

Seychelles

Employment Act

Employment (Stevedore Conditions of Employment) Regulations, 2018

Statutory Instrument 36 of 2018

Legislation as at 1 June 2020

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Employment (Stevedore Conditions of Employment) Regulations, 2018
Contents

Section 1. 1
Section 2. 1
Section 3. 1
Section 4. 1
Section 5. 2
Section 6. 2
Section 7. 2
Section 8. 2
Section 9. 3
Section 10. 3
Section 11. 3
Section 12. 3

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Employment (Stevedore Conditions of Employment) Regulations, 2018 Statutory Instrument 36 of 2018

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1.

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

2.

For the purposes 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).

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.

4.

In these regulations, unless the context otherwise requires—

"**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 seagoing ship or inland water vessels and who provides the ancillary services related to those goods within Seychelles in transit vessels, in the harbour and in areas engages 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;
- (e) a representative of each employer;
- (f) a representative of the workers' union for stevedores.

6.

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 part 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.

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 not 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.

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.

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).

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.