

**RESEARCH, LEGISLATION AND LABOUR  
STANDARDS DIVISION**

**NURSING**

**HOMES**

**REMUNERATION ORDER**

**REGULATIONS 1984**



# THE INDUSTRIAL RELATIONS ACT

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

### **GN No. 33 of 1984 Effective 01.12.1983]**

GN No. 105 of 1990	wef	1 12 1989 & 1 02 1990]	Reprint No.5 of 1990
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GN No. 122 of 1999	"	1.7.1999	GN No. 159 of 2000      " 1.7.2000
GN No. 126 of 2001	"	1.7.2001	GN No. 176 of 2002      " 1.7.2002
GN No. 165 of 2003	"	1.7.2003	GN No. 152 of 2004      " 1.7.2004

Previous: (G N No 223 of 1978, 64/79, 6/81, 137/81, 266/81, 119/83, 205/83)

**1** These regulations may be cited as the **Nursing Homes (Remuneration Order) Regulations 1984.**

**2** In these regulations -

**"assistant nurse"** means a worker 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 provide simple nursing services to patients under the supervision of a nurse;[**G N No 105 of 1990**]

**"charge nurse"** or **"ward sister"** means a worker 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;[**G N No 105 of 1990**]

**"continuous employment"** means the employment of a worker under an agreement or under more than one agreement where the interval between one agreement and the next does not exceed 28 days;

**"cook"** means a worker who is required to prepare and cook food and to perform ancillary duties including cleaning of the place where he works;

**"dispenser"** means a worker who has successfully completed a training course approved by the Ministry of Health and who, subject to the conditions laid down 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;

**[G N No 105 of 1990]**

**"earnings"** means basic wages and wages for work done in excess of a normal day's work or on a public holiday;**[G N No 105 of 1990]**

**"gardener"** means a worker 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;

**"handyman"** means a worker employed in a nursing home who is in charge of maintenance and odd jobs;

**"kitchen help"** means a worker who assists a cook and cleans crockery, cutlery and other kitchen requisites;

**"launderer"** means a worker who is required to do laundering , drying and ironing;**[G N No 105 of 1990]**

**"medical laboratory technician"** means a worker who holds a diploma of 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;**[G N No 105 of 1990]**

**"midwife"** means a worker 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 of Health, is registered as midwife at the Ministry 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; [G N No105 of 1990]

**"nurse"** means a worker who has followed a 3 years' training course in a hospital, holds a general nursing certificate or an equivalent certificate approved by the Ministry of Health, is registered as a nurse at the Ministry 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;[G N No 105 of 1990]

**"nursing aid"** means a worker 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 nursing home to assist a nurse or an assistant nurse in providing nursing care to patients.

**"nursing home"** means any premises which -

- (a) is used for the reception, lodging and care or treatment of any person suffering from any infirmity or convalescing from any sickness or injury;
- (b) is registered as such at the Ministry of Health;[G N No 105 of 1990]

**"nursing home attendant"** means a worker 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;[G N No105 of 1990]

**"radiographer"** means -

- (a) a worker who holds a Local Radiographer's Certificate in radiodiagnosis or an alternative certificate approved by the Ministry 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) a worker who holds a Local Radiographer's Certificate in Radiotherapy or an equivalent certificate approved by the Ministry 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;[G N No 105 of 1990]

**"receptionist"** means a worker who attends at a reception counter and to a telephone switchboard, and includes a telephonist;

**"worker"** means a person who is employed in a nursing home.

**3 (1)** Subject to this regulation and to regulation 6, every worker shall be -

- (a) remunerated at the rates specified for his category in the First Schedule;
- (b) governed by the conditions of employment specified in the Second Schedule.

(2) Subject to paragraph(5),where a scale of wages applies to a worker, 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.

(3) The rates specified in the First Schedule are inclusive of the appropriate additional remuneration payable under the Additional Remuneration Act.

(4) Subject to paragraph (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 paragraph (2).

**4** A worker 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** An agreement by a worker to relinquish his right to a paid holiday or to forego such leave shall be void.

**6** 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 granting 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 .

**7** The Nursing Homes Remuneration Order 1978 is repealed.

**8** These regulations shall be deemed to have come into operation on 1 December 1983.

Made by the Minister on 01 March 1984.

## **SECOND SCHEDULE**

( regulation 3 )

### **1. Normal working hours**

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

(2) No worker other than a watchman shall be required to work continuously for a period exceeding 16 hours.

(3) Except where his services are required in special circumstances, every worker shall be entitled to a rest day every week.

(4) The rest day allowed to a worker shall at least twice a month be on a Sunday.

(5) The normal working day for a watchman shall consist of 12 hours.

### **2. Extra work**

(1) A worker other than a watchman 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.

(2) A watchman who -

- (a) performs more than a normal day's work on any day other than a public holiday or a Sunday shall be remunerated at one and a half times the basic rate;
- (b) works on a public holiday or Sunday shall be remunerated -
  - (i) for the first 12 hours, at twice the basic rate;
  - (ii) thereafter, at 3 times the basic rate.

### **3. 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 be deemed to consist of -

- (a) 195 hours for a worker specified in Part A of the First Schedule;
- (b) 26 days of 8 hours each for a worker other than a watchman specified in Part B of the First Schedule;
- (c) 26 days of 12 hours each for a watchman.

### **4. Payment of remuneration**

(1) Every worker who is remunerated -

- (a) on a monthly basis shall be paid his wages during working hours and not later than the 2nd working day in the following month;
- (b) otherwise than on monthly basis shall be paid his wages during working hours and not later than the last working day of the week.

