



# KNOW YOUR RIGHTS

**A guide for migrant workers  
in Mauritius**



## I. Preface

This pamphlet aims at informing **prospective and current migrant workers of their rights** and possible remedial actions in case of violations. It is meant for migrant workers in **secondary economic activities** including **Construction** and **Manufacturing such as of -**

- Food products;
- Beverages;
- Textiles and garments;
- Leather and related products;
- Paper products;
- Chemical products;
- Plastic products;
- Fabricated metal products;
- Furniture;
- Machinery and equipment.

It also serves to make migrant workers aware of the dangers of Human Trafficking.

This guide has been prepared by the Ministry of Justice, Human Rights and Institutional Reforms in collaboration with various stakeholders namely -

- the Ministry of Defence and Rodrigues;
- the Ministry of Foreign Affairs, Regional Integration and International Trade;
- the Attorney General's Office;
- the Ministry of Labour, Industrial Relations, Employment and Training;
- the Mauritius Police Department;
- the Passport and Immigration Office;
- the International Organisation for Migration;

The British High Commission has co-sponsored the publication of this pamphlet which will be translated in the main languages used by migrant workers.

## 2. Before coming to Mauritius



### General Information

- You will need both a **work permit** and a **residence/entry permit** to work and stay in Mauritius. You should not proceed to Mauritius unless you have obtained these documents.
- Should you hire the services of a **Recruitment Agent** from Mauritius, please ensure he / she is from the approved list of Recruitment Agents in Mauritius available at this link: <http://labour.govmu.org>
- The **Contract of Employment** should be drawn in line with **Labour Laws** of Mauritius and should be agreed between you and your employer. It will determine the terms and conditions of your employment and the benefits you will be entitled to and your responsibilities as well as those of your employer.
- It is for your employer to apply to the **Ministry of Labour, Industrial Relations, Employment and Training, and the Passport and Immigration Office** on your behalf for your work permit and residence permit.
- You will have to undergo certain **medical tests** prior to your arrival in Mauritius.
- You are entitled at the end of your work permit / residence permit to a return **air ticket** to your home country, **paid for by your employer or the latter may renew your work permit for another term subject to approval of the competent authority.**

- You are advised to look for **basic information** about Mauritius, for example (*currency, language, climate, exchange rates, living standards, religious practices and public holidays*). You may enquire from the **Mauritius Mission** or **Consulate** in your country of origin if available or another overseas Mission accredited to your country.
- You should be **aged** between **20** and **60** to be eligible for a work permit in Mauritius.
- You are not allowed to be accompanied by your spouse or family members.
- You should be **cautious** about overgenerous **promises** and any unverified information / misleading information, unlicensed recruitment agents and **excessive recruitment fees**.
- You should take necessary precautions to protect yourself from being a victim of **human trafficking**.
- You should not allow your employer to retain **your passport**.
- Your work permit gives you permission to work solely for the employer listed therein. It is **not transferable** to another employer, save in very exceptional circumstances as may be approved by the competent authorities.

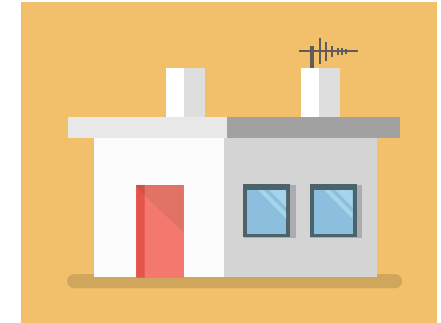


You should not allow your employer to retain your passport.

## Recruitment Agents

- The prevailing legislation in Mauritius allows a recruitment agent to charge an applicant (worker) an amount not exceeding Mauritian **Rs. 100** per person per registration and a commission of not more than **10%** on the first month's earnings of persons placed in employment.
- The Government of Mauritius has no jurisdiction over the fees charged by foreign recruitment agents or fees mutually agreed with locally registered agents but advises you to be cautious.

## Application For The Work And Residence Permits



- Submission of appropriate Medical Certificates is a **prerequisite to obtaining** the permits.
- The application for all the necessary permits is to be made by the employer to Government authorities.
- The work permit is issued by the Minister of Labour, Industrial Relations, Employment and Training.
- **The Passport and Immigration Office** will issue the residence permit / entry permit.
- The relevant fee for the work permit is to be paid by your employer. The residence permit is free of charge.

