1. **Detailed information on challenges and good practices in relation to the right to work and the enjoyment of all human rights by young people, with an emphasis on their empowerment.**
2. The Youth Employment Programme was initiated and implemented by the Ministry of Finance and Economic Development in 2013. It provides placement and training Programme for unemployed youth aged 16 to 35. This programme has been transferred to the Ministry of Labour, Industrial Relations, Employment and Training (MLlRET) in February 2015.

**The objectives are:**

* To enable unemployed youth to obtain training/placement for an initial period of
one year with the possibility of permanent employment thereafter on condition
of satisfactory performance. If the unemployed youth has not been able to
secure a job after one-year training under the YEP. he/she is allowed another
year of placement under the same programme. Therefore. the youth is eligible
for a maximum 2 years' placement under the YEP.
* to ensure that appropriate training is provided to youth to promote the development of necessary skills in the labour force: and
* to assist employers in obtaining appropriate skilled manpower.
1. The Sugar Industry Labour Welfare Fund (SILWF), a parastatal body operating under the aegis of this Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) has organised various job fairs and other training programmes for the youth at different Community Centres. About 400 youth, 150 female and 250 male of age ranging from 18 to 25 years have been provided training programmes to enter the labour market.
2. **Detailed information on the legislative and policy measures adopted by your country to ensure that young people have equal opportunities for productive and gainful employment in the open labour market.**

The Mission Statement of the Ministry of Labour, Industrial Relations, Employment and
Training (MLlRET) provides as follows: *"We promote decent work, facilitate access to gainful employment and support employers and workers in creating a safe, conflict-free and productive workplace”.* To ensure that young persons, like any other worker, are afforded equal chances and opportunities and particularly adequate protection in the labour market and the world of work, the following observations, with regards to the legislative measures are submitted.

* Mauritius is a member state of the International Labour Organisation (lLO), a United
Nations agency bringing together representatives of governments, employers and workers, since 1969 and has as at to-date ratified some 50 Conventions including the core labour standards, which protect basic human rights in the world of work. According to the ILO Declaration on Fundamental Principles and Rights at Work (1998) the core labour standards aim to:

 (1) eliminate all forms of forced or compulsory labour;

(2) effectively abolish child Labour;

(3) eliminate discrimination in respect of employment and occupation; and

(4) ensure the freedom of association and the right to collective bargaining.

* To be in line with the ILO core conventions, both the Industrial Relations Act and the Labour Act were repealed and replaced by the Employment Relations Act 2008 (EReA) and the Employment Rights Act 2008 (ERiA) respectively, both proclaimed on 02 February 2009.

**2.1 The mechanisms put in place to promote and enforce core labour standards are as setout hereunder.**

1. **FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING**

The two Conventions on freedom of association and the right to collective bargaining
guarantee the right for workers and employers to freely create and participate in
organisations to promote and protect their interests. According to the aforesaid
Conventions, workers, *including young persons,* should have the right to freely
establish and join organisations of their choice, without any type of prior authorization
and mechanisms to ensure the right to organise and to encourage the practice of
negotiating between employers and workers' organizations, have to be established.

The Employment Relations Act 2008 (ERA) has revised and consolidated the law
relating to trade unions, fundamental rights of workers and employers, labour disputes and related matters with a view to underpinning collective bargaining and
strengthening social dialogue.

In the new legislation, provisions have been made –

* at section 29 to recognize the democratic rights of workers and trade unions and enhance: protection of those rights.
* at section 30 to build a productive employment relationship through the
promotion of good faith behaviour and mutual trust in all aspects of work relations.
* to promote collective bargaining. Part V of the new legislation *sets* out in a very
structured manner the conditions for the harmonious development of collective
bargaining.
* encourage voluntary settlement of disputes and promoting peaceful resolution of
disputes
* strengthen the dispute and conflict settlement mechanisms.
1. **ELIMINATION OF FORCED AND COMPULSORY LABOUR**

The two Conventions on elimination of forced and compulsory labour require the
suppression of forced or compulsory labour in all its forms, be it as a means of political or ideological views, workforce mobilization, labour discipline, punishment for participation in. strikes, or discrimination.

