

EMPLOYMENT AND TRAINING ACT

Act 14 of 1963 – 18 May 1963

ARRANGEMENT OF SECTIONS

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EMPLOYMENT AND TRAINING ACT

1. Short title

This Act may be cited as the Employment and Training Act.

2. Interpretation

In this Act—

“designated person” means a person who belongs to such category of persons as may be prescribed;

“employment exchange” means any office or place established under this Act and used for the purpose of collecting and furnishing information, either by the keeping of registers or otherwise, in respect of—

- (a) employers who desire to engage work-people;
- (b) work-people who seek employment or engagement;

“Employment Service” means the Employment Service established under section 3;

“Minister” means the Minister to whom responsibility for the subject of employment is assigned;

“training course” includes a course of instruction or a course of occupation.

3. Powers and functions of Minister

(1) Subject to this Act, the Minister shall provide such facilities and services as he considers expedient for the purpose of —

- (a) assisting persons to select, fit themselves for, obtain and retain employment suitable to their age and capacity;

- (b) assisting persons to obtain suitable employees;
- (c) generally, promoting employment in accordance with the requirements of the community.

(2) For the purpose of advising and assisting him in the performance of his functions under this Act, the Minister may refer such matters as he thinks fit to such advisory committees or boards as he may appoint.

(3) The powers conferred on the Minister by this Act shall be additional to, and not in substitution for, any powers exercisable by the Minister or any other authority under any other enactment.

4. Establishment of Employment Service

(1) The Minister may establish and maintain an Employment Service with employment exchanges in such places as he thinks fit.

(2) The control and general superintendence of the employees of the Employment Service and of its employment exchanges will be exercised by a Controller, Employment Service.

(3) No person shall be disqualified or otherwise prejudiced in respect of facilities provided at any employment exchange on account of his refusal to accept employment found for him through such an exchange if the ground of his refusal is that a trade dispute which affects his trade exists, or that the wages offered are lower than those current in the trade in the district where the employment is found.

(4) Without prejudice to subsection (1), the Minister may make such arrangements as he considers expedient, whether by means of employment exchanges or otherwise, for the collection and furnishing of information, and the provision of advice, guidance or other services for persons of any class (whether employed or not) for any of the purposes mentioned in this Act.

(5) The Minister may, in such cases and subject to such conditions as he thinks fit, make payments by way of grant or loan to persons travelling to places where work has been found for them by an employment exchange.

(6) Where any person, for the purpose of obtaining employment or procuring employees, knowingly makes any false statement or false representation to an officer of any employment exchange provided by the Minister under this section, or to any person acting for or for the purposes of any such exchange, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 rupees.

(7) The Minister shall, so far as practicable, make arrangements with employers for the notification by them to employment exchanges of situations in their employment which are or are about to be vacant.

(8) The Minister may require any contractor who obtains a contract to carry out work on behalf of Government to notify vacancies, in such occupations as the Minister thinks fit, to employment exchanges.

4A. —

4B. Employment cards

(1) Where an employer engages the service of a designated person, he shall, within 3 days, apply to the employment exchange of his locality for the employment card of the person employed.

(2) The Employment Service shall, on application made under subsection (1), issue to the employer, in respect of the designated person, an employment card which shall be in the prescribed form.

(3) Every employer to whom an employment card is issued under subsection (2) shall—

- (a) retain it in his possession for the whole period during which the designated person remains in his service; and
- (b) within 3 days of the termination of the designated person's employment, fill in the particulars on the employment card relating to the designated person's service and return the card to the employment exchange of his locality.

(4) Every person who, without lawful authority or reasonable excuse, has in his possession an employment card issued under this section shall commit an offence.

(5) A new or duplicate employment card may be issued at such time and on such grounds as may be prescribed.

4C. Records and returns of employment

(1) Every employer shall—

- (a) keep a record in the prescribed form, relating to the persons in his service;
- (b) if so required by written notice from the Minister, make to any person specified in the notice a return in the prescribed form, relating to the persons in his service.

(2) Any officer of the Employment Service who is duly authorised by the Minister may, at all reasonable times, enter the premises of an employer, inspect any record kept under subsection (1) or any employment card in his possession, or require the employer to furnish him with such information as he may require in relation to the persons in his service.

(3) Any person who makes or causes or permits to be made an entry in a record required to be kept under subsection (1) which is false or misleading shall commit an offence.

(4) Any person who obstructs or gives false or misleading information to an officer acting in the exercise of his powers under subsection (2) shall commit an offence.

[S. 4C inserted by Act 42 of 1972.]

5. Vocational training

(1) The Minister may provide such vocational training courses for persons, whether employed or not, as he thinks necessary or expedient for any of the purposes referred to in section 3 (1).

(2) The Minister may defray or contribute towards the cost of training courses provided by any other authority or persons for the purposes referred to in section 3 (1).

(3) References in this section to the provision of a training course shall be construed as including references to—

- (a) the making of payments to persons who attend any such course, in respect of their maintenance, travelling expenses or both;
- (b) the provision of facilities for recreation and welfare for such persons; and
- (c) the provision of any other facilities or services incidental to the purposes of the course.

(4) Without prejudice to subsections (1), (2) and (3), where, in pursuance of arrangements made with the Minister, provision is made by an employer for the training of persons in his employment, the Minister may make any payments or provide any facility or service to or for the benefit of those persons which he could make or provide if they were attending a training course provided by him under this section.

6. Promotion of regularity of employment

(1) Where any scheme for promoting greater regularity of employment in any industry is approved by the Minister on the joint application of an organisation representing employers and an organisation representing workers in that industry, the Minister may assist the administration of the scheme by attaching officers of the Employment Service to help in the administration, and by such other means as he thinks fit.

(2) Where an organisation representing employers and an organisation representing workers in an industry make to the Minister a joint representation as to any difficulty in the operation of any scheme for promoting greater regularity of employment in the industry, or in making any further scheme for that purpose for the industry, the Minister may appoint one or more persons to hold an inquiry into the circumstances giving rise to the difficulty and to make a report to him.

7. Removal expenses

(1) The Minister may, for the purpose of his functions, make provision by way of grant or loan or otherwise—

- (a) for facilitating the removal of any persons, with or without their dependants, to or from any place in Mauritius for the purpose of obtaining employment;

- (b) for the maintenance and welfare of persons so removed in the course of their removal or pending their resettlement, and in the case of persons removed to any place in Mauritius, for their resettlement.

(2) Where any payment by way of loan has been made by the Minister under this section to or in respect of any person on account of travelling expenses to any place for the purpose of obtaining employment, the Minister may, whether or not the person obtains employment at that place, waive such part of the advance as may be prescribed and, except as provided by section 8, any sum so waived shall not be recoverable from the persons to whom the loan was made.

8. Recovery of waived payments

Where in the event of employment being found for a person to, or in respect of, whom any such payment as is mentioned in section 7 (2) has been made, that person either fails without reasonable excuse to enter that employment, or, within 7 days of entering it, leaves that employment without reasonable excuse, the sum waived under section 7 (2) may be recovered from him.

9. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any person who contravenes or fails to comply with any regulation made under subsection (1) shall commit an offence.

[S. 9 amended by Act 42 of 1972.]

10. Offences and penalties

(1) Any person who contravenes this Act shall commit an offence.

(2) Any person who commits an offence under this Act shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 2,000 rupees.

[S. 10 amended by Act 42 of 1972.]

11. Institution of proceedings

An officer of the Employment Service who is duly authorised by the Minister may institute any proceedings under this Act and prosecute any person who has committed an offence under this Act.

[S. 11 amended by Act 42 of 1972.]
