



Ministry of Civil Service and Administrative Reforms



MINISTRY OF CIVIL SERVICE AND ADMINISTRATIVE REFORMS

MAURITIUS

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From: Senior Chief Executive, Ministry of Civil Service and Administrative Reforms

To: Supervising Officers i/c of Ministries/Departments

Grant of Recognition to newly registered Federations in the Civil Service

In accordance with section 2 of the Employment Relations Act (ERA) 2008, a trade union has been defined as including a federation or a confederation.

2. Legal advice has been obtained to the effect that once a federation has been registered by the Registrar of Associations and a certificate of registration issued, the federation enjoys corporate personality distinct from its constituent trade unions and is deemed to be a trade union under the ERA. Consequently, where a newly registered federation wishes to be recognized as a bargaining agent, it should submit an application for recognition and comply with all the criteria laid down for recognition of trade unions under sections 36 and 37 of the ERA.

3. Moreover, section 36(1) of the ERA provides that a trade union or a group of trade union of workers acting jointly may apply, in writing, to an employer for recognition as a bargaining agent or as a joint negotiating panel, or as a sole bargaining agent, for a bargaining unit. A grade or a cadre may constitute a bargaining unit.

4. In this context, a newly registered Federation, whose affiliated trade unions represent grades pertaining to a specific Ministry/Organisation, has to submit an application for recognition as bargaining agent for the grades to the Ministry/Organisation concerned.

5. In line with section 36(1) of the ERA, upon receipt of such application, the Ministry/Organisation concerned will have to seek authority from the Secretary to Cabinet and Head of Civil Service to act as employer on behalf of the State.

6. Supervising Officers are therefore advised to stand guided by the above and proceed accordingly.



(S. Sebaluck)
Senior Chief Executive

Copy to:- *Secretary to Cabinet and Head of the Civil Service*