

**RESEARCH, LEGISLATION AND LABOUR
STANDARDS DIVISION**

NEWSPAPER & PERIODICALS

WORKERS

REMUNERATION ORDER

REGULATIONS 2001



THE INDUSTRIAL RELATIONS ACT

REGULATIONS MADE BY THE MINISTER UNDER SECTION 96 OF THE INDUSTRIAL RELATIONS ACT.

Govt. Notice No. 55 of 2001 Effective 01.06.2001

GN No. 125 of 2001 wef 01.07 2001 GN No. 175 of 2002 wef 01.07.2002

GN No. 164 of 2003 “ 01.07.2003 GN No. 151 of 2004 “ 01.07.2004

Formerly :

Newspapers' Workers Remuneration Order 1976 **GN 219/76**(Main); 65/79, Reprint No 3/79, 24/82, 118/83, 204/83.)

Newspapers and Periodicals Workers (R.O) Regulations 1990 **GN 103/1990** (Main);
186/1997, 132/1998, 121/1999.

1. These Regulations may be cited as the **Newspapers and Periodicals Employees (Remuneration Order) Regulations 2001.**

2. In these regulations -

"accounts clerk" means an employee who performs one or more of the following duties -

- (a) receiving cash and keeping records;
- (b) preparing money for deposits in banks and arranging withdrawals;
- (c) effecting bank deposits and withdrawals;
- (d) making up wage packets and wage sheets;

"advertisement clerk" means an employee who performs one or more of the following duties-

- (a) liaising between a newspaper or periodical, or both and advertising agents;
- (b) giving instructions relating to particulars of advertisements to the workshop of the undertaking;

- (c) preparing costs relating to advertisements;
- (d) attending to persons requesting advertisements;

"assistant documentalist" means an employee who assists the documentalist in his duties;

"caricaturist" means an employee who does one of or more of the following duties -

- (a) creating cartoons to depict persons and events in caricature;
- (b) depicting any subject matter by means of a sequence of drawing or satirical or humorous portrayal;
- (c) preparing captions for cartoons;

"cashier" means an employee engaged wholly or mainly in dealing with cash or any currency and keeping books relevant to his duties;

"clerk" means an employee who performs clerical or similar duties;

"continuous employment" means the employment of an employee under an agreement or under more than one agreement with the same employer where the interval between an agreement and the next does not exceed 28 days;

"documentalist" means an employee who does one or more of the following duties -

- (a) collecting, organising and preserving records and historically valuable documents;
- (b) analysing and preparing brief descriptions of contents of documents available as reference material;
- (c) preparing indexes, bibliographies, microfilm copies of available documents and records and other reference aids;
- (d) assisting employees involved in research work;
- (e) assisting any person seeking information by making documents available to them;

"driver" means an employee who -

- (a) drives a motor vehicle for the transport of staff in the performance of their duties ; or
- (b) drives a motor vehicle and distributes newspapers and periodicals to vendors, shops and stall holders;

"earnings"

- (a) means basic salary;
- (b) includes -
 - (i) wages for work done in excess of a normal day's work or on a public holiday;

- (ii) remuneration paid under paragraphs 6, 7, 8(1)(a) and (3), 15(5) and 16(4) of the Second Schedule;

"employee"-

- (a) means a person employed in an undertaking publishing newspapers and periodicals; and
- (b) does not include a person governed by
 - (i) the Office Attendants (Remuneration Order) Regulations 2000;
 - (ii) the Printing Industry (Remuneration Order) Regulations 1984;
 - (iii) the Road Haulage Industry (Remuneration Order) Regulations 1989;

"journalist" means an employee who performs one or more of the following duties -

- (a) interviewing persons, attending public functions and seeking information from other sources concerning his subject of interest;
- (b) writing reports and commentaries, interpreting the facts to give a personal assessment of their causes, consequences and likely implications;
- (c) specialising in a particular field relating to his employment;

"photographer" means an employee who -

- (a) takes photographs of events for use in newspapers and periodicals;
- (b) develops films and makes prints and enlargements;

"proof reader" means an employee who performs either or both of the following duties -

- (a) comparing printers' proofs with originals and marking errors for correction;
- (b) reading proof against copy and marking errors by means of a standardised code and returning marked proof for correction of type;

"receptionist/telephonist" means an employee who performs one or more of the following duties -

- (a) operating a telephone switchboard;
- (b) receiving, recording and passing telephone messages;
- (c) supplying information to callers and directing them to persons called upon;
- (d) keeping records of callers;

