

Supplement to Official Gazette

SI. 34 OF 1991

EMPLOYMENT ACT, 1990
(Act 9 of 1990)

Conditions of Employment Regulations, 1991

In exercise of the powers conferred by sections 40(1) (b) and (3) and 73 of the Employment Act 1990, the Minister of Employment and Social Affairs hereby makes the following Regulations -

1. These Regulations may be cited as the Conditions of Employment Regulations, 1991 and shall come into operation on the 1st May, 1991. Citation and Commencement

2. (1) In these Regulations – Interpretation

"alternative holiday" means a day off work granted in lieu of a holiday;

"days" when used in relation to leave includes holidays;

** "essential service" means –

- (a) a service relating to the generation, supply or distribution of electricity;
- (b) any hospital or medical services;
- (c) a service relating to the supply or distribution of water;
- (d) a service relating to the sewerage service;
- (e) port and marine services;
- (f) a service relating to civil aviation;
- (g) the fire brigade;
- (h) a service relating to telecommunication;
- (i) a service deemed by a notice under the Industrial Relations Act to be an essential service."

"holiday" means Sunday or a public holiday;

"medical certificate" means a certificate by a medical practitioner, or other person authorised by the Minister responsible for Health to issue certificates for the purposes of these Regulations;

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

“part-time worker” means a worker other than a casual worker who works for the same employer for a period less than 25 hours a week or irrespective of the period of work for a period less than 3 days a week;

“public holiday” does not include Sunday;

** “rest period” in relation to a worker means a period which is not working time, and does not include a rest break or leave to which the worker is entitled under these Regulations;

“shift-worker means a worker engaged in an occupation which, by reason of its nature, requires the regular attendance and attention of personnel;

“week-day” means any day other than a holiday;

** “working time” in relation to a worker means any period during which the worker is performing his duties or is at the employer’s disposal for performing duties and includes any period during which the worker is undergoing training.

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| 3. (1) | An employer shall not require a worker, other than a watchman to work for more than - | Maximum number of working hours |
| | (a) the number of hours per week or per day which the Minister may, by notice in the Gazette, specify in respect of any occupation; | |
| | (b) 60 hours per week or 12 hours per day, whichever is the less. | |
| | (2) The hours referred to in sub- regulation (1) include an aggregate of a half-hour’s break per day but do not include any longer break which may be given for meals or any other purpose. | |
| | (3) An employer shall not require a watchman to work for more than 72 hours per week. | |
| * 4. | An employer shall grant to his worker at least 24 consecutive hours’ rest in any period of 7 days. | Rest Period |

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*Amended/Introduced by SI 3 of 2000
**Amended/Introduced by SI 9 of 2006

**** An employer shall also ensure that there is an interval of at least 8 consecutive hours between the end of a daily shift and the beginning of the next shift, provided that where a daily shift is divided into 2 parts the interval may be reduced proportionately.**

5. (1) Except in an essential service, an employer shall not require a worker, other than a shift-worker or a watchman, to work on holidays. Holidays

(2) A worker other than a shift-worker or a watchman, who works on a holiday is entitled to double-pay for that day, or to an alternative holiday, at the option of the employer.

(3) A shift-worker or watchman who works on a public holiday is entitled to double pay for that day, or to an alternative holiday, at the option of the employer.

*** (4) Nothing in the preceding provisions of this regulation shall be construed as preventing an employer who requires any worker to work on a holiday from agreeing to allow double pay for that day or an alternative holiday at the worker's option.**

6. (1) Notwithstanding regulation 3, a worker, other than a watchman Overtime
Hours

(a) may agree,

(b) may, in exceptional circumstances, be required by his employer,

to work for up to 60 additional hours per month or an aggregate of 15 additional hours per week.

