy had. But they did so, Mr Deputy Speaker, Sir, and the results are here for us to see; the country has prospered, the children of the EPZ sector now are doctors and everything. They have prospered, Mr Deputy Speaker, Sir.

And why I want to say all this, Mr Deputy Speaker, Sir, is that we, in the PMSD, we welcome this Bill. If you tell me tomorrow, let us make it possible for the minimum wage to be as high as Rs15,000, Rs20,000, I would agree to that. I see nothing better than that. I wish Mauritius to be like Singapore. Do you know, Mr Deputy Speaker, Sir, I have just checked, what is the per capita income today of Singapore? And we remember, the Rt. hon. Minister Mentor is not here, back in those days, the Rt. hon. Minister Mentor himself was saying that Mauritius should be the Singapore of the region. We all remember that. Singapore today, the per capita income of Singapore, is USD100,000 per capita per year. Mauritius, we are USD10,000, one tenth. And the gap, Mr Deputy Speaker, Sir, has widened between Mauritius and Singapore. When we were about USD6,000, they were USD30,000. Now, we are USD10,000 and they are USD100,000. So, let us not, as if you know, we are like ostriches they will bury our head in the sand. We have to question ourselves too and see what is good and what is bad with what is happening. So, the argument is not as simple as some people would like to make it. The economy is never simple and the argument for the PMSD is not simple. And one famous saying, in fact, it says –

“If you want to help the poor, help the poor. If you want to help the weak, help the weak.”

But how? How do we help the workers? We help the workers, Mr Deputy Speaker, Sir, in two ways –

- (i) in finding them employment because there is nothing worse than being unemployed, and
- (ii) in giving them a decent wage and as much as possible in terms of wages, and as comfortable a situation as we can and secure a position as we can without affecting creation of jobs and without affecting the ability of our enterprises in Mauritius to prosper, to compete and to fight with the rest of the world.

Now, the hon. Minister, I have a lot of time for him. He is a very nice person, I think, but I want to know, is he a businessman? How many jobs has he created in his life? Okay, it is very good to do all this, regulate all this, but we must also bring experience to the table. And let us, therefore, try and avoid any unintended consequences of the Bill because that will come and hit us back in our faces, Mr Deputy Speaker, Sir. So, we are all in favour, but we want our economy to be as flexible, as productive as possible and we do not want to give an impression to our population that you can get away with not working hard. Like a father in a house, first thing you would tell your children: “You need to work hard!” Whether it is at school or after school, hard work is the key to everything. My children have worked in McDonalds, have cleaned cars, have done everything like that, Mr Deputy Speaker, Sir, because that is what I always believe they should do. So, you need to work hard and, therefore, we do not want to give any impression, in any law, that working hard - I can see the Deputy Prime Minister is having some fun, that is good. I am very happy for him. So, let us, therefore, work hard. That is...

(Interruptions)

I am sorry?

(Interruptions)

Very good! At least you share something in common. So, let us then consider that the message that should be given always to the population is that you should not sleep on the job but you should always be working hard, that is what I am saying.

Mr Deputy Speaker, Sir, what is the current economic situation? We have the repo rate that has been brought down, two, three days ago, by 15 basis points, it is not a lot. Why

do you bring the repo rate down? There is only one reason. You bring the repo rate down, that is, when you feel there is uncertainty coming forward, that the economy is not performing or will not perform as much as it should, that investment will be lower than it should be and, therefore, you try and boost it. Whether it is the international situation with the trade wars between Trump and the rest over the world and what not with the Brexit and what have you.

The Bank of Mauritius has put its money, where its mouth is as we can say, and cut the repo rate. If you read the papers this morning, you will see that 500 employees of Tara Knitwear have not had their pay. Am I correct? 500 employees of Tara Knitwear have not had their pay. If you look at '*Le Mauricien*' of this afternoon, you will see that Beachcomber, a flagship of our tourism industry has had a cut of 6% in his profits in the last 9 months, compared to the nine previous months. It is not saying we are in *un état d'urgence économique*, but this is also the situation. And if you look at the fantastic tourism figures that just came out this afternoon, you will see that for the first seven months of the year - bravo, we are in a negative 0.4% for the first seven months of the year. We haven't had negatives for years. For years, we haven't had negatives in the tourism sector and, today, it just comes out the negatives in the Tourism Sector, 0.4%.

Mr Deputy Speaker, for the month of July, 1.2% for the whole seven months, a fall! We used to have 10%, 11% only a few years ago; now, we are negative. That is the situation. So, let us not sort of be too cosy about it. We are in a real world; we have to survive in a real world. This is why any law that comes like this must be carefully thought out, must be carefully discussed with everyone. I have just mentioned the situation about the tourism industry and we heard, we were told that there was no discussion with l'AHRIM. L'AHRIM was just part of Business Mauritius. L'AHRIM represents a sector that with all the subsectors is what, 25% of the economy - 25% of the economy! - and there was no time to talk to them directly. And we can see the situation that they are facing at the moment, they have been crying wolf - they been crying out, at least, for months now about their situation. So, this is the picture I wanted to lay, Mr Deputy Speaker, Sir, that we have to be careful, we have to be optimistic, obviously, we welcome everything that can be done for the workers, but we would also wish the economy to continue to create jobs. We know that so many thousands - I don't want to get into that debate - were promised; a trickle was delivered. But let us go back to the Bill. So, we welcome the Wage Guarantee Fund and I accept what the hon. Minister Bodha has just said, concerning the reluctance of people to go to work in the private sector because

of the fear that when they will be made redundant, and if they are made redundant, they will end up with no salary. So, that is a good measure, let us guarantee the Rs50,000, more if we can in the future. It is a good measure, let us make this happen. The hon. Prime Minister has explained how it will be funded. Fair enough! We have no qualms, Mr Deputy Speaker, with the Wage Guarantee Fund.

Concerning other issues, obviously, I won't say everything. We are agreeable with what is happening. It was mentioned, Mr Deputy Speaker, Sir, that we were a bit '*piner*' with the maternity allowance. We know that the birth rate has fallen or is not adequate. Population growth is contracting or reducing and we need to encourage families to have children. So, we can agree that Rs3,000 when you have a baby is not enough, - make it Rs10,000 and maybe, I don't know, we can all have babies - let us make it Rs10,000, that is the thing to do, Mr Deputy Speaker.

Now, about the definition of a 'worker', which was also taken up previously - this is why I said, if we want to help the poor, help the poor - I would have wanted, Mr Deputy Speaker, Sir, for the definition of 'worker' to remain at the Rs30,000 that it was previously, because this Bill is already coming up with many, many new issues, substantial - probably - amount of cost for a lot of enterprises, including Small and Medium Enterprises, and I would have wanted all these benefits to go to the people who most need it, not to be spread over across nearly the whole of the workforce in Mauritius, which means, obviously, that the more you spread it, the lesser you can give, because the greater the cost to the economy. So, I think it is a mistake if I may say so, to have increased from Rs30,000 to Rs50,000 at the same time as increasing on the benefits. Let's increase the benefits by all means.

Let us do more, but let us keep it to the people who need it most and that is the people at the medium scale of the ladder, not even the lower scale of the ladder which is Rs30,000, Mr Deputy Speaker, Sir.

Now, the one issue I wanted to raise was this question of the 8-hour day or if you are working for only 5 days in 9-hour day as opposed to the 45-hour week or the 90-hour fortnight. Okay, I can accept the 90-hour fortnight, let us improve on that. This is what I have mentioned before that you need to look also and have people who do this law who have had businesses before and who know how businesses operate. How you can operate a restaurant or even a hotel or perhaps even in the ICT, when you can only work 8 hours, and from then on, you are going to have to start paying overtime, when you cannot be flexible. Why aren't

we flexible in life? Why not want all our industries to be flexible to be able to respond? Look at the last Budget of the Prime Minister, look how much subsidy has been given to each sector - taxpayers' money!

- Sugar - huge amount of subsidies;
- Textile - Speed to Market being one of them, large subsidies, and
- Tourism - subsidies on air flights to China, and I think it is to Africa.

These are real costs that we are paying for. So, why, on the one hand, provide the subsidy, on the other hand, not provide the flexibility that will allow the industries to work and compete on their own? So, that is what I am saying. I think - unless I have misunderstood the Bill - Mr Deputy Speaker, 45-hour a week and a flexible basis, at least, for some of the key sectors of the economy ought to be maintained and ought to be the norm for us going forward as an agile and efficient economy; because we have world class industries, and these world class industries need to be able to compete with the rest of the world.

Mr Deputy Speaker, I want to take briefly on the Portable Retirement Gratuity Fund. Again, on the principle of it, all for it, that people should when they work, whether they work in one or ten enterprises, be able to get a decent lump sum at the end. And again, people were reluctant to change jobs because they would lose their benefits, etc., and this will reverse to what I have just said on the 45-hour a week. I believe be good for the economy. It will encourage people to move around and seek better employment and seek in new sectors and be more flexible and be more productive in jobs that they would, maybe, not have left, had there not been this Fund that will carry on with them. But we are talking about an additional cost of 4.8% on the worker's salary, up to Rs50,000, I presume, and that is going to be a substantial amount of money for many people. I am happy that the Prime Minister mentioned that there will be some help given to the SMEs, but there is one suggestion I would like to make is that there is already the National Savings Fund. National Savings Fund is 2.5% on the salary. I think up to Rs17,000.

Now, what I would suggest is to give priority to the Portable Retirement Gratuity Fund and if necessary, for some time, for SMEs, merge the two together, because we also need, as I mentioned, to maintain employment, create employment. Merge the two together, let the 2.5% not be applicable for some time, so that, in fact, automatically the extra cost - I won't say the burden - on the SMEs would be less by 2.5% and that would solve the problem of the high percentage to be added on to the salary for the Portable Retirement Gratuity Fund, But, on the whole, it is an acceptable measure that we welcome here.

On the other hand, Mr Deputy Speaker, as I mentioned, we don't need to give any impression that we condone everything but discipline and hard work in our economy. Section 61(3) of the Bill that allows an employee to take five days' leave at any time without notice, without coming up with any excuse or reason for it - I presume, he just disappears in the wilderness and comes back five days later - and the employer will not be able to take action against him, I think that is wrong. Firstly, because it gives the wrong impression on what you can do in your job. I wouldn't; the impression is wrong. The message that they sent to the population is wrong and I think, therefore, Mr Deputy Speaker, that that measure, for what it is, ought to be removed.

Let us imagine now on the employers' side. Say, you have a restaurant, you have a Chef, he has got 10 people working with him, and for some reason he takes five days off, what do you do, you just close the shop? He goes away after some time, he is tired. This is not right. We have to think of the unintended consequences of whatever we are doing. We are perceived as SMEs or any job, but, basically, SMEs because obviously they have fewer people and some of these people are employees who are key to the running of the business. Let us imagine that the employee suddenly decides to take the five days off. What are you going to do as the owner of the business? And mostly the owners of the businesses are also *ti-dimounes* in this case; this is not good. I am really against this. I think it can be disastrous individually for people and it will also give the wrong message to the population. At a time when, as I have mentioned, the economic situation is as it is - as the Bank of Mauritius has seen it - this is not the right time to give the wrong signal. The signal that needs to be given - I repeat it - Mr Deputy Speaker, is, let us pay everybody extremely well, let us go up even to the Singapore level, but let there be discipline and hard work. Singapore hasn't become Singapore - China is today the King of the Worlds, it is even challenging the USA. How? Who doesn't know how hard the Chinese work? Did they come like that by taking five days off any time they want, going to that level or did they come through hard work? And we used to have Chinese labour coming here to work in Mauritius, where are they now? Nobody comes because they are too expensive now. They earn more than us here. They have overtaken us. That is why you don't see Chinese workers anymore. You get Bangladeshi, etc. You get Chinese bosses to supervise them. So, that is also, Mr Deputy Speaker, what I wanted to say.

One thing I just don't understand in the Bill is this business about the job contractor. Somehow, now, if the job contractor does not pay his employee, it's got to be the client who

steps in and pays. In all my career, I have never heard of this. I will give you a little example, Mr Deputy Speaker, Sir, to understand what I am saying. I am an Accountant, who used to have a big office and we would send people to work for our clients. They will go and work, and typically, even today, if you go to BDO, whatever firm of Accountants, when they send you people on contract, the salary is trebled. If you pay someone Rs10,000, the client – the Audit Firm - will pay you Rs30,000. So, am I going to tell my client what I am paying my employee? He is not going to pay, he is going to say you are cheating me because you are charging three times, but that is the norm. So, how can you, as a job contractor, send people to a client and, at the same time, you have to tell the client how much you are paying your employee? Where does this provision exist? Who thought of this? I don't understand it and I must say, Mr Deputy Speaker, Sir, sometime, some of the provisions of the Bill, I don't understand. Obviously, I don't know how much care was taken in drafting the Bill. We did, in the PMSD, see the Fourth Schedule of the Bill and we were astonished when we saw that in the Third Schedule, the Wage Guarantee Fund Account in the version that was delivered to the House for us to work on. At the bottom of the page 116, it did say the Minister mentioned it: "I certify that the above information is incorrect". Can you imagine the level of care that was taken...

(Interruptions)

The little care that was taken when you submit something as ridiculous as this: "I certify that the above information is incorrect" - to the House, to be voted and debated? So, I don't know. I hope that I am wrong. I hope that this was one *exemple qui prouve la règle*; that, in fact, a lot of attention and care went into it because this Bill, otherwise, is going to create a lot of havoc in our economy. If you have things like job contractor, I mean, I don't understand how, at least, it could work at all.

Now, Mr Deputy Speaker, I understand that the issue of the fixed term agreement for some sectors has been clarified with the new amendments that were circulated today. I have got no problem with that because I do think that construction, etc, needs to be more flexible and there has been a lot of representations that construction jobs, etc, take longer than one year and, therefore, you need to be flexible and allow for that.

However, I still don't understand section 13(6) of the Bill. Mr Deputy Speaker, if I may. This is what section 13(6) says –

“(6) A worker employed on a fixed term contract shall be deemed to be in continuous employment where there is a break not exceeding 28 days between any 2 fixed term contracts.”

Now, I would have understood this section if it went on to say that this would be the case if, for instance, cumulatively you went over the 12 months – which I would understand. Now, it doesn't say that, it just says two fixed term contracts, it doesn't matter what the length - what it says - then you are a permanent employee in a business; it could be two fiscal contracts of two weeks, of four weeks, we don't know. So, I don't know whether this is deliberate that we do want such short-term contracts of a few weeks, provided they are more than one for the employer automatically becoming a permanent employee. I wouldn't think that was right, I would think that was wrong, and it would happen if there was not the 28 days' gap between the two contracts. I think that is wrong. I think there should be, at least, a minimum time let's say provided that the cumulative time exceeds the 12 months.

Mr Deputy Speaker, I have got one or two more points. Concerning the Redundancy Board, the point has been made also, I think We discussed it, I remember, with hon. Shakeel Mohamed at a time and there was a question of how do you provide more security, how to prevent abuse. This issue of the Termination of Contracts of Service Board (TCSB) had been closed down and there was a talk of replacing to do something. The problem is not the will to replace it with something. Of course, let us replace it, let us put something better. Let's put something that will prevent the abuse of the provision. But how would you do that, at the same time, ensure that the verdict or the opinion or the conclusion of the Redundancy Board, the order of the Redundancy Board is made quickly?

How would you do that? Because the worst thing that can happen. I had friends in the past on the TCSB, they would be paid for months and months by the company because the TCSB was unable to decide. And the point has been made again that we have basically the same number of people there as the TCSB and the economy has grown to, I think, 70,000 companies; 270,000 people have BRNs. Everyone who has more than 50 employees even if he has to make one redundant, he has to send them to the TCSB. How do we ensure that, in effect, the Redundancy Board provides its order within the 30 years? I am not convinced that whatever is being proposed is going to work and that is my problem. How do we make the 30 days limit. Obviously, now, everybody has to agree for the extension. I think if you are threatened with a negative punitive order, then you will agree. So, most people will agree to have it extended and we must understand what has been written in the law that a few people,

I think about 10 people in that Board, will decide for virtually every person being made redundant in Mauritius. There is going to be a huge backlog and that is the issue. We are all for and this is the issue we have also when we discussed it at the time hon. Mohamed was Minister of Labour. This is the same issue. How do we do it? I am afraid that what has been proposed does not convince me. In terms of it being able to deliver swiftly the orders that it ought to deliver and that is my issue with the Redundancy Board.

Mr Deputy Speaker, Sir, I will end to say that, obviously if this Bill makes work in the private sector more attractive to people; if it generates more securities for families; if it allows people to be more *sereins* in their lives and they will be able to see the future with more confidence; if it allows people to have a decent package at the end of their retirement time whether they have worked in one place or in 10 places; if it makes maternity leave, etc, more convenient for modern life, we are all for these provisions, Mr Deputy Speaker, Sir.

Let us make our workers as comfortable as possible in their working lives, but let us also make sure that our enterprises are as flexible as possible and also, Mr Deputy Speaker, Sir, let us make sure that we never give the wrong message to the population of Mauritius, that is, you can get away without hard work. You cannot do so and I used to listen with pleasure, I must say, at the time when the Rt. hon. Minister Mentor used to come up all the time and say, ‘discipline and hard work is what we want’. I do not think, Mr Deputy Speaker, Sir, that the successors of his Government would want to give the opposite message to the population.

Thank you very much.

The Deputy Speaker: Hon. Deputy Prime Minister!

(7.20 p.m.)

The Deputy Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, well, everything has been said and unsaid about these Bills. So, as from now, I suppose that our interventions will be brief because, first of all, what we see is a general consensus around the Bills and for this we have to say bravo to the Minister of Labour.

With a few notes here and there, of course, prophets of gloom think that everything is going to be bad, but let us be optimistic rather than pessimistic, let us not try and look in a prophetic mirror and say, ‘Oh God, this is not going to work’. It is going to work because the Minister of Labour has got a good team around him. I have been privileged within the

inter-ministerial Committee to work with one or two of his cadres and they were all of exceptional clarity and they knew where they were going and how they were guiding the Minister of Labour.

Consolidation of the rights of workers, betterment of conditions, and stability - moral, financial and material stability which the Labour-PMSD, and I have to owe it to the Leader of the Opposition that he was privy to the discussions with hon. Mohamed, he has accepted it tonight - which were removed by the Labour PMSD alliance, that faithful alliance of 2005. This is the first reason for congratulating the Minister of Labour. The word of praise must also go to the Prime Minister because, I know, and we all know, how we have been inspired by his motivated analysis of the situation whenever there would be discussions on what we had to do.

Mais plus que cela, M. le président, c'est l'apothéose d'un vaste programme de gouvernement. Jamais dans l'histoire de notre pays, nous n'avons eu autant de grandes avances sociales que sous ce gouvernement. C'est l'apothéose, la phase finale met une première étape pour mettre en application, pour mettre en pratique une politique qui fut initiée par l'Alliance Lepep. C'est pour cela qu'en guise d'introduction, je voudrai dire comment en tant qu'un des fondateurs du ML, le Mouvement Libérateur, nous sommes fiers d'avoir fait partie de ce gouvernement et d'avoir joué notre rôle pendant toutes ces années qui seront marquées comme les années glorieuses.

Et là, je dois dire, le PMSD aussi était avec nous et a contribué lorsque tout cela était ébauché, il faut dire les choses franchement comme elles sont. Il fallait élaborer un programme, nous l'avons fait. Il fallait faire de Maurice, Rodrigues, Agaléga, une république qui entrerait de plein pied dans les pays à revenu élevé.

Mais nous sommes aussi fiers au ML qu'en 2014, nous n'avons refusé de nous rendre esclave du Parti travailliste car nous savions très bien comment le Parti travailliste était le seul, enfin le principal responsable de ce qui s'est passé en 2005 et 2008 pour le mal qui fut infligé à la population mauricienne.

Nous transformons notre pays. Nous le modernisons. Nous faisons de notre république une république prospère, moderne, compétitive. Mais à la base, au-delà des infrastructures qu'on voit, le métro, les routes, etc., il y a surtout nos ressources humaines, l'infrastructure humaine de notre pays. C'est pour cela que depuis notre entrée en fonction, il

y a eu toutes les mesures inspirées par Sir Anerood Jugnauth et continuées par le Premier ministre actuel, Pravind Jugnauth.