"reporter" means an employee who performs one or more of the following duties -

- (a) collecting by interview, investigation, attendance at meetings, press conferences or by other means relevant information for publication and undertaking special assignments;

- (b) writing reports based on information collected;
- (c) specialising in any particular type of news and being designated accordingly;

"secrétaire de rédaction" means an employee who, under the responsibility of an editor, performs one or more of the following duties -

- (a) checking and passing on instructions to the workshop of the undertaking and to the proof readers;
- (b) deciding the form, space and position allocated to articles;
- (c) planning page layout and checking final proof;
- (d) reading unsolicited manuscripts and making a selection from them for review by the editor;
- (e) replying to correspondence relating to publication matters;

"store clerk" means an employee who is responsible for the procurement, receipt, custody, issue and the keeping of records of goods in a store;

"trainee reporter" means an employee of at least 18 years of age employed for the purpose of learning the job of reporter and acquiring the appropriate skills;

"word processing operator" means an employee who performs one or more of the following duties -

- (a) typing and collating letters, memoranda and similar matters according to written, dictated or other information;
- (b) performing word processing, and simple computer or data processing work or both;
- (c) operating a telefax and e-mail services.

3. (1) (a) Subject to paragraphs (2), (3) and (5) of this regulation and regulation 5, every employee shall be -

- (i) remunerated at the rates specified in the First Schedule; and
 - (ii) governed by the conditions of employment specified in the Second Schedule.
- (b) The rates specified in the First Schedule are inclusive of the appropriate additional remuneration payable under the Additional Remuneration Act.

(2) Where a salary scale applies to an employee, he shall be entitled to -

- (a) the initial salary specified 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.
 - (3) Where an employee is called upon to replace an employee drawing a higher remuneration, he shall be paid the remuneration applicable to that other employee.
 - (4) The period of traineeship of a trainee reporter shall not exceed 2 years.
 - (5) The remuneration of employees specified in Group A of the First Schedule shall be deemed to include, where applicable, payment for any overtime work and entertainment allowance.
4. Any agreement by an employee to relinquish his right to a paid holiday or to forego such leave shall be void.
5. Nothing in these regulations shall -
- (a) prevent an employer from paying an employee salary at a rate higher than that specified in the First Schedule or from providing him with conditions of employment more favourable than those specified in the Second Schedule;
 - (b) authorise an employer to reduce an employee's remuneration or to alter his conditions of employment so as to make them less favourable.
6. The Newspapers and Periodicals Workers (Remuneration Order) Regulations 1990 are revoked.
7. These regulations shall be deemed to have come into operation on 1 June 2001.

Made by the Minister on 29 May 2001.

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SECOND SCHEDULE
(regulations 3 and 5)

1. Normal Working Days/Hours

- (1) For employees of Group A of the First Schedule, the following conditions shall apply -
 - (a) the normal duty shall be of 5 days in a week, whether consecutive or not, including public holidays;
 - (b) the employee shall be granted 2 days off duty every week to be mutually agreed between the employer and the employee or in default of agreement to be fixed by the employer; and
 - (c) as far as convenient, public holiday work shall be fixed by rotation.
- (2) For employees of Group B of the First Schedule, the following conditions shall apply -
 - (a) a normal working week shall consist of 45 hours; and
 - (b) a normal day's work shall, excluding time allowed for meal, consist of 8 hours on each of 5 days of the week and 5 hours on one other day of the week.

2. Meal and Tea Breaks

Every employee shall be entitled on every working day to -

- (a) a meal break of one hour; and
- (b) a tea break of 15 minutes with pay.

3. Extra Work

Every employee of Group B of the First Schedule 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;
- (b) performs more than a normal day's work on any day other than a public holiday shall be remunerated at one and a half times the basic rate.

4. Notional Calculation of Basic Rate

- (1) For the purpose of determining remuneration payable to employees of Group B of the First Schedule for extra work or for any other cause -
 - (a) a month shall be deemed to consist of 26 days; and
 - (b) a day shall be deemed to consist of 8 hours.
- (2) A day's pay for an employee of Group A of the First Schedule shall be deemed to be 1/22 of his appropriate monthly salary.

5. Payment of Remuneration

- (1) Every employee shall be paid his remuneration during working hours not later than the second working day in the following month.
- (2) Every employer shall, at the time of paying the remuneration of an employee, issue to him a payslip stating *inter alia* -
 - (a) the employee's name;
 - (b) his wages and each item of allowance;
 - (c) all deductions made and the reasons therefor;
 - (d) the total number of days on which he was present at work;
 - (e) the number of hours of extra work performed by him and the corresponding extra payment; and
 - (f) his social security number.