## 3. Travelling To Mauritius

- Your Contract of Employment, your work permit and residence / entry Permit will facilitate your immigration clearance and will allow you to work and stay in Mauritius **for a specific duration**.
- It is advisable that you give a copy of these documents to your next of kin in your country of origin / home country
- Always keep important phone numbers for Mauritius and your country of origin readily accessible
- You are advised to keep a copy of your relevant documents at all times **on your person in view of possible security checks by the Police and any other authorised officer**.



## 4. Your Rights As A Migrant Worker



### 4.1 Your right to be remunerated fairly and treated decently

#### A. Salary

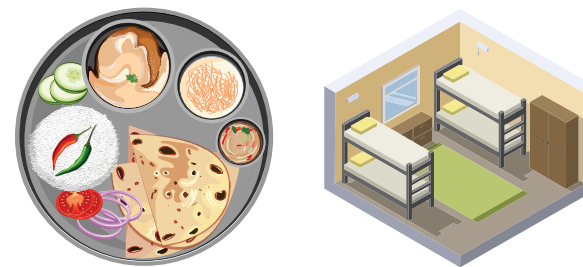
- a) You have the right to the national minimum wage, similar to citizens of Mauritius. The minimum wage is effective since January 2018. It is currently **eight thousand one hundred and forty Mauritian Rupees per month (Rs 8,140) for export oriented enterprises and eight thousand and five hundred Mauritian Rupees per month (Rs 8,500) for non-export oriented enterprises.**
- b) Your employer must keep the risks to safety and health arising from hazards at the work place to the minimum and has to comply with the **Occupational and Health Safety Act 2005** and the regulations made thereunder.
- c) You have the right to have a **payslip** which clearly specifies the revenues and deductions. You can seek additional clarification from the employer if ever you believe there have been excessive or unauthorized deductions.
- d) You are entitled to overtime pay when working additional hours beyond **the stipulated hours.**
- e) Your employer shall not deduct the **cost of uniforms, safety equipment, tools** provided to you, or deduct damages to any person or property occurring due to negligence or fault.
- f) Contributions under the National Pension Act will be deducted but these may be refunded as provided under the law.



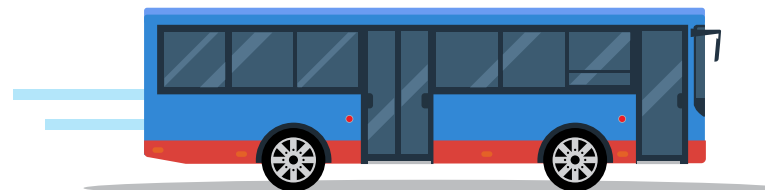
#### B. Leave

- a) You have the right to enjoy your **leave** as per your contract of employment and **in compliance with the Labour Laws of Mauritius**

#### C. Food, Lodging, Accommodation and Transport



- a) The employer must provide you, **free of charge, with a lodging or accommodation** that has a valid Lodging Accommodation Permit, and must cater for basic facilities for your comfortable stay.
- b) You are entitled to a **separate bed with mattress.**
- c) The Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011 establishes the **safety and health norms** for workers' lodging accommodations and covers inter-alia water supply, sanitary conveniences, bathrooms, locker for personal belongings, cooking facilities and utensils, freezers and refrigerators, furniture, first aid facilities, also specifies the requirements when the facilities are shared under one roof.
- d) Your employer must provide you with **travelling facilities** or **refund your travelling expenses** between your place of accommodation and your work place, as specified in your contract and in compliance with the labour laws of Mauritius.
- e) In case of **overtime**, your employer should provide you with a **free meal** or a **meal allowance of Mauritian Rs 70**, subject to the relevant provisions of the law.