Vous vous rendez compte qu'aujourd'hui, nous avons eu une baisse du chômage; 6,9% en 2018 et estimé en 2019 à 6,8%, le plus bas depuis au moins 2000, 18 ans - 19 ans. Une pension digne de nos aînés. Coût de la vie, un taux d'inflation de 3,2% en 2018; en 2019, 0,5%. Voilà, ce que nous avons fait de notre pays. *Minimum wage*, baisse des tarifs de l'électricité pour ceux au bas de l'échelle par 31%, baisse des tarifs d'eau; gel des tarifs d'eau. Le photovoltaïque solaire gratuit sur les maisons de ceux au bas de l'échelle et avec un *gross national income per capita* qui a augmenté de 18,8 % pour atteindre 12,050 dollars. Je n'accepte pas la comparaison avec Singapour, 90,250 dollars pas 100,000 dollars, mais qu'importe.

(Interruptions)

Bien sûr qu'il faut essayer d'y arriver. Mais nous sommes à 97% avant d'atteindre ce que la Banque mondiale considère être *high economy country*. En 2017, nous n'étions qu'à 84%.

Nous avons éliminé la pauvreté, grâce aux mesures que nous avions prises. On parle de la force du travail, vous vous rendez compte lorsque nous commençons le gouvernement, chez moi dans mon ministère, je suis confronté à une situation extraordinaire. Les travailleurs de la CWA n'étaient pas employés par la CWA. Le régime travailliste avait octroyé des contrats d'emplois à des gens. Je ne sais pas si ce sont des copains ou des parents. Ce n'est pas ça le problème. Et ces gens employaient des personnes. Les contacteurs recevaient un *lump sum* de la CWA et les personnes travaillaient dans les bureaux de la CWA, entre autres dans le *Procurement Department*. Des gens travaillaient à la CWA, premièrement, ils n'étaient pas qualifiés, et deuxièmement, ils n'étaient même pas employés par la CWA. Avec pour résultat que les employeurs de ces personnes, ces contracteurs-là, ce sont eux qui bénéficiaient des contrats parce qu'évidemment ils avaient une loyauté envers ceux qui les payaient plutôt qu'envers la CWA. Il y avait des gens qui avaient travaillé 7 ans, 8 ans. Nous avons mis de l'ordre dans tout cela. Maintenant, ils sont employés directement par la CWA, bien sûr cela a un coût. Mais nous avons discuté, j'ai discuté avec le Premier ministre qui est également en charge des finances, avec le Secrétaire financier. Au début, il y a eu des problèmes mais, finalement, cela était résolu et nous progressons maintenant vers l'embauche de tous ces travailleurs. Graduellement, petit à petit, mais nous le ferons.

Je ne suis pas d'accord avec ce *bleak picture* que le *leader* de l'Opposition vienne de peindre. Si on l'écoute, alors c'est facile ça. Il est entièrement d'accord avec le projet de loi, mais il trouve que tout n'est pas bon avec le projet de loi. Bonne stratégie! Un petit peu démagogique qui contraste évidemment avec d'autres discours que nous avons entendus.

It is a marathon, Mr Deputy Speaker, Sir, a marathon race against poverty, a marathon race in order to attain high levels in our standard of life. We are doing the last mile today, the last mile of the first step of that marathon. The battle is not yet over but in our next Government, because we are going to be the next Government, as everybody knows, we are going to complete that second phrase.

Now, there is one thing which garners unanimity in this House today, it is the attitude of the private sector, all parties. And I think that if the popes of the private sector are watching, I think they have much to reflect upon about what has been said about them today in the House. Even from those who are not necessary stanchioned adversaries of the private sector. They should be very careful and it is true about what hon. Minister Bodha said, that perception. We see it every Wednesday; I received my mandate every Wednesday. We see people who are working in the private sector, come and say even if it means a drastic loss in their salary, they want to join a parastatal body or become whatever, anything. Last time, there was somebody who came to my office, he had seen an advert, the CWA is looking for Pump Attendants. So, I asked him: 'where are you working?' He was working so and so and he is earning about twice the salary of a Pump Attendant. But he tells me, he does not know when he is going to be terminated. He wants to be secured because he is just married. He does not mind getting a lesser wage because even the banks, according to what I hear, if you are not in one of the big private sector firms, they are careful before they give you a loan. If you are working in a parastatal body, yes, you can get a loan. That is the general perception. We see that all the time. Another one, again, Pump Attendant, when I asked him: 'do you know what is a Pump Attendant? What does he do?' He did not have the faintest idea what it was and then when he realised he would not be able to do the job, he said: "*be rode ene lot zafer pu moi, misier*".

But, within a parastatal body, that is what has happened, the great consequence, to borrow the words of the Leader of the Opposition, unintended consequence, perhaps, but I do not think so. I think in this case, it was intended. That is the result of the policy initiated by the Labour Party since 2005. That is what has happened to this country because of the Labour Party. Now, what are people looking for? First of all, equal chances.

Hon. Baloomoody has mentioned MIE which has become his preferred question subject, and prisons, Police, which are his preferred subjects. But hon. Baloomoody knows that the situation in the private sector is worse than it can ever be in the public sector. Of course, if there are *dérapages*, they must be checked. And gladly so, as hon. Shakeel Mohamed reminded us, not without doing some self-publicity, but he did tell us how even under that regime our Tribunals, etc, are not subservient to the Government and they redressed the situation, and hon. Baloomoody told us if there was a *dérapage* by the Commissioner of Prisons how the Courts, not subservient to the Government, would redress the situations. In other words, we have a rule of law. But how can you have a rule a law when there is no law?

The Labour Party left us in a state of lawlessness when employers of the private sector could do what they wanted. This is why sections 6 and 7 come to reassure their workers as a first step that there will be chances of promotions, there will be equality and one thing that has not been said and which I would like to stress: equal work, equal pay for men and women. Because, in Mauritius, even at high levels of management, equal work is not equal pay. A woman who does the same job as a man earns less. It is a sort of normal reaction. And fortunately, it is generally accepted because it has been like this for ages and ages and the Minister of Labour, hon. Callichurn, has done well, even if it is going to be a pious intention at the beginning, but, at least, it would be in the law and the rule of law will apply, at least, there will have been a precept in this matter.

Mr Deputy Speaker, Sir, we have talked a lot about the TCSB and now the Redundancy Board. Let us not forget that this dates back to 1966. First of all, in 1963, that was the first time when we introduced the concept of severance allowance at that time. And I would advise the Leader of the Opposition, if I may, and his son, hon. Adrien Duval, to read the Hansard of 1963 and they would have seen how the debates were conducted at that time.

In 1963, for the first time, you could terminate the employment of a worker, but you had to pay him severance allowance. And in 1966, two things happened. First of all, if you terminated the employment of a worker unjustifiably, severance allowance was paid at six times the rate of severance allowance, that is, punitive rate. And then, they introduced the second thing, the Board, Redundancy Board or Termination of Contract of Service Board.

What happened in 1966? When we read the Hansard, we see: elections were coming in 1967 which were going to lead to independence, the second generation of trade unions, the

Jagdambee's, Ramanarain's were putting pressure to buttress the rights of the workers and that TCSB was formed.

I hear hon. Adrien Duval, I mean, he is the youngest Member of the Parliament, he just watched the Youth Parliament in action and he has seen how young people fresh from University were serious in their words. Leave that for the older Members like us, we can sometimes forget ourselves. He finds it strange that it should be the Minister who would appoint the president of the Redundancy Board, would be a Judge or an ex-Judge or qualified to be a Judge and he *crie au scandal*, lack of independence. He does not even realise that since 1966, this Board has always been appointed by the Minister, in 1967, under the 1982, the Cuttaree amendment, it was always the same, nobody has found it strange. And now, it is a sort of maniac attack on institutions to make people lose faith in our institutions. Already from one corner of the Opposition, already they are creating scare in what this is going to be backlogged for ages, for one worker we have to go to the TCSB. This is the sort of things we have heard today and the day before. It cannot be. The population will know that we are serious about protecting their rights. I have heard and I suppose it is the whole of the PMSD that wants it, that the president of the Board should be appointed by the PSC or the LGSC, that he should be like a Local Government Officer. Surely, a Judge would be appointed. It has worked for so many years. So, let us not lose our senses when we talk about these things.

The Labour Act kept these two features, and in 1982, there was a very important amendment. Just as in 1966, when the private sector was just terminating employment of people, 1975, because of the civil strikes, that is what was happening, in 1982, we had to face the same situation. This is why an amendment was inserted to say that if an employer breached the provisions of the TCSB, he was melted into paying severance allowance of the punitive rate.

That was the MMM-PSM amendment with Jayen Cuttaree who was Minister of Labour, and I must say, at that time, I was at the State Law Office and I was the one responsible for that desk and I worked with him to draft this section. One part of that section was, if without good cause you go against the provisions of that section 39, then you pay severance allowance. Without good cause!

But at that time, nobody said what is the meaning of 'good cause' because these words are left for the Courts to see whether there is good cause. And over the years, there was a case where a construction company said they could not wait because the TCSB had taken

time. What had happened is that the Chairman - he was the Chairman at this time - had fallen ill and his case had been postponed. So, they terminated the redundant workers' employment without waiting for the TCSB's ruling and when they were sued in Court, they pleaded that they could not do otherwise because the TCSB was not giving its ruling. The Court said: 'No, you were not in that dire financial situation that would have justified you in doing so'. So, there were *des jalons* which were put by the Courts to explain what's the meaning of 'good cause'.

That has been raised by hon. Bérenger and now I see the Minister has made it even tougher. Good cause is not enough; we are not in a Court of law, so there is no use debating points of law, etc. But 'good cause' is not enough; it has got to be force majeure. Big debate and legal debate as to the meaning of *force majeure*! Leave it to the Judges. They will go and explain in Court whether it is the civil law, whether there is a different meaning in labour laws. Lawyers are paid and well paid for this. So, they will go and discuss it, but there is one thing, it is, of course, the employer who will invoke force majeure. He will invoke *force majeure* to defend himself and then the Court will see whether he is right or not. So, there is nothing to be worried about what the law tells us about this. The procedure is as at section 72 and it is a procedure which tells us how the workers will be protected.

In 2008, a catastrophe fell on the working class of this country when the Labour Party, - people blamed Dr. Bunwaree, poor Dr. Bunwaree - the Prime Minister himself and his Minister of Finance were responsible for this state of affairs. I don't buy that story that we removed all these protections in order to preserve jobs because of the subprime crisis in Washington or New York, because there was a meltdown show. We said in order to protect jobs, we abolish the TCSB. I don't buy that at all.

It was a well-designed, well-crafted programme to put the working class under the Government's fund, *pour les mettre à genoux*. This was a political scheme devised by the Prime Minister of the day with the help of - Dr. Bunwaree does not have all that thinking to be able to think about all this - and at the same time to introduce the Stimulus Package Act. At the same time! It was part of the plan and they said it one day, they said then the crumbs will be there for the picking. An Economist who is probably going to be a candidate of the Labour Party said it in an interview at that time. He congratulated the Minister of Finance of the time. He said: '*c'est le ministre de la rupture*'. Yes, he was the *ministre de la rupture*. This is why I could never have been brought to work with the Labour Party on any platform whatsoever. And that is what they did.

Do we realise what they did? You know in the Labour Act, they said it was stated section 30, a party to an agreement for a period of time may terminate the agreement on the expiry of notice. What did they put in the new 2008 legislation? A party to an agreement may terminate the agreement, that is, employers could fire at will and severance allowance was abolished except punitive. And do you find it strange that people prefer to become Pumping Attendants even if they don't know anything about the job? And now, we have gone one step further with the Wage Guarantee Fund. Okay. The Prime Minister has explained fully how it is going to be funded and operated. You have got to act on what he says. The Portable Retirement Gratuity Fund, the PRGM, I know because we worked a lot on this, we have seen how this could work and it was only after long discussions, long working sessions that we were able to forge what there is. People will feel secure, now it is left to the captains of industry to walk the talk. It is up to them to listen to what has been said on all sides of the House, and come to one conclusion as to what they need to do for their own profitability.

The future of Mauritius is guaranteed, Mr Deputy Speaker, Sir, there is, of course, a lot that we can say. We can go into the details and debate for hours, that is clearly not our intention tonight. We all know that the Bill constitutes a great step forward for the country, for the working class, for all the workers of our country.

The Minister of Labour has been hardworking, courageous, has been staunched in his approach. There is still a lot of work to do, the regulations will have to be done, the proclamations will have to be prepared, all the Cabinet will be there behind him, all Parliament, the Opposition also, at least, one part of the Opposition also is behind him and we wish him well. We know that this is going to herald a big *avenir* for our country.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Hon. Léopold!

(7.56 p.m.)

Mr J. Léopold (Second Member for Rodrigues): Thank you Mr Deputy Speaker, Sir. Right from the beginning, I would like to thank hon. Minister Callichurn for bringing this piece of legislation to the House and this is on behalf of 18,400 Rodriguans workers who work in Rodrigues. They are mostly in the construction, fishing industries, tourism, agriculture, transport and some in public sector, as well.

Mr Deputy Speaker, Sir, as we all know, the Republic of Mauritius, so far, does not have petrol or any other natural resources, and the only asset that we possess is human

resources, human capital. I have to say even where natural resources are present, we still need human capital to exploit them. Therefore, Mr Deputy Speaker, Sir, if there are and have natural resources, but no human capital to exploit them, we can consider that we are poor. We can illustrate that by some many examples, just by looking, a little bit closer, at a few of our neighbours in the African countries, you will see evidence of that. But, in the country like ours, the Republic of Mauritius has demonstrated that without natural resources, you can be rich by valuing our human capital as the most important commodity. And most natural resources do not regenerate, Mr Deputy Speaker, Sir, and will deplete over time, but human capital is a resource that can regenerate and increase its potential over time, because people, that is workers, are the most significant asset for our economy.

Mr Deputy Speaker, Sir, therefore, we need a proper legislative framework to protect workers so that to sustain the rapid economic growth of our country. We need an up to date legislative framework to adapt to the 21st century social transition. My participation to this debate, therefore, is to comment on three points of the Explanatory Memorandum of the Workers' Rights Bill (No. XXIV of 2019) namely (c), (e) and (j), as they are all related to work-life balance, flexible working arrangements, addressing the issue of gender, work stress and work pressure.

It was long overdue, Mr Deputy Speaker, Sir, to correct anomalies or to adapt in relation to workers' rights. This piece of legislation, to my opinion, is long overdue, therefore. And we all know that changes in relation to the pattern of works had changed in this country as from the period of the industrial era and had become much of a concern with the increase in trend of ageing population. So, we need this new legislative framework to harmonise work-life balance, I have just said, flexible working arrangements, gender, work stress and work pressure so as to maintain a sustainable workforce for the benefit of our economy.

Mr Deputy Speaker, Sir, as I have said earlier on, because of the effects of globalisation, technological change, ageing population coupled with a fall in fertility rate, with more and more women getting into the labour market, therefore, reconciliation of work and family is a core concern which needs to be addressed through policy intervention at national level.

Mr Deputy Speaker, Sir, due to strong surge of women, especially, in employment, as we all know that women are the main carers in family, I believe that the changing measures

that legislative framework will bring are that ability to reconcile work and care commitments of women who are in employment. I am referring of women here. Although with the changing role of family in modern society that will apply to men also, as working father, who need flexibility to contribute to the care needs of their children, but it is known that, and it is not surprising, I think that mothers are more pressured at home than men in regard to family care. So, it is important, therefore, and I am in support of this Bill because it will bring a work-life family balance and will bring more flexibility to workplace and that will not in any way, Mr Deputy Speaker, Sir, negatively affect productivity. On the contrary, while reducing pressure at work and reducing burn out by allowing employees taking up flexibility arrangement, those measures reduce stresses at work, allowing employees to maintain their productivity at work. There were some concerns during the debate that this legislative framework is going to take time to be implemented and the hon. Minister of Finance had given assurance himself that this will be implemented in due time. I am so glad to hear that, Mr Deputy Speaker, Sir, in a way that while this law will be in application, it will further urge Government to come with other laws, with other legislation so as to address and reduce unemployment by addressing the issue of skill match, as this law is about maintaining economic growth and maintaining employment, improving working conditions and maintaining productivity.

This law, which we are going to vote tonight, will further bring a lot of benefits, such as a modern unemployment registration service which will give a clear picture of the real figure of unemployment in the Republic of Mauritius and it will be a system which will genuinely assess the real reasons of unemployment, thereby having the ability to connect jobseekers with employers through a network of job active providers, and it must be a system or a service, that is, unemployment registration service which will be able to tackling unemployment by addressing skill matching.

This is my contribution to this debate Mr Deputy Speaker, Sir, as this Bill is all about maintaining our economic progress, tackling and addressing our new employment pattern, reconciliation of work and family life, tackling unemployment by having unemployment register which reflects the real needs of jobseekers by identifying the real problems of unemployment, especially by answering to our labour market on skill matching.

This is my contribution and I thank you for your attention.

The Deputy Speaker: I suspend the sitting for one and a half hours.

At 8.05 p.m. the sitting was suspended.

On resuming at 09.39 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please, be seated. Hon. Dr. Boolell!

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, in 1971, Mauritius had the visit of a well-known author, who, in 2001, became the noble laureate for literature. His name was V.S. Naipaul - he passed away - and he hailed from a Small Island Developing State. The economy was largely a monocrop economy and when he left Mauritius, in a book which became a much sought after book with high sale in UK and in island developing countries, and the book was entitled 'An Overcrowded Barracoon'. This is how Mauritius was described as 'an overcrowded barracoon'. He even stated that Mauritians were so desperate to leave Mauritius to the road to Her Majesty the Queen to apply for a job as Nursing Officer in hospitals, and 50 years later, Madam Speaker, another well-known noble laureate, - this time a noble laureate for economics - Mr Stiglitz came to Mauritius and wrote an article which appeared in 'The Guardian' and described Mauritius as the 'Mauritian Miracle' and was praiseworthy of the Government led by the then Prime Minister, Dr. Navin Ramgoolam.

(Interruptions)

Let me remind our friends, laughter is a good medicine but I am the one who is going to have the last laugh.

(Interruptions)

Madam Speaker: I have to intervene just to tell you that we are getting late. We will be finishing most probably around one or two o'clock in the morning. So, I would request you not to lose the time of the House. Allow the hon. Member to proceed.

(Interruptions)

Dr. Boolell: No, no, but the hon. Member is in the habit of widening the scope. He not only widens the scope, he widens the scale.

(Interruptions)

I am coming to the Bill. Do not rush me! Okay?

Madam Speaker: No crosstalking!

Dr. Boolell: And the...

(Interruptions)

Madam Speaker: No, no! But if you continue to interrupt then I will have to take action even if it is late. Yes, please proceed!

Dr. Boolell: And I listened intently to the speech delivered by the Prime Minister - and his, of course, Deputy has an effortless sense of superiority and who has the acumen to deliver a certificate of character simply by scanning the eye of, you know who. Now, let me remind the Prime Minister of what he said. When a report on the euro crisis was published and rendered public by, of course, hon. Pravind Kumar Jugnauth, he came up with the report on the euro crisis and the report was entitled, 'Facing the Eurozone Crisis' and despite criticism level, of course, depending on which side he sat, his stand was unequivocal, and listen what he had to say, Madam Speaker. And this is what he said, of course, about the economy and was full of praise for Rama Sithanen who was Minister of Finance for 5 years –

"The country is well positioned to respond. The economy has already shown a considerable degree of resilience and has built an environment already conducive to dynamic entrepreneurial spirit. Our institutional advantages have been noticed by international investors who have responded positively to our transparent and well defined investment code and legal system."

Madam Speaker, the success largely rested then and rests now upon all stakeholders, primarily upon the contribution made by the workers. And, of course, Prime Minister was Minister of Finance in the MMM/MSM Government and as during the time that he was Minister of Finance that was the time when renowned economists in the world did not predict a crisis. Maybe they were wrong, but from 2003 to 2005, if I have to inform the House, and I am not informing it for the mere pleasure of saying it, but I am relying upon statistics provided by Government statistics, the number of job loss was as high as 75,000 jobs.

