



**Annual Report on Performance of the Employment Relations
Tribunal for 2022-2023**

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Performance of the
Employment Relations
Tribunal
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Vision

To be the expert tribunal for the resolving of industrial disputes.

Mission

To provide an efficient, modern, reliable and rapid means of hearing and resolving disputes between workers or trade unions of workers and employers or trade unions of employers so that peace, social stability and economic development are maintained in the country.

Supervising Officer's Statement

There has been a sharp increase in the number of cases lodged or referred to the Tribunal during the financial year 2022-2023. Indeed, 154 cases have been lodged or referred to the Tribunal during the financial year 2022-2023 as compared to 71 cases lodged or referred to the Tribunal during the financial year 2021-2022. With the recent amendments brought to the Workers' Rights Act and the Employment Relations Act by Act No. 15 of 2022 and Act No. 12 of 2023 in relation to 'reinstatement' cases, the number of cases referred to or lodged before the Tribunal is likely to increase further, in the short to medium term. Also, as the effects of the Covid-19 start to dwindle on organisations and the economy as a whole, claims which were sometimes put on hold during or because of the Covid-19 pandemic, find their way back to the Employment Relations Tribunal through referrals by the Commission for Conciliation and Mediation. The role and importance of the Employment Relations Tribunal cannot be minimized during this crucial period where the country is standing at the crossroads. Indeed, relevant principles such as the need to increase the rate of economic growth and to protect employment and to provide greater employment opportunities, the interests of persons immediately concerned with a matter and the community as a whole, and principles and best practices of good employment relations require careful examination and consideration, tact, experience, expertise, fairness and above all integrity, impartiality, honesty, justice and accountability on the part of the Tribunal and of its members.

During the financial year 2022-2023, the Tribunal has delivered 7 Awards, 5 Orders and 2 Rulings and has disposed of a total of 99 cases. The total number of cases pending before the Tribunal as at 30 June 2023 stood at 107. Out of the 99 cases disposed of, the Tribunal has disposed of 56 cases within the statutory time limits, which is in itself a considerable improvement from the financial year 2021-2022 where the Tribunal had disposed of 24 cases within the statutory time limits. There has also been an increase in the total number of cases disposed of by the Tribunal as compared to financial year 2021-2022 (a total of 93 cases were disposed of). The Tribunal has achieved 99% of its target figure, that is, of disposing of 100 cases during the financial year 2022-2023. Moreover, the Tribunal has been able to meet all the KPIs adopted by

Government for the financial year 2022-2023 except in relation to 'Filling of Vacancies' where hopefully the posts of President and Senior Transcriber may be filled during the present financial year.

With the rise in the number of cases and complexity of cases lodged or referred to the Tribunal, the most important requirement of the Tribunal will be the availability of adequate human resources. In the same vein, the availability of **all** members appointed by the Minister of Labour, Human Resource Development and Training under section 85(2)(b)(c) of the Employment Relations Act is **sine qua non** since the Tribunal cannot function with the President or Vice-Presidents of the Tribunal and its staff only. It is essential to have a properly constituted panel as per the Employment Relations Act for each and every case. New members have been appointed and the Tribunal looks forward to working with them.

I thank the Vice-President, Mr Shameer Janhangeer, for his support and contribution, members of the staff for their hard work and dedication and the panel members (more particularly members from the previous panel) for their valuable time and effort to enable the Tribunal to achieve such a performance during the financial year 2022-2023.

**Indiren Sivaramen
Acting President
Employment Relations Tribunal**

Roles and Functions of the Employment Relations Tribunal (ERT)

Objectives

Resolution of labour disputes in the Civil Service, the Private Sector, Parastatal Bodies and Local Government Services.

Hearing of appeals from certain decisions of the President of the Commission for Conciliation and Mediation.

Hearing of a number of other applications made by trade unions or employers in relation to employment relations issues.

Promotion of harmonious industrial relations.

