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*Government Notice No. 221 of 2019*

**THE EMPLOYMENT RELATIONS ACT**

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

1. These regulations may be cited as the Private Hospitals and Other Related Health Services (Remuneration) Regulations 2019.

2. In these regulations –

“assistant nurse” means an employee who has followed a training course in a hospital in Mauritius, holds an Assistant Nurse Certificate or an equivalent certificate approved by the Ministry of Health, is registered as assistant nurse at the Ministry of Health and provides simple nursing services to patients under the supervision of a nurse;

“attendant” means an employee who is employed to do one or more of the following and any ancillary duty –

- (a) clean the premises, including the toilets;
- (b) carry utensils, stretches, foodstuffs, stores or drugs;
- (c) remove soiled linen;
- (d) make beds;
- (e) serve meals;
- (f) push trolleys;

“charge nurse” or “ward sister” means an employee who is registered as nurse at the Ministry of Health, has at least 5 years’ experience as nurse and –

- (a) is in charge of the running of a ward, an accident or emergency department, an operation theatre or an out-patient department;
- (b) carries out nursing duties and supervises the work of the staff in his ward or department;

“cook” means an employee who is required to prepare and cook food and to perform ancillary duties, including cleaning of the place where he works;

“dispenser” means an employee who has successfully completed a training course approved by the Ministry of Health and who, subject to the conditions specified in the Pharmacy Act and regulations made thereunder –

- (a) compounds drugs, medicine and prepares sterile pharmaceutical products;
- (b) dispenses drugs and medicine and gives full directions for the use thereof;
- (c) orders, receives and issues drugs, medicine, sera, vaccines, sterile products ingredients, surgical dressings and keeps records thereof;
- (d) ensures general tidiness and cleanliness of his place of work;

“employee” –

- (a) means a person who is employed in a private hospital or other related health services; but
- (b) does not include an employee –
  - (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
    - (A) Part II of the First Schedule; and

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(B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers' Rights Act 2019;

- (ii) whose conditions of employment are governed by any other Remuneration Regulations;
- (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made by the Pay Research Bureau, or a salary commission, by whatever name called;

“gardener” means an employee who may be called upon to do one or more of the following –

- (a) sow seeds;
- (b) trim hedges;
- (c) prepare flower beds;
- (d) tend to plants;

“handyperson” means an employee employed in a private hospital or any related health service who is in charge of maintenance and odd jobs;

“kitchen help” means an employee who assists a cook and cleans crockery, cutlery and other kitchen requisites;

“launderer” means an employee who is required to do laundering, drying and ironing;

“medical laboratory technician” means an employee who holds a diploma from the University of Mauritius in Medical Laboratory Technology or an alternative certificate approved by the Ministry of Health and who –

- (a) performs analyses on specimen received and reports thereon;
- (b) prepares culture media, sera, vaccines, reagents and standard solutions;
- (c) maintains, takes care and sterilises laboratory instruments, equipment and glasswares;
- (d) collects blood by finger prick;
- (e) registers specimen in the appropriate books and sends out reports thereon;
- (f) performs other cognate duties;

“midwife” means an employee who has followed a training in midwifery in a hospital in Mauritius, holds a certificate in midwifery or an equivalent certificate in midwifery approved by the Ministry responsible for the subject of health, is registered as midwife at the Ministry of responsible for the subject of health and –

- (a) gives care and advice to women to aid them during their pregnancy labour and post-natal period;
- (b) conducts normal deliveries and cares for the new-born infant;
- (c) carries out emergency measures in the absence of medical help;
- (d) treats, or assists in the treatment of, certain minor gynaecological disorders;

“nurse” means an employee who has followed a 3 years’ training course in a hospital, holds a general nursing certificate or an equivalent certificate approved by the Ministry responsible for

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the subject of health, is registered as a nurse at the Ministry responsible for the subject of health and –

- (a) provides care relating to the personal hygiene and comforts of patients;
- (b) assists physicians and surgeons;
- (c) administers medicines and drugs;
- (d) applies surgical dressings and gives other forms of treatment prescribed by physicians and surgeons;
- (e) observes and reports on the general conditions of patients and measures and records body temperature, rate of respiration and pulse beat;
- (f) gives first-aid treatment in emergencies and attends seriously ill patients;
- (g) collects specimens for –
  - (i) inspection; and
  - (ii) pathological examinations, labelling them immediately for the laboratory;
- (h) performs other cognate duties;