And during the time that we were in Government, from 2005 to 2014, we created more jobs than jobs were lost. 12,000 jobs were lost but I am not going to highlight the number of jobs which we created. We widened the circle of opportunities for those who were working in a sector where there has been democratisation of the economy, the service-oriented sector, especially those working in the IT and Financial Services Sector.

Madam Speaker, when we look at the provisions of this legislation - I will come specifically to one main issue and then I will comment on other issues - let me refer to article 9 - procedures for settling of disputes, Employment Relations (Amendment) Bill which I will peg to section 64 (8) of the Employment Relations Act and to an amendment which is being

brought to section 62 which is now to make a provision for a new section 62(a). There was no provision for Salary Commissioner in the Employment Relations Act. Section 62 is being amended to make provisions for new 62(a).

Now, a Salary Commissioner will be appointed and paid by the employer for revision of wages and conditions of employment. He, of course, does not have a fixed date to submit the report to the employer, the union cannot initiate any negotiation because the matter has to be referred to the Salary Commissioner who may take all the time he needs to submit his report, that is, he is not bound by any deadline and it undermines the rights of the workers for collective bargaining. The employer will dictate terms and conditions and therefore we ask one simple question. How can the trade union start collective bargaining on the basis of a report which has been tabled to it? In fact, he is put before a *fait accompli* and trade union will not have the bargaining power and this is detrimental to healthy employment relations. If there is no deadlock, fair and good and both parties would come to an agreement, but if there is a deadlock, it is the employer who will refer the labour dispute to the Commission for Conciliation and Mediation. But worst, Madam Speaker, it does not only undermine the spirit of collective bargaining but also the right to strike. My appeal to the Minister is that the new section 62(a) should be deleted as it is not in line with decent work program of the ILO which was signed in 2012 when hon. Mohamed was Minister of Labour. He made provisions and amendments to the Employment Relations Act to facilitate and promote collective bargaining in an orderly manner.

Madam Speaker, I have stated that we need to look at fundamentals to redress the economy. And I will ask another question: for how long can we rely upon depreciation of the rupee to maintain our export? And when we look at statistics again, export of products since 2015 to date has been constantly going down. We care for the workers. What we are saying is that we want long-term gain, short-term gain, call it early harvest, early shoot or bumper crop. Our best endeavour has always been to save jobs and to protect jobs, to provide accompanying measures to ailing enterprises.

Now, criticism has been levelled in respect of what we did in 2008, but in 2008, Madam Speaker, we were faced with what is called the quadruple shock and had there not been resilience in the economy, we would never have been able to weather the difficult circumstances. Earlier, the Deputy Prime Minister talked of severance allowance and of what we did in respect of the legislation that was introduced in 2008. Let us look back at pre 2008 legislation. I will make reference to severance allowance which, of course, entails normal

rate, one month salary year of service or punitive rate, three months per year of service. Now, in the 2008 legislation, Madam Speaker, the normal rate was eliminated and replaced by the Workfare Programme from which money was disbursed to meet transitional unemployment benefit to the person who loses job and the Workfare Programme then was financed both by employers and employees. Under the present Bill, the recycling fee has been cancelled and the workforce program is funded solely by the workers and I ask the question why has normal rate of severance allowance not introduced by this Government?

Madam Speaker, we have no lessons to learn from those who have undermined the right to strike and who has deemed it fit to see to it that Workfare Programme be financed only by the workers. With respect to dispute, *des fois comme force majeure*, Madam Speaker, we ask the question, why is it that civil servants, for example, who are entitled to PRB - we know that this is binding - cannot challenge when there is discussion for pay rise but whenever there is a dispute declared this cannot be referred to a Civil Service Dispute Tribunal? I know when we look at dispute, there is mention of it, so I hope that this will be revised also.

Let me now, Madam Speaker, come to force majeure. Now, this is not entrenched in the legislation and much has been written about force majeure. Hon. Shakeel Mohamed stated cases that were brought before the Privy Council. Now, if it is not entrenched in the law, Madam Speaker, how can we ask the Redundancy Board to define force majeure? Anything can go and let me tell you one thing. An employer who is not diligent, an employer who thinks only of himself, of his own interest, can use this as a powerful missile to fire employees and he is not answerable almost to nobody.

So, my appeal to the Minister, we have to see to it that this is entrenched as a provision in the legislation. It will augur well for rule of law and democracy. We cannot leave it even to an advisory body of the Redundancy Board or the Redundancy Board to decide upon the meaning of force majeure otherwise it is open to abuse and we know what the consequences would be, Madam Speaker.

So, I will also rebuke some of the criticisms levelled against us when we were in Government despite the fact that several amendments were brought in the Employment Rights Bill and Employment Relations Bill, and many of the provisions are entrusted in the two legislation which are before us.

Let me highlight some of the measures that were taken. The process of disciplinary hearing to ensure that such a hearing is held in a fair and independent manner was reviewed. The concept of reinstatement in cases of unfair termination of employment of grounds of redundancy was introduced. Discrimination and victimisation for participation in trade union activities, all these, Madam Speaker, appear in the two new Bills. Of course, we provided for the setting up of an Independent Employment Protection Division within the Employment Relations Tribunal to determine within specific timeframe whether cases of redundancy or closing down of the Enterprises are justified or not. We can understand that there are provisions in the legislation, the Workers' Rights Bill and it is highlighted in the redundancy provision which appears in the legislation.

So, Madam Speaker, it is not fair to level criticisms which are not justified. It is easy to make unwarranted comments, but when you look at the harsh realities, the landscape is different and I have proved with facts and figures that, under no circumstances, despite the fact that the legislation that we introduced in 2013, which evolved from the 2008 legislation, true both legislations were business friendly.

I welcome some of the measures being taken to give more weight and more support to the workers, to make them feel that they are party to the socioeconomic development of this country, that there are strong links in the conveyer belt of socioeconomic development, hence the relevance and importance of this Portable Retirement Gratuity Scheme. It has its *raison d'être*, it gives security of comfort and, at the same time, it will enable them to have access to loans which, probably, in the past, they never had. I am sure that these facilities, which are going to be extended to them, will enable them also to be more committed to work ethics, to adapt to new technologies which are being introduced, to constantly update their skills. One thing that there should not be, Madam Speaker, there should be no obsolescence of skills because we have to adapt, if we do not adapt, we will perish and no one owes us a living. Make no mistake on this issue. The days of preferences are over. If we do not constantly skill and reskill our workforce, we are going to be termed laggards. It is easy to level criticism at each other, but the fact remains that this is a world which is becoming globalised despite the fact that globalisation has slowed and the world is one of supply chain. A product is being made in different parts of the world, Madam Speaker. So, as responsible persons, whether we are in the Opposition or sitting on the Government bench, there is one thing which is certain. The law is an ass and it has to evolve constantly. The two Bills, which are before us, are the emanation of previous legislation, and if I go back to the past, much criticism was levelled

against the Industrial Relations Act, it was called *la loi scélérate*. But Government which had come after the Labour Party and Labour Party which came after the other Government, under no circumstances was that law repealed, it felt upon us to look at ways and means to modernise legislation; to be responsive, to take measures which are in line with socioeconomic progress because enabling a workforce has two sides of the coin, economic and social and we constantly have to reconcile social and economic factors. But if we do not bake a pie cake, there will be no slice to be shared, Madam Speaker. So, let nobody sell dreams, we are becoming a service oriented economy. We may have the best legislation which will serve the interest of one and all, but the Bills have to serve the interest of the nation first and foremost. We owe it to the workers and what have we been told? That the two Bills will be proclaimed, gazetted, promulgated, but then we are told there are many outstanding issues which have to be addressed, which have to be looked into by the technical committee. Then we are told there will be an implementation committee which will start its work in 2020. We are told enforcement of the legislation will be before General Elections. So which is which? Everybody knows that we are heading for General Elections. I do not know whether we will have blessings or we are going to invoke all the Gods but elections are going to be held and I know for certain that the Bills will be gazetted but there will be no enforcement of the legislation. I will ask one question. Has Government struck a deal with Business Mauritius on the back of the workers?

(Interruptions)

On the back of the workers...

(Interruptions)

You may laugh, but if there was honesty and seriousness of purpose, this legislation when passed should be enforceable. Why referring it to a technical committee, to an implementation committee and then what are we being told? Implementation committee will start its work in 2020. I am not going to say that Government is game for a laugh but there is no seriousness of purpose.

Madam Speaker, let me conclude not on a sour note, not on a bitter note because I have no phobia of any party which is in Government today unlike the Deputy Prime Minister who has a phobia of the Labour Party. Let me remind him, if I have to invoke all the Gods to keep Labour Party from the like of him, I shall do so.

Thank you, very much.

Mr Callichurn: Madam Speaker, on a point of clarification, I would like to know from the hon. Member, who is the Member on this side who stated that implementation will be done in 2020? Thank you.

Dr. Boolell: I won't say it because I am privy to information which you also have.

(10.05 p.m.)

ANNOUNCEMENT

HON. P. ARMANCE – CELLULAR PHONE - PICTURE

Madam Speaker: Honourable Members before I give the floor to hon. Fowdar, I have an announcement to make.

I have received, today, a complaint from the hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development to the effect that, at the sitting of the House this morning, at around 11.38 hrs, he saw the hon. First Member for GRNW & Port Louis West, hon. P. Armance, taking a picture from his cellular phone pointed towards him, that is, the hon. Minister.

I wish to remind the House that I have on 07 May 2019 prescribed rules in regard to the use of electronic devices by Members in the Chamber pursuant to Standing Orders 77 and 78...

(Interruptions)

Hon. Sesungkur, when I am addressing the House, you have to be silent!

The rules provide for the occupant of the Chair to judge in specific circumstances when these rules have been breached and to take such measures as appropriate to put a stop to the disturbances and to restore the decorum of the House. I have checked the recordings of the Broadcasting Unit and I have ascertained that, indeed, hon. Armance is seen taking pictures from his cell phone. I am, therefore, inviting the hon. Member...

(Interruptions)

Now, I think I will have to order you out and hon. Baloomoody at the same time, because I said that...

(Interruptions)

I think you know the Standing Orders, when I am on my feet and I am giving a ruling! You are taking it as flimsy; you are defying the authority of the Chair! Apologise, hon. Baloomoody!

(Interruptions)

And you also, apologise! Stand up and apologise!

Mr Baloomoody: I apologise.

Madam Speaker: Yes! And don't try to defy the authority of the Chair, I will take action!

I have checked the recordings of the Broadcasting Unit and I have ascertained that, indeed, hon. Armance is seen taking pictures from his cell phone. I am, therefore, inviting the hon. Member to tender his apologies to the House failing which I will have to take appropriate action.

Mr Armance: Thank you, Madam Speaker. If those are the rules of the National Assembly, I adhere to that and I apologise, but I want to maintain that I never took a picture of hon. Sinatambou, I have snapshot my...

Madam Speaker: No! I am not interested to know whether...

Mr Armance: Let me finish, please.

Madam Speaker: Please! Please, resume your seat! I am not interested to know whether you were taking pictures of hon. Sinatambou or of any other hon. Member, what I want you to do is to tender your apologies to the House. Either you want to tender your apologies or not? You do not have to explain anything on the ruling of the Chair.

(Interruptions)

Hon. Thierry Henry, you are giving me instructions? *Non?* Okay!

Do you apologise, hon. Armance?

Mr Armance: I did apologise, Madam Speaker. I said if it is the rules of the National Assembly, I adhere to it and I apologise, but I maintain that I never took the picture of hon. Sinatambou.

(Interruptions)

Madam Speaker: No, I don't want to hear...

(*Interruptions*)

Okay, hon. Fowdar!

(10.09 p.m.)

Mr S. Fowdar (Third Member for Grand'Baie & Poudre d'Or): Thank you, Madam Speaker.

Madam Speaker, listening to the previous orator, I was thinking like I was in a tripartite meeting, unions on this side, bosses on the side and you are the Government. It appears to me that on this side of the House they are not happy at all with the Bill, although they say they are going to vote, but then, they make hundreds of complaints regarding the Bill.

Hon. Dr. Boolell in his speech mentioned job losses, 12,000, collective bargaining, depreciation of the rupee, save jobs. It's all to do with economy and it seems like they are scared with the Bill. But, Madam Speaker, they are scared with the Bill, they are really embarrassed with the Bill. The Bill is so good and the Bill is working so well in the public that it is making their work hard. It is very difficult for them to go out and criticise the Bill. I must congratulate the Minister of Labour who has brought this Bill together with the Minimum Wage. We have to congratulate his staff as well. In fact, he is the winning horse of this Government...

(*Interruptions*)

No doubt, he is the winning horse. These are the things that people appreciate, Madam Speaker. We are not on this side only being elected by workers of this country, but both sides and we should all of us be on the side of the workers. Why is it that, today when it comes to give something to workers, what they deserve, we are talking of economy, adverse economic effects, jobs losses? All the time it is for the workers to bear the brunt, it's for them to suffer all the time, but, fortunately, Madam Speaker, with this Government, with the Prime Minister and his team, and the Minister, we have come with this Bill before the end of this mandate. I will be very honest; it seems that they are not happy at all; *ils font semblant*. They will vote, but they are very embarrassed with the Bill.

Now, the Deputy Prime Minister mentioned what I had in mind to say, that this Bill is about rights, about security, about betterment of the conditions of work; it is about moral,

financial and psychological stability of workers. Now, all this, Madam Speaker, we have all learned at school: Maslow's hierarchy of needs, Herzberg, Frederick Taylor. And all these people have said that when workers are happy there is going to be efficiency, and when there is efficiency, *les patrons*, the bosses, they reap, they get more profit; there is GDP growth. Why are we scared, why do we want to punish the workers, why do we want to deprive them of their rights, let's see give them what they deserve and let's see what happens. I am sure when workers are motivated, there is more efficiency and there will be more output - I think the Leader of the Opposition was talking about GDP compared to Singapore - then, we can reach what we want to reach, a GDP like Singapore.

Madam Speaker, Tara Knitwear, problems in the EPZ, there are lots of things being said on this side of the House to scare the population. On this side of House, we are here to secure the workers. Now, I would like say one thing, Madam Speaker, - I know I have got only five or ten minutes to deliver my speech, not more - never ever before in the history of Mauritius had it that in one mandate, a Government has done so much for the workers. Never ever! Now, the Prime Minister has enumerated - I would like to say once again, Madam Speaker, salary compensation has always been above the inflation rate, never below. Madam Speaker, nobody knew about Negative Income Tax, workers never asked for Negative Income Tax, this was introduced by this Government. Now, 70,000 workers are getting money from the MRA - MRA is a bulldog, they scare people, but, this time, MRA is the God for some people, they are paying these workers and what more, Madam Speaker, today this Bill and before that the Minimum Wage. You remember, Madam Speaker, everybody was scared of the Minimum Wage. We were all sacred that there would be job losses, closure of factories, we have to save jobs, it is going to be catastrophic and what not; but nothing happened. The Minimum Wage is in practice, there has been no job losses. So, we have three things, Madam Speaker, we have the salary compensation which has never been below the inflation rate, we have the Negative Income Tax, and then the Minimum Wage, but adding one more thing to it, Madam Speaker, is this Bill. This is unprecedented. The paragraph of the Bill that we have the conditions is unprecedented, and one of the measures in the Bill which is of much interest to me, is the Portable Retirement Gratuity Fund. *Sans précédent, Madame la présidente!* And this is what we have been fighting for all the time.

For ages we have been fighting how we can make private sector and the public sector on the same footing, and this is what we are doing with this Bill. There would be no difference; people can choose any one of the two, it will be the same because people prefer to

work in the Civil Service because they have the lump sum, they will get a good sum of money when they leave. With this Bill, this is what is going to happen. The Gratuity Retirement will be carried forward, will be kept until the worker stops working. So, Madam Speaker, this Government has done a lot for the workers and there has been no Government before having done so much for the workers of this country, and this is, of course, embarrassing the Opposition.

Now, Madam Speaker, saying all that, I also recognise that we have to strike a balance; what to give to the workers, what to give to the bosses, we have to make it in such a way that the economy does not suffer. But we have also to understand that the workers' also do not suffer. And this time I think we are doing an exception, we are looking at the workers. At the same time, I know that the bosses are not happy; they have to provide for funds, which I understand, but let them provide, Madam Speaker. Let the workers, for one time in the history of this country, let them work in peace, let them work with motivation, let them work for the benefit of this country, let them work to increase the GDP of this country and let them work in peace once again, Madam Speaker.

Madam Speaker, I have a lot to say, but I will stop here. I understand that you are going to ask me to sit down if I continue. So, once again, I will thank the Minister. As I said, he is the winning horse of this Government and their staff also.

I thank you all and thank you, Madam Speaker.

Madam Speaker: Hon. Wong Yen Cheong!

(10.18 p.m.)

The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong): Madam Speaker, let me seize this opportunity to congratulate, first of all, my colleague Minister and friend, hon. Soodesh Callichurn, for coming up with such bold and prompt actions to further consolidate the rights of workers through the introduction of the Workers' Rights Bill 2019 and the Employment Relations (Amendment) Bill 2019. I really want to be very short because everything that I wanted to say in my speech has been said by most of my colleagues around, but there is one or two things on which I want to intervene Madam Speaker, *c'est à propos les mesures que ce gouvernement est en train de prendre aujourd'hui, et pas seulement aujourd'hui, cela date de 2015.*

Nous pensons, nous travaillons ensemble, en collégiale, comment faire pour que le pays avance. Ce n'est pas seulement par certaines petites actions que nous prenons, mais nous

pensons beaucoup loin. La dernière fois, j'écoutais mon collègue Maneesh Gobin qui disait que, quand on pointe vers la lune, on regarde la lune, on regarde son doigt. Et là, justement, il y a des mesures que mon collègue a apporté, tel que *Flexitime*.

Laissez-moi vous dire, Madame la présidente, que le *Flexitime*, lorsque j'étais ministre de la Fonction publique, je pensais à quelque chose qui pourrait apporter du bien au pays et non seulement pour les fonctionnaires mais dans l'ensemble du pays.

J'ai entendu le Premier ministre venir faire des commentaires que le pays aujourd'hui dépense environ quatre milliards de roupies en gaspillage dans le *traffic jam*, dans la congestion routière. Et en 2023, cela va atteindre 10 milliards de roupies si nous ne faisons pas quelque chose. Déjà, le métro va alléger énormément cette dépense inutile - les gens qui s'asseyent inutilement, sans rien faire dans une voiture, dans un parcours qui fait seulement 20 minutes, des fois on peut s'asseoir le matin pendant une heure et demie.

Donc, aujourd'hui, avec le *Flexitime*, ce que nous faisons c'est rallonger, c'est comme faire les gens sortir à des différents moments de la journée et rentrer beaucoup plus tard aussi. Aujourd'hui dans la fonction publique, il y a 22 ministères qui ont déjà appliqué cette mesure. Nous voyons la différence pour les fonctionnaires qui viennent travailler le matin au lieu de rester bloqués dans le trafic. Ceux qui ont pris cette option de *Flexitime* en trois façons; soit ils arrivent à huit heures moins le quart, ou neuf heures moins le quart, ou dix heures moins le quart, et bien sûr, ils repartent plus tard. Cela a créé deux heures de plus dans la fonction publique sans que le gouvernement ne dépense un sou de plus.

Aujourd'hui, le privé va venir appliquer cette même mesure, et moi je salue cette initiative car je pense qu'il y a un jeune ministre qui est là, qui aurait pu penser à sa carrière politique, et dire : « Voilà, je prends les mesures pour perdurer, parce que j'ai une longue carrière politique. »

Et aujourd'hui, si nous prenons de telles actions, c'est parce que tout simplement nous pensons que c'est quelque chose qui est bien pour les travailleurs, pour que le pays avance pendant une très longue durée, pour que le pays puisse bénéficier de tout cela.

