

THE APPRENTICESHIP ACT 1968

Act 9/1968

Proclaimed by [\[Proclamation No. 26 of 1968\]](#) w.e.f 16th September 1968

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1. Short title

This Act may be cited as the Apprenticeship Act.

2. Interpretation

In this Act -

“apprentice” means any person who has contracted, pursuant to this Act, to serve an employer and to learn and be taught a designated trade;

“apprenticeship” means any system by which an employer undertakes by contract to employ a person and to train him or have him trained systematically for a trade, for a period the duration of which is fixed in advance and in the course of which the apprentice is bound to work in the employer's service;

“Chairman” means Chairman of the Central Apprenticeship Committee;

“Committee” means the Central Apprenticeship Committee established under section 4;

“designated trade” means any trade, or branch of trade, declared by the Minister under section 7 to be a designated trade, in an industry;

“employer” means, in relation to an apprentice, any person to whom the apprentice is bound, or is proposed to be bound, in accordance with this Act, by a contract of apprenticeship, and includes any government department.

“industry” means a trade, business or occupation, or any branch thereof, or any group of trades, businesses or occupations;

“guardian” means, in relation to a minor, either his responsible party, or a person designated by law, or appointed in accordance with law, to be his guardian;

“Minister” means the Minister to whom responsibility for the subject of employment is assigned;

“operative or process worker” means a worker employed on skilled operations and process of a repetitive nature in a restricted field;

“parent” means the father or the mother of a minor;

“Principal Assistant Secretary” means the Principal Assistant Secretary, Ministry for Employment.

Amended by [\[Act No. 17 of 1974\]](#); [\[Act No. 27 of 1981\]](#)

3. Application of Act

This Act shall apply only to apprenticeship in designated trades.

4. Establishment of Committee

- (1) There is established for the purposes of this Act a Committee, to be known as the Central Apprenticeship Committee, which shall be representative of industry, corporations and government departments.
- (2) The Committee shall consist of -
 - (a) the Controller, Employment Service;
 - (b) the National Director of Vocational and Technical Training;
 - (c) one member nominated by the National Advisory Council for Industrial Training;
 - (d) 5 members representing employers nominated as follows -
 - (i) one member by the Permanent Secretary, Ministry of Works;
 - (ii) 4 members by the Mauritius Employers Federation, of whom at least one shall be nominated after consultation with the Mauritius Sugar Producers Association;

- (e) 5 members representing employees nominated in the prescribed manner so as to include representatives from the building, electrical and engineering trades or groups of trade.
- (2A) An additional member representing employers and an additional member representing employees may be nominated as provided respectively under subsection (2)(d) (ii) and (e) for the purpose of replacing on the Committee a representative of the employers or a representative of the employees, as the case may be, whenever any such member is absent from Mauritius and has given written notice of such absence to the Chairman.
- (3) Save for the Controller, Employment Service and the National Director of Vocational and Technical Training -
 - (a) each member shall hold office for one year but shall be eligible for re-appointment;
 - (b) a member may resign at any time after giving one month's notice in writing to the Principal Assistant Secretary;
 - (c) a member shall vacate his office if, without leave or approval of the Committee, he has been absent from 3 consecutive meetings of the Committee.
- (4) The Chairman shall be appointed from among the members by the Principal Assistant Secretary.
- (5) The Principal Assistant Secretary shall designate an officer to be the Secretary of the Committee.
- (6) The Committee may -
 - (a) appoint sub-committees;
 - (b) co-opt additional members to sit on the Committee or any of its subcommittees, as it thinks fit, for dealing with any specific trade or matter but any co-opted member shall have no right to vote.

Amended by [\[Act No. 17 of 1974\]](#)

5. Meetings of committee and procedure

- (1)(a) The ordinary meetings of the Committee shall be held quarterly and at such time and place as the Committee may determine.
- (b) Additional meetings may be convened by the Chairman as he thinks fit or specially convened by him on a request in writing signed by at least 3 members of the Committee.
- (2) Seven members shall constitute a quorum at any meeting of the Committee.

- (3) The Committee shall function by resolution which shall be carried by a simple majority of members present and voting and in the event of an equality of votes, the Chairman shall have a casting vote.

