

Honourable Attorney General and Ministers, Members of the Bar and the Law Society , Ladies and Gentlemen.

A very warm welcome to you all.

We are writing a new chapter in the history of this Arbitration Tribunal.

Mauritius achieved independence without bloodshed. However bad blood prevailed. Several countries had already gone through post-independence industrial and agricultural tribulations as well as business stagnation coupled with massive unemployment. 1968, we were not an exception.

Strikes in the sugar sector, which used to be our main export, the transport sector, our ports and docks, electricity supply and educational sector were evidence of growing industrial dissatisfaction.

Adhoc Tribunals were set up to arbitrate industrial disputes and I have had, Honourable Attorney General, Ladies and Gentlemen the fortune of knowing one dignified Chief Justice, Sir Henry Garrioch who was called upon to arbitrate industrial disputes both in his capacity as Judge and as Private Arbitrator. He predicted at some stage that the Permanent Arbitration Tribunal would become an expert institution with time and experience in the sphere of industrial relations.

Indeed, the time for an added jurisdiction to this Tribunal's existing aura has come.

The Employment Rights Act now makes provision for the creation of an Employment Promotion and Protection Division within the Tribunal. It shall deal with all cases of reduction of workforce, whether on a short term or permanently or the closing down of an enterprise, referred to the Tribunal by the Ministry of Labour, Industrial Relations and Employment.

For the purposes of this new division, the law defines the word "*employer*" to be one of not less than 20 workers. An unjustified reduction of the workforce will entail either the reinstatement of the worker to his former employment and that with his consent or the obligation to pay to him severance allowance. The new

law also introduces the principle of Last In First Out, that is the last one recruited to be the first one through the exit door.

The Tribunal has only 30 days with an extra 30 days in exceptional cases to consider whether the employer's decision is justified. The time limit is itself a challenge the more so as the Tribunal has to take into account the Constitutional and other legal rights of parties. In that respect we would welcome lawyers' understanding to assist the Tribunal in meeting its deadlines. We also believe our electronic system installed some 2 years back will contribute in expediting matters.

The Employment Promotion and Protection Division will be presided by the President or the Vice President of the Tribunal together with 2 members well versed in the field of employment relations and finance respectively.

Ladies and Gentlemen thank you for attending to my Summon this afternoon.

I will now leave the floor to the Honourable Attorney General.

Rashid Hossen

President

Employment Relations Tribunal

22.08.2013