

Seychelles

Employment Act

Employment (Conditions of Employment) Regulations

Statutory Instrument 34 of 1991

Legislation as at 1 June 2020

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Employment (Conditions of Employment) Regulations

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Commenced on 1 May 1991

[This is the version of this document at 1 June 2020.]

*[Amended by [Employment \(Conditions of Employment\) \(Amendment\) Regulations, 2015 \(Statutory Instrument 26 of 2015\)](#) on 1 June 2015]
[Amended by [Employment \(Conditions of Employment\) \(Amendment\) Regulations, 2018 \(Statutory Instrument 32 of 2018\)](#) on 14 May 2018]
[Amended by [Employment \(Conditions of Employment\) \(Amendment\) Regulations, 2019 \(Statutory Instrument 34 of 2019\)](#) on 31 May 2019]
[Amended by [Employment \(Conditions of Employment\) \(Amendment\) Regulations, 2019 \(Statutory Instrument 63 of 2019\)](#) on 1 January 2020]*

[SI. 34 of 1991; SI. 45 of 1991; SI. 58 of 1992; SI. 81 of 1992; SI. 46 of 1998; SI. 3 of 2000; S.I. 9 of 2006; SI. 49 of 2007; SI. 26 of 2015; SI. 32 of 2018; SI. 34 of 2019]

1. Citation

These Regulations may be cited as the Employment (Conditions of Employment) Regulations.

2. Interpretation

(1) In these Regulations—

“**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 authorized by the Minister responsible for Health to issue certificates for the purposes of these Regulations;

“**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.

3. Maximum number of working hours

- (1) An employer shall not require a worker, other than a watchman, to work for more than—
 - (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 subregulation (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. Rest period

An employer shall grant to his worker at least 24 consecutive hours’ rest in any period of 7 days. 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. Holidays

- (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.
- (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. Overtime hours

- (1) Notwithstanding regulation 3, a worker, other than a watchman—
 - (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 hours per day.
 - (2) Subject to subregulation (3), overtime is payable—
 - (a) in the case of a worker, other than a shift worker or a watchman, at the rate of—
 - (i) 1½ hours' pay for 1 hour's work on a week-day;
 - (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 into cash.

7. ***

[repealed]

8. Offences

- (1) An employer who—
 - (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),is guilty of an offence.
- (2) A worker who contravenes regulation 6(1) or 7(1) is guilty of an offence.

9. Annual leave

- (1) A worker, other than a casual or part-time worker, is entitled to 24 days paid annual leave or, where the employment is for less than a year, to 2 days for each month of employment, the aggregate number of days being rounded up upon addition to the highest integer.
[regulation 9(1) amended by regulation 2 of [SI 63 of 2019](#)]
- (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 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:

$$\frac{\text{Salary per year} \times \text{Number of days entitled}}{\text{Number of days per year}}$$

 (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.
- (8) 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. Compassionate leave

- (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.
- (2) Where leave taken under subregulation (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 be allowed reasonable time off-work, with or without pay at the discretion of the employer, to attend the matters which cannot normally be attended to except during the worker's working hours.

11. Education leave

- (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.
- (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 subregulation (1) is a full-time one;
 - (b) for the duration of the programme, where it is part-time only.
- (3) *[repealed]*
- (4) The employer may, in its discretion and for reasons which it deems to be exceptional, pay to a worker who is attending a full-time training programme which lasts for more than 6 months, an allowance equal to the worker's salary during the period of the training programme.
- (5) Payment of the allowance referred to in sub-regulation (4) shall be conditional on the worker complying with any agreement entered into between the worker and the employer relating to the training programme.

[Note: [SI 3 of 2000](#) inserted subregulation 8; [SI 9 of 2006](#) brought in an additional subregulation 8 without repealing the previous subregulation 8.]

- (6) A worker, who applies to his employer for leave under subregulation (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. Sick leave

- (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 21 days' paid sick leave;
[regulation 12(1)(a) amended by regulation 2(a)(I) of SI 34 of 2019 w.e.f. 31 May 2019]
 - (b) when a worker is required by a medical practitioner to be confined to a hospital or similar institution if—
 - (i) the worker has not exhausted his 21 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 of the 21 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 subregulation (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 subregulation (1)(a) or (c), a workers' child under 12 years of age is medically certified sick and a medical practitioner or official authorized by the Minister of Health recommends that the worker attends the child if the sick child leave under regulation 12A has been exhausted;
[regulation 12(2)(b) amended by regulation 2(a)(II) of SI 34 of 2019 w.e.f. 31 May 2019]
 - (c) in the case of subregulation (1)(a) or (c), a workers' 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 a fixed term and the duration of the contract is of less than 12 months, the eligibility to sick leave under subregulation (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 subregulation (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.
- (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.
- (7) 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.