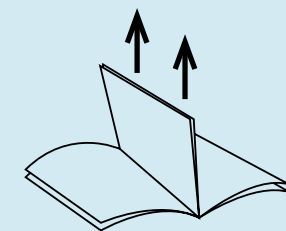
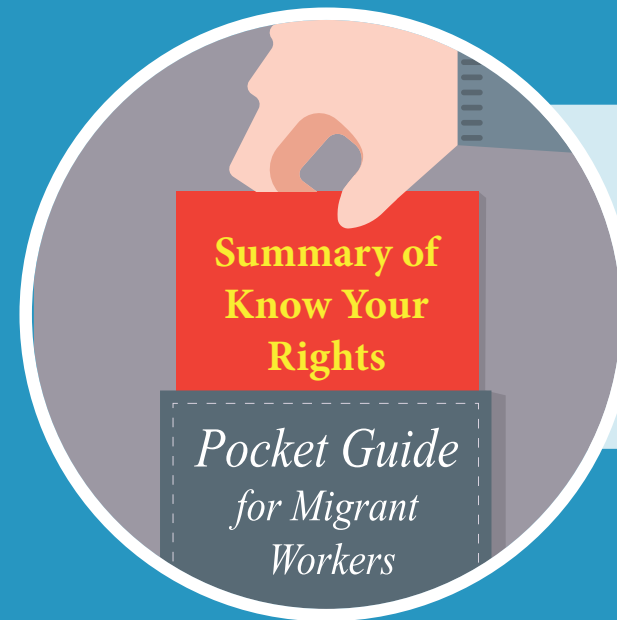
## D. Health and Safety



- You have the right to **safe and healthy working conditions** and to be informed of the safety and health standards that apply to your workplace.
- Your employer must keep the risks to safety and health arising from hazards at the work place to the minimum and has to comply with the **Occupational and Health Safety Act 2005** and the regulations made thereunder.
- Medical treatment** is free in Public Health Institutions in Mauritius.
- Your employer will have to ensure, at his own costs, that you are promptly taken to a **public hospital** or other similar institution in case you are **injured at work** or **sick**.
- Your employer must provide you with **protective equipment and clothing** where there are risks of bodily injury. (e.g. gloves, protective footwear, respirator, etc.)

## E. Training

- Your employer must provide you with the appropriate training, information, instructions about materials and tools you are handling, and the risks involved and how to protect yourself
- The training must be in a language you are able to understand.



This section can be removed and used as a pocket guide

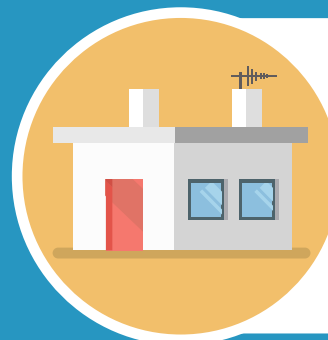
## Work Permit

- Application is made by an employer on behalf of the employee
- Employee will have to undergo medical tests
- Application fees are paid by the employer
- Your work permit has to be obtained before you travel and before you start working
- Application for renewal of the work permit to be sent to the Ministry of Labour, Industrial Relations, Employment and Training, 3 months prior to expiry
- On expiry of your work permit you have to leave the country and it is illegal to continue to work
- Your work permit gives you permission to work for the employer listed therein and it lapses if you decide to stop working with him. It is not transferable to another employer; save in very exceptional circumstances as may be approved by competent authorities.



## Residence Permit

- You will need a residence permit to be able to stay in Mauritius
- Application is made by an employer on behalf of the employee
- The maximum duration of a residence permit is 4 years but is renewable
- Application for renewal of the residence permit to the Passport and Immigration Office – 3 month prior to expiry
- It is illegal to stay in the Mauritian territory if your residence permit has expired



## Air Ticket



Your employer has to provide you with a return air ticket at the expiry of your work permit or early termination of your contract of employment or for any cause whatsoever

## Salary

- Your salary will be determined as per the terms and conditions of your contract of employment
- The minimum national wage is effective since January 2018. It is applicable to migrant workers and it is currently Mauritian Rs 8,140 monthly for export oriented enterprises and Rs 8,500 monthly for non export oriented enterprises



## Lodging Accommodation and Transport



- The employer has to provide you with furnished lodging and basic facilities for your comfortable stay, at his own cost. It includes water, electricity and gas.
- You are entitled to a separate bed
- The minimum standards for sharing of lodging accommodation are specified under the Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011
- Employer may provide travelling facilities or refund your travelling expenses between your place of accommodation and your work place

## Meal Allowance

In case of overtime, your employer should provide you with a free meal or a meal allowance of Mauritian Rs 70, subject to the relevant provisions of the law.