Une chose qui me vient à l'idée c'est qu'on dit toujours « *Happy bees make better honey* » et voilà ce que nous sommes en train de faire. Nous voulons que les travailleurs soient heureux et que tout le monde peut bénéficier et peut avoir un meilleur rendement. Moi-même, j'ai des parents qui sont dans le commerce, qui font de la distribution et je peux vous dire qu'ils ne sortent presque plus parce qu'à l'heure où tout le monde vient travailler - 08.00

heures du matin pour rentrer à 04.00 heures de l'après-midi - ils chargent leurs camions la veille, le soir, et le matin ils sortent à 5.30 du matin, bien sûr avec les travailleurs qui sont en accord avec les employeurs, et ils arrivent à faire un meilleur rendement de travail. On gaspille moins en essence et les gens sont contents, ils ne sont pas bloqués dans le trafic. Il y a ceci, et puis, d'un autre côté, je vois dans ce que le ministre a aussi apporté c'est pour les congés de maternité. Je ne peux que saluer cette initiative qui est arrivée aujourd'hui. Je pense qu'un enfant - ce que beaucoup de pays le font déjà - a besoin de sa maman, non seulement pendant trois mois, mais bien plus longtemps que cela.

J'ai deux sœurs qui travaillent au Canada, l'une est dans l'éducation, consultante pour le gouvernement au Toronto, et l'autre c'est une grande compagnie américaine. Mes deux sœurs, pendant les derniers 15-20 ans, je crois qu'elles n'ont jamais été au bureau, elles font le *distance working*. Elles sont toutes deux à la direction mais elles n'ont jamais voyagé et perdu du temps dans les voyages et cela donne beaucoup plus de satisfaction. Elles ont été promues à chaque fois en travaillant à distance sur leurs ordinateurs. Il y a le moyen de le faire aujourd'hui. Alors, comme je dis, je ne vais pas être très long. Ce sont deux choses auxquelles je voulais intervenir. Je vois tout simplement l'avenir avec un Premier ministre, Pravind Jugnauth, et cela ne peut être que meilleur, un avenir ensoleillé pour tous les Mauriciens.

Je dis bravo, donc, à l'équipe du ministère du Travail; je dis bravo au ministre, et merci au gouvernement de venir avec ces deux lois.

Merci.

Madam Speaker: Hon. Ganoo!

(10.24 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madame la présidente, je suis un de ceux qui est le plus heureux aujourd'hui avec la présentation de ce projet de loi. Je m'explique, Madame la présidente. Depuis 2008, je me suis systématiquement exprimé contre les deux textes de loi qui furent introduits au Parlement durant ces années, lesquels textes de loi se sont avérés comme un outil pour malheureusement empirer la situation précaire dans laquelle les travailleurs de ce pays se trouvaient déjà et aussi pour enlever certains de leurs droits acquis.

Le *Hansard* est disponible pour en témoigner. Je me souviens, Madame la présidente, lors des débats ayant trait à ces deux textes de loi, le leader de l’Opposition d’alors, notre ami, feu Jayen Cuttaree et moi-même, nous étions les porte-paroles de l’Opposition.

Nous nous sommes battus pour faire obstacle à certaines provisions rétrogrades de cette loi tant décriées. A cette époque, il y avait aussi l’ancien ministre Soodhun qui était le porte-parole du MSM et qui était dans l’Opposition. Je me souviens il avait fait une cinquantaine des propositions d’amendement à ces deux textes de loi. Les débats avaient pris fin aux petites heures du matin et nous avions littéralement supplié le gouvernement d’alors d’entendre raison et de référer les deux projets de loi à un *Select Committee*. Et depuis, en tant que parlementaire de l’Opposition, je n’ai jamais cessé systématiquement d’interpeller les différents ministres, qui se sont succédés au portefeuille du travail, d’apporter les changements nécessaires aux deux textes de loi concernés.

L’honorable Rutnah nous avait rappelé, vendredi dernier, une question parlementaire que j’avais, moi-même, posé au ministre du travail, concernant le licenciement qu’avait provoqué l’introduction de ces deux textes de loi. Et je viens de jeter un coup d’œil sur cette question, le ministre Shakeel Mohamed avait alors répondu qu’il était d’accord que, dans l’espace de deux ans ou deux ans et demi, 15,000 emplois avaient disparu, Madame la présidente. Il avait dit : ‘*I acknowledged that certain employers have made an abuse of these enactments*’.

Depuis 2008, donc, je n’ai cessé d’interpeller le gouvernement sur l’urgence de revoir l’*Employment Rights Act* et l’*Employment Relations Act*. A l’intérieur de cet hémicycle, pendant nos plusieurs conférences de Presse, dans les forums débats organisés par le Mouvement Patriotique avec les forces syndicales, ainsi que les forums organisés par les autres centrales, nous avions soutenu les syndicats pour revendiquer l’introduction d’un nouveau cadre légal qui assurera un environnement plus propice en termes de relations industrielles. A la veille du premier mai de cette année-ci, Madame la présidente, j’avais, moi-même, lors d’une conférence de Presse, regretté que le ministre, que le gouvernement n’avait pas tenu ses promesses électorales. Et j’avais dit que les amendements aux deux textes de loi - parce qu’à l’époque, je croyais, on croyait qu’il y aurait les amendements aux deux textes de loi, et non pas un nouveau *Workers’ Rights Bill* - j’avais dit que ces deux textes de loi auraient dû être présentés le mardi, avant la célébration de la fête du travail du premier mai, comme un cadeau aux travailleurs de ce pays.

Mais, mon engagement, Madame la présidente, en ce qui concerne le combat pour les droits des travailleurs, les ouvriers de ce pays, ne date pas d'hier. Mon parcours a commencé en tant que conseiller légal de plusieurs centrales syndicales, le GWF et d'autres encore, tout au début de ma carrière d'avocat. J'avais même fondé la Fédération des Travailleurs Unis, avec Showkutally Soodhun, Alain Laridon et feu Peter Craig. Le siège social de cette fédération, pendant ces premières années de balbutiement, se trouvait dans mon cabinet d'avocat. Et lorsque j'entendais l'honorable Baloomoody dire qu'il avait organisé une conférence de Presse avec l'ancien ministre Soodhun, pendant laquelle conférence de presse, M. Soodhun avait exhibé ses jambes mordues par des punaises aux journalistes, et c'était dans le bâtiment où se trouve le Bacha Building, c'était là mon ancien cabinet d'avocat, c'était là que j'opérais comme avocat à cette époque, et c'était le siège social de la nouvelle fédération, la Fédération des Travailleurs Unis. Les années ont passé, le monde a changé, et je suis heureux que ma passion pour ce combat ne s'est jamais estompé et que j'étais toujours *on the right side of the fence*.

Madame la présidente, avant de venir au projet de loi et procéder à une étude détaillée de ces deux textes de loi, devant nous, ce soir, et pour mieux les circonscrire, il nous faut remonter dans le temps. L'histoire du droit de travail mauricien nous démontre que les relations industrielles, à Maurice, n'ont jamais été égalitaires, mais elles ont démontré, au contraire, qu'elles incarnaient la loi du plus fort, ainsi résultant, très souvent, à des abus, à de l'oppression. Et pourtant, le droit du travail doit avoir une finalité précise, celle de la protection du faible contre le fort. Commençons par le système de l'engagisme, Madame la présidente, qui débuta dans les années 1884 et qui se termina au début du 20^{ème} siècle. Il est l'exemple le plus flagrant de cette inégalité. Malgré les contrats en question qui étaient à durée déterminée, régis par le Code Civil et qui limitaient les cas d'abus, très rapidement le législateur d'alors enleva beaucoup des mesures assurant la protection des travailleurs sous la pression des employeurs. Mais même avec la fin de la période dite de l'engagisme, les conditions des travailleurs de ce pays, en particulier, dans l'industrie sucrière étaient toujours déplorables et oppressives. Rappelons-nous les affrontements de Flacq en 1937, de Belle Vue Harel en 1943, lesquels terminèrent en bain de sang et qui furent provoqués par les doléances des ouvriers d'alors et leurs conditions de travail ayant trait à leurs salaires.

La législation, à cette époque, avait plutôt pour objective principale de réglementer l'immigration de ces coulis dans le cadre de ce qu'on appelait 'les contrats d'engagement'. Ces pourquoi ces lois d'alors étaient connues comme *the Immigration and Labour Laws*, et

ce n'est qu'à partir des années 30, que le droit du travail démontrait des débuts d'un interventionniste de la part des autorités, afin de corriger l'inégalité existante entre ces deux forces sociales. Mais il est aussi exact de dire, Madame la présidente, de rappeler que ces années 30 et fin 30, témoignèrent aussi du réveil de la classe ouvrière sous l'impulsion du Parti travailliste. Cette nouvelle conscience ouvrière pesa de tout son poids et expliqua les concessions forcées et l'infléchissement des autorités coloniales d'alors. Les premiers jalons pour l'émancipation des travailleurs eurent lieu pendant ces années et c'étaient les années suivantes et précédentes la création du Parti travailliste. C'est dans ce contexte que l'*Employment and Labour Ordinance* de 1938, le *Minimum Wage* de 1943 traitant des problèmes concernant le contrat de travail, les préavis en cas de rupture, les conditions d'emploi, les paiements salaries, le *Boilers Act* de 1934, le *Safety of Dockers Act* de 1937, le *Workers Compensation Act* de 1939 furent l'expression, le résultat et le fruit de cette lutte de nos premiers tribuns. Et c'est dans ce contexte que toutes ces lois, le *Labour Ordinance* de 1938, le *Minimum Wage Ordinance* de 1943 traitant les problèmes concernant le contrat de travail, le cas de rupture, etc., ont vu le jour, Madame la présidente. Ce n'est pas certainement une coïncidence que les premières dispositions concernant la protection et la sécurité de travail furent mises en place durant cette période.

Les diverses législations des années 50 continuèrent à prescrire des conditions de travail meilleures pour les employés dans différents secteurs et en 1963, comme nous a rappelé toute à l'heure le *Deputy Prime Minister*. Le *Termination of Contract Service Ordinance* introduisit le concept d'indemnité de licenciement qui devait être payée en cas de rupture de contrat de travail d'un employé et en cas de plus d'une année de *continuous employment*.

Cette protection du plus faible a eu aussi comme source, Madame la présidente, la nécessité des autorités à l'époque de se conformer aux différentes conventions de l'Organisation Internationale du Travail et aussi dans le cadre d'une nouvelle jurisprudence mauricienne dont un des soucis principaux était aussi la protection du salarié. Et vint finalement, Madame la présidente, en dernier lieu, le *Employment Rights Act* et le *Employment Relation Act* de 2008 qui apportèrent, malheureusement, une autre dimension aux relations entre patronat et travailleurs et qui s'appesantirent, qui ont mis en relief la dimension économique de cette relation. Par le biais de ces deux textes de lois, le patronat mauricien fit de sorte de remettre en cause les objectifs du droit du travail. En effet, ils ne devaient plus être une protection de faible contre le fort, il était question maintenant des effets

de la globalisation et toute la problématique de compétition et d'autres critères économiques. Effectivement, regardons la section 97 de l'*Employment Relations Act* qui est toujours devant nous. Cette section impose l'obligation à l'*Employment Relations Tribunal*, la *Commission for Conciliation and Mediation* et du NRB qu'ils doivent prendre en considération des éléments tels que, je cite –

'The need for Mauritius to maintain (...)'

Dans un texte de loi ayant trait aux relations industrielles, voyons ce que dit cette Section 97 –

'The need for Mauritius to maintain a favourable balance of trade and balance of payment, the need to ensure the continued ability of the Government to finance development programmes and recurrent expenditure in the public sector, the need to increase the rate of economic growth, the need to preserve and promote the competitive position of local products in overseas markets and the capacity to pay of enterprises.'

Ce nouveau discours économique officiel vantant les charmes de la dérégulation et de la règlementation attira les foudres de la classe syndicale après 2008, qui appréhendaient les effets pervers de ces deux textes de loi du point de vue social. Je me souviens encore comment le ministre d'alors en présentant les deux textes de loi faisaient état que le contexte avait changé, que notre cadre légal devrait s'adapter aux nouveaux défis, notamment l'arrivée de la globalisation et ils disaient que *the main reason for the review is an obsolescence of the provision of our laws which no longer responded to the realities of the labour market in a rapidly changing global economy.*

Et force aussi est de se rappeler cette fameuse remarque de l'honorable Cuttaree qui résuma bien notre position lors de ce débat passionné de 2008, je le cite –

'However, Mr Deputy Speaker, Sir, liberalisation as proposed here in this legislation is being done through the destruction of the protection of the worker which should be the cornerstone of any socio-economic programme.'

Revenant aux deux projets de loi, Madame la présidente, d'emblée je dois dire que le *Workers' Rights Bill* contient, en majeure partie, des provisions innovatrices dans le domaine de la protection des travailleurs avec pour but d'humaniser les relations industrielles. Qui peut nier ça ? En conséquent, cette loi est venue aujourd'hui pour rehausser la dignité du travailleur en leur assurant une meilleur sécurité et protection. Hormis les multiples

amendements proposés ayant trait aux conditions de travail de notre main-d'œuvre et la panoplie de mesures en faveur des travailleurs, pour moi, cette loi propose trois mesures phares sur lesquelles je voudrais faire certains brefs commentaires, Madame la présidente. En premier lieu, le *Redundancy Board*, cet organisme, comme nous le voyons tous, et ceci a été dit avant moi et pour le dire d'une autre façon, est la réincarnation du *Termination of Contract Service Board* introduite dans nos lois passées, le *Labour Act* de 1975 et qui agissait comme un garde-fou pour freiner les licenciements abusifs des patrons. Il incombait sous cette loi à l'employeur d'obtenir l'aval de cette institution avant de procéder au licenciement, au *reduction of his workforce*. Je ne veux pas aller dans tous les détails.

But what the 2008 Enactment provided was that there was no need any more for the employer to give any valid reasons to justify the laying off or the reduction of the workforce and this opened, of course, the door to abusive, indiscriminate and massive termination of employment.

Ce fut un chèque en blanc gracieusement offert au patronat de ce pays. Et il est approprié, Madame la présidente, objectivement je le dis que *the law has been amended today* et que les pendules ont été remises à l'heure.

It is also good now that the burden of proving the existence of a valid reason for the termination of employment rests on the employer as provided for *dans la Section 72(5) du Workers' Rights Bill* and this is in line, *Madame la présidente*, with the ILO Convention which provides that the burden of proving the existence of a valid reason for the termination of the employment shall rest with the employer.

So, therefore, Madam Speaker, the proposal for the setting up of this Redundancy Board will correct an injustice, a gross injustice meted out to thousands of employees who have been thrown on the pavement in these past years. And the Bill also provides that, besides in Section 73, for the imposition of negotiations with the trade union, that is, before the employer gives notice of the intention to reduce his workforce, of laying off his employees; the burden is on him to negotiate with the trade union when he intends to reduce the number of workers except in the case of *force majeure* and I will come to that in a few minutes. The employer has to notify and negotiate with the trade union to explore the possibility of reduction of workforce or closing down of his enterprise. This is now in the law. It is a structured provision in our law but, where no agreement has been reached, the employer is bound to give written notice to the Redundancy Board at least 30 days before the

intended reduction or closing down. And if the reduction and closing down of enterprise are unjustified, the Board makes an order for the payment of compensation of three months remuneration per year of service.

But the law goes further, Madam Speaker, and in Section 72(11) on the finding that the reasons for the reduction of the workforce are unjustified, the Board may order the employer to reinstate the worker in its former employment with payment of remuneration from the date of termination of employment to the date of reinstatement. But the law does not stop here, it also provides that the order of the Board shall be enforced in the same manner as an order of the Industrial Court. But, in the event that the Board finds that the reduction of the workforce is justified, that is, there are valid reasons for the employer laying off or reducing his workforce, the worker will be entitled to a compensation of 30 days. He will be paid his unpaid wages and other benefits and he will be entitled, I understand from my reading of the law, to join the Workfare Programme.

So, such types of provisions and measures, Madam Speaker, which were not to be found in our statute books, in our legislations are objectively progressist provisions, democratic legislations, industrial legislations, Madam Speaker.

Now, I come to this question on in case of *force majeure*. Section 72 (1) we see the words ‘except in case of *force majeure*’, I don’t think I have to read it, so many allusions have been made to this particular clause, Madam Speaker –

“An employer who intends to reduce the number of workers in his employment, either temporarily or permanently, or close down his enterprise, shall, except in case of *force majeure*, notify and negotiate with the trade union and so on.”

The whole process starts but in case of *force majeure*, he has a different avenue, a different path that he can take. We know that the words ‘in case of *force majeure*’ have replaced the words ‘where good cause is shown’. There was an objection, I understand, by certain trade union leaders to this expression ‘where good cause is shown’ and the Minister has deemed it fitter, wiser to substitute ‘where good cause is shown’ by ‘in case of *force majeure*’.

But in my humble opinion, Madam Speaker, I heard different speakers *et non pas des moindres* giving their opinion on this expression ‘in case of *force majeure*’, I think, the last Speaker, on the side of Government, the DPM who said it will be the Board which will interpret ‘in case of *force majeure*’ and we heard from this side of the House that it will be

the patron, the bosses who will decide what is *force majeure* and then they will take the decision they want to take whether to notify or not.

But in my humble opinion, the solution and this is the proposal I would like to make to the hon. Minister, I think, when the Minister decided to do away with the words 'where good cause is shown', there was no need to replace it by the word '*force majeure*'. Let us leave it as it is. Now, we have to remove the words 'except in case of *force majeure*' and therefore, we have already done away with the expression 'unless good cause is shown'. According to me, there was no need to replace it by the words 'except in case of *force majeure*'. The idea of such a proposal is to leave it to the Redundancy Board to decide whether the employer who intends to reduce the number of his workforce is doing this for justified or unjustified reasons. Let the Board decide. The lawyers of the employers will come and say there has been *force majeure*, Mr Chairman or Mr Vice-President of the Board. Then, the Board will appreciate in its wisdom, in its sovereignty whether, in fact, the decision to lay off or to reduce the workforce were motivated by reason of *force majeure* or not. And we see that the law provides that this Redundancy Board shall be chaired by a President or Vice-President who are qualified for appointment as a judge of the Supreme Court who have held Judicial Office.

Therefore, the Board is competent enough to decide whether the reasons for the reduction of the workforce or closing down are justified. Leave it to the Board to decide whether there has been good cause shown, *force majeure* or whatever reasons. It will be, therefore, the Board, in its sovereignty, which will finally rule whether the reasons for the reduction, for the laying off are justified or not.

The other question I would like to put to the hon. Minister is, the law is silent on how many workers can the employer lay off, reduce before he has to trigger the whole process, that is, an employer with 200 employees, he wants to lay off 3 or 4 employees, the law is silent on this issue, Madam Speaker. Unlike the Labour Act of 1975 which said in section 39 of the Labour Act - "employer means an employer of not less than 10 nor more than 100 workers who intends to reduce the number of workers in his employment by 10 or more." So, 10 or more with an employer having more than 100 workers, it is then that he has to notify and to give notice to the Termination of Service Contract Board as it was called in those days. So, will the Minister make any amendment to the law or explain whether there is need, in fact, for the law to spell out what is the minimum number of workers or employees which the

employer decides to lay off before appraising, notifying the unions and afterwards if there is no agreement, no settlement reached, then he has to go to the Board.

I will now comment on the Portable Retirement Gratuity Fund very briefly, Madam Speaker. Again, on this proposal, on several occasions, in line with the claim of a trade union, we have supported this necessary, just and innovative measure. But the coming into operation of this PRGF depends on a lot of preparation, organisation and coordination. When we go through the law, we see how complex it is, Madam Speaker. The administration of this fund will be under the responsibility of the Ministry of Social Security. The employers have to pay to the Director of the MRA, their contribution in respect of the workers in their employment. The Bill provides for the payment of contribution for past services of a worker also. An actuarial evaluation of the PRGF has to be conducted for its evaluation. The law also provides for the setting up of a Portable Retirement Gratuity Fund Advisory Committee and also an Investment Committee for the fund. There is a lot on the plate of the Ministry of Labour.

In view of such a heavy workload, one can understand the legitimate questions of Members of the Opposition put and their doubt expressed as to the coming of operation of this Bill before next elections. This important responsibility of making this piece of legislation functional rests on the shoulders of the Minister who, we hope, will expedite matters in order to make this long cherished dream of the unions on the workers of this country, a concrete reality.

With regard to another important innovation in this Bill, Madam Speaker, that is, the Wage Guarantee Fund Account, Section 40 of the Bill which deals with this new measure provides that –

“The purpose of this account shall be to pay remuneration due to a worker up to an amount Rs50,000.

