

THE POLICE (MEMBERSHIP OF TRADE UNION) BILL
(No.XXVII of 2016)

Explanatory Memorandum

The object of this Bill is to allow members of the Police Force to unionise.

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Right of police officer to be member of trade union
4. Consequential amendments
5. Commencement

A BILL

To provide for the members of the Police Force to unionise

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Police (Membership of Trade Union) Act 2016.

2. Interpretation

In this Act –

“police officer” has the same meaning as in the Police Act.

3. Right of police officer to be member of trade union

Subject to the Employment Relations Act, a police officer may be a member of any trade union or association of employees, having for its objects the control or influence of the pay, pensions, or conditions of service of police officers.

4. Consequential amendments

(1) The Employment Relations Act is amended –

(a) in section 3 –

- (i) in subsection (2), by deleting the words “Mauritius Prisons Service and the fire services” and replacing them by the words “Mauritius Fire and Rescue Service, the Mauritius Prisons Service and the Police Force”;
- (ii) by inserting, after subsection (2), the following new subsection –

(2A) Section 31(3)(c) and Part VII shall not apply to a member of the Police Force.

- (iii) in subsection (3), by deleting the word “service” and replacing it by the words “service and the disciplined force”;

(b) in section 15 –

- (i) in subsection (1), by deleting the word “Two” and replacing it by the words “Subject to subsection (1A), 2”;
- (ii) by inserting, after subsection (1), the following new subsection –

(1A) A trade union of police officers shall not amalgamate with any other trade union to form one trade union, except with another trade union of police officers.

- (iii) by adding the following new subsection –

(5) In this section –

“trade union of police officers” means a trade union, the membership of which is limited to police officers, having for its objects the control or influence of the pay, pensions, or conditions of service of police officers.

(c) in section 16 –

(i) in subsection (1), by deleting the word “Two” and replacing it by the words “Subject to subsection (1A), 2”;

(ii) by inserting, after subsection (1), the following new subsection –

(1A) A trade union of police officers shall not join with any other trade union to form a federation, except with another trade union of police officers.

(iii) in subsection (3), by deleting the word “Two” and replacing it by the words “Subject to subsection (3A), 2”;

(iv) by inserting, after subsection (3), the following new subsection –

(3A) A federation of police officers shall not join with any other federation to form a confederation, except with another federation of police officers.

(v) by adding the following new subsection –

(6) In this section –

“federation of police officers” means the federation of 2 or more trade unions of police officers;

“trade union of police officers” means a trade union, the membership of which is limited to police officers, having for its objects the control or influence of the pay, pensions, or conditions of service of police officers.

(d) in section 70, in subsection (3), by deleting the words “Fire Services and the Mauritius Prisons Service” and replacing them by the words “Mauritius Fire and Rescue Service, the Mauritius Prisons Service and the Police Force”;

(e) in section 76, by adding the following new subsection –

(3) Notwithstanding subsections (1) and (2), no member of the Police Force shall have the right to strike under any circumstance.

(2) The Police Act is amended –

(a) by repealing section 17;

(b) in section 25, in subsection (3), by repealing paragraph (g), the word “and” being added at the end of paragraph (e) and the words “; and” at the end of paragraph (f) being deleted and replaced by a full stop.

5. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