(2) Overtime is payable –

(a) in the case of a worker, other than a shift worker or a watchman, at the rate of –

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*Introduced/Amended by SI 3 of 2000

**Introduced/Amended by SI 9 of 2006

- (i) 1 ½ hours' pay for 1 hour's work on a weekday;
- (ii) 2 hours' pay for 1 hour's work on a holiday;
- (b) in the case of a shift-worker, at the rate of –
 - (i) 1½ hours' pay for 1 hour's work on a week-day or Sunday;
 - (ii) 3 hours' pay for 1 hour's work on a public holiday,

* but the employer may **give the worker time off equivalent to not more than two-thirds of the number of hours worked as overtime in lieu of payment, unless the employer and the worker agree to convert any part or all of the overtime hours worked in cash.**

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| 8. | <ul style="list-style-type: none"> (1) An employer who – <ul style="list-style-type: none"> (a) contravenes regulation 3 (1), 4, 5 (1) or 7 (2); (b) permits a worker to work for additional hours in breach of regulation 6 (1); (c) fails to pay double pay or overtime pay or to grant alternative holidays or time-off in lieu as required under regulation 5 (2) or 5 (3) or 6 (2), <p>is guilty of an offence.</p> (2) A worker who contravenes regulation 6 (1) or 7 (1) is guilty of an offence. | Offences |
| 9. | <ul style="list-style-type: none"> (1) A worker, other than a casual or part-time worker, is entitled to 21 days' paid annual leave or, where the employment is for less than a year, to 1.75 days for each month of employment, the aggregate number of days being rounded up upon addition to the highest integer. | Annual
Leave |

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*Amended/Introduced by SI 3 of 2000
 **Amended/Introduced by SI 9 of 2006

- (2) Subject to this regulation, the annual leave entitlement is taken each year by mutual arrangement between employer and worker but the employer shall ensure that a worker engaged by him under a contract of continuous employment or under a contract for a fixed term which lasts for a year or more, takes a minimum period of 14 consecutive days' leave in a year, unless the worker has, under the mutual arrangement, agreed to accumulate his leave entitlement.
- (3) Leave not taken in a year may be accumulated.
- ** (4) **Where it is mutually agreed between an employer and a worker, the leave entitlement of the worker in any year may be converted into cash payable in that year.**
- (5) Under a contract for a fixed term or under a contract for employment on an outer island, the whole of the leave earned and not taken may be converted into cash upon termination of the contract.
- (6) A part-time worker is entitled to leave under sub-regulation (1) in the proportion which the number of hours worked by him bears to the number of hours which a full time worker in the same occupation would have worked.
- (7) A casual worker who has worked for the same employer for 5 consecutive days is entitled in respect of every such 5 days to half of his day's pay in lieu of leave.
- * (8) (a) **Subject to paragraph (b), the following formula shall apply for the purpose of converting accumulated leave into cash:**
- $$\frac{\text{Salary per year} \times \text{Number of days entitled}}{\text{Number of days per year}}$$

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

(b) **Where an employer allows a worker to accumulate the worker's leave and the number of days' leave so accumulated exceeds 42, the worker shall be entitled to one and a half times the normal pay for each day in excess;**

** (9) **With effect from 1st January 2006, Saturdays, Sundays and Public Holidays shall be excluded in calculating a period of annual leave earned after that date under this regulation.**

10. (1) Wherever a worker loses a very close relative or there are other compassionate reasons which require the presence or attendance of the worker, he shall be entitled to compassionate leave. Compassionate Leave

(2) Where leave taken under sub- regulation (1) is in excess of 4 days in a period of 12 months, the excess may either be unpaid or, at the discretion of the employer, may be deducted from the worker's entitlement to annual leave.

(3) A worker shall also be allowed reasonable time off work, with or without pay at the discretion of the employer, to attend to matters which cannot normally be attended to except during the worker's working hours.

11. (1) Where there is a training programme, approved by the Minister responsible for **Human Resources Development**, directed towards persons of a particular occupation, a worker in that occupation, who has not previously attended such, or a similar programme, is entitled to education leave for the purpose of attending the programme. Education Leave

(2) The employer is responsible to the worker for payment of his wages while absent on education leave –

(a) for a period of 6 months, where the training programme referred to in sub- regulation (1) is a full-time one;

