



MAURITIUS RESEARCH COUNCIL

WORKING TIME IN MAURITIUS

Final Report

November 2005

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Working Time *in* Mauritius

International Labour Organization
Ministry of Labour, Industrial Relations
& Employment

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This is the second time that CASR has worked on a major study in collaboration with these organizations and all concerned have again demonstrated their commitment and professionalism with regard to ensuring the successful implementation of the project. The gratitude of the CASR team is extended in particular to Mrs V L. Ramsamy and her team at the MOLIR&E in Mauritius and Mr. François Eyraud and Mr. Sangheon Lee of the Working Time Bureau of the ILO in Geneva for their consistent and invaluable assistance.

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Nigel Richards
OIC CASR
November 2005

Summary

1. Introduction

- 1.1 This study was commissioned to investigate aspects of current working time practices in the Island of Mauritius and to ascertain the opinions held by key informants as to whether or not more flexible working time patterns could be implemented and how any such implementation would be predicted to impact on productivity, salaries and working conditions in general.

- 1.2 The Work and Family Study¹ implemented in Mauritius in 2002 reported that many employees find it difficult to reconcile work and family obligations and that many working people are increasingly affected by “time stress”, experiencing difficulties with balancing their working time obligations with personal, social and family commitments.

¹ International Labour Office and Ministry of Labour & Industrial Relations, Work and The Family, produced by the Centre for Applied Social Research, University of Mauritius, Reduit, Mauritius, September 2002

- 1.3 There is an argument that more flexible working time arrangements could assist in alleviating these and other problems associated with employment practice. Therefore, it was necessary to assess the current attitudes of representatives of both employers and employees towards the practicalities of implementation of such flexible working time patterns.
- 1.4 For any implementation of alternative working time practices to be acceptable to employers they must operate in such a manner that there is little or no adverse effect on productivity. It is likely that employers will believe that the introduction of more flexible working time patterns will have a negative impact on production. This presumption is one of the primary deterrents for employers against investigating the possible introduction of more flexible working time patterns. However, alternative working time patterns can, in fact, positively impact on productivity and, given the right situation, actually assist in improvement.

- 1.5 However, flexible working time arrangements are not the only potential solution for alleviating working time stress. For many workers, just a reduction in the number of hours worked without a linked decrease in salary would more than likely be welcomed as the single most simply applied remedy to their difficulties in balancing work and family commitments.
- 1.6 Many workers in Mauritius work long working weeks, particularly in the manufacturing and distributive trade sectors. These particular sectors tend to employ large numbers of women. Many of these women form part of young families where often both husband and wife are wage earners. However, women are most likely to be expected to continue with their traditional household roles in addition *to* holding down a full time job. This sets up an additional strain on working mothers in Mauritius to balance their work and family responsibilities, which are usually greater than those of their male counterparts.
- 1.7 Current working time patterns, therefore, impact on all workers but perhaps the negative impacts are more greatly felt by female workers. However, the primary

target of investigation was the viability of the introduction of more flexible working time patterns for all workers.

1.8 The ideal would be that any implementation of such flexible working patterns is done in a way that both employee and employer benefit.

1.9 Nevertheless, any recommendations made would have to meet the criteria for what the ILO defines as “Decent Work”.

1.10 The concept of Decent Work is at the forefront of the international labour scene situated in the vanguard of efforts to safeguard the interests of workers.

1.11 The organization of working time can take several forms and can be determined by a range of factors associated with the needs and expectations of both employers and employees.

1.12 Gender equality through working time has sometimes been promoted as being achievable by giving women and

men identical full employment rights in terms of promotion, level and status.

2. Methodology

2.1 The results of this study are based on a series of Case Studies conducted on companies selected using a stratified random sampling system that gave a representative sample of industries.

2.2 50 companies were sampled with 35 eventually taking part, giving a response rate of around 70%.

2.3 Before the Case Study interviews were scheduled and conducted a series of Focus Group Discussions (FGDs) were held with representatives of organizations representing the interests of employees, employers and legislative bodies.

3. Findings (FGDs)

- 3.1 During the FGDs the general opinion offered was that, in Mauritius, Working Time has been, and remains, a peripheral issue in the collective bargaining process with the main focus being on employment and financial terms and conditions.
- 3.2 There was widespread recognition that there were important problems and constraints upon workers because of the perceived inflexible nature of existing working time arrangements.
- 3.3 The importance of improving existing working hours, particularly in terms of promoting the health of the employee, and enabling employees to more effectively balance work and domestic responsibilities, was promoted as a way forward leading to an improvement in the efficiency and productivity of the individual at work.
- 3.4 Shift working patterns, particularly night working, was felt to impact negatively on the lives of those having to work according to these patterns.

- 3.5 Lateness and absenteeism were not felt to be more of a problem than perhaps would normally be expected, although the idea of a “local” pattern of abuse of absenteeism was recognized, whereby local workers can often be predicted to be absent on Mondays, or on days following such events that encourage alcohol drinking in quantity or late night entertainment.
- 3.6 In tandem with this was the promotion of the idea that, because they were free of such social obligations and local customs and practices, foreign workers in the factories of the Export Processing Zone appear to be more conscientious, harder working and more productive.
- 3.7 A crucial point, clearly made in all of the FGDs, was that there was, at best, a misunderstanding and, at worst, a total lack of understanding, of what flexible working time patterns entail. It was felt that managers of industry were often confused about what constituted flexible working patterns and how they can be applied in industrial settings. This confusion leads to an expectation of chaos resulting from any implementation of flexible working time.

4. Findings (Case Study Interviews)

- 4.1 Managers of industries often cited their belief that the implementation of flexible working patterns would not only result in chaos but would inevitably result in a negative effect on production and higher costs for the company for the provision of extra security staff, extra transport and increased electricity and other service bills.
- 4.2 The issue of transport proved to be very important in that, although the present system was in many ways fatally flawed, with blocked roads and long traveling times for relatively short distances, there appeared to be little desire to implement alternatives.
- 4.3 Managers of industries generally projected a degree of suspicion regarding their employees. They were of the opinion that many employees would take any chance to exploit a flexible system of working time pattern. This reflects what was said in the FGDs about the *strategic* use of lateness, absenteeism and sick leave by local workers.

- 4.4 The confusion about what flexible working time patterns entail was illustrated by the way that many managers of industry felt that they were already “flexible” given that they gave permission for employees to take compassionate or other urgent leave. This type of leave was generally referred to as “permissions”.
- 4.5 There were some companies that gave evidence of implementing new and more flexible working time patterns. These companies also promoted their belief that it was necessary to value the employees and that, by operating in a manner that suited both the employer and the employee’s needs, brought mutual benefits, both in improving production and in generating a better trained and more loyal workforce.
- 4.6 These few instances were examples of how, when the desire is there, more flexible working time patterns can be introduced and can work to the benefit of all concerned.

5. Conclusion

5.1 The overall conclusion of this study is that, regarding industries in Mauritius, flexible working time patterns are misunderstood, mistrusted and misconstrued.

5.2 This is not to say that such patterns would not be effective were they to be introduced but that, at present, there is a need to educate the major players and potential innovators on the practicalities and functionalities of such working time patterns.

5.3 There is a clear need for managers of industry and representatives of workers to be better informed on the variety of flexible working time practices and their application so as to fully understand how the various types of flexible working patterns operate, which methods best suit which purposes, how they can be introduced and how their introduction can benefit both industry and workers.

6. Constraints & Recommendations

- 6.1 Following the completion of the draft study, a Technical Workshop was held on 24-25 November 2005 at Le Meridien Hotel, Pointe aux Piments. Representatives of workers' and employers' organizations, civil society and the government put forward their views with the aim of providing policy recommendations. Paragraphs 6.2 – 6.13 list the Constraints identified and Paragraphs 6.14 – 6.27 list the Recommendations made.

Constraints

- 6.2 *There has been little or no practical implementation in the private sector in Mauritius.*
- 6.3 *The following major constraints were identified that could prevent the introduction of flexible working time.*
- 6.4 *Lack of understanding of flexibility and different forms of flexible working time.*
- 6.5 *Lack of local examples of introduction of flexible working time as a reference model;*
- 6.6 *Labour Legislation does not provide for flexible working time.*
- 6.7 *Mindset and culture of employers and employees with respect to vacation/sick leaves.*
- 6.8 *Uncertainty in the financial viability of flexible working time.*
- 6.9 *Perceived as additional costs by employers.*
- 6.10 *Perceived as a reduction in overtime thereby aggravating the existing low salaries in some sectors of employment.*
- 6.11 *Lack of trust between partners.*
- 6.12 *Lack of implementation of gain-sharing system in enterprise.*
- 6.13 *Lack of standardization of competencies.*

Recommendations

- 6.14 *It was recommended that a holistic approach be adopted, with emphasis on key issues such as transport, decentralization, legislation and customs and practice.*
- 6.15 *Information and training of employers and employees (enterprise/national level) in order to encourage a paradigm shift towards flexible working time.*
- 6.16 *Provide trained facilitators in the field of working time at enterprise level including trade unions to explain and promote flexible working time.*
- 6.17 *Review of Labour Legislation and Remuneration Orders to enable introduction of flexible working time, to compensate for loss of overtime and upgrade salaries.*
- 6.18 *Encourage and support employers' initiatives in favour of more flexible working time (training, etc).*
- 6.19 *Sensitize workers and employers on health hazards arising from continuous night work.*
- 6.20 *Ensure that working hours are not detrimental to the workers' health and safety.*
- 6.21 *Discourage continuous/permanent night shifts.*
- 6.22 *Put in place clear and transparent control system at enterprise level to build trust.*
- 6.23 *Discourage the practice of split shifts in certain enterprises (hotel/restaurant).*
- 6.24 *Improve the transport system at the national level.*
- 6.25 *Ensure the provision of transport facilities at the enterprise level in line with flexible working time.*
- 6.26 *Encourage decentralization of working places from Port Louis.*
- 6.27 *To ensure the proper implementation of the above recommendations, a tripartite technical committee be set up*

*by the Ministry of Labour, Industrial Relations and
Employment.*

INTRODUCTION

Problems associated with Working Time affect many of those currently gainfully employed in Mauritius. This has been identified by those actively involved in studying ways of reducing any negative impact employment has on an individuals life. However, any solutions proposed need to be arrived at through a scientifically rigorous process that will validate their implementation.

One of the Key findings of the Work and Family Study¹ implemented in Mauritius in 2002 was that, in the present socio-economic context, many employees are finding it difficult to reconcile work and family obligations. It was also identified that many working people are becoming increasingly affected by “time stress” and that they often experience hardship when attempting to balance their working time obligations with their personal and social needs and their family commitments.

It was clear from the results of the Work and Family Study that many employees were feeling the need for a greater prevalence of employee-friendly and family-friendly working arrangements.

A significant factor was the recognition by workers of the need for some greater flexibility of control over time use and its effect on their quality of life.

However, the Work and Family report also identified that, given the realities of competition and cost effectiveness, although many employers agree that improving employee-friendly and family-friendly working arrangements is a desirable aim, it is not necessarily an employer’s main priority.

Nevertheless, there continues to be a demand for more flexible working time arrangements. Views on the practicalities of implementation do differ, and, although the requirements of the employer and employee may also differ, it is likely that any positive and well researched changes in working time arrangements will eventually give a result that is beneficial to all.

The ideal is to have such working time arrangements in place that both employee and employer benefit and that any exigencies brought about by production demands can be accommodated without undue effects on the lifestyle of the workers.

¹ International Labour Office and Ministry of Labour & Industrial Relations, Work and The Family, Produced by the Centre for Applied Social Research, University of Mauritius, Reduit, Mauritius, September 2002

These arrangements would take cognizance of the fact that the success of a company may at times result in a demand for alternative working strategies, but that these strategies must also be implemented in a manner that is non-detrimental to the overall lifestyle of the employee.

Any recommendations made to change working time arrangements, including any flexibility in the organization of working time, will have to be achieved in such a way that there is a balance between the improvement in employees' quality of life while meeting the needs of the employer. In effect, any recommendations made would have to meet the criteria for what the ILO defines as "decent work".

At the same time, in order for any implementation of such working time practices to be acceptable to employers they must be designed and operated in such a manner that there is little or no negative effect on productivity. In effect, the primary consideration for employers is most likely to be that of productivity and it is more often than not the possible presumed negative effect on production that deters employers from investigating the possible introduction of more flexible working time patterns. However, as will be seen later, it is not necessarily the case that alternative working time patterns will impact negatively on productivity and, given the right situation, may actually improve it, given that more relaxed and contented employees tend to be more loyal and productive. The document, Towards A National Action Plan on Work and Family, produced in February 2003, identified that

"The family is at the core of society and that the problems of workers with family responsibilities need to be effectively addressed in national policies through social dialogue." ²

The Ministry of Labour and Industrial Relations, together with the International Labour Organisation, acted to implement one of the key strategic objectives stated in the National Action Plan, that, in order to facilitate new working time patterns and organization, "Research should be undertaken by the Ministry of Labour and Industrial Relations to identify sectors in which working time is problematic and where changes could be beneficial to employers and employees."

² Towards A National Action Plan on Work and Family, Ministry of Labour and Industrial Relations, GOM, February 2003

Aims of the Study

The main aim of this study was to investigate current aspects of working time and the perceived viability of proposed methods of reorganization, the results of which investigation might contribute to a rationale for a systematic reorganization of working time in Mauritius.

This study investigated the issues in question at different levels, through closely analyzing available data on workplace practices and through carrying out interviews with key management figures representing employers, with representatives of employee's organizations and with other key individuals.

The study was commissioned by the International Labour Organization (ILO) and the Ministry of Labour and Industrial Relations in Mauritius. Funding was provided by the ILO and the Mauritius Research Council (MRC).

Mauritius

The Republic of Mauritius is a group of Islands in the South Western Indian Ocean. The largest island, which is the centre of Government and home to the major industries, is Mauritius, with the semi-autonomous island of Rodrigues lying 560 Kilometres to the North East. Other smaller islands, including the sparsely populated Agalega, with approximately 300 inhabitants and St. Brandon, an archipelago of sand-banks, shoals and islets, lay to the north and north east of the main island of Mauritius.

This study concentrated only on the Island of Mauritius and not the Republic of Mauritius, given that virtually all of the large industries, as defined in the methodology of the study, were concentrated there.

The Population of the Island of Mauritius as of December 2004 was estimated to be 1, 224, 500 of whom 522, 300 were considered as being of an age that made them the "active population", that is part of the labour force.³

Since 1968, there has been a concerted effort to move away from a monocrop agricultural economy, based on Sugar, by diversification into different areas. These sectors have included Tourism and, more recently, Financial Services (including Offshore Banking). A major area of diversification was into Manufacturing and Assembly work, particularly assisted by the setting up of the Export Processing Zone (EPZ), which,

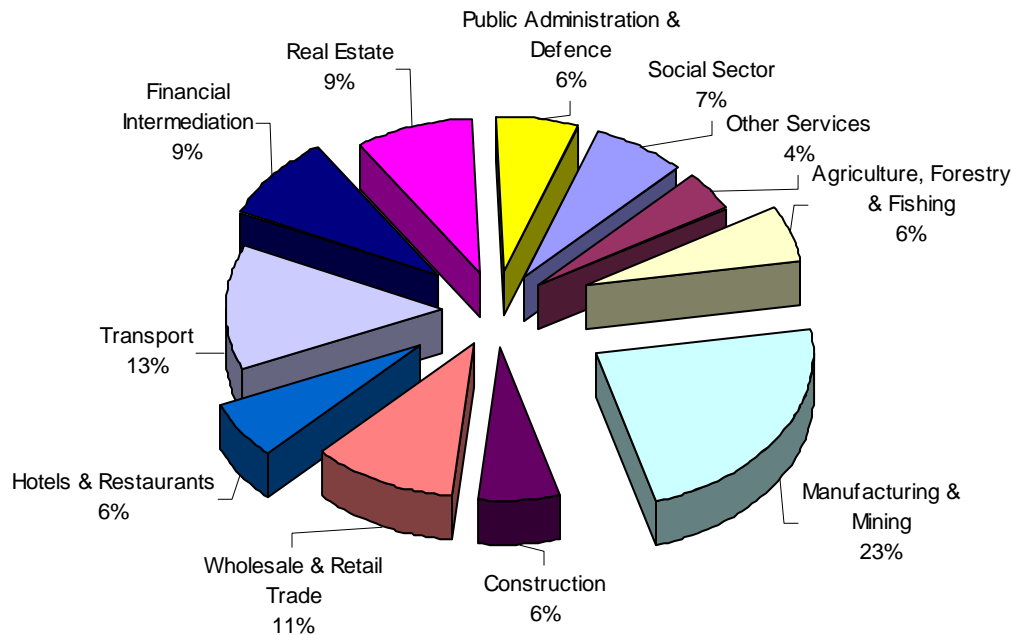
³ Central Statistics Office, Economic & Social Indicators, Issue 497, Continuous Multi Purpose Household Survey Main Results April 2005

since its inception in the early 1970s, has predominantly produced textiles.

Table Introduction 1 Estimated labour force, employment and unemployment by sex December 2004		
	December 2004	Average for Year
Labour Force		
Both Sexes	522, 300	532, 100
Male	346, 900	348, 200
Female	175, 400	183, 900
Employment		
Both Sexes	482, 400	487, 000
Male	328, 400	327, 900
Female	154, 000	159, 100
Unemployment		
Both Sexes	39, 900	45, 100
Male	18, 500	20, 300
Female	21, 400	24, 800
CSO Economic & Social Indicators, Issue 497, Continuous Multi Purpose Household Survey Main Results		

Since the end of the 20th Century the EPZ has witnessed a succession of closures of factories leading to an increase in unemployment in a culture that, during the late 1980s and early 1990s, had been used to what was regarded as a situation of full employment, to the extent that factory workers had been recruited for local EPZ factories from overseas, particularly from China and Bangla Desh.

Chart 1
Sectoral Composition of GDP at Current Prices 2002 / 2003



Source CSO National Accounts

Globalization and Declining Labour Standards

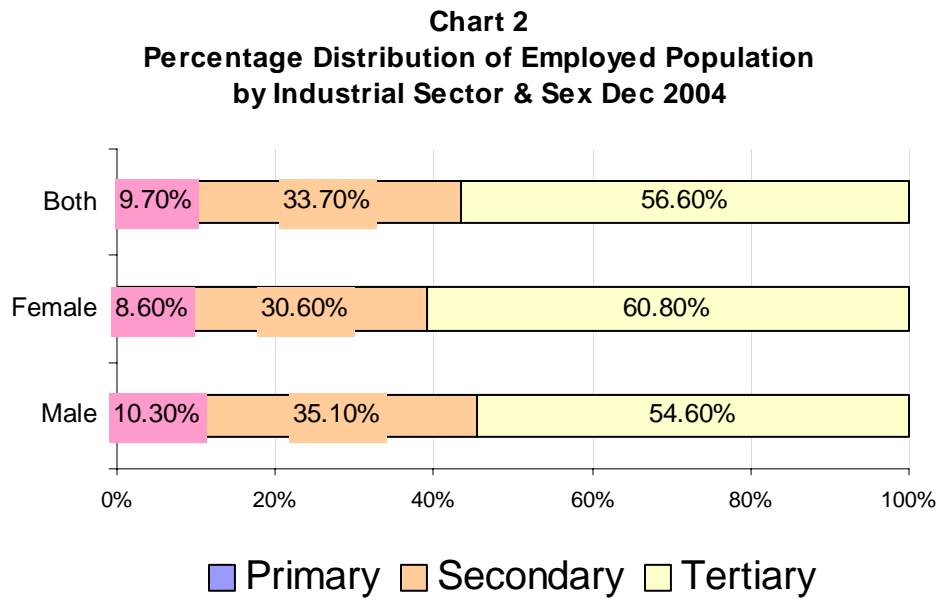
The negative effects on labour standards brought about by globalization are being increasingly documented. This is particularly so in the case of developing and newly industrialized countries.

Many commentators believe that workers' rights are increasingly under threat, that they are often denied the opportunity to form unions that would enable them to protect their interests, or that the power of existing unions is being eroded. An ever-increasing level of competition in the global economy arguably promotes unfair labour practices with workers compelled to work longer hours, very often under difficult working conditions.⁴

Although the impact of global capital and associated practices on labour standards have not been adequately explored and analyzed in the Mauritian context, there have been indications that might be seen as supporting the complaints from some trade union officials that

⁴ See Munck R: 2004 and Mehmet O, Mendes, E and Sinding, R: 1998

employees are increasingly likely to be hired or fired to suit the needs of employers. The more severe working structures also impact more negatively on the workers' ability to balance work and family obligations, leading to a decrease in the quality of life.



The Primary Sector comprises of agricultural, mining and quarrying industries, the Secondary Sector is made up of manufacturing, electricity & water and construction industries, while the Tertiary sector includes trade, hotels & restaurants, transport and all service industries.

Source CSO Social & Economic Indicators Continuous Multi Purpose Household Survey 2004 - April 2005

Working Time

The Decent Work Agenda

The concept of Decent Work is now at the forefront of the international labour scene and is situated in the vanguard of efforts to safeguard the interests of workers. The International Labour Review (2004) points out that the concept of “decent work” is centred on the recognition of ethical values applied to labour issues, with an emphasis on social dialogue. International labour standards are grouped into the three main categories of a) fundamental rights at work, b) standards concerned with more technical provisions of labour and c) social security laws, which includes the role of employers’ organizations and trade unions.

Traditionally, in discussions pertaining to Labour issues, little attention has been given to the issue of working time. For example, in the United States, although there have been changes to overtime regulations the changes have been centred on the amount that people will be paid for working extra hours. This narrow focus ignores the number of hours that people may have to work.⁵

Nevertheless, over the last fifty years, some major changes have occurred internationally in the organization of working time. Perhaps the most noticeable change has been the move towards non-standard patterns of working hours, also often referred to as ‘unsocial working hours’. These types of working patterns are, in particular, being currently applied to meeting the new demands of the emerging Information Technology sector that, itself, is being tailored to meet what are seen as the requirements of a 24-hour society. Nowadays, an increasing number of people are employed to work shift-work or to follow irregular working time patterns. There has also been a tendency in many countries towards workers having to accept longer working hours. This raises concerns about health and safety protection and the need for workers to have access to adequate time spent outside of involvement in paid work. Although this time is usually termed as “leisure time”, in reality it more often than not involves taking care of essential tasks such as childcare and other family commitments.

In recent years, the organization of working time has changed considerably as alternative structures of employment such as part-time work have gained ground. However, the changes are not universal in nature. In some countries, working time periods may be reduced as a means of spreading work in order to give the appearance of creating jobs, while in other countries minimum working hours are being extended. In addition, new formulae such as those combining education and work are emerging. Accordingly, it could be said that working time is no longer

⁵ Messenger, JC, 2004

organized on a weekly or annual basis, and that it is apparent that a more flexible approach is sometimes being adopted.⁶

In most industrialized countries, the debate over the length of the working week is well underway. The persistent levels of unemployment in many countries has led to increased attention focusing on “work-sharing” policies in order to enable a more equitable distribution of the available work.

By applying this tactic there is an underlying assumption that a reduction of individual working time will assist in increasing the number of available jobs in an economy, and, by so doing, go some way to reducing or preventing unemployment. There may also be a belief that a reduction of individual working time will allow men to devote more of their time to household responsibilities, giving women an increased opportunity of participating in the labour market and thus equalizing some of the gender discrepancies in labour opportunities.⁷

The organization of working time can take several forms and can be determined by a range of factors associated with the needs and expectations of both employers and employees. Firstly, there are concerns about the number of hours worked and secondly the pattern or schedule of those hours.⁸ It is also important to clearly understand the notion of the Decent Work Deficit. This refers to any gap between the working time schedules individual workers need, or would prefer, and the working time schedules that they are actually required to work.⁹

Messenger (2004), promotes the idea that the goal of decent working time can be achieved by respecting key dimensions such as Healthy Working Time, Family Friendly Working Time, Gender Equality Through Working Time and Productive Working Time.

Healthy working time portrays an essential element of what is decent working time in that workers` welfare is enhanced. This can be achieved by addressing the health and safety implications of different working time arrangements, particularly those that may involve long hours of work and / or elements of night work.¹⁰

Family-friendly working time refers to another important dimension of decent working time. This involves giving working parents, whether

⁶ Bosch, G 1999

⁷ Sousa-Poza, A and Henneberger, F; 2002

⁸ Spurgeon, A: 2003

⁹ ILO:2001a

¹⁰ Anxo D, Fagan C, Lee S; 2004

fathers, mothers or both, sufficient time at their disposal to combine family responsibilities and work obligations.

In a previous report by CASR for the ILO and the Ministry of Labour and Industrial Relations it was seen that this is a particularly problematic issue in Mauritius.¹¹

Gender equality through working time has sometimes been promoted as being achievable by giving women and men identical full employment rights in terms of promotion, level and status. Accordingly, there should also be an equal sharing of family duties between men and women. Meeting this objective would necessitate giving fathers leave from work for family reasons, such as on the occasion of the birth of a child.

There is a view that a reduction in long hours of work can lead to gains in productivity. Changing working time practices so that there is more of an emphasis on Productive Working Time could, for example, lead to a reduction in the absenteeism that may be created by workers not having sufficient time outside of work to fulfill their non-work obligations.¹²

In countries such as Portugal, Japan and France, some changes have been made in legal provisions regulating labour practices to address decent working time objectives. As long ago as 1833, The Factory Act of England put restrictions on the length of the working day so as to counteract the damaging effects of long working hours and poor working conditions on the social opportunities of workers. In effect, this was addressing what we would nowadays see as health and safety issues.

In addition, the labour movement's demand for an 8-hour working day, as embodied in the ILO's first Convention of 1919, gradually translated, by the 1960s, into the emergence of standardized working hours in most industrialized countries.

Changes in working hours through collective agreements

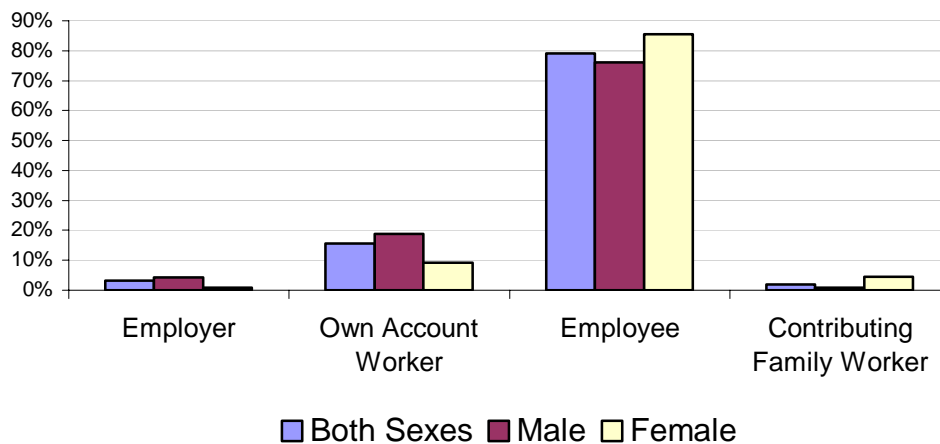
Some observers have suggested that collective agreements could serve as an effective means of negotiating a reduction in actual working hours, particularly in industrialized countries. The success of collective bargaining in determining working hours has been illustrated by the cases of countries such as Denmark, Germany and the Netherlands. These three countries put the issue of safeguarding jobs and creating employment as the central aim of changes made to working hours. In Denmark, in 1991, normal working hours were reduced to 37 hours through centralized collective agreements. In Germany collective

¹¹ CASR, Work and the Family, 2002

¹² Barmby et al, 2002 in Messenger, J.C, 2004

bargaining operates within a less centralized structure and in the year 2000 working time ranged from 35 to 40 hours per week. In the case of the Netherlands, the principle of a 36-hour working week was introduced through collective negotiation in the mid-1990s.¹³

Chart 3
Percentage Distribution of Employed Population
by Employment Status & Sex Dec 2004



Problems associated with existing working time arrangements

Various changes to existing working time arrangements have occurred since it was recognized that long working hours can have adverse effects on a worker's health, home life and his or her performance at the workplace.¹⁴

Health

Issues of working time and the health of the worker are complex, but it is perhaps useful to re-visit the objectives of the working time directive introduced in the United Kingdom via the introduction of the Working Time Regulations in 1998. These regulations were subsequent to the Health and Safety at Work Act 1974, in which it was clearly stated that working time represents a health and safety issue.