The provisions of the Forced Labour Convention (No. 29) are applied by-

* Section 6 of the Constitution of Mauritius;
* Section 35 of the Reform Institutions Act 1988;
* Section 16 of the Prisons Regulations 1989 (Government Notice No. 19 of 1989)

 made under the Reform Institutions Act 1988; and

* Standing Order No. 16 of the Prisons Service.

As regards the Abolition of Forced Labour Convention (No. 105), its provisions are embodied at Section 6 of the Constitution of Mauritius which stipulates, *inter alia,* that *"no person shall be held in slavery or servitude and no person shall be required to perform forced labour".*

1. **EFFECTIVE ABOLITION OF CHILD LABOUR AND THE PROHIBITION OF THE WORST FORMS OF CHILD LABOUR**

The Conventions aim at the abolition of child labour, stipulating that the minimum age
for admission to employment shall not be less than the age of completion of compulsory
schooling and calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour which include slavery and similar
practices, forced recruitment for use in armed conflict, use in prostitution and
pornography, any illicit activity, as well as work which is likely to harm the health,
safety and morals of children.

The ERiA defines a "child" as *"a person under the age of* 16'" and a "young person" as
*"a person, other than a child who is under the age of 18”.* Section 12(1) of the ERiA
prohibits the employment of children whilst provision has been made at section 12(2)
that no person shall employ, or continue to employ a young person-

1. *on work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety, physical, mental, moral or social
development of the young person; or*
2. *after being notified in writing by the Permanent Secretary that the kind of work for which the young person is employed is unsuitable for the young person, or will interfere with the young person's education.*

It is also to be observed that under section 8 of the "Occupational Safety and Health Act 2005", no employer shall employ a young person in any activity involving-

* work with explosives;
* exposure to ionising radiation;
* work with heavy metals, including lead and mercury work in the forestry and construction sector;
* work or exposure to any form of asbestos;
* exposure to benzene or other harmful organic solvents;
 exposure to aromatic amines;
* exposure to prescribed noise or vibration;
* work in compressed air or in confined spaces; and
* any work which is harmful to the health and safety of that person.

The ERiA has been amended in 2013 to increase the fine, for employing children and
young persons, in breach of section 12 of the ERiA, from Rs10,000 to Rs 25,000.

As a rule, all inspection visits carried out by the Inspection and Enforcement Section
aim at detecting and sanctioning cases of child labour. As and whenever detected, child employment is stopped forthwith and criminal action is taken against offenders.

(d)  **ELIMINATION OF DISCRIMINATION IN EMPLOYMENT AND OCCUPATION**

The Conventions call for "equal pay and benefits for men and women for work of equal
value" and "the elimination of discrimination in respect of employment and
occupation” which is central to achieving greater social justice while also promoting
development through a more efficient allocation of resources. Discrimination includes
*"any distinction, exclusion or preference"* made *"on the basis of race, colour, sex,
religion, political opinion, national extraction or social origin, which has the effect of
nullifying or impairing equality of opportunity or treatment in employment or
occupation "*

In order to ensure equal opportunities for women and men, including young persons,
in the labour market, provisions have been made in the ERiA as follows

* Section 4 - *no worker shall be treated in a discriminatory manner by his employer
in his employment or occupation,*
* Section 20 - *every employer shall ensure that the remuneration of any worker
shall not be less favourable than that of another worker performing work of equal
value.*
* Section 38 - *an agreement shall not be terminated by an employer by reason of-*

*- a worker’s race, colour, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities;*

Under the ERiA, "discrimination" includes affording different treatment to different
workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation HIV status, religion, political opinion, place of origin , national extraction or social origin, which has the effect of nullifying or impairing equality opportunity or treatment in employment or occupation.