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

- (b) for the duration of the programme, where it is part-time only.
- * (3) Where the education leave relates to a full-time training programme which lasts for more than 6 months, **the employer** shall pay the worker –
 - (a) during the period of the training programme, an allowance equal to 2/3 of the worker's salary; and
 - (b) on successful completion of the training programme, an allowance, in respect of the period of the training programme, equal to 1/3 of the worker's salary.
- * (4) Notwithstanding sub-regulation (3), **the employer** may, in its absolute discretion and for reason which it deems to be exceptional, pay to a worker who is attending a full-time training programme referred to in sub-regulation (3) an allowance equal to the worker's salary during the period of the training programme.
- (5) Payment of the allowance referred to in sub-regulations (3) and (4) shall be conditional on the worker complying with any agreement entered into between the worker and **the employer** relating to the training programme.
- * (6) A worker who applies to his employer for leave under sub-regulation (1) and is refused, may initiate the grievance procedure.
- (7) Where education leave extends to a period beyond 12 consecutive months, the provisions relating to annual leave shall not apply to the worker during that period.
- 12. (1) Subject to this regulation, a worker, other than a casual or part-time worker, is entitled to sick leave in any period of 12 months as follows –
 - (a) an aggregate maximum of 30 days' paid sick leave;
 - (b) when a worker is required by a medical practitioner to be confined to a hospital or similar institution if –

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

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- (i) the worker has not exhausted his 30 days' paid sick leave referred to in paragraph (a), and
- (ii) the worker is confined at the hospital or similar institution **or at home** for a continuous period which extends beyond the unexhausted part the 30 days' paid sick leave

the worker shall be entitled to a further maximum 30 days' paid sick leave during that continuous period;

- (c) an aggregate maximum of 60 days' unpaid sick leave after the exhaustion of paid sick leave under this regulation.

(2) Entitlement to sick leave under sub-regulation (1) arises where –

- (a) a medical certificate of unfitness for work or confinement, as the case may be, is produced;
- (b) in the case of sub-regulation 1 (a) or (c), a worker's child under 12 years of age is medically certified sick and a medical practitioner or official authorised by the Minister of Health recommends that the worker attends the child;
- (c) in the case of sub-regulation 1 (a) or (c), a worker's dependent other than a child under 12 years of age is medically certified sick and a social worker certifies that the sick person requires the attendance of the worker.

(3) Where a worker is under a contract for fixed term and the duration of the contract is of less than 12 months, the eligibility to sick leave under sub-regulation (1) is of a number of days bearing the same proportion to the term of the contract as the periods of sick leave referred to in sub regulation (1) bear to 12 months, but in any case ends upon the date of expiry of the contract.

(4) Where following the full period of paid sick leave, a medical practitioner certifies that the worker will not recover and be fit for work, the contract is deemed to be frustrated.

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

- (5) Where a worker for reasons attributable to sickness fails to report for work after a full period of unpaid sick leave, the contract is deemed to be frustrated.
- (6) Where a worker for reasons not attributable to sickness fails to report for work after the full period of unpaid sick leave, the contract is deemed to have been terminated by the worker.

* **Whenever a worker is, for reasons attributable to sickness, unable to report for work, the worker shall so inform the employer within 24 hours if practicable, or as soon as possible thereafter.**

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| 13. | <ul style="list-style-type: none"> (1) Where a medical certificate is produced to the effect that a worker is unfit for the particular duties for which he was engaged but may perform alternative duties and no alternative duties are available, the worker is entitled to sick leave under regulation 12. (2) Where, consequent upon the production of a certificate under sub-regulation (1), alternative duties are available, the worker shall be temporarily redeployed to those duties but the wages for his normal duties are maintained. (3) Where a worker temporarily redeployed under sub-regulation (2) is still unfit for his previous duties after 60 days, he may, subject to section 49 of the Act, be permanently redeployed to his new duties in which case the terms and conditions attaching to the new duties shall apply. (4) Where a permanent redeployment pursuant to sub-regulation (3) is not available, the worker shall, subject to regulation 12 (3) be entitled to 60 days unpaid sick leave unless a medical certificate is produced under regulation 12 (4) in which case the contract of employment is deemed to be frustrated. | Unfitness
for
Particular
Duties |
| 14. | A part-time worker is entitled to paid sick leave when he absent himself on grounds of sickness and produces a medical certificate or certificate of confinement, as the case may be, but such entitlement is limited to a number of working days' absence which bears the same proportion to the period of paid sick leave referred to in regulation 12 (1) as the number of days worked by the part-time worker in a week bears to 5 days. | Part-time
Workers |

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*Amended/Introduced by SI 3 of 2000
 **Amended/Introduced by SI 9 of 2006