The directive seeks to:

“improve health and safety at work, by introducing minimum rules for employees relating to daily and weekly rest periods, rest breaks, annual paid leave entitlements, the length of the working week, and night work.”¹⁵

¹³ See White 1987, Anxo and O'Reilly, 2000, Lee S, 2004

¹⁴ Spurgeon A, 2003

¹⁵ Labour Research Department, 1998

Spurgeon (2003) summarized the various effects of working time on health when noting that regularly working in excess of 48 hours per week constitutes a significant stressor that reduces job satisfaction, increases the effects of other stressors and ultimately increases the risk of mental health problems. She also noted that working regularly for more than 50 hours per week is associated with an increase in the risk of cardiovascular disease. It was also stated that long hours are generally associated with an increased prevalence of somatic symptoms and health threatening coping behaviours, such as increased smoking and a prevalence for maintaining a poor and irregular diet.

Table Introduction 2				
Long Working Hours and Their Effects on Health				
Country	Study Population	Hours worked	Effects	Authors
Japan	Factory workers	> 9 hours/day	Mental health problems	Ezoe and Morimoto 1994
Japan	Managers	> 10 hours/day	High stress low quality of life	Maruyama and Morimoto 1996
Germany	Medical staff	> 48 hours/week	High stress	Kirkaldy et al 1997
UK	Junior doctors	> 73 hours/week	Mental health problems	Houston and Allt 1997
Source Spurgeon, A 2003: 43				

It has been demonstrated that time away from the workplace is important for the well being of workers. What is perhaps less well accepted is that it can also be a factor in assisting workers to maintain competitiveness while at work, as workers who are overworked or tired are less likely to be productive, while fit and healthy workers are likely to be more productive. Proper and adequate rest periods help to combat tiredness brought on by long working hours and contribute towards a better motivated workforce.¹⁶

Other studies have illustrated that working time patterns that are suited to the workers` needs are proven to be also beneficial to businesses, and some organizations have noted that reductions in long hours of work have often resulted in substantial productivity gains.¹⁷

Difficulties in reconciling work and family obligations

Historically, the industrial revolution marked a fundamental change in the separation of work and family life. As increasing numbers of workers entered factories there was a significant loss of control over the management of their personal time.

¹⁶ The Labour Research Department 1998

¹⁷ Bosch and Lehndorff, 2001

The managers' ability to affect how employees divide their time between work and non-work spheres of life has been defined as "boundary control." (see Perlow 1998) When employees' work schedules are regulated they encounter certain difficulties in striking a balance between their work and domestic obligations. Of additional significance is that with the feminization of the labour force there has been a shift from the sole male breadwinner to dual earner households.

This shift has sometimes been portrayed as having had certain negative effects on the family, which is regarded as the basic institution of society. A study of dual-earner spouses in Canada showed that stress, anxiety and depression in husbands was related not only to their own inflexible work schedules but also to the long working hours of their wives.¹⁸

Over the past 30 years, the nature of work and its impact on family life has been an area of interest and concern in industrialized countries. However, although increasing numbers of women have entered the labour force, the care of the family is still likely to be viewed as the domain of women with men retaining what can often only be regarded as a peripheral role.¹⁹

This view is supported by the results of the Time Use Study in Mauritius conducted by the Central Statistics Office in 2003.²⁰

¹⁸ Galambos and Walters, 1992

¹⁹ CASR 2002

²⁰ <http://statsmauritius.gov.mu>

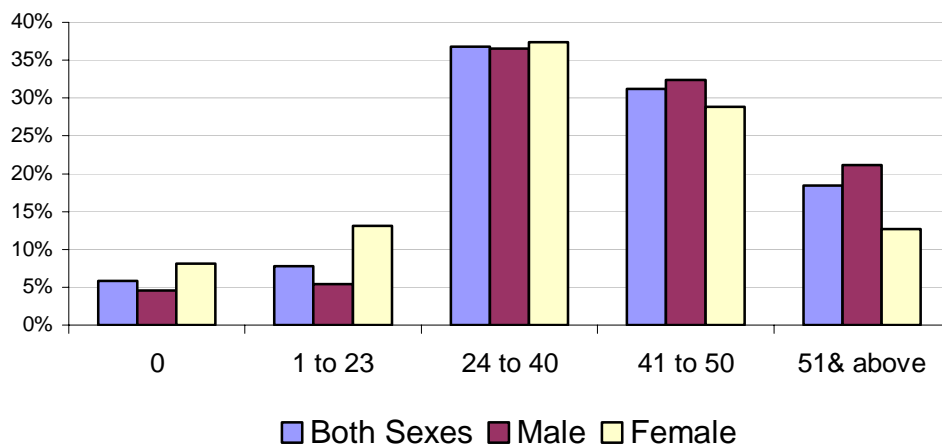
Table Introduction 3 Average time (hours per day) spent by category of activities, activity status and sex - 2003									
Activities	Activity status								
	Employed			Unemployed			Inactive		
	Male	Female	Both	Male	Female	Both	Male	Female	Both
SNA production	7.1	5.6	6.6	1.0	0.3	0.6	0.2	0.1	0.1
Non SNA production	1.2	3.8	2.1	1.7	6.0	4.1	1.1	5.0	3.8
Non productive activities	15.7	14.6	15.3	21.3	17.7	19.3	22.7	18.9	20.1
Total	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
According to the Central Statistics Office, SNA production consists of paid or unpaid activities and is accounted for in the calculation of GDP. Household work, care of household members, community service and help to other households are recognized as productive but they are not paid and are also not included in the calculation of GDP. They are referred as Non Productive production. Learning, social, cultural and recreational activities, mass media use and entertainment, personal care are the Non productive activities. SNA means the System of National Accounts.									

Employed women in Mauritius in 2003 spent an average of 5.6 hours per day on their income earning activities, compared to 7.1 hours for men. However, women devoted more time, 3.8 hours to unpaid productive work, mainly household chores and childcare, compared to employed males who spent only 1.2 hours on such activities. Time allocated to non-productive activities, rest, socializing, entertainment, etc., by employed women, was 1.1 hours less than that enjoyed by their employed male counterparts.

In line with the ILO's Workers with Family Responsibilities Convention 1981 (No. 156) it was deemed necessary for employers to provide both parents with sufficient time to enable them to cope with their family duties and commitments.²¹

²¹ Messenger, J.C ,2004

Chart 4
Percentage Distribution of Employed Population
by Sex & Number of Hours Worked During Week Dec 2004



The main influx of women into the labour force in Mauritius followed the setting up of the EPZ in the 1970s. This attracted younger women into paid employment who subsequently appeared to remain in full time employment creating families where often both husband and wife are wage earners. However, the Work and Family report of 2002 identified *that* women are most likely to be expected to continue with their traditional household roles in *addition to* holding down a full time job. Chart 4 shows that the majority of women in employment work between 24 and 50 hours per week, with more than a quarter of employed women working between 41 and 50 hours per week. This illustrates how widespread the strain is on working mothers in Mauritius to balance their work and family responsibilities, which are usually greater than those of their male counterparts.

Impact on leisure

Work and leisure have long been seen as being simultaneously complementary and diametrically opposed to each other. As long ago as 1908, it was seen that:

“ the general march of industrial democracy is not towards inadequate hours of work, but towards sufficient hours of leisure. Working people demand time to look about them, time to see their homes by daylight, to see their children, time to think and read and cultivate their garden - time, in short, to live.”²²

These ideas maintain as much relevance at the beginning of the 21st Century as they did at the beginning of the 20th. Currently, we are witnessing a world of work that is changing at an accelerated pace with

²² Churchill, W, 1908

the organisation of work and leisure a central dimension in this process of change.

For example, in the Netherlands, legislation was introduced in the year 2000 for a change in working hours. The prime objective of this Act on the Adaptation of Working Time was to allow employees to adapt their working time to suit their needs and to enable them to better balance their work and family responsibilities.²³ Supiot (2001:84) points out, “time must be envisaged not only as working time, as a measure of the exchange of work for pay, but also as a subjective experience, that is to say, as time in workers’ lives.”

Accordingly, working time has to be individualized in order to satisfy the needs and preferences of the individual employee. Furthermore, it is argued that flexible work hours have the potential to redefine social norms to incorporate to a greater degree women’s experience and to foster gender equity.²⁴ Working time policies have demonstrated the importance of leisure time, and the necessity of preserving ‘free time’ has predominated.

Different forms of flexible working time arrangements

There has been growing concern that working time arrangements should reflect workers’ needs and preferences. Accordingly many different forms of flexible working arrangements have been proposed.

Flexi-time programmes

Formal flexi time programmes give workers the opportunity of varying their starting and finishing times and, in some cases, even the number of hours that they work in a particular week. In general, flexi-time programmes revolve around the concept of establishing a period of what are known as “core” hours, that is a set time period when all employees are required to be at work, for example from 10.00 - 16.00. These “core hours” are bracketed by periods of “flexible” hours, following our example say a starting range of 07.00 - 10.00 and a finishing range of 16.00 - 19.00. In this system, employees have the possibility of choosing their starting and finishing hours of work to fit these patterns as long as the contractually required number of hours is worked for a specified work period. However, this is not the only system and some flexi-time programmes do operate without any core hours.²⁵

As we have previously seen, flexible working arrangements have to be determined within clearly defined parameters. These are recognizable as core and flexible time bands within a determined bandwidth period that

²³ Jacobs and Schmidt, 2001

²⁴ Figart D.M and Mutari, E, 2000

²⁵ ILO 2004, Information Sheet No WT-14

represents a total working day. The so-called “Bandwidth” is the total length of the working day from the earliest possible starting period to the latest possible finishing time. For example, a bandwidth period could be from 07.15 to 17.30 hours. The “Core” time refers to a period of the Bandwidth during which all staff should be in attendance, unless on approved leave, say between 09.30 to 12.00 hours and 14.00 to 16.00 hours. The period of Flexi time during which the staff might vary their time of starting work in the morning and/or the time of ceasing work in the afternoon would therefore be from 07.15 to 09.30 hours for starting work and 16.00 to 17.30 hours for finishing the working day. As lunch breaks would need to fit the working pattern of the individual there would also be flexibility in what periods could be used for lunch breaks with, say, the possibility of taking a minimum of 30 minutes during the Flexi-lunchtime bands of 12.00 to 14.00 hours. Any excess or deficit hours could be credited or debited over a two-week or monthly period at the end of which any member of staff could arrange to take their credit time off or to work the hours in deficit. In this system, the normal contractual weekly hours which officers are required to put in would remain unchanged while any officer who preferred to adhere to his or her present working pattern could do so. The proper monitoring of flexible working arrangements, and the maintenance of appropriate control measures, would be the responsibility of the Head of the organisation who would have to ensure that sufficient officers are available at all time to keep offices staffed and operational during the core time period.²⁶

Other varieties of flexible working time arrangements include variations on part-time work, compressed working weeks, work and job sharing, annualized hours, shift work, time-banking schemes, and telecommuting.

²⁶ Circulation Letter No.19 of 2004, Ministry of Civil Service Affairs and Administrative Reforms

Part-Time Work

The ILO Part-Time Work Convention, 1994 (No.175), defines a part-time worker as an:

“employed person whose normal hours of work are less than those of comparable full-time workers”.

For statistical purposes, part-time work is generally defined as a specified number of hours. Although the threshold that divides workers into full-time and part-time workers diverges from country to country, it normally falls in the range of 30 to 35 hours per week.

Table Introduction 4	
Statistical Definitions of Part-time Work	
Country	Threshold
Finland, Canada, New Zealand	30 hours
Australia, Austria, Iceland, Japan, Sweden, United States	35 hours
Hungary, Turkey	36 hours
Norway	37 hours
Source: ILO 2004, Information Sheet No WT-4	

The ILO's Part-Time Work Convention promotes access to part-time work and ensures that measures are taken to provide equal treatment to both part-time and full-time workers regarding hourly basic wage rates, statutory social security schemes, maternity leave, paid annual leave and sick leave.

In 1997, the European Union adopted the Part-Time Work Directive, which embodies the principle that employers should pay attention to employees' requests to change from full-time to part-time work and vice versa. In most industrialized countries, the share of part-time workers as a proportion of the total number of workers in employment has, over the last 20 years, increased from one-quarter to one-half. However, the rate of those involved in part-time work remains low in most developing countries.

In Japan, the 1993 Part-Time Workers Law stipulates that the welfare of part-time workers should be improved and that their skills should be utilized more effectively. This law empowers the Ministry of Labour to develop policy measures and provides employers with guidelines on the working conditions of part-time workers.

Part-time work and gender equality

In Industrialized countries the proportion of women among those employed as part-time workers is especially high.²⁷ Although laws have been enacted to secure the rights of part-time workers it is equally important that gender sensitivity is applied in matters regarding part-time work. The Dutch work-family policies are an important example in this respect in that, in the Netherlands, part-time work is seen as a means of promoting gender equality by allocating shorter hours for both men and women.²⁸ Indeed, this combination approach challenges the traditional division of labour and allows the 'degendering' of part-time work.²⁹

Advantages and disadvantages of part-time working

Part-time work entails advantages and disadvantages for both employees and employers. The advantages for employers can be seen to include the improved adaptability of the workforce to meet fluctuations in customer demand and the ability to have more flexible work planning. For the employees the advantages could be seen to include better opportunities to balance work obligations and family life commitments, the provision of an entry point for young people into the labour market, greater scope for the entrance of women into the labour market and an additional potential for job creation.

Conversely, the disadvantages for employees could well be lower incomes due to shorter hours of work and lower hourly wages than full-time workers, subsequent lower social security benefits and limited career progression and training opportunities, a reinforcement of gender discrimination by emphasizing traditional family roles and by offering poor conditions of work to women. Employers might well find that disadvantages included higher taxes and social contributions when part-timer workers are used to cover the same number of hours as full-time workers and higher costs for the coordination of employees' work.³⁰

Shift Work

The ILO (1990) describes working in shifts as a "method of organization of working time in which workers succeed one another at the workplace so that the establishment can operate longer than the hours of work of individual workers".

²⁷ ILO 2004, Information Sheet No WT-4

²⁸ Platenga, 2002

²⁹ McCann, 2004

³⁰ ILO 2004, Information Sheet No WT-4

There are two main types of shift working patterns, the *fixed shift system* and the *rotating shift system*. Under the fixed shift system, working time can be organized in two or three shifts split into variations of the early, late and night shifts. Separate groups of workers work during the different shift times. Under a rotating shift system, workers are called upon to work shifts with fixed hours that rotate according to a fixed and regular schedule. In this system groups of workers take it in turns to work all of the different shift patterns according to the rotating schedule.

A firm's equipment can then be kept running non-stop providing continuous working patterns, split into shifts, but covering 24 hours a day and 7 days a week.³¹ In the United States, there is no general limitation on maximum working hours and extended shifts and permanent shifts are more widespread. On the other hand, in Europe, because of the existence of regulations covering maximum working hours there is a greater tendency toward adapting the possibilities for working averaging hours. Because of the social specificities attached to the advantages and disadvantages of working shift systems, these systems are more likely to be geared towards male workers, particularly systems that involve working full night shifts. There are also legal prohibitions that exist against night work for women.³²

Advantages and disadvantages of shift work

As with all forms of working time, shift working provides both advantages and disadvantages for employers and employees alike. For employers some of the advantages would include the ability to increase production to cope with higher demand or to deal with perishable goods and a more optimal use of energy or other resources during the night. While employees might see shift work offering such advantages as higher total earnings capabilities where premium wages are paid for working certain types of shifts such as night work, and the possibility of longer periods of free time if paid time off is granted instead of shift work payments.

As to disadvantages for employees, these would be a high risk of negative effects on their health and safety, especially while performing night work, and a negative impact on family and social life due to the unsocial and irregular hours of work.

Employers would point to shift work having disadvantages based on additional administrative costs resulting from having more workers to cover more operational shifts, the complexities of having to ensure adequate supervision, especially at night, the higher labour costs due to

³¹ ILO 2004, Information Sheet No WT-8

³² ILO 2004, Information Sheet No WT-8

the payment of shift premiums and the provision of additional welfare and training facilities.

Possible solutions of limiting potential negative impacts of shift work.

A shift system should be structured by paying special attention to certain constraints.³³ These would include that workers should work a limited number of night shifts in succession and that they should regularly have some free weekends with at least two full days off. It is also recommended that short intervals between shifts should be avoided and that there should be certain flexibility concerning shift change times and shift length.

Compressed workweeks

Compressed workweeks involve working hours being scheduled over fewer than the accepted standard number of normal working days. Obviously having fewer working days in the week, but the same number of working hours, would result in longer working days. Consequently, a compressed workweek system usually extends the working day to beyond eight hours but subsequently reduces the number of consecutive days worked to less than 5.³⁴

It is more usual to find workers adhering to the compressed workweek system in jobs which involve long distances between the worker's home and their workplace, for example in the oil industry, merchant shipping, international or long distance haulage and the trans-continental travel sector.³⁵

Advantages and Disadvantages of the Compressed Workweek

As we have previously seen with other shift or flexible working time systems there are in-built advantages and disadvantages with the compressed workweek system.

Employers may well find that compressed workweeks allow the extension of operating hours thereby leading to a reduction in the expenses associated with starting operations. However a major disadvantage for them would be that extended operating hours would generally impose additional costs to cover expenses for such as security, heating and lighting. In addition, if organizational operations are longer than the workweek, then there may well be scheduling problems.

³³ The ILO 2004, Information Sheet No WT-8

³⁴ ILO 2004, Information Sheet No WT-13

³⁵ ILO 2004, Information Sheet No-13

Some employees may find compressed workweeks attractive because they can often offer, in return for longer working days, extended periods of free time due to fewer days being actually worked. This will also have the additional benefit of reduced transport expenses involved in traveling to and from work.

However, they would also be likely to point to the disadvantage of an extra likelihood of suffering from stress due to longer working days. Some employees may also encounter difficulties in balancing their family and work responsibilities during the workweek.³⁶

Annualized Hours

Schemes based on Annualized Hours schemes allow for variations in working time over a longer period. Normally, these schemes have a set average number of hours to be worked per week, say 40 hours, over a specified period of time. This period of time is the “reference period”, the reference period length can vary according to the individual schemes and can range from several weeks to as long as an entire year. This approach enables firms to increase the number hours of work when the workload increases and for this to be offset with shorter working hours when the volume of work is less. The number of hours that need to be completed in any given week is determined by the employers based on the needs of the enterprise, the basis for which can be calculated to fall within a band of maximum and minimum weekly hours.³⁷

Annualized Hours schemes also include notice periods for any changes in the schedules, the reference periods and the conditions set for the payment of overtime. Wages are often paid on an average basis throughout the year, with the schemes providing for special provision for annual leave and holidays. One important technical note is that versions of hours-averaging schemes can be introduced to meet shift work patterns.³⁸

However, as annualized hours schemes are a relatively recent development their current implementation rate is very low, although they are prevalent in Germany, where they are used in 28 per cent of all companies, and in Japan where they are found in 36 per cent of companies, covering 23 per cent of all workers in the country.

Nevertheless, the advantages of schemes based on Annualized Hours are also balanced by some perceived disadvantages. Employers might find advantages in that these types of schemes can help to improve competitiveness, the performance and productivity of companies and to reduce costs, particularly labour costs based on overtime and shift

³⁶ ILO 2004, Information Sheet No-13

³⁷ Messenger, J.C, 2004

³⁸ ILO 2004, Information Sheet No-12

premium payments. For employees the advantages of this type of scheme are that it guarantees a stable income regardless of any weekly variations in hours worked and that this may be coupled with reductions in working time and an increase in paid time off. However the disadvantages for employees could be that there will be irregular and unpredictable working hours and that total earnings may be reduced if overtime is eliminated and there is no accompanying increase in basic rates of pay. There may also be disadvantages for employers in that this type of working hours arrangement may be perceived as generating a loss of managerial control over working hours with an additional possibility of employees not being willing to work extra hours within short notice.³⁹

Time Banking Schemes

The concept of 'Time Banking' or "Working Time Accounts" is based around keeping track of hours worked which are recorded in 'accounts' for individual workers. Time Banking gives workers the possibility of building up 'credits' for hours worked or accumulating 'deficits' for hours not worked, although there is a maximum and minimum amount set. However, the periods involved are much longer than in some of the other schemes, ranging from several months to a year or more. Usually, there are clear rules regarding the specific time banking arrangement, which determine how and when the excess hours stored in the time banking account can be "spent". There may be major restrictions based on the particular enterprise's operational needs; for example, the amount of notice required to take time off using hours stored in the worker's time bank account. With systems based on shorter-term accounts, hours worked in addition to contractually agreed working hours could be taken as paid time off. With long-term accounts, accumulated credit hours can be utilized for longer paid holidays, sabbaticals, early retirement or may be converted into a cash equivalent.⁴⁰

For employees, the disadvantage may be that there is a potential danger of all of the workers' overloaded time accounts leading to them having difficulty in arranging to use much of their accumulated time off. This might be counter-productive since workers would have overworked in building up their Time Accounts. There may also be unexpected fluctuations in the needs of the establishment that may not give workers the possibility of taking accumulated time off as they wish, resulting in time banking being regarded by workers as a form of hidden unpaid overtime.

For employers the disadvantages may lie in that there would be a loss of direct supervision over working hours, and that an increase in working

³⁹ ILO 2004, Information Sheet No-12

⁴⁰ Messenger, J.C ,2004

time flexibility might be accompanied by a greater complexity in scheduling work. However the advantages for employers would be that there would be savings on overtime and other premium or short-time work payments, together with improved responsiveness to customer demands. Employees might see advantages in this type of system in that they would retain greater control over their work schedules and that this would improve their ability to balance work, family and social life.⁴¹

Work Sharing

Work Sharing is a reduction in the length of individual working time with the prime objective of spreading a given volume of work to a larger number of workers. This assists firms in avoiding layoffs or lowering employment numbers. However, the decrease in working hours for the individual workers is accompanied by cuts in wages and benefits. An advantage for employers is that Work Sharing can help in adjusting the firm's workforce to fluctuations in workload and that a successful work-sharing programme may lead to higher levels of productivity and lower unit costs. However, a major disadvantage to employers is that, with Work Sharing, additional on-costs can result from the hiring of additional workers. From the point of view of employees, some positive aspects of Work Sharing are that it can improve job security due to the preservation of existing jobs and, in certain circumstances, may lead to the creation of new jobs. A disadvantage for employees is that with Work Sharing, generally, workers have to accept some reductions in their earnings, as they will ultimately work fewer hours.⁴²

Job Sharing

Job Sharing refers to a voluntary arrangement whereby two persons take joint responsibility for one full-time job, dividing the time they spend working, having made specific arrangements with the employer. Unlike Work Sharing, Job Sharing is not used as a means of avoiding layoffs or of increasing employment numbers. For employers, Job Sharing allows companies to retain skilled women at work after a period of maternity leave or to hire individuals who could not work full-time due to family obligations. Job-sharing can also be used to cover for absent workers in the case of long term sickness, annual leave, training and maternity leave. However, poor communication between job-sharers can act as a potential obstacle in the successful implementation of job-sharing. The benefits for employees are that it can enable them to work shorter hours thereby helping them, to better meet their family responsibilities and enjoy a better work-life balance. But this has to be offset against the perception that, for employees, Job Sharing can lead to overlapping

⁴¹ ILO 2004, Information Sheet No-14

⁴² ILO 2004, Information Sheet No. WT-14

periods of work and that if these are outside the job-sharers` normal working hours, they might lead to longer working hours.⁴³

Telecommuting

Telecommuting is defined as:

“periodic work out of the principal office, one or more days per week either at home, a client’s site, or in a telework center ”⁴⁴, and as:

“work carried out in a location remote from central offices or production facilities”⁴⁵

The term “telecommuters” typically refers to employees who work from home linked to the company office, headquarters or an intermediary by telephone, fax, internet and e-mail. Teleworking is a strategy for:

“moving the work to the workers instead of moving the workers to work”

It is seen as encompassing,

“any form of substitution of information technologies (such as telecommunications and computers) for work-related travel ”⁴⁶

In this manner telecommuting acts as a form of Teleworking. The adoption of telecommuting can be seen as a strategic goal within organizations due to its effectiveness in promoting gains in efficiency. It is also increasingly a societal necessity because of the need for increased flexibility of working arrangements for employees.⁴⁷

Robbins (1999) highlights that many people might consider telecommuting as the ideal way of doing one’s job. Flexible hours, no physical commuting and freedom of the workers to dress as they wish, with little or no interruption from colleagues. However, although telecommuting is presently the fastest-growing trend in work scheduling it is also restricted to only those occupations that can be realistically performed using this type of working time arrangement. It obviously excludes any profession that, by necessity, requires a physical presence in a set location in order for the work to be performed.

⁴³ ILO 2004, Information Sheet No-14 & No-WT17

⁴⁴ Nilles, 1998 : 1

⁴⁵ Cascio (2000:85) quoted by Ventakesh,V and Johnson,P in 2002

⁴⁶ Nilles (1998:1) quoted by Avery and Zabel in 2001

⁴⁷ Venkatesh, V and Johnson, P, 2002

Staggered Hours

Under a Staggered Hours scheme, workers are given the opportunity to start and finish work at slightly different times. This type of system allows workers some discretion, within prescribed limits, to choose the time when they begin and finish work. In general, staggered hours schemes are used mainly for day work but, sometimes, they are used where there is a system of “overlapping shifts”. The practicalities of a staggered hours system are based on starting and finishing hours for day work being permitted between pre-determined fixed limits, say every 15 to 30 minutes between 07.00 and 09.00 and between 16.00 and 18.00. With staggered hours, lunch and other breaks are also normally staggered accordingly.

The successful implementation of staggered hours schemes depends to some extent on the schedules of public transport, school and childcare facilities and other factors that have an impact on the arrival and departure of employees. Nevertheless, this type of system can help to ease traffic congestion that is commonly associated with the simultaneous arrival and departure of workers at the workplace, which more often than not are centred in industrial locations, and can assist workers in meeting their family and other personal obligations outside of rigid working hours.

However, there may be drawbacks to the system in that record-keeping or administrative tasks can experience difficulties, and that the fluid work schedules may inconvenience some workers. There could also be extra costs to the employer associated with extended operating hours and a resultant need to provide additional security, heating, lighting and other expenses.⁴⁸

⁴⁸ ILO 2004, Information Sheet No. WT-9

WORKING TIME IN MAURITIUS

LABOUR LAWS FOR NON-CIVIL SERVICE EMPLOYEES

Shift, Roster and Staggered Hours

The study on Work and The Family conducted by CASR in 2002 showed that, in Mauritius, shift working usually involved working 40 hours per week on a two or three shift cycle. This pattern may well include working in relays during a 24-hour period in a pattern that will include night duty and working on Sundays and Public Holidays. Workers working on a roster basis work staggered schedules of duty where the start and finishing time was dependant upon the work schedule. These staggered shifts were organised in regular, or irregular, patterns and workers were often required to work irregular hours, on occasion at very short notice, for which they were sometimes given additional time off in lieu of a premium payment for the extra hours worked.

Working Hours and Working Time Arrangements

In Mauritius, the legal provisions concerning working hours have remained virtually unchanged for more than 10 years. In a general summation, the Labour Laws of 1991 and Section (15) of the Revised Laws of Mauritius 2000, Volume 5, stipulate that no worker is bound to work more than 6 days in any one week. Young people are not supposed to work more 6 hours in a day, exclusive of the time allowed for meals and tea breaks, while older persons are permitted to work 8 hours in a day, exclusive of the time allowed for meals and tea breaks.

