

## NATIONAL PRODUCTIVITY AND COMPETITIVENESS COUNCIL ACT

Act 9 of 1999 – 29 February 2000

### ARRANGEMENT OF SECTIONS

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## NATIONAL PRODUCTIVITY AND COMPETITIVENESS COUNCIL ACT

### 1. Short title

This Act may be cited as the National Productivity and Competitiveness Council Act.

### 2. Interpretation

In this Act—

“Chairperson” means the Chairperson of the Council;

“Council” means the National Productivity and Competitiveness Council established under section 3;

“Executive Director” means the Executive Director of the Council appointed under section 11;

“financial year” has the meaning assigned to it by section 2A of the Finance and Audit Act;

“member” means a member of the Council and includes the Chairperson and the Vice-chairperson;

“Minister” means the Minister to whom responsibility for the subject of economic development is assigned;

“Productivity Committee” means any Productivity Committee set up by the Council under section 10;

“Vice-chairperson” means the Vice-chairperson of the Council.

[S. 2 amended by s. 19 of Act 38 of 2011 w.e.f. 1 January 2012; s. 18 (a) of Act 27 of 2012 w.e.f. 22 December 2012.]

### **3. Establishment of Council**

(1) There is established for the purposes of this Act the National Productivity and Competitiveness Council.

(2) The Council shall be a body corporate.

### **4. Object of Council**

The object of the Council shall be to stimulate and generate productivity and quality consciousness and drive the productivity and quality movement in all sectors of the economy with a view to raising national output and achieving sustained growth and international competitiveness.

### **5. Functions of Council**

The Council shall—

- (a) provide a forum for constant dialogue and consensus building on all matters relating to productivity, quality and competitiveness;
- (b) advise Government on the formulation of national policies and strategies on all aspects of productivity, quality and competitiveness;
- (c) promote and develop greater productivity and quality awareness and consciousness amongst the public, and organise awards to recognise individuals, teams and organisations for their outstanding achievements in quality and productivity;
- (d) inculcate new values and attitudes in the country regarding productivity, quality and competitiveness;
- (e) identify constraints to the improvement of productivity, quality and competitiveness and propose remedial measures;
- (f) monitor and coordinate programmes and activities relating to the improvement of productivity, quality and competitiveness;
- (g) collect, analyse, produce and disseminate data on the measurement of, and changes in, productivity economy-wise and by sector and industry;
- (h) arrange for consultancy services in the areas of productivity and quality management and related fields;
- (i) promote and undertake research, including training in all aspects of productivity, quality and competitiveness;
- (j) liaise and establish linkages with research institutions and productivity organisations in Mauritius and abroad;
- (k) serve as focal point on all matters relating to productivity, quality and competitiveness;

- (l) act as resource centre for published works on productivity, quality and competitiveness issues;
- (m) organise conferences and policy seminars on productivity, quality and competitiveness;
- (n) constitute such Productivity Committees and co-opt such persons, as it may deem necessary, to such committees, define their objectives, broad terms of reference and the means of their functions;
- (o) request the Productivity Committees to carry out studies, prepare opinion statements, reports and information bulletins within the scope of their powers; and
- (p) do such things as may be incidental to, and consequential upon, the discharge of its functions.

## **6. Membership of Council**

(1) The Council shall consist of—

- (a) a Chairperson;
- (b) a Vice-chairperson;
- (c) one member representing the interests of Government;
- (d) one member representing the interests of employers;
- (e) one member representing the interests of the federations of trade unions; and
- (f) not more than 2 members drawn from industry associations and consumer organisations.

(2) (a) The Chairperson shall, subject to paragraph (c), be appointed by the Prime Minister on such terms and conditions as the Prime Minister may determine.

(b) The other members shall, subject to paragraph (c), be appointed by the Minister on such terms and conditions as he may determine.

(c) The Chairperson and the other members shall be persons with wide experience in human resource development, engineering, manufacturing, information and communication technology, economics, finance or business administration.

(3) Members shall be paid such fees and allowances as the Minister may determine.

(4) Members shall be appointed for 2 years and shall be eligible for reappointment for another term of 2 years.

(5) The office of a member shall become vacant where the member—

- (a) has been absent without leave from 3 consecutive meetings of the Council; or

- (b) becomes disqualified for membership of the Council by virtue of gross misconduct or of any enactment.

(6) Where a member is revoked, resigns, dies or otherwise vacates his office before the expiry of the term for which he has been appointed, the Prime Minister or the Minister, as the case may be, may appoint another person for the remaining term of office of the member in whose place he is appointed.

[S. 6 amended by s. 18 (b) of Act 27 of 2012 w.e.f. 22 December 2012.]

## **7. Meetings of Council**

(1) The Council shall, at the request of the Chairperson, meet at least 4 times a year at such time and place as the Chairperson may direct.

(2) At any meeting of the Council, 4 members shall constitute a quorum.

(3) The Council may co-opt such other persons with relevant expertise to assist it in relation to any matter before the Council.

(4) Any person co-opted under subsection (3) shall not have the right to vote on any matter before the Council.

(5) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it thinks fit.

[S. 7 amended by s. 18 (c) of Act 27 of 2012 w.e.f. 22 December 2012.]

## **8. – 9. —**

[Ss. 8 and 9 repealed by s. 18 (d) of Act 27 of 2012 w.e.f. 22 December 2012.]

## **10. Productivity Committees**

(1) The Council may set up such Productivity Committees as it deems fit to assist it in discharging its functions.

