

## **11. EMPLOYMENT ON CONTRACT AND ALTERNATIVE MODES OF EMPLOYMENT**

- 11.1 Employment on Permanent and Pensionable Establishment (PPE) is the most prevalent mode of employment in the Public Sector. However, there are other employment practices that Management has recourse to in certain cases/situations, the most common being on a contractual basis. This type of employment is normally adopted: in areas where there is a shortage of personnel with expertise in specific fields or in highly skilled/specialised/sensitive positions; to carry time-bound projects to fulfil mandatory service conditions as determined by Government from time to time; where the services of a large number of people are required for a specific period to perform tasks of a routine nature, normally of a low level; and to attend to advisory duties for any office of a temporary nature.
- 11.2 Contractual employment in the Public Service is in principle applicable to the following categories of officers based on their specific/individual attributes:
- (i) Special Advisers who are normally recruited for their eminence, talent, skills, wisdom and expertise. Under this category, suitable persons mostly from outside the service are recruited on negotiated terms and conditions;
  - (ii) Advisers/Senior Advisers who are appointed to provide technical assistance to a Minister in a specific field/area and carry out such duties to enable Government to attain its objectives;
  - (iii) Officers appointed in posts established under the Constitution or any local enactment and which are governed by the provisions of the relevant legislation(s);
  - (iv) Officers employed in scarcity areas against established posts to perform mostly non-advisory duties; and
  - (v) Retired Government Officers whose skills, expertise and knowledge acquired during their service are found to be still useful.
- 11.3 The appointment of advisers in general is made under section 89(3)(h) of the Constitution with the approval of the Prime Minister, whereas that for officers on contract is carried out in accordance with the provisions of the relevant legislations. As regards those recruited in scarcity areas against established posts, their appointment befalls the appropriate Service Commission while for former Public Officers, it is made either as per section 89(3)(h) or through the appropriate Service Commission.

- 11.4 The prevailing guidelines with respect to the terms and conditions of officers employed on contract are outlined below:
- (i) appointment of Advisers on contract, under section 89(3)(h) of the Constitution is made with the approval of the Prime Minister. Recommendations made to the latter by Heads of Ministries/Departments are channelled through the Secretary to Cabinet and Head of the Civil Service;
  - (ii) the salary and contractual terms/conditions of service of Advisers/Officers on contract are in principle determined by the Bureau and the Ministry of Public Service and Administrative Reforms (MPSAR) respectively, prior to their employment or renewal of their contract;
  - (iii) the salary of officers appointed on contract against established posts is normally that attached to the established post or a salary point within the salary scale attached to the established post, taking into consideration, among others, the appointee's qualification and experience as well as the salary drawn by officers serving in a substantive capacity in the grade;
  - (iv) the salary of other Advisers on contract is determined on the latter's qualifications and experience as well as on the basis of pay of existing positions with comparable levels of responsibilities in the Public Service. Other relevant considerations include whether employment is in a scarcity area and the market value of the desired competency;
  - (v) the Conditions of Service, save for leave and travelling and car benefits are, in principle, and wherever applicable, in line with what obtain in the Civil Service;
  - (vi) whenever an offer of employment on contractual basis is made, the terms and conditions should be clearly spelt out so that the officer to be employed on contract is apprised of all his/her benefits beforehand; and
  - (vii) as regards leave entitlement:
    - (a) Advisers/Officers employed on contract are not entitled to any annual or sick leave during the first year of contract, except for retired public officers who have been re-employed on contract; those serving against established posts; and officers who held responsible positions prior to accepting the offer of the contractual employment and were entitled to annual or sick leave in their previous employment in the Government;
    - (b) an Adviser/Officer employed on contract for a period of one year or more, is entitled to 21 working days annual leave and sick leave respectively, for each year of contract;

- (c) 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;
- (d) the 21 working days' Annual Leave may be taken either at a stretch or on-and-off to cater for brief absences;
- (e) at the end of each 12-month service for a contract of more than one-year duration, unutilised annual leave may either be cashed or accumulated. However, for contracts of one-year duration which are renewed annually, untaken annual leave is cashed at the end of each contract; and
- (f) any unutilised sick leave in a particular year lapses.