* 1. **Protection of workers against unlawful dismissal**

To avoid unfair treatment and/or decisions against workers regarding the protection at
preservation of their employment's rights, the ERiA provides that no employer shall terminate the employment of a worker on the basis of discriminatory practice. Thus, section 38(1) of the ERiA provides that –

 >> *an agreement not shall not be terminated by an employer by reason of -*

* *a worker's race, colour, caste, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status family* *responsibilities;*
* *a worker’s absence from work during maternity leave;*
* *a worker’s temporary absence from work because of injury or sickness duly notified to the employer and certified by a medical practitioner;*
* *a worker becoming or being a member of a trade union, seeking or holding of trade union office, or participating in trade union activities outside working hours or, with the consent of the employer, within working hours;*
* *the worker’s filing in good faith of a complaint, or participating in proceedings against an employer involving alleged breach of any terms and conditions of employment;*
* *a worker’s exercise of any of the rights provided for in this Act or other enactment, or in such agreement, or collective agreement or award.*
	1. **Violence at Work**

Section 54 of the Employment Rights Act 2008 makes provision for the protection of workers against different forms of violence at the workplace, including sexual harassment.

 Section 54 (1) provides as follows -

 *No person shall-*

*(a) harass, sexually or therwise;
(b) assault;*

*(c) verbally abuse, swear at or insult;*

*(d) express the intention to cause harm to;*

*(e) bully or use threatening behaviour towards;*

*(f) use aggressive gesture indicating intimidation, contempt or disdain towards;
(g) by words or act, hinder a worker, in the course of or as a result of his work.*

According to the Act, “*harassment”* refers to any unwanted conduct, verbal, non-verbal,
visual, psychological or physical, based **on age, disability,** HIV status, domestic circumstances,
sex, sexual orientation, race, colour, language, religion, political, trade union or other opinion
or belief, national or social origin, **association with a minority,** birth or other status, that a
reasonable person would have foreseen that a ***worker would be affected negatively in his
dignity.***

As a forceful deterrent and with a view to eliminate such kind of unwanted conduct at the
workplace, the Act further provides that any person who is found guilty of any of the offences
under Section 54(1) would on conviction be liable to a fine not exceeding 75,000 rupees and to imprisonment for a term not exceeding 2 years.

Additionally section 36(3) of the Act specifically provides that where a worker is ill-treated by an employer, the worker may claim that the agreement has been unjustifiably terminated by the employer. In that case the worker may claim compensation to the tune of 3 months remuneration per year of service.

* 1. **Employment of children and young persons**

Provisions exist in the ERiA Act to curb and deter child labour in all its forms. Section 12 of the ERiA provides that “ **No *person shall employ a child*** *for employment or work in my
occupation".* A "child" is defined as meaning a person under the age of 16" which as a matter of fact is the maximum age for compulsory schooling in Mauritius.

Though Section 6 of the ERiA - *Capacity of workers;* provides that - *"Notwithstanding any
other enactment, a person who is of the age of* 16 *or more shall be competent to enter into an agreement and shall, in relation to the agreement and to its enforcement, be deemed to be of full age and capacity”* Section 12 (2) further addresses the issue, with a view to avoid causing undue prejudice to the normal development of the young persons who have chosen to take up employment. The section provides as follows:

*- No person shall employ; or continue to employ, a young person -*

 *(a) on work which by its nature, or the circumstances in which it is carried out, is likely jeopardise the health, safety, physical, mental, moral or social development of the young person; or*

 *(b)after being*  *notified in writing by the Permanent Secretary that the kind of work
which the young person is employed is unsuitable for the young person, or will interfere with the young person's education.*

