

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

A warm welcome to you all and thank you for sparing some of your precious time to be with us this afternoon.

In 1968 when Mauritius became independent the economy was paralysed by successive strikes. Much has been said and written about this dark period of our history. In his “Political History of Mauritius (recollections and reflections)” launched only last month, Moonindra Nath Varma writes:-

“... some 716 buses were off the road and around 75,000 people deprived of transport. They included offices and nursing staff, police and school personnel, students and other workers as well as the sick and the injured. Most public and private sector offices were largely deserted. Economic and social activities were reduced. Mauritius stood almost at a standstill.”

“...conciliatory meetings had ended in deadlock due to obstinacy, arrogance and the idea of confrontation. The Government now applied the Public Order Act. Anyone inciting workers for an illegal strike was to be detained...”

Indeed the strike in the transport sector, started spreading like cancer, to other sectors namely the Central Electricity Department, the sugar industry and the ports authority. In the sugar sector several factories have had to stop running threatening the whole industry which was the economic pillar of the country. The strike continued with disastrous consequences with ships and unloaded goods remaining immobilised in the harbour and had to be rerouted to Reunion Island.

The country was being plunged into complete economic stagnation and had to be saved. An Ad Hoc Arbitration Tribunal was set up by the Government under the Chairmanship of Judge Ramphul as arbitrator, and any strike that followed the appointment of such Tribunal was declared illegal.

In order to maintain economic stability and social peace, it was necessary to convert the Arbitration Tribunal into a permanent one. The Industrial Relations Act 1971 passed in Britain was borrowed and adapted to our local context. It became known as the Industrial Relations Act 1973, making provision amongst others for the setting up of the Permanent Arbitration Tribunal to be chaired by someone qualified for appointment as a Judge. Irresponsible trade unions were cut down to size and Mauritius set on towards economic growth. You may be curious to know of the very first case before the Permanent Arbitration Tribunal. It was an industrial dispute declared at Air Mauritius and Air Mauritius has ever since remained for the last 40 years a frequent visitor to our Tribunal. We will soon be issuing a Frequent Visitor's Card to them !

Arguably the most, if not the only, dignified Chief Justice since our independence Sir Henry Garrioch foresaw as far back as 1976 in the case of Union of Labourers of the Sugar and Tea Industries versus Permanent Arbitration Tribunal:-

"... the Tribunal is by its Constitution the main arbiter in the sphere of industrial relations. It is or is expected to become with time and experience, an expert body in that sphere and as such should be left, as far as possible, to determine what is required for the implementation of the purposes of the Act and the fulfilment of its objects."

From Desforges Street to Astor Court and finally ending on a skyscraper level, the Newton Tower, the Permanent Arbitration Tribunal has been renamed

“Employment Relations Tribunal” dealing specifically with arbitration of industrial disputes in both the public and the private sector.

Judicial reforms were needed to meet various demands from the public, the government, management and trade unions. Awards that took 15 years to be delivered are now things that belong to the past. With the introduction of the Performance Based Budget, it was necessary to devise a system that would meet modern trend and deliver justice within a reasonable time. We have had difficulties to make ourselves understood by the Ministry of Finance in that we believe that justice cannot be quantified. Justice delayed is justice denied and the reverse is also true. Our dispute with the Ministry of Finance has been resolved and those cases that require an extension of time to be disposed of are now carried forward to the next performance based exercise.

The first industrial revolution began in Britain in the late 18th century with the mechanization of textile industry. Tasks previously done laboriously by hand in hundreds of weavers’ cottages were brought back in a single cotton mill and the factory was born. The second industrial revolution came in the early 20th century, when Henry Ford mastered the moving assembly line and ushered in the age of mass production. The first two industrial revolutions made people richer. In the latest edition of “The Economist” magazine a special report is dedicated to a third industrial revolution which it says is under way. ‘Manufacturing is going digital... The old way of making things involved taking lots of parts and screwing or welding them together. Now a product can be designed on a computer and printed on a three dimension printer which creates a solid object by building up successive layers of material... It can make many things which are too complex for a traditional factory to handle... Most jobs will not be on the factory floor but in the offices nearby, which will be filled by designers, engineers, IT specialists, logistic experts and other professionals... Hence the digitalization of manufacturing will transform the way businesses are made and change the politics of jobs as well.’

With recent developments in the field of industrial relations and information communication technology and as the Government embarks further in modernizing and amending our employment laws, the role of the Tribunal can only be called upon to increase in the future. Indeed, with globalization and the unprecedented financial crisis which has hit the global economy and the yet persisting insecure state of the economy in the Eurozone, the Mauritian economy is not immune from a downturn. In any crisis, those at the lower levels of the economy are the ones to suffer the most and workers are particularly at risk. The Government has the responsibility to take measures to ensure that the environment in the country remains favourable for investment whilst at the same time ensuring that this is not done at the expense of workers. Good employment laws and relations are more than ever crucial in this era of uncertainty and the role and responsibility of the Tribunal are sine qua non to ensure peace, social stability and economic development. As we approach 40 years since the setting up of the Tribunal, all efforts are being made to develop the Tribunal into a more efficient, modern, reliable and rapid means of arbitrating and solving disputes between relevant stakeholders so that every party is in a win-win situation and that peace, social stability and economic development are maintained in the country.

A former Chief Justice in this country once said that the internet will never replace the traditional law research library. But time has proven him to be a prophet of doom. Our electronic Tribunal has boosted performance in reaching targeted deadlines in line with the Performance Based Budget and at the same time creating a modern and fast service benefitting numerous sectors of the economy, the disputants, the lawyers and the public at large in the field of arbitration of industrial disputes. In 2010 we introduced the implementation of the electronic system on a trial basis and today I am pleased to inform you that we have completed its full implementation. Government included in its last

budget a sum of Rs 4 million for the installation of a digital audio recording at the Tribunal. Our two hearing rooms are now operational and proceedings are digitally recorded. The case management system that does away with the sitting book is also operational and the implementation of Wifi within the premises of the Tribunal completes the show.

This now leads us to the eDispute that will establish a rapid and effective arbitration procedure and it is of particular benefit to disputants, lawyers and the Tribunal. One needs not be an expert in computer literacy. It suffices that one clicks to our website and receives instant information on how to proceed with his dispute and the service remains free. The eDispute system allows the user to manage the full life cycle of his dispute before the hearing takes place. Most Barristers and Solicitors dealing with industrial disputes are now registered on our system and others are invited to visit our website.

The aim of the eDispute is to provide best services to users. The eDispute helps to minimize disruption at work and avoid wasting of resources whereby parties to disputes may be allowed not to be physically present in the Tribunal room for most of the “formal” proceedings and be present only when the case is in shape and ready for arbitration.

I would like to thank all those who have assisted us in the setting up of the system.

Honourable Attorney-General, I thank you for accepting to grace this function and may I invite you, should you wish to submit your case.

17 May 2012