Where an enterprise in which the worker is employed is considered to be insolvent by the Supreme Court.”

Concernant cette proposition, Madame la présidente, à maintes reprises j'avais attiré l'attention du ministre à travers nos conférences de presse sur cette garantie d'indemnité de retraite où des salaires non payés en cas de fermeture d'entreprises. Je me souviens après la fermeture de Palmar Ltd au début de cette année-ci, 19 janvier 2019 plus précisément, c'était un samedi, à travers une conférence de presse que j'avais tenue, j'avais souligné les injustices

auxquelles faisaient face les travailleurs de Palmar Ltd qui se sont trouvés sans emploi du jour au lendemain. J'avais alors réclamé aux autorités du pays de s'inspirer du *Insolvency Act* de la Grande-Bretagne où existe un fonds qui vient en aide aux licenciés après une fermeture pour cause de faillite. J'avais à la même occasion proposé la révision de notre loi pour permettre aux travailleurs de bénéficier d'une protection en cas de faillite ou de liquidation.

Cette mesure, Madame la présidente, qu'on retrouve dans le projet de loi aujourd'hui est certainement à la hauteur d'un pays soucieux des conditions de la vie de sa classe ouvrière et elle est l'apanage de presque tous les pays démocratiques du monde. Mais quel est le fondement de cette mesure, de ce privilège? Quelle est sa rationalisation, Madame la présidente? Elle est claire, elle est simple. Le travailleur met à la disposition de l'employeur sa force de travail, mais en principe, il ne participe pas au profit de l'entreprise. L'idée, donc, est que les salariés de par le monde et de notre pays ne doivent pas supporter le risque de l'insolvabilité de l'entreprise. C'est un raisonnement logique et nous souhaitons, une fois pour toutes avec l'introduction de cette mesure, tourner une page sur toutes les souffrances qu'engendraient les fermetures des usines et d'autres entreprises de notre pays.

Madam Speaker, who does not remember those enterprises that collapsed Avanti Ltd, Queens Wear, Unistar Ltd and the more recent case of Palmar Ltd and others also, whereby thousands of poor heads of families with tears, principally destitute mothers and widows with small kids under their care and responsibility, made suddenly redundant unscrupulously, unjustly, insidiously and left without a cent in their hands. We have all in this House seen on TV, heard on all our radios, we have heard about these pathetic and dramatic instances of savage capitalism taking its deadly toll, Madam Speaker. Right now, *le ministre, je crois, a sur ses bras le cas de Textnit* which is also going to give a blow to hundreds of unfortunate workers, Madam Speaker.

Donc, c'est eu égard de tous ces drames que nous avons témoigné, nous-mêmes, récemment, que nous ne pouvons, aujourd'hui, mesurer, juger le poids de cette mesure que nous sommes appelés à voter dans quelques minutes, Madame la présidente.

There are some other clauses in this Bill, but too many of them, on which one can make various comments, Madam Speaker, but I will go very quickly. I would like to comment on section 64. I would like to come on section 64(5), the question of Protection against termination of agreement. I will take up a point, which my hon. friend Baloomoody, raised a few minutes ago, this question about the Disciplinary Committee. Our friends at the

Bar, who are here in this House, who are listening to me and who go very often to represent workers before Disciplinary Committees, we know what type of injustice this is, Madam Speaker. In my long career, as a trade union lawyer, I think, I have won only two cases before Disciplinary Committees. Hon. Baloomoody spoke of thousands of cases in which he has appeared, I don't think I am far away from him. But I think the hon. Minister should have walked the mile which he should have walked, Madam Speaker. I think the Ministry should have found a solution to that problem of presiding Disciplinary Committees. Mr Baloomoody was right. The Chairmen of Disciplinary Committees are paid by *le patronat*, Madam Speaker. And this is an unequal fight, there is no level playing field, Madam Speaker. When the worker is represented by his Counsel, he is accompanied by trade unionist or a labour representative of the Ministry of Labour, it is a lost battle, even before the battle is waged, Madam Speaker.

Mr Reaz Chuttoo and other trade unionists proposed, came up with a proposal that perhaps the Minister, the Ministry should have set up a panel of personalities, people with wide experience in the field of labour legislation and it is from this panel that the Chairman of Disciplinary Committees could have been chosen in order to preside over these Committees, deciding whether an employee has committed a gross misconduct or not. There are other new proposals which have been made like the minutes of proceedings must now be made available to the worker and so on. Good! *Mais où le bât blesse* is this question of who chairs the Disciplinary Committee. As long as we don't have a solution to this problem, Madam Speaker, the battle would not have been won Completely. And this is why I make an appeal to the hon. Minister to find a solution in order to solve this problem of the chairing of Disciplinary Committees where the employees have to go and give explanations to the employer.

Madam Speaker, I applaud also that section dealing with the protection of wages, the provision regarding the garnishment of wages which has been replaced by a protective order now, going to the Judge in Chambers when the remuneration has not been paid in section 35 of the Bill, but I will express also my satisfaction to the new provision found in section 114(2) in the Workers' Rights Bill entitled 'Violence at work', dealing with acts of violence against a worker in the course of his work and subsection 2 goes further to provide that an employer or his agent shall not carry out a search on a worker and this also, Madam Speaker, has caused a lot of injustice *sur le terrain*, in the different enterprises.

Madam Speaker, this section ‘violence at work’ will put an end to the primitive, retrograde mentality of certain employers who are still bent on practices, such as bullying, harassment or verbal abuse, Madam Speaker. And it is in this context that the unlawfulness, the illegality of the action of carrying out a search on a worker does nothing, but restores the dignity of the Mauritian worker and fits well with a country committed to uphold the dignity of the human person and the promotion of human rights, Madam Speaker.

I will lastly comment on the provision in the Employment Relations (Amendment) Bill concerning the power of the Tribunal to make an award for the reinstatement of a worker whose employment has been terminated in certain cases and where some of his rights have been infringed. It is clause 22 of the Employment Relations (Amendment) Bill in front of the House today, Madam Speaker. In this case, the Bill empowers the Tribunal to make an award for the reinstatement of a worker where it finds that the claim for reinstatement is justified, and although in the definition of labour dispute in the Act of 2008, reinstatement was included in the definition of labour dispute, but now, in the present Bill with the amendment of clause 22, the law elaborates more on the cases where reinstatement of a worker can take place, Madam Speaker, since the Tribunal has been empowered to order reinstatement in certain cases of discrimination and other cases which are listed in the amendment today.

Madame la présidente, quand nous applaudissons cette loi progressiste, c'est un étrange paradoxe que, ici, à l'Ile Maurice, nous franchissons un grand pas en avant en termes de la protection des travailleurs et des salariés, mais nous constatons, malheureusement, que tel n'est pas le cas dans beaucoup de juridictions étrangères.

Dans les pays amis, nous avons constaté récemment comment les salariés sont aujourd’hui martyrisés et poussés au suicide par dizaines; les pressions mises sur les employés pour atteindre des *targets* irréalistes et développer des méthodes de vente dégradantes; subjuguer ces salariés à des formations d’appoint et finalement, les persécuter pour qu’ils quittent leur entreprise sans devoir être formellement licenciés. Voilà les pratiques courantes dans d’autres pays supposément être civilisés et démocratiques. Ces méthodes avaient même atteint de grandes entreprises internationales que nous connaissons tous, des spécialistes recrutés comme des terroristes d’entreprises pour pousser systématiquement vers la porte un certain pourcentage du personnel jugé moins efficace. Voilà le management de pointe qui s’adonne à diminuer les salariés pour les réduire strictement à des robots d’aptitude, de fonction et de rendement. Une fois les salariés embauchés, ils doivent trouver eux-mêmes les méthodes de s’adapter et de se réaliser et cette situation a évidemment produit

des effets psychologiques/psychiques jamais vus avant sur les travailleurs et les salariés dans ces autres pays, Madame la présidente. Heureusement, à l'Ile Maurice, nous sommes loin de toutes ces pratiques rétrogrades - heureusement, je dis, Madame la présidente.

Avant de terminer, je voudrais saluer le ministre et ses collaborateurs pour avoir non seulement osé mais aussi résisté, et je le sais, à beaucoup de pressions et de lobby pour diluer l'essence de ces deux projets de loi et faire marche arrière sur beaucoup des propositions que nous allons voter dans quelques minutes, Madame la présidente.

Je voudrais aussi saluer très bas ces syndicalistes, avant-gardistes de cette nouvelle génération, qui ont contribué énormément en termes de propositions et de pressions, il faut le dire, pour faire avancer les choses et rendre possible les textes de loi devant nous ce soir. Je voudrais nommément saluer Reaz Chuttoo, Jane Ragoo, Atma Shanto et Ashok Subron, Madame la présidente.

I will end by saying that in the field of industrial relations, a consensus is always difficult to achieve and total consensus is almost impossible, Madam Speaker, but it is the duty of the State. The State must know how to create that level playing field and when to intervene so that the right balance is struck and today I think Government has, on the whole, passed the test with this democratic legislation and set the scene for a better environment for workers in this country.

I have done. Thank you, Madam Speaker.

(11.09 p.m.)

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Madam Speaker, at the outset, I would like to congratulate and commend my colleague, hon. Callichurn, for advocating and bringing such an important piece of legislation, that is, the Workers' Rights Bill. In fact, it requires a lot of boldness, courage and audacity to come forward with such a Bill.

Madam Speaker, all orators from both sides of the House have opined that there are a lot of good and favourable measures for the working class in this Bill. However, some Members, from the other side of the House, have put forward arguments regarding the timing of the introduction of this Bill. Others have even questioned whether the Bill will be proclaimed before the next general election. We are satisfied that the hon. Minister has,

during the last weekend, brought clarifications thereto and only today, a few hours back, the hon. Prime Minister has provided to the House, and, in no uncertain terms, information to that effect.

Madam Speaker, reform in favour of *l'ensemble des employés* has started a long time back with this Government. I will not comment lengthily since this has been raised in the House. But since these are landmark decisions, allow me just to mention the pay of cleaners, who were exploited with a mere Rs1,500 per month or so.

Maternity leave that has been increased from 12 weeks to 14 weeks. Furthermore, women now enjoy maternity leave at full pay even though they have not completed 12 months of service within any single organisation.

The introduction of National Minimum Wage - the Workers' Rights Bill introduced in this House is yet another milestone in ensuring better working conditions for our labour force.

The main objective of this Bill is to do away with the Employment Rights Act and to come up with a new law which provides for the broadening of safety nets for workers.

On this chapter, I would like to salute all the enterprises which are complying with the policy of Government to offer the national minimum wage to their employees.

Now, coming to the Workers' Rights Bill, Madam Speaker, we know that my colleague, hon. Soodesh Callichurn has had consultations with the different stakeholders including Business Mauritius. Labour laws are meant to protect the rights of employees while putting forth the responsibilities and obligations of employers.

We all agree that the real dilemma is to strike the right balance. Obviously, every piece of legislation is followed by cheers as well as criticisms. I believe that it is essential that, in the midst of opinions and comments, we do not lose focus on the objective of the introduction of a law which reinforces the protection of employees. "Workplace rights are human rights" - statement by Eleanor Roosevelt, American political figure, diplomat and activist.

Madam Speaker, today we are not debating on mere rights of workers. We are debating on human rights.

As a Government, it is our duty to drive the necessary policies to enhance the well-being of our citizens. The Workers' Rights Bill goes in that direction.

Madam Speaker, I will make my observations in relation to the compliance of labour laws by Small and Medium Enterprises.

First of all, I would like to emphasise that whatever be the size of an enterprise, workers' rights should be respected by the employer. Over the past few days, much has been said about the impact of the new Bill on the operations of SMEs.

We are all aware that SMEs compete in a highly globalised environment and they face challenges daily, such as access to finance, markets, new technologies and, last but not the least, scarcity of manpower.

The figures bear testimony to the fact that SMEs are also largest providers of jobs. Studies of the International Labour Organisation suggest that SMEs provide two-thirds of all formal jobs in developing countries in Africa, Asia and Latin America, and 80% in low income countries, mainly in Sub-Saharan Africa. 50% of total employment creation comes from enterprises with less than 100 employees.

The ILO, thus conclude that, in a fast changing market environment, smaller enterprises are and will be key players in shaping the challenging reality of labour markets around the world.

In Mauritius, SMEs is considered as one of the most challenging and promising sectors with a contribution of 33% of Gross Value Addition and 49% of total employment. These figures relate to 2017. Our ambition is to raise SMEs' share of total national employment to 64%. The SME sector is destined to become the backbone of our economy.

The level of my Ministry and SME Mauritius Ltd, we have always sought ways to reinforce the entrepreneurial landscape. New legislative framework, various schemes, training programmes, amongst others, have been developed to cater for the needs of our entrepreneurs.

Moreover, in successive budgets, the hon. Prime Minister and Minister of Finance has always introduced fiscal measures as well as financing schemes in favour of SMEs. We believe in the capacity of our entrepreneurs to do amazing things, which contribute to the economic growth of our country.

Madam Speaker, through the enactment of the Workers' Rights Bill, Government wishes to guarantee the protection of every single employee against abuse in any enterprise, without compromising prospects for competitiveness and growth.

Apprehensions have been expressed by entrepreneurs regarding particular Clauses of the bill such as –

- Clause 13 which provides for Fixed Term Agreement;
- Clause 23 which details conditions pertaining to Shift Work;
- Clause 47 which relates to Vacation Leave, and
- Clause 87 which provides for the introduction of the Portable Retirement Gratuity Fund.

Madam Speaker, it is important to note that all these Clauses, which have been subject to criticisms, are, in fact, in line with standards recommended by ILO. By implementing such measures, Government is seeking to promote social justice.

In the quest to achieve social justice and to promote the rights of employees, the ILO is of the view that SMEs should not be excluded from compliance to labour laws.

Let me quote an extract of a working paper from the ILO, entitled Labour and Labour-Related Laws in Micro and Small Enterprises: Innovative Regulatory Approaches, and I quote –

“The basic idea that the application of labour law to Micro and Small Enterprises imposes unsustainable costs itself overlooks the benefits that can flow from compliance with labour laws, including the development of a safer, happier, and more productive workforce.”

In fact, last year, the ILO also commissioned a report entitled “The impact of social dialogue and collective bargaining on working conditions in SMEs” to indicate the importance that they attach to the quality of work in SMEs.

Over the past few years, the share of total employment in SMEs in the world has been growing, from 31.2 % in 2003 to 34.8 % in 2016 according to the 2017 World Employment and Social Outlook of the ILO. It is expected that SMEs will continue to act as important drivers of employment and growth.

Madam Speaker, if we wish to promote decent work, SMEs should be able to operate within the scope of a regulatory framework. This will lead to the creation of more productive and remunerative jobs.

Most entrepreneurs whom I have met have always expressed their concerns regarding recruiting and maintaining skilled labour. It is a task that SMEs have to approach with dexterity.

Established corporates are believed to provide better benefits, higher salaries, greater career growth opportunities, and enhanced exposure.

I believe that compliance to the Workers' Rights Bill will give the opportunity to SMEs to change this general perception. SMEs will be able to leverage their unique benefits as a tool to attract and retain scarce talent by consolidating employees' rights.

Madam Speaker, there are two sides of a coin. If we stick to only one side that is spreading the perception that we are burdening enterprises with new labour laws, it will only harm productivity and competitiveness.

If we choose to take into account the other side of the coin that it is, the overall benefits of adhering to laws which protect employees, SMEs will definitely stand to gain.

The more employees feel they work in a fair, professional and safe environment, the more likely they will deliver on jobs assigned to them. Higher job quality is positively associated with higher productivity and with sustainability of growth and development.

Stephen Covey, American author and businessman puts it in such a right way, and I quote –

“Always treat your employees exactly as you want them to treat your best customers”.

This is why I believe that we should not give in to the hype created to jeopardise a Bill which has been drafted to provide security to employees.

Madam Speaker, the progress our country has made since independence is viewed as a success story by many international organisations. We have been taking appropriate measures to adjust to changes in the international environment. Our traditional economic pillars sustained the shocks and at the same time, we set out to lay foundations for the creation of new sectors.

Such a performance does not happen overnight. The best approaches to progress and development require acceptance that change is inevitable.

As we embark on an even more ambitious economic journey to join the league of high-income economies, it is mandatory to review our labour laws.

One of Mauritius key strengths is the strong tripartite partnership between Government, the private sector and the civil society. It is based on this collaboration that we can take our country to new and greater heights.

As we look back to our achievements, the contribution of the private sector is undeniable. They have always played their role to enable the country to achieve its goals. As we now open a new chapter, we wish to find that consensual ground to consolidate the living standards of our citizens.

I have no doubt that employers will abide by new conditions laid down in the Bill. I am sure they have at heart the interests of the workers under their responsibility.

So, let us look beyond our different point of views and instead focus on the beautiful things we can accomplish together when we give employees a fair treatment of what they really deserve.

Thank you for your attention.

Madam Speaker: Hon. Rugoobur!

(11.21 p.m.)

Mr S. Rugoobur (Second Member for Grand'Baie & Poudre d'Or): Thank you, Madam Speaker, for allowing me to say a few words on this Bill. Let me at the very outset join my hon. friends to congratulate the hon. Minister for this very important Bill, Madam Speaker. I was listening earlier, Madam Speaker, to my hon. friend, Minister Bodha, who referred to one of his mandates who came to her explaining about the difficulty of losing job after so many years and I had the same situation. I still remember somebody who came to see me, Madam Speaker, with his mother. He was around 50 years of age, the only breadwinner of the family, whose contract of employment was terminated after 30 years with a security company simply because there was a change in legislation and he could not produce a clean Certificate of Character. *Quel drame, Madame la présidente!*

Madam Speaker, I have got very briefly three issues to address with reference to this Bill. The first issue with this Bill is the achievement at the workplace in the private sector mostly, what are we going to achieve with this Bill at the workplace in the private sector? Secondly, there has been the issue of competitiveness of organisation, of enterprises that has

been raised by some Members. I will come to it very briefly, and finally the role of institutions and trade unions.

Let me start by saying, I think, the Deputy Prime Minister and equally hon. Fowdar mentioned, very briefly, about the achievements at the workplace with this Bill and they were talking about the rights of the workers. But we have to make no mistake about one thing, Madam Speaker, that when we are talking of achievements at the workplace; we are not talking only of the employees. The employers will have to understand that as partners - because nothing is possible - you are not going to succeed in your objective unless the employer and the employees work together towards attainment of the goal of the organisation, the mission of the organisation. In this Bill, Madam Speaker, there are three different aspects when we talk of achievement at the workplace and one is the issue of rights of the employees. It has been sufficiently canvassed in the House, I am not going to come again to it in detail but when we talk of discrimination, several hon. Members have been mentioning about the issue of fairness, transparency in recruitment and promotion in the private sector. *C'est une avancée*, Madam Speaker. This issue of equal pay for equal work, for work of equal value again *c'est une avancée*, Madam Speaker, with this Bill.

But *cette avancée*, Madam Speaker, is not only in the interest of the employee. This is what the employers in the private sector would have to understand, discrimination is one, achievement at the workplace. Second is the issue of stability, Madam Speaker. But sorry, before coming to this issue of job stability, when we are talking of rights, we are also talking of termination of agreement and also payment of severance allowance, compensation that Part VI Subpart 2 of the Bill addresses. *Là aussi c'est une avancée*, Madam Speaker, the termination Clause that we have, compensation. I agree that in many enterprises today, Madam Speaker, this issue of Disciplinary Committee is a sham.

True, maybe gradually the hon. Minister may look at it, for example, the appointment of the Chairman. It is true that we have this issue that probably we will have to address, *mais déjà* when we talk of termination, the procedures today are more stringent. There have been positive changes that have been brought in this legislation, Madam Speaker. So, one is achievement at the workplace. Number one this issue of discrimination.

Second, Madam Speaker is the issue of job stability. It is true. We have to see what we are introducing with this Bill. Initiatives like the creation of a Wage Guarantee Fund. The Prime Minister clarified as from where we are going to finance this Wage Guarantee Fund.