In an industrial undertaking a worker who has worked up to or beyond 22.00 hours is not supposed to resume work at any time before 11 clear hours have passed since last finishing work.⁴⁹

Existing Leave Provision

Sick Leave

Every worker, who has been in continuous employment with the same employer for more than 12 months, is entitled in every year to 21 working days leave on full pay on the grounds of illness.

Annual Leave

Every worker, who has been in continuous employment with the same employer for 12 consecutive months, is granted a minimum of 14 working days leave on full pay.

⁴⁹ [Section 15 3(b) – Revised Laws of Mauritius 2000, Vol 5]

Additional Leave

Every worker is entitled to 2 days leave in every year in addition to the annual leave.

Working Time Privileges for Female Workers

A female worker may absent herself from work during pregnancy when she produces a medical certificate to the effect that the confinement is likely to take place within the following 6 weeks and for a period of 6 weeks following her confinement. The female worker may be deemed to be absent from work with the consent of the employer and when she has been in continuous employment with the same employer for more than 12 months for this absence to be on full pay.

The Labour Act also makes provision for a female employee to nurse her un-weaned child and she may ask her employer to grant her, at a time convenient to her, a break of one hour daily or a break of half an hour twice daily to perform this duty. However, it was noted by CASR (2002) that without the provision of on-site crèche facilities then the non-presence of the un-weaned child in close proximity to the mother made this provision virtually redundant in its implementation). No break taken shall be deducted from the number of hours of work of the worker.⁵⁰

⁵⁰ Section 19 – Revised Laws of Mauritius 2000, Vol 5

Part-Time Work

In Mauritius, a part-time worker means a worker whose normal hours of work are not less than one or more than 5 hours daily or not less than 6 or more than 24 hours weekly. When a part-time worker works on a Sunday or any Public Holiday, the employer has to remunerate the worker for the extra work performed on those days.

When a part-time employee has been in continuous employment with the same employer for 12 consecutive months, he/she is entitled to 14 working days leave on full pay at a time when his/her employer and him/her may agree. As regards sick leave, the part-time employee is provided with 21 working days leave only when he/she has been in continuous employment with the same employer for 12 consecutive months.

Maternity leave is granted to a female part-time worker on the condition that she has worked with the same employer for 12 months immediately preceding her confinement. The leave shall be with pay calculated proportionately on an hourly basis, for the number of hours of work normally performed by her.⁵¹

Export Processing Zone

Workers in the Export Processing Zone (EPZ) are expected to work 45 hours a week, which may be spread over 5 or 6 days. However, an employee may be required, with his or her consent, to work for more than the normal number of hours on any day. In the EPZ there is statutory provision for a minimum of 10 hours compulsory overtime per week. However, the legislation states that any worker required to work overtime is to be informed at least 24 hours before the commencement of the overtime work period.⁵² Women workers who have been required to work between 22.00 and 05.00 hours are not supposed to resume work before a lapse of 12 clear hours since last finishing work.⁵³

Problems associated with working time in the EPZ sector

A study on the Attitudes of the Unemployed Towards Accepting Employment in the EPZ of Mauritius, undertaken by the Centre for Applied Social Research (CASR) in 2001, illustrated that 54% of first job seekers are not willing to work in the EPZ because of the overtime work, and 41% of respondents in the study complained about the irregular hours that are worked in the EPZ. Among those who were unemployed,

⁵¹ Section 43-47A, Revised Laws of Mauritius 2000, Vol 5

⁵² Supplement to the Labour Laws 1992, Industrial Expansion Act 11 of 1993, Section 20: Employment and Labour Provisions

⁵³ CASR 2002

but who had previously been employed in the EPZ, 60% stated that overtime is a factor in their decision not to seek further employment in the EPZ.⁵⁴

Remuneration Orders

Remuneration Orders are government instructions to employers as to what are the normal working hours, transport benefits and facilities, annual leave, sick leave and maternity benefit entitlements to be provided according to the sector in which any particular employer is operating. In all, there are 29 remuneration orders regulating the working conditions as applicable to the following sectors:

- Attorneys' and Notaries' Employees
- Baking Industry
- Banks Fisherman and Frigo workers
- Blockmaking, Construction, Stone Crushing and Related Industries
- Catering Industry
- Cinema Workers
- Cleaning Enterprises
- Distributive Trades
- Domestic Workers
- Electrical, Engineering and Mechanical Workshops
- Export Enterprises
- Factory Employees
- Field-crop and Orchard Workers
- Light Metal and Wooden Furniture Workshops
- Livestock Workers
- Newspapers and Periodicals Employees
- Nursing Homes
- Office Attendants
- Pre-Primary School Employees
- Printing Industry
- Private Secondary School Employees
- Public Transport (Buses) Workers
- Road Haulage Industry
- Salt Manufacturing Industry
- Security Guards
- Sugar Industry (Agricultural Workers)
- Sugar Industry (Non-Agricultural Workers)
- Tailoring Trade
- Tea Industry Workers

⁵⁴ Attitudes of the Unemployed Towards Accepting Employment in the Export Processing Zone of Mauritius, CASR, 2001

Trial Introduction of Flexi-time in the Civil Service

Although this study does not cover working time arrangements in the Public Sector in Mauritius, it is necessary to highlight the fact that, with the Civil Service there has been a trial of more flexible working arrangements for certain employees. The as yet unknown results of this trial will be an interesting indicator of how well these arrangements can be adapted to the local context as we will later see that many managers feel that more flexible working arrangements can realistically only be enjoyed by administrative staff.

In 2004, the Ministry of Civil Service Affairs and Administrative Reforms introduced a system of flexi-time as a working time pattern in the Mauritian Civil Service based on the recommendations of the Pay Research Bureau (PRB), which had proposed the initiative as a measure to combat lateness.⁵⁵

The introduction of a flexi-time approach to work in the Civil Service was intended to assist civil servants in adopting a congenial working schedule while also enabling the public at large to access services during hours that would be more suited to their demands.

Possible repercussions of flexible working time arrangements

While the PRB Report⁵⁶ identified some possible repercussions associated with Flexi-time implementation, it has since been advocating the full introduction of Flexi-time in the Civil Service. The PRB mentions certain advantages that would benefit employees and organizations while noting that such working patterns might enable officers to be relieved from undue daily stress in balancing work commitments and family responsibilities.

⁵⁵ PRB Report. 2003, para 15.5.7(b)

⁵⁶ Op Cite, Paragraphs 15.5.11 to 15.5.16

METHODOLOGY

When the study was being designed it was decided that the best method of data collection would be a combination of Focus Group Discussions and Case Studies of Industries.

Previous experience had shown that, in this type of study, a Questionnaire, implemented by post or by interviewers engaged in fieldwork, would be both time-consuming and difficult to control.

Managers of Industry in Mauritius, when contacted for their involvement in the Work and the Family study implemented in Mauritius by CASR in 2002 had shown a low interest rate matched by associated poor response levels to the study. In fact, a study of employers by the MEF received a response rate of just 17%.

The possibility of using Postal Questionnaires was also considered. However, these types of study are notorious for using up resources while eliciting very low response rates. Given the low response rates associated with managers of industries in Mauritius previously indicated above, this method of implementation was also rejected.

Finally, after careful consideration and consultation, it was decided that Case Studies, conducted on companies selected using a stratified random sampling system, would be potentially the most effective method to be utilised. This method promised a representative sample of industries, the facilitation of ensuring the response of the managers of those companies sampled and the opening up of the possibility of uncovering first hand the perceived benefits or pitfalls of the possible implementation of alternative and flexible working time arrangements to workers in Mauritius.

Before the Case Study interviews were scheduled and conducted a series of Focus Group Discussions were held with representatives of organizations representing the interests of employees, employers and legislative bodies. The results of these Focus Groups provided information on which to base some of the questions put to those representing their respective industries during the Case Study interviews.

Using the techniques described in detail below, 50 companies were sampled, with 35 responding, giving a response rate of 70%. Non-responses were mainly due to the unavailability of a person of a sufficiently high managerial level during the reference period or for

reasons beyond the control of CASR, such as the closing down of companies that had been sampled.

This was a textile company operating in the EPZ that employed predominantly foreign workers. The final group of respondents included representatives of all of the industrial strata as defined in the sampling methodology.

Scope and coverage

The study was implemented in the Island of Mauritius. The target population was private establishments employing 10 or more persons. That is, those identified by the Central Statistics Office, (CSO), in Mauritius as “large” establishments. The CSO classifies “large” establishments as being:

“(a) Agricultural establishments comprising (i) sugar cane plantations of 10 hectares or more (ii) tea plantations of 2 hectares or more (iii) al “flue cured” tobacco establishments, irrespective of acreage (iv) other agricultural establishments employing at least 10 persons. (b) Non agricultural establishments employing at least 10 persons [...] “outworkers”, that is piece rate workers who, although remunerated by an establishment, are working in their own homes on materials provided by the establishment, are excluded. (c) All central and local government departments.”¹

The commissioning agents were clear in their instructions that the study should not include the Public Sector, falling under CSO category (c) or the Informal Sector.

In March 2004, the total number of persons in employment in Large Establishments in Mauritius was 295,317. Of those employed by large establishments about 70% were employed in the Private Sector.

Data from Case Studies on companies determined by a representative sample of Private Sector Large Establishments served as the basis for the investigation.

To ensure that the sample was representative of the target population, the sampling methodology took into consideration the following parameters:

¹ Economic and Social Indicators, Issue No. 467, 6 September 2004, CSO, Mauritius

- (i) Sectors
- (ii) Activity of the establishment
- (iii) Number of employees
- (iv) Geographical distribution of establishments

Frame

The sampling frame was a list of establishments employing 10 or more persons provided by the Survey of Employment and Earnings of the Central Statistics Office, Mauritius. Each establishment was classified according to its activity based on the National Standard Industrial Classification of Economic Activities (NSIC).

Sampling Method

The Case Studies were conducted on a sample of 50 establishments. To ensure representativeness, the establishments were stratified according to sector, major industry group and size. After establishments were identified proportionally to the different strata a systematic random sampling technique was used for the selection of establishments within each stratum.

A final list of 50 establishments was therefore provided, consisting of private establishments classified by major types of industrial activity. The number of establishments selected for each Sector, based on the NSIC classification, was calculated with probability proportional to the number of employees in that specific category. The employment data used was the latest available data from the Digest of Labour Statistics compiled and published by the CSO in Mauritius.

The Employment Sectors were:

Agriculture

Manufacturing

Food Products, Textiles, Wearing Apparel, Dressing and Dyeing, Publishing/Printing, Fabricated Metal Products, Watches/Clocks, Furniture and others.

Construction

Wholesale, Retail and the Distributive Trades

Tourism

Transport and Communication

Financial Services

Business Activities

Other Services

The total number of Case Studies conducted was 35 out of 50, a response rate of 70%. The interviews took place during the months of June and July 2005.

CHAPTER 1

FOCUS GROUP DISCUSSIONS

The practical and theoretical benefits of Focus Group Discussions (FGDs) as a qualitative research instrument are well documented. FGDs are an effective means of gathering qualitative data. They can be held prior to the drafting of a quantitative survey questionnaire in order to generate hypotheses that can then be tested on a wider scale or they can be used as a means of unearthing more in-depth and valid data to balance that captured by the questionnaire method.

For this particular study, FGDs were used for establishing the criteria of the investigations that were to be conducted during the interview sessions forming part of the case study technique. They were also used as a foundation, together with the desk study, on which to build the framework of enquiry. The themes covered during the discussions were in strict accordance with the pre-determined parameters of the enquiry.

The FGDs were held with individuals who, it was decided, gave the most complete representation of those acting in the interests of workers, managers and legislators and those concerned with issues central to the concept of working time, particularly in its practical implementation.

All of the FGDs were held in private and comfortable surroundings at the University of Mauritius, with each group being moderated by a member of the CASR team. Two other members of the research team noted and recorded the views and comments made. The topics for discussion had been pre-determined but each meeting was allowed to develop naturally and to follow its own course. The moderator's task was to ensure that each participant had a fair chance of being involved and that the core study topics, were, at some relevant point, brought up for discussion.

The FGDs were held with various social partners including Government Labour Inspectors¹, leaders of major trade unions and representatives of employers. The main objectives of the discussions were to obtain empirical insights into any problematical aspects of existing working time arrangements across the different industrial sectors and the extent to which working time flexibility and other employee-friendly measures regarding working time could be envisioned or enacted with the ultimate goal of actively promoting the ILO “decent work” agenda.

¹ Labour inspectors were from the Research, Legislation and Labour Standards Division, Conciliation and Mediation Division and the Inspection and Enforcement Division of the Ministry of Labour and Industrial Relations

During the discussions, there was a general consensus that, with the onslaught of globalization and the scale of competition that this often entails, there is an ever-increasing pressure on employers to minimize costs while maximizing productivity and efficiency.

The trade union leaders were very forceful when making the argument that in the production process, as outlined above, it is often the case that labour standards suffer and that workers' rights are, in their words, "trampled on". This can very often include the deterioration of the ability of workers to continue to avail themselves of any of the benefits of previous working time arrangements. Examples of compulsory overtime, night work and long shifts were given as being among the many factors that impact negatively on workers.

According to all the participants of the FGDs, in Mauritius, *Working Time* has been, and remains, a peripheral issue in the collective bargaining process. For Trade Union leaders, the primary concerns of recent years have been more focused on safeguarding or limiting job losses and on attempts to improve the financial terms and conditions of employment. It was felt that, in comparison with these issues, working time arrangements for employees have previously been, and continue to be, given relatively scant attention.

In a similar vein, it was pointed out that, in the Labour Act, which in Mauritius is the overarching legislation governing the general terms and conditions of employment in the country, working-time regulations receive what may be considered only marginal attention.

During the FGDs, there was a widespread recognition that there were important problems and constraints upon workers because of what was perceived as the inflexible nature of existing working time arrangements. The participants unanimously acknowledged the importance of improving existing working hours, particularly in terms of promoting the health of the employee and enabling employees to more effectively balance work and domestic responsibilities, which, it was felt, would ultimately lead to an improvement in the efficiency and productivity of the individual at work.

Participants from Trade Unions were often vehement in attacking existing working time arrangements and, in particular, the system of night shifts. It was stated that many countries have adopted the Night Work Convention ILO 171 of 1990 on night work, which both illustrates and denounces the negative impact that this type of working arrangement has on the health of the employee.

Night work has been implicated in having negative effects on the psychological balance of an individual working to such a pattern of employment. It was noted by participants that Mauritius has not yet ratified this particular convention or, indeed, ILO Convention 155 of 1981 on Occupational Safety and Health.

There was discussion, particularly by the participating Trade Union officials, on how shift working is widespread in the private sector and in some key public services such as hospitals and the police force etc. This system of working was seen to have many deficiencies that can negatively impact on workers and can prevent these workers and their families from enjoying a more natural balance of their work and family routine, as they are often called upon to work both odd and unsocial hours.

In Mauritius, Section 15(5) of the Labour Act stipulates that:

“A worker on shift work may be employed in excess of the stipulated hours, without added remuneration, if the average number of hours covered by a pay period does not exceed the stipulated hours ”²

Trade Unionists participating in the FGDs made the point that there have been complaints from employees that the loopholes in this legislation can be, and are, exploited by unscrupulous employers. It was indicated that, in some factories where a 12 hour shift system has been introduced, employees who work on two consecutive days are given an ‘off-day’ on the third day. However the trade union officials felt that this idea of an ‘off-day’ is a misnomer and that it should instead be called a ‘rest-day’. This was deemed to be important, as there is a perceived threat of a long-term negative effect on the health of employees if they do not realize that they should use this day to rest.

The argument was time and again presented that current working time arrangements often make it difficult for workers to reconcile and balance work and family commitments. This was felt to be particularly so in key economic sectors such as manufacturing, tourism, construction and the so-called emerging sectors, which include call-centres and security work.

It was acknowledged that working individuals often had less time for leisure activities or for spending “quality time” with their family. More particularly, it was stated that this has a negative impact on childcare, again an issue that was raised in the Work and the Family study conducted in Mauritius in 2002.

² Section 15 (5) –Revised Laws of Mauritius 2000, Vol 5

Structural Constraints That Impact On Working Time Exigencies

It was made clear that there are many structural constraints that impact on working time arrangements. Examples given included the coinciding of the starting times of school and employment, the inherent deficiencies of the local public transport and the continually worsening traffic congestion problem in Mauritius. These issues can further complicate the duality of roles that many people have as employees and family members.

It was stated that the participants believed that there is also a heavier burden on working women who, it was generally believed, more often than not have to shoulder the additional responsibility of childcare before and after work, and to perform a catalogue of other family, social and personal commitments.

Lateness

The Labour Inspectors raised the issue of lateness, stating that this is a very common problem at work in Mauritius and is often one of the root causes leading to eventual dismissal, an argument that was supported by the Trade Union officials. It was explained that, in the manufacturing sector in particular, where duties on the assembly line, on the shop-floor and in the administrative departments are interdependent, undue lateness or the absence of one worker can have a detrimental knock-on effect.

In general, it was felt that employers are very strict and uncompromising. It has been known for some factories to close their entrance gates immediately after the passing of the set starting time and, during the discussions on this issue, the point was forcefully made that a lack of flexibility is more or less the rule in the majority of economic sectors.

At present, in Mauritius, across the main economic sectors, working time is regulated by the 29 Remuneration Orders that, *inter alia* govern the number of working hours per week as applicable to the respective economic sectors.

Construction Sector

Participants generally agreed that these working hours are adhered to. However, some Trade Union officials participating in the FGDs did point out that when it suits the purposes of the employer, these working hours can be, and will be, manipulated. By way of example the situation pertaining in the Construction sector was presented, including descriptions of the often exploitative nature of the building workers' job. In general, the employees in the construction sector work on contract, with other formal and informal hiring and firing systems also utilized.

Sometimes they have to work late at night to complete the construction of a building; work for which they may not get overtime pay.

EPZ Sector

It was stated that in the Export Processing Zone (EPZ) sector, workers are expected to work 10 hours compulsory overtime in addition to their 45 hours per week. The Industrial Expansion Act (1993)³ stipulates that in the EPZ factories an employee can be asked to work on Public Holidays and on Sundays. It was felt that in this particular sector problems associated with working time are rife. The need to fulfill orders and meet deadlines very often means that employees have work extra hours in addition to their normal shifts. It was also stated that the generally harsh and uncaring working environment of the majority of EPZ factories compounds the working time arrangement problems of the employees.

Foreign Workers

The issue of foreign workers in the EPZ was also frequently cited during the FGDs. The Labour Inspectors from the Expatriate Unit presented their belief that foreign workers in employment in Mauritius thrive on overtime and work far longer hours than is the norm for local workers in that sector. However, in mitigation, the Trade Union point of view was that, contrary to their local counterparts, who have home and family obligations and commitments, foreign workers have come to Mauritius with the intention of making as much money as possible, and that, subsequently, working up to 16 hours a day, for extra financial rewards, however minimal, was not a problem for them.

The Labour Inspectors went on to state that they believed that some factories were making attempts to be more employee and family friendly. The case of a particular textile factory was cited where it was explained that employees now have the possibility of choosing to start work earlier, for example at 06.00 and to finish correspondingly earlier, if this was more convenient to them.

Tourism Sector

Turning to the Tourism Sector, it was pointed out that in the Hotel industry, employees have to work a minimum of 45 hours per week. Although in this particular sector the majority of workers work odd and often unsocial hours, the type of work they do is generally considered to be less arduous than in the manufacturing sector. The Trade Union participants in the FGDs added that the Tourism sector attracts workers who would prefer to work in the hotels rather than in factories operating in the EPZ because of what is perceived as a friendlier environment

³ <http://www.gov.mu>

prevailing in the hotels. By way of example it was explained how hotel employees may be offered breakfast, lunch and dinner and that they also have the opportunity to receive “tips” which can add substantially to their monthly income. It was also felt that the staff transport system is particularly well organised in this sector.

Moreover, the consensus among the FGD participants was that there are some sectors where remuneration orders, in particular those pertaining to the regulation of the number of working hours, do not exist and that this can, and does, lead to the abuse of workers’ rights and the exploitation of workers.

To illustrate this point, some examples were given, such as that of individual bus drivers and tourist guides who do not have fixed working hours and who are expected to be available for tourists at any time. Similarly, with the recent growth of hypermarkets and call-centres, workers in these industries are often expected to work long and unsocial hours.

It was also the opinion of some of the FGD participants that in these types of employment the wages offered are not considered to be a true reflection of what the actual work entails.

Emerging Sectors

The participants cited the emerging, and rapidly growing, employment sector of Security as an employment opportunity area where working time is inherently unsocial and problematic. In many instances, workers employed as Security Guards are expected to work anything up to 72 hours per week.⁴ In addition, they are not well paid, with a basic salary range of Rs 5,000 to Rs 6,000 per month. On some occasions, it is not unknown for security staff to have to work 13 or 14 hours in a single day. It was stated that previously in Mauritius there had been a proposal by the National Remuneration Board to reduce the working hours of security guards to 60 hours per week, but that this was rejected.

This example of security guards is indicative of how there are currently certain flaws in the laws, particularly legislation concerning the new and emerging sectors. The FGD participants felt that it was important that these flaws are addressed given the substantial and ever increasing number of employees in these sectors.

⁴ Working 12 hours a day for a period of 6 days a week.

Lack of familiarity with flexible working arrangements

It was made clear by the participants in the FGDs that flexible working arrangements are far from being the norm in Mauritius. At best, it was felt that any flexibility there was depended mainly on the largesse of particular employers and informal arrangements made with an employee's colleagues, meaning that, generally, any flexibility tended to be discretionary rather than official. However, it was felt that Middle to Senior Management employees, or white-collar workers, are much more likely to be able to benefit from such discretionary arrangements than were blue-collar workers.

It was believed by the FGD participants that forms of flexible working time arrangements such as 'flexi-time', 'staggered hours' or a 'compressed working week' were either mostly unheard of in the Mauritian context, or were concepts that were often misunderstood and subsequently mistrusted.

The participants agreed that, for Mauritius, the widespread implementation of flexible working time practices is, at the present time, at best remote.

Part-Time Work and Home Working

As opposed to developed countries, the participants felt that, in Mauritius, part-time work and working from home is not widespread. In general, it was felt that such work is outside the formal sector and is more centred on such activities as domestic work or types of skilled manual work, such as the preparation of foodstuffs or tailoring, which can be done from home relatively easily.

However, it was noted that some garment factories, when they are under pressure to meet their order deadlines, may sub-contract work out to individuals working at home in order to process the order in time.

Overtime and Casual Labour

The FGD participants agreed that, in their opinion, employees generally prefer to work longer hours if the alternative was that the work be contracted out to others as casual labour. This is because those employed on a casual labour basis are generally considered to be rivals as far as earnings possibilities are concerned.

Main hindrances to improving working time practices in the country.

When discussing what were seen as some of the main hindrances to improving working time practices in the country, the responses of the participants were varied.

One point of view expressed was that there is a need to change the local mindset about the exact meaning of such concepts as “flexi-time”, as these concepts are often misunderstood and misinterpreted. The participants generally agreed that, in many ways, titles such as “flexi-time” are misnomers. This type of concept has been, and remains, mistrusted among managers in industries, tainted with such stereotyped beliefs that this type of working arrangement would only result in chaos and a decrease in productivity etc.

According to the participants, it is important to market the concept of flexible working time arrangements correctly so that the true meaning and function are clearly explained in a manner that can be understood by lay people and those involved in managing industry alike.

It was felt that among both employers and employees, and in both the public and private sectors, flexi-time evokes an image of a chaotic timetable, whereby workers would have the freedom of choosing their own starting and finishing times to suit their own needs.

The participants felt that an holistic approach should be adopted whereby everybody involved in the world of work is informed about the importance and viability of “flexi-time” and the advantages and disadvantages can be clearly explained and easily understood.

The point was raised that employers are usually resistant to any changes that might be seen as creating a disruption to the status quo, especially when such changes are not created or advocated by the employers themselves. At times workers themselves, being so accustomed to their usual working routine, do not welcome even the slightest change to their working time arrangements. By way of illustration, an example was given of one EPZ factory where workers strongly resisted the proposal to take their lunch break thirty minutes later than usual. However, this point did generate some debate among participants with others arguing that, in general, employees would be in favour of flexible working arrangements, were they available to them.

Some participants made the point that other flexible working time arrangements such as part-time working, working from home and

compressed working weeks, which were seen to be widespread in developed countries, were very far from being entrenched in the Mauritian context.

Moreover, having noted the need to make changes in the local cultural mindset, it was also argued that improving working-time practices would necessitate appropriate legislation in order to monitor the effectiveness of the implementation of any increased flexibility. The importance of appropriate legislation would be to protect both employers and employees from any attempts at unscrupulous misuse of flexible working time arrangements.

However, it was noted by some participants that the sector-specific nature of working time arrangements would make it very difficult to come up with an overarching set of regulations that would make employee-friendly or flexible working time arrangements a reality. It was generally felt by the FGD participants that white-collar jobs were inherently more amenable to flexibility on working time than blue-collar work.

It was suggested that emulating the best practices in countries where such arrangements have been proven effective and efficient could be a step forward. On the other hand some concerns were expressed that little was yet known of the outcome of the introduction of flexi-time in the Civil Service in Mauritius, something that had been implemented on a pilot basis.

One issue that was persistently raised by FGD participants was transport, which impacts on all working time arrangements. Public transport was an issue, together with the ever-growing problem of traffic congestion on the road network, which creates havoc for employees and employers alike. It was agreed unanimously by the participants of all FGDs that resolving the traffic congestion problem would enable employees to spend less time traveling to and from work. It was generally deplored that it was now usual for at least one hour, minimum, to be spent daily waiting for transport or being caught in the traffic. This was viewed as wasted non-productive time that was not remunerated and was time wasted at the expense of the workers' quality personal time that could have, and should have, been spent in the individual's household or at their free disposal.

It was acknowledged that those who benefit from transport facilities provided by their employers have less stress than those who rely on public transport. However the problem of traffic congestion inevitably affects them as well.

Scope for improving working-time arrangements in Mauritius

The majority of FGD participants agreed that steps needed to be taken to alleviate the problems caused by existing working time arrangements. However to what extent it was possible to improve this issue created some debate.

Some participants took the point of view that in the present context of globalization, however laudable their desire to do so, it would be difficult for employers to disrupt the status quo and to encumber themselves with such concerns.

More pessimistically it was argued by some participants that, given the difficulties of meeting the ever-increasing cost of living, attempts to reduce working hours at the workplace would encourage some employees, particularly in the manual professions, to use this free time to take up part-time jobs elsewhere, increasing the stress created by working rather than alleviating it, in the quest for additional income.

An argument was made that the employee can become caught in a vicious cycle whereby it almost defeats the purpose of improving working time arrangements when viewed from this perspective. Moreover, even in the unlikely event that wages are increased to such an extent that the need for extra work is removed, it was argued that some workers would still want to work extra hours to earn even more income. This was because in a society that is becoming increasingly materialistic and consumerist in nature there was a perceived increase in the desire of workers to improve their social position by financial or acquisitive means.

The view from the Trade Unions was that, rather than improving conditions, the present context of increasing competition, both locally and internationally, is resulting in a constant degradation in the quality of work and working arrangements.

Other participants argued that apart from the constraints cited, the Government is committed to the Decent Work Agenda and that improving the rights of workers in general has been a key concern in recent years. However it was unanimously acknowledged that the issue of working time is entangled with a wide number of other issues that would need to be addressed simultaneously in order to achieve a solution.

