

11. EMPLOYMENT ON CONTRACT AND ALTERNATIVE MODES OF EMPLOYMENT

- 11.1 The evolution of today's workforce and changing organisation needs have given rise to various forms of employment arrangements that differ from the standard full-time employment in terms of continuity and hours of work. Among these alternative methods, employment on contract is the most popular one.
- 11.2 In the public sector, this type of employment is normally resorted, amongst others to: overcome the problem of shortage of experts or personnel in professional or highly skilled positions and those in competitive markets; carry out time-bound specific projects; fulfil mandatory service conditions as determined by Government from time to time; ensure availability of most competent, committed and talented personnel for certain sensitive/specialised jobs; enlist people for task of a routine nature which needs large number for a specific period and which involves low level of remuneration; and attend to advisory duties for any office of a temporary nature. Such an arrangement also allows the Government to tap the services of retired public officers who are willing to work and whose experience and expertise are still required to serve an organisation.
- 11.3 Contractual employment may be classified in different categories based on their specific attributes. These categories are listed as hereunder:
- (i) Special Advisers who are recruited for their eminence, talent, skills, wisdom and expertise. Under this category, suitable persons from outside could be outreached in the Government on negotiated salaries/emoluments;
 - (ii) Advisers/Senior Advisers who are appointed for the purpose of providing technical assistance to a Minister and carrying out such duties so as to enable attainment of the objectives of the Government and the Ministry/Department in which they are employed;
 - (iii) Officers appointed in posts established under the Constitution or any local enactment and which are governed by the provisions of the relevant legislation, that is, the Constitution or any other law;
 - (iv) Officers employed in scarcity areas against established posts to perform mostly non-advisory duties; and
 - (v) Retirees from the Government whose skills, expertise and knowledge that were acquired while in Government service are found to be still useful to Government.

- 11.4 Appointment of Advisers, at paragraphs 11.3(i) and 11.3(ii) above, is made under Section 89 (3) (h) of the Constitution and with the approval of the Prime Minister. As regards officers on contract, as specified at paragraph 11.3(iii), appointment is made in accordance with the provisions of the relevant legislations, that is, the Constitution or any other law in force in Mauritius. Further, appointment of officers at paragraph 11.3(iv), that is, in scarcity areas against established posts is made by the appropriate Service Commission whereas the appointment of retirees at paragraph 11.3(v) is made either under provision of Section 89(3)(h) or through the appropriate Service Commission.
- 11.5 The prevailing guidelines and the terms and conditions of officers employed on contract are outlined below:
- (i) appointment of Advisers on contract, under section 89 (3) (h) of the Constitution is made with the approval of the Prime Minister. Recommendations made to the Prime Minister for employment on contract by Heads of Ministries/Departments are channelled through the Secretary to Cabinet and Head of the Civil Service;
 - (ii) the salary and terms of conditions of service are determined with the concurrence of the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) and approval of the Bureau prior to recruitment or renewal of contract;
 - (iii) the salary of officers appointed on contract against established posts is normally the salary attached to the established post. The salary of other Advisers on contract is generally determined on the basis of pay of existing posts with comparable levels of responsibilities in the public service and having regard to the officers' qualifications and experience. Other relevant considerations in determining the pay package, among others, are the scarcity area and market value of the desired competency;
 - (iv) the other conditions of service, save for leave and travelling and car benefits are, in principle, and wherever applicable, in line with what obtain in the Civil Service;
 - (v) Officers on contract are not entitled to any annual or sick leave during the first year of contract except for retired public officers who have been re-employed on contract or contractual officers serving in established posts;
 - (vi) the leave entitlement, for each year of contract for an officer employed on a contractual basis for a period of one year or more, is as follows:-
 - Annual Leave - 21 working days
 - Sick Leave - 21 working days
 - (vii) an Adviser/Officer, whose contract of one year duration or more is extended for a further period of less than one year, is entitled to leave on a *pro rata* basis;

- (viii) the Annual Leave of 21 working days may be taken on and off to cater for brief absences. At the end of each 12 months' service on contract, unutilised annual leave may either be cashed or accumulated whereas unutilised sick leave in a particular year would lapse;
- (ix) Advisers/Officers on contract do not earn passage benefit during the 21 days annual leave, whether taken or cashed;
- (x) an officer on contract is eligible for an end-of-contract gratuity in lieu of pension payable at the rate of two months' salary on completion of 12 months' satisfactory service, if the contract is of duration of up to 12 months or more; and
- (xi) for contract employment of duration shorter than one year (not on an assignment basis) which are either extended or renewed, the end-of-contract gratuity is payable on completion of 12 months satisfactory service provided the interval between one contract and the next does not exceed 28 days and the monthly remuneration package of the contract officer does not include the end-of-contract gratuity.