“nursing aid” means an employee who –

- (a) has undergone at least 12 months’ training as a student nurse or a pupil nurse in a hospital; and
- (b) is employed in a private hospital or any related health service to assist a nurse or an assistant nurse in providing nursing care to patients;

“private hospital” –

(a) means a private health institution licensed under the Private Health Institutions Act; and

(b) includes a clinical laboratory and a health care unit;

“radiographer” means –

(a) an employee who holds a Local Radiographer’s Certificate in radiodiagnosis or an alternative certificate approved by the Ministry responsible for the subject of health and who –

(i) performs radiodiagnostic investigations and preparation of patients prior to examination and ensures accurate positioning of patients, correct exposure and proper processing of films;

(ii) performs X-ray examinations and identifies exposed films;

(iii) assists the radiologist for X-ray examinations;

(iv) prepares processing solutions;

(v) performs other cognate duties; or

(b) an employee who holds a Local Radiographer’s Certificate in Radiotherapy or an equivalent certificate approved by the Ministry responsible for the subject of health and who –

(i) performs all types of radiotherapeutic work, including preparation and accurate positioning of patients and administration of appropriate radiation dosage;

(ii) performs X-ray examination for localisation of tumours, tubes and radioactive substances after insertion, and ensures accurate positioning of films and their identification;

(iii) keeps a register of examinations done;

(iv) performs other cognate duties;

“reasonable business grounds” means –

(a) inability or impracticability to reorganise working arrangements of existing employees;

(b) a detrimental effect on the ability to meet customers’ demand;

“receptionist” –

(a) means an employee who attends at a reception counter and to a telephone switchboard; and

(b) includes a telephonist;

“related health services” –

(a) means any other services involved in activities directly related to the health care or treatment of any person suffering from any infirmity or convalescing from any sickness or injury; but

(b) does not include a nursing home.

**3.** (1) Subject to the other provisions of this regulation and regulation 8, every employee shall be –

(a) governed by the conditions of employment specified in –

(i) the Workers’ Rights Act 2019; and

(ii) the First Schedule;

(b) remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers' Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.

(3) Where a scale of wages applies to an employee, he shall receive –

- (a) the initial wages prescribed in the scale which applies to him; and
- (b) one increment in respect of every year of service he reckons with his employer in the category in which he is employed.

(4) The rates specified in the Second Schedule include –

- (a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and
- (b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

(5) A nurse or an assistant nurse who also holds a certificate in midwifery shall be entitled to 2 increments in addition to any increment payable to him under subparagraph (3).

4. An employee who is scheduled to work on a public holiday shall forfeit his normal day's pay if he absents himself on that day, unless he is on authorised sick leave or annual leave.

5. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.



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6. Where an employer employs more than one watchperson, the terms and conditions of employment of the watchpersons shall be governed by the Private Security Services Employees (Remuneration) Regulations 2019.
7. Notwithstanding paragraph 3 of Part I of the First Schedule, for the period ending 31 December 2019 –
- (a) the normal working week for a watchperson, shall consist of 72 hours' work, made up of 6 days of 12 hours, including time allowed for meal and tea breaks; and
  - (b) the watchperson referred to in paragraph (a) shall be remunerated at one and a half times the basic rate for every additional hour of work after the performance of 12 hours' work in every day.
8. Nothing in these regulations shall –
- (a) prevent an employer from –
    - (i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or
    - (ii) remunerating the employee at a rate higher than that specified in the Second Schedule;
  - (b) authorise an employer –
    - (i) to reduce the wages of an employee; or
    - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of the employee so as to make them less favourable.
9. The Nursing Homes (Remuneration Order) Regulations 1984 are revoked.

**10.** Subject to paragraph 7(2)(b) of the First Schedule, these regulations shall come into operation on 24 October 2019.

Made by the Minister on 25 October 2019.

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**FIRST SCHEDULE**  
[Regulations 2, 3, 7 and 8]

**CONDITIONS OF EMPLOYMENT**  
**PART I - GENERAL CONDITIONS**

**1. Normal working hours**

(1) The normal working month for every employee, other than a watchperson, shall consist of 195 hours, including work on a public holiday and excluding a daily meal break of one hour.