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| 15. | An employer who pays sick leave under regulation 13 or maternity leave under regulation 16 to a worker is sub-rogated in the rights of the worker to any sickness or maternity benefit to which the worker is entitled under the Social Security Act, 1987. | Employee Entitled to Sickness Benefit |
| 16. | <p>(1) A female worker under a contract of continuous employment or, subject to sub regulation (3), under a contract for a fixed term or a part-time female worker is entitled to a total of 12 weeks paid maternity leave of which not less than 10 weeks shall be taken after the date of confinement, and to 4 weeks paid maternity leave to be taken either before after paid maternity leave.</p> <p>(2) Where whether before or after the period of paid maternity leave under sub regulation (1) a female worker is medically certified as unfit for work on grounds of illness, or of disability arising out of pregnancy or confinement she is entitled to sick leave under regulation 12.</p> <p>(3) Where a female worker is under a contract for a fixed term, her eligibility to maternity leave under this regulation ends upon the date of expiry of the contract.</p> | Maternity Leave |
| 17. | A pregnant worker shall give to her employer at least 3 months' notice of her expected date of confinement. | Notice to Employer |
| 18. | A female worker entitled to paid maternity leave shall not return to work before the end of her entitlement leave and an employer who permits or induces a female worker so to return is guilty of an offence. | Maternity Leave Compulsory |
| 19. | Where a female worker fails to return to work after the full period of maternity leave allowed under regulation 16 (1) then, unless she produces a medical certificate under regulation 16 (2), the contract of employment is deemed to have been terminated by her. | Contract expiring |
| 20. | A worker shall be entitled to an aggregate maximum of 14 days paid leave in any period of 12 months for the purpose of fulfilling or in connection with any civic duties approved by the Minister. | Leave for Civic Duties |

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*Amended/Introduced by SI 3 of 2000
**Amended/Introduced by SI 9 of 2006

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| *21. | <p>(1) A person shall not have in that person's employ another of less than 15 years of age.</p> <p>(2) Notwithstanding sub regulation (1), work schemes may be organised for school children on vacation or holidays and, where such schemes have the approval of the Competent Officer, children aged 12 to 14 years may participate in them provided the work is of a light nature and subject to such conditions as the Competent Officer may impose upon giving his approval.</p> <p>(4) Notwithstanding sub regulation (1), children aged 12 to 14 years may, outside school hours, run occasional errands and do odd jobs provided the duties are light and not recurrent.</p> | Minimum
Employ-
ment Age |
| 22. | <p>(1) A person shall not employ another under the age of 18 years in a hotel, guest-house, boarding house, any place where tourists are accommodated, restaurant, shop, bar, nightclub, dance hall, discotheque or similar places of entertainment or on a ship or aircraft.</p> | Prohibited
employ-
ment of
young
persons |
| ** | <p>Provided that the foregoing prohibition shall not apply to any employment under a training scheme approved by the Minister in writing.</p> <p>(2) A person shall not employ another under the age of 18 years between the hours of 10 p.m and 5 a.m.</p> <p>(3) A person shall not employ another under the age of 21 years in a gaming house or casino.</p> <p>(4) Notwithstanding sub regulations (1) and (2) the competent officer may, exceptionally, grant special written permission for the employment of any person aged 15 to 17 years in a place listed in sub regulation (1) or between the hours of 10 p.m and 5 a.m.</p> | |
| 23. | <p>(1) A female worker, from the time she is 6 months pregnant and up to 3 months after her confinement shall not be employed on overtime work or at night between the hours of 10 p.m and 5 a.m.</p> | Maternity
Protection |

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*Amended/Introduced by SI 3 of 2000
 **Amended/Introduced by SI 9 of 2006

- (2) Where at any time during pregnancy and up to 3 months after confinement, a female worker produces a medical certificate that a change in the nature of her work or duties is necessary in the interest of her health or that of her child, she has the right to be transferred to other work or duties appropriate to her condition without loss of wages.
 - (3) Where a transfer is not possible pursuant to sub regulation (2), the female worker is entitled to sick leave under regulation 12.
24. (1) The following formula shall apply for the purpose of wages and calculating the wages of a worker whose wage is calculated on an hourly basis- Calculation of Wages and Compensation

$$\frac{\text{Salary per year}}{\text{-----}} \\ 52 \times \text{weekly working hours}$$

- (2) The following formula shall apply for the purpose of calculating compensation payable to a worker under section 47(2) of the Act –

$$\frac{A \times B \times C}{\text{-----}} \\ 52 \times D$$

A stands for salary per year;
 B stands for working hours per day;
 C stands for number of days entitled under section 47 2 (b) (i) of the Act;
 D stands for number of working hours per week.