11.6 Overall, we consider the above provisions to be appropriate. However, in the light of certain queries received from Ministries/Departments regarding the proper interpretation of certain recommendations, we have revisited a few of them to facilitate implementation. We have also, after examination, made provision for contract officers drawing salary less than Rs 27400 to be eligible for passage benefit as from the sixth year of contractual employment in the event their contract is renewed annually.

Recommendation 1

11.7 We recommend that:

- (a) for appointment of Advisers on contract under Section 89 (3) (h) of the Constitution, Head of Ministries/Departments should seek the Prime Minister's approval through the Secretary to Cabinet and Head of the Civil Service;**
- (b) the salary and terms and conditions of service should be determined with the concurrence of the MPSAIR and approval of the Bureau prior to recruitment or renewal of contract;**
- (c) the proposed salary of officers to be appointed on contract against established post should be the salary of the established post or a salary point within the salary scale attached to the established post taking into consideration the appointee's qualifications and experience as well as the salary drawn by officers serving in a substantive capacity in the grade;**

- (d) the salary of other Advisers should be based on the pay of existing posts with comparable level of duties and responsibilities and having regard to the officer's qualifications and experience; and
- (e) except for leave, travelling and car benefits, the conditions of service of contract officers should, in principle and wherever applicable be in line with what obtain in the Civil Service.

11.8 We also recommend that in respect of leave, officers employed on contract:

- (a) should not be entitled to any annual or sick leave during the first year of contract;
- (b) should for subsequent contract of a period of one year or more be entitled to:
 - (i) 21 working days of Annual Leave and Sick Leave respectively for each year of contract; and
 - (ii) leave on a *pro-rata* basis where the contract of employment is extended for a further period of less than one year.
- (c) may take the 21 working days Annual Leave either at a stretch or on and off to cater for brief absences;
- (d) may, at the end of each 12 months' service for contract of more than one year duration, either cash or accumulate unutilised annual leaves. However, for contracts of one-year duration which are renewed annually, the annual leave, if not taken, should be cashed at the end of each contract; and
- (e) would forfeit unutilised sick leave in a particular year.

11.9 We further recommend that:

- (a) notwithstanding the provision at Part (a) of the above paragraph:
 - (i) retired public officers employed on contract against established posts and contractual officers serving in established posts; and
 - (ii) officers on contract who held responsible positions prior to the offer of the contractual employment and who were entitled to annual or sick leave in their previous employment in the Government,

should be eligible for leave as per part (b) of above paragraph as from the first year of employment.
- (b) Advisers/Officers on contract should not earn passage benefit during the 21 days annual leave, whether taken or cashed;

- (c) employees on contract drawing a monthly salary of less than Rs 27400 should, be eligible for passage benefit as from the sixth year of contractual employment provided their contract is renewed annually and that the interval between one contract and the next does not exceed 28 days;
- (d) an officer on contract should be eligible for end-of-contract gratuity in lieu of pension payable at the rate of two months' salary on completion of 12 months' satisfactory service, provided the contract of employment is of duration of up to 12 months or more;
- (e) for contractual employment, of duration shorter than one year (not on an assignment basis) and which is either extended or renewed, an end-of-contract gratuity should be paid on completion of 12 months satisfactory service provided the interval between one contract and the next does not exceed 28 days and the monthly remuneration package of the contract officer does not include the end-of-contract gratuity;
- (f) the provisions for travelling and car benefits of officers on contract employment should be in line with what is recommended at Chapter 16.2 of this Volume; and
- (g) whenever an offer of employment on contractual basis is made, the terms and conditions should be clearly spelt out so that the officer to be employed on contract is apprised of all his/her benefits beforehand.

Passages to expatriate officers employed on contract basis

11.10 Expatriate officers who do not have permanent residence in Mauritius, are upon employment on contract, entitled to certain benefits relating to passage. These provisions are adequate and are hereunder reproduced:

Recommendation 2

11.11 **We recommend that an expatriate officer, should on appointment on contract, be eligible for:**

- (a) economy class air passages from the country of permanent residence to Mauritius and back on expiry of contract for self, spouse and up to three dependent children below the age of 21, subject to the following:
 - (i) if the contract is of one year duration and is renewed, passages should be granted after two years; and
 - (ii) for subsequent extension of contract, passages should be granted every two years, unless the contract is extended for a final period of less than two years.
- (b) an allowance to cover the cost of a maximum of 25 kgs of excess luggage by air provided the cost thereof does not exceed the amount that would have been payable had a maximum of four tons (4.5 cubic metres) of

baggage been transported by sea, on appointment to Mauritius and on expiry of final contract; and

- (c) a transfer grant equivalent to five percent of his annual salary, to cover incidental charges, on expiry of final contract.**

Adjustment of salaries of Advisers/Officers on Contract

- 11.12 The salaries of Advisers/Officers employed on contract are, following request from the MPSAIR, generally revised by the Bureau, in the wake of a general review exercise. This arrangement should prevail.