(2) No employee shall be required to work continuously for a period exceeding 16 hours.

(3) Except where his services are required in special circumstances, every employee shall be entitled to a rest day every week and the rest day shall, at least twice a month, be a Sunday.

**2. Extra work**

(1) An employee other than a watchperson shall be remunerated at –

- (a) one and a half times the basic rate in respect of any work done in excess of 195 hours;
- (b) twice the basic rate in respect of the first 8 hours' work done on a rest day or on a public holiday other than a Sunday;
- (c) 3 times the basic rate for any work done in excess of 8 hours on a rest day or on a public holiday other than a Sunday.

### **3. Provisions applicable specifically to watchperson**

(1) The normal working week for a watchperson shall consist of 48 hours' work, made up of 6 days of 8 hours on any working day, whether or not a public holiday, including time allowed for meal and tea breaks.

(2) Except where his services are required in special circumstances, a watchperson shall be entitled to one rest day in any working week, and the rest day shall, at least twice a month, be a Sunday.

(3) Subject to paragraph 4, a watchperson who –

(a) works on a public holiday, shall be remunerated –

(i) for the first 8 hours, at twice the basic rate; and

(ii) thereafter, at 3 times the basic rate;

for each hour of work;

(b) performs more than 48 hours or such lesser stipulated number of hours in any week, not being hours of work referred to in sub subparagraph (a), shall be remunerated at one and a half times the basic rate for every additional hour of work.

(4) For the purpose of computation of extra work, any authorised leave, including injury leave shall be deemed to constitute attendance at work.

(5) Any agreement by a watchperson, other than a collective agreement under section 57 of the Employment Relations Act to relinquish his right to a paid public holiday or to forego such leave shall be null and void.

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#### **4. Payment of remuneration for work performed on public holidays**

(1) Every employee shall be entitled to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs on any of his normal working days.

(2) Every employee who is required to work on a public holiday, other than a Sunday, he shall be paid, in addition to the normal day's pay provided for under subparagraph (1), any remuneration due under paragraph 2 or 3, as the case may be.

(3) Any agreement by an employee to relinquish his right to a paid public holiday or to forego such leave shall be null and void.

#### **5. Notional calculation of basic rate**

For the purpose of determining remuneration due for extra work and any other purpose, the basic rate shall be calculated on the basis that a month shall be deemed to consist of –

- (a) 195 hours for an employee specified in Part A of the Second Schedule;
- (b) 26 days of 8 hours each for an employee specified in Part B of the Second Schedule.

#### **6. Tea and coffee**

An employee other than a watchperson who is required to work between 9 p.m. and 6 a.m. the following day shall be provided with either tea or coffee.

**7. Shift work**

(1) An employer may request an employee to work on shift work.

(2) (a) Where work is performed on night shift, an employer shall not require the employee to work –

(i) on more than 6 consecutive nights; and

(ii) except with the written consent of the employee, for more than 8 hours a day.

(b) Notwithstanding sub subparagraph (a)(ii), where shift work of more than 8 hours a day was being performed before 24 October 2019, the shift system of more than 8 hours a day shall continue until 31 January 2020.

(3) For the purpose of subparagraph (2)(a) –

“night work” means any period during which an employee is required to work or to remain at his workplace for at least 6 consecutive hours between 6 p.m. and 6 a.m. the following day.

(4) Where a female employee who may be required to perform night shift work produces a medical certificate certifying that she is pregnant, her employer shall not require her to perform night shift work during a period of at least 8 weeks before confinement.

(5) Shift work shall be scheduled –

(a) on a monthly basis; and

(b) organised in 2 or more shifts during a period of 24 consecutive hours.

(6) (a) A copy of the monthly schedule of duty worked out on a roster basis indicating the date and time at which an employee shall attend duty shall be handed over to the employee.

(b) The monthly schedule of duty shall be posted up in a conspicuous place at the place of work at least one week before the schedule is due to take effect.

(7) Where an employee is employed on shift work, he shall be paid an allowance of 15 per cent of his basic wage in addition to his normal day's wage for work performed during night shift as specified at subparagraphs (2)(a) and (3).

## **8. Vacation leave**

(1) Subject to subparagraphs (2) and (3), an employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) Where an employee would have been eligible to take overseas leave under the revoked Nursing Homes (Remuneration Order) Regulations 1984 prior to, or within a period of less than 5 years from, 24 October 2019, the employee shall, on completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under paragraph (1).

