**Human Rights Council Resolution on the Right to Work**

**1.0 Introduction**

The State of Mauritius has ratified both the Core key ILO Conventions “Equal remuneration Convention, 1951 (No. 100)” and the “Discrimination (Employment and Occupation) Convention, 1958 (No. 111) since 18 December 2002. The articles of the conventions which have been domesticated in our labour legislation advocate for the protection of workers (including workers with disabilities) against any kind of discrimination at work and promote equality of treatment in terms of remuneration.

1.1 The newly promulgated Workers Rights’ Act 2019 (WRA), which is effective since 24 October 2019, has strengthened provisions in favour of vulnerable workers likely to be victims of discrimination due to their disabilities.

**2.0 Legislative Framework**

**A. Constitution**

2.1Protection from Discrimination is guaranteed to each and every individual under Section 16 of the Constitution. Details are at **Annex I**.

**B. Workers’ Rights Act**

2.2 The Workers’ Rights Act protects workers’ jobs and protects workers against precarious employment and discrimination (section 5), reconciles work with family by providing more flexible work arrangements, extends maternity benefits to a mother who adopts a child of up to 12 months old, regulates termination of employment (section 64) and widens the scope of protection to workers against violence (section 114).

2.3 Moreover, the Act imposes restrictions for employment of children under the age of 16 and those between 16 and 18 years (sections 8 and 9); ensures that workers get equal remuneration for work of equal value (section 26); regulates the payment of remuneration to a worker and the manner in which this must be done (section 27); the restrictions on deductions which may be done (section 34). Further, except in relation to medical facilities, a worker cannot by agreement relinquish his rights under the Workers’ Rights Act.

2.4 Relevant extracts of the Workers’ Right Act are at **Annex II.**

**C. Equal Opportunities Act**

2.5 The Equal Opportunities Act provides for protection from direct discrimination, indirect discrimination and discrimination by victimization in employment activities.

The Equal Opportunities Act affords protection against discrimination for persons with disabilities (except in prescribed limited circumstances) in the job advertising, selection and recruitment process. It also prohibits discrimination in job training programmes.

**D. Employment Relations Act**

2.6 The Employment Relations Act protects the rights of workers by providing for the setting up of trade unions and ensuring a worker’s rights to freedom of association. The Act also establishes the mechanism of labour disputes and dispute settlement procedures.

**E. Training and Employment of Disabled Persons Act 1996**

2.7 The State of Mauritius has also enacted the Training and Employment of Disabled Persons Act to further protect the right to work of persons with disabilities.

2.8 The Act provides interalia for setting up of a board, a register of disabled persons, the duty to employ disabled persons, duty to provide suitable employment, relevant offences and procedures for appeal to the board. **Details at Annex III.**

2.9 Following the amendments to the Training and Employment of Disabled Persons Act in 2012, employers who have a workforce of 35 or above are required to employ 3% of persons with disabilities. Failure to do so entails a statutory monthly contribution of Rs 4,000 (USD 100) for each person with disabilities not yet recruited. Furthermore, the amended Act provides for a Hearing Committee to examine cases of non-compliant employers. Furthermore, the Act provides that in case of prosecution before a Court of law, the non-compliant employer is liable to a fine not exceeding Rs 75,000 (USD 1875) or to imprisonment for a term not exceeding 6 months.

2.10 The Ministry of Social Integration, Social Security and National Solidarity is currently in the process of revamping the TEDPB. As part of this exercise, in August 2020, a new register of employers has been created and employers have been requested to register with the TEDPB. The TEDPB is also working in close collaboration with private companies to sensitise them and to encourage them to employ persons with disabilities.

**F. Social Aid**

2.11 The Social Aid Act provides for social aid to persons who suffers from disability. Details at **Annex IV**.

**3.0 Facilities offered by the Employment Service of the Ministry of Labour, Human Resource Development and Training to jobseekers with disabilities:**

3.1 Jobseekers with disabilities can register themselves at the 13 Employment Information Centres (EICs), scattered all over the island or they can register themselves on-line on the “Mauritius Job” platform of the Ministry.

3.2 Registered jobseekers are provided with employment counselling and are invited to participate in Ateliers where they are guided among others on how to write a CV/motivation letter, how to search for a job and how to prepare for a job interview. The ateliers have the main objective to increase the employability skills of jobseekers.

3.3 The Ministry also conducts sensitization campaigns on its service delivery through TV Programme, *“Magazine de L’Emploi et des Métiers”* and participate in employment outreach initiatives such as Citizen Support Unit (CSU) activities.

3.4 Details regarding placement of unemployed persons with disabilities registered with the Employment Information Centres of the Ministry of Labour, Human Resource Development and Training during period January 2012 to date are at **Annex V**.

**4.0 The Training and Employment of Disabled Persons Board (TEDPB)**

4.1 The TEDPB operates under the aegis of the Ministry of Social Integration, Social Security, and National Solidarity and is governed by the Training and Employment of Disabled Persons Act 1996 (amended 2012). The TEDPB is a parastatal body has and its mandate is to facilitate employment of persons with disabilities through training.

4.2 The TEDPB complies with Articles of the United Nation Convention on the Rights of persons with Disabilities (UNCRPD) and ensure better life chances for Persons with Disabilities.

4.3 As part of the revamping process, the TEDPB is working in close collaboration with the Mauritius Institute of Training and Development (MITD) to provide vocational training. Currently, trainees with disabilities are following housekeeping and waiter training courses through the MITD at “Ecole Hoteliѐre Sir Gaetan Duval”. The support of the private sector is also sought to provide training to persons with disabilities.

4.4 There are **1,149** Persons with Disabilities who are registered with the TEDPB as at October 2020.

4.5 Since 2015, there have been **315 PWDs** who were given training in different fields and **304** who were provided with secured employment in different sectors:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Year** | **2020** | **2019** | **2018** | **2017** | **2016** | **2015** |
| No. of PWDs provided Training | 33 | 36 | 15 | 42 | 90 | 99 |
| No. of PWDs provided Employment | 7 | 40 | 19 | 59 | 66 | 113 |

4.6 The Board also carries out an ongoing awareness campaign to ensure that the rights of persons with disabilities are accepted. This is carried out through different ways:

4.7 The TEDP, has set up also an Assessment Committee since January 2013 with a view to:

* Certifying disabled persons who are able and willing to work;
* Counselling of PWDs;
* Confidence building;
* Identifying of Job Opportunities for PWDS; and
* Identifying Training Opportunities for PWDS

As at October 2020, **1388** Persons with Disabilities have been assessed.

**5.0 Statistics**

 According to the last Census conducted in 2011 by Statistics Mauritius, it was reported that 8,435 persons with disabilities were employed in the State of Mauritius in different industries of the open labour market. The population census which will be carried out in the year 2021 will provide an updated figure of the number of persons with disabilities in employment in both the public and private sectors. The new survey will allow the State of Mauritius to come up with more targeted policies and a more inclusive approach to the right of the persons with disabilities.

The table illustrates the number of employed persons with disabilities aged 16 years and above by industry and gender:

**Employed disabled population aged 16 years and above by industry and sex, 2011 Population Census – Republic of Mauritius**



* As at end of September 2020, there were 279 registered jobseekers with disabilities at the EICs, out of whom 199 are male and 80 are female jobseekers respectively.
* Since 2012 to date some 108 jobseekers have been placed by the Ministry of of Labour, Human Resource Development and Training.