12A.

Where a worker's child under 12 years of age is medically certified sick and a medical practitioner or official authorised by the Minister responsible for health recommends that the worker attends to the child, the worker is entitled to a maximum of 7 days' sick leave independent of the worker's own sick leave entitlement.

[regulation 12A inserted by regulation 2(b) of [SI 34 of 2019](#) w.e.f. 31 May 2019]

13. Unfitness for particular duties

- (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 subregulation (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 subregulation (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.

14. Part-time workers

A part-time worker is entitled to paid sick leave when he absents 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.

15. Employee entitled to sickness benefit

An employer who pays sick leave under regulation 13 or maternity leave under regulation 16 or paternity leave under regulation 19A to a worker is subrogated in the rights of the worker to any sickness or maternity or paternity benefit to which the worker is entitled under the Social Security Act.

[regulation 15 amended by regulation 2(a) of [SI 26 of 2015](#) w.e.f. 1 June 2015]

16. Maternity leave

- (1) A female worker under a contract of continuous employment or, subject to subregulation (3), under a contract for a fixed term or a part-time female worker is entitled to 16 weeks' paid maternity leave of which not less than 12 weeks' unpaid maternity leave to be taken either before or after paid maternity leave.

[regulation 16(1) amended by regulation 2(a) of [SI 32 of 2018](#)]

- (2) Where, whether before or after the period of paid maternity leave under subregulation (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.
- (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.

17. Notice to employer

A pregnant worker shall give to her employer at least 3 months' notice of her expected date of confinement.

18. Maternity leave compulsory

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.

19. Contract expiring

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.

19A. Paternity Leave

- (1) A male worker, resident in Seychelles, under a contract of continuous employment or for a fixed term or a part-time male worker, is entitled to paid paternity leave of 10 consecutive working days.
[regulation 19A(1) amended by regulation 2(b) of [SI 32 of 2018](#)]
- (2) A male worker shall be entitled to paternity leave under subregulation (1), if —
 - (a) he becomes father of a child;
 - (b) he has acknowledged paternity of the child;
 - (c) he takes paternity leave within a period of 4 months of the birth of the child, whether or not the birth of the child takes place in Seychelles;
 - (d) he, at the time of applying for paternity leave, has successfully completed his probation and is in employment with his current employer for a period of not less than 12 months;
 - (e) the child is alive and he takes care of the child during paternity leave.
- (3) A male worker who intends to take paternity leave shall—
 - (a) notify his employer in writing of his intention to take paternity leave, at least 8 weeks prior to the expected date of the birth of the child, indicating therein the expected date of the birth of the child, with the endorsement by the mother of the expected child giving full name, national identification number and address of the mother; and
 - (b) apply in writing the dates for which he intends to take paternity leave, at least 2 weeks prior to such date, with a certificate of confinement of the mother of the expected child.
- (4) the male worker shall, before going on paternity leave, furnish to the employer a copy of—
 - (a) the birth certificate of the child evidencing his paternity and the date of the birth of the child; and
 - (b) the maternity leave certificate issued to the mother of the child.
- (5) The male worker who intends to take paternity leave shall inform this employer of any change to the dates of such leave, where—
 - (a) the child is born before or after the expected date of birth;
 - (b) the newborn child is hospitalised; or
 - (c) the mother of the child dies and the child survives.

- (6) A male worker who has applied for paternity leave and where the mother of the child dies during or shortly after the birth of the child shall, if he intends to take care of the child, be entitled to an extended paternity leave for the remaining period of the maternity leave which would have otherwise been enjoyed by the mother of the child under regulation 16.
- (7) The period of extended paternity leave under subregulation (6) shall not exceed the period for which the mother of the child, after giving birth to the child, would have been entitled under regulation 16 if she was alive.
- (8) A male worker shall be entitled to take paternity leave once in a calendar year.

