

THE EMPLOYMENT RELATIONS ACT 2008

**Regulations made by the Minister under Section 93
of the Employment Relations Act 2008**

1. These regulations may be cited as the Travel Agents and Tour Operators Workers Remuneration Regulations 2009.

2. In these regulations –

“accounts clerk” means a worker whose duties may include –

- (a) receiving cash, cheques and credit card payment orders and checking such payments against appropriate documents;
- (b) effecting bank deposits and withdrawals;
- (c) making entries in accounting and book-keeping records;
- (d) assisting in the preparation of financial accounts; or
- (e) assisting in the annual and periodic stocktaking;

“administrative clerk” means a worker whose duties may include –

- (a) maintaining and updating records and accounts;
- (b) making entries for data processing;
- (c) filing documents; or
- (d) doing other routine office work;

“airport representative” means a worker employed by a tour operator whose duties may include –

- (a) welcoming tourists at the airport or the seaport;
- (b) organizing the arrivals and departures of tourists;
- (c) informing clients about services offered; or
- (d) replacing supervisors occasionally;

“cashier” means a worker whose main duty is to deal with payments, issue receipts and keep relevant records;

“certified trainee” means a person who holds a certificate of competency issued by a training school approved by the Mauritius Qualifications Authority;

“cleaner” means a worker whose duties may include –

- (a) general cleaning, including sweeping of floors;
- (b) keeping tidy the premises;
- (c) cleaning of toilets;
- (d) performing unskilled work involving physical effort; or
- (e) assisting in doing other cognate duties;

“driver” means a worker who –

- (a) drives any motor vehicle usually for the transportation of tourists and/or fellow workers;
- (b) effects minor repairs and keeps his vehicle clean and in running order;
- (c) assists in loading and unloading his vehicle; and
- (d) reports accidents or any mechanical defects promptly to the responsible officers;

“general sales agent” means a person who represents an airline company and is authorized to issue travel tickets and to provide travel related services to the public;

“guide” means a worker employed by a tour operator whose main duties involve –

- (a) helping tourists during transfers from airport to hotel;
- (b) accompanying tourists during organized tours; or
- (c) providing information on excursions and sites visited;

“hotel representative” means a worker employed by a tour operator whose main duties include –

- (a) welcoming of guests on arrival at hotels; or
- (b) selling tours and excursions to tourists;

“luggage handler” means a worker employed by a tour operator, generally based at the airport or the seaport and whose main duties include –

- (a) handling tourists’ luggage; or
- (b) helping drivers to load and unload tourists’ luggage in or from the vehicle;

“planning officer” means a worker employed by a tour operator who plans, organizes and coordinates the activities of staff engaged in preparing schedules for the transportation of staff and guests, for transfers and excursions;

“planning clerk” means a worker employed by a tour operator who prepares schedules for the transportation of staff and guests, for transfers and excursions;

“receptionist/telephonist” means a worker whose duties may include –

- (a) being responsible for the reception counter;
- (b) operating a telephone switchboard;
- (c) receiving, recording and passing on telephone messages;
- (d) dealing with telephone enquiries and supplying information, where necessary; or
- (e) inputting phone bills on the computer for the accounts department;

“reservation and ticketing officer” means a worker employed by a travel agency holding the International Air Transport Association Foundation Certificate or any other equivalent qualification and whose main duties include –

- (a) assisting and advising clients;

- (b) booking flights;
- (c) issuing tickets; or
- (d) issuing invoices;

“security officer” means a worker who provides security and property protection services and whose duties may include –

- (a) guarding the premises against hazards, theft and illegal entry;
- (b) ensuring the safety and security of guests, personnel and any other person on the premises of the employer;
- (c) performing preventive patrol to guard against theft and illegal access to the premises;
or
- (d) taking appropriate actions upon detection of suspicious activities, undesirable conduct or behaviour and events and recording such entries as may be necessary;

“senior accounts clerk” means a worker whose main duties include –

- (a) supervising staff under his control;
- (b) preparing, examining, reconciling and executing all accounts;
- (c) assisting in the preparation of budgets and estimates; or
- (d) carrying out annual and periodic stock-taking;

“trainee” means a person who is employed for the purpose of being trained in a job or, in the case of a certified trainee, of being graded in a job;

