THE ADDITIONAL REMUNERATION ACT 1994

Act No. 19 of 1994

I assent

C. UTEEM
8 July 1994 *President of the Republic*

ARRANGEMENT OF SECTIONS

Section

1.Short title
2.Interpretation
3.Payment of additional remuneration
4.Employees paid otherwise than on a monthly basis
5.Payment to the Employees' Welfare Fund
6.Powers of authorised officers
7.Jurisdiction
8.Offences
9.Regulations
10.Application of Act
11.Saving
12.Commencement

An Act

To provide for the payment of an additional remuneration to all employees of the private sector to compensate them for an increase in the cost of living

ENACTED by the Parliament of Mauritius, as follows—

1. Short title

This Act may be cited as the Additional Remuneration Act 1994.

2. **Interpretation**

In this Act—

"appointed day" means 1 July 1994;

"additional remuneration", in relation to an employee, means the appropriate amount determined in accordance with, or specified in the second column of the Schedule corresponding to the basic wage or salary payable to the employee and specified in the first column of that Schedule;

"authorised officer", in relation to an employee, means—

(a) in respect of section *5*, the Permanent Secretary of the Ministry of Social Security and National Solidarity;

(b) in any other case, the Permanent Secretary of the Ministry of Labour and Industrial Relations or any public officer authorised by him;

"basic wage or salary"—

(a) means—

(i) in relation to an employee whose basic wage or salary is prescribed, such basic wage or salary, whether or not the employee's actual wage or salary exceeds the prescribed wage or the employee is remunerated on a piece rate basis or employed on task work;

(ii) in relation to an employee in respect of whom no wage or salary is prescribed or agreed upon in his contract of service, the total amount, by whatever name called, earned by him as from the appointed day;

(iii) in every other case, the basic wage or salary agreed upon in his contract of service, whether or not the employee's wage or salary exceeds the agreed wage or salary or the employee is remunerated on a piece rate basis or employed on task work;

(b) includes any previous additional remuneration granted by law;

(c) does not include any allowance, commission or other benefit not forming part of an employee's wage or salary, but given to him in addition to his wage or salary:

"employee"—

(a) means any person who works or has worked under a full time or part-time contract of service or apprenticeship, whether the contract is express or implied, oral or in writing, and whether the person is paid daily, weekly, monthly or otherwise;

(b) does not include a public officer;

"Minister" means the Minister to whom responsibility for the subject of labour and industrial relations is assigned.

3. Payment of additional remuneration

(1) Subject to subsection (4) and to section 10, every employer shall, as from the appointed day, pay to every employee in his employment, in addition to the basic wage or salary payable to the employee, the additional remuneration.

(2) Where the wage or salary of an employee is paid partly by one employer and partly by another, each employer shall pay that part of the additional remuneration which bears the same proportion to the additional remuneration as the part of the wage or salary paid by him bears to the total wage or salary.

(3) Where an employer has paid during the period 1 July 1993

to 30 June 1994 an increase in wage or salary other than by virtue of the Additional Remuneration Act 1993 or an award of the Permanent Arbitration Tribunal or by way of an increment or increase on promotion, and such increase was specified in writing, or agreed upon by the employee, as being an increase in wage or salary designed specifically to compensate the employee for an increase in the cost of living in respect of the above-mentioned period, there shall be sufficient compliance with subsection (1), in case such increase is less than the additional remuneration specified in subsection (1), if the employer pays the difference.

(4) Where an employee is remunerated on a piece sate basis at rates prescribed in—

(a) the Sugar Industry (Agricultural Workers) (Remuneration Orders) Regulations 1983;

(b) the Baking Industry (Remuneration Order) Regulations 1993;

(c) the Cinema Workers' (Remuneration Order) Regulations 1987;

(d) the Tea Industry Workers (Remuneration Order) Regulations 1984; or

(e) in any other enactment,

such rates shall, as from the appointed day, be increased by 9.5 per cent.

(5) Where civil or criminal proceedings are instituted against an employer under this Act in relation to an employee first employed by him on or after the appointed day, it shall be a defence for the employer to prove that the wage or salary paid to the employee is not less favourable than all the pecuniary payments made to any other employees of the same grade.

4. Employees paid otherwise than on a monthly basis

Where an employee is remunerated otherwise than on a monthly basis, it shall be deemed, for the purpose of determining the appropriate additional remuneration, that a month, a fortnight or a week shall consists of such number of days as are prescribed in any other enactment or agreed upon in relation to that employee.

5. Payment to the Employees' Welfare Fund

Every employer shall, in respect of the period of 12 months beginning on 1 July 1994, pay *2.5* per cent of the basic wage or salary of his employees to the National Pensions Fund for credit to a special fund established under the Finance and Audit Act and known as the Employees' Welfare Fund.

6. Powers of authorised officers

Notwithstanding any other enactment, an authorised officer, may for the purpose of ensuring compliance with this Act—

(a) enter any work premises or office of an employer;

(b) inspect any book or record kept by an employer in relation to his employees;

(c) request an employer to furnish him with any I information or document which he may require;

(d) prosecute a person who commits an offence;

(e) enter any action on behalf of an employee,

7. Jurisdiction

Notwithstanding any other enactment—

(a) in the Island of Mauritius, the Industrial Court;

(b) in Rodrigues, the Magistrate of Rodrigues;

(c) in the other islands under the jurisdiction of the State of Mauritius, the Magistrate visiting those islands,

shall have exclusive jurisdiction to hear and determine any civil or criminal proceedings under this Act.

8. Offences

Any person who—

(a) contravenes section 3 or 5 or any subsidiary enactment made under this Act;

(b) obstructs an authorised officer in the exercise of his powers under section 6;

(C) fails to comply with a request under section 6(c) or, in complying with the request, furnishes any information or document which he knows or should have known to be false or misleading in a material particular,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

9. Regulations

The Minister may make such regulations as he thinks fit for the purposes of this Act.

10. Application of Act

This Act shall cease to apply in relation to any employee who is governed by an enactment where the enactment is amended after the commencement of this Act to include specifically the increase provided by this Act, except where the actual wage or salary earned by an employee immediately before the appointed day exceeds the wage or salary prescribed for him under any enactment.

11. Saving

This Act shall be in addition to, and not in derogation of, any other enactment.

12. Commencement

This Act shall come into operation on the appointed day.

Passed by the National Assembly on the fifth day of July one thousand nine hundred and ninety-four.

ANDRE POMPON
Clerk of the National Assembly

SCHEDULE
(section 2)

Monthly wage or salary	*Rs/month*
In respect of employees whose basic wage or salary is Rs 2,000 per month or less	*9.5%* rounded up to the next rupee
Above Rs 2000 up to Rs 3000	190
Above Rs 3000 up to Rs 4000	210
Above Rs 4000 up to Rs 5000	235
Above Rs 5000 up to Rs 6000	260
Above Rs 6000 up to Rs 7000	285
Above Rs 7000 up to Rs 8000	310
Above Rs 8000	335