There was, I think, some concerns raised by, I think, hon. Members on the other side of the House but this has been clarified. The creation of a Redundancy Board and this issue of force majeure, probably the hon. Minister might come later on to clarify the definition of force majeure, but still Madam Speaker, if you look at the creation of these institutions, Redundancy Board and the creation of a Portable Retirement Gratuity Fund. All these, Madam Speaker, bring about job stability in the private sector and this is in the interest of the employers. If we look at the high rate of turnover in many organisations, we, Madam Speaker, when we are receiving mandates, people every Wednesdays when they come to see us, they are working in the private sector, but they are more interested to join the public sector. Why? Because of this issue of job stability, this is the main concern. What this Bill is doing, Madam Speaker? This Bill is contributing in ensuring that there is job stability in the private sector and this is in the interest of the employers as well, not only the employees, Madam Speaker, because there is stability. This high rate of labour turnover in many organisations is a real problem. I can tell you, Madam Speaker, that in many organisations today, in their retention strategy, what those employers are doing today. They are already, in many cases, introducing this pension plans as their retention strategy. And we have to understand, Madam Speaker, what we are trying to do is to bring, as I said earlier, a sort of stability and contribute, Madam Speaker. This measure will also bring better protection stability for employees but I am sure we will also contribute in bringing, as I said earlier, better stability with a reduction in employees' turnover.

Now, this was the first issue that I wanted to mention - achievement at the workplace. But with this job stability, Madam Speaker, and consolidation of workers' rights, what does it ultimately contribute to? Third aspect, when we talk of achievement at the workplace, it certainly contributes into better performance of employees. This also has been mentioned by some hon. Members. So, I am not going to elaborate extensively on this. First, let me, Madam Speaker, come to the second issue that I wanted to raise. So, first, with this Bill, is the issue of achievement at the workplace.

The second issue, Madam Speaker, is the issue of competitiveness of an organisation raised by some hon. Members, as if this is going to bring a huge increase in their operational cost. Madam Speaker, when we talk of competitiveness of an organisation, once again, we have to take into consideration three important components. And what are these three important components, Madam Speaker? One is the issue of operations; second is the issue of strategy, and third is the issue of people.

These are three major components that we have to take into consideration when we have to manage an organisation. And these are three major components, if managed effectively is going to contribute into effectiveness of an organisation.

And today, with this Bill, Madam Speaker, what we are looking at is only at the people component. So, my plea to the employers, Madam Speaker, is to request them, apart from this people component, they also have to ensure that they work on an effective strategy, they ensure that they have more efficiency at the level of their operation and this is what earlier, hon. Bodha was referring to when he was saying that we need to have a paradigm shift at the level of organisations in the private sector. And I fully agree with him. We have to review, when we talk of competitiveness, Madam Speaker, we should not concentrate only on people management. Madam Speaker, we are convinced that whatever measures that we have in this Bill is going to contribute into bringing more, into optimising the human resources aspect in organisations with the changes that we are bringing. But at the level of strategy, there need to be better effectiveness and also at the level of operations, they will require better efficiency. This is where at the level of these two components if they are, Madam Speaker, properly addressing these two components, definitely, Madam Speaker, they will ensure that in the long run the objective that they will be fixing for an organisation, they will, I am sure, be successful into meeting them, Madam Speaker.

Now, the third and final point that I wanted to raise relates to, Madam Speaker, the role of institutions and trade unions. Madam Speaker, we are creating some institutions, in this Bill –

- We have this Redundancy Board;
- We have the Workfare Programme Fund Committee, and
- We have the Portable Gratuity Fund Advisory Committee.

Now, all these institutions, Madam Speaker, apart from those already existing are important institutions that have to be manned by people who can, Madam Speaker, contribute into bringing efficiency and effectiveness in their day-to-day management. Because those are important institutions and I will make an appeal to the Minister that he has to be very careful in the choice of the people who would be at the head of these institutions.

Madam Speaker, I know that I do not have much time and I am going to conclude now, but before resuming my seat, only a final note for the trade unions, Madam Speaker. I believe it is important that the trade unions and the employers because no organisation,

Madam Speaker, would be able to meet its objectives which is that of being sustainable in the long run with profitability. No organisation would be able to meet this objective unless there is the synergy between the unions and the employers and what my plea to these unions is today is that we have to work hand in hand with the employers. Of course the Government will be here as a facilitator with these changes that we are bringing because this is what is in the interest of the employees, of the organisation and our country, Madam Speaker. That was my contribution on this Bill.

Thank you very much, Madam Speaker.

(11.36 p.m.)

Madam Speaker: Hon. Boissézon!

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon): Madame la présidente, d'emblée, je féliciterai le ministre du travail et des relations industrielles pour la présentation du *Workers' Right Bill* et des amendements du *Employment Relations (Amendment) Bill*.

Je féliciterai aussi le *Deputy Prime Minister*, qui a présidé un comité ministériel, et les membres de ce comité pour le travail accompli et je ne pourrai laisser sous silence la participation des officiers du ministère du Travail pour la présentation de ce présent document.

Madame la présidente, je serai bref parce que je pense que tout ce qui avait été prescrit dans les deux projets de loi a été disséqué par les différents membres de cette auguste Assemblée, mais nous devons faire ressortir que, historiquement, les lois du travail - et je ne ferai pas de répétition, mais comme ça été dit par l'honorable Ravi Rutnah, l'honorable Baloomoody, l'honorable Alan Ganoo - ont toujours été associées à la protection des droits des travailleurs et cela a progressé jusqu'au remplacement du *Labour Act* de 1975 par le *Employment Act* 2008, qui a causé une rupture dans cette progression de notre travail, le travail qui avait été fait pour la protection des travailleurs. Ce projet de loi a mis l'emphase sur la protection de l'emploi privilégiant un marché de travail flexible, offrant ainsi des avantages aux entreprises allant jusqu'à même diminuer les coûts de licenciement et des heures supplémentaires.

Madame la présidente, je citerai un extrait du discours du ministre du Travail, des Relations Industrielles et de l'Emploi lors de la présentation du *Employment Rights Bill* 2008.

Je cite –

“The Budget Speech had set a motion, a major reform process which necessitates also the reform of our labour laws. The Government policy in this area is very clear whilst creating the flexibility needed for new businesses to locate in our country, try and generate new jobs, the law should also afford the worker a measure of security and protection when he has to change job.”

Deux points retiennent l'attention : flexibilité pour que de nouveaux entrepreneurs viennent à Maurice et flexibilité avait la signification de avantage, avantage, avantage au secteur privé, aux investisseurs, et le second point, c'était protection quand les employés changent d'emploi. Ce projet de loi avait pour but de créer des emplois atypiques et les employées n'étaient pas satisfaits mais durent abdiquer.

Madame la présidente, des orateurs, avant moi, ont clairement démontré chiffres à l'appui que le nombre de licenciements n'a cessé de croître dès 2008, l'emphase étant pour conforter les profits des entrepreneurs occultant les employés. Le mécontentement était si fort que les lois scélérates furent un sujet lors des débats pendant la campagne électorale 2010. Le gouvernement d'alors fit la promesse de revoir la loi. Le MSM, qui avait combattu ce projet de loi en 2008, fut forcé de quitter le gouvernement de l'alliance en 2010, et le Parti travailliste et le Parti Mauricien n'ont rien fait, au contraire, ils n'ont fait qu'exacerber les travailleurs. Malheureusement, cela causa un sérieux débordement dans le monde du travail. Nous avons beaucoup d'emplois atypiques, des emplois précaires, un abus des emplois à contrat déterminé, un nombre croissant de résiliation de contrats arbitraires et de non-paiement de salaires.

Madame la présidente, je citerai certaines réflexions des syndicalistes en 2012 lors d'une marche qui a eu lieu le 01 septembre 2012. Je prendrai des extraits d'un journal et pas n'importe lequel. Je citerai le Mauritius Times, je citerai Madame Vina Balgobin lors de l'édition du Mauritius Times du 07 septembre 2012 - je citerai que des extraits - et elle parle de deux manifestations qui ont eu lieu les 01 et 02 septembre 2012. Elle dit, et je cite, qu'il y avait plusieurs personnes –

«Quand on connaît la nature passive des mauriciens, on peut dire que l'assistance était grande pour ces deux manifestations.»

Cela montre comment la colère était grande. Jack Bizlall exhorte les jeunes et fait appel à l'unité syndicale afin de combattre efficacement la fracture sociale qui se dessine de plus en plus, notamment par l'augmentation de signes extérieurs de richesse, tels que la construction de maisons de luxe. Et là, cela nous fait penser à un cas - la construction d'une maison au dépend des salaires de travailleurs. Elle parle de la misère et de l'exploitation d'un retraité de 75 ans suivant l'évolution des manifestations des travailleurs. Elle évoque aussi l'humiliation subie par la classe ouvrière qui voit tous les systèmes s'écrouler. Elle parle aussi des employés des entreprises privées qui dénoncent l'absence d'augmentation salariale et le licenciement abusif. Les employés parlent tous de la disparition de la sécurité d'emploi. Dans plusieurs secteurs, les travailleurs, sur contrat, sont de plus en plus nombreux. Elle dit, et je cite –

«Dans n'importe quel secteur, les patrons n'apprécient guère le syndicalisme. Dès qu'ils apprennent que les nouveaux employés assistent à des réunions syndicales, ils trouvent le moindre prétexte pour les mettre à la porte le plus rapidement possible.»

Plusieurs syndicalistes prennent la parole lors de cette manifestation et ils dénoncent tous les nouvelles lois du *hire and fire* où le travail est organisé uniquement pour favoriser la multiplication des profits du patronat. Jane Ragoo dénonce le contrat de 11 mois qui ne donne aucun droit. Les syndicalistes dénoncent l'absence d'une base salariale pour certaines catégories d'employés. Reaz Chuttoo salue le courage des manifestants et Ashok Soobron est présent pour aider les travailleurs. Reaz chuttoo fait un appel pressant à la solidarité entre tous les syndicalistes qui portent en eux la ferme conviction qu'un autre monde est possible et aujourd'hui, grâce à ce projet de loi, oui, un autre monde est possible pour les travailleurs.

Madame la présidente, beaucoup a été dit sur ce projet de loi mais je ne pourrai passer sous silence cette avancée historique dans le domaine du travail, le *Portability Retirement Gratuity Fund* pour deux raisons. Premièrement, corriger une injustice, je serai même tenter de parler de cesser au vol. Quand je dis ce sont ces vols, Madame la présidente, quand un employé travaille et qu'il a fait plus de 12 mois et que son employeur lui demande de se retirer, l'employeur doit lui donner un *severance allowance* de 15 jours par année de service. Or, présentement, si un employé se retire lui pour aller dans une autre entreprise, l'employeur n'a pas à lui donner ses 15 jours par année de service. Et le *Portable Retirement Gratuity Fund* vient corriger cette anomalie, cette injustice. Je sais, ayant travaillé dans le secteur privé et ayant été un *Human Resource Manager*, je peux vous dire qu'un des moments les plus difficiles dans cette tâche c'est quand quelqu'un vient vous voir, vient vous dire au revoir, je

dirais peut-être vient vous dire adieu car il prend sa retraite. Et c'est dur de se séparer de quelqu'un qui a été loyal, quelqu'un qui a bien travaillé. Mais cela devient plus dur encore quand cet employé, et que vous lui donnez son chèque, sa gratuité, son *severance allowance*, et lorsque vous voyez ce montant, parce que cet employé a fait que 10 ans dans votre entreprise ou moins, un chèque d'un montant de misère. Et il m'est arrivé, en plusieurs occasions, d'essayer de contacter ses employeurs précédents pour leur demander de me donner une certaine somme pour pouvoir arrondir, donner un chiffre présentable à l'employé et je peux vous dire que j'ai toujours eu des refus. Et, Madame la présidente, quand je parle de *severance allowance*, mais maintenant le *Portability Retirement Gratuity Fund* est un catalyse pour la mobilité des employés. Aujourd'hui, le monde du travail évolue à une vitesse vertigineuse. Nous sommes en plein dans la quatrième génération industrielle. Un employé doit se préparer aux changements et doit se former de façon perpétuelle et ne peut rester dans une entreprise juste par loyauté. Aujourd'hui, la mobilité d'un employé n'est pas perçue comme un manque de loyauté mais comme un gain d'expérience de plusieurs techniques innovantes.

Madame la présidente, les employeurs doivent revoir leurs stratégies. Nous ne pouvons aspirer à entrer dans une zone économique à haut revenu si nous n'avons pas des lois du travail et des incitations économiques pouvant nous permettre d'évaluer dans ce domaine de la discipline, de hautes technologies, de précision et de persévérance. Nous ne pouvons pas dire oui à l'incitation économique et non à la promotion sociale des travailleurs et de leurs familles. C'est cela la vraie démocratie économique; pas de politique comme cela a été dit précédemment "*bœuf travail, cheval manger*".

Madame la présidente, le principal grief des travailleurs était la dissolution du *Termination of Contract of Service Board*, cette institution qui était le protecteur des travailleurs contre les licenciements abusifs. Je ferai référence à l'état d'esprit qui régnait quand le projet de loi actuel fut présenté. Je citerai un extrait de l'intervention de l'ex-ministre Sithanen –

“Obviously, Members on the other side are saying *il faut faire la réforme à visage humain*. Whatever that means, I want to be enlightened on this. What does it mean? It means, you know, looking ahead with an old system.

Let me come to some other points made by hon. Bérenger - TCSB. It is incompatible and that is why the hon. Minister has explained, they have provided for a transition

period. If you keep the rigidities of the TCSB, where it is difficult to part companies, nobody will invest. You do not have to be a businessman to understand this. You do not need to have a PhD in Economics to understand it."

Voilà, Madame la présidente, avec quelle arrogance, quel dédain dans la façon de traiter les travailleurs et, Madame la présidente, quelle pitié de voir des paroles sortir des rangs du Parti travailliste, des ministres sacrifiant des travailleurs et se prosternant à l'autel du secteur privé.

Madame la présidente, de ce côté de la Chambre, nous n'avons pas de PhD, mais nous sommes humains et compatissants envers les plus vulnérables. Justice est faite aujourd'hui, les travailleurs savent que le *Redundancy Board* effacera les mauvais souvenirs des licenciements abusifs.

Madame la présidente, ce projet de loi fait mention du *vicarious liability* concernant le *sexual harassment*. C'est un fléau qui fait beaucoup de mal, que ce soit dans le secteur public que dans le secteur privé. Faute de temps, je ne prendrai pas le temps de la Chambre sur ce sujet. Je ferai une suggestion pour que toute entreprise ait des *expressed harassment policies* dans lesquels seront définis les différents cas d'harcèlements, un protocole de dénonciation confidentielle et un code de conduite des employeurs et des employés. Un tel document pourrait faire l'objet d'une consultation entre le secteur public et le secteur privé afin de dégager une unité contre ce mal.

Madam Speaker, being Minister of Civil Service, I will not dwell on it, but I will just say that there are some amendments in the Employment Relations Act which shall have an impact on the public sector, also regarding the consolidation and reinforcing industrial relation between workers, trade unions and employees. And in fact, I am speaking of the affiliation of trade unions. Today, this amendment will help trade unions to join more than one federation, but they shall have to choose one federation only when determining the representativeness and strength of the federation.

On the other hand, federation also will have the opportunity to join more than one confederation and in the same line, they will have to choose only one confederation when determining the representativeness and strength of the confederation.

Another item, *et je vois que celui-là est très important* - the defence of workers' legal right. Now, a worker member of a trade union shall have the opportunity and the right to be represented by a trade union official of his choice on the defence of any of his legal right. Trade unions representation in companies, now the threshold of representativeness for

negotiating rights is being brought from 30 to 20. And, Madam Speaker, time is short, but before...

Madam Speaker: Your time already expired...

(*Interruptions*)

Mr Boissézon: I have an important - I do not know whether I should say announcement.

Madame la présidente, précédemment, le leader de l'Opposition et avant l'honorable Adrien Duval, ont fait référence au *Job Contractor* et aujourd'hui, à les écouter, personne ne serait tentée à avoir recours à un *Job Contractor*. Et je vais plus loin parce que l'honorable Leader de l'Opposition a même dit, et je cite –

« *Somehow now if the job contractor does not pay his employee, it's got to be the client who steps in and pays.* »

Et il précise –

« *In all my career, I have never heard this.* »

Et il explique, il va de long en large et aujourd'hui le leader de l'Opposition vient nous dire qu'il n'a jamais entendu qu'un *Job Contractor* est l'employeur, le principal sont *jointly liable regarding remuneration*, et là, je parle de la section (c) et de la clause 29 – *Joint liability on remuneration*. Et je vais *quote* le projet de loi que nous présentons –

“Subject to subsection (2), a job contractor and the principal, for whom the job contractor has recruited or employed a worker, shall be jointly and severally liable for the payment of the remuneration of the worker and for the conditions of employment of the worker, including their safety, health and welfare.”

(*Interruptions*)

Et là, je dois prendre un peu de temps parce que le leader de l'Opposition n'a jamais entendu parler de cela...

(*Interruptions*)

C'est bien de rire parce que vous allez rire jaune quand je terminerai.

Employment Rights Act 2008

“56. Joint liability of employer and job contractor

- (1) Subject to (...);
- (2) The liability of the principal of a job contractor under subsection (1) shall be limited to the sum payable by him to the job contractor (...).

Ça, c'est la présentation du projet de loi, *The Employment Rights Act 2008, Section 56 - Joint liability of employer and job contractor*.

Madame, ici, un extrait du *Employment Rights Act 2008. Joint liability of employer and job contractor* –

“56. Joint liability of employer and job contractor

- (1) Subject to subsection (2), a job contractor and the principal, for whom the job contractor has recruited or employed a worker, shall be jointly and severally liable for the payment of the remuneration of any worker.
- (2) The liability (...).”

Et c'est la même chose, copier/coller, *a copy-paste*.

Madame la présidente, je ne suis pas un magicien. *The Employment Rights Act, The Workers' Right Bill et The Labour Act de 1975, section 41 - Joint liability of employer and job contractor...*

(Interruptions)

Vous connaissez ça par cœur maintenant?

“Subject to subsection (2), a job contractor and his principal shall be jointly and severally liable for the payment of the remuneration of any worker employed by the job contractor.”

Madame la présidente, j'aurais pu aller plus loin...

(Interruptions)

mais...

(Interruptions)

Je laisse tomber?

(Interruptions)

Nous sommes mercredi!

Aussi, Madame la présidente, je terminerai ici en réitérant toutes mes félicitations à toutes les personnes concernées.

Merci.

(00.04 a.m.)

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): Madam Speaker, given the late hour, I have been requested by my friend not to be long. So, I shall, indeed, be brief for the closing up speech of these very important Bills, summing-up speech, sorry.

Madam Speaker, let me, first of all, thank the hon. Prime Minister who has once again shown that he is a man of vision and for his inspiring speech this afternoon. I thank also the Deputy Prime Minister for his unflinching support and enlightened guidance as the Chairperson of the Ministerial Committee, which I had the opportunity to work in close collaboration with him. I must say he is a great man and I have learnt a lot from him. My thanks also go to all the members of the said Committee and to all the members who have intervened on these two very important Bills.

Madam Speaker, before addressing the issues raised by the hon. Members on both sides of the House, I have caused amendments to be circulated earlier and many issues, which have been raised, have been addressed by the amendments I have circulated, for example, *force majeure*.

Madam Speaker, indeed, there was much apprehension regarding these particular words because we have caused a reasonable clause to be removed and subsequently, we have included the words '*force majeure*'. I am glad that through the contribution of the hon. Members, we have come to see that employers may make abuse of these words, so I have removed the words '*force majeure*'.

Also, Madam Speaker, I have caused amendments to be brought to section 3, that is, for the application of the Act as this addresses to concern of the business community more specifically l'AHRIM and some sectors also because the provisions which are contained in the RO regulating those sectors to make specific provision regarding for the computation of overtime and, indeed, I do admit that this could have caused serious imbalances if amendments were not brought to this clause.

Madam Speaker, I would like to place the two bills in their true perspective. These two Bills, they crystallise the Government's vision to improve the conditions of employment and quality of life of the workers. As this august Assembly is aware, much has been done since we took office in 2015, as rightly highlighted by the hon. Prime Minister and the hon. Deputy Prime Minister.

