



Employment Law in Maldives...How Far Are We?

A Comparison between UK and Maldives

Civil Service Conference 2016

Uza. Aminath Abdulla Zuhair and Zulaikha Ibrahim

Employment Act of Maldives 2008

Employment Tribunal

Labour Relations Authority

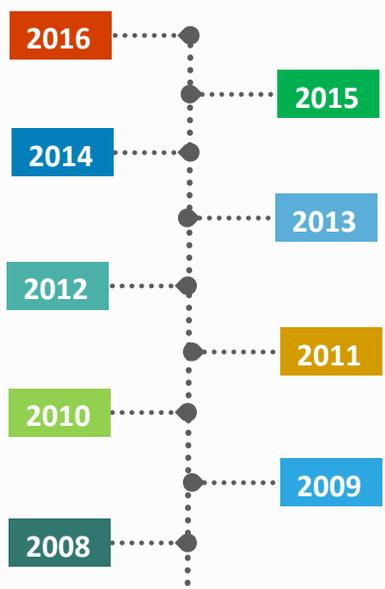


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Notice before dismissal

Qualifying Period

Employee rights



05

Prior to Employment Act of Maldives 2008

No substantive justification prior to termination

- No job security
- Weak position of employees

No general standard of procedural fairness upon dismissal / disciplinary action

- No specialized system of administration to interpret and enforce the legislation
- Easy access
- Speedy hearing

No Employment Tribunal system

06

Only civil action to sue for damages

- Limited access to justice
- Limited remedies

Two legislative attempts were made

- Official Kantha [Issues] Chapter 1 Act No. 1/68 (1968)
- Official Kanthah [Issues] Chapter 2 Act No 2/68 (1968)

1968

Still the power was vested on the president

Employment law in UK

19th century - 1962	1963	1964	1965	1968
	contract of Employment Act 1963	(ILO) Recommendation No 119	Redundancy Payments Act 1965	Donovan Report
Termination is valid only by giving notice	statutory minimum notice periods	Termination should be backed by valid reason	redundancy payment	rights to lodge complain
		Procedural fairness		introduction of tribunals
		automatically unfair reasons for dismissal		changes to the remedies
				reasonableness of disciplinary reasons

Employment law in UK

1971	1979	1999	2002	2010
Industrial Relations Act 1971	Employment Protection (Consolidation) Act 1978Act	Employment Relations Act 1999	Employment Act 2002	
new legal rights to trade unions and individual workers	statutory test of fairness	Changed qualifying period from 2 year to 1 year	Limit access to tribunal	introduction to Alternative methods of Dispute Resolution
	Changed qualifying period from 1 year to 2 year	Maximum compensation limit	Strengthening dismissal and grievance procedures	tribunal fees
	ACAS	Fairness at work	Variations of awards for non-compliance	protected conversations
	Employment Appeal Tribunal		national statutory minimum wage	compromise agreements

Practical difficulties in Maldives

1 The qualifying period is being stipulated as 2 years

- coincides with the reform taken by the conservative government of UK in 1985 and coalition government in 2010
- to remove perceptions of risk attached to taking on a new labour of staff and to give a reasonable time for the employers to evaluate the suitability which in turn would reduce the tribunal claims
- claimed as an indirect discrimination over to the vulnerable employees including women and young employees.

Practical difficulties in Maldives

2 Overlap between the statutorily prescribed time duration for the expiry of limited term contracts,

- Inconsistencies in judicial decisions

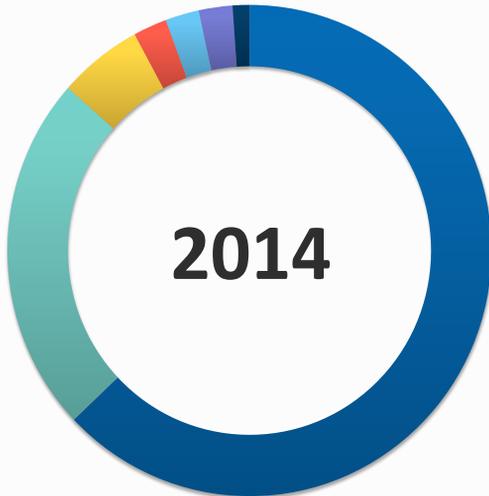
Ali Azim v ACC Moosa Nazim & others v GMR International Airport 195/VTR/2012 65/VTR/2011

- legislation needs to confine to clarity

A fixed term contract could be renewed, and the employee could be treated as if she or he was employed for a contract of indefinite duration with the full protection as a permanent employee.