Review

- Ever-increasing pressure on employers to minimize costs while maximizing productivity and efficiency
- Labour standards suffer
- In Mauritius *Working Time* remains a peripheral issue in the collective bargaining process which is more focused on safeguarding or limiting job losses and improving the financial conditions of employment
- Important constraints upon workers because of the inflexible nature of existing working time arrangements.
- The importance of improving existing working hours
- Enabling employees to more effectively balance work and domestic responsibilities would lead to an improvement in efficiency and productivity
- Night work has negative effects on the psychological balance of an individual
- Shift working is widespread in the private sector and in some key public services such as hospitals and the police force
- Current working time arrangements make it difficult for workers to reconcile and balance work and family commitments.
- Structural constraints impact on working time arrangements such as the coinciding of the starting times of school and employment, the deficiencies of local public transport and the continually worsening traffic congestion problem
- There is a heavier burden on working women who have to shoulder the additional responsibility of childcare before and after work and to perform a catalogue of other family, social and personal commitments

- Lateness is a very common problem at work in Mauritius and is one of the root causes leading to dismissal
- Employers are very strict and uncompromising
- Belief that foreign workers in Mauritius thrive on overtime and longer hours
- Local counterparts have home and family obligations
- Belief that some factories were making attempts to be more employee and family friendly
- Tourism sector attracts workers who prefer it to the EPZ because of friendlier environment prevailing
- Some sectors where remuneration orders do not exist
- Flexible working arrangements are far from being the norm in Mauritius with any flexibility discretionary rather than official
- Flexible working time concepts often misunderstood and subsequently mistrusted
- The widespread implementation of flexible working time practices is, at best, remote
- Need to change local mindset about concepts such as “flexi-time”
- Such concepts tainted with belief that this type of working arrangement results in chaos and a decrease in productivity
- Important to market the concept of flexible working time arrangements correctly and clearly explained
- Employers are resistant to any changes that might possibly create a disruption to the status quo
- Improving working-time practices would necessitate appropriate legislation
- Public transport problems and traffic congestion on the road network creates havoc for employees and employers alike
- Attempts to reduce working hours at the workplace would encourage some employees to use free time to take up extra part-time jobs
- Working time issue is entangled with a wide number of other issues which need to be addressed simultaneously

CHAPTER 2

MANUFACTURING

Working Time in the EPZ Sector

In Mauritius, most of the manufacturing industries fall under the umbrella of the Export Processing Zone. (EPZ) For this reason, all of the companies sampled to take part in the case studies were EPZ based companies. However, it must be remembered that the EPZ is an economic concept rather than a physical geographical entity and should be viewed as such.

In many ways, the EPZ illustrates the constraints faced by employees as a result of being plugged into the global production network. The effects of ever-growing global competition, particularly in the textile and clothing markets, which make up above 80% of the local manufacturing sector, and the compounding effects of the dismantling of preferential trade agreements as a result of the liberalization of trade, largely explain the closures and de-location of firms currently being experienced on an unprecedented scale in Mauritius. Since the inception of the EPZ in Mauritius this is first time that there has been such a strong negative trend coupled with such significant levels of the laying-off of employees and the closure of factories. With the need of companies to both keep costs down and to improve productivity, trade union officials have been reporting that labour standards in the EPZ have taken a serious blow.

Firms that are able to innovate, climb up the value chain and accept more exclusive and lesser volume-run orders are in a more comfortable, yet nevertheless precarious position. However, the majority are caught in the turmoil that has been described as leaving the EPZ sector caught “in a cyclone at its worst.”

The following overview of the EPZ sector locates the EPZ within the current economic scenario, perhaps helping to explain the perspective of the employers when we later see an almost outright rejection of, or, at best, skepticism towards, the possibility of ‘change’ in working time practices in manufacturing industries in Mauritius. In many ways, the issue of “working time” as a concept is, in Mauritius, still viewed traditionally, with working time procedures entrenched in attitudes bound by custom and practice.

Overview of the EPZ sector

The Mauritian Government adopted an export-oriented development strategy in the 1970s against an economic background that Kearney (1990) described as conducive to disaster. At the time, Mauritius was a newly independent economy beset with all the general characteristics of underdevelopment, economic stagnation and over-reliance on a monocrop economy based on sugarcane, rampant unemployment, social disharmony and dismal poverty. The establishment of the Export Processing Zone at this time has since been hailed by many scholars (see Alter 1990, Hein 1989, Durbarry 2001) as being the major driving force behind the take-off and sustained growth of the Mauritian economy, especially in terms of employment and export earnings.

Over the years of its existence, the EPZ in Mauritius has become synonymous with the textile and clothing industry, as over 80% of exports and 90% of employment in the EPZ have been concentrated in the wearing apparel and textile sector. However, within these sectors there are other EPZ sub-sectors, which have been engaged in other export-oriented activities such as food canning, the assembly of electronic and electrical appliances and jewelry. However, even when taken together, these sectors occupy only marginal shares of the total exports.

At present, the textile and clothing sector accounts for about 12% of Mauritian GDP, employs about 80 000 workers and concentrates on four main products: pullovers, t-shirts, trousers and men's shirts. Europe is the main export market, with 63% destined for export there, followed by the US, at 28%.

30 years on from its inception, the EPZ is now facing new and serious threats to its continued existence. From the late 1990s onwards, the EPZ, and garment manufacturing in particular, has had to confront new challenges against which it is clearly now struggling. New low cost garment producers have emerged in countries such as China, Turkey, Tunisia, Vietnam, Taiwan and Bangladesh, where the cost of production is significantly lower than in Mauritius¹.

Furthermore, preferential trade access and other agreements, which Mauritius had previously enjoyed, are gradually being phased out. A major example is the Multi-Fibre Agreement, which expires in 2005, meaning that Mauritian enterprises will no longer receive favourable prices for garment exports to European Union Countries or to the United

¹ See World Bank Aide-Memoire for Mauritius (2001)

States, who, together, provide the destinations that account for more than 90% of Mauritian textile exports.

Mauritius has also, over the last decade, been highly vulnerable to unfavourable changes in currency fluctuations and the economic policies of the destination economies. The problems of accrued competition facing the local EPZ and the phasing out of preferential trade access and agreements has contributed to the adverse effects on employment and industrial relations that have been documented in a number of reports. {World Bank Aide-Memoire for Mauritius (2001); Common Country Assessment for Mauritius (2000); Lall S and Wignaraja G (1998)}

The 'Common Country Assessment for Mauritius' by the United Nations (2000) reported that several developments threaten the very basis of FDI arrivals in Mauritius. Unit labour costs increased from 100 in 1982 to 327 in 1997, while increasing inflation and higher interest rates due to gradual financial liberalization have escalated the cost of capital and dampened the investment prospects for EPZ firms.

Competition from low cost Asian, African and transition economies which have liberalized their FDI regulations, has gradually, but all too quickly, become a source of grave concern. In Mauritius, the heavy bureaucratic procedures in issuing FDI permits and work and residence permits for expatriates act as a disincentive. In addition, the threat of the elimination of preferential access to EU and US markets with the expiry of Multi-Fibre Agreement in 2005 has been regarded as acting as a deterrent for both forthcoming FDI and domestic investors.

Some recent reports addressed the adverse employment trends and the notoriously poor conditions of employment in the manufacturing sector in Mauritius. The report on the 'Attitudes Of The Unemployed Towards Accepting Employment In The EPZ in Mauritius' (CASR 2001), commissioned by the Ministry of Economic Development, Financial Services and Corporate Affairs shed light upon the paradoxical situation whereby employers were increasingly resorting to imported foreign labour in a time of rising unemployment in the country. The main findings of this study were that the prevailing employment conditions in the EPZ, such as the lack of job security, low wages, exhausting work and mandatory overtime, all acted as deterrents for those who were registered as unemployed at the various Employment Information Centres around the Island. It was also found that there was a serious mismatch between the job aspirations of job seekers, the majority of whom want jobs that allow them to use their educational qualifications, and the needs of enterprises for predominantly manual workers at shop-floor levels.

A study on 'Absenteeism Among Productivity Workers in Mauritius EPZ, Stage II', by the University of Mauritius (UOM 1990) and the study on Work and the Family (CASR 2002) produced somewhat similar findings about the lack of family-friendliness at the workplace. The Work and the Family study in particular shows that, among other things, employment conditions in the manufacturing sector are far from being 'employee and family' friendly.

Table Manufacturing 1					
Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Industrial Group	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
Textiles (excluding wearing apparel)	Factory worker	44.2	22.52	46.8	22.78
	Cleaner/Helper	44.9	18.46	49.5	18.88
	Machine operator	38.7	27.39	42.7	27.77
Wearing apparel (except footwear)	Machine operator	42.7	23.35	47.1	23.64
	Weaver/knitter	41.6	25.33	47.3	25.98
	Cleaner/Helper	43.7	20.51	47.5	20.55
Printing and Publishing	Reporter/Journalist	35.1	131.69	36.3	134.18
	Photo-type setting operator	41.4	59.38	46.3	61.66
Furniture (wooden)	Cabinet maker/varnisher	43.1	40.66	44.8	41.44
Wages include remuneration for normal time work inclusive of cost of living allowances and other guaranteed and regularly paid allowances. Earnings comprise all wages as well as overtime payments Source – Digest of Labour Statistics 2003 – CSO – Port Louis					

Labour issues in the EPZ

Worldwide, the notoriety of EPZ sectors regarding labour issues, wherever they are situated, is universally acknowledged. There is a wealth of data compiled across various zones documenting the predominant harshness of jobs in EPZ enterprises around the globe, particularly those done performed by women.² Writers such as Sassen (2001) see the effects of trade liberalization and ever-growing global competition as further compounding the problematic labour issues associated with this sector.

In Mauritius, research that was focused on the EPZ has tended to point to its positive role in massive employment creation and the introduction of women into the local labour market scenario.³ Even so, a number of other issues have been raised over the years which have pointed to the

² See Elson and Pearson 1999

³ see Hein 1984 and others

harshness and uncaring nature of the jobs, the general insalubrious working environment and the often poor working conditions.

The study on Work and the Family (2002) is but one of a series of recent studies in which respondents denounced the uncaring nature of work in the EPZ. There is a general consensus in the mass media, among opinion leaders and the public alike, that the almost total lack of any improvement in legislation that dictates the conditions of employment in the EPZ sector has left it seriously lagging behind all other employment sectors. Trade Unions have argued that working conditions in the EPZ are unbearable.⁴ The prerequisite of meeting deadlines for orders can often make the EPZ a harsh and uncaring working environment where family and social obligations are not of much concern to the employers.

The 'Report on Foreign Workers in Mauritius' (2001) commissioned by the Ministry of Training, Skills Development and Productivity found that among local employees, the manufacturing sector was facing an increasingly high level of absenteeism, unwillingness to work overtime and low productivity. In contrast, the higher productivity and efficiency of foreign workers made them a more attractive employment prospect to employers. In 'New Industrial Strategies: A study of gender, migrant labour and the EPZ in Mauritius' it was found that more than 80% of foreign workers were doing over 2hrs of overtime daily.

However, it should be noted that the conditions of foreign workers employed in the EPZ in Mauritius are arguably even worse than those of local workers, recently making the headlines for the wrong reasons.⁵ It was estimated that in June 2000 there were 14,158 foreign workers in Mauritius originating from China, Bangladesh and India, which, by December 2001 had increased to 16, 918. According to some observers, the working conditions that foreign workers are subjected to are oppressive, that they are, as a matter of course, expected to work long hours, are lodged in very poor conditions and are treated in an unacceptably uncaring manner by supervisors in the factories.⁶

⁴ see for example *Defi-Plus* 22 2001

⁵ See 'Clean Clothes Campaign 2002', 'Week End' 17 March 2002

⁶ See 'News on Sunday', 10 May 2002

Conditions of employment in the EPZ

In comparison to other industrial sectors, the EPZ has arguably always lagged behind in terms of policy improvements. Besides the Labour Act of 1975 and the Industrial Expansion Act of 1993, conditions applicable to the EPZ are governed by the Export Enterprises Remuneration Order Regulations 1984, subsequently amended by Government Notices No 39 of 1986, No 65 of 1987 and No 137 of 1990.

There are some important differences between the conditions of employment in the EPZ and in other sectors. According to Section 20(4) of the Industrial Expansion Act, a worker in the EPZ can be required to work for 7 consecutive days in a week, which does not conform with the Weekly Rest Convention 1921, as ratified by Mauritius, in which there is a provision for at least 24 consecutive hours of rest in every period of 7 days. If need be, workers in the EPZ can also be required to work on Sundays and Public Holidays.

The EPZ is the only industrial sector where workers are required to work compulsory overtime of 10 hours per week, in addition to the standard working week of 45 hours. Although in principle they should be informed about the need to work any overtime at least 24 hours in advance, it is known by trade union officials and others that, in practice, very often workers only get to know about the need to work overtime on the same day.

Lack of Employment Security and Privileges

No retirement age and retirement benefits apply to the EPZ sector. Workers who are laid off, even perhaps after many years of loyal service, can find themselves left without any compensation or reward whatsoever.

MAIN FINDINGS FROM CASE STUDIES

Profile of cases studied

It was beyond the scope of this study to achieve a fully representative sample of firms within the various industrial sectors that make up the main pillars of the Mauritian economy. To a large extent however, the firms that have been sampled for the study reflect the general organization of working time patterns in the EPZ sector as a whole.

The EPZ sector as mentioned earlier, is composed of several industrial sub-sectors of which the most important component is the textile and clothing industry. 12 firms from this industry were selected for this study.

Key characteristics

Length of time in operation

Most of the firms studied were fairly well established with the majority having been in operation from the 1980s, with one having been set up as early as 1974. The most recent began operations in 2001 although, in reality, this was a “makeover”, a case of an older firm that had been re-vamped and re-launched to increase competitiveness.

Market

Europe is a substantial market for EPZ products with a majority of the firms dealing specifically with regular buyers from one or a few large groups from countries such as the United Kingdom, Italy, France, Scandinavia and Turkey. The United States is also a significant market for Mauritian garments. In fact two of the companies involved in this study deal exclusively with clients from the US. In addition countries in the Indian Ocean region such as Reunion Island and Madagascar are also newly emerging markets for Mauritian products, although the orders tend to be correspondingly smaller.

Financial Turnovers for 2004

Detailed figures of the financial status of the various firms proved to be difficult to obtain. However, information about gross annual turnover for the year 2004 was more readily accessible.

Overall, the annual turnover of the firms for 2004 ranged between Rs28 Million and Rs650 Million. The larger firms, in terms of financial turnover, output and size of workforce, indicated rising trends of profits while the relatively smaller ones stated that they were just about breaking even and that trends have been worsening over the last few years.

Size of Labour force

The number of employees in the factories taking part in the study ranged between 53 and 1, 807. In the majority of the firms studied, a substantial part of the workforce, and almost 40% in one case, was made up of foreign workers mainly from China and India. As stated in the Methodology, one very large EPZ textile company, which employs almost exclusively foreign workers, refused to cooperate with the study.

About 70% of the work force covered was female, which is somewhat in line with national estimates from the CSO who give a female to male ratio of workers in the EPZ sector of 2:1.

Average operating hours

The firms studied indicated that, in line with the Remuneration Order for their sector, they operated to a standard 45-hour week with a possibility of 10 hours compulsory overtime, and with the option of further non-compulsory overtime subject to the urgency of meeting deadlines.

Overall, there was a general pattern of working time practices within the firms studied, but, nevertheless, there were some specific subtleties that were uncovered.

The standard working-time structure provides for a working day from 07.30 to 17.30 on weekdays. If there were a need for overtime during weekdays, then this would normally be until 21.00. Working on Saturdays from 07.30 to 12.00 was also considered as overtime work. In some factories, taking less time for the three breaks (morning and afternoon tea-break and lunch break) was permissible so that it was then possible for the workers to finish at 17.00 or 17.15.

One large firm operates a 6-day working week with Saturday work not counting as overtime. In this factory the hours worked are from 07.45 to 16.25 on weekdays and 07.45 to 12.00 on Saturdays. This is, allegedly, in order to put less pressure on the shop-floor employees. The administrative staff work only on weekdays from 07.45 to 17.15.

The larger factories also operate an around the clock shift-work system over the whole week. This shift work system applies to those involved in specific operations such as machine operating, knitting and dyeing while white-collar and clerical workers and those engaged in cutting, make-up, packing and finishing generally work the standard day shift.

Shift work is also differently organized within the same firm and across different firms. The number of shifts can be either two 12-hour shifts or three 8-hour shifts or there are differences in terms of shift timing. Three firms studied adopted two 12-hour shifts usually from 07.30-19.30 for

one week and 19.30 to 07.30 for the second. Another firm operated a similar shift system but with hours being from 06.30-18.45. There was the possibility of 2 off days each week. Another firm operated 3 shifts running from 06.30-14.45, 14.30-22.45 and 22.30-06.45.

Awareness of the employer regarding the problems which the working-time schedules pose for the employees

There was a clear consensus about the difficulties created by the working time structure in the factories. Given the fact that the majority of workers in the factories studied were women, and that the issue is further compounded when both husband and wife are employed in the EPZ, it was generally acknowledged that fulfilling 45 hours plus 10 hours or more overtime was detrimental to both the employee and his or her family life. This was accepted to be especially so when it came to child care or elder care responsibilities. This confirmed the findings from the study on Work and the Family Study (2002) whereby employees in the EPZ stated that they experience serious difficulties in reconciling their work and family obligations.

Absenteeism and Lateness

Absenteeism and lateness was generally found to pose a problem but not regarded to be as serious a problem as it could be with the representatives of the management of the factories expressing the opinion that, in their view, it was more or less under control.

As to why this should be the case, it was felt that the payment of attendance bonuses over and above what is stipulated in the Remuneration Orders, the provision of transport facilities and some disciplinary measures were all potentially assisting the management to keep a check on both absenteeism and lateness. Disciplinary measures varied from being noted and reported to finding the central gate to the factory closed at the due shift start time.

Rigidity or Flexibility

Perhaps contrary to expectations, employers argued that they were not the least bit rigid when it came to working time arrangements for their workers. While it would take a full-fledged study to cross-check the veracity of the response of the interviewees, what emerged was that, behind the fixed working-time schedules that were in place, there was a large amount of discretion applied that enabled the employees to meet their various obligations such as the payment of bills, or for attending to unforeseen circumstances such as sick children or mortalities etc.

However, the employers were clear that they did make sure that the cases were genuine before they granted any such favours. One persistent point made was an acknowledgement of the tendency for local

workers to try to outsmart the employer. Therefore, it was necessary to ensure that the reason given for the need for someone to be absent or late needed to be checked and accepted as genuine.

Flexible as this sounds, in certain factories, such 'permissions' were not entirely free and at the expense of the employer as any time used within duty hours for reasons other than productive work, would have to be replaced by the employee.

Attitudes towards introducing flexible working-time arrangements

Among the managers of EPZ enterprises interviewed, there was displayed a general lack of understanding of what flexible working-time arrangements actually referred to. There are many methods of implementation adaptable to a range of different types of arrangements but there appeared to be little comprehension, or certainly little comprehension displayed, of how these could be adapted to suit the needs of the Mauritian workers in the workplace.

Reflecting what was strongly suggested by participants in the Focus Group Discussions, the representatives of managers in the manufacturing sector indicated their skepticism, mistrust and even total rejection of, any concepts that promoted the implementation of what they regarded generically as being 'flexi-time'. While it was generally agreed that the implementation of such working time arrangements would be considered to be less problematical for clerical and administrative workers, it was also generally agreed that it was unlikely that such arrangements could be implemented for the bulk of the factory employees, and certainly not for those employed to work on the shop floor.

There was a general assumption that any implementation of such 'new', (in their estimation more flexible working time arrangements are new and radical), forms of working-time arrangements would, from a management perspective, be chaotic. The general feeling displayed among the representatives of managers interviewed was very clear in that their stated conviction was that such novel arrangements would be certain to bring with them far more disadvantages than advantages.

Foreseen difficulties of implementing flexible working arrangements

It was felt by the representatives of managers of manufacturing factories that there would be obvious benefits to employees in having less rigid forms of working time. It was also accepted that there would be additional “knock-on” benefits brought to others in the household of worker enjoying such a system. However, for the managers, it was less clear how the firms involved would gain from the implementation of flexible working time arrangements.

One common key assumption was that it would be very difficult to control the different starting and finishing times that shop-floor employees may want to enjoy. The generally held belief expressed was that employees would simply look after their own interests in terms of their preferred working time, rather than considering the interests of the company. Perhaps the best illustration of the antipathy toward more flexible working time arrangements expressed by the representatives of factory managers is encapsulated in the comment made.

‘Introducing flexi-time with the mentality of local employees? If I wanted to close down the factory, yes!’

In relation to working time arrangements there was also a tendency among the EPZ company managers to condemn the levels of productivity and the commitment of local employees when compared to that of the foreign workers. There was expression of the general management consensus that local workers harbour a desire to do only the strict minimum necessary to qualify for a wage.

Experiences with piece-rate paid work was given as an example, whereby it was stated that as soon as a local employee feels that he or she has earned enough in a month to meet their bills and living expenses, they just take it easy. The point of view expressed was that this approach would transfer to any form of flexible working time arrangements implemented, and that it was the belief, expressed by the managers of the factories, that flexible working time would simply make it easier for local workers to have their own way.

The higher productivity rates of foreign workers and their acknowledgment of the greater efficiency of this group of workers as a whole was seen by the factory managers as proof that local workers are will only ever perform to minimum standards and will exploit any opportunity to do so made available to them.

The implication made by some of the representatives of managers of manufacturing enterprises was that there was no need to introduce flexible working time arrangements given the presence of foreign workers who are, in effect, and in the eyes of management, ultimately flexible. This is based on the higher performance levels and the lack of absenteeism or lateness when these workers are compared to local workers, who are regarded as lacking in production levels and who were not ready to willingly accept to work overtime.

These points are highly critical of the efficiency and productivity of local labour. However, it is unfair to directly compare the motives of foreign workers who 'have come to earn the maximum while they are here' and who have no local social or familial obligations to local workers, whose motives for working and associated reward aspirations are different.⁷

Some trade union officials have argued that there is a deliberate attempt by employers to discredit the commitment and efficiency of local workers in order to justify the importation of foreign workers who are generally believed by factory owners and managers to be less demanding and more hard-working, and accepting of longer hours and lower pay scales. There is perhaps a need for more elaborate research into this particular issue alone so as to arrive at a more thorough understanding.

It was also expressed by the representatives of managers of manufacturing industries in the EPZ that the notion of organizing working time based on a type of "flexi-time" model would lead to more overhead costs. These costs would be considerable and would be created by the need for the extra necessary provision of transport for employees and the additional costs of operating the factory for a longer time than under the present system. It was felt by them that, given the situation which many of the companies operating in the EPZ currently find themselves in, there is, currently, not a great desire to experiment with new forms of working time arrangements which, even at the best of times, are not well perceived by factory managers.

It was generally believed by the participants that there currently exists a fair degree of flexibility within the various shift work systems utilized, albeit operating on an informal basis. This flexibility can take the form of the discretionary exchange of shifts among colleagues; "discretionary" in that it can only be done with the prior approval of the appropriate supervisors. This was considered by the managers representing EPZ enterprises, as a sufficiently humane and soft approach in meeting the working time needs of the workers.

⁷ see CASR [2001; 2003]; EPZDA [2001]

It was also felt that, as they also gave time of work for personal matters, then the working time arrangements for their workers were effective enough as they stand. However, it should be understood that Mauritian social responsibilities can cover a wide range of functions including weddings, funerals and prayer duties over and above family responsibilities, which, if unmonitored, could lead to chaos in shift organization.

Working-Time Friendly Enterprises

As we have previously seen the management of the overall majority of manufacturing firms, particularly those operating in the EPZ, take the position of being against the need for the introduction of any flexible working time arrangements in their factories. They are particularly skeptical about there being any benefits for them should any such arrangement be introduced. The overwhelming view was that offering more flexible working arrangements would increase costs and lead to chaotic working conditions.

However, at least two companies operating within the EPZ are less dogmatic about these issues and appear to support innovative measures in general, and the introduction of flexi-time or any other flexible working time arrangements in particular.

Both of these firms have departed from the basic assumptions that many have about work; there is the recognition that, on the one hand, factory work was monotonous and demanding and, on the other hand, that it can be time and labour intensive without ever achieving full efficiency and productivity.

For these employers, the introduction of flexitime was seen as being something that would serve a social purpose, which would directly benefit the employee, and an economic purpose, which would be beneficial to the employer.

These companies are looking for the right formula to apply, as they are aware that changing the existing working schedule of an organization implies important logistical and managerial challenges. Nevertheless, they already work within a very flexible and employee-friendly working time schedule. In particular flexible working time arrangements are offered to the administrative staff and those employees who have either been with the firm for a long time or who have a more immediate need of flexible working hours, such as pregnant women or new mothers.

Issues

The general EPZ management approach to working time offers evidence that, in many ways confirms the suspicions raised in the FGDs. There is a general distrust of any flexible working time arrangements and that any innovation would necessitate a change in the currently prevalent mindset.

The different forms of flexible working arrangements, and the probable benefits of their utilization, appear to be poorly understood or, as was mentioned in the FGDs, are often misinterpreted. Typically, there is a general belief that any introduction of flexibility in working time in these types of enterprise would lead to an immediate decrease in productivity. It is therefore crucial that a better understanding of flexible working time arrangements are clearly explained and easily understood by workers and management alike.

The issue raised in the FGDs, that employers are usually resistant to any changes that might be seen as creating a disruption to the status quo, especially when such changes are not created or advocated by the employers themselves, appears to have been substantiated in the comments the managers themselves have made during the interviews that took place as part of the case studies.

However, in addition to any advocated changes in whatever is that elusive beast known as the local cultural mindset, there would also be a need for enacting appropriate legislation in order to monitor the effectiveness of any implementation of any increased flexibility in working time patterns. This would also provide protection for both employers and employees from any attempts at an unscrupulous misuse of flexible working time arrangements.

As noted in the FGDs, and by the managers of factories, it would be very difficult to come up with an overarching set of regulations that would make employee-friendly or flexible working time arrangements a reality. As with other sectors, it might be easier to give greater working flexibility to administrative staff than to shop floor workers, but even this, according to the managers representing the manufacturing industries, would have to be limited.

For the EPZ factories, any introduction of flexible working arrangements would impact on transport arrangements, which are crucial to the effective functioning of all of the industries involved. Even though many EPZ workers benefit from transport facilities provided by their employers and, subsequently, have less stressful experiences than those who use public transport, the issue was thought by the managers to be too

complex to solve so as to be able to instigate any form of flexible working time patterns.

However, this does appear to ignore the fact that sometimes the equivalent of 2, 3 or more unproductive and unsocial hours per day are spent by many workers caught up in the transport system of the country, which itself is clogged partly because of a lack of flexibility in the start and finishing time of working shifts.

Summary

“Perhaps in another sector but not in the EPZ. No!” is one phrase used by one employer that neatly sums up the prevailing attitude of the majority of factories regarding improvement of working-time in the EPZ sector towards the introduction of more flexible working hours.

In brief, although employers appreciate that employees, more specifically local workers, have difficulties in reconciling their work and family obligations, they are, overall, rather sceptical about the possibility of improving the working-time structure in this sector. As it is, they claim that they are flexible and understanding in granting permissions and running the enterprise as humanely as is economically possible. Some of the employers studied categorically rejected the introduction of flexible working arrangements as they considered them as synonymous to trouble in terms of logistics, organization and financial implications.