Madam Speaker, the objective of transforming Mauritius into a high income economy and a more inclusive society cannot be attained with the traditional cost containment model. There has been an evolution in economic thinking since the year 2000. Prominent economists such as Paul Krugman, Thomas Piketty have followed the steps of Joseph Stiglitz, the Nobel Prize winner in economy in 2004 and have highlighted the contradiction and limitation of neoliberalism so that Stiglitz, in an article entitled 'The End of Neo-Liberalism' in 2008, went as far as considering, I quote –

"Neo-liberal market fundamentalism was always a political doctrine serving certain interests. It was never supported by economic theory nor it should now be clear, it is supported by historical experience. Learning this lesson maybe the silver lining in a cloud now hanging over the global economy."

As regards to the pertinence of the labour standard in economic development, I would like to refer to David Kucera, an ILO expert who stated: "in defence of labour market institutions 2008 as demystified the conventional wisdom based on the race to the bottom to attain competitiveness".

ILO considers that rather than being perceived as a zero sum game; labour standard should be seen as an instrument for economic development and a positive factor in the advance of social welfare.

Madam Speaker, to better understand the legitimate frustration and the feeling of revolt of the workers, we have to go back to the philosophy espoused by the Labour Government which adopted a different ideological path in 2008. Contrary to what was advocated by Joseph Stiglitz, the prize Nobel winner, that is, to do away with neoliberalism, the then Government shifted its role from regulator to that of facilitator.

Earlier, my colleague, hon. Nando Bodha did mention about it and I feel the importance of mentioning it again. The then Minister, in his speech, in 2008 during the debate on the Employment Rights Bill, laid emphasis on the fact that labour legislation should be business friendly and a hassle-free environment should be created and maintained.

Madam Speaker, we were far from the electoral slogan putting people first, championed by the Labour Government which considered the workers of this country as a commodity. Let me quote an exact statement made by Dr. Sithanen during the debates on the Employment Rights Bill in 2008, as already mentioned earlier, I quote –

“Labour is a factor of production just as land is also a factor of production. People switch land use according to market demand.”

It is quite shocking to note to what extent the Labour Government was contentious towards the workers and their ideological discourse did not reflect the realities of the labour market. This is a shame for our country. This statement of Dr. Sithanen took us as far back as the slavery era when the slaves were considered as a *meuble* in the *Code noir* or the indentured period when the labourers were not free to sell their labour force and were confined to the service of one employer or the dark days of the first industrial revolution in the earlier 19th century when the rights of the workers were not protected at all. This statement, Madam Speaker, is contrary to the principle of human rights and also against the first principle of the Declaration of Philadelphia adopted in 1944 where it was clearly spelled out that labour is not a commodity.

Madam Speaker, despite the Labour Government laid emphasis on a modern approach to labour market through horizontal and vertical mobilities of workers, nothing was done by then to put in place the right mechanism to encourage and accompany mobility with portability of social rights...

(Interruptions)

Madam Speaker: No cross-talking, please! I think that you have to have due respect to the hon. Minister. He has made such a good job. He has listened to everybody carefully, but...

(Interruptions)

I am on my feet, hon. Rutnah! I have said no cross-talking with due respect to the hon. Minister, please.

Mr Callichurn: In fact, Dr. Sithanen stated, I quote: “They said they changed job every two years but we need to have portability of pension so that workers do not lose their pensions as they shift from job to job. This is important. We have to guarantee them their pension’s entitlement. There is no way, Mr Speaker, that any Government can protect job for

ever. Especially if you are integrated in an international economy, what can we do, I repeat, is to protect people.”

Madam Speaker, recently several enterprises operating in manufacturing sector closed down as it has been the case for many years now. Dr. Navin Ramgoolam made a public declaration of Ion News on 08 March of this year, criticising the present Government for not being able to properly manage the economy whereby he stated, I quote –

“Il faut voir ce qu’on peut faire pour protéger ces travailleurs. On ne peut pas les laisser comme ça.”

Madam Speaker, one can only laugh when listening to his statement. Today, Madam Speaker, I am asking the population one question. I have exposed his inability to keep his words when it comes to making promises. He had the opportunity back in 2008 and also from 2008 to 2014 to ensure that workers are given necessary support when moving from one job to another.

My question today is what did he do, as Prime Minister, to correct the injustice?

(Interruptions)

Madame la présidente, le vrai visage et la malhonnêteté intellectuelle de cet homme ont été dévoilés après avoir infligé 10 ans de souffrance et de martyre aux travailleurs, il vient répéter la même chose aujourd’hui. Cela me fait penser à ce personnage mythique qui s’appeler *kumbhkaran* car il s’est endormi plusieurs années à Roche Noire pour se réveiller subitement et constater que les travailleurs ont des droits...

(Interruptions)

Shame, Madam Speaker, shame and shame on hon. Boolell as well who earlier stated that Labour Government did a lot of things for the workers.

Madam Speaker, while the Public Sector has been associated with security of employment and post-retirement benefits since decades, the same reassurance was not present for the Private Sector. However, with the advent of the Workers’ Rights Bill, the existing stereotypes of the Public Sector being more secure are being challenged. While pension with respect to length of service has been a reality only for the Public Sector with the introduction of the Portable Retirement Gratuity Fund under this Bill, things will now change.

Madam Speaker, this Government has spared no efforts in reducing unemployment over the last few years. The series of measures introduced have contributed significantly to

lower the unemployment rate. However, when we speak of unemployment, at the very outset, we have to differentiate between voluntary and involuntary unemployment.

Madam Speaker, it is not uncommon to hear many of youth being able to secure jobs in the private sector yet turning them down with the hope that they can join the public sector. Most of the time, this attitude is due to the perceived lack of security of the private sector compared to the public sector and this perception has been transmitted from one generation to another. With the multitude of clauses regulating conditions of work under this Bill including, *inter alia*, regulation of shift work and overtime, leaves, protection of remuneration and post-retirement benefits, we are today creating a landmark in the history of Mauritius. All the amendments are definitely going to change the labour and industrial landscape of Mauritius and, Madam Speaker, we have utmost faith that this will now change the perception of the population and inspire the youth to embrace a career in the private sector without any hesitation.

Coming back to the debates, Madam Speaker, I would like to clarify certain issues raised by Members in this House and some stakeholders outside this House as well. It appears that my Ministry did not hold enough consultation with the stakeholders prior to the drafting of this Bill. It is important that I give clarifications to the House regarding this misunderstanding.

Let me inform the House that, right from the start of the process, my Ministry has had more than 20 meetings with the representative of trade unions and not less than 10 meetings with the representatives of Business Mauritius. Furthermore I wish to add that, on one specific issue regarding the Portable Retirement Gratuity Fund, my Ministry has organised special working sessions with the stakeholders. There was one meeting with the trade unions in the presence of the Actuary who was involved in the preparation of the PRGF. There were also, at least, five meetings with Business Mauritius, including technical committee with Actuaries of Business Mauritius and Actuaries of the Government to advise the Ministry on the scheme.

Madam Speaker, in fact, we had three stages of consultations. The first one was held three years back; the second during the pre-presentation of the Bills. Further consultations were held after the First Reading of the Bill.

Madam Speaker, this Government strongly believes in social dialogue and transparency and it was in that spirit that we deemed it fit to engage in further consultations

following the representations of the social partners. I have to say that the proposals did not fall into deaf ears.

Madam Speaker, on Friday last, the hon. Member of the PMSD, hon. Duval and today also the hon. Leader of the Opposition evoked the necessity of a regulatory impact study before the introduction of those two Bills.

Madam Speaker, as far as I am aware, it has never been the practice of any Government to carry out such study prior to the adoption of a legislation. In fact, this is carried out after implementation. Actually, no regulatory impact study was requested by the then Labour/PMSD Government when they liberalised the conditions of workers in 2008 to exclusively suit the requirements of the business community.

Madam Speaker, we have, on our part, analysed the impact of the Employment Rights Act 2008 and its amendment of 2013. However, we sadly noted that these two legislations have resulted in an important imbalance in the Labour Market to the disadvantage of the working class. On the one hand, workers were massively dismissed. Salary and dignity at work were not sufficiently protected. Stable and permanent employment gave way to precarious employment. On the other hand, employers benefitted from hiring and firing and overtime costs.

The House, Madam Speaker, will recall that there was much apprehension, particularly from the business community, prior to the introduction of the National Minimum Wage. It was feared that the introduction of the National Minimum Wage would, amongst others, entail a closure of enterprises, thus resulting in massive jobs losses.

However, despite the concerns expressed by different quarters, especially the Labour Party, the impact assessment carried out by the National Wage Consultative Council showed that the introduction of the National Minimum Wage coupled with other measures impacted positively on the economy inasmuch as it contributed to economic growth of a country and did not negatively impact on employment rate.

The Government did not feel the need to have Regulatory Impact Assessment before introducing these two Bills. Not only the reasons I have just mentioned, but also this would have undoubtedly contributed to further delay the introduction of the legislation and, as a matter of fact, serves the purpose of some quarters. In any event, Madam Speaker, the law is not static, if ever there is any dysfunction, it can always be remedied by bringing appropriate and necessary amendments.

Madam Speaker, let me know address certain issues. Hon. Baloomoody spoke about the application for Protective Order. He stated that the application itself will not be *ex parte*. Madam Speaker, clause 36, let me read it loud. It states that –

“Where the supervising officer applies to the Judge in Chambers for a protective order, and the Judge in Chambers is satisfied, having regard to any relevant evidence, that there is reasonable ground to believe that – (...)"

So, it is without any doubt that the application will be *ex parte*. Concerning the ceiling which defines the workers, previously it was Rs30,000. Madam Speaker, we have taken into account the inflation rate from 2008, and since 2008 to date, the monthly wage tends to Rs50,000 a month which amounts to Rs600,000 a year. And also in Remuneration Order, there is no ceiling to define a worker. Remuneration Order covers 80% of the workers in the private sector. With the harmonisation of the core conditions, if the ceiling is maintained at 30% a month, 80% of the workers will be penalised. It was necessary to bring the amendment that we brought to the definition of the workers in that respect.

Madam Speaker, regarding the absence of five days, the issue which was raised by the hon. Leader of the Opposition, I wish to inform the House that I have caused amendments to be brought and we have reduced that delay to 3 days in order to curtail the abuse which may arise on the part of the worker.

As regards the dispute regarding the Salary Commission mentioned by hon. Dr. Boolell, it will be the employer who will have the obligation to start negotiations within 90 days - in any negotiations - Madam Speaker. If there is no agreement within the 90 days after meaningful negotiations, the union may report a dispute to the Commission. So, the provision will in no way penalise the employee. As for the Recycling Fee, it has been replaced by the Portable Retirement Gratuity Fund which is more favourable to the worker as they will not lose out on their length of service in any event. Recycling fee provided for different categories of workers, that is, they were benefitting from recycling fee with regard to their different length of service with a single employer.

All those issues have already been addressed by the hon. Prime Minister regarding the financing of the Workfare Programme, the Transition Unemployment Benefit, the ceiling which will be provided with regard to the rate of contribution in the Portable Retirement Gratuity Fund.

Madam Speaker, there was one thing mentioned by hon. Dr. Boolell. Let me tell him that so far all the promises made by this Government, when it comes to safeguarding the rights of the workers of this country, have been fulfilled, contrary to the Labour Party. Let me reassure hon. Dr. Boolell and the population once again that this Government will promulgate the law which we are calling to vote today before the general elections, this year itself and not in 2020, as mentioned by hon. Dr. Boolell, who is under the illusion that they will come in power and they will *declare piti pas pou zot*.

Madam Speaker, one will agree that to give effect to some of the provisions contained in the two Bills before the House, necessary measures and mechanisms will have to be put in place, and it is our firm intention to put them in place as soon as possible to render them effective and they can have legal force as soon as possible.

Madam Speaker, we have taken note of the recent communiqué issued by Business Mauritius which expresses their satisfaction of the work done by the Technical Committee at the level of the Ministry of Finance. I wish to inform the House that the concern initially raised by the Business of Mauritius has, to some extent, been addressed by the amendment I brought today and we shall continue to lend an attentive ear to their apprehensions. Also Madam Speaker, I hasten to add that Government did also address the concerns expressed by the trade unions and I must say that their contribution have been very fruitful and welcome, and in the same vein, I thank all the trade unions who have been very, very helpful to the Ministry by collaborating. They have collaborated, they are stakeholders, partners of the Ministry, I must say.

Madam Speaker, as regards SME, I wish to point out that this Government has always, to the best of its endeavour, listened to their plight. We have, in the past, given incentives, accompanying measures, favourable tax regimes and other kinds of support to them. We shall continue to give appropriate economic support to the SME in whatever reform we undertake in the future. We are conscious on this side of the House that business operators have always been and will continue to be central to the economic development of our Republic.

On the other hand, labour force has always been instrumental to shape the future of the country. Both businesses and the labour force are key partners to the Government and we shall continue to ensure that there is a right balance in safeguarding and consolidating their respective interest.

Happy employees lead to happy customers which lead to more profits as rightly pointed out by Forbes.

I must proudly say that, as Minister of Labour, I have successfully implemented all the measures figuring in the Government Programme 2015-2019, pertaining to my Ministry.

I was so availed of this opportunity to thank the Supervising Officers past and present and all staff, President of the Commission for Conciliation Mediation, Chairman of the National Remuneration Board, Technical Heads and their supporting staff, officers of the administrative cadre, as well as my Advisers for their unflinching support in realising the Government's objective.

I would like to extend special thanks to one special person, Madam Speaker. He has been instrumental in the preparation of these two Bills before the House. Without him, I do not think that it would have been possible to have these two legislation ready in time. A special thank go to Mr Herbert Jouan, Assistant Director, Labour Administration & Industrial Relations who is the Head of the Legal Research Legislation and Labour Standard Division of my Ministry. I thank him for his invaluable and unfailing contribution and support.

My thanks also go to the officers of the State Law Office who were instrumental in the drafting of these two Bills and the staff of the Ministry of Finance and other Ministries who collaborated with my Ministry in the realisation of this project of ours.

Having read the communique of Business Mauritius, Madam Speaker, I can now proudly say, today, in this august Assembly that the discussions with the social partners have been fruitful and there has been a general consensus on the Bills before the House today.

With these words, Madam Speaker, I commend the Bill to the House.

Question put and agreed.

Bills read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE WORKERS' RIGHTS BILL (NO. XXIV OF 2019)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 2, in the definition of “seed capital”, by deleting the words “section 40(2)” and replacing them by the words “sections 94 and 95”;

Amendment agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Application of Act)

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 3, by deleting subclause (1) and replacing it by the following subclause –

(1) Subject to subsection (2) and to any provisions to the contrary in any other enactment, this Act shall apply to every agreement.”

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 25 ordered to stand part of the Bill.

Clause 26 (Equal remuneration for work of equal value)

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 26(1), by deleting paragraph (b) and replacing it by the following paragraph –

(b) Where an employer has recourse to the services of a job contractor, the job contractor shall ensure that the remuneration of any worker employed by him shall not be less favourable than the remuneration of a worker employed by the principal employer and performing work of equal value.”

Amendment agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 44 ordered to stand part of the Bill.

Clauses 45 to 60 ordered to stand part of the Bill.

Clause 61 (Termination of agreement)

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 61(3), by deleting the words “5 consecutive” and replacing them by the words “3 consecutive”.”

Amendment agreed to.

Clause 61, as amended, ordered to stand part of the Bill.

Clauses 62 to 64 ordered to stand part of the Bill.

Mr Ganoo: Madam Chairperson, can I make an intervention in clause 64, please?

Madam Chairperson: Clause 64, yes.

Mr Ganoo: I wanted just to ask the Minister, I have not heard him reacting about this plea that we made concerning the Disciplinary Committee to be chaired by another person, not necessarily chosen by the employer. Can we have any reaction from the hon. Minister?

The Chairperson: But hon. Ganoo, this clause has not been amended. It has already been debated. If I allow debate, I will allow debate on clauses which have been amended and where amendments have been circulated.

Mr Ganoo: As far as I know, this has been the practice in the House in the past for us, at Committee Stage, to ask the Minister his reaction on a suggestion that has been made for amendment.

Mr Callichurn: Madam Chairperson, there is a Technical Committee which will look at the different proposals from the trade unions and the business community. We have not deemed it appropriate at this junction to bring amendments to this particular clause. So, there is nothing stopping us to look at it when we come back in power next mandate. We will definitely take into consideration the proposals of the hon. Member next time. Thank you.

Clauses 65 to 71 ordered to stand part of the Bill.

Clause 72 (Reduction of workforce)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause

72 –

“in clause 72(1), by deleting the words “, except in case of force majeure.”;

Amendment agreed to.

Clause 72, as amended, ordered to stand part of the Bill.

Clauses 73 to 77 ordered to stand part of the Bill.

Clause 78 (Payment into and out of Workfare Programme Fund)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 78 –

- (i) in subclause (1)(a), by deleting the words “Sixth Schedule” and replacing them by the words “Second Schedule to the Human Resource Development Act”;
- (ii) in subclause (2)(a), by deleting the words “Second Schedule of the Human Resource Development Act” and replacing them by the words “Sixth Schedule”;

Amendment agreed to.

Clause 78, as amended, ordered to stand part of the Bill.

Clause 79 (Contribution to Workfare Programme Fund)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause 79 –

“in clause 79 –

- (i) in subclause (1), by deleting the words “Second Schedule of the Human Resource Development Act” and replacing them by the words “Seventh Schedule”;
- (ii) in subclause (2), by deleting the words “Workfare Programme Fund” and replacing them by the words “National Savings Fund, in accordance with section 5B(1)(b) of the National Savings Fund Act”;

Amendment agreed to.

Clause 79, as amended, ordered to stand part of the Bill.

Clauses 80 to 83 ordered to stand part of the Bill.

Clause 84 (Transition unemployment benefit)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 84 –

- (i) in subclause (2), by deleting the words “Seventh Schedule” and replacing them by the words “Sixth Schedule”;
- (ii) in subclause (9), by deleting the words “Sixth Schedule” and replacing them by the words “Seventh Schedule”;

Amendment agreed to.

Clause 84, as amended, ordered to stand part of the Bill.

Clauses 85 to 94 ordered to stand part of the Bill.

Clause 95 (Contributions for past services)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause 95 –

“in clause 95 –

- (i) in subclause (2), by deleting paragraph (b) and replacing it by the following paragraph –
 - (b) where the employer opts to pay the contributions to the Director-General, be paid, in the case of the events mentioned in paragraph (a), at any time before the occurrence of these events.
- (ii) by deleting subclause (3) and replacing it by the following subclause –
 - (3) The contributions under this section shall be computed on the last monthly salary drawn by the worker –
 - (a) at the commencement of this Act; or

- (b) in the case of contributions made under subsection (2), at the time the employment of the worker is terminated or the worker retires or dies, as the case may be.”

Amendment agreed to.

Clause 95, as amended, ordered to stand part of the Bill.

Clauses 96 to 126 ordered to stand part of the Bill.

Clause 127 (Savings and transitional provisions)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment –

“in clause 127, in subclause (1), by inserting, after the words “more than 12 months”, the words “and where the worker was employed in a position of a permanent nature”.”

Amendment agreed to.

Clause 127, as amended, ordered to stand part of the Bill.

Clause 128 (Commencement) was agreed to.

The First Schedule was agreed to.

The Second Schedule was agreed to.

The Third Schedule

Motion made and question proposed: “that the Schedule stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in the Third Schedule –

“in the Third Schedule, after paragraph 3, by deleting the word “incorrect” and replacing it by the word “correct”.”

Amendment agreed to.

The Third Schedule, as amended, ordered to stand part of the Bill.

The Fourth Schedule was agreed to.

The Fifth Schedule was agreed to.

The Sixth Schedule

Motion made and question proposed: “that the Schedule stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in the Sixth Schedule –

“in the Sixth Schedule, by deleting the following words –

SIXTH SCHEDULE

[Section 78]

and replacing them by the following words –

SEVENTH SCHEDULE

[Sections 79 and 84(9)]”

Amendment agreed to.

The Sixth Schedule, as amended, ordered to stand part of the Bill.

The Seventh Schedule

Motion made and question proposed: “that the Schedule stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in the Seventh Schedule –

“in the Seventh Schedule, by deleting the following words –

SEVENTH SCHEDULE

[Section 84(2)]

and replacing them by the following words –

SIXTH SCHEDULE

[Sections 78(2)(a) and 84(2)]”

Amendment agreed to.