## Health

- Public hospitals and public health institutions provide free medical treatment
- Your employer will have to ensure, at his own costs, that you are promptly conveyed to a public hospital or other similar institutions in case you are injured at work or sick



## Identity documents

You are advised to keep a copy of your relevant documents at all times on your person in view of possible security checks by the Police and any other authorized officer:



**Your employer has no right to retain your passport**

## Violation of your rights



If your rights are violated, you may report the matter by calling at the hotlines or lodging a complaint at the police station, or contact the Ministry of Labour, Industrial Relations, Employment and Training or Human Rights Institutions

**The Police Hotline is 999 or 148**

**Police information Room : +230 208 0034 / 35**



## Other Contact Numbers

### The Ministry of Labour, Industrial Relations, Employment and Training

Head Office:	+230 207 2711
Special Migrant Workers' Unit:	+230 207 2600
Employees' Lodging and Accommodation Unit:	+230 207 2732
Work Permit Unit:	+230 405 0100
Equal Opportunities Commission:	+230 201 3502
National Human Rights Commission:	+230 208 2856
The Ministry of Gender Equality, Child Development and Family Welfare:	+230 405 3300



## Human Trafficking

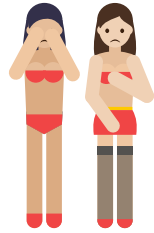
- Human trafficking is punishable under the **Combating of Trafficking in Persons Act**
- You cannot be **forced, intimidated, blackmailed, to work or perform sexual acts**
- The law permits a **victim** of human trafficking to remain in the country for up to **42 days**



Forced labour



Violence



Forced prostitution

### Shelter

You can be allowed access to a shelter under the security of Government Authorities and be provided with medical and psychological assistance and appropriate care (food and clothing) if you are a victim of Human Trafficking



### Leave

You have the right to enjoy your leave as per your contract of employment and in compliance with Labour Laws of Mauritius



### Recruitment Agents



Please verify if the Recruitment Agent from Mauritius with whom you are dealing has a valid license by consulting the website ([www.labour.govmu.org](http://www.labour.govmu.org))  
Be cautious about excessive recruitment fees and overgenerous promises  
The Government of Mauritius has no jurisdiction over the fees charged by foreign Recruitment Agents or fees mutually agreed with locally registered agents but advises you to be cautious

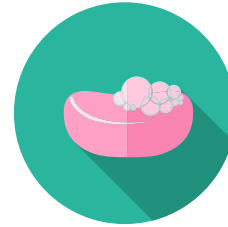
### Trade Union

You have the right to be a member of a **trade union** at your workplace and to participate in the lawful activities of the union



## F. Other facilities and Amenities

Your employer must provide you with the following basic amenities and facilities at your workplace:



Washing facilities including soap and clean water



Sanitary conveniences



Potable Water



Facilities for first aid



Facilities for taking of meals or mess room

## 4.2 Your Right to be free from Discrimination

- As a foreigner in Mauritius, you have the right to enjoy the same civil rights as citizens of Mauritius.
- The Employment Rights Act provides that every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value.
- The Equal Opportunities Act (EOA) prohibits discrimination based on status of a person and this includes age, creed, caste, sex, sexual orientation, race, place of origin and ethnicity, color, or impairment

## 4.3 Your Right to join a Union

- Your employer cannot prevent you from being a member of a trade union at your workplace and cannot take actions against you for participating in lawful activities of the trade union.

## 4.4 Your Right to be free from Sexual Harassment

- a) It is unlawful for your employer, co-workers or any other person to sexually harass you.
- b) You are being sexually harassed when you are humiliated, offended or intimidated by;



- (i) an unwelcome sexual advance;
- (ii) an unwelcome request for a sexual favour; or
- (iii) any other unwelcome conduct of a sexual nature.

- c) In case you are a victim of sexual harassment or exploitation, you may contact the Police or the Ministry of Labour, Industrial Relations, Employment and Training
- d) You may lodge a complaint with the Equal Opportunities Commission by filling a Complaint Form which can be downloaded from the Commission's website at [eoc.govmu.org](http://eoc.govmu.org). The said form be faxed on **201 3408** or emailed to [eoc@govmu.org](mailto:eoc@govmu.org)

## 4.5 Your Right to make Complaints

- a) You can register formal complaints in case of non-compliance with your terms and conditions of employment, safety and health at work, and living conditions in your lodging accommodation against your Employer at the relevant authority
- b) If your employer is abusing you, do not allow the situation to continue. Do ensure your safety and seek advice and help from Government institutions.