(2) Every employer shall, at the time of paying the wages of a worker, issue to him a payslip, signed by the employer or any person authorised by the employer, stating -

- (a) the worker's name and category;
- (b) the period for which the wages is due;
- (c) the number of days worked in the month;
- (d) the amount of wages/overtime earned; and
- (e) any deduction effected.

### **5. Annual leave**

(1) Where a worker has remained in continuous employment with the same employer for 12 consecutive months, he shall in the following 12 months be entitled to -

- (a) 14 days' annual leave on full pay; or
- (b) on aggregate of 105 hours' annual leave on full pay if he is a worker specified in Part A of the First Schedule.



(2) Seven days of the annual leave may be taken consecutively at such time as the worker may, on application made to and approved by the employer, elect.

(3) The remaining 7 days shall be taken at such time as the worker and the employer may agree or, in default of agreement, at such time as the employer shall determine.

(4) A worker shall be paid a normal day's pay in respect of each day's annual leave still due to him at the end of a period of twelve consecutive months, except where, before the end of the period, he has -

- (a) not applied for the leave specified in subparagraph (2);
- (b) been dismissed from his employment for misconduct;
- (c) broken his agreement.

## **6. Sick leave**

(1) Subject to subparagraphs (2) and (3), where a worker who has remained in continuous employment with the same employer for 12 consecutive months is sick, he shall, during the following 12 months be entitled to -

- (a) 21 days' sick leave on full pay; and
- (b) a further period of 15 days' leave 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 the clinic or hospital as necessary for the recuperation of the worker's health after his discharge from the clinic or hospital.

(2) A day's sick leave shall, for the purpose of a worker specified in Part A of the First Schedule, be deemed to consist of 8 hours.

(3) Where a worker absents himself from work on grounds of sickness he shall-

- (a) notify his employer on the first day of absence; and
- (b) if he remains sick for more than four consecutive days, forward a medical certificate to that effect so as to reach his employer not later than the fifth day of absence.

(4) An employer may at his own expense cause a medical practitioner to examine a worker who is absent on grounds of sickness.

## 7. Maternity benefits

(1) Subject to subparagraph(2), where a female worker 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 300** payable within 7 days of her confinement.

(2) Where a female worker 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 specified in subparagraph (1)(a) without pay.[G N No 105 of 1990]

## 8. Travelling benefits

(1) Every worker 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 -

- (a) 3.2 km (2miles) in the case of a female worker; and
- (b) 4.8 km (3 miles) in the case of male worker.

(2) Where no bus is available at the time a worker stops, or is required to stop work, the employer shall provide appropriate means of transport from the place of work to the worker's residence.[G N No 105 of 1990]

## 9. Meal benefits

A worker other than a watchman who is required to -

- (a) continue to work beyond 7.00 p.m. shall be provided with a meal;
- (b) work between 9.00 p.m. and 6.00 a.m. shall be provided with either tea or coffee.

## **10. Medical benefits**

In case of illness, a worker shall be entitled to -

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

## **11. 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, nursing home 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 handyman;
  - (f) 2 pairs of gloves to every nursing home 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.

**[G N No 105 of 1990]**

## **12. Conveniences**

Every employer shall provide and maintain -

- (a) an adequately furnished rest room for the use of workers performing night shift; and
- (b) suitable accommodation for the safe keeping of employees' belongings.

### **13. End of year bonus**

Every worker who has remained in continuous employment with the same employer for 12 consecutive months in a calendar year shall, at the end of that year, be entitled to a bonus equivalent to 1/12 of his earnings for that year.

**[G N No 105 of 1990]**

### **14. Acting allowance**

Where a nurse is required to replace a charge nurse/ward sister, he shall, in addition to his wages, be paid the difference between the wages of charge nurse/ward sister and his actual wages.

### **15. Death grant**

Where a worker who has been in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of **Rs 1500** to -

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

**[G N No 105 of 1990]**

### **16. Overseas leave**

(1) Every employer shall grant to every worker reckoning continuous employment with him for a period of at least 15 years one overseas leave of at least 2 months to be wholly spent abroad.

(2) At least one month of the leave specified in subparagraph (1) shall be with pay, such pay being effected in advance and at least 7 days before the worker proceeds abroad.

(3) For the purposes of annual and sick leave and end of year bonus such leave shall be deemed to constitute attendance at work.[G N No 105 of 1990]

### **17. Gratuity on retirement before 60 on medical ground**

(1) Where a worker 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  $N \times W/2$
- (b) irrespective of any benefits the worker 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.[G N No105 of 1990]

### **18. Gratuity at death**

(1) Where a worker who has been in continuous employment of an employer for not less than 10 years dies, the employer shall a pay a gratuity.

(2) Where the death of a worker in employment occurs after the age of 60, the gratuity under subparagraph (1) shall be payable only if the worker has not been paid severance allowance in accordance with the Labour Act after reaching the age of 60, by the employer.

(3) The gratuity specified in subparagraph (1) shall be paid -

- (a) in a lump sum and calculated according to the formula  $N \times W/2$ ,
- (b) to the deceased worker's surviving spouse or, where he leaves no surviving spouse,in equal proportions to his dependants;
- (c) irrespective of any benefits the worker 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 of service; and
    - (ii) "W" means the last monthly wage;
  
  - (b) subparagraph(3) (b) -
    - (i) "**spouse**" means the person with whom the worker had contracted a civil or 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 worker's household and was wholly or partly dependent on his earnings at the time of his death. [**GN No. 105 of 1990**]