Workers' Rights (Labour Contractor) (Agricultural Sector) Regulations 2026

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THE WORKERS' RIGHTS ACT 2019

Regulations made by the Minister under sections 29A, 29B and 124 of the Workers' Rights Act 2019

1. Short title

These regulations may be cited as the **Workers' Rights (Labour Contractor) (Agricultural Sector) Regulations 2026.**

2. Interpretation

In these regulations -

"Act" means the Workers' Rights Act 2019;

"agricultural sector" means the field crop, livestock, orchard, sugarcane and tea sector;

"association" has the same meaning as in the Registration of Associations Act;

"co-operative society" means a co-operative society registered under the Co-operatives Act;

"federation" means a secondary society as defined in the Co-operatives Act;

"hirer employer", for the purposes of these regulations, means a small planter or small breeder to whom a labour contractor has supplied one or more migrant worker to work for a period agreed between the labour contractor and the hirer employer;

"labour contractor", for the purposes of these regulations, means a labour contractor who is registered and engaged in the recruitment and supply of migrant workers to work for a hirer employer;

"MCIA" means the Mauritius Cane Industry Authority established under the Mauritius Cane Industry Authority Act;

"Remuneration Regulations" means the Field-crop and Orchard Workers (Remuneration) Regulations 2019, the Livestock Workers (Remuneration) Regulations 2019, the Sugar Industry (Agricultural Workers) (Remuneration) Regulations 2019, the Sugar Industry (Non-Agricultural Workers) (Remuneration) Regulations 2019 and the Tea Industry Workers (Remuneration) Regulations 2019;

"small breeder" has the same meaning as in the Small Farmers Welfare Fund Act;

"small planter" has, the same meaning as in the Small Farmers Welfare Fund Act.

3. Enforcing authorities

(1) Subject to paragraph (2), the Ministry shall be the authority responsible to ensure compliance with these regulations.

(2) The Ministry responsible for the subject of employment shall be the authority responsible to ensure compliance with regulation 4.

4. Registration as labour contractor

(1) No federation, association or co-operative society shall be registered as a labour contractor unless the federation, association or co-operative society has, as members, small planters or small breeders.

(2) An application for registration as labour contractor shall be made in accordance with section 29A of the Act in the form set out in the First Schedule and shall be accompanied by -

(a) a certified copy of the certificate of registration issued by the Registrar of Associations or the Registrar of Co-operative Societies, as the case may be;

(b) a certified copy of the rules of association issued by the Registrar of Associations or the rules of society issued by the Registrar of Co-operative Societies, as the case may be;

(c) an up to date register of members of the association or society;

(d) a certified copy of the annual return or audited accounts, of the association issued by the Registrar of Associations, or society, or the Registrar of Co-operative Societies, as the case may be, for the last 3 years;

(e) a non-refundable processing fee of 1,000 rupees; and

(f) such other information as may be required by the supervising officer.

(3) The supervising officer may, after considering the application -

(a) grant the application; or

(b) reject the application, specifying the grounds for refusal.

(4) Where an application is granted under paragraph (3)(a), the supervising officer shall, upon payment of 10,000 rupees, issue to the applicant a certificate of registration in the form set out in the Second Schedule, on such terms and conditions as he may determine.

(5) The registration shall be valid for a period not exceeding 3 years and may be renewed on such terms and conditions as may be determined by the supervising officer.

(6) An application for the renewal of the registration as a labour contractor shall be made to the supervising officer in the form set out in the First Schedule at least 3 months before the date of expiry of the registration, and shall be accompanied by the documents, payment and information specified in paragraph (2).

(7) Where an application for renewal is received less than 3 months before the date of expiry of the registration, the supervising officer may renew the registration upon payment of the registration fees specified in paragraph (4) and a surcharge of 50 per cent thereon.

(8) Where the supervising officer is satisfied that a certificate of registration is damaged or lost, the supervising officer may, upon payment of a fee of 1,000 rupees issue a duplicate certificate of registration.

5. Duties of labour contractor

(1) A labour contractor shall supply migrant workers only -

(a) to small planters or small breeders; and -

(b) in respect of job categories specified in the applicable Remuneration Regulations.

(2) A labour contractor shall enter into a written agreement with each individual migrant worker and the agreement shall, pursuant to section 29B(4)(a) of the Act, include –

(a) the qualifications and skills of the migrant worker;

(b) the job description of the tasks or occupation to be performed by the migrant worker;

(c) the rate of remuneration applicable to the job category in respect of which the worker is offered employment and other terms and conditions of his employment;

(d) a clause prohibiting the migrant worker to take up employment outside the agricultural sector; and

(e) subject to paragraphs (3) and (4), the corresponding monthly deduction to be made from his remuneration, where the migrant worker opts to be provided food.

(3) The labour contractor shall provide the migrant worker the option to arrange for his own food, or for the labour contractor to provide him food.

(4) Where the migrant worker opts to be provided food by the labour contractor, the amount which may be deducted from the worker's remuneration, equivalent to the value of food provided inclusive of any deduction for housing allowance, shall not in the aggregate exceed 3,000 rupees monthly.

(5) No labour contractor shall supply to a hirer employer any migrant worker to perform tasks which -

(a) fall outside, the scope of the job description specified in the written agreement; or

(b) require qualifications or skills other than those specified in the written agreement.

(6) No labour contractor or hirer employer shall charge the migrant worker any fee in relation to his recruitment.

(7) The labour contractor shall provide the migrant worker a decent lodging accommodation in respect of which there is a valid permit issued by the competent authorities.