### Useful contact numbers

#### The Police

You may call the police hotline numbers on **999** or **148** or the Police Information room on **208 0034** or the **208 0035**. They operate on a 24-hour basis.

You are advised to inform them of the emergency, your location and the phone number from which you are calling and ask for an interpreter if you do not speak English.



## Ministry of Labour, Industrial Relations, Employment and Training (MLIRET)

For all work related issues, you can contact the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET) during office hours from 08.45 hrs to 16.00 hrs. The address is Victoria House, St Louis Street, Port Louis, Mauritius.

You may also contact regional / sub-offices in your area. The main contact details are as follows:

Departments	Departments	For matters relating to
Head Office	<a href="mailto:mol@govmu.org">mol@govmu.org</a> +230 207 2711	Overall Administration
Special Migrant Workers' Unit	+230 207 2600 +230 207 2640	Terms and conditions of contract of employment
Employees' Lodging and Accommodation Unit	+230 207 2600 +230 207 2732	Safety and health norms for workers' lodging accommodations
Occupational Safety and Health Division	+230 207 2600	Safety and health norms at work place
Work Permit Unit	+230 405 0100	Employment of non-citizens in Mauritius and the processing of work permit

## Ministry of Gender Equality, Child Development and Family Welfare

For matters relating to women's rights, and equality between men and women  
**Head Office** +230 405 3300

### Passport and Immigration Office

For matters relating to Residence / Entry permits and passports  
**Email** [piomain@govmu.org](mailto:piomain@govmu.org)      **Phone** +230 210 9312

Institution	Contact Number	For matters relating to
National Human Rights Commission	+230 208 2856	Violations of human rights enshrined in the Constitution
Equal Opportunities Commission	+230 201 3502 +230 201 1074	Discrimination and Sexual Harassment
Independent Police Complaints Commission	+230 214 2551	Complaints against police officers in the discharge of their functions (excluding corruption and money laundering)



## 5. Early termination of your contract

- In case of early termination of employment by your employer, your **dues** including notice prior to termination if applicable, **remaining wages** till the last day you have worked, **end of year gratuity** and refund of **remaining annual leave** if applicable are **payable** by the Employer.
- Should your contract of employment be terminated on the ground of **gross misconduct**, you are entitled only to your **wages till the last day you have worked**.
- Where the termination is due to economic reasons, technological, structural or similar nature affecting the enterprise, a migrant worker (who has been in **continuous employment** for a period of **12 months or more**) is paid **one quarter of a month's** remuneration as severance allowance for every period of **12 months** and for the additional months, it will be **prorated**.
- If a migrant worker has not been paid his dues, he can register a **complaint** at the **Special Migrant Workers' Unit (SMWU)** of the Ministry of Labour, Industrial Relations, Employment and Training.

- Your employer should provide you with an **air-ticket** to return to your home country on the expiry or cancellation of your work permit or for any cause whatsoever.



