



**Annual Report on Performance of the Employment Relations  
Tribunal for 2020-2021**

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Performance of the  
Employment Relations  
Tribunal  
2020/2021

# Vision

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

# Mission

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To provide an efficient, modern, reliable and rapid means of arbitrating and settling 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

The financial year 2019/2020 was marked by the Covid-19 pandemic. Mauritius and the whole world were not spared from the effects of the pandemic even in financial year 2020/2021 so much so that a Temporary Restrictions of Movement Order was in force over the whole island in March 2021 and was eventually extended for the month of April 2021. Several localised Temporary Restrictions of Movement Orders were also issued as required. These affected to a large extent the sittings of the Tribunal, and arrangements had to be made yet again to reschedule cases so that parties were not penalised by the then prevailing situation. The Rodrigues Commission for Conciliation and Mediation referred a number of cases to the Tribunal and the restrictions of flights between Rodrigues and Mauritius owing to the pandemic affected the disposal of these cases too.

As new protocols are put in place to deal with the constantly evolving situation in the wake of the pandemic and as the percentage of those who have been vaccinated against the Covid-19 increases in Mauritius, we may look forward to getting over this terrible period of our history or at least to living as normally as possible with this pandemic. This is a *sine qua non* for a 'reprise' of economic growth and all that goes with it, including employment.

The Annual Report on Performance of the Employment Relations Tribunal is a statutory requirement in accordance with Section 4B of the Finance and Audit Act. I am pleased to note that despite this difficult year the Tribunal managed to deliver 12 Awards, 9 Orders and 6 Rulings and disposed of a total of 206 cases. Amongst these, the Tribunal disposed of 81 cases within the statutory time limits.

I thank the Vice-President, Mr Shameer Janhangeer for his support and contribution and the whole staff of the Tribunal, including the members, for their time and effort to enable the Tribunal to meet its objectives.

**Indiren Sivaramen  
Acting President  
Employment Relations Tribunal**

## Roles and Functions of the Employment Relations Tribunal

## List of Services

- Arbitration of labour disputes and the making of awards.
- Making of orders in relation to recognition or revocation or variation of recognition of a trade union of workers, variation of or non-compliance with procedure agreements, access to workplace, access to information, check-off agreements and any other issues under the Employment Relations Act.
- Sitting on appeal in relation to certain decisions of the President of the Commission for Conciliation and Mediation and Registrar of Associations.

## Details of Services

- Acting as arbitrator between parties having to resolve a dispute.
- Settling labour disputes after hearing parties, more especially worker's and employer's representatives, and any other witnesses. Under the Employment Relations Act, as amended, a labour dispute
  - (a) *“means a dispute between a worker, a recognised trade union of workers or a joint negotiating panel, and an employer which relates wholly or mainly to –*
    - (i) *the wages, terms and conditions of employment of, promotion of, or allocation of work to, a worker or group of workers;*
    - (ii) *the reinstatement of a worker, other than a worker who is appointed by, or under delegated powers by, the Judicial and Legal Service Commission, the Public Service Commission or the Local Government Service Commission –*
      - (A) *where the worker is suspended from employment, except where the alleged misconduct of the worker is subject to criminal proceedings; or*
      - (B) *where the employment of the worker is terminated on the grounds specified in section 64(1A);*

- (b) *does not, notwithstanding any other enactment, include a dispute by a worker made as a result of the exercise by him of an option to be governed by the recommendations made in a report of the Pay Research Bureau or a salary commission, by whatever name called, in relation to remuneration or allowances of any kind;*
- (c) *does not include a dispute that is reported more than 3 years after the act or omission that gave rise to the dispute.”*

- Applications may be made directly to the Tribunal by trade unions under various provisions of the Employment Relations Act in relation to recognition or revocation or variation of recognition of a trade union of workers, variation of or non-compliance with procedure agreements, unfair labour practices during collective bargaining, check-off agreements, time-off facilities and access to workplace and to information, among others.
- Awards are delivered after hearing parties in relation to their disputes within 90 days as from the date the cases have been referred to the Tribunal. It is similar to a Court of Law delivering judgment after hearing parties.