Section 86 of the Employment Relations Act provides as follows:

Functions of Tribunal

- (1) The Tribunal shall have such functions as are specified in this Act, the Workers' Rights Act 2019 or as may be prescribed.*
- (2) Without prejudice to the generality of subsection (1), the Tribunal shall –*
 - (a) make awards;*
 - (b) make orders in relation to recognition, check-off agreement, agency shop order, minimum service and any other issues under this Act;*
 - (c) interpret collective agreements, awards and orders; and*
 - (d) publish on or before 31 March of every year, an annual report providing summaries of cases and rulings.*
- (3) Where any party to a matter relating to terms and conditions of employment fails to follow the procedures and remedies available under a*

procedure agreement or under this Act with regard to an existing or threatened strike or lock out arising out of a labour dispute whether or not reported under section 64 and if the dispute has been so reported, whether or not the report has been rejected under section 65, the other party may apply to the Tribunal and the Tribunal may make an order-

(a) requiring the parties to make use of the procedures and remedies available under the procedure agreement or under this Act; and

(b) declaring any existing or threatened strike or lock-out to be unlawful.

(4) A party shall comply with an order under subsection (3) forthwith.

Our pledge

Whilst hearing and resolving disputes, the Tribunal will ensure that the rights of all parties are respected and that fairness prevails at all stages of the proceedings;

The Tribunal will have regard, inter alia, to the principles and best practices of good employment relations;

The Tribunal will endeavour to deliver its awards, orders or other decisions diligently within the time frames provided by law;

The Tribunal shall exercise its jurisdiction in any proceedings in such manner as to enable the parties to the proceedings to avail themselves of possibilities for conciliation and mediation, where possible;

The Tribunal shall encourage electronic means of communication between parties to a case and the Tribunal;

The core values of the Tribunal are integrity, impartiality, honesty, justice and accountability.

Address:

**Level 18, Newton Tower
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Mauritius**

Contact Person: The Registrar

Contact Us

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(230) 211 5347

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Gender Statement

The Employment Relations Tribunal (ERT) as an institution dealing with employment relations is particularly attentive to ensuring gender equality. The Tribunal ensures that training opportunities are offered to all members of staff

irrespective of gender. No grade at the ERT, including the senior most position is gender-based but instead any position is open to the best available candidate. Even in relation to members appointed to be on panels hearing disputes, there is a very good representation of genders. Also, the ERT treats all its stakeholders including lawyers, workers, representatives of unions and employers with gender equality and sees to it that this approach is taken at **all** levels of the service offered by the ERT to the public at large.

About our people

Composition of the Employment Relations Tribunal

Acting President

Mr Indiren SIVARAMEN

Vice-President

Mr Shameer JANHANGEER

Members [during financial year 2022 – 2023]

Representatives of Workers

1. Ms Marie Désirée Lily LACTIVE
2. Mr Francis SUPPARAYEN
3. Mr Raffick HOSSENBACCUS
4. Mr Abdool Kader LOTUN
5. Mr Vijay Kumar MOHIT

Representatives of Employers

1. Mr Abdool Feroze ACHARAUZ
2. Mrs Jeanique PAUL-GOPAL
3. Mr Rabin GUNGOO
4. Mr Bharuth Kumar RAMDANY
5. Mrs Karen K. VEERAPEN

Independent Members

1. Mr Kevin C. LUKEERAM
2. Mr Arassen KALLEE (*resigned as from 27.09.2022*)
3. Mr Parmeshwar BUROSEE
4. Mr Ghianeswar GOKHOOL
5. Mr Yves Christian FANCHETTE

Staff List

SN	NAME	TITLE	EMAIL	PHONE NO (230)
Professional Level				
1	Mr SIVARAMEN Indiren	Acting President	isivaramen@govmu.org	Thro' CS 213 2892
2	Mr JANHANGEER Shameer	Vice-President	sjanhangeer@govmu.org	Thro' CS 210 0998
3	Mrs HORIL Luxmi	Registrar	registrar-ert@govmu.org	212 5184
4	Miss SAWO-BURTHIA Vanisha	Temporary Deputy Registrar	ert@govmu.org	212 4636
Administrative/Supportive Levels				
1	Mrs BOODHUN Saraspady	Principal Financial Operations Officer	Fin_ert@govmu.org	211 1303
2	Miss KADER Nazia	Human Resource Executive (Part-time)	ert@govmu.org	2602936 / 212 8286
3	Miss MOHINDEE Ganeshwaree	Office Management Assistant	gmohindee@govmu.org	212 4636
4	Mrs SHAMSOODEEN Beebee Zubeida	Procurement and Supply Officer / Senior Procurement and Supply Officer (Part-time)	zshamsodeen@govmu.org	212 4636
5	Mrs PEEROO Khushali	Safety and Health Officer / Senior Safety and Health Officer (As and when required basis)	ert@govmu.org	212 4636
6	Miss UJOODHA Lakshana	Acting Senior Transcriber	ert@govmu.org	208 0091
7	Mrs DOOBUR Vidiawatee	Transcriber	ert@govmu.org	208 0091
8	Mrs PURREMCHUND Priya Ashvini	Transcriber	ert@govmu.org	208 0091
9	Mrs DOSIEAH Deeneshwaree	Confidential Secretary (Mr Sivaramen)	ddosieah@govmu.org	213 2892
10	Mrs LAM TO Ivonnette	Confidential Secretary (Mr Janhangeer)	ylamto@govmu.org	210 0998

