

### 13. EMPLOYMENT ON CONTRACT AND ALTERNATIVE MODES OF EMPLOYMENT

- 13.1 Some years back it was conventional to think of employment as full-time but gradually a multitude of novel methods of recruitment has surfaced and the most common, among them, is Employment on Contract which is being resorted to in the interest of economy and efficiency.
- 13.2 In Mauritius we cannot refrain to have recourse to such type of employment to enlist the services of individuals on contract, the moreso that provisions exist at Section 89(3)(h) of the Constitution and on approval of the Prime Minister. This particular section stipulates that any office of a temporary nature, the duties of which are mainly advisory may be filled by a person on contract and on non-pensionable terms.
- 13.3 Under this type of employment consideration is given to Mauritian or foreign citizens and retired persons including civil servants to be reemployed on a contractual basis.
- 13.4 Contract employment are, therefore, divided into four function groups:
- (i) Special Advisers who are recruited for their recognised superior wisdom, talent, skills and expertise. Under this category, suitable persons from outside could be outreached in the Government on negotiated salaries/emoluments;
  - (ii) Advisers who are recruited to provide technical assistance to a Minister and to perform duties that are in line with the objectives of Government and the Ministry/Department which they serve;
  - (iii) 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;
  - (i) Officers employed in areas where there is a scarcity of required skills, against established posts to perform mostly non-advisory duties; and
  - (ii) Retirees from government whose skills, expertise, knowledge that was acquired while in Government service is found to be useful to Government.
- 13.5 Appointment on contracts are, therefore, generally not resorted to for all posts in government but rather to those where incumbents will have to perform assigned tasks for a specific period on the terms and conditions (including remuneration and perquisites) specified in the contract. The need for contract employment particularly arises 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 time-bound special projects, which are not likely to continue;

- (iii) to fulfil mandatory service conditions, as determined by Government from time to time;
- (iv) to ensure availability of most competent, committed, and talented personnel for certain sensitive/specialised jobs; and
- (v) to enlist people for task of a routine nature which needs large number for a specific period and which involves low level of remuneration.

13.6 Established guidelines and procedures governing the terms and conditions of officers employed on contract are outlined hereunder:

- (i) Advisers on contract are appointed under Section 89(3) (h) of the Constitution and with the approval of the Prime Minister. The recommendations made to the Prime Minister for employment on contract by Heads of Ministries/Departments must be channelled through the Secretary to Cabinet and Head of the Civil Service;
- (ii) the salary and terms of conditions of service should be determined with the concurrence of the Ministry of Civil Service and Administrative Reforms (MCSAR) 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 is generally determined on the basis of pay of existing posts with comparable levels of responsibilities in the public service and in consideration of the officers qualifications and experience. Other relevant factors in determining the pay package are the scarcity value and market value of the desired competency;
- (iv) the other conditions of service of employees on contract save for leave, travelling and car benefits, are in principle, and wherever applicable, in line with what obtains in the civil service;
- (v) 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 reemployed on contract or contract officers serving in established posts;
- (vi) in respect of leave, a different scheme applies to them. 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
- (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, annual leave not taken by an officer 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 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;
- (xi) in cases where officers are offered employment on contract for 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 does not include the end-of-contract gratuity.

13.7 A perusal of all the above issues linked to contractual employment has been carried out and found appropriate. **We recommend accordingly.**

#### **Recommendation 1**

**13.8 We 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 while doing so, the concerns of confidentiality and accountability have to be kept in view; 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.**

13.9 The salaries of Advisers/Officers employed on contract are usually revised by the Bureau in the wake of a general review exercise and consequently following the publications of the PRB Report 2013 same were revised. However, after the EOAC Report 2013 no provision for salary adjustment for these categories of officers were made though the salary eligibility cut points of certain benefits were reviewed leading to anomalous situations. The issue was referred to the High Powered Committee whereby it was decided that the Bureau has to look into the matter in the context of its 2016 general review exercise. We are therefore making appropriate recommendation to that effect.

## Recommendation 2

**13.10 We recommend that the salaries paid to Advisers/Officers employed on contract be submitted to the Bureau, through the MCSAR for appropriate adjustment following the publication of the Bureaus' Report on the review of Pay and Grading Structures and Conditions of Service in the Public Sector and the Private Secondary Schools.**

### Passages to Expatriate Officers on contract

13.11 At present, expatriate officers on contract i.e. those whose permanent residence are not in Mauritius, are eligible on appointment, for the following:

- (a) economy class air passage 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.

13.12 The Bureau has examined the benefits that are given to expatriate officers on contract and is strongly of the view that the present entitlement is appropriate. **We, therefore, recommend accordingly.**

### Alternative Modes of Employment

13.13 It is a fact that in many countries resorting to contract employment is very popular and such arrangement enables Management to tap the pool of high calibre people who could not or do not want to make a career in the public service. It also allows people outside the service to serve the country, bring to contribution their expertise to the service of the nation and permit the Departments/Organisations to deal with scarcity problems. To that end, and for a judicious choice of the type of contract that can be entered into, we recommended, in our last Report different patterns of work and types of appointment which are:

#### ***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.*

## **Recommendation 3**

- 13.14** We recommend that Responsible Officers of Ministries/Departments may continue, with the approval of the relevant Service Commissions, to recruit on the basis of the foregoing options laid down at para 13.14 to deal with such situations as appropriate to cope with the problems of scarcity, recruitment and retention and that of fluctuations in workload.
- 13.15** In appropriate cases, such appointments may be made through enlistment of Consultants to provide consultancy services or the engagement of the required human resources to perform specific assignments in conformity with the provisions of the Public Procurement Act.

## **Recommendation 4**

- 13.16** We further recommend that the following measures should continue to be adhered to:
- (i)** Responsible Officers of Ministries/Departments should take necessary and appropriate actions for the timely reporting of vacancies to the appropriate Service Commissions.
  - (ii)** The Ministry of Civil Service and Administrative Reforms should impress upon Ministries/Departments to remove from their respective votes all post, the existence of which is no longer felt.
  - (iii)** Ministries/Departments should keep an up-to-date database of their retired employees who have subject matter knowledge, experience, skills and expertise and whose services may be resorted to, as and when the need arises.

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