## 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 there is proper rotation of training opportunities 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 representativeness of genders. The ERT treats all its stakeholders including lawyers, disputants, representatives of unions, employees 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**

### **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
3. Mr Parmeshwar BUROSEE
4. Mr Ghianeswar GOKHOOL
5. Mr Yves Christian FANCHETTE



# Staff List

SN	NAME	TITLE	EMAIL	PHONE NO (230)
<b>Professional Level</b>				
1	Mr SIVARAMEN Indiren	Acting President	<a href="mailto:isivaramen@govmu.org">isivaramen@govmu.org</a>	Thro' CS 213 2892
2	Mr JANHANGEER Shameer	Vice-President	<a href="mailto:sjanhangeer@govmu.org">sjanhangeer@govmu.org</a>	Thro' CS 210 0998
3	Mrs HORIL Luxmi	Registrar	<a href="mailto:registrar-ert@govmu.org">registrar-ert@govmu.org</a>	212 5184
<b>Administrative/Supportive Levels</b>				
1	Mrs JHURREEA Sandhya	Financial Officer/ Senior Financial Officer	<a href="mailto:Fin_ert@govmu.org">Fin_ert@govmu.org</a>	211 1303
2	Mrs WAN CHUN WAH Chong How Rosemay	Senior Shorthand Writer	<a href="mailto:cwan-chun-wah@govmu.org">cwan-chun-wah@govmu.org</a>	211 6913
3	Ms KADER Nazia	Human Resource Executive (Part-time)	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	208 0091
4	Mrs SUMPUTH-RAMSARRAN Deepa	Safety and Health Officer/Senior Safety and Health Officer (Part-time)	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	405-4100
5	Mr MUNORUTH Karishdeo	Office Management Assistant	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	212 4636
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8	Mrs PURREMCHUND Priya Ashvini	Shorthand Writer	<a href="mailto:ertgovmu.org">ertgovmu.org</a>	211 6913
9	Mr BAHADOOR Irfaan Mohammad	Assistant Procurement & Supply Officer (Part-time)	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	212 4636
10	Mrs DOSIEAH Deeneshwaree	Confidential Secretary (Mr Sivaramen)	<a href="mailto:ddosieah@govmu.org">ddosieah@govmu.org</a>	213 2892
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12	Mrs CHANDUL BOWOL Ashwani	Management Support Officer	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	212 4636
13	Ms NEERUNJUN Binta Devi	Management Support Officer	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	212 4636

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16	Miss AULEEAR Bibi Nagma	Management Support Officer	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	212 4636
17	Mr BHUGALOO Muhammad Naguib	Head Office Auxiliary	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	208 0091
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19	Mr MOHUN Purmessursingh	Office Auxiliary/ Senior Office Auxiliary	<a href="mailto:ert@govmu.org">ert@govmu.org</a>	208 0091

## **Part II: ERT ACHIEVEMENTS AND CHALLENGES**

### **Status on Implementation of Budget Measures**

Not applicable.

### **Major Achievements**

For the period 2020/21, 159 cases (industrial & employment disputes) have been referred to or lodged before the Tribunal.

The Tribunal has delivered 12 Awards, 9 Orders and 6 Rulings and has disposed of a total of 206 cases. The total number of cases pending before the Tribunal as at 1 July 2021 thus stood at 74.

The Tribunal has disposed of 81 cases within statutory time limits. This is slightly below the target of 92 cases but nevertheless this is a very satisfactory performance given the continued effect of the Covid-19 pandemic and the Temporary Restrictions of Movement Order which was in force from 10 March 2021 to 30 April 2021 all around the island and the subsequent localised Temporary Restrictions of Movement Orders made for specific zones within the country.