“travel agent” means a person who –

- (a) sells tickets or such other travel documents entitling an individual to travel abroad or to Mauritius, or otherwise arranges a right of passage for a person on any conveyance abroad; or
- (b) sells to, or arranges for or makes available to a person right of passage and hotel or other accommodation at one or more places, being places within or outside Mauritius;
- (c) purchases for resale the right of passage on any conveyance;
- (d) includes a general sales agent; and
- (e) does not include an airline company not engaged in the direct sales of tickets to the public;

“travel consultant” means a worker holding the International Air Transport Association Consultancy Diploma or any other equivalent qualification and who performs all the duties of the reservation and ticketing officer and supervises staff under his control;

“tourist” means a person who travels to a place outside his usual environment and stays at that place for not more than 12 consecutive months for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited and includes a person ordinarily resident in Mauritius;

“tour operator” means a person engaged in the provision of professional services to tourists to and from Mauritius, including –

- (a) the organization of land and sea excursions, sightseeing tours and cruises;
- (b) the making of reservations and renting of tourist accommodation;
- (c) arrival and departure services;
- (d) transfers to and from the airport or any other point of entry;
- (e) destination management services; or
- (f) such other facilities relating to the tourism industry as may be prescribed, but does not include a person who holds -
 - (i) a taxi licence issued under the Road Traffic Act;
 - (ii) a pleasure craft licence;

“vehicle attendant” means a worker whose duties include –

- (a) cleaning and polishing vehicles;
- (b) assisting in effecting minor repairs to vehicles; or
- (c) changing flat tyres;

“watchperson” means a worker whose duties include –

- (a) keeping watch over premises and property; and
- (b) carrying out periodic inspection tours within the premises and keeping appropriate records;

“word processing operator” means a worker whose duties may include –

- (a) typing and collating letters, memoranda and other scripts according to given instructions;
- (b) doing word processing and simple data processing tasks; or
- (c) operating fax machines and e-mail services;

"worker" –

- (a) means a person employed by a travel agent or a tour operator;
- (b) does not include a person governed by any other (Remuneration Order) Regulations.

3. A worker who works for his employer on 4 or more days in a working week shall, in respect of that week, be deemed to have remained in continuous employment.
4. (1) Subject to the other provisions of this regulation and regulation 9, a worker shall -
 - (a) be remunerated at the rate specified in the First Schedule;
 - (b) be governed by the conditions of employment specified in the Second Schedule.
- (2) The rates specified in the First Schedule are inclusive of the appropriate additional remuneration payable under the Additional Remuneration Act 2008.
- (3) Subject to paragraph (4), where a scale of wages applies to a worker, he shall be entitled to -
 - (a) the initial wages prescribed in the scale which applies to him; and

- (b) one increment in respect of every period of 12 consecutive months of service he reckons with his employer in the category in which he is employed.
- (4) A period of training or adaptation shall not be reckoned as service for the purpose of paragraph (3).
5. Where a worker is called upon to replace another worker drawing higher remuneration, he shall be paid the remuneration applicable to that other worker.
6. Where a driver is called upon to drive a limousine and to provide a personalized service to a VIP tourist, he shall be paid an allowance of 25 rupees on each day he performs such duties.
7. (1) Subject to paragraphs (2) and (3) -
- (a) the period of training for a trainee shall not exceed 12 months;
 - (b) where at the end of the training period, the trainee continues to be employed, he shall be employed in the appropriate category;
 - (c) no person shall be employed as a trainee more than once by the same employer.
- (2) The adaptation period for a certified trainee shall not exceed 3 months.
- (3) Where at the expiry of 3 months, a certified trainee continues to be employed, he shall be employed in the appropriate category.
8. Any agreement by a worker to relinquish his right under these regulations shall be null and void.
9. Nothing in these regulations shall -
- (a) prevent an employer from paying a worker remuneration at a rate higher than that specified in the First Schedule or from providing him conditions of employment more favourable than those specified in the Second Schedule;
 - (b) authorise an employer to reduce a worker's remuneration or to alter his conditions of employment so as to make them less favourable.
10. These regulations shall come into operation on 1 April 2009.

Made by the Minister on 16 March 2009.