5. Powers and duties of the Committee

The Powers and duties of the Committee shall be -

- (a) to recommend to the Minister the trades or branches of trade to be designated under this Act;
- (b) to hear objections to the proposed designation of any trade or branch of trade, and to report thereon to the Minister;
- (c) to advise the Minister or the Principal Assistant Secretary, as the case may be, on all matters on which it has to be consulted under this Act;
- (d) to take any decision it thinks proper in respect of any matter concerning a contract of apprenticeship which under this Act has to be referred to it;
- (e) to investigate any dispute arising out of a contract of apprenticeship referred to it by any of the parties to the contract, or by the Controller, Employment Service, and endeavour to settle amicably any such dispute, and failing an amicable settlement to decide such dispute;
- (f) to extend the term of an apprenticeship where it thinks such extension to be in the interests of the training of the apprentice;
- (g) to defer an increase in wage rate due to any apprentice, where it thinks such action desirable;
- (h) for the purpose of exercising any of the powers conferred, or discharging any of the duties imposed, upon it by this Act, to enquire into any matter relating to apprenticeship in industry.

7. Designation of trades

- (1) Where the Minister, on the recommendation of the Committee, proposes to declare any trade or branch of trade to be a designated trade for the purposes of this Act, he shall cause to be published in the Gazette and in at least 3 daily newspapers a notice declaring his intention.
- (2) Objections to a proposed designation may be lodged with the Committee by parties concerned within one month of the last day of publication of such notice, and the Committee shall hear any such objections and report thereon to the Minister.
- (3) Where no objections are lodged within the period under subsection (2), or if the objections lodged have, after consideration, been rejected, the Minister shall cause to be published in the *Gazette* a notice declaring such trade or branch of grade to be a designated trade for the purposes of this Act.

8. Contracts of apprenticeship to comply with Act

- (1) No person shall enter into any contract of apprenticeship in respect of a designated trade otherwise than in accordance with this Act.
- (2) Any person who contravenes subsection (1) shall commit an offence.

9. Qualifications for apprentices

- (1) No person shall be engaged to learn a designated trade otherwise than under a contract of apprenticeship.
- (2) Subsection (1) shall not apply in respect of -
 - (a) any person who is employed as an operative or process worker on work allied to such designated trade; or
 - (b) any category of employees which the Principal Assistant Secretary, after consultation with the Committee, may by notice published in the *Gazette* exempt from this subsection.
- (3) Any employer who engages an apprentice in contravention of subsection (1) shall commit an offence.
- (4) Any person who has attained the age of 15 may bind himself as an apprentice to a designated trade.
- (5) No person who has attained the age of 19 may so bind himself unless -
 - (a) he has already completed part of an apprenticeship in the designated trade; or
 - (b) he has obtained the prior approval of the Committee.

10. Validity of contract of apprenticeship

No contract of apprenticeship under this Act shall be valid unless -

- (a) at the time of its being entered into, it is reduced to writing and signed by, or on behalf of, both the employer and the apprentice; and
- (b) within one month of its being signed, the employer causes it to be registered with the Controller, Employment Service in the prescribed manner.

11. Reference of contracts to Committee

- (1) Where the Controller, Employment Service, considers that any contract of apprenticeship lodged for registration is not in the best interest of the apprentice, he may refer the matter to the Committee, and the decision of the Committee shall be final.

- (2) Where a contract has been referred to the Committee under subsection (1), the Controller, Employment Service, may, on the application of any part to the contract, permit the proposed apprentice to be employed pending the decision of the Committee.

12. Probationary period

Every contract of apprenticeship shall provide for a probationary period of 6 months during or at the end of which either party may terminate the contract after giving one week's notice in writing to the other party and informing the Controller, Employment Service accordingly.

13. Cancellation of contract

Notwithstanding any other enactment but subject to section 12, any contract of apprenticeship may be terminated by either party after giving one month's notice in writing to the other party and informing the Controller, Employment Service accordingly; in case of disagreement, the matter may be referred to the Committee for its decision.

14. Minor to act with consent of parent or guardian

A minor who is an apprentice shall not do any act in respect of his contract of apprenticeship without the express consent of his parent or guardian.