6. Annual Leave

- (1) Where an employee has remained in continuous employment with the same employer for 12 consecutive months, he shall be entitled to 16 days' leave on full pay in the following 12 months.
- (2)
 - (a) Eight days of the leave specified in subparagraph (1) may, with the employer's approval, be taken consecutively by the employee.
 - (b) The remaining 8 days shall be taken at such time as the employer shall determine.

- (3) Where an employee has not taken or been granted all the leave to which he is entitled under subparagraph (1), he shall, except if he is, before the expiry of the period of 12 months, dismissed for misconduct, be paid a normal day's pay in respect of each day's annual leave still outstanding.

7. Sick leave

- (1) Subject to subparagraph (2), where an employee who has remained in continuous employment with the same employer for 12 consecutive months, he shall, during the following 12 months be entitled to -
 - (a) 21 days' sick leave on full pay; and
 - (b) a further period of 30 days on half pay in respect of any time which is -
 - (i) wholly spent in a clinic or hospital; or
 - (ii) certified by a medical practitioner of a clinic or hospital as necessary for the recuperation of the employee's health after his discharge from the clinic or hospital.
- (2) An employee who is absent from work on ground of illness shall -
 - (a) notify his employer of the illness on the first day of his absence; and
 - (b) forward a medical certificate to that effect so as to reach his employer not later than the fifth day of absence if the illness lasts for more than 4 consecutive days.
- (3) An employer may, at his own expense, cause a medical practitioner of his choice to examine an employee who is absent on ground of illness, with the employee's consent.

8. Maternity Benefits

- (1) Subject to subparagraph (2), where a female employee has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, she shall, on production of a medical certificate, be entitled to -
 - (a) 12 weeks' leave on full pay to be taken at her discretion before and/or after confinement provided that at least 6 weeks' leave shall be taken immediately following the confinement; and

- (b) an allowance of **Rs 1000** payable within 7 days of her confinement.
- (2) Where a female employee who has at any time had 3 confinements is pregnant, she shall not be entitled to the benefits specified in subparagraph (1) but she shall be entitled to only the leave as specified in subparagraph (1)(a) without pay.
- (3) Where a female employee suffers a miscarriage which is duly certified by a medical practitioner, shall be entitled to 2 weeks' leave on full pay immediately after the miscarriage.

9. Optical Benefits

- (1) Every employee shall be provided, free of charge, by the employer with a pair of spectacles on the recommendation of an eye specialist.
- (2) (a) The cost of spectacles up to a maximum of 2000 rupees shall be refunded to the employee by the employer.
- (b) The spectacles shall be renewed as and when they become unserviceable.

10. Travelling Benefits

- (1) Every employee shall be entitled to free transport or be paid the return bus fare where no free transport is available if the distance between his residence and the place where he reports for work exceeds 3 km.
- (2) Every employee of Group A of the First Schedule, except *secrétaire de rédaction*, who by nature of his work, is required to attend duty away from his place of employment shall, in addition to the benefits he may be eligible for under subparagraph (1), be entitled to free transport or the refund of his travelling expenses.
- (3) Where an employee is required by his employer to attend or cease work at any time when no public bus service is available, the employer shall, irrespective of the distance between the place of residence and the place of work, provide appropriate free means of transport from the employee's residence to or from his place of work or both, as the case may be, provided that in these cases transport shall be provided up to the nearest practicable place from the employee's residence.

11. Meal Allowance

- (1) Every employee of Group A of the First Schedule shall be entitled to a meal allowance of 75 rupees when on assignment which lasts beyond 7 p.m.
- (2) Every employee of Group B of the First Schedule shall be entitled to a meal allowance of **Rs 25** per day on each occasion he is required to work beyond 7 p.m. after he has completed a normal day's work.

12. Information Technology Allowance

Every employee of Group A of the First Schedule shall be entitled to an Information Technology Allowance of 500 rupees per month.

13. End of Year Bonus

- (1) Where an employee has remained in continuous employment with the same employer for 12 consecutive months in a year, he shall ,at the end of that year , be entitled to a bonus equivalent to 1/12 of his earnings for that year.
- (2) Every employee who -
 - (a) takes employment during the course of a year;
 - (b) is still in employment as at 31 December; and
 - (c) has performed a number of normal days' work equivalent to not less than 80 per cent of the working days during his employment in that year,shall be entitled, at the end of that year, to a bonus equivalent to 1/12 of his earnings for that year.
- (3) Seventy-five per cent of the expected bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 clear working days before 25 December and the balance not later than the last working day of the same year.

