

Frequently Asked Questions

- 1. As from 1st April 2020, will the government assist employers financially to effect salary payments for all private workers and other categories of workers within the ambit of the Employment Act?**

Yes.

- 2. Is the financial assistance by the government to enable employers to effect salary payments to workers automatic?**

It is not automatic. Each employer will have to follow an application procedure established by the Ministry of Finance. This will be communicated to the employers in due course by the relevant Ministry.

- 3. What are the categories of workers which will benefit from the salary payments?**

- Private workers and parastatal workers (sectors which falls under the Employment Act 1995)

- 4. Will Non Seychellois be exempted from the salary payments?**

Provided that they fall under the relevant categories of workers, and are currently in the country, with a valid GOP will benefit from the salary payments.

- 5. Can an employer apply for redundancy to terminate the contract of employment for Non Seychellois and Seychellois workers due to poor performance of the business in regards to consequential losses as a result of the pandemic?**

Given that the government is providing financial assistance to businesses being affected by the pandemic, no redundancy will be approved by the Ministry on that basis.

6. Can an employer apply for lay off of the employees due to poor performance of the business as a result of the pandemic?

Given that the government is providing financial assistance to businesses being affected by the pandemic, no lay off will be approved by the Ministry on that basis.

7. Can an employer terminate the contract of a worker on probation by any reasons pertaining to this pandemic?

An Employer cannot do so.

8. What will happen with self-employed/chartered services/freelancers in terms of salary?

They will have to follow an application procedure established by the Ministry of Finance. This will be communicated in due course by the relevant Ministry.

9. Should businesses cease to operate for safety reasons, losses or any other reasons associated with the pandemic. Will this be deducted on the workers annual leave?

This will not be deducted on their annual leave subject to the provisions of the Employment Coronavirus Emergency Leave Regulation 2020, S.I. 57.

10. Should parents with children below 15 years apply for leave to care for their children due to the closure of schools, day care and child minding, what does the law say about that?

Subject to Employment (Coronavirus Emergency Leave) Regulation 2020, an emergency leave will apply for parents in that category, effective on 16th March 2020 subject to the parents meeting the requirements of the Regulation.

11. Can parents with children below 15 years, who have applied for leave prior to 16th March 2020 be refunded their annual leave?

No, they will not be refunded any leave prior to 16th March 2020, however any leave undertaken by the employee after the 16th March 2020 by reason that they have to care for their children will not be deducted on their annual leave as the emergency will be deemed to have taken effect.

12. When will the government assist the employers to effect salary payments for workers in Seychelles?

April 2020, May 2020 and June 2020

13. What will happen to salary payments due to the workers before 31st March 2020?

It is the Employers' obligation to pay all of its workers.

14. Can employees from essential services take annual leave to take care of children below 15 years old?

The emergency leave is not mandatory for workers in essential services however, the Employer may allow the employee to take the emergency leave subject working arrangements mutually agreed between them.

15. What will happen to Non Seychellois worker, should their contract of employment be expired and the employer requests for renewal?

As the law makes provisions that contracts are extended or renewed by the employer, the employer may still do the necessary procedure at the Ministry of Employment whilst having a duty of care to the employer for example obligations to provide food and shelter.

16. What will happen to Non Seychellois workers, should their contract of employment be expired and the employer does not request for renewal?

The Employer will need to seek assistance with the Embassy or consulate to cater for the Employee and make any arrangements thereof. This is so because it is the Employer's duty to provide the airfare tickets to the employee and the employee remains in the employers care until this is so.

17. Whether the Employee has resigned and his/her notice period is due, what will happen should there is a ban preventing the Employee to leave the country?

As the relationship would have ceased with the Employer, the Employee will have to liaise with the Embassy or consulates for any arrangements thereof to leave the country.

18. What will happen if the G.O.P of the Employee expires during this time?

The Employer may apply for the renewal of post to obtain a new GOP. If this is not the case given that it is the Employers' duty to purchase the ticket for the Employee to return to their home country, the Employee will remain under the care of the Employer until they can.

19. Can Employers in non-essential services make arrangements for working parents if the business is still operating so as to apply for emergency leave?

This should be discussed with the Employer just because it is non-essential does not mean that the business should cease to operate.

20. What about variations of contracts of the employees during this period?

This should be subjected to the Employer however the contract should not vary if it is not reasonable and relevant to the duties of the Employers.

21. What will happen to employees out of the country and cannot enter to discharge their duties given the circumstances?

They should have applied their annual leave and if they are not in the country when the leave is due, they would have to agree on unpaid leave. In the worst case scenarios, the contract will be frustrated.

22. If the employees have medical conditions/pregnancy preventing them from discharging their duties as the virus can worsen their conditions?

This will operate under the normal sick leave regulations.

23. Does the Employment (Coronavirus Emergency Leave) Regulation 2020 apply to offshore companies?

No. It applies for private and parastatal business provided that they are covered under Employment Act 1995. However the relevant regulators may incorporate this as part of their legislation.

24. Will the emergency leave apply to working mothers who are on maternity or due to be on maternity leave to them as well?

The emergency leave does not apply in conjunction with maternity leave however if the maternity leave has not come in to force or is coming to end then the parent may apply the emergency leave subject to the regulation.