



International
Labour
Organization



MAURITIUS- Extract SADC Labour Migration Stocktaking Report

SADC Labour Migration Policies and Governance: Brief summaries of key elements of Labour Migration Policies¹; Specific provisions pertaining to the employment of foreign workers²; and, Applicable requirements and procedures for obtaining work permits³.

Mauritius	
Type of permit	<p>Three categories: Occupation permit; Work Permits; and Certificate of Exemption.</p> <p>However, majority of foreign employee need work permit.</p>
Application requirements	<p>Applications for Work Permit should be submitted by the employer. Foreign individuals planning to work in Mauritius also need residence permit. Application checklist:</p> <p>a) Applications for Work Permit should be submitted on the prescribed form.</p>

¹Available information indicates that only 5 SADC Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have a National Labour Migration Policy, with Mauritius formulating a Migration and Development Policy and Malawi having reached the stage of publishing a Situational Analysis report in preparation for the drafting of its NLMP.

²The authors express their gratitude to Ms Zoe Isaacs for the permission to reproduce the information pertaining to the employment of foreign nationals found in the SADC Labour Law Guide that is maintained by the SADC Private Sector Forum (SPSF) and available at <https://www.sadclabourlawguide.spsf.org/bw/>

³Information regarding requirements and processes for obtaining work permits was primarily sourced from official government websites and from <https://www.globalization-partners.com/globalpedia/> No information was available for Comoros.

- | | |
|--|--|
| | <ul style="list-style-type: none">b) Covering Letter from Company requesting for work permit for the expatriatec) 4 Passport sized photographs. The photographs should be between 35mm and 40mm in width and between 45mm and 50 mm in height and taken against a light background.d) Copy of relevant parts of passport showing name, date of birth, place and date of issue of passport, photo, passport number and movement for each foreign employee.e) Where applicable, certified copies of academic, vocational and professional qualifications and details of work experience should be submitted in either French or English.f) Job profile of each expatriate.g) If the salary is MUR 30,000 or less, a copy of Contract of Employment duly vetted by the Labour Division of the MLIRET. If salary is more, documentary evidence from the employer certifying that the expatriate will earn a monthly salary of more than MUR 30,000.h) A provisional medical clearance obtainable from the Ministry of Health and Quality of Life.i) A copy of the Certificate of Incorporation and Business Registration Card of the company.j) Original Press advertisements which have appeared in two leading newspapers in A5 size. Name of Newspaper and date of advert should be clearly visible on the press advert and outcome of selection exercise must also be submitted.k) Latest National Pensions Fund (NPF) Receipt with list of local workers registered with the NPF.l) Particulars of Licensed Recruiting Agent (Both local and overseas) and valid recruitment licence.m) Turnover of the company for the last 3 years.n) Deputation letter, where applicable.o) Covering Letter from company specifying address of accommodation of expatriate. |
|--|--|

Additional documents for specific sectors are required.

Duration of permit	<p>Normally for a period of 4 years (for foreign skilled workers)</p> <p>Renewal: three months prior to the expiry of the current Work Permit</p>
Employment of Foreign Nationals	<p>The Non-Citizens Act provides that non-citizen cannot engage in any occupation in Mauritius unless they have a valid work permit. Work permits are issued by the Employment Division of the Ministry of Labour Industrial Relations Employment and Training subject to certain conditions being met. The Immigration Act contains provisions and guidelines on prohibited immigrants, residence permits, and liability of transport companies. There are three categories of permits which: occupation permit; work permit and exempt from permit.</p> <p>The occupation permit is a combined work and residence permit that allows foreign nationals to work and reside in Mauritius. An occupation permit may be granted to foreign nationals under three categories: investor, self employed and professional. Different financial transfers are required for investors and self employed persons in order to qualify for such permit. A professional employee employed in a company based in Mauritius may obtain a permit provided the person earns in excess of a certain amount.</p> <p>Generally, work permits for non-citizen are issued by the Employment Division of the Ministry of Labour, Industrial Relations, Employment and Training. Foreign workers normally be aged between 20 and 60 years are eligible for a work permit if they possess the skills, qualifications and experience required for the job. A Mauritian company that is seeking to employ a foreigner must make an application for a work permit to the Ministry. Depending on the industry, the employer needs to seek prior approval to recruit foreign labour before submitting an application. The Ministry will then decide whether there is a scarcity of such labour on the local market and allow the employer to look for an ideal candidate abroad. The contract of employment for foreign employees earning under a certain earnings threshold must be vetted by the Labour Division of the Ministry. The purpose is to ensure that all conditions mentioned in the contract comply with defined definitions and legislation. The Labour Division puts a seal on the contract of employment, and then sends it back to the employer. The process takes 3 to 5 working days.</p> <p>A provisional health clearance from the migrant worker section of the Occupational health unit of Ministry of health and Quality of life is required for each foreign worker to be employed. The company wishing to employ foreign</p>