## Status on Implementation of Key Actions

Key Action	Key Performance Indicator	Target 2020/21	Status of Key Action as at 30 June 2021
Dealing with increasing number of disputes and applications targeting a yearly increase of 2% in the number of cases disposed of within statutory time limit subject to complexity of cases.	Number of cases disposed of within statutory limit (actual 2019/20: 88).	92	81 Slightly below target but very satisfactory performance given the continued effect of the Covid-19 pandemic and the Temporary Restrictions of Movement Order across the whole island and subsequent localised Restrictions of Movement Orders.

## Other Internal Developed KPI's

### Number of cases disposed

The number of cases disposed of gives an indication of the ability of the ERT to cope with the number of cases referred to or lodged before the Tribunal. The Tribunal has managed to dispose of a total of 206 cases for the period 2020/21 (compared to a total of 159 cases which were referred to or lodged during the same period) despite the increase in the complexity of cases and the continued effect of the Covid-19 pandemic with the Temporary Restrictions of Movement Order across the whole island and the subsequent localised Temporary Restrictions of Movement Orders. The restrictions of flights between Mauritius and Rodrigues have also impacted on the disposal of cases referred to the Tribunal by the Rodrigues Commission for Conciliation and Mediation. The ERT has thus been able yet again to reduce the number of pending cases (74 as at 1 July 2021) before the Tribunal with the contribution of its staff, members of the Tribunal and the litigants themselves.

## Risk Management, Citizen Oriented Initiatives & Good Governance

### The Public Sector Anti-Corruption Framework

#### Anti-corruption policies and procedures

The Tribunal has embarked on the Public Sector Anti-Corruption Framework (PSACF) and 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 has been disseminated to all staff members. The Tribunal has in line with its anti-corruption policy set up 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) has been designated as ex-officio member of the committee to guide the Tribunal in its process to fully implement the PSACF within the Tribunal.

The committee meets regularly and during the financial year 2020/2021 the anti-corruption committee met on three occasions. The Tribunal has conducted Corruption Risk Assessments (CRAs) in the following areas: arbitration of labour disputes /and hearing of other cases, procurement, payment of overtime and more generally, other payments made by the Tribunal. With the contribution of relevant staff members and the anti-corruption committee, the Tribunal has thus conducted four CRAs during the said financial year. This met the Key Performance Indicator (KPI) set by the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) which was two CRAs to be conducted per year by Ministries/Departments.

Further, the Tribunal shall see to it that any measures, as adopted by the committee and management, be implemented within the Tribunal. The Tribunal shall also endeavour to deliver as per any KPI which may be adopted by the MPSAIR in relation to the implementation of the PSACF.

## Other KPIs adopted by the MPSAIR

### Training

The budget for training for the Tribunal for the financial year 2020/2021 was Rs 70,000. The Tribunal encourages all of its staff, irrespective of grade, to follow relevant training courses which will benefit both the officer, in his every day duties and activities and/or in his career progression, and the Tribunal.

Training for the staff comprised both face to face training and online training. The Tribunal spent Rs 64,500 out of its training budget of Rs 70,000 which represented 92.1% of the training budget allocated to the Tribunal. This once again met the KPI (90% of the training budget must be used for training of staff) adopted by the MPSAIR for departments and Ministries for the financial year 2020/2021.

### Procurement

The MPSAIR adopted another KPI which is that Ministries and Departments must make use of e-procurement for the procurement of goods and services. The Tribunal, though with a relatively small budget for goods and services, has embarked on the process of e-procurement. Two officers have, in addition to training mentioned under the previous heading, followed training at the Procurement Policy Office on how to implement e-procurement within the ERT. The operational requirements for e-procurement at the Tribunal have been identified and the roles of relevant officers in the e-procurement process have been established.

The Tribunal is in the final stage of the implementation of e-procurement and will acquire relevant Digital Signature Certificates (personal to the relevant users). The Temporary Restrictions of Movement Order (across the whole island) and localised Temporary Restrictions of Movement Orders have delayed the implementation of e-procurement at the Tribunal. Also, the Tribunal has now been granted funds in its 2021/2022 budget for one post of Assistant Procurement and Supply Officer (who has a major role in the whole process) at the Tribunal. Needful is being done for the filling of the said post, and the Tribunal will then proceed with the final implementation of e-procurement (with the purchase of relevant digital signature certificates) within the department.

