

B/128 The Honourable Second Member for Grand River North West and Port Louis West (**Mrs Selvon**)

To ask the Honourable the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms –

Whether he will state if consideration will be given for the provision to victims and their families of the possibility to bring to court class action or *recours collectifs* to seek redress, justice and compensation from persons and/or organisations for breach of consumer safety legislation with fatal consequences and severe health problems?

DRAFT REPLY

Madam Speaker,

A class action is a court case filed by litigants acting on behalf of a group, i.e. a case brought by a group of persons rather than individually.

2. In 2010, in its paper “Report on Review of Aspects of Consumer Protection, Laws and Proposals for Reform”, the Law Reform Commission of Mauritius (LRC) observed that small claims procedures may not be appropriate for very small claims affecting a large number of consumers, and that mechanisms for group litigation have been regarded as more appropriate in such instances. Class action increase a consumer’s leverage to obtain a settlement from a defendant, and often facilitate compensation for those harmed by infringement of

consumer protection laws. Class actions for consumers are available in the US, and in some of the provinces of Canada like British Columbia, Ontario and Quebec.

3. The issue of court class actions or “recours collectifs” for breach of consumer safety legislation has already been considered in the past by this Government, both in 2015 and 2018 when a new law on Consumer Protection (the “Consumer Protection and Fair Trading Bill”) has been elaborated.

4. Under this new Bill, it is envisaged to empower the Supervising Officer of the Ministry responsible for consumer protection to lodge cases on behalf of victims of breach of consumer safety legislation. This power is comparable to the power given to the Permanent Secretary of the Ministry of Labour to lodge court cases on behalf of workers under employment-related legislation. This is where several consumers have complaints of the same nature and the complaints can be consolidated into one cause of action.

5. Madam Speaker, the Bill has not yet been finalised. A Ministerial Committee set up by Government is considering the Bill and will be submitting its recommendations in due course.