

GN No. 134 of 1994

THE RECRUITMENT OF WORKERS ACT 1993

**Regulations made by the Minister under section 11
of the Recruitment of Workers Act 1993**

1. These regulations may be cited as the Recruitment of Workers Regulations 1994.

2. In these regulations—

“Act” means the Recruitment of Workers Act 1993;

“applicant for employment” means any person applying for employment, work, or hire of his services, at an employment agency;

“applicant for workers” means any person applying for the procurement of any worker for his services at an employment agency;

“non-citizen” has the same meaning as in the Non-Citizens (Employment Restriction) Act.

3. Every application for a licence under section 3 of the Act shall be—

(a) in the form specified in the First Schedule; and

(b) accompanied by such documents as the licensing authority may require.

4. Every licence shall be in the form specified in the Second Schedule.

5. The licensing authority may make such enquiries as he thinks fit before issuing or renewing a licence.

6. The security to be furnished under section 3 of the Act shall, in the case of an applicant who proposes to recruit citizens of Mauritius for employment abroad or non-citizens for employment in Mauritius, be of the value of 200,000 rupees.

7. The fee payable for the issue or renewal of a licence shall be 10,000 rupees.

8. Every licensee shall display the licence granted to him under the Act in a conspicuous place at his business premises.

9. (1) Every contract of employment entered into between—

(a) an employer and a citizen of Mauritius recruited for employment abroad; or

(b) an employer and a non-citizen recruited for employment in Mauritius,

shall be drawn up in triplicate in English or French and shall contain the terms and conditions specified in the Third Schedule.

(2) The licensee shall keep a copy of the contract of employment and give a copy to the worker and to the licensing authority.

10. Every licensee shall maintain a register in the form approved by the licensing authority in relation to—

- (a) applicants for employment;
- (b) applicants for workers.

11. Every licensee—

- (a) shall exhibit in a conspicuous place at his business premises the scale of fees specified in the Fifth Schedule; and
- (b) shall not charge nor receive any fee otherwise than as specified in the Fifth Schedule.

12. A licensee shall, every 4 months, submit to the licensing authority a return in the form approved by the licensing authority in relation to—

- (a) citizens of Mauritius placed in employment in Mauritius;
- (b) citizens of Mauritius placed in employment abroad;
- (c) non-citizens placed in employment in Mauritius.

13. Every licensee shall allow the licensing authority or any officer authorised by him to enter at any reasonable time the licensee's business premises and inspect the licensee's register and any other document relating to his business.

14. The Recruitment of Workers Regulations 1986 are repealed.

Made by the Minister on 15 July 1994.

FIRST SCHEDULE (*regulation 3*)

APPLICATION FOR RECRUITMENT LICENCE

1. Full name of applicant
2. Office address
3. (Where the applicant is a Company) Name of his legal representative
4. Category of workers to be recruited:

	If Yes, mention
--	--------------------

		countries from/for Which recruitment of workers is likely to be made	
		State Yes or No	
1	Citizens of Mauritius for employment abroad		
2	Citizens of Mauritius for employment in Mauritius		
3	Non Citizens for employment in Mauritius		

5. Security will be furnished by means of—

- (a) Cash deposit in the Treasury
- (b) A policy of insurance issued by a Company registered under the Insurance Act, to be deposited with the Accountant-General
- (c) A bank guarantee issued by a bank licensed under the Banking Act to be deposited with the Accountant-General

(Tick as appropriate)

6. (a) Name(s) of the applicant's employee(s) responsible for the recruitment of workers:

(b) Qualifications of the employee(s):

(c) Experience of the employee(s):

7. Have you or the employee(s) mentioned at paragraph 6 ever been charged, convicted in any court of law or detained under the provision of any law.
Yes/No.

8. I hereby declare that the foregoing particulars are true and I undertake to

comply with any conditions which may be attached to the grant of a licence.

Date:

Signature of Applicant

SECOND SCHEDULE
(regulation 4)

RECRUITMENT LICENCE

..... of
is hereby authorised to recruit:—

- (a) citizens of Mauritius for employment abroad*
- (b) citizens of Mauritius for employment in Mauritius* and
- (c) Non citizens for employment in Mauritius*.

This licence shall be subject to the following conditions—

- (a) the licence is valid for a period of 2 years as from
- (b) the licence is not transferable
- (c)

Date

Licensing Authority

*Delete as appropriate

THIRD SCHEDULE
(regulation 9)
TERMS AND CONDITIONS OF EMPLOYMENT CONTRACT

The individual contract of employment shall contain at least the following information—

- (a) the full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment;
- (b) name and particulars of employer;
- (c) the occupational category in which he is placed;
- (d) remuneration for ordinary hours of work, overtime, night work and holidays,

- and the currency for wage payment;
- (e) bonuses, indemnities, allowances and other fringe benefits, if any;
- (f) conditions under which and extent to which the employer may be authorised to make any deductions from remuneration;
- (g) conditions regarding board and lodging;
- (h) the duration of the contract as well as the conditions of renewal and renunciation of the contract;
- (i) the conditions under which entry and residence in the territory of immigration are permitted;
- (j) the method of meeting the expenses of the journey of the recruited worker;
- (k) the grounds on which a contract may be prematurely terminated.

FOURTH SCHEDULE (regulation 11)

FEES

1. Fees that may be charged by an employment agency from an applicant for employment shall be—

- (a) for registration— not more than 100 rupees per person per registration
- (b) for commission— in addition to the above, not more than 1000 commission on the first month's earnings of applicants placed in employment may be charged

2. Fees that may be received by an employment agency from an applicant for workers shall be—

- (a) for registration— not more than 200 rupees per employer per registration.
- (b) for commission—
in addition to the above, a commission of an amount not exceeding a sum equal to one month of the first month's total salary paid to each worker placed in employment may be charged.