## 6. Offences to be avoided:

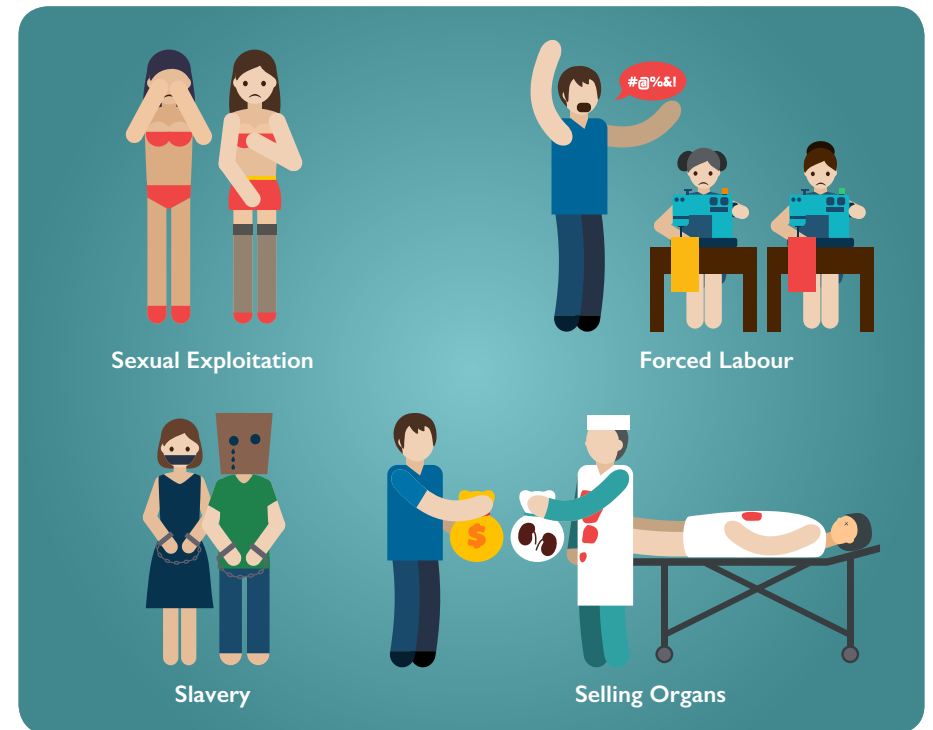
- You should not stay illegally in Mauritius after the expiry of your Visa or Permit. You will be liable to a fine not exceeding Rs 1,000 and to imprisonment for a term not exceeding one year.
- You should not work for another employer other than the one listed in the work permit
- You should not continue to work after your permit has expired. The Penalty for working illegally, that is, without a work permit is a fine of more than 25,000 rupees up to 50,000 rupees and imprisonment for a term of 2 years.
- You are reminded that acts of corruption and bribery are unlawful.**



## 7. Human trafficking

Anyone can potentially become a victim of human trafficking irrespective of level of education, man or women, persons of any age, national or foreigner.

Under the Combating of Trafficking in Persons Act of Mauritius, Human Trafficking is referred as the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring, or receipt of a person through the use of threat, force, intimidation, fraud or coercion, abduction, deception, abuse of power and abuse of a position of vulnerability, for the purpose of exploitation. Exploitation includes sexual exploitation, forced labour, illegal removal of body organs and all forms of slavery or practices similar to slavery.



Labour traffickers and sex traffickers may be prosecuted criminally and may face civil liability as well. The reporting, prosecution and conviction of offences are spelt out from sections 11 to 14 in the Combating of Trafficking in Persons Act.

## 7.1 The warning signs indicating human trafficking and what traffickers generally do:

- Create situations of threats and fear of beatings.
- Cause physical, psychological harm/abuse or sexual abuse and other form of violence.
- Threaten to harm you or your family if you try to leave or complain about being mistreated or report them to the authorities or seek help.
- Blackmail you that you will be deported or arrested for seeking help.
- You are prevented from moving freely from the place of your work or lodging
- Your passport / travel documents being retained or confiscated.
- You are prevented from getting into contact with friends and relatives.
- You have no control over your own money.
- You are forced to lie and not to reveal the truth about your situation.
- You are recruited though you do not have adequate qualification, skills and experience, and in some instances mainly because of your age and physical attributes.
- You are promised lots of money, a great life, and other gifts and promises about the type of work, working hours, working or living conditions, or pay, which turn out to be false.
- You are threatened over debts created and imposed by the trafficker and you are compelled to perform labour; services or commercial sex acts (prostitution) to repay a debt.



## 7.2 What assistance is available for victims of human trafficking?



You may be allowed to access a shelter under the security of Government Authorities and you will be provided with immediate support, such as medical and psychological assistance and appropriate care (food and clothing) during your stay in the Shelter. Government Authorities may also assist you to return to your country.

The law permits a victim of trafficking to remain in Mauritius for up to 42 days. Where the victim who is in a shelter or in the care of an authorised person, organisation or institution agrees to cooperate with Government regarding the investigation and prosecution of the trafficking case, a visitor's permit may be issued to a victim present in Mauritius.

# KNOW YOUR RIGHTS

Disclaimer: The information contained in this pamphlet is provided as a guide only.  
The relevant laws will provide you with the complementary information.