* 1. **Other Relevant Legislations are as follows:**
* The **Employment Rights Act** provides inter alia that no worker shall be treated in a discriminatory manner by his employer in his employment or occupation and that no person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation. Furthermore, every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value.
* The **Equal Opportunities Act** which came into force in 2012 seek to ensure that every person has an equal opportunity to attain his objectives in various spheres of activities including in the field of employment and that no person is placed, or finds himself, at a disadvantage, by reason of his status, namely, his age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. These prohibitions from discrimination also apply to employment activities and education. With respect to discrimination in employment, the Act provides that every employer shall henceforth have the responsibility to draw up and apply an equal opportunity policy at his place of work, in conformity with such guidelines and codes as are prepared by the Equal Opportunities Commission Division, in order to minimise the risk of an employee being discriminated against. Moreover, it shall be incumbent on every employer to recruit, select and promote a person on the basis of merit.
* **The National Employment Act** was passed in 2017 and is yet to come into
force. The object of this Act is to repeal the Employment and Training Act and
enact a more appropriate and modern legislative framework in order to address the needs of the labour market, including skills mismatch, underemployment,
unemployment and future employment prospects, and to anticipate future needs
and expectations of individuals and employers. The Act provides for the setting
up of a National Employment Department which will take over the functions and powers of the Employment Service of the Ministry and will, inter alia –
1. promote employment;
2. facilitate the employment of job seekers (job seekers has been defined therein as including a young person who is over the age of 16 but under the age of 18) and ensure that job seekers are able to find employment that meet their aspirations:
3. provide assistance and guidance with regard to employment prospects, including future employment prospects;

(iv) provide labour market information on the demand and supply of skills to local employers, job seekers and training institutions;

1. promote placement and training of job seekers through approved programmes
2. promote labour migration; and
3. encourage and promote home-based work.

**2.6 Employment Service in Mauritius**

* Currently the Employment Service operates under the aegis of the Ministry of
Labour, Industrial Relations Employment and Training (MLIRET) which is
responsible for the registration and placement of jobseekers. There are 13 Employment Information Centers (EICs) in Mauritius and one in Rodrigues.
* The Functions and powers of the National Employment Department (NED) are:

(i) Collect and analyse data on any employment related matter in order to address the needs of the labour market. including skills mismatch. Underemployment, unemployment and future employment prospects. and to anticipate future needs and expectations of job seekers and employers:

* assist job seekers to search for career opportunities
* provide a platform for employers to advertise vacancies
* ensure easy access. in a timely manner. to job vacancies and key labour market indicators
* provide labour market information for the benefit of employers and job seekers
* provide a National Human Resource Inventory with categorisation by age, sex, qualification, locality, occupation, skills and experience
* enable linkages between the public service and the private sector
including private recruitment agencies and other stakeholders: and
* publish reports and disseminate any other information on employment related matters
1. Establish and implement programmes and projects relating to employment and training;
2. Organize job fairs and other events on training opportunities and employment prospects
3. Provide vocational guidance and counselling

* **The National Wage Regulations 2017** passed under the National
Wage Consultative Council Act provides for the payment of a monthly national
minimum wage as from I the 1st January 2018 to all full time employees including
young people and on a pro-rata rate for part time workers.
1. **Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for young people, including measures to increase employment opportunities for young people belonging to vulnerable groups (for example young persons with disabilities, young persons belonging to a specific minority group).**

The Employment Service promotes employment opportunities to young people
through dissemination of information of vacancies through the website:
www.mauritiusjobs.mu and broadcast of vacancies and information on the world of work on Radio and programme. *'Magazine de L’Emploi et des Metiers'.* List of
vacancies are also sent by email to Citizens Advice Bureaux, Youth Centres, MITD
centres and NGOs, where young person get access to the information on the labour
market.

In the 13 Employment Information Centres (ElCs) young persons are provided
individual counselling and are also invited to participate in workshops in order to
empower them to get access to the world of work and to become employable. Different
themes have been developed and is being worked out with young persons among
others:

1. Writing a CV
2. Writing a motivational letter
3. How to organize a job search?
4. How to prepare for an interview
5. how to prepare a spontaneous application?

The Employment Information Centres (EICs) obtains vacancies from employers, process the vacancies, submit list of suitable candidates and record placement obtained for jobs filled in enterprises.