11	Mrs NEERUNJUN-GUJADHUR Binta Devi	Management Support Officer	ert@govmu.org	212 4636
12	Mrs DAUHAWOO-GUNGADIN Priscilla	Management Support Officer	ert@govmu.org	212 4636
13	Mr POONOOSAMY Srinivassen	Management Support Officer	ert@govmu.org	212 4636
14	Mrs SANTOO Ricamah	Management Support Officer	ert@govmu.org	212 4636
15	Miss DABOO Lakshana Devi	Management Support Officer	ert@govmu.org	212 4636
16	Mr SAMY Rainganaden	Head Office Auxiliary	ert@govmu.org	208 0091
17	Mrs RAMPHUL Nivedita	Office Auxiliary/ Senior Office Auxiliary	ert@govmu.org	208 0091
18	Mr MOHUN Purmessursingh	Office Auxiliary/ Senior Office Auxiliary	ert@govmu.org	208 0091

Part II: ERT ACHIEVEMENTS AND CHALLENGES

Status on Implementation of Budget Measures

Not applicable.

Major Achievements

For the period 2022-2023, 154 cases (industrial & employment disputes) have been referred to or lodged before the Tribunal.

The Tribunal has delivered 7 Awards, 5 Orders and 2 Rulings and has disposed of a total of 99 cases. The total number of cases pending before the Tribunal as at 30 June 2023 stood at 107.

The Tribunal has disposed of 56 cases within statutory time limits. There has been a significant increase in that number compared to the last financial year where the rate of disposal of cases was affected by several factors including cases where parties themselves had requested for the cases not to be proceeded with temporarily, since matters were likely to be addressed in the then forthcoming PRB Report 2021, or the temporary suspension of commercial flights between Mauritius and Rodrigues for a major part of the financial year 2021-2022 (following the Covid-19 pandemic) whereby cases referred to the Tribunal by fax or e-mail by the Rodrigues Commission for Conciliation and Mediation (RCCM) could not, in fairness to the parties, be heard pending the resumption of commercial flights.

The Tribunal has disposed of a total of 99 cases, that is, just one case short of the target for the financial year 2022-2023, which was 100 cases (99% of the target was achieved).

Status on Implementation of Key Actions

Key Action	Key Performance Indicator	Target 2022-23	Status of Key Action as at 30 June 2023
Arbitration of industrial and employment disputes	Number of cases disposed of (actual 2021-22: 93).	100	99 Only just below target

Other Internal Developed KPI's

Number of cases disposed of within prescribed time limits

The number of cases disposed of within time limits for the financial year 2022-2023 is 56. This represents a 133% increase compared to the 2021-2022 figure of 24. The performance of the Tribunal has been less affected by the effects of the Covid-19 pandemic during the financial year 2022-2023. The ERT has, thus, with the contribution of its staff, members of the Tribunal, lawyers, litigants and their representatives been able to dispose of 56 cases (out of the total of 99 cases disposed of during that year) within the prescribed time limits.

Risk Management, Citizen Oriented Initiatives & Good Governance

The Public Sector Anti-Corruption Framework

(Good Governance) Anti-corruption policies and procedures

In line with the Public Sector Anti-Corruption Framework (PSACF), Management is committed to “building corruption resistance” within the Tribunal.

The anti-corruption policy of the Tribunal is available on the website of the Tribunal (<https://ert.govmu.org>) and is disseminated to all staff members. The Tribunal has an anti-corruption committee which is currently chaired by the Acting President of the Tribunal. The Registrar of the Tribunal, Mrs Luxmi Horil, is the Integrity Officer and acts as the Secretary of the committee. Mr K. Koonjal, Chief Corruption Prevention Officer of the Independent Commission against Corruption (ICAC) is the ex-officio member of the committee and guides the Tribunal in implementing the PSACF within the Tribunal and also in monitoring its application.