Recommendation 3

- 11.13 We recommend that following the publication of the 2021 Report, the salaries paid to Advisers/Officers employed on contract should continue to be submitted to the Bureau, through the MPSAIR for adjustment purposes.**

Salary Determination

- 11.14 The determinants of the salary payable to Advisers/Officers on contract are, among others, the officers' qualification and experience in the field in which they are being employed; their expected contribution in the performance of their duties and fairness in relation to holders of substantive post/officers employed on contract in the organisation performing at more or less similar level. We are, at **Annex to this Chapter**, providing an indicative salary framework for contract officers so that Ministries/Departments/Organisations may have a broad idea of the salary level that is normally granted to different categories of Advisers based on their intended responsibilities, qualification and experience. It is to be highlighted that two Advisers in the same field may draw different salaries due to their profile.

Alternative Modes of Employment

- 11.15 Generally, most of the contracts in the public sector are fixed term contracts with slight variations in their duration. To this effect, the Bureau has, in its successive Reports, been advocating the adoption of alternative modes of employment to enable Ministries/Departments address problems relating to shortage of experts or skilled personnel in certain specific areas; cope with workload fluctuations; tap the services of high calibre people who cannot or do not want to make a career in the public service and also embrace a pattern of employment that is more suitable on the basis of their organisational requirements. A brief definition of these modes of employment, which have been extensively elaborated in our previous Reports, are provided hereunder:

Fixed-term Appointments - appointments which are made for a specified period of time for a specific task or project. Such contract of employment may be either full-time or part-time.

Casual Appointments - appointments which are temporary and meant to meet short-term needs. In general, the maximum length of a continuous casual appointment is 12 months, but it may be less.

Recurring Temporary Appointments – these are arrangements under which staff are contracted to work for short periods each year. The date of employment for each year and the number of years for which the employment is offered, are agreed in advance and set out in the letter of appointment.

Employing People to Work at Short Notice – this arrangement allows Managers to employ people to work at short notice, usually for short periods at a time to cover, *inter alia*, unforeseen or temporary shortages of permanent staff.

Standby Appointments - Under standby appointments, people are contracted to make themselves available for work for short period each year and to accept work whenever they are called upon, subject to an agreed period of notice.

Part-time Employment- Part-time employees are those working less than the standard hours (inclusive of lunch time) a day.

Specified Period (Term) Employment - Term appointments are made for a specific period of time to deal with such things as specific projects, workload fluctuations and programmes which have sunset funding. Term appointments are also used to deal with organisational change or downsizing.

11.16 Given the benefits that may be derived from the adoption of the above mentioned patterns of employment, the Bureau is reiterating their continued applicability in the public sector.

Recommendation 4

11.17 **We recommend that Responsible Officers of Ministries/Departments may continue, with the approval of the relevant Service Commission, to recruit on the basis of the different modes of employment mentioned at paragraph 11.15 above to deal with such situations as appropriate to cope with the problem of scarcity, recruitment and retention and fluctuations in workload.**

11.18 **In certain cases, such appointments may be made through the engagement of Consultants to provide consultancy services or the enlistment of the required human resources to perform specific assignments in conformity with the provisions of the Public Procurement Act.**

11.19 **We further recommend that:**

(i) **Responsible Officers of Ministries/Departments should take necessary actions for the timely reporting of vacancies to the appropriate Service Commission.**

(ii) **The MPSAIR should press upon Ministries/Departments to abolish all posts which are no longer required on their respective establishments.**

- (iii) Ministries/Departments should keep an updated database of their retired employees who have relevant knowledge, skills, experience and expertise and whose services may be resorted to, as and when the need arises.**
- (iv) Exit interviews should be carried out for people employed on contract in scarce grades before the end of their contract.**

Indicative Framework for Salary of Contract Officers

Category of Adviser	Profile of candidate	Broad Duties/ Responsibilities	Salary Level
Category I Senior Advisers	Degree and/or Master's Degree/Professional qualification with wide experience in relevant field and deep knowledge of the job and related areas.	Mostly involved in developing, implementing and evaluating government strategies, policies and programmes	Senior Professional and above
Category II Advisers including Registered Professionals	Diploma and above	Providing technical assistance to enable the Ministry/Department in achieving its strategic objectives.	Normally based on grades in the Civil Service with comparable qualifications and level of duties and responsibilities (Technical and above).
Category III Officers employed against established posts and Officers employed in scarcity areas	Depending on the scheme of service of the established grade.	Non-advisory duties - performing the duties of the established position.	Salary of the established position based on experience reckoned. For scarcity fields, to be determined by the Bureau on a case-to-case basis.
Category IV Advisers in Public Relations	At least School Certificate or previous related experience/demonstrated ability to perform the job.	Public Relations duties	Based on qualification and experience possessed by incumbent (normally in two categories).

Category of Adviser	Profile of candidate	Broad Duties/ Responsibilities	Salary Level
Category V Retired Public Officers employed on contract	-	To perform duties of advisory nature	To be determined by the Bureau on a case-to-case basis