- ** (3) **Compensation payable to a part time worker shall be the amount which a full time worker in the same occupation would have received under these Regulations reduced in the proportion that the number of hours which the full-time worker would have worked bears to the number of hours which the part-time worker had worked.**

- 25. An employer who contravenes regulation 21, 22 (1), (2) or (3) or 23 (1) is guilty of an offence. Offences

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*Amended/Introduced by SI 3 of 2000
 **Amended/Introduced by SI 9 of 2006

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| 26. | * | An employer, or manager or representative of an employer, on an outer island who employs a worker on an outer island without there being a contract of employment with that worker in accordance with section 22 of the Act is guilty of an offence and liable to a fine of R20,000. | Employment without Contract Prohibited |
| 27. | (1) | An employer on entering into a contract of employment with a worker under section 19 of the Act may give to the worker an advance of wages not exceeding the equivalent of 2 months' wages. | Advances to Worker Entering into Contract |
| | (2) | Where an advance is given under sub regulation (1), the manner of its repayment shall, without prejudice to section 33 (1) (e) of the Act, be stipulated in the contract. | |
| | (3) | Where a worker takes an advance of wages under sub regulation (1) and subsequently fails to embark on the vessel or board the aircraft provided to take him to the place of employment, his failure so to embark or board shall, if he is charged with an offence under section 297 of the Penal Code, be prima facie evidence that he entered into the contract without intending to perform his obligations thereunder. | Cap 73 |
| 28. | (1) | Subject to regulation 30, a worker under a contract of employment for work on an outer island, proceeding to or returning from work on an the outer island, is entitled to free passage and food during the passage for himself and members of his family accompanying him. | Free Transport and Food |
| | (2) | The entitlement to free return passage and free food during passage for members of a worker's family is available to them or any of them whether or not they accompany the worker but so long as they avail themselves of the entitlement within 6 months after the date of departure of the worker unless delayed beyond that period for reasons of pregnancy or illness. | |
| 29. | (1) | A worker or any member of his family benefiting from an entitlement under regulation 28 shall not proceed to outer island where the worker is to be employed unless he has been medically examined and certified fit by a medical practitioner registered under the Medical Practitioners' and Dentists Act. | Medical Examination of Worker and Family |
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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

- (2) A medical examination under sub regulation (1) shall be held within 7 days prior to the departure of the worker or of the member of his family.
30. (1) Where a worker returns to his home island in breach of his contract of employment on an outer island, unless he had at the time of his departure completed $\frac{3}{4}$ of his period of service, he shall bear the cost of his repatriation and of that of the members of his family in an amount not exceeding 25% of his monthly wages. Breach of Contract by Worker
- (2) Notwithstanding sub regulation (1), where consequent upon the grievance procedure, if any, instituted under the section 61 of the Act the Competent Officer determines that the worker was justified in terminating his contract, the repatriation expenses are fully borne by the employer.
31. (1) Section 34 (2) of the Act does not apply in relation to employment on an outer island. Shop on Outer Island
- (2) An employer who employs workers on an outer island shall keep on that island a shop for the sale to his workers and their families of foodstuffs and basic necessities of life and shall retain in stock there at any time at least a month's supply of such foodstuffs and necessities.
- (3) A shop referred to in sub regulation (1) shall be open at such times as to be readily accessible to workers and their families and its opening hours shall be posted on a notice board on the outside of the shop.
- (4) The price at which goods may be sold to a worker or member of his family under this regulation shall not exceed by more than such percentage as the Principal Secretary to the Minister may determine by notice in the Gazette (and different percentages may be determined for different goods and for different outer islands)-
- (a) the price of the same or similar goods in Mahe;
- or
- (b) in the case of price controlled goods, the maximum price of those goods,

and shall be posted up on a board which shall be displayed in a conspicuous place in the shop.