The committee meets regularly and during the financial year 2022-2023 the anti-corruption committee met on no less than four occasions. Corruption Risk Assessments (CRAs) have been conducted in the following areas: arbitration of labour disputes and hearing of other cases, procurement, payment of overtime, and finally in relation to other payments made by the Tribunal. The Tribunal has during financial year 2022-2023 embarked on the process of monitoring the implementation of the recommendations/measures adopted following the CRAs. In line with its objective of ensuring that all recommendations/measures, as adopted by the anti-corruption committee and management, are implemented within the Tribunal, the Tribunal reports regularly on progress achieved in relation to implementation of the recommendations/measures identified following CRAs. The Tribunal also reports on the Management Information System put in place by the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR). For the financial year 2022-2023, the Tribunal implemented 100% of the recommendations contained in the CRA reports. The Tribunal thus met the KPI adopted by Government for implementation at the level of Ministries, Departments, Local Authorities and State-Owned Enterprises for the financial year 2022-2023.

Other KPIs adopted by Government

Utilisation of Training Budget

The budget for training for the Tribunal for the financial year was Rs 75,000. The Tribunal encourages all of its staff, irrespective of grade, to follow relevant training

courses which will be useful both for the officer, in his/her every day duties and activities and/or in his/her career progression, and for the Tribunal. Training followed by the staff comprised of face to face training and online training. The Tribunal has spent a total of Rs 68,100 on training during the financial year out of the total budget of Rs 75,000. Thus, the Tribunal has made use of 90.8% of its training budget (over 90% of the budget) for the training of its staff. This met the KPI adopted by Government for implementation at the level of Ministries, Departments, Local Authorities and State-Owned Enterprises for the financial year 2022-2023. Also, the aim of the Tribunal is that all members of the staff are able to follow at least one training course during any particular financial year.

Implementation of Phase III of the e-HR

The e-HR system was not applicable to the Tribunal during the financial year 2021-2022. The MPSAIR has rolled out the e-HR system to the Tribunal and the Leave Management System is fully operational at the Employment Relations Tribunal as from 31 August 2022. All applications for casual leave, sick leave and vacation leave for the staff of the Tribunal are being done through the e-HR system. Manual processing of leaves has been phased out and save in very exceptional circumstances, manual processing of leaves is being carried out only for leaves not mentioned above (such as for example maternity/paternity leaves, injury leave, and so on) at the Tribunal.

The Core HR Module is another phase of the e-HR project which has been rolled out to the Tribunal and has been implemented as from May 2023.

Compliance of buildings housing Public Officers with Fire Safety Requirements

The Employment Relations Tribunal rents premises at the Newton Tower, Corner Sir William Newton and Remy Ollier Streets, Port Louis. The Tribunal ensures that it is provided with a copy of the updated Fire Certificate from the landlord.

The Tribunal has nominated Fire Wardens among the staff and they attend fire drill meetings and training sessions when required. The staff of the Tribunal also participates in fire drills organized by the landlord as required by the Occupational Safety and Health Act.

The Occupational Safety and Health Officer/Senior Occupational Safety and Health Officer posted to the Tribunal on a part-time basis, regularly carries out site visits and makes recommendations and organizes training in relation to fire safety.

Filling of Vacancies

For the financial year 2022-2023, there were three funded vacancies on the Vote of the Tribunal. The vacant post of Deputy Registrar which was funded has been filled during the financial year 2022-2023. The vacant post of Senior Transcriber (following the retirement of the former Senior Shorthand Writer (grade restyled Senior Transcriber following the PRB Report 2021)) has not yet been filled. The scheme of service for the post predated the 'setting up' of the Employment Relations Tribunal and was outdated. As mentioned in the next paragraph, steps have been taken for the prescription of a revised scheme of service for Senior Transcriber. Action will be taken for the filling of the post on prescription of the scheme of service for the post.

As regards the post of President of the Employment Relations Tribunal, necessary procedures have been initiated for the filling of the said post.

Other matters

Prescription of Scheme of Service

The scheme of service for Senior Transcriber which dates back to 2001 and prescribed before the enactment of the Employment Relations Act, is outdated and is being reviewed.

The duties of the grades of Senior Transcriber and Transcriber (formerly Senior Shorthand Writer and Shorthand Writer respectively and which have been restyled in the PRB Report 2021) are closely linked and thus the scheme of service for Transcriber needs to be reviewed concurrently with that of Senior Transcriber. There have been consultations with the relevant trade union on the proposed amendments to the two schemes of service. The matter has now been referred, with our recommendations, to the relevant Ministry responsible for the prescription of schemes of service.

