

# **GUIDELINES FOR EMPLOYERS RECRUITING A NON-CITIZEN WORKER**

## **1. Purpose and scope**

These Guidelines are issued pursuant to section 3(2) of the Private Recruitment Agencies Act 2023 (“**Act**”) and apply to all employers who intend to recruit a noncitizen worker.

The aim is to ensure fair, transparent and ethical recruitment practices in accordance with local legislation and international labour standards such as the International Recruitment Integrity System principles developed by the International Organisation for Migration.

In these guidelines, words importing one gender include all genders.

## **2. How can an employer recruit a non-citizen worker?**

**An employer should generally recruit a non-citizen worker through a duly licensed Private Recruitment Agency.**

In exceptional cases, an employer may be authorised by the Permanent Secretary to recruit foreign workers directly, without the involvement of a Private Recruitment Agency, subject to compliance with these Guidelines. The request for authorisation may be sent by post or may be hand delivered at the following address or **sent by email on employment@govmu.org**:

**The Permanent Secretary**

**Ministry of Labour and Industrial Relations (Employment Division)**

**11<sup>th</sup> Floor, Victoria House, Port**

**Louis.**

## **3. Recruitment through a licensed Private Recruitment Agency**

Where an employer recruits a non-citizen worker through a licensed Private Recruitment Agency, the employer shall ensure that:

- a) the Private Recruitment Agency holds a valid licence issued pursuant to the Act;

- b) a written contract is entered with the licensed Private Recruitment Agency in accordance with the Fourth Schedule of the Private Recruitment Agencies Regulations 2025 (“**Regulations**”);
- c) the fees for recruitment are borne solely by the employer and not by the noncitizen worker;<sup>1</sup>
- d) a contract of employment is drawn up in triplicate in English or French and in a language understandable by the non-citizen worker containing the terms and conditions specified in the Fifth Schedule of the Regulations and is given to the non-citizen worker prior to his deployment;<sup>2</sup>
- e) arrangements are made for a decent accommodation;<sup>3</sup> and
- f) the full cost of repatriation is borne by the employer in the circumstances set out in paragraph 15, part III, Sixth Schedule of the Regulations.

#### **4. Direct recruitment by employers**

Where an employer recruits a non-citizen worker directly without engaging a Private Recruitment Agency in Mauritius, the employer shall:

- a) bear all the fees for recruitment;<sup>4</sup>
- b) ensure that no recruitment fees and related costs are being claimed to the worker abroad in connection with the recruitment;
- c) ensure that recruitment is in accordance with the prevailing laws in the country of origin;
- d) draw up a contract of employment in triplicate in English or French and in a language understandable by the non-citizen worker containing the terms and conditions specified in Fifth Schedule of the Regulations and communicate it to the non-citizen worker prior to his deployment;

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<sup>1</sup> Reg. 7, Regulations.

<sup>2</sup> Reg. 8, Regulations.

<sup>3</sup> Paragraph 12, Part III, Sixth Schedule, Regulations.

<sup>4</sup> S 5(3), Act and Reg. 7(2), Regulations.

- e) ensure that the contract of employment is read and explained to the non-citizen worker, in a language fully understood by the worker, and obtain written

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confirmation that the worker has understood and accepted the terms and conditions prior to departure from the country of origin;

- f) offer pre-departure orientation materials to the worker in the native language of the worker;
- g) comply with all the requirements as set out in the applicable laws in Mauritius for obtaining the work permit (refer to the *Work Permit Information Sheet* accessible on the website <https://empment-labour.govmu.org/> );
- h) establish and maintain a well-documented policy and internal procedures governing the direct recruitment, selection and hiring of non-citizen workers in line with ethical recruitment principles;
- i) maintain comprehensive records relating to the recruitment, selection and hiring of non-citizen workers and produce such records to the Ministry upon request for verification purposes;
- j) comply with all the obligations and conditions set out in Part III, Sixth Schedule, Regulations as are applicable to a licensed Private Recruitment Agency including the following:
  - (i) the employer shall comply with international standards on prohibition of forced labour;
  - (ii) the employer shall not use recruiters, agents or institutions that are not legally authorised or accredited in their respective country of operation;

- (iii) the employer shall clearly state the selection criteria and not use any language that is discriminatory for the job advertisement;
- (iv) the employer must ensure that potential candidates are treated without discrimination across the recruitment, selection and deployment phases;
- (v) the employer shall ensure that all applicants are considered fairly for all job positions and are informed of their rights at work and how to enforce them;
- (vi) the employer shall not discriminate or retaliate against noncitizen workers based upon their membership, support or participation in any trade union or collective bargaining process;
- (vii) the employer must have the contact details of the non-citizen worker's family;
- (viii) the employer shall not withhold the passports, other identity documents, work permits or other documents of non-citizen workers;
- (ix) the employer must inform the non-citizen worker of the proper mechanism and process for addressing grievances related to the recruitment process and ensure that the non-citizen workers have an open and direct access to grievances mechanisms in Mauritius;
- (x) the employer must ensure that decent accommodation is provided;
- (xi) the employer must bear all the cost of repatriation in the circumstances set out in paragraph 15, part III, Sixth Schedule of the Regulations; and
- (xii) the employer must ensure that all reasonable steps are taken prior to repatriation so as not to frustrate or deny any claim that has been filed or is intended to be filed by a non-citizen

worker for salary arrears or any other outstanding benefits pursuant to the Workers' Rights Act 2019;

h) comply with section 63(7) of the Workers' Rights Act 2019 concerning repatriation obligations.

## Reference

These Guidelines should be read in conjunction with the Workers' Rights Act 2019, the Non-Citizens (Employment Restriction) Act 1970, the Private Recruitment Agencies Act 2023, and all regulations and guidelines, thereunder.

## Contact Information

For additional information, please contact the Ministry's hotline on 86 003 or send an email to [employment@govmu.org](mailto:employment@govmu.org)

***Disclaimer:** While every effort has been made to ensure the accuracy of the information provided in this document, it is intended for general guidance only. Employers are strongly advised to consult the relevant laws and seek clarification from the Ministry of Labour and Industrial Relations.*

**Ministry of Labour and Industrial Relations**

**18 March 2026**