

13. EMPLOYMENT ON CONTRACT AND ALTERNATIVE MODES OF EMPLOYMENT

13.1 Besides being employed on permanent and pensionable basis, people are employed in the Public Sector under varying terms for a specified period or term of employment. One of the most common mode is Employment on Contract.

13.2 A contract of employment can be offered to a Mauritian or a foreign citizen. Retired persons including former Civil Servants can be re-employed on a contractual basis.

13.3 Contract employment generally comprises the following categories:

- (i) (a) Special Advisers who are recruited for their recognised superior wisdom, talent, skills and expertise;
- (b) Advisers who are appointed for the purpose of providing technical assistance to a Minister and to carry out such duties so as to meet the objectives of Government and the Ministry/Department in which they are employed;

Appointments of both categories of Advisers as mentioned above are made under section 89 (3) (h) of the Constitution of the Republic of Mauritius and with the approval of the Prime Minister. This section stipulates that any office of a temporary nature, the duties of which are mainly advisory, is to be filled by a person serving under a contract on non pensionable terms;

- (ii) Officers appointed in posts established under the Constitution or any other local enactment and which are governed by provisions of the relevant legislation, i.e. the Constitution or any other law; and
- (iii) Officers employed in scarcity areas against established posts to perform mostly non-advisory duties. This falls under the responsibility of the appropriate Service Commission.

13.4 Generally, people are employed on a contract basis for, *inter alia*, the following reasons:

- (i) to overcome the problem of shortage of experts or skilled personnel in specific areas;
- (ii) to carry out a specific task for a required period of time;
- (iii) to fulfil mandatory service conditions as determined by Government from time to time; and
- (iv) to enable the employment of those persons who possess the required experience, skills and talents.

13.5 The terms and conditions of employment of contract officers are as hereunder:

- (i) Appointment of Advisers on contract is made under section 89 (3) (h) of the Constitution and with the approval of the Prime Minister. Recommendations made to the Prime Minister for contract employment for cases/areas recommended 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 cleared with the Ministry of Civil Service and Administrative Reforms 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.
- (iv) The salary of other contract officers is generally determined having regard to qualifications, experience, competency, expected contribution, salary grading of existing posts with comparable levels of responsibilities in the public service and job positioning within the pay structure. Other relevant considerations in determining the pay package are the scarcity value and market value of the competency.
- (v) The conditions of service of employees on contract employment, save for leave, travelling and car benefits, are, in principle, and wherever applicable, in line with what obtains in the Civil Service.
- (vi) Officers on contract are not entitled to any annual or sick leave during the first year of contract except retired public officers who have been re-employed on contract or contract officers serving in established posts.
- (vii) An officer employed on a contractual basis for a period of one year or more is entitled to leave, for each year of contract, as follows:-

Annual Leave	-	21 working days
Sick Leave	-	21 working days
- (viii) 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.
- (ix) The annual leave may be taken on and off to cater for brief absences. At the end of each 12 months service on contract, unutilized annual leave may either be cashed or accumulated whilst unutilized sick leave in a particular year would lapse.
- (x) Advisers/officers on contract employment **do not earn passage benefit during the 21 days annual leave, whether taken or cashed.**

- (xi) An officer on contract is 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, if the contract is for duration of up to 12 months or more.
- (xii) In certain instances, officers are employed on contract of shorter duration than one year (not on an assignment basis) and such contract is either extended or renewed and **an 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 has not been inclusive of the end-of-contract gratuity.

13.6 We have examined all the above issues linked to contractual employment and consider that these provisions are appropriate and should be maintained. **We recommend accordingly.**

Recommendation 1

13.7 We further recommend that:

- (i) **the salary and the conditions of service of officers on contract employment should, as at present, continue to be approved by the MCSAR; and**
- (ii) **the provisions for travelling and car benefits of officers on contract employment should be in line with what is recommended at Chapter 18.2 of this volume.**

Passages to Expatriate officers employed on contract basis

13.8 The present provision for passage to expatriate officers on contract employment is as hereunder **and is being maintained:**

An officer on contract who is an expatriate is eligible for:

- (a) **economy class air passages from the nearest international airport in the country of permanent residence to Mauritius on appointment 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.