Procurement

All relevant procurements for goods and services at the Employment Relations Tribunal are being done through the e-procurement system. The APSO posted at the Tribunal has been promoted PSO/SPSO. Following the promotion of the latter, she has been posted in another Department. However, pending the appointment of a new officer, the PSO/SPSO has been requested to continue to provide her services, but now on a part-time basis, to the Tribunal (one day per week).

Though the e-procurement system has been successfully implemented at the Tribunal, the effective and efficient use of this facility will depend on the availability of an officer of the procurement cadre to operate the system and to deliver the services required from an officer of the Procurement cadre. This is critical to enable the Employment Relations Tribunal and its staff to have the relevant goods and services which are necessary for the Tribunal to deliver on its mandate successfully, efficiently and in an effective manner. Also, the availability of an officer of the Procurement cadre full-time at the Tribunal will facilitate all transactions related to the store and safe keeping of assets.

Implementation Plan – Director of Audit Comments

Not applicable.

Part III – FINANCIAL PERFORMANCE

Financial Highlights – 2022-2023

A Budget Estimates of Rs 23,500,000 was allocated to the ERT for the financial year 2022-2023 comprising of:

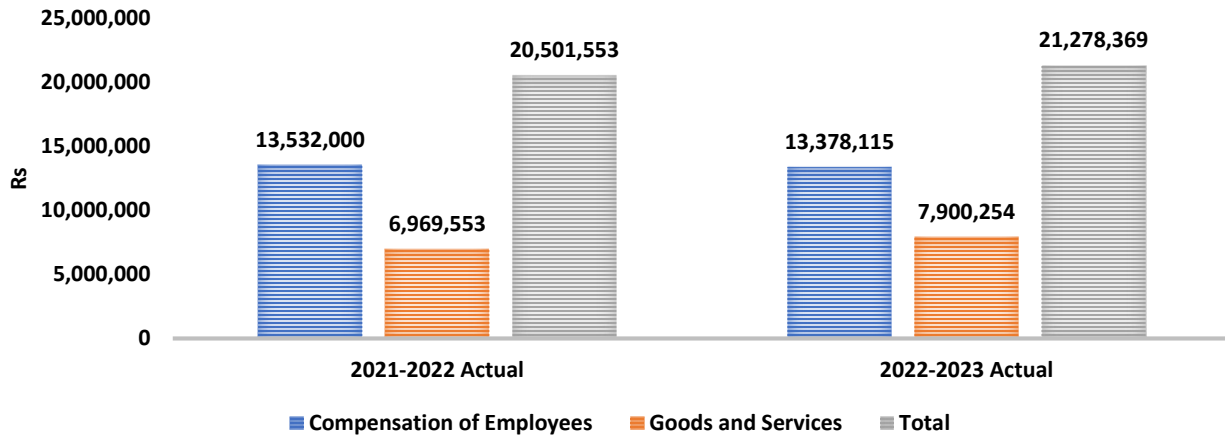
Rs 15,020,000 for **Compensation of Employees**; and
Rs 8,480,000 was provided under **Goods and Services**.

Statement of Expenditure

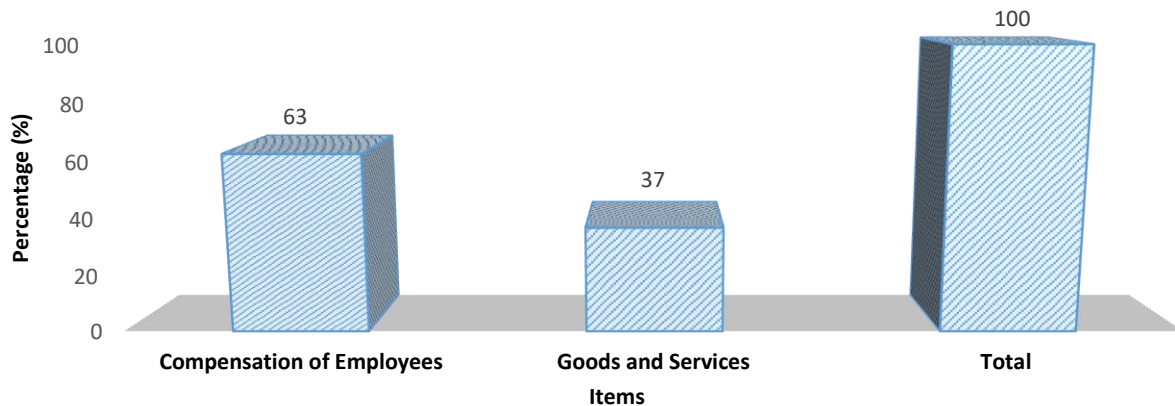
The table hereafter provides figures as regards to Estimates for Year 2022-2023 and actual expenditure for the years 2021-2022 and 2022-2023:

