

## **Comments by the Human Rights Commission of the Maldives to the draft Industrial Relations Act.**

### **Observation**

Since the Labour Relations Act will be bringing in a whole new set of legal provisions on the right to strike, we at the HRCM believe that it is crucial for the enactment of this law to be met with an equal emphasis on the duty to raise awareness on the relevant legal provisions in order to achieve the desired results. Hence, we propose that the Labour Relations Authority to exercise the mandate to create awareness among workers, employers and the general public on the rights and responsibilities arising from this Act and other labour related Acts.

### **General Comments:**

- 1) Since the provisions of the Industrial Relations Act is related to other existing laws such as the Employment Act and the Associations Act it is crucial to identify any over lapping areas and harmonise them accordingly to avoid any ambiguities and contradictions.
- 2) As two core areas of the Act – Chapter 4 on Collective Bargaining and Chapter 5 on Dispute Resolution are currently missing in the draft Act, we request that the inserted provisions under these Chapters be sent to us for comments. We also stress the provisions of these chapters to be formulated in line with the constitution, existing domestic laws and relevant international human rights and labour standards.
- 3) As Article 31 of the Constitution stipulates right to strike, we strongly believe that it is important for the right to strike be reflected in this Act. We also recommend that the lawful conditions, if any, that may limit a strike action by the employees to be clearly stated in this Act.











### **Article 49**

It is recommended to clearly state whether the Registrar may bring proceedings under this Act if all the conditions under this Article are satisfied or if one of these conditions is satisfied.

### **Article 51**

It is recommended to change the duration of 35 days to make an appeal to High Court to 90 days. This is to give the aggrieved person or organization the same opportunity / duration to make an appeal to High Court as in other cases appealed at the High Court.

## **CHAPTER 8 - ENFORCEMENT**

### **Article 55**

It is to be noted that this article only states the penalties for Section 12 (prohibited conduct) and 3.3 of Chapter 3 (integrity requirements). Hence it is recommended to expand this Article to include penalties for other breaches of the Act such as that of Article 43 and Article 44 regarding failure to provide a copy of annual return.

## **CHAPTER 9 - MISCELLANEOUS**

### **Article 59**

It is recommended to state that the regulations referred under this Article should be made within 90 days of the enactment of this Act and published on the government gazette.

## **SCHEDULE 1**

### **Article 6**

It is recommended to clearly state the minimum number of members needed to be in attendance to hold a general meeting of the union.

