THE ADDITIONAL REMUNERATION ACT 1988

Act No. 25 of 1988

I assent,

C.I. MOOLLAN

11 November 1988 Acting Governor-General

ARRANGEMENT OF SECTIONS

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An Act
To provide for the payment of an additional remuneration to certain categories of employees 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 1988.

2. Interpretation.

In this Act-

"appointed day" means 1 November 1988.

"additional remuneration" in relation to an employee means the appropriate amount determined in accordance with, or specified in, the second column of the First 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, or any public officer authorised by him or by the Minister of Labour and Industrial Relations, Women's Rights and Family Welfare;

"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 of salary is prescribed or agreed upon in his contract or 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) 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-

(i) a public officer;

(ii) a person employed by a body specified in the Second Schedule; and

(iii) an employee of the National Transport Corporation who is not governed by Remuneration Order Regulations;

"export enterprise" has the same meaning as in the Export Processing Zones Act.

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 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-

(i) an employer in an Export Enterprise has paid an increase in wage or salary, as from the 1st July 1988, other than by way of an increment or increase on promotion, which is less than the additional remuneration specified in subsection (1);

(ii) any other employer has granted an increase in wage or salary to an employee upon an express written agreement with an employee or a trade union of employees that the increase shall, in the event of additional remuneration being prescribed, be set off against such prescribed additional remuneration,

there shall be sufficient compliance with subsection (1) if the employer pays the difference between the increase so paid and the additional remuneration.

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

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

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

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

(iv) in any other enactment,

such rates shall, as from the appointed day, be increased by 15%.

(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 -Dr 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.

Nothwithstanding 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.

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

(2) The Minister may by regulations amend the Second Schedule and any such amendment shall be deemed to take effect as from the appointed day.

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 eighth day of November, one thousand nine hundred and eighty-eight.

FIRST SCHEDULE

(section 2)

First column	*Second column*
In respect of employees who earn up to Rs 1000 per month	15% rounded up to the next 25 cents
Above Rs 1000 up to Rs 1100 per month	158
Above Rs 1100 up to Rs 1200 per month	172
Above Rs 1200 up to Rs 1300 per month	188
Above Rs 1300 up to Rs 1400 per month	202
Above Rs 1400 up to Rs 1500 per month	220
Above Rs 1500 up to Rs 1700 per month	225
Above Rs 1700 up to Rs 1900 per month	230
Above Rs 1900 up to Rs 2100 per month	235
Above Rs 2100 up to Rs 2300 per month	240
Above Rs 2300 up to Rs 2500 per month	245
Above Rs 2500 up to Rs 2800 per month	255
Above Rs 2800 up to Rs 3100 per month	265
Above Rs 3100 up to Rs 3400 per month	275
Above Rs 3400 up to Rs 3700 per month	285
Above Rs 3700 up to Rs 4000 per month	310
Above Rs 4000 up to Rs 4400 per month	335
Above Rs 4400 up to Rs 4800 per month	370
Above Rs 4800 up to Rs 5200 per month	400
Above Rs 5200 up to Rs 5600 per month	435
Above Rs 5600 up to Rs 6000 per month	465
Above Rs 6000 up to Rs 6500 per month	500
Above Rs 6500 up to Rs 7000 per month	540
Above Rs 7000 up to Rs 7500 per month	580
Above Rs 7500 up to Rs 8000 per month	620
Above Rs 8000 up to Rs 8500 per month	660
Above Rs 8500 up to Rs 9000 per month	700
Above Rs 9000 up to Rs 9500 per month	740
Above Rs 9500 up to Rs 10000 per month	780
Above Rs 10000 per month	800

SECOND SCHEDULE

(section 2)

Agricultural Marketing Board Central Electricity Board
Central Housing Authority Central Water Authority
Development Bank of Mauritius Development Works Corporation
Grand Port-Savanne District Council Irrigation Authority

Mahatma Gandhi Institute
Mauritius Broadcasting Corporation Mauritius College of the Air
Mauritius Co-operative Union Limited Mauritius Examinations Syndicate
Mauritius Export Development and Investment Authority Mauritius Housing
Corporation Mauritius Institute of Education Mauritius Marine Authority
Mauritius Meat Authority
Mauritius Sugar Terminal Corporation
Mauritius Telecommunications Services Ltd.
Moka-Flacq District Council
Municipality of Beau Bassin/Rose Hill Municipality of Curepipe
Municipality of Port Louis
Municipality of Quatre Bornes
Municipality of Vacoas/Phoenix
Outer Islands Development Corporation
Pamplemousses-Rivière du Rempart District Council Private Secondary Schools
Authority Private Secondary Schools
State Insurance Corporation of Mauritius State Trading Corporation
Stock Exchange Commission
Sugar Industry Development Funds Sugar Insurance Fund Board
Sugar Industry Labour Welfare Fund
Sugar Planters' Mechanical Pool Corporation Tea Board
Tea Development Authority Tobacco Board
Town and Country Planning Board
Trust Fund for the Treatment and Rehabilitation of Drug Addicts
University of Mauritius
Widows and Children's Pension Scheme Board