Recommendations

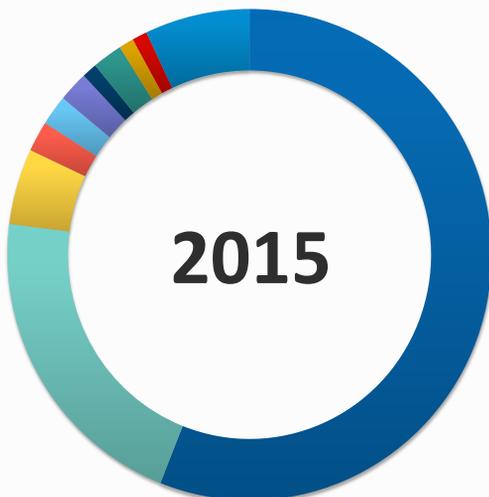
2 Introduction of tribunal fees



- حاجت قوتی و یا نایم/اوبان نایم نایم [66%]
- ارستویر و اوتو نایم نایم [9%]
- دسته/ارستویر و اوتو نایم نایم [10%]
- تیم نایم نایم [2%]
- حاجت قوتی و یا نایم نایم [1%]
- تیم نایم نایم [1%]
- ارستویر [11%]

Recommendations

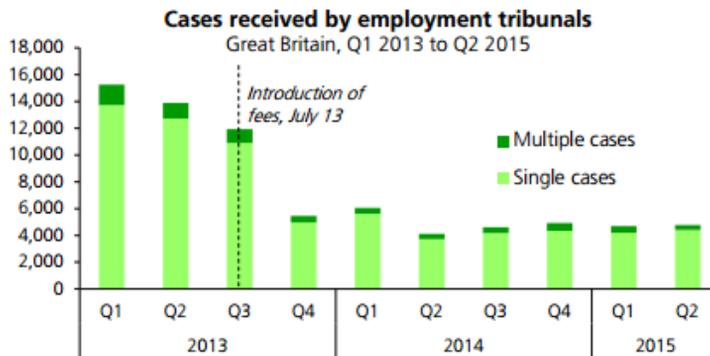
2 Introduction of tribunal fees



- حاجت قوتی و یا نایم/اوبان نایم نایم [65%]
- دسته/ارستویر و اوتو نایم نایم [21%]
- حاجت قوتی و یا نایم نایم [5%]
- تیم نایم نایم [2%]
- ارستویر و اوتو نایم نایم [2%]
- تیم نایم نایم [2%]
- تیم نایم نایم [1%]
- دسته/ارستویر و اوتو نایم نایم [2%]
- تیم نایم نایم [1%]
- تیم نایم نایم [1%]
- ارستویر [7%]

