

Guidelines - Application for recruitment Licence

1. Legislation

1.1 A Recruitment Licence is issued under the Recruitment of Workers Act 1993.

The licence enables the holder to recruit either:

- a) Citizens of Mauritius for employment in Mauritius; and/or
- b) Citizens of Mauritius for employment abroad; and/or
- c) Non-citizens for employment in Mauritius.

1.2 Application for Recruitment Licence

An application for a Recruitment Licence must be made on the prescribed form, obtainable at the Ministry of Labour, Industrial Relations, Employment and Training (Employment Division), Level 11, Victoria House Port Louis, or downloaded from the website of the Ministry: <http://empment.labour.govmu.org/>

An application can be made in the name of an individual or a company, but is non-transferable once the licence has been issued.

The requirements for application for Recruitment Licence is at Annex I.

2. Documents to be submitted with the application form

2.1 New

- a) Particulars of Applicant/Directors and staff, as per Annex II
- b) Copy of Certificate of Incorporation/BR Certificate
- c) Certificate of Character of Applicant/ Directors and staff
- d) Two(2) Recent Passport-Sized photos of the applicant

2.2 Renewal

- a) Particulars of Directors and staff, as per Annex II
- b) Certificate of Character of Applicant/ Directors and staff
- c) Two(2) Recent Passport-Sized photos of the applicant

2.3 Approval of application

Upon approval of an application for a licence, the applicant is required to:

- (a) pay the prescribed fee of Rs 12,000 and
- (b) furnish a security deposit of Rs 500,000 at the Office of the Accountant General in case of recruitment of Mauritian workers for employment abroad or recruitment of non-citizens for employment in Mauritius by means of :
 - Cash Deposit in the Treasury; or
 - An insurance policy issued by a company registered under the Insurance Act; or
 - A Bank Guarantee issued by a Bank licensed under the Banking Act.
 - Licence fee and security deposit should be paid within a month of notification of the approval.

Guidelines for holders of Recruitment Licence

1. In all cases:

- (a) No licensee shall recruit a worker unless he is in the presence of a written request from an employer;**
- (b) Every licensee shall, within 2 working days of receiving a written request from an employer for recruitment, notify the vacancy to the Licensing Authority, in the form set out in the Fifth Schedule of the Act;**
- (c) Every licensee shall, within 10 days of the expiry of each quarter (on 31 March, 30 June, 30 September and 31 December in every year), submit to the Licensing Authority:**
 - (i) A consolidated return in the form set out in the Sixth Schedule of the Act in relation to vacancies notified by employers; and**
 - (ii) A return in the form set out in the Seventh Schedule of the Act in relation:**
 - (a) to citizens of Mauritius placed in employment in Mauritius;**
 - (b) citizens of Mauritius placed in employment abroad;**
 - (c) non-citizens placed in employment in Mauritius.**
- (d) The recruitment of Mauritian nationals for employment abroad as housemaid is not authorised.**

2. Recruitment of Mauritian workers for employment abroad

- (a) In addition to the above for recruitment of Mauritian workers for employment abroad, the following is mandatory:**

The licensee shall be responsible for the:

- (i) Medical examination of the worker before he leaves Mauritius;**
- (ii) The obtention of entry visa and other documents and the completion of all formalities in respect of the worker;**
- (iii) The arrangements with the employer for international travel of the worker to the place of work;**

- (iv) The arrangements with the employer for provision of the return ticket, of the worker:
 - where his services are no longer required;
 - at the expiry of his contract of employment;
 - where he has been seriously injured at work or he is unfit on grounds of ill health or inefficiency to perform the duties under his contract of employment, or
 - where there is a state of war in the country of employment
- (v) Arrangements for, including transfer to Mauritius of the remains of a worker who passes away, whilst in employment abroad, unless otherwise advised by his next to kin.
- (b) Every licensee shall furnish to the Licensing Authority particulars of any vacancy abroad in respect of which, he proposes to recruit a worker;
- (c) All expenses incurred in connection with the recruitment of a worker shall be borne by the employer;
- (d) Licence holders should, in accordance with Section 7 of the Act, submit to the Employment Division of the Ministry, a copy of the contract of employment of a worker, signed by both the worker and the employer, before the worker leaves Mauritius;
- (e) A licensee shall notify the Licensing Authority of any change in the terms and conditions of the contract within 15 days of any such change being brought to his notice;
- (f) A licensee shall submit to the Licensing Authority the name and address in Mauritius of the nearest relative of the worker within 7 days of the worker's departure from Mauritius.