1. **Information on measures your country has introduced to enable young people to access to educational, technical and vocational guidance programmes, placement services and vocational and continuing training.**

**(a) Access to Training**

The Human Resource Development Council (HRDC) has been vested with the
responsibility to look after and promote the development of the labour force in
Mauritius in line with the requirements of a fast growing economy.

The objectives of the HRDC as spelt out in the HRD Act 2003 are to:

* Promote human resource development in line with national economic and social
objectives
* Stimulate a culture of training and lifelong learning at the individual organisational
and national levels to enhance employability of the labour force and increase
productivity; and
* Provide the necessary human resource thrust for a successful transformation of
the country's economy into a Knowledge Economy.

**(b) Graduate Training for Employment Scheme (GTES)**

The Graduate Training for Employment Scheme (GTES) is a Government measure
which aims to improvethe employability of unemployed graduates by equipping them
with the right skills through training programmes tailored to the needs of the
enterprise.

The objectives of the GTES are as follows:

* Enhance the employability of the unemployed graduates by providing them with skills as per the requirements of the industry after following a tailor-made training proqramme.
* Facilitate training and placement towards employment after having followed
tailor-made crash courses.

**(c) Mauritius Institute of Training and Development**

The Mauritius Institute of Training and Development (MITD), body corporate
established under Act 12 of 2009 has taken over the activities of the ex-Industrial and
Vocational Training Board (ex-IVTB) and part of the ex-Technical School Management
Trust Fund *(ex-* TSMTF) as from 16 November 2009. The MITD operates under the aegis
of the Ministry of Education and Human Resources.

The objectives of MITD are:

* to promote excellence in technical, vocational education and training,
* to promote research and enhance knowledge in technical, vocational education and training,
* to increase access to technical. vocational education and training through the setting up of training centres,
* to promote exchange programmes and courses with other institutions in technical, vocational education and training,
* and to assist in the apprenticeship of persons who are, or will be employed in commercial. technical and vocational fields.
1. **Please provide recent statistical data on the number of young people employed in the public and private sector, disaggregated based on age and sex.**



|  |  |  |  |
| --- | --- | --- | --- |
| Age group  | **Public sector** | **Private sector** | **Total** |
| **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| 16-24 |  3,300  |  2,200  |  5,500  |  31,900  |  20,900  |  52,800  |  35,200  |  23,100  |  58,300  |
|  |  |  |  |  |  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   | **Progres Report at YEP AT 31.06.2018** |   |   |   |
|   | Total since launch of programme in 2013 | Male | Female | Total |
| 1.1 | Number of youth registered | 12,165 | 16,167 | 28,332 |
| 1.2 | Number of youth placed in companies registered | 9,615 | 11,054 | 20,669 |
| 1.3 | Number of females placed |   |   | 11,054 |
| 1.4 | Number of employers registered |   |   | 4,633 |
| 1.5 | Number of employers who have recruited |   |   | 2,375 |
| 1.6 | Number of Agreements signed |   |   | 7,844 |
| 1.7 | Number of youth placed with:- |   |   |   |
|   | 1.7.1 Degree | 1719 | 2335 | 4,054 |
|   | 1.7.2 Diploma | 563 | 542 | 1,105 |
|   | 1.7.3 Certificate | 422 | 219 | 641 |
|   | 1.7.4 HSC | 2231 | 3651 | 5,882 |
|   | 1.7.5 SC | 2116 | 2360 | 4,476 |
|   | 1.7.6 Below SC | 2564 | 1947 | 4,511 |

1. **Detailed information on international cooperation programmes related to the promotion of work and employment opportunities for young people. Please describe the ways the programmes are inclusive of and accessible to young people.**

The Ministry of Labour. Industrial Relations, Employment and Training has developed relationship with the ILO and the SADC. Staff of the Ministry participate in seminars, training and workshops organized by the mentioned organisations on theme such as youth employment, gender issues and labour market programmes and policies. The lessons learned from the seminars, workshops and training are eventually put into practice for the benefit of young people looking for jobs and training,