[regulation 19A inserted by regulation 2(b) of [SI 26 of 2015](#) w.e.f. 1 June 2015]

20. Leave for civic duties

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.

21. Minimum employment age

A person shall not have in that person's employ another of less than 15 years of age.

22. Prohibited employment of young persons

- (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 place of entertainment or on a ship or aircraft.

Provided that the foregoing prohibition shall not apply to any employment under a training scheme approved by the Minister in writing.
- (2) A person shall not employ another under the age of 18 years between the hours of 10 p.m. and 5 a.m.
- (3) A person shall not employ another under the age of 21 years in a gaminghouse or casino.
- (4) Notwithstanding subregulations (1) and (2) the competent officer may, exceptionally, grant special written permission for the employment of any aged 15 to 17 years in a place listed in subregulation (1) or between the hours of 10 p.m. and 5 a.m.

23. Maternity protection

- (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.
- (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. Calculation of wages and compensation

- (1) The following formula shall apply for the purpose of calculating the wages of a worker whose wage is calculated on an hourly basis—

Salary per year

52 x 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—

A x B x C

52 x 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 has worked.

25. Offences

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

26. Employment without contract prohibited

An employer, or a 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 R.20,000.

27. Advances to worker entering into contract

- (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.
- (2) Where an advance is given under subregulation (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 subregulation (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.

28. Free transport and food

- (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 the outer island is entitled to free passage and food during the passage for himself and members of his family accompanying him.
- (2) The entitlement to a free return passage and free food during passage for members of a workers' 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. Medical examination of worker and family

- (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.
- (2) A medical examination under subregulation (1) shall be held within 7 days prior to the departure of the worker or of the member of his family.

30. Breach of contract by worker

- (1) Where a worker returns to his home island in breach of his contract of employment on an outer island, then, unless he had at the time of his departure completed $\frac{3}{4}$ ths 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.
- (2) Notwithstanding subregulation (1), where consequent upon the grievance procedure, if any, instituted under 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. Shop on outer island

- (1) Section 34(2) of the Act does not apply in relation to employment 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 subregulation (1) shall be open at such time 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.
- (5) A shop kept under this regulation is subject to the Licences Act.
- (6) In any dispute as to what constitutes a basic necessity of life the determination of the competent officer to that effect prevails.

32. Directions by competent officer

The competent officer may give to an employer keeping a shop under regulation 31(2) directions—

- (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. Invoices upon purchases

- (1) Whenever a worker or member of his family makes a credit purchase in a shop on the outer island where the worker is employed, the person in charge of the shop—
 - (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 subregulation (3), an employer of a worker 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.

34. Housing and water supply

- (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.
- (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. Medical facilities and care

- (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 satisfy the requirements of the Ministry of Health.
- (2) *[repealed]*
- (3) 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. Death of worker

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. Manner of payment of wages and pay-slips

- (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—
 - (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.

- (2) Without prejudice to sections 35 and 36 of the Act, every employer of a worker employed on an outer island shall produce to the worker at the 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 subregulation (1)(a) and otherwise; and
 - (c) the amount remaining due to the worker,and such pay-slip shall be *prima facie* evidence as against the employer of the amount due.
- (3) No deduction is to be made under subregulation (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. Task work on outer island

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. Visits of competent officer

- (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 subregulation (1) transport shall be made available as soon as possible and in any case, not later than a month after the date of the request.

40. Registration of grievances

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 register the grievance within 14 days after his return from the outer island.

41. Definition

In regulations 28, 29, 31 and 33 to 35 references to “**members 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.

42. Housing

- (1) Subject to section 42 of the Act and to subregulation (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 authorizes the deduction of a higher amount.
- (2) An employer shall not make a deduction under subregulation (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. Transport and uniform

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.

44. ***

[repealed]

45. Record card

- (1) A record card of a worker kept under section 68 of the Employment Act, 1995 shall be in form I set out in the Schedule except where the competent officer has approved an alternative form which contains all required information.
- (2) The other forms set out in the Schedule shall be used for the purposes specified in each such form.

46. Period of training

- (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 authorized by the competent officer.
- (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. Trainee's allowance

- (1) Subject to subregulations (2) and (3), a trainee shall be paid an allowance equivalent—
 - (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 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 subregulation (1) or subregulations (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 increased by the increment payable to a worker engaged in the work for which the training is being undertaken.