2.1 Recruitment of non-citizens for employment in Mauritius – Responsibilities of licensees

- (a) No licensee shall recruit a non-citizen unless he is in the presence of a written request by an employer for the recruitment. The request should be signed, dated and stamped by the company applying for foreign workers and be supported by copy of the letter of permission issued by the Ministry of Labour, Industrial Relations, Employment and Training;

- (b) The licensee shall be responsible for the proper selection of the guest worker in conformity with the requirements of the employer. If the guest worker does not possess the skills for which he has been recruited, the recruiting agency shall bear all costs of repatriation of the worker to his country of origin;
- (c) The licensee shall be responsible for the proper pre-departure briefing of guest workers and inform them of the contents of the contract of employment which has been vetted by the MLIRET, in their own language or at least in a language that they can understand as well as on matters relating to lodging accommodation, wages, conditions of service, labour laws, customs and traditions of Mauritius, medical facilities available, filing of complaints to labour offices and return to their country of origin;
- (d) The licensee shall also be responsible:
- (i) for the medical examination of the guest worker before he leaves his country;
 - (ii) for the obtention of entry visa and other documents and the completion of all formalities in respect of the guest worker;
 - (iii) to ensure that the cost of the air ticket of the guest worker to Mauritius is borne by the employer;
 - (iv) to arrange with the employer for the return of the guest worker to his country of origin;
 - where his services are no longer required;
 - at the expiry of their contract of employment; or
 - where he has been seriously injured at work or he is not capable to perform the duties under his contract of employment;
 - where he no longer intends to stay in Mauritius.
 - (v) in case of demise of a guest worker, to arrange for the return of his remains to his country, unless otherwise advised by his next to kin.
- (e) The recruiting agent must issue to the guest worker a receipt of the recruitment fee charged. A copy of the receipt signed and dated by the Agent must be in the custody of the worker together with a copy (translated in English). The receipt must clearly outline the details for which fees have been charged.

- (f) Expenses incurred in connection with travel costs and work permit fees for the guest worker shall be borne by the employer.;
- (g) Every contract of employment entered into by an employer and a guest worker shall contain such terms and conditions as may be prescribed under the Mauritian Labour Legislation.
- (h) a licensee shall seek prior approval of the Licensing Authority in respect of any change of director/shareholder and location of office of the agency.
- (i) Every licensee shall keep a detailed register of all non-citizens recruited and placed with each employer accompanied with the written request by employer and copy of letter of permission issued by MLIRET.

2.2 Fees that may be charged by a Recruiting Agent in accordance with the Recruitment of Workers Act

From an applicant for employment:

- (a) For registration – not more than Rs100 per person; and
- (b) For commission – in addition to the above, not more than 10% commission on the first month earnings of the applicant placed in employment.

From an applicant for workers

- (a) For registration – not more than Rs 200 per employer; and
- (b) For commission – in addition to the above, a commission of an amount not exceeding a sum equal to the first month salary paid to each worker placed in employment.

2.3 Appeal by Licensee:

In case the applicant is dissatisfied with the decision of the Licensing Authority, he may, as provided under Section 3(9) of the Recruitment of Workers Act 1993, appeal in writing to the Minister within 10 days of the communication of the decision to him.

2.4 Validity of licences

All licences shall be valid for a period of 2 years.

2.5 Renewal of Licence

Applications for renewal should be submitted 4 months prior to the expiry of the current licence. Applications received after expiry of the licence will not be considered.

2.6 Returns

Licencees should submit Returns in respect of vacancies notified by employer and placement of employment within 10 days of each quarter on 31 March, 30 June, 30 September and 31 December in every year, failing which appropriate action will be initiated by the Ministry.

2.7 Offences

The Recruitment of Worker's Act 1993 provides that any person who contravenes this Act or any subsidiary enactment made under this Act, shall commit an offence and shall on conviction, be liable to a fine not exceeding Rs 50,000 and to imprisonment for a term not exceeding 5 years.

3.0 Monitoring

3.1 Regular inspections will be carried out by Officers of the Ministry to ensure that Recruitment Agents are operating within the legal framework. Licensees should allow the Licensing Authority or any officer authorised by him to enter at any reasonable time his premises and inspect his register and any other document relating to his business.

- 3.2 A list of licensed Recruitment Agencies/Agents is posted on the website of the Ministry: <http://empment.labour.govmu.org>.

4.0 Information

Additional information regarding recruitment of workers, may be obtained from the officer-in-charge of the unit at Level 11, Victoria House, Port Louis, on any working day during office hours on Tel No. 4050100.

ANNEX I

REQUIREMENTS FOR APPLICATIONS FOR RECRUITMENT LICENCE

1. Must be a Mauritian citizen;
2. National Tax Number from the MRA and Certificate of incorporation or Business Registration Number;
3. Particulars of applicant/partner/director, showing date and place of birth, work experience, educational qualifications, telephone number, office address(Annex II)
4. The location and the office should comply with necessary requirements (i.e easily accessible, non residential area, well equipped and conducive to carry out recruitment activities)
5. Recruiting Agents should recruit only for those companies which have obtained authorisation to employ foreign labour;
6. Recruitment should be made only from countries for which the employer has obtained authorisation.

ANNEX II

NAME :

DATE OF BIRTH :

OFFICE ADDRESS :

TELEPHONE/MOBILE NOS:

FAX NO:

EMAIL:

QUALIFICATIONS/TESTIMONIALS :
(certified copies to be attached)

FULL CURRICULUM VITAE :

WORK EXPERIENCE:

