

Mauritian law  
protecting against  
discrimination in  
workplace sociology  
essay



**ASSIGN  
BUSTER**

The Constitution of Mauritius is regarded as being the supreme Law which clearly protects this philosophy of equality at Chapter 2 Section (3) and (16) which imparts for non discrimination as follows:

It is hereby recognized and declared that Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedom of others and for the public interest each and all of the following human rights and fundamental freedoms.

## **Section 16**

Protection from discrimination

Subject to subsections (4), (5) and (7)-no law shall make any provision that discriminatory either of itself or in its effect.

Subject to subsections (6), (7) and (8)- no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.

The Government of Mauritius has also passed law to eliminate all forms of Gender Discrimination and sexual harassment in certain areas of public activity under Sex Discrimination Act No. 43 of 2002. This act protects a worker from all forms of inequality in employment related to recruitment, selection, training, on grounds of gender, marital status and family responsibilities.

## **Gender inequality in the local context**

The Economic and Social Indicators (ESI) on gender statistics represents women and men in the Republic of Mauritius. The ESI is based on latest available sex disaggregated information from administrative resources and household surveys. Some of the statistics presented therefore refer to years earlier than 2011. In 2011, Mauritius ranked 63rd out of 146 countries according to the Gender Inequality Index of the UN. The index reflects inequality in achievements between women and men in reproductive health, empowerment and labour market.

Before 1950's it has been found that women were in fewer number than men in Mauritius. However, the female population has been growing rapidly such that in the 50's there were almost equal numbers of men and women. This B in the population has been maintained for some 40 years. As from 1990, women have been increasingly outnumbering men over the years.

### **Chart 1 – Population by sex, Republic of Mauritius, 1851 – 2011**

In 2011, there were 18, 600 more women than men. Out of a total population of 1, 286, 000, there were 652, 300 women against 633, 700 men, that is 97 men for every 100 women. Though women are more numerous in the total population, this is not the case in all age groups. At the younger ages (under 30 years), men are more numerous mainly due to more births of baby boys than girls. There were 102. 4 males births for every 100 female births in 2011.

At ages 30 years and above, women outnumber men and their proportion increases at higher ages. The male-female ratio which was 98. 1 for the ages 30-39 years reached 50. 9 among those aged 80 years and over; there were around 2 women for every man in this age group. The main reason for this imbalance is that women live longer than men.

In 2011, it has been found that a lesser proportion of women than men of working age (16 years and above) were active, that is, in employment or looking for work. The economic activity rate for women was 43. 7% against 75. 5% for men. The active population stood at 582, 800 with 363, 600 men and 219, 200 women. Men and women have a similar pattern of economic activity during their life that is less active at the younger and older age groups. The activity rates for both are highest in the age group 30 to 45 years.

### **Chart 13 – Activity rate (%) by age group and sex, 2011**

Some 191, 800 women held a job in 2011 and accounted for 35. 7% of the Mauritian employed population. Working women were more qualified than their male counterparts, with 22% holding a tertiary qualification against 17% for men. There were an almost equal proportion of working men and women having a School Certificate but 7. 4% women had a Higher School Certificate compared to 5% for men.

### **Chart 14 – Distribution of employed person by sector and sex, 2011**

Both men and women had a high proportion of their working population in the tertiary sector (covering trade, hotels & restaurants, transport and other

service industries), 68% for men and 57% for women. The secondary sector (covering manufacturing, electricity & water and construction) accounted for one third of the working men and one quarter of the working women. While women represented some 40% of the employment in the manufacturing sector, they comprised less than 1% of the construction industry.

Women were more likely than men to be employees, with 85% of the employed female in that employment status compared to 78% among the men. They were also much less likely than men to head their own business; while 21% of working men were employers or own account workers, only some 11% of women held that status.

On average an employed woman works 38 hours, 6 hours less than a man. However, women heading their own business and those contributing in the family business worked respectively 7.5 hours and 8.2 hours less than their male counterparts.

Both women and men worked fewer hours in the agricultural sector than in other sectors of the economy. However, women worked 10 hours less than men in that sector. Women worked 8 hours less in public administration, 5 hours less in hotels & restaurants and 3 hours less in manufacturing, trade & education sectors.

Women as well as men tend to work fewer hours at the older age. The difference in hours worked by women and men varies across ages; it increases with age to reach a peak of 8.3 hours at the age group 45 to 49 years, and decreases thereafter.

In spite of being fewer in the labour force, women are over represented among the unemployed. Unemployed women numbered 27, 300 in 2011 compared to 18, 800 men. Female unemployment rate stood at 12. 5%, much higher than the rate of 5. 2% for male.

### **Chart 16 – Unemployment rate (%) by age group and sex, 2011**

Unemployment rate is higher among women than men at all ages, except for the elderly. The difference in unemployment rate is more pronounced at the very young age.

Among unemployed women with previous work experience, 22% left their last job due to marriage, childbirth and household responsibilities. Another 13% women were unemployed following closure of establishment. The main sectors where the unemployed women worked previously are manufacturing (29%), trade (25%) and hotels and restaurants (10%).