Review

- Substantial part of the workforce made up of foreign workers seen as “ultimately flexible”
- About 70% of the work force Female
- Standard 45-hour week with 10 hours compulsory overtime and non-compulsory overtime subject to meet deadlines
- Absenteeism and lateness generally not regarded as serious problem
- Provision of transport and some disciplinary measures assist in keeping a check on absenteeism and lateness
- Employers argued that they were not rigid when it came to working time arrangements
- Acknowledgement of the tendency for local workers to try to outsmart the employer
- General lack of understanding of what flexible working-time arrangements actually referred to
- Skepticism, mistrust and total rejection of any concepts regarded as being ‘flexi-time’
- For management, more flexible working time arrangements would be chaotic certain to bring far more disadvantages than advantages
- Higher productivity rates of foreign workers seen by factory managers as proof that local workers are will only perform to minimum standards
- A “flexi-time” model would lead to more overhead costs
- Not a great desire to experiment with new forms of working time arrangements which are not well perceived by factory managers
- Discretionary exchange of shifts among colleagues considered by managers as a sufficiently humane approach to meet the working time needs of workers
- General belief that any introduction of flexibility in working time would lead to immediate decrease in productivity
- Resistance to any changes that might disrupt the status quo
- Flexible working arrangements would impact on transport arrangements
- Employers appreciate that employees have difficulties reconciling work and family obligations but remain skeptical about improving the working-time structure in this sector

CHAPTER 3

TOURISM

The Mauritian Tourism Sector is regarded as a main pillar of the local economy and its success and development has recently been seen as increasingly crucial to the post sugar economic development of the country. The analysis is of the findings of the empirical work on working time issues in this sector conducted on 4 hotels. Hotels were selected as they are the principal source of direct employment in the tourist industry and those hotels selected for the case studies were determined by the sampling procedure described in the methodology section of the report.

In certain respects, some of the findings are somewhat similar to those of the EPZ sector. The different cases studied all expressed an understanding of the difficulties facing their employees regarding their demanding working hours while also claiming that they were reasonably lenient and flexible.

In addition the findings of the case studies are also similar to the general findings that emerged from the Focus Group Discussions, more particularly those involving Trade Union Officials who usually represent the interests of employees of this sector.

However, there are also certain specificities of this sector that demarcate it from other sectors and which, in turn, make the issue of working time in this sector less daunting than in others. In particular, the generally luxurious and appealing environment alongside an 'entertainment' atmosphere coupled with numerous facilities such as free food, leisure and transport are believed to go some way in palliating the demanding shifts which employees have to work.

Overview of the Tourism Sector

As in many Small Island Developing States, tourism plays a preponderant role in the Mauritian economy. It presently accounts for around 6% of GDP. In the first quarter of 2005 Mauritius welcomed 197,351 tourists. In the year 2004, 718,861 tourists visited the country, with tourism receipts in excess of 6.6 Billion Mauritian Rupees. In 2002, tourism generated US\$620 Million in terms of revenue making it the second highest foreign exchange earner for the country.

Table Tourism 1 Selected Statistics 2002 - 2005			
Year	Tourist Arrivals (Number)	Tourist Nights (000s)	Tourism Receipts (Rs Million)
2002	681,648	6,769	18,328
2003	702,018	6,952	19,415
2004	718,861	7,119	23,448
2005 (1st Semester Only)	349,311	3,455	12,584
Source CSO Economic & Social Indicators International Travel & Tourism – 1 st Semester 2005 – August 2005			

The tourism sector was an obvious option available to policy-makers in their attempts towards economic diversification given the natural and cultural advantages that Mauritius had as a generally tourist-friendly tropical island with its warm climate, sandy beaches, beautiful lagoons and amicable population.

The development of the tourism sector started in the 1970s with Government providing the basic infrastructural services as well as undertaking marketing programmes directed towards the European and African markets. At the same time the private sector was responsible for the setting-up of hotels with an emphasis on the construction of world-class hotels and related facilities. The industry really took off in the 1980s and 1990s. During the 1984-1988 period the tourism sector grew at an average rate of 21% with the further development of direct and reliable air services, efficient supporting infrastructure and effective marketing.

In terms of its contribution to the economy, the figures over the last two decades have shown a steady increase in the number of tourist arrivals, employment generated and foreign exchange earned.

However, the rate of growth over the last few years has been a matter of concern especially in terms of tourist earnings. Although this sector is still growing, it is not growing at the same rate as in the past. According to the National Productivity and Competitiveness Council, as with the other economic pillars of the country, tourism is 'running out of steam'. Latest government tourism policy aims to attract the high end of the market.

Table Tourism 2 Tourism Development 1988 to 2004						
Selected Years	No of Hotels	No of rooms	No of bed places	No of tourist arrivals	No of direct jobs generated	Tourist Receipts (Rs Million)
1988	64	3,399	-	239,300	7,200	2,796
1994	90	5,888	12,187	405,000	-	5,300
1996	90	6,668	13,833	486,867	12,000	9,048
1998	90	7,267	14,995	512,428	16,490	11,890
2000	95	8,657	17,776	656,453	19,940	14,234
2002	95	9,623	19,597	660,318	24,200	18,328
2004	103	10, 640	21,355	718,861	26,500	19,397

Labour issues in the Tourism sector

Given its high level role as a main pillar of the local economy the Tourism Sector employs a relatively modest number of people. Around 25, 000 people are directly employed in the sector, out of a total local labour force of over half a million people.

Additionally, in comparison to the other economic pillars of the Mauritian economy, Sugar and the EPZ, Tourism has, up until now, attracted relatively little specific attention from researchers. (MRC 1998). Many of the participants in the FGDs for this study regarded this sector as one where the general quality of the facilities that come as part of the job perhaps offset such negative aspects as the necessity to work odd and unsocial hours. This view was confirmed by the employers visited and may go some way to explaining why the Labour Inspectors and Trade Union Officials participating in the FGDs felt that there was less of a need for their intervention in disputes around labour issues in the Tourism sector than is usual in the other sectors.

Table Tourism 3 Employment in The Tourism Industry March 2001 – March 2005					
	2001	2002	2003	2004	2005
Restaurants	1,269	1,252	1,719	1,623	1,800
Hotels	14,601	15,503	16,096	16,853	19,000
Travel & Tourism	3,652	3,974	4,045	4,137	4,300
Total	19,522	20,729	21,860	22,613	25,100
Source CSO Economic & Social Indicators International Travel & Tourism – 1 st Semester 2005 – August 2005					

Table Tourism 4 Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Hotels	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
	Receptionist	47.6	39.36	51.0	40.49
	Waiter	46.8	31.31	50.3	32.37
	Cook	46.9	44.40	49.90	45.27
	Maid/Servant	45.7	33.96	48.4	34.95
Wages include remuneration for normal time work inclusive of cost of living allowances and other guaranteed and regularly paid allowances. Earnings comprise all wages as well as overtime payments. Source – Digest of Labour Statistics 2003 – CSO – Port Louis					

Main Findings From Case Studies

Profile of cases studied

As anonymity of participants was a pre-condition of the study the different hotels studied will be addressed as Hotels A-D. Table Tourism 2 offers a very basic profile of those hotels involved.

The 4 hotels provided various incentives to their employees that were over and above what the Remuneration Orders for the sector prescribed. Although it is important to be cautious when making generalizations based only on 4 cases, the discussions with the different employers suggest evidence of a link between the size of the hotel, more particularly in terms of financial turnover, and the provision of innovative and employee-friendly facilities/services.

Table Tourism 5 Profile of Case Study Hotels				
	Hotels			
	A	B	C	D
Year set-up	1977	1991	1954/1991/1999 ¹	1989
Annual Financial Turnover (Rs Million) 2004	200	400	360	48
No of employees	800	400	610	64
Foreign Partnerships	Part of American Hotel Group	None	Part of South African Group	None
Quality	****	****	****	***
¹ This hotel was initially set-up in 1954 and underwent significant infrastructural additions and improvements and even changed its name in those years.				

Average operating hours

As is the case for just about all the hotels operating in Mauritius, the 4 hotels studied operated round the clock, seven days a week. The majority of employees worked a 45 hour week based on a shift / roster system. It is to be noted that according to the Catering and Tourism Industries (Remuneration Order) Regulations 2004 the normal working week for every employee consists of 48 hours of work, except for watchman and Security Officer in whose case a normal working week consists of 72 hours work made up of 12 hours work on every working day.

There were minor variations in the working-time structure and in the distribution of shifts in the different hotels. Different hotels had different starting and finishing times for their shifts. Hotel C applied a 48-hour week, based on 6 working-days involving 8 hour-shifts, while the rest of the hotels operated 5 '9 hour-shifts'. The starting and finishing times of hotels A, B and D fitted the most conventional working time structure in local tourist hotels with shifts from 23.00 to 08.00, 08.00 to 15.00 and 15.00 to 23.00. In Hotel C, the working day for the overwhelming majority of staff was from 06.00-14.00, 14.00-00.00 and 00.00-08.00.

There is an increasing trend in hotels of subcontracting 'security services' to agencies specialized in providing security guards and related services. The conditions of work from which hotel staff benefit do not apply to the security guards, although it was stated by one of the hotel managers that they usually provide them with food and allow them access to the rest-rooms and the leisure facilities of permanent hotel staff.

Awareness of the employer regarding the problems working-time schedules pose for the employees

The Hotel Managers taking part in the study displayed an appreciation of the demanding nature of some of the shifts worked by hotel staff, especially when it involved female employees. However, they also claimed that the nature of the industry, which involves providing hospitality to the customer whenever they are in the hotel, dictates the way that working time is organized. Furthermore, at the time that employees accept their appointment the contract clearly stipulates that they will be asked to work odd hours as and when required.

It was the general opinion of the managers representing the Hotels that managers they have never received any complaints regarding the design

of their working-time structure, either from employees or from organizations representing employees.

Absenteeism and Lateness

Absenteeism and lateness are usually regarded as indicators of a problem that employees may be facing with their working time structure. However, in the hotels studied, these neither was regarded as significant issues.

The recruitment of staff locally, in addition to the provision of transport facilities, was felt to be a major factor in combating these particular problems. It was also felt that the availability of what the managers regarded as “generous” incentives over and above the minimum prescribed in the Remuneration Orders, such as an attendance bonus, awards in cash or in kind for best employee or team of employees etc., make absenteeism and lateness issues which are felt to be more or less under control.

However, the representatives of Hotel Employers revealed that they do treat any absenteeism or lateness seriously, particularly when it is repetitive and when no plausible explanation is offered. It was explained that the nature of the work, and the need to live up to the expectations of the guests, especially when a hotel targets the upper end of the market, makes it a real problem if any employee reaches work late or does not turn up for work at all. The minimum normally required of employees is that they inform their supervisors of any expected lateness or absence as early as possible in order that arrangements can be made that will mean that any inconvenience to the guests, and the running of the hotel, is minimized.

Rigidity v/s Flexibility

In what are very similar to the findings to those elicited from employers in the EPZ factories, the Hotel Managers explained that they did understand that their employees could have special circumstances whereby there might be justifications for a failure to reach work on time, if at all.

It was mentioned that, although workers’ rosters were predetermined, it was possible that, should unforeseen circumstances arise, they would, as far as it was possible, take the initiative to make any required changes to the arrangements. However, this was done according to the understanding that fellow-employees who would be required to replace the affected worker/s would not have to eventually work more than 12 hours. In the event of bereavement or the sudden sickness or the worker or a close relative, and at the discretion of the hotel, the employee would

not even have to replace the hours spent out of work, as would be normal for an employee in many other sectors.

It was made clear though that the employers did make sure that the cases were genuine before they granted any such favours, as it is generally quite demanding in terms of re-organisation and in finding the employees who would be available for, and agreeable to, replacement.

There was a general understanding on the part of the managers of hotels that there was a tendency for local workers to try to outsmart the employer. One employer offered the following anecdote:

‘One employee came to the office three times over a year for the same pretense: His grandfather had passed away!’

Attitudes towards introducing flexible working-time arrangements and foreseen difficulties.

The interviewees considered that their flexibility was restricted to the ‘swapping of shifts’, if need be, provided the reasons for the necessity to do so are genuine. In mitigation, they evoked several reasons to explain their overall lack of interest in implementing more flexible working time arrangements.

The main reason against introducing flexible working hours was that it would be too much of a challenge in terms of logistics and financial resources. For the respondents in this sector, any introduction of more flexible working time arrangements would spell chaos in terms of coordinating the teams of workers and in ensuring the availability of transport facilities.

It was argued by the managers of hotels that the employees themselves would not be ready to accept change as they are already used to the standard organizational culture and its “taken for granted” starting and finishing times. One manager summed up the argument by stating: ‘ There is a tendency for people to think that this industry (tourism) is less of an industry and more of an entertainment... where things can be taken easy, etc...But they are wrong, it is an industry and as such it has to operate as one!’

There appeared to be an implicit acceptance that the concepts of “flexible working time” and “industry” are mutually incompatible.

However, it was further explained that this sector has certain hours of the day, or of the night, where the work is considerably much less than at ‘peak hours’ and the potential for the introduction of flexible working

hours was felt to be possible, if not probable. However, doubts were expressed as to whether employees would accept 'flexible wages', meaning a deduction in salary for hours where no work was performed.

In short, very similar findings to those of the Focus Group Discussions were found, to the extent that even in the tourism industry, there was a general feeling of skepticism, mistrust or total rejection of concepts related to any introduction of flexible working time patterns.

Review

- Tourism Sector employs a relatively modest number of people. Around 25, 000 people
- The facilities that come as part of the job perhaps offset such negative aspects as the necessity to work odd and unsocial hours
- Majority of employees worked a 45 hour week based on a shift / roster system
- Trend in hotels of subcontracting 'security services' to agencies specialized in providing security guards and related services
- Appreciation of the demanding nature of some of the shifts worked by hotel staff, especially when it involved female employees
- When employees accept their appointment the contract clearly stipulates that they will be asked to work odd hours
- Never received any complaints regarding the design of their working-time structure
- The recruitment of staff locally and the provision of transport facilities felt to be a major factor in combating these particular problems
- Acceptance that the concepts of "flexible working time" and "industry" are mutually incompatible
- Certain working periods where the work is considerably much less than at 'peak hours' and increased potential for the introduction of flexible working hours
- Doubts were expressed as to whether employees would accept 'flexible wages'
- General feeling of skepticism, mistrust or total rejection of concepts related to any introduction of flexible working time patterns

CHAPTER 4

CONSTRUCTION

Overview of the Sector

The construction sector in Mauritius, as elsewhere, is huge, and covers a vast range of activities. In March Of 2004, some 15,333 persons were employed in this sector of which 14,780 were Male.¹ Construction as an industrial sector covers various trades and activities that may or may not be involved in any particular construction project.

The National Accounts of Mauritius 2004² states that the construction industry consists of:

- General Builders and Civil Engineering Contractors
- Small Contractors and Special Trade Contractors
- Public Authorities engaged in capital works
- Ministry of Infrastructure
- Local Authorities
- The Development Works Corporation
- Own Account Construction carried out by individuals.

In 2005, building and construction work in Mauritius was expected to grow by 4.8% compared to the 0.6% growth rate recorded in 2004.³ However, residential building was expected to decline by 3.8%. The predicted growth in construction was linked to larger projects such as shopping malls, hotels and other non-residential building, which was estimated to grow by 11.3% after recording a significant growth of 24.0% in 2004. Other construction was projected to grow by around 5% following a decline of 24.8% in 2004.

¹ Central Statistics Office Social & Economic Indicators – survey of Earnings and Employment in Large Establishments march 2004

² <http://statsmauritius.gov.mu>

³ <http://statsmauritius.gov.mu>

Working Time in The Construction Industry

Table Construction 1 Average Hours of Work per Week and Earnings per Hour by Occupation - 2003				
Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
Mason Grade 1	43.8	46.82	47.4	46.86
Carpenter Grade 1	43.8	42.24	48.4	42.63
Labourer / Helper	43.7	28.59	48.9	28.99
Wages include remunerations for normal time work inclusive of cost of living allowance and other guaranteed and regularly paid allowances, earnings comprise all wages as defined as well as all overtime payments. Source - Digest of Labour Statistics 2003 - CSO - Port Louis				

In this particular industry there is a large contingent of workers who are not full-time or part-time employees, but who are hired on a casual basis by sub-contractors to perform manual labour. In such a study as this, the main issues of alternative working time arrangements may not apply as they have no set working contract to adhere to and the terms and conditions of work applied are usually open to loose interpretation.

As this study did not consider informal employment, a large number of those involved in working in the construction industry will not be covered by the companies represented by the respondents taking part in the case studies.

Conditions of Employment in the Construction Sector

The Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations 2003, cite the "construction industry" as being:

"the industry relating to building, civil engineering and erection and dismantling works including-

- (a) site preparation works;
- (b) excavation works;
- (c) construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of building, roads, bridges, airfields, harbour works, inland water ways, dams, river and avalanche and sea defence works, railways, tunnels, viaduct and any other works related to the provision of services such as communication, drainage, sewerage (including connection and plumbing thereof), water and energy supplies; and
- (d) erection and dismantling of prefabricated building and structures as well as the manufacturing of prefabricated elements.

Under the terms of this remuneration order, the normal working week for every worker, other than a watchman, is of 45 hours excluding time allowed for meals and tea breaks made up of

1. 8 hours` work on every day other than a Saturday or Public Holiday and
2. 5 hours work on every Saturday other than a Public Holiday.

Every worker is entitled each working day to a lunch break of one hour to be taken not earlier than 3 hours and/or not later than 5 hours after the starting time and to 2 tea breaks of 15 minutes each. The provisions given for extra work indicate that a worker, other than a watchman, who works on a Public Holiday, has to be remunerated.

1. For the first 8 hours, at twice the basic rate;
2. Thereafter at three times the basic rate;
- 3.** On any other day, when performing more than a normal days work this has to be remunerated at one and a half times the basic rate.

In addition, the remuneration order makes provision for piece rate work stating that:

“a worker may be required to perform piece work at such a rate as may be agreed upon between him and his employer provided the employee earns not less than 10% over and above the basic rate as stipulated in the remuneration order”. And that, “where a worker is required to perform piece work on a public holiday, he has to be remunerated at a rate which shall not be less than a sum exceeding that to which he would be entitled by 10%”. ⁴

⁴ <http://labour.gov.mu/orders.htm>

Main Findings From Case Studies

Profile of cases studied

The sampling process identified 3 construction companies who were subsequently requested to participate in the case studies. One of the companies was centred around civil engineering, including the repair of roads and bridges, while another focused on building works. The third company was involved in steel production.

Key Characteristics of the Firm Studied

Length of time in operation

Two of the companies studied were well established having been in operation for 35 and 48 years respectively. The third one had been set up in 1991. Two of the companies had foreign partnerships with links to operations in the United Kingdom, Australia and various African countries including Nigeria and South Africa.

Financial Turnover

The financial turnover of the three companies ranged between Rs500 million and Rs2 billion.

Size of Labour Force

The three companies had individual workforces ranging between 190 and 2,000 employees.

Average Operating Hours

One of the companies studied had working hours for administrative staff that began at 08.30 and finished at 16.15, while those working on sites the standard working day began at 07.00 finishing at 16.30 with 30 minutes for lunch.

Site work overtime was regulated in time blocks running from 16.30 to 18.00, 18.00 to 20.00 and from 20.00 to 22.00 hours. On Saturdays, working hours were between 07.00 to 14.00 hours. Those working overtime were paid for the extra duty that they performed. This particular company wished to make it absolutely clear that sometimes it was necessary to operate a site on a 24-hour basis.

The administrative staff of another of the companies studied worked from 08.30 to 17.00 hours while the shifts for site workers were from 07.30 to 17.00 hours. It was stated by the representative of this company that it had been known for some of the workers to have to work up to midnight when there was urgent work to complete, but that this was extremely rare. The employees of this particular company did not work on Saturdays.

With the third company selected for the case study, all employees were required to work between 07.00 and 16.00 hours. When a shift system is applied this is normally from 07.00 to 20.00 hours and from 20.00 to 05.00 hours. If there is an urgent need then it is sometimes necessary for the employees to have to work on Saturdays.

Problems with existing hours

One company felt that lateness was not a serious problem but, if and when employees are late, then they are given a verbal warning by management. It was pointed out that previously, perhaps going back some 10 to 15 years, it had been known for the level of absenteeism to be as high as 18% or 19%, but that nowadays it was usually around 3% to 4%.

However, this was not seen across the board as another representative of the management of the companies representing this sector said that it was not unknown for them to experience absenteeism rates of as high as 33%. Sick leave rates were often around the 23% mark, but unauthorized leave was usually running at less than 1%. A common problem encountered was with workers leaving the worksite without informing their employers. There were also cases of the theft of site materials, although this is not a working time issue.

For this latter company, in cases of absenteeism or of consistent lateness, it was usual for the employer to issue three verbal warnings to the employee concerned eventually culminating in a written warning and finally, if the misconduct is repetitive, an appearance before a disciplinary committee.

For the third company there were no major complaints concerning lateness. The feeling was that they successfully addressed this potential problem of absenteeism by the practical expedient of providing transport to employees.

Employee-friendly arrangements

In general, it was felt by the respondents representing companies involved in the Construction Sector that reward systems, a decent work environment and good employer-employee relations contribute enormously to the success of a company.

Two of the companies involved in the case study exercise put great emphasis on such incentives as the payment of a production bonus. It was felt that this actively encouraged workers to be more productive by offering a real motivation for them to perform better and more reliably. One company expressed its approach as being, in their words, more

“humane”. This was achieved by positively motivating the workers rather than utilizing the more negative approach of punishing any misdemeanors or poor working practices.

Other positive measures used by the companies involved were the financial reimbursement of any unused sick leave entitlement and a bonus for those who had not been absent from work for 15 consecutive working days.

The management of one particular company also believed itself to be flexible as it grants an employee the usually socially accepted permission for time off such as for attending a funeral. However, it was felt that it was an unfortunate reality that sometimes employees abuse this goodwill by absenting themselves from work after gaining permission to attend events.

The piece rate system, as laid out in the Remuneration Order, is also sometimes used to act as an incentive in encouraging workers to invest the maximum effort in the delivery of their work as the reward is dependant upon rates of input and output.

Views of working hours in the construction sector

The representatives of construction sector employers were in agreement that the nature of work in the construction sector is hard and demanding. They also agreed that, at times, they have had to be severe in their actions to make the employees conscious of the fact that they have to respect deadlines. It was felt that this was necessary as the contractual deadlines the parent company has signed are dependant upon the work being completed both satisfactorily and on time.

Attitudes towards introducing flexible working-time arrangements

The employers in the construction sector were not convinced that the introduction of flexible working time arrangements would benefit them or their industry.

It was reported that firms involved in their field automatically rely on a certain degree of flexibility and interdependence among the different types of workers involved in the construction industry. The view was also expressed that the individual workers themselves were expected to be flexible, although no further explanation was offered on how this was expected to be achieved.

However, although flexibility in task allocation and performance was expected of employees, it was believed that essential work could be delayed if workers’ arrival times were not strictly imposed. It was also felt that if shift work were introduced in the industry as a regular and

general option, then there would be an impact on the security of the workers, particularly of those asked to work at night.

It was felt by representatives of construction companies that night work in the construction sector is very dangerous, involving both precision and hard work, factors to which the employers felt that the workers might not commit themselves. It was also stated that if employees had to work night shifts then the closing time of suppliers and shops selling necessary materials would also have to be changed as there may be a need to buy some urgently required construction materials.

The general opinion was that any changes to working time in the construction sector would require an holistic approach whereby the whole structure would have to change.

Foreseen difficulties of implementing flexible working arrangements

It was believed that the introduction of any flexible working time arrangements or shift work would entail additional costs to the employer, as it would necessitate the employment of additional site managers. It was also felt that it would be difficult to introduce any flexible working time arrangements for staff working in the administration departments of the companies concerned as the administrative staff have to work in collaboration with the site workers, meaning that their hours have to be mutually standardized.

Following on from the example given that shops and suppliers would also have to have flexible or altered opening hours should changes be made to construction site working hours then they would need the administration staff in place in the office to be able make the necessary purchasing arrangements.

Opinions on the success of the company

There was a general feeling expressed by the representatives of construction industries that the success of theirs and other similar companies depends, to a large extent, on teamwork and good management.

That employers treat employees equally was identified as another important factor for success and regarded as a catalyst in stimulating the success of firms working in this particular sector.

It was stated that there is no form of discrimination practiced. This was also believed to act as a motivating factor in encouraging workers to best

performance practice. The opinion was expressed that when employees feel that they are well treated by their employers they develop a sense of commitment that is reflected in the quality of work that they produce.

It was the view that the experience of the staff team and the regular training that is provided by the respective firms contributed enormously to making the construction firms successful.

Issues

Worldwide, the construction industry is known to rely to a great extent on casual and part time labour. However, it would seem that even in an industry that is often geared to working shifts tailored in length to the necessity of getting the job done, there is an air of misunderstanding and mistrust of the possible introduction of flexible working arrangements.

Employers in the construction industry appear to be resistant to any change that is not created or advocated by the employers themselves and that is not for the benefit of the employers and their contractors.

Workers in the construction industry, being so accustomed to their usual working routine, also do not welcome change to their working time arrangements.

In the FGDs, participants noted that “white-collar” jobs were regarded as being more suited to working time flexibility and it is a fact that many jobs in construction are clearly “blue-collar”. However, there has even been a resistance offered by those representing the construction sector to all forms of flexible working time arrangements because, as they see it, all aspects of their industry are so interlinked that it would not be practical or viable to change anything because of the perceived knock-on effects.

As with other sectors, transport is an issue, part of a generally expressed fear that everything to do with the industry will collapse if any changes are made to the standard working procedures. However, at present, although the non-flexibility of working time arrangements contributes to road congestion and transport problems, there remains an apparent misapprehension that any change to the traditional working patterns will create the chaotic scenario predicted by so many persons involved in managing industries.

As non-productive time is not paid for in the construction industry there may be little interest in solving the problem of time wasted on traveling to and from work, or more realistically, waiting to travel. This time is non-contracted, non-productive and non-paid.

Review

- Many workers are not full – time or part – time employees but hired on a casual basis by sub-contractors
- It had been known for the level of absenteeism to be as high as 18% or 19%, but that nowadays it was usually around 3% to 4%
- Workers leaving the worksite without informing their employers
- A decent work environment and good employer-employee relations contribute to the success of a company
- The piece rate system is sometimes used to act as an incentive as the reward is dependant upon rates of input and output
- Agreement that the nature of work in the construction sector is hard and demanding
- Not convinced that the introduction of flexible working time arrangements would benefit their industry
- Flexibility in task allocation and performance expected of employees but believed that start and finish times had to be strictly imposed
- Shift work would impact on the security of the workers particularly of those asked to work at night
- Changes to working time in the construction sector would require an holistic approach whereby the whole structure would have to change
- Flexible working time arrangements or shift work would entail additional costs to the employer
- Misunderstanding and mistrust of flexible working arrangements
- Resistance to any change that is not created by the employers themselves and that is not for the benefit of the employers
- Would not be practical or viable to change anything
- Transport issues cited as part of a generally expressed fear that everything to do with the industry will collapse if any changes are made to the standard working procedures

CHAPTER 5

Security Guards

Overview of the sector

In recent years we have witnessed an ever increasing presence of members of the emerging private security services. These private security companies offer their services mainly to hotels, insurance companies, banks, embassies, EPZ Industries, Government and Para-Statal Bodies, Sugar Estates, Petroleum Companies and Supermarkets. There is also a burgeoning market in providing security and alarm services for private residences. In addition, other services offered include the guarding of property, protecting cash in transit, private investigation services and the installation of alarms and electronic door locks. Security services are now so well entrenched that security guards are practically omnipresent in Mauritian public spaces.

Conditions of Employment in the Sector

The Security Guards (Remuneration Order) Regulations 1986, state that a normal day's work for a worker in this sector should consist of 12 hours, including time allowed for meal and tea breaks. The order also stipulates that no worker is required to work for more than 6 consecutive days. The main meal break should be of one hour with 2 tea breaks of 10 minutes each, which can be taken at the site of work. Where both day and night shifts are in operation, an employer has to give equal opportunities to every worker to work on both shifts.¹

MAIN FINDINGS FROM CASE STUDIES

Profile of cases studied

The case studies focused on two private security companies. One company offers a multiplicity of services including guarding property and cash in transit together with the installation and monitoring of alarms. It also provides a guard patrol monitoring, a private investigation service, a courier and a watchman check service. The other company concentrates its activities on alarm monitoring and response and selective guarding.