### **Recommendation 1**

**11.5 We recommend that the above-mentioned guidelines as well as provisions governing leave entitlement, should continue to prevail.**

### **Passage Benefit**

11.6 Additionally, Advisers/Officers on contract are also eligible for Passage Benefit, as from the sixth year of contractual employment and provided they draw a monthly salary of not less than Rs 27400. We are maintaining this provision, while revising the salary point.

### **Recommendation 2**

**11.7 We recommend that employees on contract drawing a monthly salary of less than Rs 37290 should be eligible for passage benefit as from the sixth year of contractual employment, provided their contract is renewed annually and that the interval between one contract and the next does not exceed 28 days.**

**11.8 Advisers/Officers on contract do not earn Passage Benefit during the 21 days of Annual Leave, whether taken or cashed.**

### **End of Contract Gratuity**

11.9 Advisers/Officers on contract are also eligible for an end-of-contract gratuity as provided in the paragraphs below.

### **Recommendation 3**

**11.10 We recommend that an Adviser/Officer employed on contract should be eligible for an end-of-contract gratuity in lieu of pension payable, at the rate of two months' salary on completion of 12 months' satisfactory service, provided the contract is of a duration of at least 12 months.**

- 11.11** We further recommend that for contracts of a duration of less than one year, excluding those awarded on an assignment basis, which are either extended or renewed, the 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.

#### **Benefits in Case of Demise**

- 11.12** Following requests for clarification from Ministries/Departments regarding the correct implementation of certain provisions, including benefits accrued in case of sudden death of an Adviser/Officer on contract, we are making an appropriate recommendation to address same.

#### **Recommendation 4**

- 11.13** We recommend that in case of demise of an Adviser/Officer employed on contract, the heirs of the latter should be paid the following benefits, provided that the Adviser/Officer was eligible for same:
- (a) full salary for the month in which the Adviser/Officer on contract has passed away;
  - (b) Annual Leave on *pro-rata* basis;
  - (c) Gratuity on a *pro-rata* basis;
  - (d) End-of-Year Bonus on a *pro-rata* basis; and
  - (e) outstanding accumulated Passage Benefit.

#### **Travelling and Car Benefits**

#### **Recommendation 5**

- 11.14** We recommend that the travelling and car benefits accruing to Advisers/Officers on contract employment should be in line with what is recommended for their corresponding level under the Chapter on Travelling and Car Benefits of this Volume.

#### **Passages to Expatriates employed on Contract**

#### **Recommendation 6**

- 11.15** We recommend that expatriates who do not have permanent residence in Mauritius, when employed on contract, be entitled to:
- (a) economy class air passages from the country of permanent residence to Mauritius and back upon expiry of their 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 subsequently renewed, passages should be granted after two years; and
  - (ii) for subsequent renewal of their 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 any excess luggage up to a maximum of 25 kg of by air, provided it 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 5% of his annual salary on expiry of his final contract, to cover incidental charges.

### Adjustment of Salaries of Advisers/Officers on Contract

- 11.16 Following a general review exercise and upon request from the MPSAR, the salaries of Advisers/Officers employed on contract are normally revised by the Bureau. We hold that this practice should continue.

### Recommendation 7

- 11.17 **We recommend that following the publication of this Report, salaries of Advisers/Officers employed on contract under the salary framework of the PRB, should be submitted to the Bureau for adjustment purposes, through the MPSAR.**

### Salary Determination

- 11.18 The salary payable to Advisers/Officers on contract are determined, among others, after taking into consideration the officers' qualification(s) held and experience reckoned in the relevant field; their expected contribution in the performance of their duties; and fairness in relation to holders of substantive post/officers employed on contract in the organisation performing at more or less similar level.
- 11.19 An updated indicative salary framework for contract officers was developed to enable Ministries/ Departments/Organisations to have a broad idea of the salary level that is normally granted to different categories of Advisers/Officers on contract, based on their intended responsibilities, qualification and experience. Same is provided at **Annex to this Chapter**.
- 11.20 Given that the salary granted to an Adviser/Officer on contract is based on the latter's profile, it is normal and not anomalous for two Advisers in the same field to draw different salaries. **As regards the usage of the title of Senior Adviser, organisations should ensure that it is attuned with incumbents' professional background and experience in the relevant fields as well as**

**the level of duties and responsibilities entrusted to them.** Moreover, any request of retitling from Adviser to Senior Adviser should be supported by strong functional justifications.

