

**THE EMPLOYMENT AND TRAINING (AMENDMENT)**

**ACT 1972**

Act No.42 of 1972

(M. L. 18585)

*I assent,*

*15<sup>th</sup> December, 1972.*

A. L. WILLIAMS,  
*Governor-General*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title
2. Long title of the Ordinance amended
3. Section 2 of the Ordinance amended
4. Section 3 of the Ordinance amended
5. Section 4 of the Ordinance amended
6. New sections 4A, 4B and 4C added to the Ordinance
7. Section 9 of the Ordinance amended
8. New sections 9A and 9B added to the Ordinance
9. Consequential amendment
10. Repeal
11. Transitory provisions
12. Commencement

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AN ACT

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To amend the Employment and Training Ordinance, 1963

ENACTED BY the Parliament of Mauritius, as follows:-

- 1.** This Act may be cited as the Employment and Training (Amendment) Act. Short title 1972, and shall be read as one with the Employment and Training Ordinance, 1963, hereinafter referred to as the Ordinance.
- 2.** The Ordinance shall have effect as if, in the title for the words “the Minister of Labour and Social Security” there were substituted the words “the Minister”.

..... title on  
the Ordinance  
amended

Section 2 of  
the Ordinance  
amended

**3.** Section 2 of the Ordinance shall have effect as if the following definitions were inserted in their proper alphabetical places:

“designated person” means a person who belongs to such category of persons as may be prescribed;

“Minister” means the Minister to whom responsibility for the subject of Employment is assigned;

Section 3 of  
the Ordinance  
amended

**4.** Section 3 of the Ordinance shall have effect as if:

(a) in subsection (1), for the words and punctuation “the Minister of Labour and Social Security (in this Ordinance referred to as “the Minister”) there were substituted the words “the Minister”;

(b) in subsection (2) the words “the Labour Advisory Board or to” and “other” were respectively deleted.

Section 4 of  
the Ordinance  
amended

**5.** Section 4 of the Ordinance shall have effect as if, in sub-section (2), for the words and punctuation ‘officers, clerks and servants’ there were substituted the word “employees”.

New sections  
4A, 4B and 4C  
added to the  
Ordinance

**6.** The following new sections shall be inserted immediately after section 4 of the Ordinance:-

Identity 4A-(1) The Employment Service shall issue to every designated person an identity card which shall be in the prescribed form.

(2) Every person who is required to hold an identity card shall, for that purpose, provide to the Employment Service two copies of a small full-face photograph of himself.

(3) Subject to paragraph (4), photographs required pursuant to subsection (2) shall be provided at the designated person’s expense.

(4) The Minister may prescribe the category of persons who shall be photographed free of charge by photographers designated by the Minister.

(5) The holder of an identity card shall, on entering service with an employer, produce the card for inspection by his employer.

(6) A new or duplicate card may be issued at such time and on such grounds as may be prescribed.

4B – (1) Where all employer engaged the service of a designated person he shall, within three days, apply to the employment exchange of his locality for the employment card of the person employed.

(2) The Employment Service shall, on application made pursuant to subsection (1), issue to the employer, in respect of the designated person, an employment card which shall be in the prescribed form.

(3) Every employer to whom an employment card is issued pursuant to subsection (2) shall:-

(a) retain it in his possession for the whole period during which the designated person remains in his service; and

(b) within three days of the termination of the designated persons employment for anyh cause whatever, filling the particulars on the employment card relating to the designated person's service and return the card to the employment exchange for his locality.

(4) Every person who, without lawful authority or reasonable excuse has in his possession an employment card issued under this section shall commit an offence.

(5) A new or duplicate employment card may be issued at such time and on such grounds as may be prescribed.

4C – (1) Every employer shall:-

Records and  
Returns of  
employment

(a) keep a record in the prescribed form relating to the persons in his service;

(b) if so required by written notice from the Minister, make to any person specified in the notice a return.

(2) Any officer of the Employment Service who is duly authorized by the Minister may, at all reasonable times, enter the premises of an employer, inspect any record kept pursuant to subsection (1) or any employment card in his possession, or require the employer to furnish him with such information as he may require in relation to the persons in his service.

(3) Any person who makes or causes or permits to be made an entry in a record required to be kept pursuant to subsection (1) which is false or misleading shall commit an offence.

(4) Any person who obstructs or gives false or misleading information to an officer acting in the exercise of his powers under subsection (2) shall commit an offence.

Section 9 of  
the Ordinance  
amended

**7.** Section 9 of the Ordinance shall have effect as if the existing provision were numbered (1) and there were added the following subsection:-

(2) Any person who contravenes or fails to comply with any regulations Made under subsection (1) shall commit an offence.

New sections  
9A and 9B  
Added to the  
Ordinance

**8.** The following new sections shall be inserted immediately after section 9 of the Ordinance:-

Offences  
and  
penalties

9A – (1) Any person who contravenes or fails to comply with any other provision of this Act shall commit an offence.

(2) Any person who commits an offence under this Act shall, on conviction, be liable to imprisonment for a term not exceeding two years and to a fine not exceeding two thousand rupees.

(3) Where an offence under this Act is committed by a body corporate, every manager, director, secretary or other officer of the body corporate or any other person purporting to act as such shall commit an offence unless he proves that the offence was committed without his knowledge and that he had taken all reasonable steps to ensure that the offence was not committed.

Institution of  
proceedings

9B- - An officer of the Employment Service who is duly authorized by the Minister may institute any proceedings under this Act and prosecute any person who has committed an offence thereunder.

Consequential  
amendment

**9.** The Industrial Courts Ordinance shall have effect as if, in the Schedule thereto, there were added the following:-

13. The Employment and Training Ordinance, 1963.

**10.** Sections 29, 29A, 29AA, 29B, 29C, 29E and 31 of the Employment and Labour Ordinance are repealed.

**11.** (1) Subject to subsection (3), every identity card or employment card issued under the enactments repealed by this Act shall be deemed to have been issued under the provisions of the Ordinance enacted by section 6 of this Act.

(2) Every person other than an employer or an officer of the Employment Service who is, at the commencement of this Act, in possession of an employment card issued under the provisions of the enactments repealed by this Act shall, within twenty-one days of such commencement, return the employment card to the employment exchange of his locality.

(3) There an employment card which is required to be returned to an employment exchange pursuant to subsection (2) is not so returned it shall, at the expiry of twenty-one days from the commencement of this Act, cease to have effect.

**12.** This Act shall come into force on a day to be fixed by proclamation. (Proclaimed on 6 July 1973 and effective from 29 March 1973).

Commencement

Passed in the Legislative Assembly, Island of Mauritius, this twelfth day of December, one thousand nine hundred and seventy-two.

**GUY. T. D'ESPAIGNET**

Clerk of the Legislative Assembly