Length of time in operation

One company has been established for about 30 years while the second has been in operation for the last 9 years.

¹ <http://labour.gov.mu/orders.htm>

Financial turnover for 2004

The average individual turnover of the security firms interviewed was Rs100 million.

Size of labour force

One company employs roughly 200 employees while the other has about 1,400 of which 55 are Female Security Guards.

Average operating hours

For one company, 12-hour days were worked for 6 days a week with shifts beginning at 06.00 and ending at 18.00. In the other company, those workers employed in administration usually worked from 08.30 to 17.00 on Weekdays and from 09.00 to 12.00 on Saturdays. Technicians involved in alarm installation etc. would normally have to reach the office a bit earlier as they have to collect equipment. The table below illustrates the working hours of Company B.

Table Security 1			
Schedule of duty of Company B			
Shift	Schedule		Refreshment
First	07:45	16:00	1 hour
Second	15:45	00:00	1 hour
Third	23:45	08:00	1 hour

Staff working for Company B work on average 8 to 9 hours per day. This Company is selective about the locations that it will accept for its staff to work in, having first ascertained that basic amenities such as toilet facilities will be available for use. What is known as the “Intervention Unit” of Company B usually works on a roster based shift system of 2 day duties and 2 night duties with 2 days off.

Awareness of the employer regarding the problems which the working-time schedules pose for the employees

The representative of Company A indicated that as far as they were concerned they did not encounter any major problems with working hours, although there were some minor complaints. However, the representatives of both companies went on to mention that there is a high level of absenteeism on Mondays.

In one company, if it was noted that an employee was regularly on sick leave on Mondays, he was given a verbal warning. Those considered regular absentees are penalized by being denied the opportunity to earn

overtime through working on Sundays. Extra duties are given to those employees who the company considers have demonstrated a high sense of duty and who are regular and punctual.

Employee-friendly arrangements

The representative of Company A stated that all the employees of this particular enterprise are offered free medical consultations, while the other company offers Rs1, 300 in addition to the minimum salary as stipulated in the Remuneration Order while also contributing to the medical expenses of its employees via a private company.

In this enterprise, employees can ask the operation manager to make working shift alterations. If an employee has a reason not to work on a certain day they can ask their colleague to replace them agreeing to reciprocate at a later date. Nevertheless, this, in many ways informal arrangement, has to be made through the operation manager. If an employee gets married he is granted two weeks holidays with the opportunity to replace it later. The other company reimburses untaken sick leave to act as an incentive in reducing rates of absenteeism.

Views on working hours of security guards

The management representatives of the companies representing the private security industry believed that the work of security guards is long and demanding. This, they believed, goes some way to explaining why one of the companies had reduced the maximum number of hours worked on each shift.

It was felt that not everyone can adapt to this type of work, as it is a very tough job. However, if someone stays in the job for 3 years or more, there is a high probability that he/she will be given the opportunity to make a career in the security sector.

Foreseen difficulties of implementing flexible working arrangements

The managers that represented this sector were forceful in stating that flexible working time procedures cannot be introduced in the security sector, as security is something that necessitates a certain level of authoritarianism to enable its proper functioning.

They also agreed that any attempt at the introduction of more flexible working hours would inevitably give rise to the need for employing more personnel. This would place an additional cost on the company. In general, the feeling was that the current working time arrangement, whereby a certain level of flexibility exists by enabling employees to change their shifts, albeit in exceptional cases and informally, was sufficient.

Difficulties were also perceived in that the technicians have to come to the office at a specific time, although this presumes that the current procedures cannot be adapted.

Summary

It would appear that the companies operating in this emerging sector, although agreeing that some arrangements can be made to accommodate the needs of workers in organizing a more humanistic approach to working time arrangements fail to agree that some aspects of flexible working time arrangements could be made for their workers.

The remuneration order that applies to this field of employment provides for a long working day, although the employers in this field make it clear that they accept and understand that the job is difficult and, at times, stressful. Although some minor arrangements can be made by the individuals to match needs and requirements with shift patterns, these arrangements are informal and reciprocal with other staff members.

There is no indication that the employers in this sector are aware of the different types of working time arrangements that could be brought into play in this field, or, if they are aware, that there is a willingness to adapt the current system to the needs of the workers. It is plain that this is a highly disciplined form of employment with many of its structures and working practices modeled on those pertaining to the police force and the other disciplined forces.

Senior managers at times seemed reluctant to recognize that there is the possibility for change. For example, in this case study we saw that because there is the practice of technicians arriving earlier than others to collect the equipment they need for the working day then the system is

unchangeable with the regulations carved in stone. However, it cannot be beyond the realms of probability that changes could be made that suit all employees without impacting on the efficiency of the operation; could not the technicians be more flexible in their working patterns? Is it a question of a lack of desire to bring about change rather than an inability to do so?

While at first sight there may be obvious constraints envisaged with the introduction of more worker friendly working time practices there are also obvious opportunities available in this sphere for other working time practices to be adopted that would suit both workers and managers and which would be highly suited to those operating within a highly regulated environment.

Review

- Emerging private security services
- No major problems with working hours, although there is a high level of absenteeism on Mondays
- Extra duties are given to employees who have demonstrated a high sense of duty and who are regular and punctual
- Believed that the work of security guards is long and demanding
- Forceful in stating that flexible working time procedures cannot be introduced in the security sector
- Any attempt at the introduction of more flexible working hours would inevitably give rise to the need for employing more personnel
- This would place an additional cost on the company
- Belief that current working time arrangement, whereby a certain level of flexibility exists by enabling employees to change their shifts, albeit in exceptional cases and informally, was sufficient
- Current procedures cannot be adapted
- Appears that the employers in this sector are unaware of the different types of working time arrangements
- Reluctance to recognize that there is the possibility for change

CHAPTER 6

INFORMATION AND COMMUNICATION TECHNOLOGY

Overview of the Sector

Information and Communication Technology has the potential to enable the development strategy of “leapfrogging” some of the processes of the more standard accumulation of human capabilities and fixed investment in order to narrow the gaps in productivity and output that separate industrialized and developing countries.¹

Nowadays concepts such as cyber space, the digital revolution, e-commerce, e-government and business process outsourcing seem to be increasingly accepted as being the cutting edge of development. The World Summit on the Information Society emphasized the importance of information and communication technologies (ICT) in shaping the future of mankind.² According to Annan (2003) the digital revolution is transforming societies and Information and Communication Technology (ICT) can serve as an engine for development in areas ranging from trade to tele-medicine and from education to environmental protection.

In this context it is obvious that it is important for any government to keep pace with the rapid changes that are taking place in both the “real” and “cyber” worlds. The government of Mauritius has been strongly committed to developing the country’s ICT Industry to transform Mauritius into a Cyber Island, beginning with the construction of the almost totemic Cyber Tower at Ebene in the centre of Mauritius.

Furthermore, the provision of Business Process Outsourcing (BPO) services from Mauritius is *becoming such* an important field of activity in the ICT sector that some commentators believe *that the ICT Industry* can already be considered as the fifth pillar of the Mauritian economy. Currently, in Mauritius, over 20 companies offer BPO services to overseas customers. This particular sector employs around 1,300 persons with 5% of the companies involved having been established for more than 10 years. However, although based in Mauritius, it should be noted that at least 35% of *those* involved in this field originate *from* France.³

¹ See Steinmueller, W.E, 2001

² The Geneva Declaration of Principles and Plan of Action, World Summit on the Information Society Geneva 10-12 December 2003.

³ Board of Investment (2003), Study on the Potential of Business Process Outsourcing in Mauritius.

Several international BPO companies have expressed an interest in implanting some of their business in Mauritius. One of these, an American company, plans to be involved in processing travel and tourism through call centres in Mauritius. According to this company, the labour force of Mauritius is sufficiently qualified and the country has the required infrastructure on which any potential operator of call centres can rely.⁴

Mauritius has, so far, been moderately successful in portraying itself as a cyber-island. The attempt to boost the image of the island as an information-communications hub, was assisted by the selection of the Cyber Tower as the most Intelligent Building 2005 by the Intelligent Community Forum (ICF), which was held in New York in June 2005. The ICF has pointed out that the Mauritian Cyber Tower was selected as it is “an integral part of a broader and integrated intelligent community project known as the Ebene Cyber City”.⁵

In Mauritius, the Ministry of Information Technology and Telecommunications (MITT) formulates appropriate policies to provide the necessary framework for the development of ICT and to ensure its optimal use across all sectors.

The MITT also has the responsibility of ensuring that the ICT culture permeates all levels of society in order to bridge the so-called “digital divide”. The National Computer Board (NCB), which functions under the aegis of the MITT, was set up in 1988 and has the role of “*e-powering*” people, businesses and the public sector by developing and promoting ICT.⁶

The Computer Proficiency Project, an initiative of the National Productivity and Competitiveness Council, has also been instrumental in enabling more than 37,000 Mauritians, from all social backgrounds to gain a basic knowledge of computer applications.⁷

According to the NCB’s latest survey on computer ownership, there has been a remarkable increase in Internet penetration with 23.8% of households in Mauritius, which have telephone connectivity, having access to the Internet in June 2002 compared to 12% in September 2000.⁸

⁴ L’Express Newspaper, 04/05/2005

⁵ Le Mauricien Newspaper, 15/06/2005

⁶ <http://www.gov.mu>

⁷ L’Express Newspaper, 19th May 2005

⁸ Financial News, magazine; 28 June - 04 July 2004

Up to now, no study has been carried out on the working hours of people employed in the ICT sector in Mauritius.

Labour Issues

As the ICT sector is a new growth sector, there is no *specific* legislative provision that regulates working hours or other related issues. In the absence of regulations, it is the Labour Act 1975 that governs *terms and conditions of* employment in this sector. Other applicable legislation includes the Computer Misuse and Cybercrime Act 2003, the Information and Communications Technologies Act 2001 and the Electronic Transactions Act 2000.⁹

Table ICT 1					
Average Hours of Work per Week and Earnings per Hour by Occupation-2003					
	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
Communication	Telephone installer/servicer	39.9	71.14	42.5	72.80
	Telephone operator	35.5	104.53	42.9	113.62
	Telecom technician	35.8	119.36	38.7	122.28
Wages include remuneration for normal time work inclusive of cost of living allowances and other guaranteed and regularly paid allowances. Earnings comprise all wages as well as overtime payments Source – Digest of Labour Statistics 2003 – CSO – Port Louis					

⁹ See Board of Investment (2003) Study on the Potential of Business Process Outsourcing in Mauritius.

Main Findings From Case Studies

Profile of Cases Studied

Two ICT companies were sampled to participate in the case studies. One was a major company particularly involved in mobile telephony operations and related developments while the other specialized in telemarketing. Both *companies* were also involved in call centre activities.

Length of Time in Operation

Of the two companies one has been in operation for about 15 years while the other has been established for 10 years.

Foreign Partnership

The setting up of one company was through the collaboration of a Mauritian group together with an International Company.

Financial Turnover for 2004

The annual turnover of each of the two companies was around Rs1 billion.

Size of Labour Force

The number of employees in the two companies ranged between 115 and 157. One company is divided into several departments including the customer service department, the general management section, a call centre and a technical department. The majority of the employees work in the call centre and in the technical department. At the other company, apart from the management and administration staff, the bulk of the workforce is employed as operational staff and is generally known as “call agents”.

Average Operating Hours

The administration department of one company operates from 08.00 to 17.00 while the other company has working hours from 09.30 to 19.00. Both companies reported that a substantial section of its labour force work as tele-operators on a shift system.

Table ICT 2 Working Hours of Call Agents Company A		
Shift	Schedule of call agents	
First	7.00	13.00
Second	8.00	14.00
Third	14.00	22.00

The majority of call agents work during the second shift. Generally those working in the second shift end duty at 14.00 but sometimes have to work up to 16.00 or 17.00.

Table ICT 3 Working Hours of Call Agents Company B		
Shift	Schedule of call agents	
First	18.00	1.00 or 3.00
Second	21.00	6.00
Third	13.00	21.00

It was reported that some call agents might work as late as 03.00 due to the time difference in different countries with whom they interact during their working time. Therefore, some call agents always have to be present to give information to people who are calling from abroad.

Awareness of the employer regarding the problems which the working-time schedules pose for the employees

The representatives of Company A and Company B described *different* problems that they encounter as regards their working hours. In fact, the working schedule of Company A was portrayed as being a potential disruptor in the fulfillment of family responsibilities for certain employees. This was particularly the case for Women, particularly mothers, who complained that finishing work at 17.00 is too late, as they have to collect their children from nurseries.

The management of Company A stated that they have given this particular complaint special attention as young women, (who are seen by the management as potential future mothers), are being recruited. The aim of the company is to solve this particular problem so that it does not impede on the proper running of the company in the long term. However, it should be noted that the intention was not to address the problems impeding the fulfilling of social obligations by the new mothers in balancing their work / family responsibilities.

There were no serious complaints by the managers interviewed concerning the working hours of Company B. It was reported by them that the employees are already aware of their hours of work and conditions of work when they are recruited and have therefore chosen to accept them. On some rare occasions, if there is urgent work to be completed, “professionals” such as managerial staff have to work at night on the request of the director. The need to work at night was compensated by what was regarded as a decent salary and, the manager of one of the companies representing the ICT sector reported, there were no complaints as such from employees working in Company B.

Absenteeism and Lateness

Neither absenteeism nor lateness were seen as major problems by either company. The human resource manager of Company A added that, for them, management is not a time watcher. Moreover, it was reported that Company A is very selective in the choice of its employees and does not recruit people from far away regions. However, in an island of the size of Mauritius it was not explained what exactly constituted a “far away region”. This was believed by the respondent to be a positive measure that was beneficial in counteracting the negative impact of lateness and absenteeism.

Attitudes Towards Flexible Working-Time Arrangements

In Company A, a grace time of 30 minutes is applied for the arrival of employees. The human resource manager of this company asserted that the introduction of more flexible working hours would enable its employees to be more productive and, according to him, the level of stress would decrease. Flexible working hours would permit the employees to come to work at a time that would assist them in the performance of their familial and social responsibilities.

Considering tele-working, tele-commuting or working from home as a flexible form of working arrangement, Company A felt that this defeats the purpose of the work environment that the company wants to create. The human resource manager was of the opinion that tele-working might entail the problem of ICT safety as data would be less well protected and that anybody could filter into the network.

According to the respondents, access to the network cannot be given to other places. Only a restricted number of employees, such as computer programmers could do tele-working, and this may act as a disadvantage for other employees as they would have to come to office while their colleagues were at home. This might lead to the creation of a feeling of frustration among certain employees.

Company B allows its employees the possibility of swapping their shift with their colleagues, by informing their relevant supervisor. Both companies felt that they were quite flexible in their management approach and that their working time systems enabled their employees to work in a friendly environment where the management cares for the needs of the employees.

Foreseen Difficulties of Implementing Flexible Working – Time Arrangements

There was a general feeling among the senior officials interviewed that while flexible working time patterns would undoubtedly benefit the employees, the introduction of such arrangement would involve additional costs for the company.

The representative of Company A affirmed that the company would have to look for additional staff if flexible working time patterns were *to be* implemented. The point was made that if, for example, the employee working as telephonist decides to go early on some days, then the company would have to employ an additional part-time telephonist to continue with the work.

Issues

During the FGDs, it was felt by some participants that with the emergence of call-centres, employees would be expected to work long and unsocial hours. An example of unsocial hours can be seen in the working shifts of 14.00 to 22.00 and from 21.00 to 06.00. Call agents are involved to a large extent in night duty as they have to communicate with people from different countries, mainly India, the United States, the United Kingdom and France, fitting in with the social and work hours of the caller.

Call Centre employees have problems in reconciling their family and work obligations as they have to work *at* odd and unsocial hours. However, these working patterns are believed, by those in the relevant industry, to suit young people who are able to balance the different aspects of their lives more easily and have fewer social commitments.

The trade union officials in the FGDs also highlighted the exploitative nature of the work in the call-centres since they are not governed by any Remuneration Orders.

A study carried out by the Board of Investment in 2003, indicated that, given the rigidities of the labour market and the provisions of the Labour Act 1975, there is a need to amend the above law to cater for the emerging ICT sector. The study also mentioned that particular attention should be paid to BPO activities in terms of the number of hours worked, overtime payments, meal allowances and travel allowances. The study also suggested that provisions should be made to employ part-time workers and workers employed under contracts of limited duration.¹⁰

¹⁰ See Board of Investment (2003) Study on the Potential of Business Process Outsourcing in Mauritius.

Review

- ICT sector is a new growth sector and there is no specific legislative provision that regulates working hours or other related issues
- Young women are employed but seen as potential future mothers and therefore problematic
- Employees are already aware of their hours and conditions of work when they are recruited and have therefore chosen to accept them
- Neither absenteeism nor lateness were major problems
- Accepted that more flexible working hours would enable employees to be more productive and that the level of stress would decrease
- Flexible working time patterns would benefit the employees, but would involve additional costs to be borne by the company
- Would have to look for additional staff if flexible working time patterns were implemented
- Call Centre employees have problems in reconciling their family and work obligations as they have to work odd and unsocial hours.
- These working patterns suit young people who are able to balance the different aspects of their lives more easily and have fewer social commitments

CHAPTER 7

FINANCE SECTOR

Overview of the Finance Sector

The tertiary sector as a whole has expanded remarkably in the last few years to represent around 60% of GDP in 2003.¹ Parallel to these developments, financial services have experienced an exponential growth rate. Over the last few years factors such as expanding tax treaty networks², a reputable offshore jurisdiction, membership of major regional trading blocks and a strategic location between the Far East and the European time zones have enabled Mauritius to carve out a comfortable niche in the world of international financial services.

The financial and offshore sector grew by an average of over 9% a year between 1999 and 2003 and now represents a substantial pillar of the economy at 10% of GDP. The introduction of new legislation related to anti-money laundering has reinforced confidence in the regulatory, institutional and operational frameworks boosting the sector's growth by 14.6% in 2000 and 13.5% in 2001.

In 2001, the Financial Services Commission was set up and is the authority responsible for licensing and regulating non-banking financial services, including insurance companies and the stock exchange. In early 2003, the financial institutions in the country consisted of 10 commercial banks and 13 offshore banks, 23 insurance companies, 10 investment companies and 6 unit trusts. There were 44 companies, including one mutual fund and three debentures, listed on the stock exchange with a total market capitalization of about US\$ 1.5 billion.

Since the beginning of 2001, Mauritius has introduced a number of changes to its financial legislation. It has implemented new Financial Services Development Act, Companies Act, Trusts Act and Financial Intelligence and Anti-Money Laundering Act with a view to consolidating the effectiveness of the financial system.

During 2002, Mauritius participated in the Financial Sector Assessment Program (FSAP) with the conclusion that Mauritius has a well-developed financial system and a sound-banking sector.

However, in terms of employment the number of employees in this sector is relatively small.

¹ CSO Social & Economic Indicators 514 July 2005

² Since 1978, Mauritius has been building up a network of double taxation treaties with more than 30 countries in Africa, Asia and Europe allowing significant bilateral cuts in dividends, interest and royalties.

Table Finance 1 Employment in Financial Sector			
Industrial Group	2001	2002	2003
Financial Intermediation	7059	7016	7387
% of Total workforce	2.3%	2.3%	2.4%
Source CSO Digest of Labour Statistics 2003			

Profile of Cases Studied

The financial sector is a collection of heterogeneous activities including banking, insurance, accountancy, business consultancy and offshore services. Although these activities have financial intermediation as their common thread, the working-time structures are very disparate within the different sub-sectors. For example, different banks have somewhat different working-time arrangements. Similarly, insurance companies do not have similar working time structures to banks or offshore companies.

It is therefore important to exercise caution when interpreting the results of the following case studies, as the findings are not generally applicable to the whole of the financial sector. The cases that have been selected are merely indicative of the present constraints and opportunities that exist from a working-time perspective.

In all out of 3 firms were selected labeled below as Firms A, B, and C.

Table Finance 2 Profile of Case Study Firms			
	Firm A	Firm B	Firm C
Sector of activity	Accountancy, Auditing, Tax and Business Consultancy Services	Insurance	Banking
Length of time in operation	Since 1952	1956	2003
Size of labour force	800	28	100
Foreign Partnerships	South Africa, Kenya	India	France

Average Operating Hours

Firm A operates from 08.30 to 17.00 while Firm B operates from 09.00 to 16.15 on weekdays. The managers interviewed stated that although these working hours applied to the majority of their employees, those occupying more senior posts, carrying more responsibilities, were informally expected to put in longer hours.

Firm C, which aims at providing a more personalized and customer-oriented service, has somewhat different operating hours to other banks. On weekdays it operates from 08.30 to 18.00. However, in line with the regulations of the Bank of Mauritius, the cash offices are only open from 09.00 to 15.30, for security reasons. On Saturdays the branches of the banks are open up to 13.00.

Overall, the employees of the bank are expected to work 40 hours per week. On certain days of the week, the majority of staff works from 08.30 - 16.30 while once in a week some employees are asked to work from 10.00-18.00. It was again made clear that certain posts, dealing with what was termed “back-office” tasks, could have a more routine working-time schedule, while those employees dealing with customers usually have to work somewhat longer than required in order to avoid work accumulating.

Awareness of the employer regarding the problems which the working-time schedules pose for the employees

In the 3 companies, the employers generally showed an appreciation of the exigencies of the working-time schedules of their employees while making the remark that the nature of the work demands this number of working hours together with the relevant effort and commitment. One of the employers pinpointed that there are more demanding working time arrangements in other sectors.

Overall, the representatives of this sector argued that they have never received any complaints regarding the working-time structure of their firms. The point was made that working-time is not considered to be an important determinant when looking for or being offered a job.

Absence and Lateness

It was reported by the representatives that, for them, absence and lateness did not pose a serious problem. All of them reported that absenteeism was hardly an issue although lateness did sometimes give cause for concern. However, rather than blaming the employee, traffic congestion was proposed as the main culprit, which is understandable given that all three firms are based in the capital city where the traffic problem is intense.

Working-Time Flexibility

The representatives of the companies representing the finance sector made comments that were similar to the findings of the FGDs in that more flexible working arrangements would be generally more suited to, and more probable to apply, to white-collar workers. In addition, the

representatives of the employers argued that they have a very soft and flexible approach towards their employees.

However there are limitations to this largesse, which bears closer scrutiny. For example, in Firm C, which is relatively innovative in terms of its working hours when compared to other banks, the employer claims to be flexible although in reality it is expected that the employees arrive and depart at specific times. Alternative working-time practices appear not to have been heard of or likely to be considered. These times may vary in that in one or two days of the week the employee is requested to come at 10.00 and leave at 18.00 while on others to work from 08.30 to 16.30.

The representative of this particular company identified a number of limitations to the introduction of flexible working time arrangements. Operating hours were located within the framework of rather rigid rules and regulations that oversee the activities of banks. In addition, certain flexible forms of work are simply not possible, for example “teleworking” is not possible given the need to use the Bank’s specific IT system.

On top of this the costs, that would be envisaged in terms of additional security and insurance charges if the premises were to be open at odd hours, were not regarded as judicious options by the bank.

The personnel manager of Firm A illustrated some examples of flexible working time arrangements. This firm allows some of their workers, mostly auditors and consultants, to work at times that are convenient to them.

According to the personnel manager of Firm A, the emphasis is on the quality of the work done rather than on the quantity of hours put in. However it was also requested that each individual employee fill in a weekly time-sheet to indicate the number of hours worked. Moreover, this was considered to be a discretionary arrangement rather than a formalized way of working. This firm also has a number of young employees who are studying for professional qualifications at the same time as working, and the company claims to be particularly lenient with such employees regarding their working hours. However, the bulk of employees abide by the routine working time schedule.

With Firm B, the employer stated that he had no problem with his employees coming in early or late and leaving accordingly provided that the work gets done. Nevertheless he claims that this has never been an issue that has come up as his employees are used to the existing hours of work.

Attitudes towards introducing flexible working-time arrangements

Overall, there appeared to be a lack of clear understanding of what flexible working-time arrangements actually referred to. All 3 firms claimed to be flexible although they did not want to 'normalize' what they regarded as "unusual" working time practices.

The largely 'discretionary' way in which lateness, absence and unforeseen circumstances are generally regarded was seen as being a form of flexibility. As such, there seemed to be little interest in organizing the working time structure in a different way.

Review

- Working-time structures are very disparate within the different sub-sectors
- General appreciation of the exigencies of the working-time schedules of their employees
- Never received complaints regarding working-time structure
- Working-time not considered to be an important determinant when looking for a job
- Absence and lateness not a serious problem
- Traffic congestion seen as problematic
- Flexible working arrangements more suited to white-collar workers
- Employers feel they have a soft and flexible approach towards employees
- Alternative working-time practices not heard of or likely to be considered
- The costs envisaged for additional security and insurance charges negate implementation of flexible work patterns
- One firm allows some auditors and consultants to work at times that are convenient to them
- One employer stated that there was no problem with employees coming in early or late and leaving accordingly provided work gets done
- A lack of understanding of what flexible working-time arrangements actually are
- Claim of flexibility but no desire to normalize “unusual” working time practices
- Little interest expressed in organizing working time structure in a different way

CHAPTER 8

AGRICULTURE

Overview of the sector

Agriculture is one of what are often cited as the four main pillars of the economy. The agricultural sector covers the production of sugar cane, tea, tobacco and some food crops. Sugarcane plantations cover 45% of the total area of Mauritius and more than 90% of the cultivated land.

During the 1980s and 1990s the economy experienced a process of diversification as the manufacturing and tourism sectors increased in importance matched by a simultaneous gradual decline in sugar production. From 2006 this decline in the importance of the economic role of sugar cane will be hastened as the protocols that previously enabled Mauritius to sell its sugar abroad at preferential rates come to an end.

Up until now the Sugar industry has always been the main employer of the agricultural labour force. Its contribution to the Mauritian Gross Domestic Product (GDP), which stood at 17.8% in 1976, fell to 11.6% in 1986 to reach 9.3% in 1995 and 6% in 2001.¹

Some 55% of the 76, 000 Hectares planted with sugar cane in Mauritius are controlled by nineteen large sugar estates, which range in size from 730 Hectares to 5, 500 Hectares. About 28,000 small-scale sugar planters are also registered; farming plots that range in size from the minute to up to 10 Hectares. These have traditionally been family enterprises although during planting and harvest time some extra help and labour may be either formally or informally acquired.

Since 1951, the production of sugar was based on the guaranteed sale of the total crop at preferential prices above the market rate. Preferential marketing arrangements, in particular with the United Kingdom, meant that the total sugar crop, after refining, was exported.

Since 1975 Mauritius has had an export quota of about 500,000 tons per year under the Sugar Protocol of the Lomé Convention. This is the largest quota of all nineteen signatories of the Convention.

¹ See Ministry of Environment (2002), Meeting the challenges of sustainable development.

Table Agriculture 1 Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Industrial Group	Occupation	Hours per Week Excluding Overtime	Average Wages¹ per Hour (Rs)	Hours per Week Including Overtime	Average Earnings² per Hour (Rs)
Sugarcane Plantations	Overseer – Grade 1	44.7	64.20	49.9	63.90
	Field worker	43.3	48.55	45.7	49.28
Tea Plantations	Field worker	44.3	26.44	44.6	26.50
	Sirdar / Gangman	44.2	36.91	44.5	36.98
Wages include remuneration for normal time work inclusive of cost of living allowances and other guaranteed and regularly paid allowances. Earnings comprise all wages as well as overtime payments Source – Digest of Labour Statistics 2003 – CSO – Port Louis					

Having been set up in 1984, the Mauritius Sugar Authority (MSA), operating under the Ministry of Agriculture, advises the government on matters pertaining to sugar policy. The MSA operates as a nexus between the government and the different organizations involved in sugar production. These organizations include Parastatal bodies, sugar producers and workers organizations as well as extension and research bodies. The private Mauritius Sugar Syndicate, with offices in London and Brussels, manages all the aspects of domestic and foreign sugar marketing, including transportation, finance, insurance and customs duties.