- 11.21 Additionally, to attract and retain highly specialised and experienced individuals from outside the service with high professional skills e.g domain experts in technical and scientific fields, to serve as Adviser and/or Senior Adviser or on a contractual basis, we consider that there is a case for a supplemental pay depending on the particular expertise of the employee. **To this end, the Ministry concerned should through the MPSAR, seek the approval of the High Powered Committee for the payment of an appropriate *ad hoc* allowance up to a maximum of 30% of the basic salary in addition to the recommended salary for such positions. This provision would, however, not apply to Advisers/Senior Advisers who are already being paid an extra duty allowance in addition to their monthly salary.**

### Alternative Modes of Employment

- 11.22 The Bureau has, in its previous Reports, provided for alternative modes of employment to enable Ministries/Departments to address problems relating to shortage of experts or skilled personnel in certain specific areas; cope with workload fluctuations; tap the services of high calibre people who cannot or do not want to make a career in the Public Service and also embrace a pattern of employment that is more suitable on the basis of their organisational requirements.
- 11.23 The alternative modes of employment, which have been extensively elaborated in our previous Reports, are namely **Fixed-Term Appointments** for a specified period of time and a specific task or project either on a full-time or part-time basis; **Casual Appointments**, for meeting temporary and short-term needs for up to a maximum period of 12 months; **Recurring Temporary Appointments** whereby staff are contracted to work for short periods each year with a pre-agreed date of employment for each year and the number of years concerned as per the offer and as set out in the letter of appointment; **Employing People to Work at Short Notice** allowing Managers to employ people to work at short notice, usually for short periods at a time to cover, *inter alia*, unforeseen or temporary shortages of permanent staff; **Standby Appointments**, that is, people are contracted 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; **Part-Time Employment** for those working less than the standard hours; and **Specified Period (Term) Employment whereby 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. These are also used to deal with organisational change or downsizing.

- 11.24 The above-mentioned patterns of employment are considered valid and appropriate when resorting to contract employment in the Public Sector to cater for manpower shortages in different circumstances. Hence the Bureau is providing for their continued applicability.

#### **Recommendation 8**

- 11.25 **We recommend that Responsible Officers of Ministries/Departments may:**
- (i) **with the approval of the relevant Service Commission, recruitment on the basis of the different modes of employment mentioned at paragraph 11.23 above, to deal with such situations as appropriate in order to cope with the problem of scarcity, recruitment and retention and fluctuations in workload; and**
  - (ii) **resort to appointments 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.**

#### **Exit Interview**

#### **Recommendation 9**

- 11.26 **We recommend that exit interviews should be carried out for Advisers/Officers employed on contract in scarcity areas, before the end of their contract.**

## ANNEX

Indicative Framework for Salary of Advisers/Contract Officers			
Category of Adviser	Profile of Candidate	Broad Duties/ Responsibilities	Salary Level
<b>Category I</b> Senior Advisers	Degree and/or Master's Degree/Professional qualification with wide experience in relevant field and deep knowledge of the job and related areas.	Mostly involved in developing, implementing and evaluating Government strategies, policies and programmes	Senior Professional and above
<b>Category II</b> Advisers including Registered Professionals	Diploma and above	Providing technical assistance to enable the Ministry/ Department in achieving its strategic objectives.	Normally based on grades in the Civil Service with comparable qualifications and level of duties and responsibilities (Technical and above).
<b>Category III</b> Officers employed against established posts and Officers employed in scarcity areas	Depending on the scheme of service of the established grade.	Non-advisory duties - performing the duties of the established position.	Salary of the established position based on experience reckoned.  For scarcity fields, to be determined by the Bureau on a case-to-case basis.
<b>Category IV</b> Advisers in Public Relations	At least School Certificate or previous related experience/ demonstrated ability to perform the job.	Public Relations duties	Based on qualification and experience possessed by incumbent (normally in two categories).
<b>Category V</b> Retired Public Officers employed on contract		To perform duties of advisory nature	To be determined by the Bureau on a case-to-case basis