## Implementation Plan – Director of Audit Comments

Not applicable.

### Part III – FINANCIAL PERFORMANCE

#### Financial Highlights- 2020-2021

A Budget Estimates of Rs23,400,000 was allocated to the ERT for the financial year 2020-2021 comprising of:

Rs15,165,000 for **Compensation of Employees**.

Rs8,215,000 was provided under **Goods and Services** and

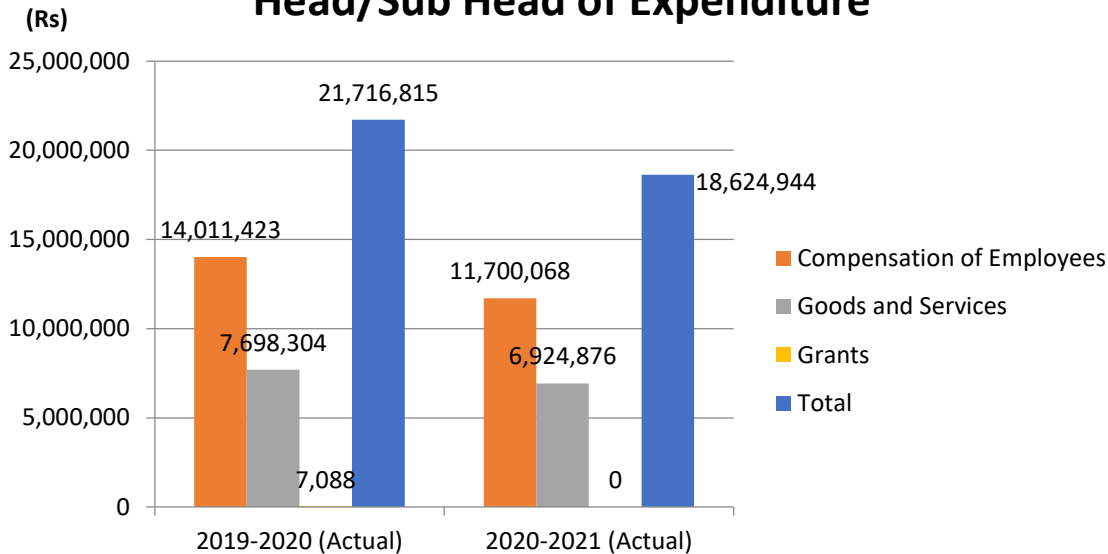
Rs20,000 was provided under **Grants** to meet expenses as Contributions to International Organisations.

#### **Statement of Expenditure**

The Table below provides figures as regards to Estimates for year 2020-2021 and the actual expenditures for years 2019-2020 and 2020-2021

Head/Sub-Head of Expenditure	2019-2020 Actual	2020-2021 Estimates	2020-2021 Actual	ACTUAL EXPENDITURE FOR 2020-2021 REPRESENTED AS %
Compensation of Employees	14,011,423	15,165,000	11,700,068	62.82
Goods and Services	7,698,304	8,215,000	6,924,876	37.18
Grants	7,088	20,000	0	0.00
<b>Total</b>	<b>21,716,815</b>	<b>23,400,000</b>	<b>18,624,944</b>	<b>100.00</b>