Table Agriculture 2 Employment in Large Establishments in Agriculture March 2004			
	Male	Female	All
Agriculture, Forestry and Fishing	19, 080	4, 031	23, 111
Sugarcane	12, 035	2, 787	14, 822
Other	7, 045	1, 244	8, 289
Source CSO Economic & Social Indicators 6 September 2004			

The Mauritius Sugar Industry Research Institute (MSIRI) conducts research on plant breeding, entomology and food-crop agronomy. ²

In comparison with Sugar, Tea, Tobacco and food crops for local consumption are relatively small in scale.

² See <http://countrystudies.us/mauritius.16.htm>

Table Agriculture 3		
Agricultural Crops: Area Harvested and Production 2004		
Crops	2004	
	Area Harvested (hectares)	Production (tonnes)
Sugar cane	69,895	5,280,370
Tea (green leaves)	674	7,229
Tobacco	407	411
Foodcrops	7,526	113,164
<i>Potato</i>	637	13,639
<i>Maize</i>	57	369
<i>Groundnut</i>	209	602
<i>Onion</i>	181	4, 678
<i>Ginger</i>	38	790
<i>Garlic</i>	9	76
<i>Chillies</i>	220	1, 309
<i>Tomato</i>	943	14, 263
<i>Beans and Peas</i>	401	2, 132
<i>Cabbage</i>	284	6, 476
<i>Cauliflower</i>	115	2, 851
<i>Brinjal</i>	203	2, 821
<i>Creepers</i>	1078	15, 026
<i>Other vegetables</i>	2486	31, 629
<i>Banana</i>	528	12, 000
<i>Pineapple</i>	137	4, 493
Source CSO Economic & Social Indicators		

The majority of the sugar cane and tea factories began operation either before, or during, the 19th Century. However, since then, the number of sugar factories has been in constant decline. In 2005, the sugar industry is highly mechanized and centralized on 9 factories, which process all of the sugar cane harvested, including that of the small-scale planters.

Over the years there has been a consistent trend for several small factories to merge and to consolidate their sugar milling activities in one factory serving the whole growing region rather than the individual producers. The sugar industry, apart from crop cultivation and sugar production, is also active in processing sugar by-products such as the distilling of rum and the use of sugar production waste in the generation of thermal electric energy. Outside of sugar in particular and agriculture in general, some sugar estates have also diversified their investments, particularly in the development of the tourist industry in Mauritius.

Although in 2004 sugar cane production in Mauritius rose by 6.6% the sector is still in a state of crisis. As the cost of the production of sugar in Mauritius is relatively high, and the scale of production is relatively small, the removal of the preferential sugar price protocols will mean a reduction in the selling price of perhaps upwards of 40%, meaning that there are great difficulties to be faced in remaining a competitive industry.

Tea

As part of its agricultural diversification efforts, from the 1960s the government of Mauritius supported the large-scale production of tea. Once second only to sugar in exports, tea covered 2,870 hectares in 1991. However, although tea thrives on the island's higher elevations, production has been hindered by high production costs, including labour costs, and the fluctuations in world prices.

Since 1986, when the Mauritius Tea Factories Company was established, the government has subsidized tea production to compensate for low prices. Tea production reached 8,115 tons in 1985, its highest level, declining steadily to 5,918 tons in 1991. Subsequently, export earnings declined from Rs104 million in 1986 to Rs83 million in 1991. Currently, the government is considering other uses for its tea-planted land in the face of continuing economic pressures.³

In 2003, the total area under tea cultivation in Mauritius was 681 hectares. Production of green tea leaves increased by 1.5% between 2002 and 2003 from 6,870 tonnes to 6,973 tonnes, while that of black tea rose by 4% from 1,381 tonnes in 2002 to 1,436 tonnes in 2003.

The quantity of both green and black tea exported rose by 29.7% in this period from 40.4 tonnes in 2002 to 52.4 tonnes in 2003, while earnings from the export of tea registered a significant rise of 44.4% from Rs7.2 million to Rs10.4 million.⁴

Table Agriculture 4					
Area Under Tea Cultivation 1999-2003 (Hectares)					
	1999	2000	2001	2002	2003
Plantation cultivated by factories	203	190	191	192	193
Plantation cultivated by private planters	468	480	469	488	488
Total area cultivated	671	670	660	680	681
Source - CSO (2003) Digest of Agricultural Statistics					

³ <http://countrystudies.us/mauritius/17.htm>

⁴ Central Statistics Office (2003) Digest of Agricultural Statistics, Ministry of Finance and Economic Development, Port Louis.

Although tea production is on a far smaller scale than that of sugar production, Mauritian tea producers are facing a similar situation to the sugar industry resulting in a scaling down of the local industry.⁵

Conditions of employment in the sector

According to the Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations 1983, field work in the sugar industry, should, wherever possible, be performed on a task basis. A worker, who is employed on task work during intercrop season, is deemed to have performed a normal day's work if: -

- (a) excluding any time allowed for a meal break, he remains diligently at work for 6 hours on everyday, other than a Saturday or a public holiday; or
- (b) he completes the task allotted to him.

Otherwise, the workers, not employed on task work during intercrop season, have to perform 8 hours on everyday from Monday to Friday (i.e. 40 hrs per week).

2. During crop season a worker performing task work is deemed to have performed a normal day's work if:-

(a) excluding *anytime allowed for a meal break*, he remains *diligently at work* for:-

- (i) 5 hrs on a Saturday; or
- (ii) 6 hrs on a every other day which is not a public holiday, or

(b) he completes the task allotted to him.

The task allotted to a worker on a Saturday is equivalent to 5/6 of the task allotted on any other day.

A worker, employed otherwise than on task work during crop season, has to work for 8 hrs per day from Monday to Friday and 5 hours on a Saturday, i.e. 45 hrs per week.

Hours of Work in Sugar Factory

The normal day's work during crop season is: -

- (i) 5 hrs on a Saturday;
 - (ii) 8 hrs on any other day.
- (i.e. 45 hrs per week)

During the intercrop season the normal day's work is 8 hours per day from Monday to Friday (i.e. 40 hrs per week)

⁵ <http://statsmauritius.gov.mu>

MAIN FINDINGS OF CASES STUDIES

Profile of cases studied

Three Sugar Cane factories and one Tea Factory were sampled for inclusion in this study. The Sugar Factories were situated in the North, the East and the South of the Island, with one including tea and rum as other sectors of activity. The Tea factory was situated in the centre of the island. The three Sugar factories were consolidations of what were previously smaller scale sugar producers reflecting the actuality of the Sugar Industry in general as it centralizes its activities in increasingly larger establishments.

Key Characteristics Of The Firms Studied

Length of time in operation

One factory had been set up as recently as 1948 while the others had been in operation for a long time, ranging from 120 to 186 years.

Market

Although the sugar cane factories produce sugar they are not involved in the marketing of the product as this is the responsibility of the Mauritius Sugar Authority. The Tea factory exports to France, South Africa and to Australia but, more often than not, sells its produce on the local market.

Financial Turnover

The financial turnover of the four companies ranged from Rs 53 million to Rs 800 million.

Size of Labour Force

The number of employees working in three of the factories ranged between 95 and 175. However, the fourth, a sugar factory, was a much larger operation employing 767 permanent workers who, during harvest time, are usually joined by 100 additional casual workers.

Average Operating Hours

As we have seen above, the working hours of the sugar and tea factory workers differ during what is defined as the *intercrop* season and the *crop* season. The majority of the factories reported only work on Saturday during harvest time. The average operating hours of the sugar factories are from 07.00 to 16.00 during the crop season with there being a tendency to also work from 07.00 to 12.00 on Saturdays. One factory also extended week-day working hours during the crop season, working until 18.00 on weekdays and up to 14.00 on Saturdays. Workers are paid overtime for the additional hours that they work as stipulated in the remuneration orders of the Sugar Industry Agricultural Workers Regulations 1983.⁶

The largest element of the workforce in the agricultural sector is that of the field workers. This category includes senior field workers, known locally as Sirdars, who work in the capacity of a shift supervisor, and the Cane Cutters. These workers start their working day very early, more often than not before dawn, and can go home when they have completed their work quota, which may be around midday or soon after. This suits this type of outdoor and arduous labour as it is better to work in the relative cool of the morning than in the full heat of the day. The work is known in the industry as “task work”, whereby the employee is required to perform a certain amount of work in the sugar cane fields with additional remuneration for any extra work done. The work quotas are set by the administrative system and monitored by the Sirdars who, once satisfied that the work quota has been completed, can allow the worker to go home.

In this industry, working time is well defined and the workers are used to the operating hours. It was generally regarded by the representative managers of the industry that, as the workers start very early and because the same working routine has been in operation for centuries, the workers are used to balancing their working hours and their family commitments.

Absenteeism and Lateness

It was stated that there are relatively few cases of lateness, but if lateness is repetitive then a verbal warning is given followed by a written warning for subsequent events. It was reported by the participants that, in the sugar factories, there have been very few cases of people being sacked because of lateness.

However, the sugar factories, as with all aspects of employment on the sugar estates, are very strict regarding absenteeism. In principle, the

⁶ <http://labour.gov.mu/orders.htm>

workers are supposed to inform their superior in a case of their being absent for more than two days. If it is noted that a worker is continually absent on a particular day, such as on Mondays, then there is a verbal warning followed by a written warning. Subsequently, if the practice continues, then the person concerned has to appear before a disciplinary committee, which will adjudicate on the imposition of relevant sanctions up to, and including, dismissal.

Attitudes to flexible working time arrangements

Some aspects of flexible working patterns already exist in the sugar industry as the type of work done by field workers has, in some ways, readily lent itself to this type of practice for centuries. While some managers are of the opinion that, in the sugar industry, it would be difficult to extend or implement flexible working patterns, others believe that it could be introduced among the administrative staff as the working hours for these employees are, at present, more rigidly structured.

There was also some awareness of possible benefits that might accompany the introduction in the agricultural sector of more flexible working time arrangements. This was felt to be particularly the case if a system was implemented that maintained current production levels and working practices. It would be advantageous if it gave workers more time to be with their family and to fulfill more of their mundane domestic responsibilities such as the payment of electric, water and telephone bills or even having time to visit the doctor, without having to be absent for a full day.

The sugar industry has always relied heavily on part-time workers, particularly in the harvest and planting periods. Where flexible working time arrangements are tolerated it is often because the workers are, in many instances, both part-time and temporary in nature and, therefore, there are particularities that apply that might not be feasible for those workers contracted to work full time and permanently for a particular establishment.

Foreseen difficulties of implementing flexible working arrangements

The main obstacle, according to the employers, is the perceived increase to the cost of production that the introduction of more flexible working time patterns would create. The main reason given was that if more flexible working arrangements were implemented for the factory, garage and administrative workers, then it would be necessary to keep the factory open for longer hours with concomitant increases in such items as the cost of electricity.

The respondents representing the management of the sugar factories also felt that it was better and more efficient, in their view, for the garage workers to continue to work according to the strict roster system. Although it was agreed that there could be some implementation of flexible working time arrangements at the administration staff level, up till now, the employers have not really given any thought to the matter. However, it was made clear that the factory managers in this industry do feel that all the workers in the factory should follow the same working times in order to create a homogeneous system of work.

It was felt that working practices based on rigidity and discipline has led to creating a good working spirit and has always been central to the success of the factories.

Given the current financial uneasiness in the Sugar Sector there is a perceived necessity to reduce the cost of production and it was expressed that more flexible working arrangements could create problems for the sector as it might lead to more workers being needed and additional costs.

Another foreseen problem is the perceived disruption there would be to the transport arrangements for the workers. The transport provided leaves at specific times and, with flexible working arrangements, there would be the requirement for flexible transport arrangements. This might necessitate additional transport having to be provided over longer periods of the day, creating an inevitable increase in the costs met by the employer.

Issues

The working hours of employees working in the agricultural sector are somewhat different from other industrial sectors, particularly as their working hours often have a seasonal variation.

It was believed by the participants that workers in this industry, especially the manual labourers, such as sugarcane cutters and tea field workers, are accustomed to the existing working hours, whereby they more often than not start work in the early morning and finish around noon.

The nature of the manual labour in this sector is such that it is often preferable to perform the more arduous tasks early in the morning, when it is likely to be cooler.

Few cases of lateness were reported. The custom and practice applying to working time procedures in this sector were felt to negate the necessity to explore the possibility of introducing more flexible working hours.

It was generally agreed that with the existing operating hours the field workers have sufficient time at their disposal to balance their family and work obligations. Under the system of “task work” the sugarcane worker is paid according to the amount of work performed. It was felt by the respondents that this is an example of flexibility, although by the definitions of flexible working time practices explained at the introduction of this report it clearly is not.

However, it was stated that during the intercrop season some of the workers make a demand for overtime so that they can earn additional income. As it is only during the crop season that this particular demand can be met, it is not surprising that the requests are forthcoming at a time when wages are restricted to minima and shorn of overtime payments, but, cruelly, at a time when extra work labour is not really required. It should be made clear though that ad hoc practices regarding hiring, firing and overtime provision does not equate with flexible working time arrangements being in place.

It was again agreed that flexible working time patterns would be more likely to be introduced in the administrative departments. Nevertheless, even then it was noted that as the administration sector has to operate within a homogeneous system where all the employees have to start work at the same hour, irrespective of the sections in which they are working, the idea was dispatched almost as quickly as it appeared.

Review

- Working hours of the sugar and tea factory workers differ during the *intercrop* season and the *crop* season
- Field workers are largest element of the workforce in the agricultural sector
- Workers start work very early and can go home when they have completed their work quota, which suits this type of arduous labour
- Working time in the sector is well defined and the workers are used to the operating hours
- Because the same working routine has been in operation for centuries the workers are used to balancing their working hours and their family commitments.
- Relatively few cases of lateness
- Sugar factories and the sugar estates are very strict regarding absenteeism
- Some aspects of flexible working patterns already exist in the sugar industry as the type of work done by field workers has lent itself to this type of practice for centuries
- Would be difficult to extend or implement flexible working patterns although it could be introduced for administrative staff as their working hours are more rigidly structured
- Awareness of benefits of more flexible working time arrangements if a system was implemented that maintained production levels and working practices
- Sugar industry has always relied heavily on part-time workers, for whom more flexible working time arrangements are tolerated
- Perceived increase to the cost of production that more flexible working time patterns would create
- Would be necessary to keep the factory open for longer hours with increases in cost of electricity
- Perceived necessity to reduce the cost of production and more flexible working arrangements could create problems for the sector as it might lead to more workers being needed and additional costs
- Perceived disruption to the transport arrangements for the workers

CHAPTER 9

TRANSPORT

Overview of the sector

Since the demise of the rail transport system in the 1950s, a system that was extensively used in the transportation of sugar, the road network is the only form of land transport on the island of Mauritius. This road network is relatively extensive, albeit with various grades of road, some in a fairly parlous condition, and one primary motorway running from Grand Bay in the North to the International Airport at Plaisance in the South East of the provide the external transport links.

However, since 1995, notwithstanding road improvement works, the total length of the road network has increased very little in comparison with the increase in the number of vehicles on the road. Between 1980 and 1998 the total road length increased by just 7% from 1,775 Kilometres to 1,910 Kilometres¹ while between 1970 and 2001 the number of vehicles increased from 26, 000 to 255, 149. By June 2005 the total had risen to 297,992. However, it is noticeable that, although the total number of vehicles has risen, including the number of private cars, the number of buses on the road has increased only slightly overall and has fallen as a proportion of the total motor vehicles registered.

¹ Mauritian Social Attitudes Survey 2002, CASR, UOM, Mauritius 2002

Table Transport 1 Vehicles Registered by Type December 1995 – June 2005											
Type	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Car (of which Taxis)	43288 (4439)	45563 (4673)	48390 (4721)	51051 (4761)	52892 (4905)	54911 (5039)	58082 (5318)	63307 (5801)	68524 (5801)	77342 (6482)	80803 (6615)
Dual purpose vehicle	22086	24382	27050	29527	32262	34912	36984	38129	39383	40667	41260
Heavy Motor Car	898	922	934	945	934	916	923	944	958	1020	1027
Motor Cycle	21492	22230	22839	23577	24125	24523	25104	25723	36744	28646	29620
Auto Cycle	76317	79524	82567	85566	88821	91955	94849	97078	98858	100854	101736
Lorry & Truck	8815	9058	9356	9750	10138	10485	10888	11236	11501	11774	11898
Van	10851	11434	12469	14508	16814	18807	20694	21750	22496	23326	23611
Bus	2362	2348	2359	2367	2344	2394	2408	2450	2460	2457	2493
Tractor & Dumper	2546	2580	2615	2627	2630	2645	2683	2683	2877	2935	2953
Prime Mover	256	262	278	297	315	322	335	349	369	388	393
Trailer	1534	1597	1640	1703	1719	1726	1776	1770	1772	1771	1773
Road Roller	107	106	108	105	102	100	100	101	100	99	97
Other	315	314	317	321	319	322	323	321	329	326	328
Total	190867	200320	210922	222344	244018	244018	255149	265841	276371	291605	297992
Source CSO Social & Economic Indicators Road Transport & road Traffic Accident Statistics – September 2005											

The passenger bus network is extensive, covering the whole island, with buses operating on all grades of roads. Road freight traffic is also concentrated on Port Louis and its environs from where freight is distributed nationwide. (Menon, G; 2004)

The National Transport Authority, (NTA), operates under the aegis of the Ministry of Public Infrastructure and Land Transport and is the regulatory body for all issues relating to road transport. The main role of the NTA is to ensure that a satisfactory level of transport infrastructure is provided for the transportation of both passengers and goods in order to sustain the social and economic activities of the country.²

² <http://www.gov.mu/portal/site/mpisite/menuitem>

The public transport system is made up of large, small and individual operators of buses and taxis, with buses being the main form of public transport for the majority of the population.³ As of December 2004 there were 2,457 registered buses operating, of which 76.1% (1,869) were 'public' buses operating with a Road Service License.⁴ There are three categories of public bus operators:

1. The National Transport Corporation, which is a parastatal body.
2. The large private companies of Rose-Hill Transport Co. Ltd, Mauritian Bus Transport, Triolet Bus Service and the United Bus Service.
3. Around 560 individual operators some of whom are members of co-operative societies situated in the Northern, Southern and Eastern regions of the island.

Several studies have been conducted on the transport sector including the 2003 Report of the Committee on Transport Problems Encountered by the Public in Certain Parts of The Island implemented by the Ministry of Public Infrastructure, Land Transport and Shipping, and the 2004 Report on Congestion Pricing in Port-Louis. However, working time practices in the transport sector in Mauritius is a topic that has not, up till now, been the subject of scientifically based research.

Conditions of employment in the sector

The Public Transport (Buses) Workers (Remuneration Order) Regulations 1988 stipulates that the normal working week in the Traffic Section shall be 40 hours to be completed in 5 days, whether consecutive or not. A normal day's work should be *of* 8 hours actual work performed between 05 00 hrs and 21 00 hrs exclusive of breaks. Every employee is entitled to a meal break of one hour on each day *he* attends work.

Public Holidays and Overtime

An employee, who works on a public holiday, is remunerated at not less than twice the daily basic rate. If a worker does not want to work on a public holiday, he has to inform the employer in writing, at least one week in advance, of his intention not to work on that day.

Work performed in excess of a normal day's work, exclusive of spreadover and meal time, shall be paid for: -

³ http://www.intnet.mu/iels/road_mau.htm

⁴ <http://statsmauritius.gov.mu>

- (a) where the worker has been in attendance at work, exclusive of spreadover, for more than 40 hours in the week: -
 - (i) on a public holiday at not less than three times the basic rate per hour;
 - (ii) on any other day at not less than one and a half times the basic rate per hour;
- (b) where the worker has been in attendance at work, exclusive of spreadover, for less than 40 hours in the week;
 - (i) on a public holiday at not less than twice the basic rate per hour;
 - (ii) on any other day at not less than normal rate per hour.

Bus Service Information

The morning peak operating hours are from 06.30 to 09.00 and the evening peak operating hours are between 16.30 and 19.00. Accordingly, off peak operating times are any time outside of peak operating hours.⁵

Table Transport 2 Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Bus Transport	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
	Bus driver	35.3	41.57	42.6	44.56
	Bus conductor	35.0	36.84	40.9	39.15
Wages include remuneration for normal time work inclusive of cost of living allowances and other guaranteed and regularly paid allowances. Earnings comprise all wages as well as overtime payments Source – Digest of Labour Statistics 2003 – CSO – Port Louis					

⁵ <http://www.gov.mu/portal/site/mpisite>

Main Findings From Case Studies

Profile of cases studied

Two public transport companies were selected in the sampling procedure to form the base of the case study. One was a large transport company and one an individual bus owner - operator.

Key Characteristics Of The Firms Studied

Length of time in operation

The two companies have been in operation for an average of 25 years.

Financial turnover

The turnover of the two companies ranged from Rs24 million to Rs800 million.

Size of labour force

The number of employees in the smaller company was 25 while the larger company employed more than 3,000 workers. Of the 3,000+ employees in the larger company, about 20 women were employed as Bus Conductors, meaning that less than one per cent of the operational workforce in this large bus company was Female.

Average Operating Hours

The smaller of the companies studied falls into the category of an individual bus operator employing drivers and conductors and mechanics. In addition to operating on the ordinary public bus routes it provides a transport service to hotels.

Table Transport 3		
Working Hours of the Smaller Company		
Schedule of drivers and conductors		Meal break
05.00	18.00	1 hour 11.00 - Noon or Noon to 13.00
Schedule of drivers working in coach buses for hotels		
05.00	18.00	1 hour
23.00	02.00	

However, the drivers and conductors employed by the larger bus company work to a shift system, illustrated in Table 2, while those in the administration department having working hours from 08.45 to 16.00.

Table Transport 4 Working Hours of the Larger Company		
Shift	Schedule of drivers and conductors	
First	03.00	10.00
Second	05.00	14.00
Third	06.00 – 18.00 / 18.30 Spread over duties with 1½ hr overtime inclusive	
Afternoon shift	12.30	20.30 / 20.45
Night shift	17.00	00.30

For the workers in the larger company there are five shifts starting with the morning shift at 03.00 to the night shift beginning at 17.00. Employees working on the first shift have just 20 minutes break, regarded by the management of the company as adequate, as the working hours of this particular shift total less than 8 hours. Those working the second shift have 1 hour for a meal break. Those working the third shift, who normally finish by 15.00 but remain on “stand-by” until 18.00, are paid overtime for performing the extra duties. When working this particular shift the employees can take an hour for lunch at some time between 12.00 and 14.00. The afternoon shift usually ends at 20.30 but can fluctuate depending on circumstances and may sometimes finish as late as 21.00. The night shift operates from 17.00 until 00.30.

The shift work is allocated according to a shift roster, usually spread over 7 weeks with the employer ensuring that the employee have 5 Sundays off out of the 7.

Problems with existing hours

The larger bus operator experiences a high rate of absenteeism on Saturdays and Mondays with a marked tendency for this to be greater with those employees living in the rural than the urban regions. The absenteeism rate also increases on days following the late night live broadcast on television of football matches.⁶ With the smaller bus operator, absenteeism tends to be more of a problem on Sundays, however, for this operator, lateness is very rare among the employees.

Employee-friendly arrangements

At the end of each month, the larger bus operator awards the best employee with a certificate and a sum of money as a gift, with there also being an award made to the “employee of the year”. To qualify, the employee has to have been regular at work, shown good conduct and

⁶ Because of the time difference mid-week football matches televised live from Europe may not finish until 02.00 or later.

performed well to the satisfaction of the company management. In addition, a conduct allowance and an attendance bonus are offered as incentives to employees. Employees who complete 25 years of service are awarded a certificate and are given a gift of a shield and a watch. Drivers and conductors aged 50 years old and above are allocated duty on the early shift. Those who are ill are given the shortest distance to travel. If there is a request backed up by a Doctor's certificate then employees may be allocated lighter duties to perform.

Women employed as bus conductors do not work on the night shift and those who are pregnant are given the facility to sit in a cabin while issuing tickets. Annual staff activities and social events are organized with gifts made to employees' children aged less than 12 years old.

Employees of the smaller company are also issued free a mobile telephone pre-paid card each month, although as this is to be used in order that the company can maintain contact with the employee, it does not really qualify as an incentive or reward. Although, the proprietor also stated that he is flexible in terms of giving permission to his employees when they have to attend a funeral, again this can hardly be seen as an incentive but more of an obligation on the part of the employer.

Views of working hours in the transport sector

Those representing the smaller bus operator felt that it was difficult for many employees to resume duty early in the morning, while the representative of the larger operator felt that as the work is scheduled on a roster basis employees do not have complaints concerning their working hours. This type of working pattern was regarded as giving the employees ample time at their disposal to fulfill their family and social responsibilities.

Attitudes towards introducing flexible working-time arrangements.

The representative of the smaller bus operator was of the opinion that the introduction of flexi-time system would benefit the employees to a large extent. He believed that this type of system, together with the shift system operated, would enhance the ability of the employees to perform their social responsibilities before reporting for work. It was also strongly agreed that the introduction of flexible hours would decrease the rate of absenteeism.

The employees of the larger bus operator already work to a comprehensive shift system. This may also be enhanced in favour of suiting employees who may request to be favourably considered for particular shift patterns because they are not able to perform certain duties, such as the night shift or because on the advice of doctors they can only perform light duties. However, there is a difference between

having the ability to request certain shift patterns and working to a flexible working time system.

The representative of the larger operator did agree that having a more flexible working time pattern in operation would, in their opinion, contribute to a decrease in the level of absenteeism.

One method suggested by this operator was that employees could be given the option of choosing certain shift patterns that may be more suited to their needs such as working only night shifts or working only early shifts, although there would have to be a system of mutual reciprocation between workers choosing particular shift patterns.

However, such working patterns, although by choice, could have an effect on health and safety issues and would be limiting, as the choices would not suit all employees. Difficulties associated with the distribution of premium shifts were also identified, with some staff perhaps being regarded as getting a bigger share if their choice of working pattern included more of the periods where overtime or other premium payments were eligible.

Opinions on the success of the company

The representative of the larger operator regarded hard work, a good employer-employee relations and regular training as the main factors leading to the success of a company. It was believed that a humanistic approach is essential so that the employees feel that they are part of the company. It was stated that this company operated an open door management policy so that employees can meet managers whenever they want to discuss an important matter. It was felt that inviting the employee to join the manager for a cup of tea in his office forms part of the recognition aspect of management whereby the manager rewards the employees in a very humane manner. In this way, it was believed, the employees become their own marketing manager and that this enhances the company image, as employees are encouraged to a higher level of performance.

In this company, employees are elected to be members of the council of the company and have the opportunity to voice their problems in meetings.

For the smaller operator the main aspect of success was felt to be the fleet replacement as by giving employees newer and better vehicles it indicates that the employer cares for their security.

Issues

In the FGDs, there was some discussion on how the individual bus drivers do not have fixed working hours and are sometimes open to exploitation by their employers. This can have the effect of adding to the usual problems that other workers experience with their attempts to balance social responsibilities and work duties. A study by Duffy and McGoldrick (1990)⁷ on bus drivers arrived at somewhat similar conclusions in that they found that bus drivers identified family problems associated with long working hours as a major source of stress.

While in the case studies for this work absenteeism was regarded as a problem while lateness was not some of the transport companies have addressed the issue by offering what they consider to be incentives. These incentives take the form of schemes such as the best employee of the year and it is felt that the award of a certificate can act as a motivating factor that contributes to improving the performance of employees.

Women working as bus conductors are given certain additional working time privileges such as not having to work on night shift.