	<p>workers must submit a complete medical report for each migrant worker obtained from their country of origin prior to their arrival.</p> <p>The Employment Non-Citizens exemptions regulations, stipulate that certain categories of expatriates are exempted from a work permit during his/her period of employment. In the case an application is not approved by the Minister, the employer may appeal against the decision by means of a letter. Only one appeal per application is allowed.</p> <p>A final health clearance will be granted upon the arrival of the expatriates after repeating the following tests: chest X-ray, a medical certificate for expatriates traveling from India certifying that the expatriate is not suffering from leprosy; and a HIV test and test for Filariasis.</p> <p>Companies should submit applications for renewal of work permits in respect of their workers 3 months prior to the expiry of their current work permits. In case the company will no longer employ the workers after expiry of their work permits, arrangements should be made within the shortest period of time for them to be sent back to their country of origin. Applications for renewal of work permits received after expiry of current work permits will not be considered. The application for renewal follows the same process that is followed when applying for a new work permit; however foreign employees who have stayed more than 4 years in Mauritius must swear an affidavit that they will not apply for Mauritian citizenship.</p>
National Labour Migration Policy	<p>Mauritius does not have a dedicated National Labour Migration Policy. However, in 2018, a Migration and Development Policy document and an accompanying Action Plan was published, which broadly addresses the linkages between migration and various sectors and includes a specific section on migration and national labour market and employment policies. The broad objective of the section on migration and national labour market and employment policies is to tap into the potential of migration with the aim to achieve the labour market's and employment policies' goals. To achieve this broad objective, several policy measures are proposed, as follows:</p> <ul style="list-style-type: none"> • Establish a fully-fledged national employment policy to aim at increasing employment and meeting the demands of the labour market and of the economy, based on the decent work agenda principles. Considering the

	<p>status of Mauritius, as both a receiving and sending country, the employment policy shall fully take into consideration the socio-economic role of migration in shaping the domestic labour market needs and derive maximum benefits from labour migration, including diaspora engagement and immigration;</p> <ul style="list-style-type: none"> • Evaluate quantitatively and qualitatively, from skills and employment perspectives, the labour market needs and priorities linked to further developments in relation to diverse sectors and national strategies (e.g. ocean economy, manufacturing, Mauritius Africa Strategy) in order to determine future scenarios and the impact on the labour market, and inward and outward migration; • Take action for the revalorisation of certain sectors and jobs, such as manufacturing (the largest employer in the country) and construction sectors, so as to attract local jobseekers. Working conditions, various incentives and remuneration policies need to be reviewed and provide more favourable conditions; • Establish programmes supporting local jobseekers to acquire knowledge from foreign professionals (foreign companies, foreign workers and specialists) and diaspora members to be able to serve in various sectors; • Based on the assessment of the emerging needs of the market, explore possibilities and opportunities for collaboration in the labour field with countries in the region and in Africa (in light of the Mauritius Africa Strategy and its expected outcomes), in particular with member states of COMESA, SADC and the IOC; • Operationalise the Accelerated Program for Economic Integration (APEI) framework in order to cater to the labour market needs and to create employment opportunities; • Improve, on a regular basis, the Labour Market Information System and enhance the role and capacities of the Public Employment Information Centres in terms of information and services delivery to job seekers, returned migrants, and would-be migrants.
<p>National Labour Market Institutions</p>	<p>The main institutions are the Labour inspectors and the Labour Advisory Council. The Permanent Secretary has a wide range of entry, access and search powers.</p> <p>Labour inspection is the responsibility of the Ministry and charged with enforcement of the Act under the office of the Permanent Secretary. The Permanent Secretary has a wide range of entry, access and search powers. Workers may also make complaints on any matters arising out of employment for investigation by the Permanent Secretary. Where non-compliance is found, a</p>

	<p>compliance order may be issued. The employer has seven days to challenge a compliance order in Court, failing which compliance is required within 14 days. The Council consists of equal numbers of public officers and representatives of employers and workers. The Council advises the Minister on the operation and enforcement of the ERA, is responsible for ILO input, consideration and submissions. Where there is reason to believe, an offence may have been committed, the Permanent Secretary may issue summons and investigate the matter. Inspection services are protected from obstruction.</p>
--	---