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| (5) | A shop kept under this regulation is subject to the Licences Act 1986. | Act 3 of
1986 |
| (6) | In any dispute as to what constitutes a basic necessity of life the determination of the competent officer to that effect prevails. | |
| 32. | The Competent Officer may give to an employer keeping a shop under regulation 31 (2) directions - | Direc-
tions
by
Competent
Officer |
| (a) | specifying the foodstuffs and basic necessities to be made available in the shop; | |
| (b) | prohibiting the storage or sale of certain goods; | |
| (c) | as to the manner in which sales are to be effected in order to ensure as equitable a distribution of supply as possible to workers taking into account the number of persons in their households. | |
| 33. | (1) Whenever a worker or member of his family makes a credit purchase in a shop on an outer island where the worker is employed, the person in charge of the shop – | Invoices
Upon
Purchase |
| (a) | shall make out an invoice, showing the date of the purchase, in duplicate in relation to the purchase, and | |
| (b) | shall deliver a copy of the invoice to the purchaser | |
| (2) | Subject to sub regulation (3), an employer of a work on an outer island may deduct from the worker's wages the amount of credit purchases made by the worker or member of his family from the outer island shop. | |
| (3) | A credit purchase which is not supported by an invoice made at the time and on the date of the purchase is deemed not to have been made and no deduction by the employer from the worker's wages is allowed in respect of that purchase. | |

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| 34. | (1) | During the period of a worker's contract of employment on an outer island the employer shall provide the worker and his family with housing of a good standard. | Housing and Water Supply |
| | (2) | Every employer of a worker on an outer island shall arrange for a sufficient supply of wholesome water for the worker and his family and shall observe any reasonable directions which may be given to him by the Competent Officer in respect of such water supply. | |
| 35. | (1) | Every employer of a worker on an outer island shall keep and provide for the use of the worker and his families such first-aid equipment and medicines and such general health facilities as may satisfy the requirements of the Ministry of Health. | Medical Facilities and Care |
| | * | (2) | |
| | | Where a worker on an outer island is ill and facilities for his treatment are not available on the island or where a female worker or wife or concubine of a worker is pregnant, the employer shall, at his expense, arrange for the repatriation of the sick worker or of the pregnant woman to Mahe or to a hospital or health centre where adequate care and treatment are available. | |
| 36. | | Where a worker dies during his period of employment, on an outer island ,the employer shall as soon as possible give notice thereof to the Competent Officer together with a written report of the circumstances in which the worker died, and shall pay all wages due and deliver all property belonging to the deceased worker to the Competent Officer for distribution in accordance with the law. | |
| 37. | (1) | Section 32 (2) of the Act does not apply in relation to employers of workers on an outer island and the payment of wages of a worker there employed may be made - | Manner of payment of wages and payslips |
| | (a) | by remittances to persons in Mahe nominated by the worker to receive the same; | |
| | (b) | by settlement of accounts at the end of the contract and payment to the worker in Mahe. | |

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*Amended/Introduced by SI 3 of 2000
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- (2) without prejudice to section 35 and 36 of the Act, every employer of a worker employed on an outer island shall produce to the worker at end of each month a pay-slip specifying –
- (a) the worker’s normal wages plus earning arising from overtime work, work on holidays, payment in lieu of holidays or otherwise;
 - (b) the deductions made for social security, shop account, remittances pursuant to sub-regulation (1) (a) and otherwise; and
 - (c) the amount remaining due to the worker, and such pay-slip shall be a prima facie evidence as against the employer or of the amount due.
- (3) No deduction is to be made under sub regulation (2) (b) for any remittance unless the employer has received from the worker a written authority to that effect.
- (4) Section 33 (2) of the Act in so far as it limits the amount which may be deducted from a worker’s wages does not apply to a worker employed on an outer island.
38. An employer may assign task work to a worker employed by him on an outer island but such task work shall not exceed the amount of work capable of being performed in an ordinary day of 8 hours.
39. (1) An employer of a worker employed on an outer island shall provide the Competent Officer traveling to the island in the exercise of his duties under the Act with transport, food and accommodation facilities to the island and with food and accommodation on the island but the cost thereof shall be met by the Competent Officer.
- (2) When a Competent Officer requests from an employer referred to in sub regulation (1) transport to an outer island, such transport shall be made available as soon as possible and, in any case, not later than a month after the date of the request.
- Visits of
Competent
Officer

