

S.I. 36 of 2018

EMPLOYMENT ACT

(Cap 69)

Employment (Stevedore Conditions of Employment) Regulations, 2018

In exercise of the powers conferred by section 40 read with section 71 of the Employment Act, the Minister of Employment, Immigration and Civil Status after consultation with the unions, the employer's organisations and such other representatives of workers whom the Minister considered fit to consult, hereby makes the following Regulations—

1. These Regulations may be cited as the Employment (Stevedore Conditions of Employment) Regulations, 2018.

Citation

2. For the purpose of these Regulations, stevedores shall be exempt from the provisions of section 25(1), (2) and (3) of the Employment Act in accordance with section 25(4).

Exemption from section 25(1), (2) and (3)

3. Subject to Regulation 2, any provision under the Act or under the Employment (Conditions of Employment) Regulations, 1991 applicable to a casual worker, shall apply to a stevedore.

Application of Employment Act and Regulations

4. In these regulations, unless the context otherwise requires—

Interpretation

“Act” means the Employment Act, (Cap 69);

“competent officer” means a competent officer appointed under section 73 of the Employment Act, (Cap 69);

“dock work” means the loading, unloading, handling, checking and inspecting of cargo directly

into or from a ship within the confines of a port, ship bunkering, storing and other activities authorised by the Seychelles Ports Authority including the embarking, disembarking, tending mooring, checking ship draught and checking cargo;

"employer" means a person who employs a stevedore or in the case where the employer is absent from the Republic or from office, the representative or other person, present in the Republic, authorised by the employer to act on his behalf;

"retainer allowance" means an allowance paid by the employer to his or her stevedores in order to retain the services of the stevedores when there is no dock work as defined by these regulations;

"stevedore" means a dock worker who handles goods carried in and out by sea-going ship or inland water vessels and who provides the ancilliary services relating to those goods within Seychelles in transit vessels, in the harbour and in areas engaged in importation and exportation.

5. There shall be established a Stevedore Committee established by the Minister responsible for Employment, comprising of the following members —

(a) a representative of the Seychelles Ports Authority who shall be the chairperson;

(b) a representative of the Seychelles Fishing Authority;

(c) a representative of the Ministry of Finance;

(d) a representative of the Ministry of Employment;

Establishment
and
composition of
Stevedore
Committee

- (e) a representative of each employer;
- (f) a representative of the workers' union for stevedores.

6. The Committee—

Functions of
the
Committee

- (a) shall determine the minimum wage rates per tonnage per stevedore activities;
- (b) shall endorse any agreement regarding wages that may be established between stevedores and their employers;
- (c) shall hear and determine matters relating to wages submitted by the stevedores, the unions representing the stevedores, the employers and any association formed by the stevedores;
- (d) may file a case before the Employment Tribunal to enforce its decision or endorsement where a party has not complied to such decision or endorsement;
- (e) subject to regulation 12, shall determine the rates for loading and unloading; and
- (f) shall determine the rates for any other transaction which falls under the definition of dock work;

7.(1) An employer engaging the services of a stevedore shall keep a register of the stevedore's name, the date of his employment and the nature of the employment agreement.

(2) The register shall be kept up-to-date and made available for inspection by the competent officer or other relevant authority.

**Conditions
of Employment**

8.(1) Where a stevedore is paid a retainer allowance by his employer, he shall not work for any other stevedoring employer unless the employer agrees to release the stevedore to take up the alternative employment when there is no dock work as per the conditions agreed between the parties.

(2) Where a stevedore works for another stevedoring employer during the period within which he is paid a retainer allowance, he shall before taking up such employment, inform the fact of this other employment to the employer on whose register his name appears.

(3) Where a stevedore takes up another employment with another stevedoring employer without informing his employer in advance, the stevedore shall be entitled to a retainer allowance in proportion to the number of days present.

(4) Notwithstanding the foregoing provisions, an employer may agree to release the stevedore to take up other employment when there is no dock work as per the conditions agreed between the parties.

**Payment of
Compensation
for length of
service**

9.(1) Where a stevedore is employed for a period of not less than seven years, the stevedore shall be entitled to compensation for his length of service.

(2) Compensation shall be calculated by calculating the stevedores average wages in a period of twelve months, multiplied by twelve months and divided by a fixed number of hundred days attendance attained in the period of twelve months.

**Health and
Safety**

10. An employer engaging stevedores shall adhere to the provisions of the Occupational Safety and Health Regulations, 1991 issued under the Occupational Safety and Health Decree (Cap 151).

**Grievance
Procedure**

11. A person who is aggrieved by a decision taken concerning the payment or non payment of a retainer allowance

or a decision taken concerning his right to compensation under these regulations may register a grievance procedure in accordance with section 64 read with Part II Schedule I of the Employment Act (Cap 69).

12. There shall be imposed a minimum rate of SR3.75 per tonnage for the loading and unloading of brine fish.

Minimum
rate per
tonnage

MADE this 30th day of May, 2018.

**MYRIAM TELEMAQUE
MINISTER OF EMPLOYMENT,
IMMIGRATION AND CIVIL STATUS**