## Head/Sub Head of Expenditure

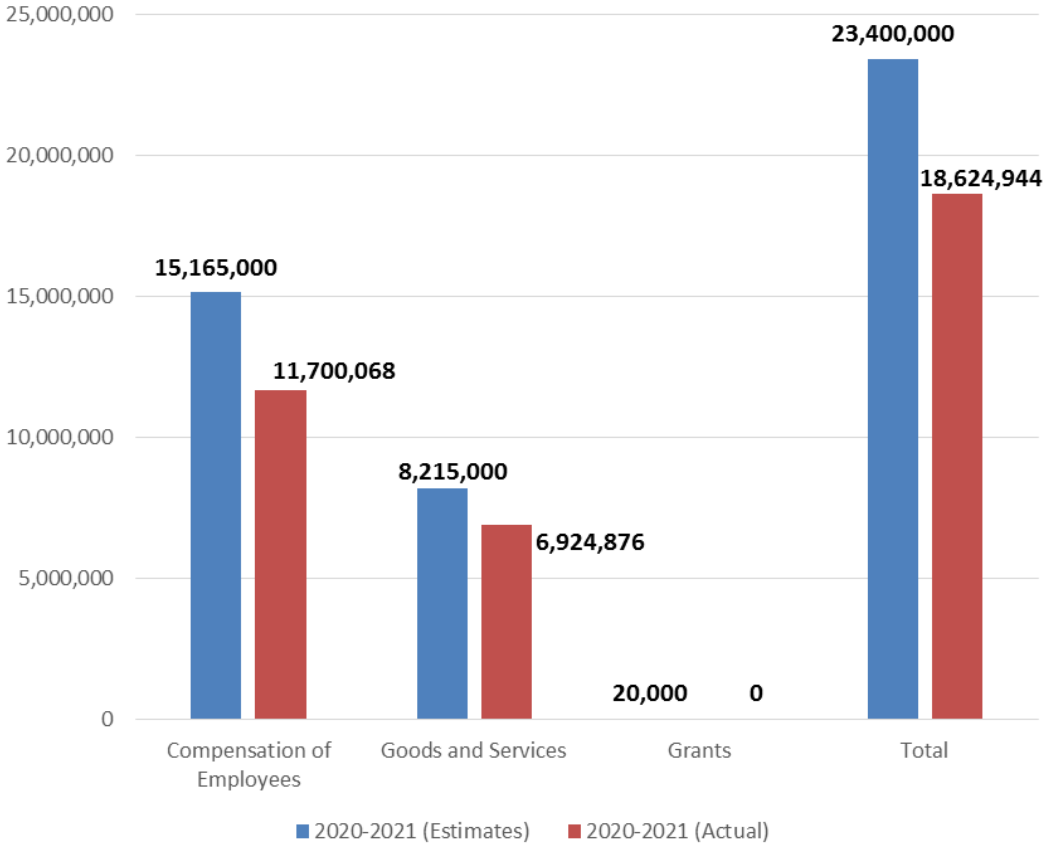


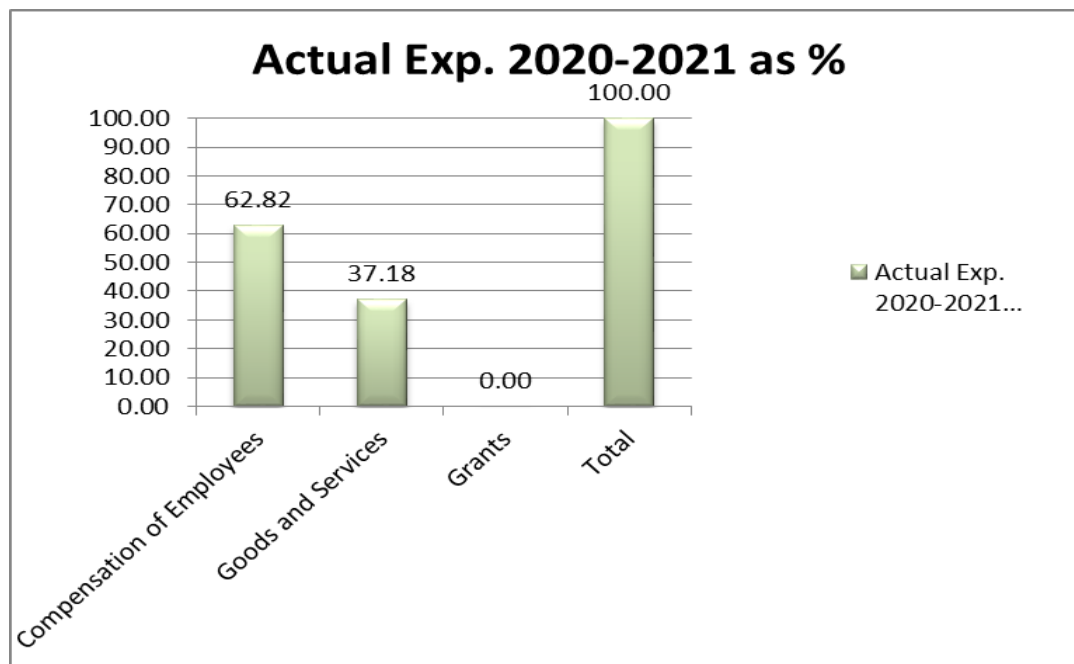
### Analysis of Expenditure

There is a decrease in the actual expenditure for financial year 2020-2021 when compared to the previous financial year 2019-2020. This is mainly due to the retirement of the President of the Employment Relations Tribunal, of one Confidential Secretary and the Office Management Executive. These posts have not been filled in financial year 2020-2021. There is also a decrease in expenditure for Goods and Services in financial year 2020-2021 compared to financial year 2019-2020. This is mainly due to decrease in expenditure such as electricity bills, the absence of any passage costs and accommodation charges in the year 2020-2021 since the Tribunal could not hold sittings in Rodrigues during that period, and a decrease in 'Fees to Chairperson and Members of Boards and Committees'.



# Head/Sub Head of Expenditure





## PART IV – WAY FORWARD

### Trends and Challenges

The Employment Relations Tribunal has operated under exceptional circumstances during the financial year 2020-2021 following the Covid-19 pandemic in 2020 and the resurgence of Covid-19 cases locally in or around March 2021. With the Temporary Restrictions of Movement Order in March-April 2021, cases before the Tribunal had to be rescheduled. The subsequent localised Temporary Restrictions of Movement Orders in various areas of the country and notifications which we received from parties and/or representatives that they had to isolate themselves because they had been in contact with someone infected with the disease also resulted in a few cases being rescheduled before the Tribunal. Last but not least, the flights restrictions between Mauritius and Rodrigues affected to a large extent the disposal of several cases referred to the Tribunal by the Rodrigues Commission for Conciliation and Mediation. In fact, the Tribunal could not hold sittings in Rodrigues during the financial year 2020-2021.

