

1. **During the last two decades, has your government implemented fiscal consolidation measures or a structural reform program that included any of the following labour related measures?**

- **Changes to the national labour law;**

Major Reforms to the national labour law was introduced with the ratification of the new Constitution of Maldives in 2008. Chapter II of this Constitution states the fundamental rights and freedoms entitled to all persons. Article 17 of this constitution guarantees non-discrimination, stating that “Everyone is entitled to rights and freedoms without discrimination of any kind including race, national origin, color, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native land”, whilst Article 25 states that “No one shall be held in slavery or servitude, or be required to perform forced labor” (except for compulsory military service or service required in cases of emergency or calamity or service required pursuant to a court order).

Article 37 (b) enshrines the right to work and provides that everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion. Furthermore, Article 37 (c) provides that everyone has the right to spend time on rest and leisure, including limits on hours of work and periodic holidays with pay. In addition to this, Article 37 (d) states that “Everyone has the right to spend time at rest and leisure. In order to provide this right to each employed person, the maximum numbers of working hours have to be determined as well as the length of paid holidays”.

Article 30 guarantees the freedom to form associations and provides that everyone has the freedom to form associations and societies including... the right to form trade unions, to participate or not participate in their activities. And Article 31 guarantees the right to strike, whereby every person employed in the Maldives and all other workers have the freedom to stop work and to strike in order to protest.

Furthermore, Article 32 states that “Everyone has the right to peaceful assembly without prior permission of the State”. It is also specified in Article 35 (a) of the Constitution that children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation and that no person shall obtain undue benefit from their labor.

Moreover, most of the aforesaid rights and freedoms of the 2008 Constitution are also encompassed in the Employment Act (Law No. 2/2008), which also provides for the creation of a Labor Relations Authority, an Employment Tribunal and an Advisory Board on wages.

- **Privatisation of state-owned or controlled businesses and services;**

Privatization and Corporatizing of State Businesses and their Monitoring and Evaluation Act. (Law No. 03/2013) was ratified on the 17th of January 2013. This Act determines the procedures for the privatization, corporatization, monitoring and evaluation of state owned businesses. Further, the Act also defines state owned businesses as, a company, or board, or commission, or organisation of which the government possesses direct or indirect ownership of shares or places, where the

government possesses the ownership of their interests, including partnerships, joint ventures and any nature of business organisations.

- **Reform of system of unemployment and/or social security benefits;**

Reforms in social security benefits came with the introduction of National Social Protection Agency which is mandated to carry out various obligations under the Social Protection Act (Law No. 2/2014) and the Act for the National Framework of Social Health Insurance (Law No. 15/2011). Persons entitled to social security benefits under the Social Protection Act include single parents, persons who are in need of care due to having no caretaker, persons with mental illnesses, foster children and foster parents and students. Different forms of benefits provided under the Social Protection Act include, electricity, water and food subsidies and housing benefits. The Act also makes provision for the State to provide assistance to accord protection in emergency situations. The Act also enables the State to provide assistance to small and medium enterprises in different industrial areas in situations where such assistance is required.

Furthermore, Amendment (Law No. 14/2015) to the Employment Act encourages employers of Muslim foreign migrant workers to pay them a Ramadan allowance.

2. **Please explain if the above mentioned reforms were implemented at the Government's own initiative, or if they were part of conditionalities for emergency lending or other financial assistance from an international financial institution (IMF, ESM etc.), or responded to other factors.**

Employment Act (Law No. 2/2008), Social Protection Act (Law No. 2/2014) and Act for the National Framework of Social Health Insurance (Law No. 15/2011) were submitted to the parliament as Government bills, under Government's initiative. Privatization and Corporatizing of State Businesses and their Monitoring and Evaluation Act. (Law No. 03/2013) was submitted as a private member bill to the parliament.

5. **To what extent did the reforms have a positive or negative impact on the following rights contained in international human rights treaties?**

- (a) **Freedom of association- workers have the right to form and join, without prior authorization, organizations of their own choosing for the defence of their occupational and industrial interests.**

Article 30 of the Constitution guarantees the Freedom to Form Political Parties, Associations and Societies. Currently, the Ministry of Home Affairs together with the Attorney General's office is currently in the process of redrafting Associations Act (Law No. 1/2003) in order to bring the Act in line with the Constitution of 2008.