(4) The vacation leave shall be –

(a) for a period of not less than 6 consecutive days; and

- (b) with pay and such pay shall, in case the employee opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the employee proceeds abroad.

(5) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(6) An employee shall, except in exceptional circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

(7) Where an employer cannot, on reasonable business grounds, accede to the request of an employee under subparagraph (6) –

- (a) the employee and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall pay to the employee a normal day's wage in respect of each day's leave applied for and such payment shall be effected in the month in which the leave was due to start.

(8) Where an employee is paid wages in lieu of the vacation leave, under subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

## **PART II – HEALTH AND SAFETY CONDITIONS**

### **9. Medical benefits**

In case of illness, an employee shall be entitled to –



- (a) free medical examination; and
- (b) drugs at cost price to be issued by the employer.

**10. Uniforms and protective equipment**

(1) Every employer shall, not later than 31 May in each year, provide –

- (a) 2 uniforms and 2 pairs of appropriate shoes to every charge nurse or ward sister, nurse, assistant nurse, midwife, nursing aid, attendant, cook and kitchen help;
- (b) 2 caps to every cook;
- (c) 2 aprons to every cook and kitchen help;
- (d) 2 uniforms, one pair of boots and 3 pairs of gloves to every gardener and every launderer;
- (e) 2 overalls and one pair of boots to every handyperson;
- (f) 2 pairs of gloves to every attendant;
- (g) 2 uniforms to every dispenser, medical laboratory technician and radiographer.

(2) Every gardener shall be provided with a good quality raincoat every 4 years.

(3) Gloves should be replaced as and when they become unserviceable.

**11. Conveniences**

Every employer shall provide and maintain –

- (a) an adequately furnished rest room for the use of employees performing night shift; and

- (b) suitable accommodation for the safe keeping of employees' belongings.
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**SECOND SCHEDULE**

[Regulations 3 and 8]

**PART A**

<b>Category of employee</b>	<b>Year of service</b>	<b>Monthly salary (Rs)</b>
Charge Nurse/Ward Sister		12,828
Medical Laboratory Technician	1st year	11,718
	2nd year	11,835
	3rd year	11,985
	4th year	12,152
	5th year & thereafter	12,340
Radiographer	1st year	11,718
	2nd year	11,835
	3rd year	11,985
	4th year	12,125
	5th year & thereafter	12,286
Nurse	1st year	10,704
	2nd year	10,834
	3rd year	10,941
	4th year	11,133
	5th year	11,217
	6th year	11,465
	7th year	11,718
	8th year	11,889

	9th year	12,098
	10th year & thereafter	12,286
Dispenser	1st year	9,755
	2nd year	9,905
	3rd year	10,033
	4th year	10,215
	5th year & thereafter	10,427
Assistant Nurse	1st year	9,282
	2nd year	9,460
	3rd year	9,610
	4th year	9,755
	5th year	9,905
	6th year	10,099
	7th year	10,278
	8th year	10,485
	9th year	10,704
	10th year & thereafter	10,888
Midwife	1st year	9,577
	2nd year	9,722
	3rd year	9,865
	4th year	10,003
	5th year	10,127
	6th year	10,307
	7th year	10,513
	8th year	10,731

	9th year	10,915
	10th year & thereafter	11,160
Nursing Aid	1st year	8,900
	2nd year	8,900
	3rd year	8,900
	4th year	8,900
	5th year	9,282
	6th year	9,536
	7th year	9,755
	8th year	9,967
	9th year	10,155
	10th year & thereafter	10,347

**PART B**

<b>Category of employee</b>	<b>Year of service</b>	<b>Monthly salary (Rs)</b>
Driver		9,755
Cook	1st year	9,282
	2nd year	9,460
	3rd year & thereafter	9,689
Receptionist	1st year	9,174
	2nd year	9,386
	3rd year & thereafter	9,536

Attendant, Launderer	1st year	8,900
	2nd year	8,900
	3rd year	8,900
	4th year	8,900
	5th year & thereafter	8,900
Gardener		8,900
Kitchen Help	1st year	8,900
	2nd year	8,900
	3rd year & thereafter	8,900
Watchperson		9,039
Handyperson		10,278

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