With the lifting of the Temporary Restrictions of Movement Order which was in force all over the island, the Tribunal has resumed with the hearing of cases. The staff of the Tribunal has put in much effort to ensure that the Tribunal could safely accommodate parties and their representatives in the hearing rooms and proceed with hearings, as required. The Covid-19 pandemic has given rise to unprecedented situations and continues to affect the global economy and different spheres of activity in the local economy, albeit to varying degrees. It is against this new background that the Tribunal has to operate and arbitrate and settle disputes between workers or trade unions of workers and employers or trade unions of employers. The number of industrial disputes as well as the complexity of cases referred or expected to be referred to the Tribunal for arbitration are not likely to decline in view of the already complex situation in which we find ourselves.

For the following three fiscal years and beyond, the Tribunal will maintain an efficient and effective service delivery culture at all levels so that there are no hurdles to a rapid settlement of disputes before the Tribunal.

The Tribunal will continue with providing training opportunities to all of its staff so that they are more capable of facing new challenges.

The Tribunal will see to it that all required safety and health standards are met within its premises so as to ensure a safe place of work for its staff and for the benefit of all its stakeholders.

The Tribunal will continue to find ways to improve its work processes so as to improve service delivery to its stake holders.

And last but not least, the Tribunal will continue with the implementation of the Public Sector Anti-Corruption Framework so that it becomes an integral part of the structures of the Tribunal thereby ensuring an ethical culture and accountability among all the staff as well as the part-time members who sit on panels hearing disputes.

## Strategic Direction

The Tribunal aims to:

1. foster and promote good employment relations between parties;
2. ensure 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.

## Conclusion

The achievement of the above strategies will contribute to a large extent to industrial peace, good employment relations and higher productivity which will in turn be conducive to economic growth in the country.