(2) A Productivity Committee may be set up to—

- (a) advise the Council on appropriate measures to promote and enlist wide support for productivity, quality and competitiveness;
- (b) monitor productivity, quality and competitiveness in any specific sector and industry and provide feedback to the Council;
- (c) advise the Council on any matter relating to productivity, quality and competitiveness;
- (d) enquire into, and report back on, any matter referred to it by the Council;
- (e) carry out studies and prepare opinion statements, reports, and other documents at the request of the Council; and
- (f) propose to the Council the undertaking of such studies as may be required and the hiring of such expertise or research assistants as may be considered necessary.

(3) Where a Productivity Committee is of the opinion that a person may, by reason of his special knowledge, experience or skill, be of assistance, it may co-opt that person to serve on the Productivity Committee.

(4) A Productivity Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

#### **11. Executive Director**

(1) There shall be an Executive Director who shall be appointed by the Council, with the approval of the Minister, on such terms and conditions as it thinks fit.

(2) The Executive Director shall—

- (a) provide technical and professional support to the Council;
- (aa) prepare budget proposals and accounts for approval by the Council;
- (ab) prepare yearly programmes of work for approval by the Council;
- (b) ensure the proper and timely implementation of the work programmes of the Council and monitor their implementation;
- (ba) monitor the use of financial and human resources, including disbursements of funds, acquisition of equipment and selection and hiring of staff;
- (c) prepare, or coordinate the preparation of such papers, documents and studies as may be requested by the Council;
- (d) sign such agreements with enterprises, or national or foreign entities, for undertaking studies and other works, as may be necessary;
- (e) ensure compliance with the Act and regulations made by the Council; and
- (f) carry out any other duties which may be entrusted to him by the Council.

(3) The Executive Director shall be responsible to the Council for the proper administration and management of the day-to-day business of the Council in accordance with guidelines laid down by the Council.

(4) The Executive Director shall act as Secretary to the Council and, in that capacity, attend all meetings of the Council.

(5) The Executive Director may take part in the deliberations of the Council but shall not be entitled to vote on any matter before the Council.

(6) The Council may delegate to the Executive Director such of its functions as may be necessary to enable him to carry out more effectively the day-to-day business of the Council.

[S. 11 amended by s. 18 (e) of Act 27 of 2012 w.e.f. 22 December 2012.]

## **12. Appointment of employees**

(1) The Council may appoint on such terms and conditions as it thinks fit such number of employees as it considers necessary for the proper discharge of its functions.

(2) The Council may engage temporarily or on such other terms and conditions as it may deem necessary, persons who are knowledgeable in matters relating to productivity, quality and competitiveness.

(3) The employees shall be under the administrative control of the Executive Director.

## **13. Conditions of service of employees**

The Council may make provision, in such form as it may determine, to govern the conditions of service of its employees and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, the employees;
- (b) appeals by employees against dismissal or any other disciplinary measures; and
- (c) the establishment and maintenance of provident or pension fund schemes and the contributions payable to, and the benefits recoverable from, those schemes.

## **14. Protection from liability**

No liability, civil or criminal, shall lie against any member of the Council or employee of the Council for any act or omission except in so far as the act or omission complained of was done in bad faith.

## **15. Symbol**

The Council shall have a symbol or a logo for its exclusive use in connection with its activities.

## **16. Funds of Council**

- (1) The Council shall establish a General Fund—
  - (a) into which all monies received by the Council shall be paid; and
  - (b) out of which all payments required to be made by the Council shall be paid.
- (2) There shall be paid into the General Fund—
  - (a) all grants received from Government for the discharge of its functions;
  - (b) any sum received by way of loan from Government;
  - (c) any dues or fees levied or charges imposed by the Council; and
  - (d) any money received by the Council from any other source.
- (3) All payments made by the Council shall be met out of the General Fund.

## 17. Estimates

(1) The Council shall, not later than 4 months before the commencement of every financial year, submit to the Minister for his approval an estimate of the income and expenditure of the Council.

(2) In signifying his approval, the Minister may—

- (a) approve part of the expenditure under any item; and
- (b) direct the Council to amend the estimates.

## 18. Audited accounts and annual report

(1) The Council shall, not later than 3 months after the end of every financial year, prepare and submit to the Director of Audit for auditing—

- (a) an annual statement of the receipts and payments for that financial year; and
- (b) a balance sheet made up to the end of that financial year showing the assets and liabilities of the Council.

(2) The Council shall, as soon as practicable, after the end of every financial year, submit to the Minister—

- (a) a report on the activities and financial position of the Council during that financial year; and
- (b) a copy of the audited accounts of the Council for that financial year, together with the audit report on those accounts.

(3) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Council before the Assembly.

[S. 18 repealed and replaced by s. 18 (f) of Act 27 of 2012 w.e.f. 22 December 2012.]

## 19. Execution of documents

(1) Subject to subsection (2), all documents shall be deemed to be executed by, or on behalf of the Council, if signed by the Chairperson or the Vice-chairperson, and the Executive Director.

(2) Every cheque of the Council shall be signed by any 2 of the following persons—

- (a) the Chairperson;
- (b) the Executive Director; and
- (c) such other member of the Council as may be appointed for that purpose by the Council.

[S. 19 amended by s. 31 of Act 27 of 2013 w.e.f. 22 December 2012.]

## 20. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Council.

**21. Regulations**

(1) The Council may make such regulations as it thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide for the levying of dues and fees.

**22. – 23. –**

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