Head/Sub-Head of Expenditure	2021-2022	2022-2023	2022-2023	Actual 2022-2023 Expenditure as a %
	Actual Rs	Estimates Rs	Actual Rs	
Compensation of Employees	13,532,000	15,020,000	13,378,115	63
Goods and Services	6,969,553	8,480,000	7,900,254	37
Total	20,501,553	23,500,000	21,278,369	100

HEAD/SUB-HEAD OF EXPENDITURE



ACTUAL EXPENDITURE FOR 2022-2023 REPRESENTED AS %



Analysis of Expenditure

There is a slight decrease in the actual expenditure for financial year 2022-2023 for 'Compensation of Employees' (by approx.1.14%) when compared to the previous financial year 2021-2022.

The expenditure for 'Goods and Services' has increased (by approx.13.35%) when compared to the previous financial year 2021-22 due to revised fees to Chairperson and Members of Boards and payment of relevant arrears (revision

effective as from 1 January 2021) as per Circular Note No 54 of 2022 from the Ministry of Public Service, Administrative and Institutional Reforms following the PRB Report 2021.

There has been an increase of approximately 3.79% in the Total Expenditure for financial Year 2022-2023 when compared to financial year 2021-2022.

PART IV – WAY FORWARD

Trends and Challenges

The Tribunal is presently constituted of the Acting President, Mr I. Sivaramen and the Vice-President, Mr S. Janhangeer. The post of President, which is vacant since 3 November 2019, has been advertised and it is expected that the post will be filled in the near future. This will help to alleviate the pressure in terms of the increase of workload coupled with the short time limits imposed on the Tribunal to complete cases referred to it.

Indeed, 154 cases have been lodged or referred to the Tribunal during the financial year 2022-2023. There has thus been an **increase** of nearly 117% as compared to the number of cases (71 cases) lodged or referred to the Tribunal in the financial year 2021-2022. With the 'reinstatement' cases being referred to the Tribunal under section 69A of the Workers' Rights Act, and the significant rise in the number of labour disputes referred to the Tribunal, presumably resulting from disputes which were not reported earlier because of the Covid-19 pandemic or the uncertain times which followed the pandemic, there is nothing to indicate that this trend is not likely to persist in the short to medium term.

With the 'new' cases being referred to the Tribunal under section 69A of the Workers' Rights Act and the shorter time limit imposed on the Tribunal to determine such cases, the staff of the Tribunal (at all levels) is working under considerable pressure to enable the Tribunal to deliver on its mandate. Additional staff has been sought to assist the Tribunal to enable it to determine cases referred to it within the prescribed time limits, and more specially the time limit imposed by section 70A(2) of the Employment Relations Act, as amended by Act No. 12 of 2023.

New members of the Tribunal have recently been appointed, and the Tribunal looks forward to working with these new members on the different panels of the Tribunal. It is apposite to note that the Tribunal cannot function in the absence of the members provided for under section 85(2) of the Employment Relations Act. The Tribunal has to be properly constituted first and foremost to be able to proceed to hear a case before giving an award, determination or a final order. We understand that the Ministry of Labour, Human Resource Development and Training is doing the needful so that the Tribunal has indeed the required number of members (in each 'category' of members, that is, members appointed after consultation with the most representative organisations of workers and employers and independent members) for the proper functioning of the Tribunal.

With adequate staffing and the appropriate number of members as provided under the Employment Relations Act, the Tribunal will continue to deliver on its mandate in the interests of the persons immediately concerned (the 'parties' before the Tribunal) and the community as a whole so that good employment relations are maintained in the Republic of Mauritius in the interest of the country as a whole.

Strategic Direction

The Tribunal aims to:

1. foster and promote good employment relations between parties;
2. ensure that the rights of aggrieved parties are restored in line with employment laws; and
3. dispose of cases with celerity whilst ensuring fairness to all parties.