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| 40. | Where a worker on an outer island is empowered by the Act to initiate the grievance procedure and it is impracticable for him to register the grievance within the time limit set out in paragraph 2 (1) of Part II of Schedule 1 to the Act, he may | Registration of Grievances |
| * | register the grievance within 14 days after his return from the outer island. | |
| 41. | In regulations 28, 29, 31 and 33 to 35 references to “member of a worker’s family”, “members of his family” or “family” are construed as references to the person cohabiting with the worker and to the worker’s or their children normally living with the worker. | Definition |
| 42. | (1) Subject to section 42 of the Act and to sub regulation (2), an employer who provides proper housing for his worker may deduct a maximum of R1500 a month from the worker’s wages, unless the Competent Officer authorises the deduction of a higher amount. | Housing |
| | (2) An employer shall not make a deduction under sub regulation (1) – | |
| | (a) in respect of housing provided to a worker on an outer island; or | |
| | (b) wherever a worker is compelled, by reason of a transfer or other circumstances of his employment, to move from the house he owns or occupies rent-free in Seychelles to quarters provided by the employer. | |
| 43. | Where transport or uniforms are provided, no deduction shall be allowed therefore, if such deduction would result in the worker receiving less than the national minimum wage. | Transport and Uniform |
| *45. | (1) A record card of a worker kept under section 68 of the Employment Act 1995 shall be in form 1 set out in the Schedule except where the competent officer has approved an alternative form which contains all required information. | Record Card |
| | (2) The other forms set out in the Schedule shall be used for the purposes specified in each such form. | |

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

46. * (1) The period of training on an employer's training scheme for persons employed as trainees shall not exceed **2 years or such longer period as may be authorised by the Competent Officer** Period of training
- * (2) A training course for untrained workers in occupations shall not exceed **2 years or such longer period as may be authorized by the competent officer.**
47. (1) Subject to sub regulations (2) and (3), a trainee shall be paid an allowance equivalent - Trainee's Allowance
- (a) in the 1st year of training, to 70% of the salary payable to a worker engaged in the work for which the training is being undertaken;
- (b) in the 2nd year of training, to 80% of the salary payable to a worker referred to in paragraph (a).
- (2) Where a training scheme or a training course is for a period not exceeding one year, a trainee shall be paid an allowance equivalent to 80% of the salary payable to a worker engaged in the work for which the training is being undertaken.
- (3) Where the allowance payable under sub regulation (1) or sub regulation (2) to a trainee falling within section 24 (b) of the Act is less than the national minimum wage, the allowance payable to that trainee shall be equivalent, in the 1st year of training, to the national minimum wage and in the 2nd year of training, if the training is for a period in excess of one year, to that wage increase to the increment payable a worker engaged in the work for which the training is being undertaken.
- *48. (1) **A trainee referred to in section 27 shall be paid an allowance of-** Trainee's Allowance
- (a) **R1100 per month in respect of the first year of training**
- (b) **R1300 per month in respect of any subsequent year of training**

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

(2) **An employer-**

- (a) **who pays a trainee an allowance of R1100 shall be entitled to claim from the training fund 60% of such allowance;**
- (b) **who pays a trainee an allowance of R1300 shall be entitled to claim from the training fund 40% of such allowance;**
- (c) **who employs a trainee as a worker at the end of the training period shall be entitled to claim from the training fund a sum equivalent to 25% of the total allowance paid to such trainee;**

Provided that an employer shall not terminate the contract of employment of a trainee referred to in this paragraph within a period of two years except for a serious disciplinary offence or any other reason as determined by the Competent Officer.

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| <p>*48. (A) The rate of interest for the purpose of section 63A of the Act shall be the maximum lending rate of interest prescribed by the Central Bank of Seychelles prevailing on the day that compensation becomes payable under that section.</p> | <p>Interest on Compensation</p> |
| <p>49. An employer in breach of a regulation for which no offence is specified under these regulations is guilty of an offence.</p> | <p>Offences</p> |
| <p>*50. A person guilty of an offence under these Regulations is liable, where no other penalty is provided, to a fine of not less than R1000 and not more than R10,000, and in the case of a continuing offence to an additional penalty of R200 in respect of each day that the regulation is contravened.</p> | <p>Penalties</p> |

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*Amended/Introduced by SI 3 of 2000

**Amended/Introduced by SI 9 of 2006

SCHEDULE

(Reg. 45)

Form I

***Form II**

***Form III**

***Form IV**

***Form V**

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*Amended/Introduced by SI 3 of 2000
**Amended/Introduced by SI 9 of 2006