Regarding the implementation of more flexible working time patterns in this particular industrial sector it was suggested by the respondents that the existing shift systems of the larger companies can often allow employees to choose working hours that are more suited to their needs, although there was perhaps the inability to see that this type of procedure is unofficial and discretionary rather than an officially instituted policy of flexible working time patterns.

One senior official did state that it would be ideal for some employees if, for example, they worked only day shifts while others worked only night shifts as this might better suit their individual needs. This, in some ways, matches what Messenger (2004) stated:

“By adopting enterprise policies that offer workers a range of working time options and allow them the opportunity to choose the arrangement that best meets their individual needs, firms can also reap important business benefits ”

However, it was recognized by the participants that the right to choose one's hours of work can create what other workers might regard as an injustice in that some workers might earn additional income by having more opportunity to earn premium payments for anti social working hours.

⁷ Duffy and McGoldrick, 1990 quoted by Spurgeon, A, 2003

Review

- Between 1980 and 1998 the total road length increased by just 7% from 1,775 Kilometres to 1,910 Kilometres
- Between 1970 and 2005 the number of vehicles increased from 26,000 to 297,992
- As of December 2004 there were 2,457 registered buses operating, 1,869 were 'public' buses operating with a Road Service License
- The larger bus operator experiences a high rate of absenteeism on Saturdays and Mondays
- Tendency for absenteeism to be greater for those employees living in the rural regions
- Absenteeism increases on days following the late night live broadcast of football matches
- The smaller felt that the introduction of flexi-time system would benefit the employees to a large extent
- The larger operator agreed that having a more flexible working time pattern in operation would contribute to a decrease in the level of absenteeism
- There is a difference between the ability to request certain shift patterns and working to a flexible working time system
- Difficulties associated with the distribution of premium shifts with some staff perhaps getting a bigger share if their choice of working pattern included more of the periods where premium payments were eligible
- A study found that bus drivers identified family problems associated with long working hours as a major source of stress
- Women working as bus conductors are given additional working time privileges such as not having to work on night shift
- The existing shift systems of the larger companies can often allow employees to choose working hours that are more suited to their needs
- This type of procedure is unofficial and discretionary and not an officially instituted policy of flexible working time patterns

CHAPTER 10

DISTRIBUTIVE TRADE

Overview of the sector

Writers such as Hirst and Thompson (1999:1) indicate that we live in an era in which to a large extent social life is determined by global processes and that national culture, national economies and national borders are dissolving.

They also claim that the world economy has internationalized its basic dynamics as it has become dominated by uncontrollable market forces with as its principal economic actors, acting as major agents of change, the truly transnational corporations. These transnationals owe allegiance to no State and can, and do, locate wherever advantages dictate.

In Mauritius, one highly visible impact of globalisation has been in the distributive trades sector with the rapid appearance of hypermarkets, supermarkets and shopping parks often owned or controlled to some degree by multinational corporations.

The wholesale and retail trade in Mauritius has witnessed an upward trend.

It was also forecast in the National Accounts Estimates 2002 - 2005¹ that wholesale and retail trade was expected to grow by 4.5% as a result of an expected increase in consumption following the reduction of customs duties in April 2005. Growth in the wholesale and retail trade is also illustrated by the net increases in employment that have occurred in that particular sector. In 2003, the increase in the number of workers employed in the distributive trades sector was the highest of any of the industrial sectors.²

Table Distributive 1					
Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Industrial Group	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
Wholesale trade	Salesperson/sales representative	41.6	99.66	45.0	99.83
Retail trade	Salesperson	41.7	45.50	46.0	46.25

Source – Digest of Labour Statistics 2003 – CSO – Port Louis

¹ National Accounts Estimates (2002- 2005), Issue No 514 Economic and Social Indicators, Central Statistics Office, Republic of Mauritius.

² Digest of Labour Statistics, 2003, CSO, Mauritius

Table Distributive 2	
Net Employment Increases In Some Industry Groups	
Industrial Group	Net Increases
Wholesale and retail trade	3,400
Construction	1,700
Education	1,500
Non-sugar, non-EPZ manufacturing	1,500
Non-sugar cane agriculture	1,200
Hotels and restaurants	1,100
Public Administration and Defence	1,000
Transport, Storage and Communication	900
Health and Social Work	700
Other Services	700
Financial Intermediation	400
Real estate, renting and business activities	300
Total	14,400
Source: Digest of Labour Statistics 2003, CSO, Mauritius	

The ideas of Sklair (1991) that this growth can be explained by the ideology of consumerism appears to fit the patterns experienced in Mauritius where, due to the availability of credit, many people are purchasing items that are beyond real necessity. For Sklair the cultural ideological project of global capitalism is to persuade people to consume above their own perceived needs in order to perpetuate the accumulation of capital for private profit thereby perpetuating the global capitalist system.

In Mauritius, the Mauritius Chamber of Commerce and Industry (MCCI) is responsible for the distributive trades. The MCCI dates back to the 1850`s, when it was established in order to serve as an institution to represent the private sector in Mauritius. Among its activities, MCCI fosters the interests of the trading community and settles disputes and conflicts arising in trade-related activities.³ In Mauritius the distributive trade consists of retail and wholesale shops, supermarkets, hypermarkets and shopping emporia, which, given the local climate, tend to be shopping parks built around a central car park rather than indoor shopping malls.

The Ministry of Industry, Small and Medium Enterprises, Commerce and Cooperatives is charged with the task of ensuring that there is smooth exchange of goods and services at national and international levels, the

³ http://www.mcci.org/MM_history.htm

regular supply of essential commodities, fair trading, competition and the protection of consumers on the local market.

The Ministry has several departments including the Foreign Trade Division, the Import Division, the Consumer Protection Unit, the Price Control Unit and the State Trading Corporation. ⁴

Conditions Of Employment In The Sector

According to the Distributive Trades (Remuneration Order) Regulations 1983 the normal working week for every worker other than a watchman consists of 45 hours. The normal day's work excluding time allowed for lunch and tea breaks, consists of 8 hours on any five days of the week and 5 hours on one other day of the week. The remuneration order also makes provision for breaks.

1. A meal break of one hour to be taken not earlier than 3 hours and not later than 5 hours after the starting time
2. Two tea breaks of 15 minutes each, the first to be taken not earlier than 2 hours before the meal break and the second not later than 2 hours after the meal break.

As regards extra work, a worker other than a watchman who works on a public holiday, shall be remunerated

- (1) for the first 8 hours, at twice the basic rate;
- (2) thereafter at 3 times the basic rate. ⁵

⁴ <http://www.gov.mu/portal/site/commercesite>

⁵ <http://labour.gov.mu/orders.htm>

MAIN FINDINGS FROM CASE STUDIES

Profile of Cases Studied

Two large companies were sampled to represent the distributive trade. One company is involved in the manufacturing and distribution of furniture and household items, with an ever-increasing range of products in its stores. In many ways, the activities of this particular company can be used as a barometer of the trends and patterns of consumerism in Mauritius. It is part of an international chain of stores with its headquarters in the United Kingdom. This company has outlets in all of the urban areas of Mauritius as well as in some of the out of town shopping parks. (Company A)

The second company is predominantly what can be referred to as a Hyper-Market; its core business is in the retail of foodstuffs and household products but it also sells electrical goods and other household appliances, gardening materials and products for the care of motor vehicles. Its stores are situated at the centre of large shopping parks, which also include satellite shops and services, including many major stores, smaller retail units and fast food outlets. (Company B)

Key Characteristics Of The Firms Studied

Length of time in operation

Company A has been in operation in Mauritius for more than 20 years while Company B has been established for 11 years.

Financial turnover

One company had a financial turnover of Rs 1,324 Million and the other was Rs 1,896 Million.

Size of labour force

Both companies employed around 650 workers in various capacities.

Average operating hours

It is usual for the working hours of employees in the distributive trade to be geared towards a shift system. The representative of the management of one of the companies studied pointed out that the company has several branches and that each of them has its own operating hours, suited to local needs and shopping habits. However, the main branch does operate an additional shift system during the festive month of December, when there is normally a significant increase in the sale of furniture and other household items, with a resultant increase in workload.

Table Distributive 3			
Working hours of the main branch of Company A			
Days of the week	Hours of work		Refreshment
Monday to Friday	9.00	17.00	1 hour lunch + 2 tea breaks of 10 minutes.
Saturday	9.00	16.00	

For the staff of Company A it is compulsory for an employee to work on two Sundays during each month, but these shifts are usually allocated on a roster basis. If an employee works overtime on a Sunday, he/she is granted a half-day off during the week. Exceptionally, during the month of December, the main branch operates from 09.00 to 19.00 based on a shift system. During this time an employee may choose to work from 09.00 to 16.00 or from 12.00 to 19.00. On this shift system there is a certain degree of flexibility that enables the employees to choose their preferred hours of work. However, again, this flexibility is possible only during the month of December.

Other branches of Company A are situated in commercial centres around the island of Mauritius. In these outlets the operating hours are from 09.00 to 20.00 based on a shift system. The hours of work for the staff in these outlets are tied in with the operating hours of the commercial centres in which the stores are sited.

Company B has several sections in its large retail spaces with each section having its own working hours. To give an example, the working hours of a cashier are illustrated in the table below.

Table Distributive 4		
Working Hours of a Full-Time Cashier in Company B		
Shift	Working Hours	
	Start	Finish
Week 1	8.30	16.00
Week 2	12.30/13.30	20.30
Week 3	8.30	16.00
Week 4	12.30/13.30	20.30

A full-time cashier works one of two shifts, a morning shift or a night shift. The shift pattern alternates on a weekly basis. This was believed by the management of the company to give the staff who have worked on this working time pattern the required flexibility needed to fulfill their social obligations and to better balance their work and family life.

Table Distributive 5		
Working Hours of a Part-time Cashier in Company B		
Shift	Working Hours	
	Start	Finish
1st	8.30	15.00
2nd	10.00	16.00
3rd	16.00	20.30

Those employed on a part-time basis have a different kind of shift pattern and are contracted to work not less than 1 hour and not more than 5 hours per working day or not less than 6 hours or more than 24 hours per week, in line with the applicable labour laws.⁶

Certain in-store sections, such as the Bakery department, start operations as early as 05.30. Therefore, employees of that particular section work from 05.30 to 12.00/12.30. They are granted 30 minutes for lunch and 2 tea breaks of 15 minutes each. The later shift runs from 12.30 - 20.30.

Problems with existing hours (Absenteeism and Lateness)

Overall, the management representatives of the distributive trade companies offered no serious complaints about absenteeism or lateness, although it was agreed that there are some rare cases of lateness. Action is taken for those who repeatedly come to work late and the sanctions taken fit with what may be regarded as a standard pattern for employees in various sectors. The procedure is normally to issue a verbal warning, this is followed by a written warning for further occurrences with final recourse to asking the employee to attend a disciplinary committee, should the written and verbal warning have proved ineffective in discouraging continued lateness.

The management representative of Company B stated that when employees are absent it does tend to be on Fridays, Saturdays or Mondays, in order that they can have a long weekend.

The opinion was expressed that this was indicative of a prevalent attitude that reflects local cultural traits regarding absenteeism from work. This was felt to have a particularly negative impact on the ability of a retail company to function correctly as it is during the week-end that there are usually more customers and, subsequently, more work, and a greater need for a full staff complement.

⁶ See section 43-47A, Revised Laws of Mauritius 2000, Vol 5

Employee-friendly arrangements

Employees in the distributive trades have a variety of leave entitlements, including *annual* leave and sick leave.

Additional schemes have been developed by one of the companies represented with the aim of decreasing the rate of absenteeism. For instance, employees who have been in what is regarded as “long service”, and who do not take sick leave, are reimbursed financially. Each month the “best employee” from each department is rewarded a cash sum ranging from Rs 500 to Rs 1,500.

Training is also offered to the staff of certain sections that can eventually lead to the issuing of a certificate.

Female staff members who become pregnant are given lighter responsibilities, but, it was pointed out, it is not usual in any case for the female staff to have to perform arduous physical duties. It is generally the responsibility of the male staff to stock the shelves because it can involve heavy lifting. As far as the representative of one company was aware, just three women were employed in that section and, up till now, there have not been any requests from them to change the system.

One company does offer certain additional facilities to pregnant women, such as not having to work on the evening shift. The management representative indicated that, for them, it was a priority to satisfy the needs of the employees and, in cases of pregnancy, it was stated that additional special arrangements could be made.

The employees of this particular company enjoy the granting of a “three-hour permission”, twice per month, to fulfill social responsibilities. The company feels that it has also made attempts to generate a positive and friendly working atmosphere through the organization of social activities for the staff. On the 1st of May (Labour Day) an outing is organized for all employees and their families.

The end of the year party is celebrated in September and the company takes charge of organizing parties for employees. September is chosen as the “end of the year” as during the months of November and December the workload is greater.

Attitudes towards introducing flexible working-time arrangements

According to the representatives of companies representing the distributive trades, it was felt that for small companies with, say, 10 or so employees, it is easier to introduce, and to manage, more flexible working time arrangements, but when you have to deal with 600 or more workers it is more difficult to manage.

It was felt that it would be difficult to arrange shifts based on the individual choices and preferences of each employee. It was felt that this particular aspect alone would act as a potential obstacle to the implementation of flexitime practices.

It was also stated that the introduction of more flexible working time practices was not currently a priority of the management of companies in this sector. As there have not been complaints about working time practices from the employees then it was felt that this was not an issue that needed addressing.

The main priorities of the companies were stated as giving the employees a decent salary and providing transport facilities.

It is worth noting that even the trade union leaders who participated in the FGDs were of the opinion that collective bargaining has always focused on efforts to improve financial terms and conditions of employment while the issue of working time has more often than not been considered as being insignificant in comparison.

It was also stated by the management representatives that there is no need as such to introduce flexible working time, as some of the branches are already operating on a flexible system, given the existence of the shift systems that are in place. It was also felt that the companies display a high degree of flexibility by the granting of permission to staff to fulfill personal responsibilities and by offering preferential treatment to pregnant women.

Views on the success of the company

It was believed that the success of the respective companies was due to factors such as providing a good service to the client and emphasizing the welfare of the employees by offering them training. Each company stated that there are prospects for promotion within the company for all members of staff. The particular attention paid to the quality of the products and the emphasis placed on the marketing of the products was also seen as factors in promoting the success of the companies.

Despite being somewhat pessimistic about the introduction of flexible working hours in the distributive trade the representatives of the companies did suggest that it is advisable to reduce the working hours of people in this sector from 45 hours to 40 hours per week. It was pointed out that there is a need to revise the applicable legislation to reduce the workload of the workers. It was believed that a 45-hour week is too long and too demanding.

Review

- Wholesale and retail trade was expected to grow by 4.5% following the reduction of customs duties in April 2005
- In 2003 the increase in the numbers of workers employed in the distributive trades sector was the highest of any of the industrial sectors
- Employees in the distributive trade usually work to a shift system
- In Company A it is compulsory for an employee to work on two Sundays during each month
- The hours of work are tied in with the operating hours of the commercial centres in which the stores are sited
- Company B has several sections in its large retail spaces with each section having its own working hours
- The shift pattern alternates on a weekly basis which is believed to give the staff the required flexibility to balance their work and family life
- No serious complaints about absenteeism or lateness
- When employees are absent it does tend to be on Fridays, Saturdays or Mondays
- Indicative of a prevalent attitude that reflects local cultural traits regarding absenteeism from work
- Training is offered to staff of certain sections that can lead to the issuing of a certificate
- For small companies it is easier to manage more flexible working time arrangements but with 600 or more workers it is more difficult to manage
- The introduction of more flexible working time practices not currently a priority of the management of companies in this sector
- Have not been complaints about working time practices from the employees therefore was not an issue that needed addressing
- The main priorities of the companies were giving the employees a decent salary and providing transport facilities
- No need to introduce flexible working time as some of the branches are already operating on a flexible shift system
- Need to revise the applicable legislation to reduce the workload of the workers

CHAPTER 11

SERVICE SECTOR

Overview of the sector

The Service Sector is quite a hazy area of study in that, as many of the operations that fall within its remit are new, it is difficult to solidly classify. Many of the elements comprising this sector would also fit neatly into the definition of the Emerging Sectors. A good example is that of Cleaning Services, which, as Mauritius has developed economically and industrially have emerged as a growing and increasingly important industry.

For this study one major company involved in major cleaning operations was studied.

Table Service 1					
Average Hours of Work per Week and Earnings per Hour by Occupation – 2003					
Industrial Group	Occupation	Hours per Week Excluding Overtime	Average Wages per Hour (Rs)	Hours per Week Including Overtime	Average Earnings per Hour (Rs)
Cleaning Services	Office/Building cleaner	45.0	18.81	45.0	18.81
	Scavenger/Garbage collector	44.8	21.17	50.9	22.07
Source – Digest of Labour Statistics 2003 – CSO – Port -Louis					

Conditions of employment in the sector

Under the terms of the Remuneration Order Regulations 1995¹ applying to cleaning enterprises, normal working hours shall be 45 hours and should be completed in any period of 6 consecutive days. A normal day's work shall consist of such number of hours as agreed upon between the employer and the worker, but shall not exceed 8 hours` actual work, excluding time allowed for meal and tea breaks.

The remuneration order stipulates that a worker may be required to work on a public holiday. Every worker shall be entitled on every working day to (i) a lunch break of one hour (ii) 2 tea breaks of 10 minutes each and at least one rest day on a Sunday in a month.

MAIN FINDINGS FROM CASE STUDIES

Key characteristics of the firm studied

Length of time in operation

The company studied has been established for 16 years having been set up in 1989.

Financial turnover

The financial turnover of the company was Rs 32 million.

Size of labour force

The company employed 160 workers as cleaners and a further 30 employees who work as team leaders. The cleaning teams operate at various locations across the island.

Average operating hours

The operating hours of the company are from 08.30 to 17.00 on weekdays and from 08.30 to 14.30 on Saturdays.

Absenteeism and Lateness

According to the senior official interviewed, the level of absenteeism and lateness is usually around 10%. In such instances where the repetitive nature warrants it a verbal warning is given to latecomers. In case of persistence, a written warning follows, with the last resort being the presentation of the employee before a disciplinary committee where various sanctions, up to and including dismissal, can be applied.

It was stated that lateness was found to be more common among new recruits. One reason offered for this was that they could take time to adapt to the working hours of the company. It was reported that, usually, the new recruits take about three months to stabilize themselves and to become used to the operating hours of the company.

¹ <http://labour.gov.mu/orders.htm>

Flexibility

As regards the notion of flexibility, respondent noted that sometimes discretionary permission is given to employees in certain circumstances such as the need to attend a funeral.

Attitudes towards introducing flexible working-time arrangements.

The response was optimistic as regards a possibility of introducing more flexible working time patterns to this particular industry. It was believed that, before any implementation attempts, there would be the need to clearly inform the workers about different systems of flexible working time patterns that could be implemented and how these various schemes operate. The workers would have to be educated well enough to understand and appreciate how they would benefit from any introduction of any type of flexible working time pattern. It was also reported that it would be essential to have a global vision so as to better organize flexible working time.

It was understood by the respondent representing this particular industry, that the introduction of flexible working hours demands a lot of preparation and that it is vital to anticipate the needs of workers so as to cultivate a culture of personal responsibility towards work and duty.

It was mentioned that, in the opinion of this particular respondent, the traditional hierarchy of the pyramid where the manager is presented at the apex of the company has to be reduced so that the pyramid is more horizontal. However, it was clearly stated that a professional attitude would need to prevail if ever more flexible working time patterns were introduced. It was felt that there was need for workers to develop a self-monitoring approach to work so that they employees can work in a friendlier atmosphere that would result from the lessening of the need for constant monitoring by senior operatives in the company.

Foreseen difficulties of implementing flexible working time arrangements

The non-availability of transport, particularly public transport that would be ill matched to changes in working hours, was seen as a potential obstacle to the implementation of more flexible working time patterns in the cleaning services industry. It was added that *it would be* essential to improve public transport all over the island, particularly in remote villages, to enable workers to come to work at staggered hours. The point was made that transport availability currently determines many aspects of working time patterns.

Issues

The opinions expressed regarding this particular sector were very optimistic as to the possibilities of introducing more flexible working time patterns for the employees. Accordingly, it was felt that any possible success of the introduction of such working hours would depend to a great extent on the organizational skills of the managers of any particular company and on how well the workers were informed of, and accepted, their responsibilities in ensuring the smooth operation of such a system in so that everyone can benefit from it.

Review

- The level of absenteeism and lateness is usually around 10%
- Lateness more common among new recruits
- Discretionary permission is given to employees in certain circumstances
- Would be the need to clearly inform the workers about different systems of flexible working time patterns that could be implemented and how these various schemes operate
- Essential to have a global vision to better organize flexible working time
- Traditional hierarchy of the pyramid has to be reduced so that the pyramid is more horizontal
- The non-availability of transport, particularly public transport, seen as a potential obstacle to the implementation of more flexible working time patterns
- Transport availability currently determines many aspects of working time patterns
- Success of the introduction of such working hours would depend to a great extent on the organizational skills of the managers of any particular company and on how well the workers were informed of and accepted their responsibilities.

CHAPTER 12

CONCLUSION

In Mauritius, most working time practices are governed by relevant remuneration orders that are the reference for the implementation of current working time procedures in most of the enterprises studied.

Where legislation ensures working hours, pay and conditions what was central to the study was the attitude of managers in industry towards alterations to current working time practices, particularly their opinions of the feasibility of introducing more flexible working time practices.

Many of the managers of companies that represented the main industrial sectors of Mauritius for this study did, in many respects, display the attitudes and practices towards the implementation of more flexible working time procedures that had been predicted by participants in the Focus Group Discussions held prior to the case study interviews.

The interviews carried out gave evidence that there appears to certain misunderstandings of the concept of flexible working patterns and their implementation and that this gives rise to some degree of distrust of the concept.

Many respondents interviewed as part of the case studies did not demonstrate a detailed knowledge of the various methods of flexible working time that could possibly be adapted for local application. In addition, a major concern expressed was that, were more flexible working arrangements to be in place, many employees would seek to exploit the increased flexibility to their own advantage.

Current working time practices were seen by company management representatives as being both efficient and sufficient to the needs of the workers, given that these working time patterns had been historically operated and were consequently accepted by many as the only method available given local custom and practice. Some managers further stated that, in general, employees were happy with the way things were, and that there was little desire for change.

The current established practice of the dispensing of what some managers of industry regarded as “favours”, such as the granting of permission to an employee to attend a funeral, were seen by them as being evidence of an humane and flexible approach to staff working time issues.

There is no doubt that many of those employed in Mauritius work long hours at arduous tasks in difficult working environments. The long working day is often compounded by the time spent in the increasingly congested traffic on the island's roads, but there seemed little ambition by many of the managers interviewed to recognise that more flexible working time patterns might alleviate some of the difficulties faced by employees and could contribute to a better life experience.

Many managers were of the opinion that any flexibility in working time patterns would automatically lead to increased costs for the company and consequently could not be considered, given that their primary objectives were to maintain productivity and competitiveness. This was supported by the expressed opinions of many representatives of employers that any introduction of alternative and more flexible working time patterns would automatically impact negatively on productivity.

This primary consideration for employers presumed automatic negative effects on production that would be attached to the introduction of flexible working patterns and, subsequently, deterred many employers from investigating the possible introduction of such working time patterns.

However, although some employers did recognize that alternative working time patterns will not necessarily impact negatively on productivity and, given the right situation, may actually improve it, for others it was perhaps a lack of comprehension of how the various alternative working time arrangements operate which led them to this conclusion.

This is perhaps an illustration of the need for what the FGD participants identified as positive and effective information and education exercises to inform those responsible of the possible benefits of implementing more flexible working time practices; practices that might benefit employers, employees and the nation at large.

During the course of the case study interviews, examples of more enlightened ideas on flexible working patterns were displayed, albeit in a relatively small number of enterprises. Nevertheless, the existence of such practices in even a small number of enterprises did indicate that some progress is already being made on these issues and that there does exist some degree of willingness to do so.

The companies that were making efforts to introduce more flexible working time patterns and more humane approaches to the working experience of employees were no less desirous of commercial and financial success than the other companies but displayed a more

complete understanding of the implementation methodology of alternative working time patterns and, accordingly, approached the matter from a different, more positive, standpoint.

Productivity is crucial to all enterprises but some companies do adhere to the philosophy that a more relaxed and fulfilled employee is, in fact, more productive and that this is more conducive to the employee developing a personal interest in the success of the enterprise in which they are employed.

Having said this, the negative side of the findings is that for the management representatives of the majority of the companies that took part in the study there appears to be a general agreement that, for Mauritius, the widespread implementation of flexible working time practices is, at best, remote.

However, the introduction of flexible working time patterns is not the only method of addressing time stress on workers. A reduction in working hours by cutting shift length, without a reduction in earning capacity, would, for many workers, alleviate many of the problems they face in balancing work and family commitments.

This is perhaps particularly the case for female workers in the industries of the EPZ who have to combine long working hours with the additional responsibilities of looking after the household and childcare.

Following the completion of the draft report, a technical workshop was held on 24-25 November 2005. Representatives of workers' and employers' organizations, civil society and the government were invited to put forward their views, based on the research findings, with the aim of providing policy recommendations. These recommendations and the identified constraints form the next and final chapter of this report.

REPORT OF THE TECHNICAL WORKSHOP ON WORKING TIME IN MAURITIUS

24-25 NOVEMBER 2005

LE MERIDIEN HOTEL

Introduction

As a follow up to the Report on “Work and Family” conducted in 2002 at the request of the Government, a study was carried out by the Centre for Applied Social Research (CASR) on Working Time in the Private Sector in Mauritius.

Following the completion of the draft study, a Technical Workshop was held on 24-25 November 2005 at Le Meridien Hotel, Pointe aux Piments.

Representatives of workers’ and employers’ organizations, civil society and the government were invited to put forward their views based on the research findings, with the aim of providing policy recommendations.

Constraints

While flexible working time arrangements have been introduced in many other countries, as far as we are aware there has been little or no practical implementation in the private sector in Mauritius.

The following major constraints have been identified that could prevent the introduction of flexible working time:

- Lack of understanding of flexibility and different forms of flexible working time;
- Lack of local examples of introduction of flexible working time as a reference model;
- Labour Legislation does not provide for flexible working time;
- Mindset and culture of employers and employees with respect to vacation/sick leaves;
- Uncertainty in the financial viability of flexible working time;
- Perceived as additional costs by employers;
- Perceived as a reduction in overtime thereby aggravating the existing low salaries in some sectors of employment;
- Lack of trust between partners;

- Lack of implementation of gain-sharing system in enterprise;
- Lack of standardization of competencies.

Recommendations

With the view of addressing these constraints, it is recommended that a holistic approach be adopted, with emphasis on key issues such as transport, decentralization, legislation and customs and practice, the following are recommended:

- Information and training of employers and employees (enterprise/national level) in order to encourage a paradigm shift towards flexible working time;
- Provide trained facilitators in the field of working time at enterprise level including trade unions to explain and promote flexible working time;
- Review of Labour Legislation and Remuneration Orders to enable introduction of flexible working time, to compensate for loss of overtime and upgrade salaries;
- Encourage and support employers' initiatives in favour of more flexible working time (training, etc);
- Sensitize workers and employers on health hazards arising from continuous night work;
- Ensure that working hours are not detrimental to the workers' health and safety;
- Discourage continuous/permanent night shifts;
- Put in place clear and transparent control system at enterprise level to build trust;
- Discourage the practice of split shifts in certain enterprises (hotel/restaurant);
- Improve the transport system at the national level;
- Ensure the provision of transport facilities at the enterprise level in line with flexible working time;
- Encourage decentralization of working places from Port Louis;

The workshop also proposes that in order to ensure the proper implementation of the above recommendations, a tripartite technical committee be set up by the Ministry of Labour, Industrial Relations and Employment to follow up the recommendations of the workshop and to monitor progress.

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