

*Government Notice No. 219 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 Pre-Primary School Employees (Remuneration) Regulations 2019.
2. In these regulations –
  - “cook” means an employee who prepares and cooks food, serves meals, plans menus and performs general cleaning duties in the kitchen;
  - “employee” –
    - (a) means a person who works under a contract of service in a pre-primary school whether the contract is oral or in writing; 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
        - (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

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Pay Research Bureau, or a salary commission, by whatever name called;

“gardener/handyperson” means an employee who cultivates flowers, trees and other plants, prepares the soil, treats plants with chemicals, maintains and cleans the yard in general including general maintenance works within the premises;

“school attendant” means an employee who performs general, cleaning of the premises and provides general help to the teacher and to the cook;

“teacher” means an employee who, in order to promote the physical, mental, social and environmental development of children below primary school age, to stimulate and develop the children’s interest, aptitudes and self-confidence –

- (a) performs and organises educational pedagogical and recreational activities for those children;
- (b) plans, organises and conducts for those children such activities as plays, discussions, storytelling, games, singing, dancing, drawing, painting and modelling;
- (c) trains children in cleanliness, obedience, patience, tolerance and discipline;
- (d) devotes some of his time to the preparation of classes, classrooms and teaching materials before and after the effective teaching period; and
- (e) interacts with parents to monitor the progress of their children;

“teacher grade I” means a teacher who holds –

- (a) a Cambridge School Certificate or a General Certificate of Education ('O' Level) with credit in not less than 5 subjects, including English Language, French and Mathematics; and
- (b) a Teacher's Certificate (Pre-Primary) from the Mauritius Institute of Education or an equivalent qualification from a recognised institution;

“teacher grade II” means a teacher who holds –

- (a) a Cambridge School Certificate or a General Certificate of Education ('O' Level) with passes in not less than 5 subjects, including English Language, French and Mathematics; or
- (b) a Certificate of Proficiency in Early Childhood Education from the Mauritius Institute of Education or an equivalent qualification from a recognised institution;

“teacher grade III” means a teacher other than a teacher grade I or a teacher grade II, who reckons teaching experience in the pre-primary sector;

“teacher supervisor” means a teacher who –

- (a) holds a Cambridge School Certificate or a General Certificate of Education ('O' Level) with credit in not less than 5 subjects, including English Language, French and Mathematics;
- (b) holds a Teacher's Certificate (Pre-Primary) from the Mauritius Institute of Education or an equivalent qualification from a recognised institution;
- (c) has not less than 5 years' teaching experience in the pre-primary sector; and

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- (d) in addition to teaching duties, is responsible for the administration, supervision and smooth operation of all activities carried out within the Pre-Primary School Unit.
3. (1) Subject to the other provisions of this regulation and regulation 5, 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 rate 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) 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.
- (4) Where a scale of wages applies to a teacher grade I, a teacher grade II or a school attendant, his entry point in the scale shall be determined having regard to the number of years of service he reckons with his employer in the category, and every such employee shall receive one increment for every year of service.

(5) Every pre-primary school where the total number of pupils exceeds 60 shall appoint a teacher supervisor.

(6) There shall be at least one teacher for every 30 children.

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

5. 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.

6. The Pre-Primary School Employees (Remuneration Order) Regulations 2000 are revoked.

7. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 17 October 2019.

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**FIRST SCHEDULE**  
[Regulations 2, 3 and 5]

**CONDITIONS OF EMPLOYMENT**  
**PART I – GENERAL CONDITIONS**

**1. Normal working hours**

- (1) A normal working week shall be of –
  - (a) 32½ hours from Mondays to Fridays for teaching staff;
  - (b) 37½ hours from Mondays to Fridays for non-teaching staff.
- (2) A normal day's work shall consist of –
  - (a) 6½ hours for teaching staff; and
  - (b) 7½ hours for non-teaching staff,

excluding any time allowed for meals and tea breaks.

(3) Every employee shall be entitled on every working day to a lunch break of not less than 30 minutes and to 2 tea breaks of 10 minutes each to be taken on the premises.

**2. Extra work**

- (1) Where an employee –
  - (a) performs more than a normal day's work on any day other than a public holiday, he shall be remunerated at one and half times the basic rate in respect of the additional hours of work which he performs;
  - (b) works on a public holiday, he shall be remunerated –

- (i) for the first 6½ hours or 7½ hours, as appropriate, at twice the basic rate for every hour of work which he performs;
- (ii) thereafter, at 3 times the basic rate.

(2) No teacher shall perform extra work not related to pre-primary school activities and teaching.

### **3. Notional calculation of basic rate of remuneration**

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

- (a) a month shall be deemed to consist of 22 days;
- (b) a day shall be deemed to consist of –
  - (i) 6½ hours in respect of teaching staff; and
  - (ii) 7½ hours in respect of non-teaching staff.

### **4. Leave to attend training**

(1) Subject to subparagraph (2), every teacher shall be entitled to study leave without pay to attend a training course connected with his profession.

- (2) Subparagraph (1) shall not apply to a teacher unless –
  - (a) he has given reasonable advance notice of his absence to the employer; and
  - (b) his absence is not likely to disrupt the work of the employer.

### **5. Vacation leave**

(1) Subject to subparagraph (2), an employee, other than a migrant employee, who remains in continuous employment with the

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

(3) 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.

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

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

(6) Where an employer cannot, on reasonable business grounds, accede to the request of an employee under subparagraph (5) –

- (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.

(7) Where an employee is paid wages in lieu of the vacation leave under subparagraph (6), 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**

### **6. Uniforms and protective equipment**

(1) Every employer shall provide –

- (a) 2 aprons every year to a teacher and to a school attendant;
- (b) 2 aprons and 2 caps every year to a cook;
- (c) 2 pairs of gloves every year and one pair of boots and a raincoat every 2 years to a gardener/handyman.

(2) Any uniform and protective equipment provided under this paragraph shall remain the property of the employer.

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**SECOND SCHEDULE**

[Regulations 3 and 5]

<b>Category of employee</b>	<b>Year of service</b>	<b>Monthly basic wages (Rs)</b>
<b>Teaching staff</b>		
Teacher Supervisor		11,151
Teacher (grade I)	1st year	9,971
	2nd year	10,070
	3rd year	10,186
	4th year	10,291
	5th year	10,412
	6th year	10,522
	7th year	10,661
	8th year	10,783
	9th year	10,921
	10th year & thereafter	11,044
Teacher (grade II)	1st year	9,328
	2nd year	9,437
	3rd year	9,561
	4th year	9,661
	5th year & thereafter	9,762
Teacher (grade III)	Less than 5 years	9,006
	5 to 10 years	9,328
	more than 10 years & thereafter	9,613
<b>Non-teaching staff</b>		
Cook		8,900
Gardener/ Handyperson		8,900

School Attendant	1st year	8,900
	2nd year	8,900
	3rd year	8,900
	4th year	8,900
	5th year & thereafter	8,931

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