15. Breach of contract

Any party to a contract of apprenticeship under this Act who fails to carry out any provision of such contract shall commit an offence.

16. Premiums and bonuses to be unlawful

Any person who, directly or indirectly, requires from, or pays, or gives to or receives from, or permits any person to pay or give to, or to receive from, any person any consideration, premium or bonus in respect of the engagement or employment of an apprentice shall commit an offence.

17. Offences

Any person who incites, instigates, aids or abets an apprentice to break any of the conditions of his contract shall commit an offence.

18. Appeals from decisions of the Committee

- (1) Any party to a contract or a proposed contract of apprenticeship who is aggrieved by a decision of the Committee in respect of -

- (a) the engagement of a person over the age of 19;
- (b) the termination of a contract;
- (c) the settlement of a dispute;

- (d) the extension of the term of apprenticeship of any apprentice; or
 - (e) the deferment of an increase in wage rate due to any apprentice, may appeal from the decision to the Magistrate of the Industrial Court.
- (2) On any such appeal the Magistrate of the Industrial Court may give any such directions in the matter as he thinks proper, including any directions as to the costs of the appeal, and the decision of the Magistrate shall be final.
- (3) The Chief Justice may make rules for regulating such appeals and for the fees to be paid in respect thereof.

19. Powers of Minister

- (1) The Minister, after consulting with the Committee shall, by regulations make provision in respect of any designated trade as regards -
- (a) the period or periods of apprenticeship;
 - (b) the number of apprentices who may be employed in relation to the number of craftsmen in any workshop or industrial establishment;
 - (c) the rates of wages of apprentices;
 - (d) the qualifications which a person must possess before he can be apprenticed;
 - (e) the training which apprentices must undergo, including the skills and operations to be taught and any examinations or tests to which they shall submit during or at the end of their term of apprenticeship;
 - (f) the provision of tools and training equipment;
 - (g) any other conditions of apprenticeship which the Committee thinks desirable.
- (2) Notwithstanding subsection (1)(b), where, after consultation with the Committee, the Minister is satisfied that any employer is failing to train a sufficient number of apprentices in any industry, the Minister may order such employer to train such number of apprentices in such industry as the Minister thinks fit.

20. Regulations

The Minister may make regulations generally for the carrying out of the provisions of this Act, and any such regulations may, without prejudice to the generality of the foregoing, provide for -

- (a) the form of the deed witnessing a contract of apprenticeship;
- (b) the registration of contracts of apprenticeship;
- (c) the registers and records to be maintained by the Ministry for Employment;

- (d) the registers and records to be maintained by employers of apprentices;
- (e) the certificates to be issued on completion of apprenticeship;
- (f) the nomination of members to the Committee;
- (g) the extension of any term of apprenticeship;
- (h) the deferment of wage increases for apprentices;
- (i) the transfer of apprentices;
- (j) the premature termination of contracts of apprenticeship.

Amended by [\[Act No. 17 of 1974\]](#)

21. Powers of entry and inspection

- (1) The Controller, Employment Service or any officer of the Ministry for Employment so authorised in the prescribed manner may at any reasonable time enter any premises in which an apprentice is employed for any of the following purposes -
 - (a) to put questions concerning such apprentice to the employer, to the apprentice himself or to any other person who may be concerned;
 - (b) to require the production for inspection of any contract of apprenticeship, or of any of the registers or records required to be kept under this Act or any regulations made under it;
 - (c) to examine and make extracts from and copies of any such contract, register or record.
- (2) Any person who -
 - (a) refuses or fails to comply to the best of his ability with any request made to him in accordance with this section; or
 - (b) obstructs, hinders or molests the Controller, Employment Service or any authorised officer in the exercise of his powers under this section,shall commit an offence.

Amended by [\[Act No. 17 of 1974\]](#)

22. Prosecution

Any person duly authorised by the Minister for Employment may prosecute for any offence under this Act.

Amended by [\[Act No. 17 of 1974\]](#)

23. Penalty

Any person who commits an offence under this Act or any regulation made under it shall, on conviction, be liable to a fine not exceeding 500 rupees.