FIRST SCHEDULE**[regulation 4(1)(a)]**

Category of worker	Year of service	Monthly basic wages
Senior accounts clerk	1 st year	8810
	2 nd year	9010
	3 rd year	9210
	4 th year	9420
Accounts clerk	1 st year	7625
	2 nd year	7775
	3 rd year	7925
	4 th year	8075
Administrative clerk, Planning clerk, Reservation & ticketing officer and Cashier	1 st year	7275
	2 nd year	7425
	3 rd year	7575
	4 th year	7725
Planning officer	1 st year	8810
	2 nd year	9010
	3 rd year	9210
	4 th year	9420
Trainee		4665
Word processing operator	1 st year	6515
	2 nd year	6640
	3 rd year	6765
	4 th year	6940
Receptionist/Telephonist	1 st year	6165
	2 nd year	6265
	3 rd year	6415
	4 th year	6565

Category of worker	Year of service	Monthly basic wages
Hotel representative	1 st year	7625
	2 nd year	7800
	3 rd year	7975
	4 th year	8150
Airport representative	1 st year	7125
	2 nd year	7325
	3 rd year	7475
	4 th year	7625
Driver	1 st year	6865
	2 nd year	6965
	3 rd year	7065
	4 th year	7225
Guide	1 st year	7125
	2 nd year	7325
	3 rd year	7475
	4 th year	7625
Travel consultant	1 st year	8810
	2 nd year	9010
	3 rd year	9210
	4 th year	9420
Luggage handler	1 st year	6005
	2 nd year	6090
	3 rd year	6165
	4 th year	6240
Vehicle attendant	1 st year	5605
	2 nd year	5705
	3 rd year	5805
	4 th year	5905

Category of worker	Year of service	Monthly basic wages
Cleaner	1 st year	5605
	2 nd year	5705
	3 rd year	5805
	4 th year	5905
Security officer	1 st year	6215
	2 nd year	6315
	3 rd year	6415
	4 th year	6515
Watchperson		5905

SECOND SCHEDULE

[regulation 4(1)(b)]

1. Normal working hours

- (1) The normal working week of a worker, other than a watchperson or a security officer, may begin on any day, whether or not a public holiday, and shall consist of 45 hours of work, excluding time allowed for meal and tea breaks.
- (2) A worker shall be entitled on any working day to a meal break of 1 hour and 2 tea breaks of 15 minutes each.
- (3) Subject to subparagraph (4), a worker shall be entitled to a rest day in each working week, and the rest day shall at least twice a month be a Sunday, except where his services are required in special circumstances.
- (4) Where a worker works on a rest day, he shall be entitled to a rest day on the following day.
- (5) Subject to subparagraph (6), a worker, other than a watchperson or a security officer, shall not be required to work continuously for a period exceeding 12 hours.
- (6) The normal working week of a watchperson or a security officer may begin on any day, whether or not a public holiday, and shall consist of 72 hours of work, made up of 12 hours of work on any working day.
- (7) The working day of a guide or a driver on a tour shall extend until the end of the tour on that particular day.

2. Extra work

- (1) Subject to subparagraph (3), where a worker, other than a watchperson or a security officer -
 - (a) works on a public holiday or a weekly rest day, he shall be remunerated -
 - (i) for the first 8 hours, at twice the basic rate per hour; and
 - (ii) thereafter, at three times the basic rate per hour;
 - (b) performs more than 45 hours of work in any week, not being hours of work referred to in sub-subparagraph (a), he shall be remunerated at one and a half times the basic rate per hour.
- (2) Subject to subparagraph (3), where a watchperson or a security officer -
 - (a) works on a public holiday or a weekly rest day, he shall be remunerated -
 - (i) for the first 12 hours of work, at twice the basic rate per hour; and
 - (ii) thereafter, at three times the basic rate per hour;
 - (b) performs more than a normal day's work on any other day, he shall be remunerated at one and a half times the basic rate per hour.

- (3) Where a worker works on a public holiday, other than a Sunday, he shall be paid at the end of the next pay period, in addition to his normal wage, any remuneration due under subparagraph (1) or (2) as the case may be.

3. Notional calculation of basic rate

For the purpose of determining remuneration due for extra work or for any other reasons -

- (a) a month shall be deemed to consist of 26 days; and
- (b) a day shall be deemed to consist of -
 - (i) 12 hours in the case of a watchperson and a security officer; and
 - (ii) 8 hours in every other case.

4. Payment of remuneration

- (1) A worker shall be paid his wages during working hours not later than the last working day of the month.
- (2) An employer shall, at the time of paying the wages of a worker, issue to him a payslip stating, *inter alia* -
 - (a) the worker's name, national identity card number, category, job title, grade and rates of pay;
 - (b) the total number of days on which he was present at work;
 - (c) the number of hours of extra work performed by him and the corresponding extra payment;
 - (d) each item of allowance, including any productivity payment;
 - (e) his total wages; and
 - (f) every deduction made and the reason thereof.