

Recruitment of Workers Regulations 1994

GN 134/1994

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 ;

“quarter” means the period of three months ending on the 31st March, the 30th June, the 30th September or the 31st December, in any year;

“vacancy” means a local or overseas vacancy.

Amended by [\[GN No. 71 of 2004\]](#)

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 Fourth Schedule; and
- (b) shall not charge nor receive any fee otherwise than as specified in the Fourth Schedule.

[Reprint No. 8 of 1994]

12. (1) Every licensee shall, within 2 working days of receiving a written request by an employer for recruitment, notify the vacancy to the licensing authority in the form set out in the Fifth Schedule.

(2) Every licensee shall, within 10 days of the expiry of each quarter, submit to the licensing authority-

(a) a consolidated return in the form set out in the Sixth Schedule in relation to vacancies notified by employers;

(b) a return in the form set out in the Seventh Schedule in relation to -

(i) citizens of Mauritius placed in employment in Mauritius;

(ii) citizens of Mauritius placed in employment abroad;

(iii) non-citizens placed in employment in Mauritius.

Added by [\[GN No. 71 of 2004\]](#)

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.

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:

		State Yes or No	If Yes, mention countries from/for which recruitment of workers is likely to be made
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 10% 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.

FIFTH SCHEDULE

(regulation 12 (1))

NOTIFICATION OF VACANCIES

Year.....

Address (optimal)

..... Fax:

(optional)..... Fax: (optional).....

Economic activity.....

Occupation:

.....

.....

Number of posts: Male.....Female:

Site of Work:.....

Academic Qualifications needed:.....

Subjects:

.....

.....

Technical:

.....

.....

Subjects:

.....

.....

Professional.....

.....

Subjects:

.....

.....

Experienced needed:.....

.....

.....

Salary offered: (optional).....

Fringe benefits: Subjects:.....

Other information:.....

.....

.....

Deadline for application:.....

Can licensing authority post full details onto the Internet and other computer networks? Yes /

No

(If "No", details will be posted but without identifying the employer)

Date:.....

Name of signatory:.....

Name of Licensee:.....

Signature:.....Tel number:

.....

Added by [\[GN No. 71 of 2004\]](#)

SIXTH SCHEDULE
(regulation 12 (2) (a))

CONSOLIDATED RETURN

Consolidated return of local and overseas vacancies notified for period:

.....

Occupation	Number of vacancies notified			Country of Employment
	Male	Female	Total	

Date:.....

Total				

Date:.....

Name _____ of _____ Licensee:

.....

Signature:..... Organisation:

.....

Tel Number:..... Fax _____ Number:

.....

Occupation	Number of vacancies notified			Country of Employment
	Male	Female	Total	

Date:.....

Name _____ of _____ Licensee:

.....

Signature:..... Organisation:

.....

Tel Number:..... Fax _____ Number:

.....

Added by [\[GN No. 71 of 2004\]](#)