



Honorable Soodesh Satkam Callichurn
Minister of Labour, Human Resource Development and Training
Level 1 – 9, Victoria House
Corner St. Louis & Barracks Streets
Port-Louis
Mauritius

August 28, 2023

Dear Hon. Soodesh Callichurn,

We, the undersigned civil society and industry associations and company are writing to you due to our commitment to promoting ethical and sustainable business practices. The [American Apparel and Footwear Association](#), [amfori](#), [Ethical Trading Initiative](#), [Fair Labor Association](#), and ASOS strongly believe in the responsibility of companies to ensure that all workers – including migrant workers – in their supply chains are treated with respect and dignity and have their rights upheld. AAFA and FLA’s joint [Commitment to Responsible Recruitment](#) has been signed by 88 of their member companies; AAFA is signing this letter on behalf of these companies as well as the broader AAFA membership. Transparentem is writing as an investigative third party dedicated to improving conditions for workers.

We acknowledge the good work already done by the Mauritian government to protect migrant workers, such as the development of the Special Migrant Workers’ unit within the Ministry of Labor, the provision of guidance to migrant workers about the treatment they can expect in their workplaces,ⁱ and the recently introduced Private Recruitment Agencies Bill. Further, we applaud the efforts of the Mauritius industry, through the Mauritius Exporters Association (MEXA), to establish an industry code of conduct to protect workers, including migrant workers.

Our objective in contacting you is to acknowledge the importance of Mauritian manufacturers to globally sourcing companies, to affirm our intentions to collaborate on shared goals of fair treatment of migrant workers, and to propose specific policy adjustments that could improve workers’ experiences. We believe Mauritius has the opportunity to become an even more attractive sourcing country for global apparel companies, by demonstrating how it effectively manages the risks associated with employing both regular and irregular migrant workers.

Our concerns about the treatment of migrant workers arise from recent reports from the US governmentⁱⁱ and the United Nations,ⁱⁱⁱ a 2022 investigation by the NGO Transparentem, and the results of some companies’ ongoing human rights due diligence (including third-party investigations of working and recruitment conditions). For example, the 2023 Trafficking in Persons Report from the US State Department downgraded Mauritius from Tier 2 to the Tier 2 Watch List, and cites instances of labor trafficking of migrant workers in the garment industry. The UN Committee on Economic, Social, and Cultural Rights expressed concern that some migrant workers in Mauritius have experienced indicators of forced labor – including abusive living conditions and underpayment of wages – as well as concern about insufficient regulation of recruitment agencies. And, in a forthcoming public report from the NGO Transparentem, some workers claimed they experienced conditions aligned with what the International Labor Organization (ILO) calls indicators of forced

labor.^{iv} These practices undermine the long-term sustainability of businesses sourcing from Mauritius, particularly at a time when more and more governments worldwide move to restrict imports in support of better human-rights outcomes in global supply chains.

Therefore, we propose the following policy adjustments to better support the human rights of migrant workers, and to provide confidence to globally sourcing companies that migrant workers in Mauritius do not experience poor recruitment or working conditions. We are asking the government of Mauritius to:

- Ensure that enforcement agencies have adequate resources and authority to investigate and take concrete action to stop and prevent unfair recruitment fees and related costs (in accordance with the ILO definition),^v abusive working conditions, and poor living conditions in factories, as well as address and resolve ethical recruitment issues.
- Publish clear guidance on the legality of food and accommodation deductions, and consider initiating a regular minimum-wage negotiation process that includes all stakeholders.
 - Worker reports suggest that food and accommodation deductions have offset recent minimum wage gains.
 - Therefore, a regular minimum-wage evaluation and increase process – in consultation with unions, worker-representatives and all other key stakeholders – may be necessary to achieve the goals of the previous minimum wage increase.
- Increase oversight of all recruitment agents, including foreign agents, by requiring them to demonstrate to the government that they charge fees only to employers – not to workers. This includes only permitting agents that comply to continue to operate in Mauritius.
- Strengthen, streamline, and improve access to government complaints mechanisms, including the Ministry of Labour’s Special Migrant Workers Unit.
- Establish a mechanism by which the Ministry of Labour vets employers’ requests to cancel work permits and deport migrant workers, to ensure validity of the reasons for cancellation and deportation and to ensure that departing workers receive all owed dues and refunds.
- Enable migrant workers who experience labor or human rights abuses to easily and freely change their employer, including through expedited renewal of work permits, in cases where pursuit of remedy within the workplace has not succeeded.
- Commit, with the Government of Bangladesh and other home country governments, to establish binding bilateral agreements on recruitment, negotiated transparently and with input from local workers groups and the ILO, prohibiting worker-borne fees and costs in both the sending and receiving country, in accordance with the ILO definition of “recruitment fees and related costs,” and including example templates for contracts.

We would like to request a meeting with you to discuss these issues in more detail. We believe that collaboration between governments, civil society, and the private sector is essential to promoting and expanding ethical and sustainable business practices in Mauritius. By taking these actions and



working together, your government can create a more fair and sustainable business environment in Mauritius. This will not only benefit workers, but also strengthen the economy as a whole.

We appreciate your attention to this important issue and look forward to hearing from you soon.

Sincerely,
Ben Skinner
President and Founder, Transparentem



ⁱ Know Your Rights: A Guide to Migrant Work in Mauritius, 2019, accessed July 12, 2023
<https://labour.govmu.org/Documents/A%20GUIDE%20FOR%20MIGRANT%20WORKERS%202019.PDF>.

ⁱⁱ United States Department of State “2023 Trafficking in Persons Report,” 2022, p. 83, accessed July 28, 2023,
<https://www.state.gov/reports/2023-trafficking-in-persons-report/>

ⁱⁱⁱ United Nations Committee on Economic, Social and Cultural Rights, “Concluding observations on the fifth periodic report of Mauritius,” April 2019, accessed June 8, 2023,
<https://www.ohchr.org/en/documents/concluding-observations/ec12musco5-committee-economic-social-and-cultural-rights>.

^{iv} International Labour Organization, “ILO Indicators of Forced Labour,” October 1, 2012, p. 3, accessed June 8, 2023, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.

^v International Labour Organization, “General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs,” 2019, accessed June 30, 2022,
https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.