



# Understanding duties of the employer and employee

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## The duties of the employer and employee

A harmonious relationship between an employer and an employee is based on the obligations that each has to the other.

The employer and employee are engaged in a relationship that makes each of them responsible in some obligation vis-à-vis each other. These are governed by the Employment Rights Act (ERA) and are usually detailed by the terms and conditions in an employment contract. They include, for example, operation, performance, remuneration, working conditions or health and safety. A harmonious relationship between the employer and his employees is in fact an important factor for success in a business. In respect of their obligations, both parties collaborate to successfully achieve their respective objectives.

### Duties of employer

- **The operation and its resources**

For example, a restaurant owner who recruits a cook has the responsibility to give him dishes to prepare and to meet the expectation of the customers. He should also provide the necessary equipment in order for the cook to complete his work in the allotted time (saucepans, cooking utensils, access to running water).

- **The salary**

The first reward that the employer gives to his employee is the salary which represents the compensation for the accomplishment of the performance of work. The remuneration reflects the competence, the experience, the status, the responsibilities and the years of the service of the employee. At the end of the month, the employer needs to give a pay slip to each of his employees, on which compulsory information are shown (for more details, please refer to the Fourth Schedule of ERA 2008).

- **Health and safety**

Mauritian law requires all employers to ensure safety, health and well-being of his employees. According to the Occupational Safety and Health Act (OSHA) 2005, the safety of equipment and facilities (extinguishers, fire hoses, fire doors, emergency exits, etc) must be continually checked. In addition, any company has an obligation to create a health and safety committee which meets every two months. Beyond 100 employees, the company must engage a part-time security officer (less than 500 employees) or full-time (more than 500 employees). First aid and fire safety training also contribute to improve the working conditions in the company.



- **Paid leave**

Any employee with at least 12 months of continuous service in the enterprise is entitled each year to 20 days of paid leave (annual leave) and 15 days of sick leave paid (sick leave). In the case of birth, parents are entitled to 12 weeks of paid maternity leave and 5 days of paid paternity leave. (See Sections 27 to 31 of the ERA 2008).

## Duties of employees

- **Workmanship**

The employment contract must be executed personally, fairly and in good faith by the employee. The latter undertakes the work required with honesty and integrity by adopting a behavior likely to avoid negligence.

- **Confidentiality**

The employee has the responsibility not to disclose certain information about the company he has gathered during his employment due to obligation of confidentiality. The information that may be considered confidential includes formulas, models, financial data, list of customer or trade secrets.

- **The rules of procedures**

Written by the employer, the regulation within a company defines the rules relating to discipline, schedules, hygiene and safety of the workplace. It is legally enforceable to all employees. These are required to comply, and any other document (dress code) in force in the company, and to ensure its proper implementation.

- **Security**

The employee is also guarantor of good compliance with OSHA 2005. He must cooperate with the employer in running his duties responsibly and adhering to regulations in force.

## The non-compliance

The non-compliance by either party may have serious consequences. Negligence on the part of the employee, the employer has the option to take disciplinary action. Depending on the gravity of the fault, he will be given a warning or a dismissal, with or without indemnities. Similarly, if the employer fails to meet his obligations, it may incur liability and be ordered to pay damages to the employee.

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