

Recruitment and Training

Legislations and regulations

Employers should be familiar with the following key labour laws and regulations:

1. Employment Rights Act 2008 & Regulations
 - Legislation relating to employment and contract of employment or contract of service
 - Law relating to trade unions, fundamental rights of workers and employers, collective bargaining, labour disputes and related matters
2. Occupational Safety and Health Act 2005 & Regulations
 - Legislation and regulation governing safety, health and the welfare of employees at work
3. Additional remuneration act
 - Provides for the payment of an additional remuneration to employees of the private sector.
4. Non-citizens (employment restriction) act
 - Governs the employment of expatriates in Mauritius
5. End of year gratuity act
 - To provide for a yearly payment of an end of the year gratuity to employees of the private sector
6. National Minimum Wage Regulations 2017
 - Governs the Minimum wage to be paid to both full time and part time employees of the public and private sector.
7. Other legislation relating to labour can be consulted from the website of the Ministry of Labour, Industrial Relations, Employment and Training.

The labour market in Mauritius

Some statistics compiled and published by the Statistics Mauritius provides a snapshot of the employment market. These include:

- ✓ statistics on labour force, employment and unemployment,
- ✓ Statistics on capital and multifactor productivity, unit labour cost, capital labour ratio and capital output ratio.
- ✓ Statistics on the employment in the public sector by sex.
- ✓ Different statistics from the education sector including number of schools, examination results, enrolment, teaching staff and the level of expenditure relating to the Education Sector.

Employment practices

The Employment Rights Act 2008 governs the employment practice in Mauritius. While there are no specific contracts applicable to any sector of activities, the employer should respect the following guidelines:

✓ Hours of Work

The normal day's work of an employee consists of 8 hours and may begin on any day of the week, even though it is a public holiday.

✓ Remuneration

Every employer shall pay remuneration to an employee monthly, unless the parties agree to payment at shorter intervals.

Where an employee works on a day on which a cyclone warning class III or IV is in force, the employee shall, in addition to any remuneration due to him, be entitled to an allowance equal to 3 times the basic rate per hour in respect of every hour of work performed and adequate free meals.

✓ Transport

An employer shall provide free transport from the employee's residence to his place of work and back or pay the employee the equivalent of a return bus fare.

✓ Medical facilities

Every company that employs 10 or more employees shall make appropriate arrangements for the medical and health requirements of his employees at work. Providing medical insurance to employees is not compulsory.

✓ Sick leave

Every employee is entitled to 15 working days' sick leave on full pay after being in continuous employment with the same employer for a period of 12 consecutive months.

✓ Annual leave

Every employee shall be granted 20 working days' annual leave during each subsequent period of 12 months while he remains in continuous employment.

✓ Maternity Leave

A female employee is entitled, on production of a medical certificate, to 12 weeks' maternity leave on full pay to be taken either before confinement, provided that at least 6 weeks' maternity leave shall be taken immediately following the confinement.

A female employee who is nursing her unweaned child shall be entitled every day at a time convenient to her at least 2 breaks of half-hour; or one break of one hour. The break shall be for a period of 6 months from the date of confinement or as recommended by a medical practitioner and may not be deducted from the number of hours of work of the female employee.

✓ Paternity Leave

A male employee, other than a male part-time worker, shall be entitled to 5 continuous working days' paternity leave, upon providing a medical certificate certifying that his spouse has given birth to his child; and a written statement signed by him that he is living with his spouse under a common roof.

✓ Injury at work

Where an employee has suffered injury or illness at work necessitating his removal to his home or to a hospital or other similar institution, the employer shall promptly and at his own expense provide an appropriate means of conveyance for the employee.

✓ Overtime

A worker may be required to perform extra hours of work for up to 20 hours per fortnight. No worker shall be required to perform extra hours of work above 20 hours per fortnight without his consent.

Where a worker works on a public holiday, he shall be remunerated at twice the basic hourly rate for every hour of work performed. Where a worker performs more than the stipulated hours in any fortnight except on public holidays, he shall be remunerated at one and a half times the basic hourly rate for every hour of work performed.

✓ End of year bonus

A bonus equivalent to a twelfth of the earnings for that year must be paid every year.