14. Death Grant

Where an employee who has remained in continuous employment with the same employer for not less than 12 months dies, the employer shall pay a death grant equivalent to **one month's salary** to -

- (a) his spouse; or
- (b) the person who has borne the funeral expenses , if the employee leaves no spouse.

15 Vacation Leave

- (1) Subject to this paragraph, every employee of Group B of the First Schedule, every reporter , caricaturist and photographer shall be entitled to passage benefits for foreign travel at the rate of 3 per cent of his annual wages.
- (2) The passage benefits specified in subparagraph (1) shall accrue as from the commencement of these regulations.
- (3) The foreign travel shall be at intervals of not less than 15 years.
- (4) Every employer shall grant to every employee specified in subparagraph (1), one vacation leave of at least 2 months for every period of 15 years' continuous employment.
- (5) At least one month of the leave specified in subparagraph (4) shall be with pay, such pay being effected in advance and at least 7 days before the employee proceeds on vacation leave.
- (6) Every employee specified in subparagraph (1) not desirous of travelling abroad shall not be entitled to cash payment in lieu of passage benefits, but he shall be entitled to a maximum of 75 per cent of the accumulated passage benefits to be used to cover his expenses if he chooses to spend his vacation at a holiday resort in Mauritius.
- (7) For the purpose of annual leave , sick leave and end of year bonus, vacation leave shall be deemed to constitute attendance at work.

16. Passage Benefits

- (1) Subject to this paragraph, every journalist and *secrétaire de rédaction* shall be entitled to passage benefits for foreign travel at the rate of 3 per cent of his annual wages.
- (2) The passage benefits specified in subparagraph (1) shall accrue as from -
 - (a) 1 January 1990 for journalist; and
 - (b) the commencement of these regulations for *secrétaire de rédaction*.
- (3) The foreign travel shall be at intervals of not less than 7 years.
- (4) Every journalist and *secrétaire de rédaction* proceeding abroad under the provisions of subparagraph (1) shall be entitled to 2 months' leave with pay.
- (5) A journalist and a *secrétaire de rédaction* not desirous of travelling abroad shall not be entitled to cash payments in lieu of passage benefits.

17. Gratuity at Death

- (1) Where an employee who has been in the continuous employment of an employer for not less than 10 years dies, the employer shall pay a gratuity.
- (2) Where the death of an employee in employment occurs after the age of 60, the gratuity under subparagraph (1) shall be payable only if the employee has not been paid severance allowance by the employer in accordance with the Labour Act on or after reaching the age of 60.
- (3) The gratuity specified subparagraph (1) shall be paid -
 - (a) in a lump sum and calculated according to the formula " $N \times W/2$ ";
 - (b) to the deceased employee's surviving spouse or, where he leaves no surviving spouse, in equal proportions to his dependants; and
 - (c) irrespective of any benefits the employee or his dependants may be entitled to under Part V of the National Pensions Act.
- (4) For the purpose of -
 - (a) subparagraph (3)(a) -

- (i) "N" means the number of years service; and
- (ii) "W" means the last monthly wage;
- (b) subparagraph (3)(b) -
 - (i) "spouse" means the person with whom the employee had contracted a civil or a religious marriage and with whom he lived under a common roof at the time of his death;
 - (ii) "dependant" means any person who was living in the deceased employee's household and was wholly or partly dependent on his earnings at the time of his death.

18. Gratuity on Retirement before 60 on Medical Ground

- (1) Where an employee who has been in continuous employment of an employer for not less than 10 years retires before the age of 60 on the ground of permanent incapacity to perform his work duly certified by a Government Medical Practitioner, the employer shall pay a gratuity to him.
- (2) The gratuity specified in subparagraph (1) shall be paid -
 - (a) in a lump sum and calculated according to the formula " $N \times W / 2$ "; and
 - (b) irrespective of any benefits the employee may be entitled to under Part V of the National Pensions Act.
- (3) For the purpose of subparagraph (2)(a) -
 - (i) "N" means the number of years of service; and
 - (ii) "W" means the last monthly wage.

19. Refund to Reporters , Journalists and Caricaturists

Every reporter, journalist and caricaturist who takes photographs in the performance of his work shall be refunded the actual expenses incurred by him for such photographs.

20. Tape Recorders

- (1) Every employer shall provide a tape recorder to every reporter or journalist.

(2) Such tape recorders shall remain the property of the employer.

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