

*Government Notice No. 231 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 Travel Agents and Tour Operators Workers (Remuneration) Regulations 2019.

2. In these regulations –

“accounts clerk” means an employee 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 an employee 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 an employee employed by a tour operator whose duties may include –

- (a) welcoming tourists at the airport or the seaport;
- (b) organising the arrivals and departures of tourists;

(c) informing clients about services offered; or

(d) replacing supervisors occasionally;

“cashier” means an employee 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 an employee 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 an employee 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;

“employee”–

(a) means a person employed by a travel agent or a tour operator; 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 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;

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

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

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

“hotel representative” means an employee 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 an employee employed by a tour operator, generally based at the airport or the seaport and whose main duties include –

- (a) handling tourists' luggage; or

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

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

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

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing workers;
- (b) a detrimental effect on the ability to meet customers' demand;

“receptionist/telephonist” means an employee 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 an employee 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 an employee 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 an employee 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; but
- (e) does not include an airline company not engaged in the direct sales of tickets to the public;

“travel consultant” means an employee 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” –

- (a) 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

(b) 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 organisation 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
- (g) 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 an employee whose duties include –

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

“watchperson” means an employee 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 an employee 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 email services.

3. (1) Subject to the other provisions of this regulation and regulation 9, an 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) Subject to paragraph (5), where a scale of wages applies to an employee, 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.

(5) A period of training or adaptation shall not be reckoned as service for the purpose of paragraph (4).

4. Where a driver is called upon to drive a limousine and to provide a personalised service to a VIP tourist, he shall be paid an allowance of 25 rupees on each day he performs such duties.

5. (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.

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

7. Where an employer employs more than one watchperson or security officer, the terms and conditions of employment of the watchpersons or security officers shall be governed by the Private Security Services Employees (Remuneration) Regulations 2019.

8. Notwithstanding paragraphs 1(6) and 2(2) of the First Schedule, for the period ending 31 December 2019 –

- (a) the normal working week for a watchperson or security officer, 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 or security officer 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.

9. 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.

10. The Travel Agents and Tour Operators Workers Remuneration Regulations 2009 are revoked.

11. Subject to paragraph 4(2)(b) of the First Schedule, these regulations shall come into operation on 24 October 2019.

Made by the Minister on 25 October 2019.

FIRST SCHEDULE
[Regulations 3, 8 and 9]

CONDITIONS OF EMPLOYMENT
PART – GENERAL CONDITIONS

1. Normal working hours

(1) The normal working week of an employee, 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) An employee shall be entitled on any working day to a meal break of one hour and 2 tea breaks of 15 minutes each.

(3) Subject to subparagraph (4), an employee 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 an employee works on a rest day, he shall be entitled to a rest day on the following day.

(5) Subject to subparagraph (6), an employee, 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 48 hours of work, made up of 8 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 an employee, 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 3 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 8 hours of work, at twice the basic rate per hour; and
 - (ii) thereafter, at 3 times the basic rate per hour;
- (b) performs more than 48 hours or such lesser stipulated number of hours in any week, not being hours of work referred to in subparagraph (a), shall be remunerated at one and a half times the basic rate for every additional hour of work.

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

(4) (a) 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.

(b) Where an employee 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 sub subparagraph (a), any remuneration due under subparagraph (2).

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

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 8 hours.

4. 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).

5. Vacation leave

(1) Subject to subparagraph (2), 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 (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) Employees 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.

(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.

SECOND SCHEDULE

[Regulations 3 and 9]

Category of employee	Year of service	Monthly basic wages (Rs)
Senior Accounts Clerk	1st year	12,398
	2nd year	12,612
	3rd year	12,827
	4th year & thereafter	13,052
Accounts Clerk	1st year	11,125
	2nd year	11,287
	3rd year	11,448
	4th year & thereafter	11,609
Administrative Clerk, Planning Clerk, Reservation & Ticketing Officer and Cashier	1st year	10,850
	2nd year	11,011
	3rd year	11,173
	4th year & thereafter	11,233
Planning Officer	1st year	12,398
	2nd year	12,612
	3rd year	12,827
	4th year & thereafter	13,052
Trainee		8,900
Word processing Operator	1st year	10,023
	2nd year	10,157
	3rd year	10,295

Category of employee	Year of service	Monthly basic wages (Rs)
	4th year & thereafter	10,490
Receptionist/Telephonist	1st year	9,631
	2nd year	9,746
	3rd year	9,914
	4th year & thereafter	10,076
Hotel Representative	1st year	11,125
	2nd year	11,313
	3rd year	11,502
	4th year & thereafter	11,690
Airport Representative	1st year	10,689
	2nd year	10,904
	3rd year	11,065
	4th year & thereafter	11,125
Driver	1st year	10,407
	2nd year	10,517
	3rd year	10,625
	4th year & thereafter	10,796
Guide	1st year	10,689
	2nd year	10,904
	3rd year	11,065
	4th year & thereafter	11,125
Travel Consultant	1st year	12,398

Category of employee	Year of service	Monthly basic wages (Rs)
	2nd year	12,612
	3rd year	12,827
	4th year & thereafter	13,052
Luggage Handler	1st year	9,447
	2nd year	9,545
	3rd year	9,631
	4th year & thereafter	9,717
Vehicle Attendant	1st year	9,003
	2nd year	9,112
	3rd year	9,223
	4th year & thereafter	9,333
Cleaner	1st year	9,003
	2nd year	9,112
	3rd year	9,223
	4th year & thereafter	9,333
Security Officer	1st year	9,688
	2nd year	9,804
	3rd year	9,914
	4th year & thereafter	10,023
Watchperson		9,333
