THE ADDITIONAL REMUNERATION ACT 1990

Act No. 14 of 1990

I assent,

V.GLOVER
13 July 1990 Acting Governor-General

ARRANGEMENT OF SECTIONS

Section

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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 1990.

2. Interpretation.

In this Act-

"appointed day" means 1 July 1990;

"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 the Permanent Secretary of the Ministry of Labour and Industrial Relations, Women's Rights and Family Welfare, or any public officer authorised by him or by the Minister;

" 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 salary 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;

(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 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 of Labour and Industrial Relations, Women's Rights and Family Welfare.

3. Payment of additional remuneration.

(1) Subject to subsection (4) of this section and to section 9, 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 as from I July 1989 an increase in wage or salary other than 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, 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 rate basis at rates prescribed in-

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

(b) the Baking Industry (Remuneration Order) Regulations 1976;

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

(d) in any other enactment,

such rates shall, as from the appointed day, be increased by 11%.

(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 employee 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 consist of such number of days as are prescribed in any other enactment or agreed upon in relation to that employee.

5. 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 information or document which he may require;
(d) prosecute a person who commits an offence;
(e) enter any action on behalf of an employee.

6. 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.

7. Offences.

Any person who--

(a) contravenes section 3 or any subsidiary enactment made under this Act;
(b) obstructs an authorised officer in the exercise of his powers under section 5;
(c) fails to comply with a request under section 5(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.

8. Regulations.

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

9. 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.

10. Saving.

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

11. Commencement.

This Act shall be deemed to have come into operation on the appointed day.

Passed by the Legislative Assembly on the tenth day of July one thousand nine hundred and ninety.

L. RIVALTZ QUENETTE
Clerk of the Legislative Assembly

SCHEDULE
(Section 2)

First Column	Second Column

In respect of employees who earn up to Rs 2000 per month		11% rounded up to the next rupee
		Rs
Above Rs 2000 up to Rs 3000 per month	...	220
Above Rs 3000 up to Rs 4000 per month	...	275
Above Rs 4000 up to Rs 5000 per mouth	...	330
Above Rs 5000 up to Rs 6000 per month	...	385
Above Rs 6000 up to Rs 7000 per month	...	440
Above Rs 7000 up to Rs 8000 per month	...	495
Above Rs 8000	...	525