Alternatives Modes of Employment

13.9 As the pace of change in the Public Sector is increasing, the largely permanent composition of the Public Service Workforce has made organisation change and workforce adjustments difficult. There is no work attrition. On this account, the use of different types of labour is recommended to:

- (i) address shortage of skilled personnel including experts in specific areas of specialized levels;
- (ii) facilitate a judicious choice of the type of contract that could be entered; and
- (iii) cope with variation in workload and in situation where the employment on full time basis is not warranted.

Such arrangements allow people outside the service to serve the country, bring to contribution their expertise to the service of the nation and permit Ministries/ Departments/Organisations to deal with scarcity problems.

13.10 A few of such patterns of work and types of appointment are: **Fixed-term Appointments, Casual Appointments, Recurring Temporary Appointments, Employing people to Work at Short Notice, Stand-by Appointment, Part-time Employment, and Specified Period (term) Employment.** These alternative modes of employment are elaborated hereunder:

Fixed-term Appointments

Fixed-term appointments (FTAs) are appointments which are made for a specified period of time for a specific task or project. Such arrangements are presently being used in the Civil Service only where there is a genuine management need to make an appointment of limited duration, rather than a permanent appointment. For example, the task or project may be of limited duration or there is a short-term need to employ staff for a particular period.

A fixed-term contract of employment may be either full-time or part-time. In the case of a part-time contract, the salaries and other entitlements due to an equivalent full-time staff member apply to the part-time staff member on a proportionate basis.

Casual Appointments

Casual appointments are temporary appointments to meet short-term needs. Departments may use casuals only where there is a genuine management need to employ people for a short period, rather than make a permanent appointment. For example, they may need to cover unexpected increases in workload, maternity leave, prolonged sick leave or to help re-deploy staff in the case of the

closure of an office. In general, the maximum length of a continuous casual appointment is 12 months, but it can, of course, be less.

Recurring Temporary Appointments

These are arrangements under which staff are contracted to work for short periods each year. The dates 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. Such appointments can be useful when a department needs extra staff at certain periods of the year, for example to cover peak periods of work or to provide back-up when staff are absent on leave and work cannot be held over. The temporary option helps maintain organisational flexibility and may avoid unnecessary workforce adjustment costs particularly overtime.

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. It may be used when a department needs extra staff to cover unforeseen or temporary shortages of permanent staff, or to deal with tasks which occur on an irregular basis. This might include covering prolonged sick absences or annual leave, covering short-term peaks of work or offering work to former members of staff who have retired but would still like to work for short periods.

Stand-by Appointments

This is a more formal arrangement than short notice employment. Under stand-by appointments, people contract 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. The dates of employment for each year, the number of years for which employment is offered and the period of notice before each work assignment are all agreed in advance and set out in the letter of appointment.

Part-time Employment

Part-time employees are those working less than the standard hours (inclusive of lunch time) a day. Because this employment type can increase resource flexibility, it is done by approving requests of existing full-time employees who voluntarily wish to work part-time hours and by staffing more vacancies on a part-time basis.

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.

13.11 Recommendations were made in the previous reports to enable Public Sector organizations to have recourse to the most suitable employment practice that will suit the operational requirements of their organizations and to cope with the problem of scarcity. We are again, in this Report, making similar recommendations.

Recommendation 2

13.12 We recommend that Responsible Officers of Ministries/Departments may resort to recruitment of staff on a month-to-month basis or for shorter periods or on assignment basis in line with the options laid down at paragraph 13.10 to suit the operational requirements of their organizations, to resolve recruitment and retention problems and to cope with fluctuations in workload after seeking Government's approval and delegation of powers from the appropriate Service Commission.

13.13 In appropriate 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.

Recommendation 3

13.14 We further recommend that organizations should continue to adopt the following measures:

- (i) Responsible Officers of Ministries/Departments should take actions for the timely reporting of vacancies to the appropriate Service Commission.**
- (ii) The Ministry of Civil Service and Administrative Reforms should impress upon Ministries/Departments to delete from their respective establishment, all posts which are no longer required.**
- (iii) Ministries/Departments should maintain a database of their retired employees together with their relevant experience and expertise and whose services may be resorted to, as and when the need arises.**