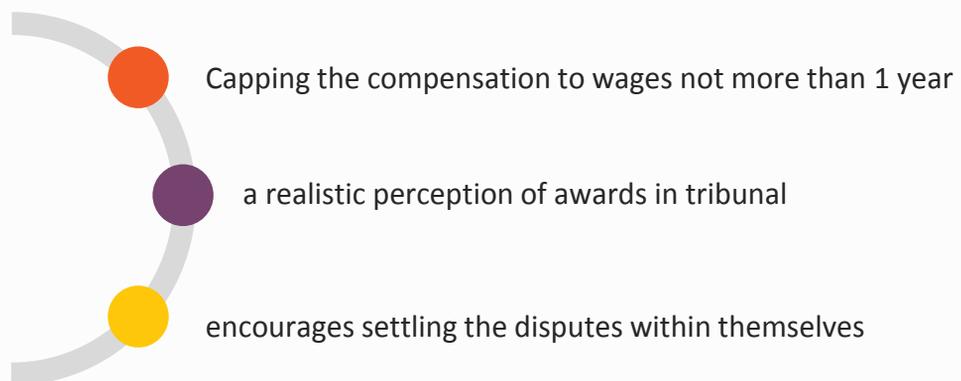
Recommendations

2 Introduction of tribunal fees



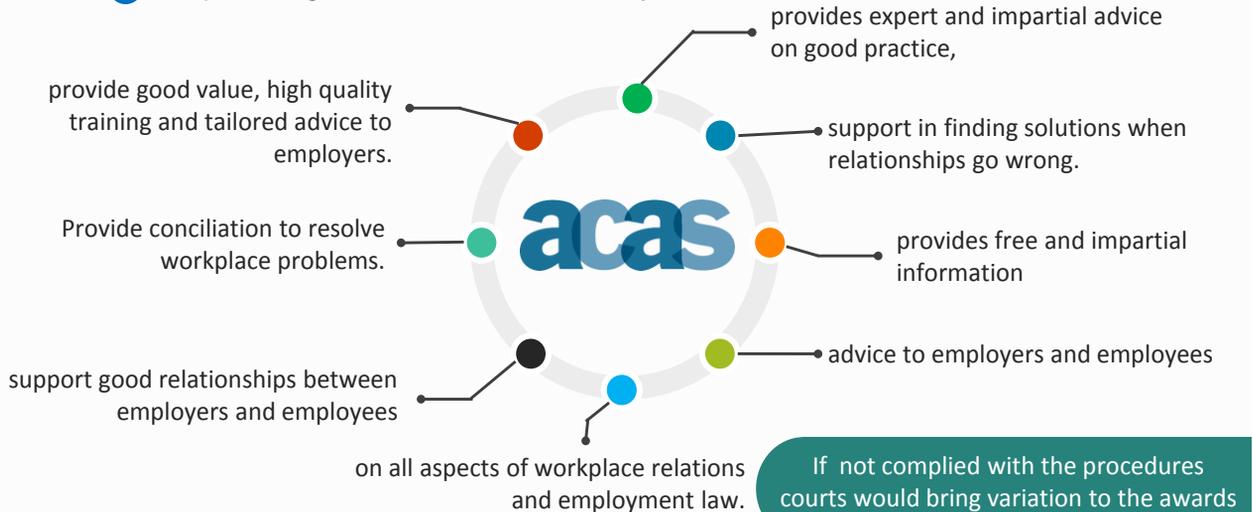
Recommendations

3 Maximum compensation limit



Recommendations

4 Empowering Labor Relations Authority



Recommendations

5 Alternative dispute resolution procedures



Mediation

Rapid Settlements
Mutually Satisfactory Outcomes
Preservation of an Ongoing Relationship



Compromise agreements

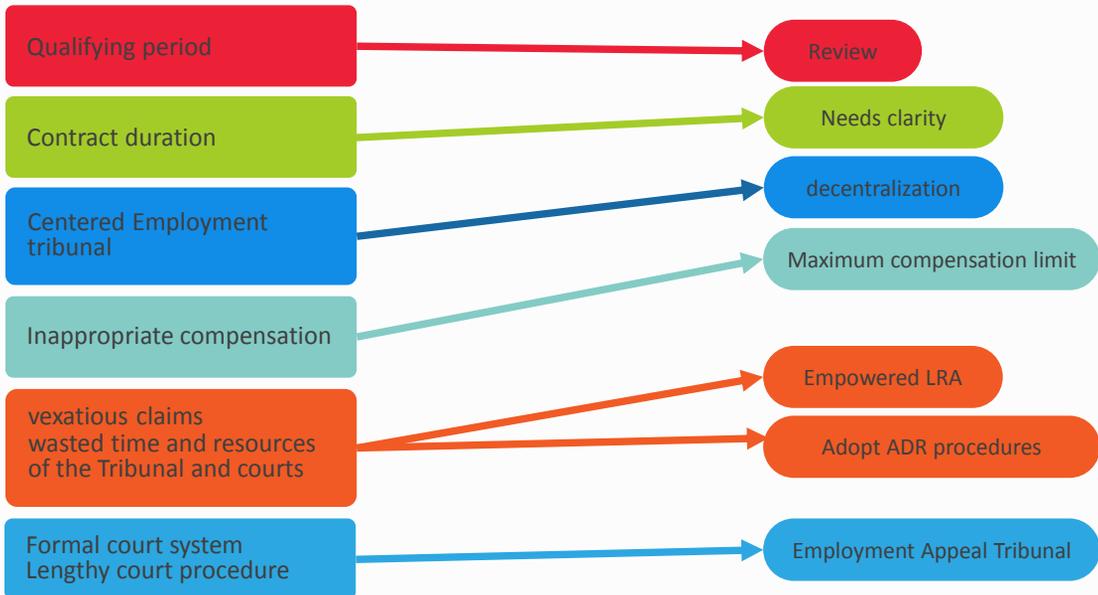
Can avoid court process
Maintain good reputation
Save cost and time



Protected conversation

Informal
Mutually Satisfactory Outcomes
Cannot use for evidence at tribunal

Summation



THANKYOU