

Against the new Pro-Capitalist Labour Laws

The union movement and socialist parties like LALIT struggled for many years against the old labour laws like the *Industrial Relations Act (IRA)*, e *Labour Act*, because these two laws aimed at paralyzing the unions and they exposed workers to job insecurity. In the past there was vast mobilization of workers against the IRA, especially in 1979 and 1980, but in the absence of a strong enough political voice for working people, the necessary changes could not be made.

In the 1980s and 1990s, with the ideological turn to ultra-liberalism and repressive politics under the Jugnauth regime, the bourgeoisie with the help of institutions like the FMI and World Bank, began to put pressure on Government for amendments that would increase profitability for capitalists by weakening the working class's capacity to demand better work conditions. One by one different Governments submitted to these pressures. Professor Lim's Report, the TULRA-NPPC Bill, Soodhun's "White Paper" were all such concessions. However, the trade union movement mobilized and was strong enough to resist and to halt these attempts to suppress workers further.

When the Social Alliance Government of 2008 came up with its proposals, however, two factors played into the hands of the capitalist pressures: the trade union movement fell into the trap that Government had set up to weaken it, and the MMM and MSM Opposition in Parliament was paralyzed by having adopted the same ultra-liberal ideology as the PT-PMSD Government. So, with the voting in of the two new laws, the Employment Relations Act and Employment Rights Act, to replace the IRA and Labour Act, the Social Alliance succeeded in changing the industrial relations and workers' rights so that they corresponded better to ultra-liberal economic politics. This meant a change in the balance of forces between bosses and workers, in the bosses' favour. This is evident when you read the "Guiding Principles" of the Employment Relations Act. They aim to:

- keep a positive commercial balance
- increase economic growth
- maintain and increase competitiveness
- respect the company's capacity to pay
- link pay and productivity

Employment Relations Act

This law which replaced the IRA, aims to eventually eliminate all the institutions that regulate pay and work conditions. This is done by pushing in the direction of making pay and work conditions depend on direct negotiations between unions and bosses, by collective bargaining and conventions, which will ultimately replace the Awards, or laws governing pay. When we know that 80% of Mauritian workers are not unionized, that more than 40% work for small enterprises with less than 10 employees, we know just how dangerous the new law is. And, at the same time, direct negotiations between unions and bosses are meaningless without the right to strike. Only the threat of strike action makes bosses negotiate in good faith. Under the old IRA, it was the Labour Minister in person who was responsible for making all strikes illegal. Under the new EReA, it is a series of bureaucratic obstacles and procedures that make the right to strike impossible to exercise. Between declaring a dispute and going on strike, the EReA imposes a five month delay, a secret ballot amongst all the workers implicated in the dispute, even those not in the union. But what exposes the new attitude of the Government to strikes, is the absence of any procedure once workers and their union have, in fact, gone on strike.

Employment Rights Act

The new EriA to replace the Labour Act has the ultimate aim of changing the balance of forces at the work site in favour of the bosses. It allows bosses to lower production costs by lowering what workers earn. How does it manage this? A series of new measures allow the bosses to re-organize work, to the disadvantage of workers:

- The work week no longer begins on Monday. Sunday is just any old ordinary day. Workers have only 2 Sundays off in a month.
- Overtime is paid only after a workers has worked more than 90 hours in a fortnight, and is no longer paid on a daily basis after 8 hours' work.
- The right to sick leave has been decreased from 21 to 15 days. Local leave has increased from 14 to 20, but this leave depends on the boss's agreement as to if and when.

- Bosses can now change work contracts with workers who are confirmed employees, converting them to part-time workers, and the bosses can impose cuts in hours per week and in pay. The law encourages seasonal work.
- Perhaps most grave is the fact that the new labour law facilitates sackings by the bosses. Only one month's notice instead of three now. When a boss sacks workers, he no longer pays Severance Allowance based on how long the workers have been in employment. The TCSB, a Board before which bosses had to justify future staff compression, no longer exists.

Struggle continues

These two new laws represent a major defeat for the working class and the trade union movement. We have to work for their revocation. They need to be replaced by laws that allow workers to fight for better rights, conditions and pay. But, it is also clear that without putting into question the very logic of capitalism, it is difficult to combat laws that follow its logic.

Our struggle against these kinds of laws depends on developing a will amongst workers to challenge capitalism itself and its logic, and on the will to create a new socialist society where real democracy can exist at the work site. In this struggle it is also necessary to put into question the bureaucracies that run the union movement and that actually contribute to maintaining the existing social relations of production: we fight therefore to eliminate the social and class inequality and injustice that capitalism breeds.

The Program that the working class must base its demands on must create confidence on the work site and capacity to move towards a kind “dual power” on the work site: whereby workers are in a position to influence the way work is organized on the site, and eventually decide what to produce and under what conditions. Some immediate demands, demands with which all workers will agree right now, include:

- **A minimum wage, indexed to the cost of living, for all.**
- **Equal wages for women and men workers.**
- **Security of employment, not insecurity, short-term contracts and seasonal work.**
- **The right to time-off for workers to learn new skills.**
- **The age of retirement must go back to being 60.**
- **Reject all privatization plans.**
- **Improve Welfare State benefits, and keep social services free and universal.**
- **The right to strike must be guaranteed as a fundamental right in the Constitution.**