

Amended Protocol on Heavy Rainfall for the Private Sector following amendment to the Workers' Rights Act

This Protocol serves as a guideline for providing practical advice to private sector organisations in times of heavy rainfall/localised heavy rainfall. No civil or criminal liability shall be attached to any person and/or organisations in the execution of their roles, responsibilities and actions associated with this Protocol.

The Protocol may be subject to further amendments in the light of changing circumstances.

1. Introduction

Summer, which usually spans from November to April of the following year, is the main rainy season in Mauritius. During this period, rain can be at times particularly heavy and persistent. Over the last decade, Mauritius has witnessed spells of unexpected heavy rain during other periods of the year as well.

Heavy rains normally cause water accumulation and flooding in certain areas and may cause severe traffic congestion and eventual disruption of economic activity.

Acknowledging the fact that the Ministry of Public Service, Administrative and Institutional Reforms has developed a **Protocol on Heavy Rainfall for Civil Servants**, Business Mauritius (BM) supports the initiative for the introduction of a **Protocol for Private Enterprises**, as well.

Recognising that the business community comprises of numerous enterprises operating in different sectors and industries, BM proposes that the Protocol takes into account the specific nature of activities and operations within these sectors.

2. Objective

This Protocol seeks to provide advice and practical guidelines to private enterprises on work arrangements in times of heavy rainfall/localised heavy rainfall and aims at ensuring safety of employees and service continuity.

It supplements any specific preparedness plan that an enterprise may already have in place and which is being implemented. For enterprises which may not have such a plan, Business Mauritius recommends them to set up a Preparedness Plan and a Business Continuity Plan in case of heavy rainfall. A model of a Preparedness Plan is set out at **Appendix I**.

3. Requirements for the Implementation of the Protocol

1. Business Mauritius will act as the liaison or focal contact for private businesses.
2. A Heavy Rainfall Committee (HRC) has to be set up at the level of every enterprise.
3. The Composition, Terms of Reference and Objects of the Heavy Rainfall Committee are set out in **Appendix II**.
4. A line of communication will be established between Business Mauritius and the National Crisis Committee (NCC) which is set up under the National Disaster Risk Reduction Management Act 2016.
5. The Protocol will apply after the issue of heavy rainfall warning by the Mauritius Meteorological Services (MMS) and after consultations between NCC and Business Mauritius.

4. Work Arrangements during Heavy Rainfall Warning

The following work arrangements are recommended when a Heavy Rainfall Warning has been issued by the MMS:

| Scenario / Circumstances | | Work Arrangement | |
|--------------------------|---|--|---|
| | | Responsibility of Employer/Employees | Remarks |
| (a) | (i) The Warning is issued <u>BEFORE</u> Normal Working Hours | <ul style="list-style-type: none"> • All employees should report for duty as usual unless their Employer has issued a Communiqué for them not to report for duty. • Employees should inform their Supervisors as soon as practicable if they have difficulties in reporting for duty. • Supervisors are to ensure that employees working outdoors are protected and that all preparedness measures have been completed. | <ul style="list-style-type: none"> • Management and employees to monitor evolution of weather through official sources namely MMS website, media, my.t weather, emergency alert and other apps. • Employees not in a position to report for duty may apply for annual leave to cover their absence. • Employees travelling by their own means of transport shall keep themselves informed of the situation through Traffic 'Info-Route' and Communiqués of the Police. |