- (b) **Right to collective bargaining**

- (c) **Right to strike with conformity with domestic laws**

Article 31 of the Constitution guarantees the Right to Strike. This enactment in the Constitution has a positive impact as it entrenches the right to strike in the Maldivian legal framework.

**(d) Right to just and favourable conditions of work (fair and decent living wages for workers and their families; safe and healthy working conditions; rest, leisure and reasonable limitation of working hours; etc.)**

Article 8 of the Employment Act stipulates guidelines for the safety standards of the work environment and the health and wellbeing of employees. Under the auspices of the Ministry of Economic Development, a bill on occupational health and safety is being drafted to further guarantee the rights of just and favourable work conditions and also to enhance the current framework on employment.

**(e) Right to social security including social insurance**

National Social Protection Agency is mandated to carry out various obligations under the Social Protection Act (2/2014) and the Act for the National Framework of Social Health Insurance (15/2011). Under the National Framework of Social Health Insurance Act, all Maldivians are entitled to state funded health insurance. Furthermore, under the Immigration Act and Regulation on Work Visa of Migrant Workers, employers are required to take medical insurance for migrant workers for eligibility of work visa.

**(f) Prohibition of all forms of forced labour and harmful child labour**

Article 25 of the Constitution guarantees no slavery or forced labour, while Section 3 (a) of the Employment Act (Law No. 2/2008) states that no person shall be compelled or forced into employment. Section 3 (b) of this Act defines forced employment as, any service or labour obtained from a person under threat of punishment, undue influence or intimidation, and does not include services or labour performed on his own volition by any person.

Anti-Human Trafficking Act (12/2013) lays down strict penalties for human trafficking including various forms of forced labour. This Act criminalizes human trafficking including exploitation, and debt bondage and considers forced labor and fraudulent recruitment as human trafficking. The penalty for such an offence is a jail sentence of up to 10 years which can be extended to 15 years in cases where children are involved.

The Employment Act (2008) tightly regulates the employment of minors by inter alia setting sixteen as the minimum age for employment. The Act further prohibits any person under eighteen years of age from being employed in any way that may have "a detrimental effect on their health, education, safety or conduct".

Maldives is also a member of ILO core conventions, namely; Forced Labour Convention 1973, Freedom of Association and Protection of the Right to Organize Convention, 1948, Right to Organise and Collective bargaining Convention, 1949, Equal Remuneration Convention 1951, Abolition of Forced Labour Convention 1957, Discrimination (Employment and Occupation) Convention 1958, Minimum Age Convention 1973 and Worst Forms of Child Labour Convention, 1999.

**(g) Non-discrimination in employment (equal pay for equal work; equality of opportunity and treatment, etc.)**

Article 17 of the Constitution guarantees non-discrimination and Article 20 of the Constitution guarantees equality before and under the law and equal protection and equal benefit of the law. Section 4 of the Employment Act (Law No. 2/2008) prohibits any discrimination amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations, and in so far as it does not contravene the provisions in the Employment Act in relation to age or disability.

Additionally, section 9 of the Gender Equality Act (Law No. 18/2016) prohibits any form of gender based discrimination and section 19 of this Act entitles equal pay for equal work, regardless of the gender.

**6. Please explain changes/impacts caused by reforms in the following areas:**

- (b) ..to maternity leave with pay or comparative social benefits, the right to protection from dismissal on the grounds of pregnancy, maternity leave or marital status, etc.)?**

Gender Equality Act (18/2016) prohibits gender based discrimination and reiterates the equality of both genders with regards to fundamental rights and freedoms guaranteed under the Constitution and the various laws and regulations. Article 9 of the Gender Equality Act (Law No. 18/2016) prohibits any discrimination on the grounds of gender, marital status, maternity or pregnancy.

Furthermore, the Employment Act (Law No. 2/2008) provides for all female employees to be granted sixty days maternity leave based on a medical certificate specifying the estimated date of giving birth issued by a licensed medical practitioner, with the guarantee of rights and benefits granted under the employment agreement such as the right to a promotion.