The Seventh Schedule, as amended, ordered to stand part of the Bill.

The Eighth Schedule was agreed to.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

THE EMPLOYMENT RELATIONS (AMENDMENT) BILL

(No. XXV of 2019)

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7 (Section 35 of principal Act amended)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause

7 –

“in clause 7, by deleting paragraph (b);”

Amendment agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 27 ordered to stand part of the Bill.

Clause 28 (Part VIII of principal Act amended)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause

28 –

“in clause 28(f), in the proposed section 91 –

(i) by deleting subsection (4) and replacing it by the following subsection

–

(4) The Board shall, upon a reference under subsection (2) or (3), submit its recommendations to the Minister not later than 180 days after the date of referral.

(ii) by inserting, after subsection (4), the following new subsection, existing subsection (5) being renumbered as subsection (6) –

(5) The Board may, with the approval of the Minister, extend, where the circumstances so require, the period specified in subsection (4).”

Amendment agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29 ordered to stand part of the Bill.

Clause 30 (Second Schedule to principal Act amended)

Motion made and question proposed: “that the clause stands part of the Bill.”

Mr Callichurn: Madam Chairperson, I move for the following amendment in clause 30 –

“in clause 30(c)(ii), in the proposed new paragraph 21A, by deleting the words “President or Vice-President” and replacing them by the words “Chairperson or Vice-chairperson”.”

Amendment agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clauses 31 to 32 ordered to stand part of the Bill.

The Schedule was agreed to.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded the following Bills were read a third time and passed -

- (i) *The Workers’ Rights Bill (No. XXIV of 2019)*
- (ii) *The Employment Relations (Amendment) Bill (No. XXV of 2019)*

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Friday 16 August 2019 at 03.00 p.m.

Mr Hurreeram rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned.

Hon. Uteem!

MATTERS RAISED

(00.59 a.m.)

IOIG – COACHES – BONUS

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Merci, Madame la présidente. Madame la présidente, j'ai une question adressée à l'honorable ministre de la Jeunesse et des Sports. Je suis content que le Premier ministre soit là aussi.

Deux jours de cela, Madame la présidente, à la Clarisse House, le Premier ministre a annoncé une augmentation des primes qui seront payées à nos athlètes qui ont brillé lors de la 10^{ème} Edition des Jeux des Iles de l'Océan Indien, et même ceux qui n'ont pas eu de médailles seront récompensés. Depuis cette annonce, il y a plusieurs entraîneurs et entraîneurs adjoints qui m'ont contacté hier et ce matin et qui m'ont demandé de formuler une requête auprès du gouvernement pour qu'eux-aussi, les entraîneurs et leurs adjoints, puissent bénéficier d'une prime plus conséquente pour reconnaître leurs efforts et pour les encourager à continuer le bon travail. Donc, je me fais le porte-parole de ces entraîneurs et entraîneurs adjoints, et j'espère que leur requête sera positivement entendue par le gouvernement.

Merci.

The Prime Minister: Madame la présidente, l'honorable membre se fait le «porte-parole». En faisant le «porte-parole», il faut avoir une raison d'être et il faut avoir des arguments nécessaires. Je ne crois pas qu'il suffit qu'il y ait une représentation et qu'on vient à la Chambre et se faire seulement le «porte-parole».

Je crois que dans les circonstances actuelles, le gouvernement a fait ce qu'il fallait faire, c'est-à-dire, non seulement qu'on a augmenté les primes pour les athlètes qui ont brillé en gagnant les médailles pour cette compétition, mais étant donné que c'est une circonstance exceptionnelle parce que non seulement pour la première fois en 40 ans que nous avons gagné les Jeux des Iles de l'Océan Indien en obtenant le plus de médailles d'or et aussi beaucoup de médailles d'argent et de bronze, *exceptionally*, le gouvernement a donné toute la considération nécessaire pour soutenir ces athlètes, ces sportifs qui ont fait honneur au pays - et en plus, comme l'a dit l'honorable membre. Cette fois-ci pour donner un encouragement à ceux qui ont participé mais qui n'ont pas obtenu de médailles, on leur donne un cachet. Et ceci, je dois dire, et je dois remercier la *State Bank of Mauritius*, avec qui on a eu des discussions, ils vont ouvrir un compte pour chacun des sportifs; il n'y a pas que l'argent qui a été offert à ces sportifs, il y a plusieurs autres avantages, dont des prêts à des taux très

favorables. Donc, je crois qu'il ne faut pas maintenant aller à l'extrême et être déraisonnable. Moi, personnellement, je dis que je trouve le porte-parole vraiment déraisonnable, et d'ailleurs cela ne se fait pas ailleurs aussi. Donc, allons rester dans les limites. Et je crois que jamais aucun gouvernement n'a fait autant, que ce soit pour les sportifs, pour les coaches, et aussi ceux qui, en termes de membres des fédérations, pour donner le support nécessaire à nos athlètes. Et moi, en tant que Premier ministre, - tout le monde le sait - ce gouvernement, nous avons pour la première fois une politique définie, non seulement pour les athlètes de compétitions mais pour la population de la République pour qu'on puisse avoir une culture d'activité physique et de sport.

Madam Speaker: Hon. Baloomoody!

(01.04 a.m.)

PRIVATE SECONDARY EDUCATION AUTHORITY – COLLEGES – COMPENSATION

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. I will raise the issue concerning the Minister of Education and Human Resources, Tertiary Education and Scientific Research. I think on Monday - it is already Wednesday today – it was the beginning of the last term for the secondary schools and we know how important the last term is, especially when one has to take exams. But unfortunately, already we see that there are some *tensions* at the private secondary schools. This is due to the unilateral decision of the Private Secondary Education Authority to change the formula for granting the compensation to these colleges. And also, they are protesting against the decision of this organisation to exclude them from the Technical Working Committee which is looking for the recommendation. As it is the third term, and many parents are worried, especially students who are going to take exams, the more so that in today's Paper, we read from one of the unions, I quote –

« La Comprehensive Grant Formula est le cœur même de notre survie et on pourrait même parler de lockout. »

And this is serious, when exams have to be taken, there is a threat of lockout. I am making an appeal to the hon. Minister to look into the matter urgently so that, at least, our youngsters, our students will go through that last term à *tête reposée*, and take their exams with due consideration.

Thank you.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, every three years we have the Comprehensive Grant Formula which is reviewed and we have already had discussions with the Federation of Managers whom I have met last week.

We have made it clear that for this current year, they are going to get 7.9% increase in the amount of fund that is normally given to them because we have taken into consideration the rate of inflation over the past three years. And they were informed that we are going to consider, we are going to review, as it is the case usually, the Comprehensive Grant Formula.

Now, as for having them sitting on that Committee, it is against the principles as established by the OPSG. Now, we have already had a number of recommendations made by the OPSG and the ICAC as to the inadequacy of having people who would be given funds to sit on the Committee to decide upon the amount of funds to be given to them.

However, I can reassure the House that there is no reason for any sort of tension in the school because we are talking about the Comprehensive Grant Formula as from year 2020. And discussions would be carried out and we have asked the Federation Managers to submit their proposals which would be considered, however, taking into consideration the extent of reasonability.

So, Madam Speaker, I believe that there is no need for us to have any sort of panic regarding this because we are going to see to it that schools function normally and that students carry on with their studies, have their schooling unaffected and sit for the exams without any tension.

Thank you.

At 1.08 a.m., the Assembly was, on its rising, adjourned to Friday 16 August 2019 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

AQUIFERS AND BOREHOLES – NITRATE LEVELS

(No. B/774) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the National Environment Commission, he will state if consideration will be given for the issue of the nitrate levels in the aquifers and boreholes in the Port Louis region to be included as an item for discussion on the agenda thereof.

Reply (Minister of Social Security, National Solidarity, and Environment and Sustainable Development): Members of the House may wish to note that the National Environment Commission was set up on 24 December 1987 under the chairmanship of the Rt. hon. Sir Anerood Jugnauth, the then Prime Minister. The National Environment Commission was active from 1987 to 2005, following which no meeting was held until the present Government took over in December 2014.

The National Environment Commission was revived in 2018 under the chairmanship of hon. Mr P. K. Jugnauth, Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development with a view to enhancing synergies in addressing pertinent environmental issues.

With regard to the issue of nitrate level in the aquifers and boreholes in the region of Port Louis, I wish to draw the attention of the House that I have already replied to a Parliamentary Question B/561 on a similar issue on 02 July 2019, wherein I indicated that, since August 2017, monitoring of groundwater quality is being done every three months in the Port Louis region by the National Environmental Laboratory (NEL) of the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development (Environment and Sustainable Development Division).

The findings of the monitoring have revealed that the average nitrate concentration in groundwater is as follows: at Baie du Tombeau, 35.3 mg/L, at Riche Terre 46.8 mg/L and at Terre Rouge 68.0 mg/L. Just for comparison, safe level of nitrate in drinking water is 50 mg/L.

It is not deemed necessary at this point in time to bring the issue of nitrate levels in the aquifers and boreholes in the Port Louis region as an item for discussion on the agenda of the National Environment Commission.

GAMBLING REGULATORY AUTHORITY – LEGAL ADVISERS

(No. B/794) Mr A. Duval (First Member for Curepipe & Midlands) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Gambling Regulatory Authority, he will, for the benefit of the House, obtain from the Solicitor General's Office, information as to if it has now stopped tendering advice thereto and, if so, indicate the reasons therefor.

Reply (The Prime Minister): The Gambling Regulatory Authority, as an independent body corporate, may retain the services of legal advisers of its choice.

AFRICA-CHINA POVERTY REDUCTION & DEVELOPMENT CONFERENCE

(No. B/810) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Africa/China Poverty Reduction and Development Conference, he will state the actions and measures taken following the holding thereof and table copy of the report or action plan thereof, if any.

Reply: In the course of my official visit to China in April 2017 and following my intervention on the different poverty alleviation schemes being implemented in Mauritius, I was approached by the Chinese authorities to host the 8th "Africa-China Poverty Reduction and Development Conference". The aim of these conferences is to accelerate poverty alleviation and development efforts in both China and Africa by sharing best practices, as well as deepen exchanges and cooperation ties between China and African countries.

The Africa-China Poverty Reduction and Development Conference was held in Mauritius on the 6th and 7th September 2017 at the InterContinental Mauritius Resort, Balaclava, under the theme "Joining hands to meet new challenges in poverty reduction". It was organised by the State Council Leading Group Office of Poverty Alleviation and Development of the People's Republic of China and the International Poverty Reduction Centre in China, in collaboration with my Ministry.

The following issues were, *inter alia*, addressed during the conference –

- (i) challenges, strategies and practices in African countries regarding poverty reduction;
- (ii) progress made in poverty alleviation in Africa, and
- (iii) the role of society engagement, including businesses and civil societies for China-Africa poverty reduction cooperation.

The conference was attended by some 100 participants, comprising of representatives of African countries, participants from the African Union and other development partners,

participants from China, including 8 well-known scholars and 20 local participants from key Ministries and other stakeholders.

The conference was, therefore, primarily meant to provide a platform across Africa for the sharing of experiences and best practices in the field of poverty reduction. It also built the necessary synergy and networking to sustain poverty reduction efforts to generate more inclusive societies in Africa.

NATIONAL SOCIAL INCLUSION FOUNDATION – CHARTER (NEW)

(No. B/811) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the change in appellation of the National Corporate Social Responsibility Foundation to the National Social Inclusion Foundation, as announced in the Budget Speech 2019/2020, he will state –

- (a) where matters stand as to the amendments to be brought to the Charter, and
- (b) the cost of the said change in appellation.

Reply: As announced in the Budget Speech 2019/2020, the National CSR Foundation (NCSRF) will be transformed into a National Social Inclusion Foundation with a new Charter and will identify National Programmes for better impact on poverty alleviation. In fact, the Foundation is already working in that direction.

With regard to part (a) of the question, I am pleased to inform the House that –

- (i) in line with Section 21 of the Foundation Act 2012, the Registrar of Companies has already recorded the new name of the Foundation with effect from 05 August 2019 and a new certificate has been issued, and
- (ii) the required amendments have already been made to the Charter and is presently at the Registrar of Companies for registration purposes.

I am informed by the National Social Inclusion Foundation that the amended Charter will officially be recorded by 16 August 2019. A copy of same will be posted on the website of the Foundation.

As regards part (b) of the question, I am informed by the Foundation that the costs of the above changes amount to Rs1,100, consisting of Rs100 for change of name and Rs1,000 for filing of amended Charter.

**UNIVERSITE DES MASCAREIGNES – HEAD OF QUALITY ASSURANCE –
CONTRACT**

(No. B/812) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the *Université des Mascareignes*, she will, for the benefit of the House, obtain therefrom, information as to if a staff member thereof has obtained more than ten increments at one go, indicating if the contract of employment thereof has been converted from contractual to permanent.

Reply: The *Université des Mascareignes* (UDM) has informed that none of its staff members has obtained more than ten increments at one go.

The Head of Quality Assurance was employed in October 2013 on contract with a flat salary of Rs50,000. This contract was subsequently renewed annually up to August 2019 on new terms and conditions.

In August 2019, being satisfied with the performance and services provided by the officer, the Board of the UDM, which is chaired by a representative from the *Université de Limoges*, France has, on 27 July 2019, taken the decision to retain the services of the officer and to offer her appointment on a substantive capacity i.e. on a permanent and pensionable post as from 01 August 2019.

She was offered the same salary drawn in her last contract i.e. Rs68,500.

MAURITIUS RESEARCH COUNCIL – EXECUTIVE DIRECTOR

(No. B/813) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Technology, Communication and Innovation whether, in regard to Mr A. S., Director of the Mauritius Research and Innovation Council, he will, for the benefit of the House, obtain from the Council, information as to if he is presently on leave without pay and, if so, indicate the duration thereof.

Reply: I am informed by the Mauritius Research Council (MRC) that Dr. A. S., who is the substantive holder of the post of Executive Director at the MRC has, after approval of

its Board, been granted leave without pay for a period of 3 years with effect from 29 April 2019 to take up employment as Deputy Secretary General at the Commonwealth Secretariat.

GOVERNMENT MEDICAL INSURANCE SCHEME

(No. B/814) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the award of the administration contract for the Government Medical Insurance Scheme to the NIC General Insurance Co. Ltd., he will state the –

- (a) mode of selection thereof;
- (b) terms and conditions thereof, and
- (c) quantum of fees payable thereto.

Reply (Minister of Civil Service and Administrative Reforms): With regard to part (a) of the question, I would wish to refer the hon. Member to my reply to PQ B/369 at the sitting of the Assembly held on 14 May 2019, wherein I informed the House that following three unsuccessful attempts to secure the services of a Consultant to work out the request for proposal document and advise on the implementation of the Scheme, Government decided, in February 2019, that SICOM Ltd and NICG Insurance Co. Ltd be approached for the implementation of the GMIS in their capacity as Insurance Service Providers operating as State-owned enterprises.

Appropriate regulations in May 2019 were consequently made under section 61 of the Public Procurement Act 2006 and Public Procurement Regulations 2008 as amended, to declare the MCSAR an Exempt Organisation for the procurement of GMIS provided by SICOM for the benefit of public officers.

As regards part (b) of the question, at this stage, only the broad parameters of the Scheme have been agreed as follows –

- (i) SICOM will ensure the GMIS fully with the Government of Mauritius as policy holder;
- (ii) NICG will administer the GMIS (including membership and claims processing) on behalf of SICOM;
- (iii) the scheme will consist of a Basic Inpatient cover only;
- (iv) SICOM will conduct a marketing exercise among public officers and the training of HR officers, and
- (v) employees may opt for additional costs for Outpatient and Catastrophe Covers and they will have the option to include their dependents in the Scheme at their own cost as Government contribution will be limited to basic Inpatient

Cover only and will consist of 50% of the premium for all categories of employees.

However, the details relating to the modalities and conditions have not yet been finalised.

As regards part (c) of the question I wish to highlight that no arrangement has yet been finalised since it has been decided that with a view to ensuring that the proposal from SICOM & NICG is both competitive and constitutes value for money, a Due Diligence Committee be set up to assess the proposal.

The Due Diligence Committee comprises representatives from –

- Ministry of Finance & Economic Development;
- Ministry of Health & Quality of Life;
- Ministry of Social Security, National Solidarity, and Environment and Sustainable Development;
- Ministry of Financial Services and Good Governance;
- Financial Services Commission.

After a preliminary analysis of the offer, the Due Diligence Committee has recommended that the services of a Consultant be resorted for the conduct of a peer review exercise of the proposal.

The MCSAR has already launched tenders for the appointment of the Consultant on 06 August 2019 for submission of proposal is 21 August 2019.

The proposal from SICOM will only be finalised once the peer review exercise has been completed.

SSR INTERNATIONAL AIRPORT – OLD PASSENGER TERMINAL & PARKING FACILITIES

(No. A/15) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Sir Seewoosagur Ramgoolam International Airport, he will state if the –

- (a) Airport Terminal Operations Limited has worked on the improvement of on-road circulation, parking facilities and provision of pavements thereat, and
- (b) previous terminal is now operational.

Reply: In regard to part (a) of the question, the Airport Terminal Operations Ltd is undertaking several improvement works on traffic circulation and parking facilities at the Sir Seewoosagur Ramgoolam International Airport.

The improvement works are being carried out in line with the recommendations made in 2016 by a Car Park Expert from *Aéroport de Paris International*. To this effect, the extension of the Covered Walkway project has been completed in November 2018 and improvement works have been completed in June 2019 at the entry and exit of the car park to improve the flow of traffic.

In addition, the following projects are ongoing and are expected to be completed by February 2020 –

- (i) the creation of new internal roads in the car park;
- (ii) the closure of existing access road;
- (iii) the construction of a new exit Cash Booth to facilitate the exit circulation from the old car park;
- (iv) the creation of new parking slots;
- (v) installation of two Pay-on foot Machines;
- (vi) covered shelter at entrance of car park;
- (vii) installation of vertical circulations between old car park and curbside, and
- (viii) associated electrical and landscaping works.

In regard to part (b) of the question, the boarding area of the Old Passenger Terminal is fully operational as from 16 May 2019 following refurbishment.

MEDICAL & HEALTH OFFICERS – SCHOLARSHIPS & OVERSEAS COURSES

(No. A/16) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Medical and Health Officers/Senior Medical and Health Officers, he will give the list of those having benefitted from overseas courses/scholarships since March 2017 to date, indicating the –

- (a) name of the donor countries, and
- (b) course contents thereof.

(Reply not available)

TRAFFIC LIGHTS – NUMBER INSTALLED

(No. A/17) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the traffic lights, he will state the –

- (a) number thereof installed island wide;
- (b) time frame set for repairs in case of breakdown;
- (c) number of requests received for the installation of new ones, and
- (d) number thereof to be installed in the current financial year.

(Reply not available)

SUPREME COURT WEBSITE – JUDGMENTS – UPLOAD

(No. A/18) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the courts, he will state if he is aware that not all judgments are uploaded on the Supreme Court website and, if so, indicate if consideration will be given for the matter to be taken with the Master and Registrar with a view to ensuring that this service is improved.

Reply: I am aware of the issue raised by the hon. Member.

I am informed by the Master and Registrar that, as far as the Supreme Court is concerned, all judgments which are delivered by Honourable Judges are uploaded on the website of the Supreme Court. However, with regard to certain cases at the level of the Family Division involving sensitive issues, the Honourable Judges use their discretion not to upload certain judgments.

I am further informed that, as regards lower Courts –

- (a) since 29 March 2013, the then Master and Registrar had issued a circular letter to all Magistrates of the Industrial Court, Intermediate Court and District Courts, including Rodrigues Court, for them to avail themselves of the facilities for access to the internet via ADSL and to ensure that all judgments, once delivered, should be posted forthwith on the website, and

(b) on 29 May 2013, a reminder circular was issued by the Office of the Master and Registrar to all Magistrates to ensure compliance with the first circular.

The Master and Registrar has informed that, although it is her understanding that all judgments are being duly uploaded on the Supreme Court website, she intends to issue a fresh circular to all Magistrates to draw attention to the necessity to upload all judgments promptly.