48. Young worker's allowance

- (1) A trainee referred to in [section 27](#) shall be paid an allowance of—
 - (a) R1100 per month in respect of the first year of training;
 - (b) R1300 per month in respect of any subsequent year of training;
- (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 just reason as determined by the competent officer.

48A. Interest

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.

49. Offences

An employer in breach of a regulation for which no offence is specified under these Regulations is guilty of an offence.

50. Penalties

A person guilty of an offence under these Regulations is liable, where no other penalty is provided, to a fine of not less than R.1000 and not more than R.10,000, and in the case of a continuing offence, to an additional penalty of R200 in respect of each day that the regulation is contravened.

Schedule (Regulation 45)

Form I

Republic of Seychelles

Personnel record card

1. Organisation					
Personal details					
Surname		Sex	Date of Birth	Marital Status	
First Names		Nationality National Identity Number			
Maiden/Previous Name		Overseas Address _____			
Residential Address		(If Expatriate) _____			
3. Education					
Date	Level	Subject (If Appropriate)	Institution	Remarks	
4. Training					
Date	Level	Field of Training	Training Organisation	Bonding	
				From:	To:
5. Employment Record					
Employer Post Title	Dates		Personal Salary P.A.	Reason for Termination (in all cases)	

	From:	To:			
6. Conditions of Employment					
Date	Wages	Other Benefits			
7. Discipline/Commendation					
Record Date	Action	Reason or Other Remarks			
8. Accident Record					
Date	Action	Reason or other Remarks			
9. Expatriate Only					
i) Location (anticipation date of localization where appropriate)					
<hr/> <hr/>					

ii) GOP No.	Issue/Entry Dates From: To:	Validity of Contract	Nature Contract	Remarks (e.g. Fringe benefits etc.)

REMARKS:

Leave and Sickness Record								
ANNUAL LEAVE								
Year	Arrears	Annual Entitlement	Total Due	Leave From	Taken To	No. of Days Taken	Balance	Initial (Personal Officer)
Absence, Maternity, Sick and Special Leave								
Type	Leave From	Taken To	No. of Days Taken	Remarks				

Form II

[Section 11(2) of Employment Act, 1995]

Particulars submitted by the employer within 15 days of filling of vacancy:

Employment Services Bureau

Unity House

Palm Street

P.O.Box 190

Victoria

Name of Employer: _____

Industry: _____

Employer's Social Security No: _____

Address: _____

Vacancy: _____

Nature of Contract: _____

Date Filled: _____

Signature: _____ Date: _____

Designation: _____

Form III – Job card

[Section 17 of the Employment Act, 1995]

Serial No: _____

National Identity No: _____

Surname: _____

Other Names: _____

Date of Birth: _____

Address: _____

Employment Status: _____

Date Issued: _____

Expiry Date: _____

Issuing Officer: _____

Form IV – Vacancy notification*[Section 17 of the Employment Act, 1995]*

Employer's Social Security No: _____

Name of Organisation: _____

Nature of Business: _____

Address: _____

Tel No: _____

Contact Person: _____

Post: _____

Vacancy information			
Job Title/Occupation: _____			
Contract of Employment			
	Continuous		Casual
	Part-time		Fixed-term

Number of posts		
New	Replacement	Total

Starting date: _____

Location of Employment: _____

Basic working conditions

Working Hours: _____

Salary of the Post: _____

Other Benefits: _____

Summary of main duties

Position requirements

Education Level			
Education Level		Course/Field	E/D
P1-P6			
S1-S5			
Polytechnic			
Post Polytechnic			
Certificate			
Diploma			
Degree			
Other (Specify)			
Notes: E/D = Essential/Desirable			
Experience/Special knowledge and skills:			
Occupation	Yrs	Special Knowledge & Skills	E/D

Form V - Certificate of employment*[Section 69 of Employment Act, 1995]*

Name of employer: _____ Tel. No: _____

Postal address: _____

Certificate issued on: _____ By: _____

(Name)

(Designation)

Details of employee

Surname: _____ First Name: _____

N.I.N: _____ Address: _____

Date employed: _____ End of contract date: _____

Last monthly salary (gross): _____

Positions Held: (Last Job First)					
Occupation/Job title	From	To	Occupation/Job title	From	To

Training acquired during the period _____

Conduct _____

Employer/Authorised Signatory _____