| Scenario / Circumstances | Work Arrangement | |
|---|--|--|
| | Responsibility of Employer/Employees | Remarks |
| (ii) The Warning is <u>waived</u> before 2 p.m | <ul style="list-style-type: none"> All employees who have reported duty will continue to work until their normal working hours. All employees who initially at the request of their Employers have not reported to work will now have to report to work as soon as possible unless directed otherwise by their Employers. Employees should inform their Supervisors as soon as practicable if they have difficulties in reporting for duty. | <ul style="list-style-type: none"> Management to give due consideration to practical difficulties which employees may encounter when reporting for duty. Application for annual leave by employees in case they are not in a position to report to work. |
| (iii) The Warning is <u>waived</u> at/after 2 p.m | <ul style="list-style-type: none"> All employees who have reported duty will continue to work until their normal working hours. Employees initially absent from work at the request of their Employers working in essential services will have to report to work. Employees working on a shift which is to start at a time after the removal of the warning will have to report to work. Employees who had been requested by their employers not to attend work, will not report for duty. | |
| (b) The Warning is issued <u>DURING</u> working hours | <ul style="list-style-type: none"> Employees working indoors should continue their work. Supervisors of employees working outdoors in exposed areas should promptly arrange for the employees to stop work and take shelter temporarily. Management to exercise their discretion to release the staff based on their specific circumstances. | <ul style="list-style-type: none"> Organisations to consider the staggered release of employees giving due consideration to their individual needs, the work requirements and established arrangements. |

| Scenario / Circumstances | Work Arrangement | |
|--------------------------|--------------------------------------|--|
| | Responsibility of Employer/Employees | Remarks |
| | | <ul style="list-style-type: none"> • In order to ensure the safety of employees, the following are recommended: <ul style="list-style-type: none"> (a) those with reduced mobility problems such as pregnant or persons with disabilities, to be allowed to leave on a priority basis; (b) employees who live or work in affected areas to be allowed to leave earlier; and (c) employers to give consideration to make adequate and appropriate arrangements for transport, if necessary. • Details on different groups of employees necessitating staggered released to be kept and reviewed on a regular basis. |

5. Operationalisation of the Protocol

Upon the issue of a heavy rainfall warning by the MMS, Business Mauritius will invite employers to implement the Protocol and preparedness plans, if any, whilst taking the necessary actions deemed appropriate regarding the continuity and/or cessation of operations in light of the prevailing climatic situation in their respective environment.

For the effective implementation of initiatives taken by businesses, during heavy rainfall spells, Business Mauritius will maintain a line of communication with the National Crisis Committee.

When due to heavy rainfall, an employer is of the opinion that no work can be performed, he may avail himself of the provisions of Section 32 (1) of the Workers' Rights Act which provides for the payment of a full day's remuneration where owing to climatic conditions, work has been stopped after the worker has worked for more than 2 hours, and half a day's remuneration where work has been stopped before 2 hours of work.

Section 16 of the National Disaster Risk Reduction Management Act 2016 provides that the National Crisis Committee may, to safeguard the life of any person, after consultation with the Prime Minister, issue, inter-alia, an order directing any person to remain indoors as long as it is unsafe to venture outside.

Furthermore, Section 37 of the Act provides that the Prime Minister may declare a state of disaster in any area of Mauritius where a disaster in any part of the state is of such a nature and extent that exceptional measures are necessary in that area and issue such directions as is necessary to assisting and protecting the public.

Any order or declaration regarding a state of disaster issued under sect (16) and sect (37), of the National Disaster Risk Reduction Management Act 2016 respectively will have precedence over the provisions of the Protocol. Employers will have to comply with such directions issued under the National Disaster Risk Reduction Management Act 2016.

Following amendment brought to the Workers' Rights Act, provision has now been made that during a period of extreme weather condition, including but not limited to heavy or torrential rainfall, where an Order is issued by the National Crisis Committee requiring any person to remain indoors, or a state of disaster is declared as aforesaid, an employer shall not require a worker to report to work, or to continue to work, where he is exposed to the weather conditions as the case may be, and the employer shall pay to the worker:

- a full day's remuneration where no work can be performed or the worker resumes work for 2 hours or more;
- half day's remuneration where work has been stopped before the worker has completed 2 hours of work or the worker resumes work for not more than 2 hours.

6. Applicability

The Protocol is applicable to all employers of the private sector.

Enterprises, which due to the nature of their operations, working on roster, shift and staggered hours and operating within the specified sectors below may **develop a Protocol best suited to their specific business needs and to ensure continuity of their business** whilst ensuring the general safety of their employees in line with the present Protocol and the provisions of the Workers' Rights Act.