(8) Every labour contractor shall ensure that a migrant worker who is exposed, or liable to be exposed, to a substance hazardous to health is placed under suitable health surveillance, including medical surveillance where -

(a) the exposure to that substance is such that an identifiable occupational disease, as mentioned in the Fourteenth Schedule of the Occupational Safety and Health Act, or an adverse effect may be related to the exposure;

(b) there is reasonable cause to believe that the disease or adverse effect may occur under his prevailing working conditions; or

(c) a medical practitioner has advised such surveillance.

(9) (a) Every labour contractor shall keep record of substances hazardous to health to which migrant workers are exposed while working for a hirer employer, in such form as

the supervising officer responsible for the subject of occupational safety and health, may determine.

(b) In these regulations -

"substance hazardous to health" has the same meaning as in the Occupational Safety and Health Act.

(10) The labour contractor shall, on a quarterly basis submit to the Ministry and the MCIA a list containing the names of the hirer employers to whom migrant workers are supplied and such other information as may be required.

(11) The labour contractor shall ensure that the migrant workers are provided appropriate training on local agricultural practices relevant to the job or occupation listed in their agreement.

6. Remuneration and terms and conditions of employment

(1) The remuneration relating to the job category or occupation of any migrant worker and his terms and conditions of employment shall, in addition to the Act, be regulated by the Remuneration Regulations applicable to the sector where the migrant worker is employed.

(2) The labour contractor shall ensure that the remuneration of the migrant worker employed by him is not less favourable than the remuneration of a worker employed by the hirer employer and performing work of equal value.

7. Duties of the hirer employer

(1) Subject to section *29C* of the Act, the hirer employer shall -

(a) supervise and direct the work performed by the migrant worker;

(b) ensure that the migrant worker performs work only in accordance with the job description communicated to the migrant worker in writing under section 29 B (4) of the Act, and shall not require or permit the migrant worker to perform any work outside the job description and job category set out in his written agreement with the labour contractor;

(c) comply with the conditions of employment, including the number of working hours and rest period of the migrant worker;

(d) ensure that the migrant worker is not exposed to any risk to his safety and health and that the migrant worker is provided with information, instruction, training and supervision in relation to his work;

(e) carry out a suitable and sufficient assessment of the risk to the safety and health to which the migrant workers might be exposed whilst at work;

(f) provide the migrant worker with the tools of work and any protective equipment or clothing which may be required for the performance of work.

(2) A hirer employer shall not accept the supply of a migrant worker unless the migrant worker holds a valid work permit.

(3) Every hirer employer shall, where any migrant worker, as a result of an accident arising out of or in connection with his work, dies or suffers any of the injuries or conditions specified in the Eleventh Schedule of the Occupational Safety and Health Act, or where there happens a dangerous occurrence specified in the Twelfth Schedule of the Occupational Safety and Health Act -

(a) forthwith notify the Director, National Occupational Safety and Health Department by the quickest practicable means; and

(b) within 7 days send a report thereof to the Director, Occupational Safety and Health in the form set out in the Thirteenth Schedule of the Occupational Safety and Health Act.

(4) Every hirer employer shall submit to the labour contractor a list of substances hazardous to health to which the migrant worker has been exposed while working for him.

8. Duties of migrant worker

In addition to provisions of the Occupational Safety and Health Act, every migrant worker shall, while at work -

(a) take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;

(b) wear or use any protective equipment or clothing provided by the employer, at all times, when there is a risk of bodily injury against which the equipment or clothing affords protection.

9. Offences

Any person who contravenes these regulations shall commit an offence and shall on conviction be liable to -

(a) where the contravention relates to an offence under the Workers' Rights Act 2019; or

(b) where the contravention relates to an offence under the Occupational Safety and Health Act,

such penalty as provided in the relevant Act.

10. Commencement

These regulations shall come into operation on 18 July 2026.

Made by the Minister on 15 July 2026.

FIRST SCHEDULE

[Regulation 4(2) and (6)]

APPLICATION / RENEWAL FOR REGISTRATION AS LABOUR CONTRACTOR

1. Particulars of Applicant

Name of Federation/Association/Co-operative Society

……

Type (tick as appropriate)

☐ Federation

☐ Association

☐ Co-operative Society

Registered address .....……..…

……

……..

Phone no.……..

Email address…….……..

2. Particulars of representatives

Name of President/Chairperson ..... ……

……

Name of Secretary .....……...

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3. Documents submitted

☐ A certified copy of the certificate of registration issued by the Registrar of Associations or the Registrar of Co-operative Societies

☐ A certified copy of the rules of the Federation/Association/ Co-operative Society issued by the Registrar of Associations or the Registrar of Co-operative Societies

☐ Up to date register of members of the association or society

☐ A certified copy of the Annual return or audited accounts for the last 3 years issued by the Registrar of Associations or the Registrar of Co-operative Societies

☐ Proof of payment of processing fee

☐ Other documents (please specify) ..... ……

4. I certify that all information given in this present application is true.

…….. ……

Name Signature

…….. ……

Capacity Date

……

Seal of Federation/Association/Co-operative Society

SECOND SCHEDULE

[Regulation 4(4)]

CERTIFICATE OF REGISTRATION AS LABOUR CONTRACTOR IN THE AGRICULTURAL SECTOR

……..……,(name of federation/association/co-operative society) of……,(address) is hereby registered as a labour contractor pursuant to section 29A of the Workers' Rights Act 2019 to supply migrant workers to small planters or small breeders in accordance with the Workers' Rights (Labour Contractor) (Agricultural Sector) Regulations 2026.

Validity of registration.

From…… To…….

Conditions attached to the registration ……

…….

…….

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…….. ……..……

Name of officer Signature of officer

…….. ……

Stamp Date

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