- Baking Industry
- Cleaning Industry

- Communication services
- Hotel and Catering Industry
- ICT/Business Process Outsourcing
- Livestock Industry
- Nursing Homes
- Public Transport Industry
- Security Services
- Travel Agents / Tour Operators (Inland and Sea)



APPENDIX I

GENERAL PREPAREDNESS PLAN BY BUSINESS MAURITIUS AND PRIVATE SECTOR ORGANISATIONS IN CONNECTION WITH HEAVY RAINFALL

A. Before Heavy Rain Season

Business Mauritius

Arrange for communication/sensitisation campaigns for the benefit of private sector employees

Private Enterprises should:

1. devise their company specific preparedness and emergency plans including underground facilities
2. make appropriate arrangements for the sensitisation of employees on safety precautions
3. carry out Table Top and Simulation exercises to test their readiness as appropriate
4. ensure that proper communications are in place for the dissemination of information to all departments within the organisation
5. ascertain that plans for release and evacuation of employees are readily available
6. ensure that lists of relevant contact persons/organisations are updated
7. assist the competent authorities in the implementation of appropriate risk reduction structural and non-structural measures
8. develop their Business Continuity Plan (BCP)
9. ensure availability of an operational stand-by generator, water pumps, sand bags and flood walls where applicable.

B. During Heavy Rainfall

Management to:

1. ensure that all preparedness measures have been completed
2. remain on the alert
3. strictly adhere to all precautionary instructions.

C. After Heavy Rainfall

Business Mauritius and Private Sector Organisations to:

1. carry out an assessment of the situation
2. take appropriate remedial measures on shortcomings identified, if any
3. carry out a post disaster damage assessment and provide consolidated report to NEOC
4. after the event, to carry out post-impact review and
5. update the Protocol, if necessary.

APPENDIX II

1. Composition, Terms of Reference and Responsibilities of the Heavy Rainfall Committee (HRC) within Enterprises

- The HRC to be chaired by a representative of Management or by any other person appointed by the Management
- The HRC to comprise of Head of Divisions, Human Resource Personnel, Administrative Personnel, Occupational Safety and Health Officer, Supervisors and representatives of employees/trade union representatives and
- Whenever a **Heavy Rainfall Warning** is issued by the Mauritius Meteorological Services, the HRC should:
 - (i) convene an urgent meeting to take stock of the prevailing situation
 - (ii) keep watch on the evolution of the situation and associated risks
 - (iii) take stock of the number of employees having attended duty on that day
 - (iv) decide on any appropriate arrangement/course of action to facilitate the implementation of the Protocol throughout the organisation and
 - (v) decide on such actions as deemed necessary for the smooth release, evacuation and safety of employees, including those working on any other working site associated to the organisation.

2. The HR Department/Administrative Department/Any Assigned Personnel shall have the following main responsibilities:

- (i) to be the contact point for employees and Heads of Division/Departments/Sites
- (ii) to liaise with Management in matters pertaining to release of employees during heavy rainfall
- (iii) disseminate information from HRC to Head of Division/Departments/Sites
- (iv) provide relevant information to the HRC, as and when required to maintain an updated list of officers
- (v) to compile information on the number of employees who attended duty/number of absentees and
- (vi) to work in close collaboration with the HRC on matter relating to arrangements for release of staff.

3. The Health and Safety officer shall have the following main responsibilities:

- (i) to make an assessment of the prevailing situation and to report on any safety and health issues identified
- (ii) to ensure that all appropriate arrangements are in place for the safety of all employees
- (iii) to ensure that all necessary safety rules, instructions and procedures are strictly adhered to
- (iv) work in close collaboration with the HRC on matters relating to safety and health in connection with heavy rainfall and
- (v) work in close collaboration with the HRC and report to the Liaison Officer.

4. The onus rests on Management to set a Heavy Rainfall Committee as it may deem fit and appropriate according to the specificities of its enterprise.

- 4.1 A list of employees to be drawn up and kept updated with the following information:
 - site working personnel (region wise)
 - employees with mobility problems such as those who are pregnant or persons with disabilities and
 - residential address
- 4.2 An updated list of flood prone areas to be kept readily available.
- 4.3 Plans/release arrangements for employees to be prepared and kept ready.
- 4.4 List of contact details of officers to be kept updated at all times and be readily available.

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