THE ADDITIONAL REMUNERATION ACT 1987

Act No. 16 of 1987

I assent,

V. RINGADOO
10 December 1987 Governor-General

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

ENACTED by the Parliament of Mauritius, as follows,-

1. Short Title.

This Act may be cited as the Additional Remuneration Act 1987.

2. Interpretation.

In this Act-

"appointed day" means 1 July 1987;

"authorised officer", in relation to an employee, means the Permanent Secretary, or any public officer authorised by him or by the Minister of Labour & 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 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,

(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 Schedule;

(iii) a worker whose conditions of employment are governed by-

(A) the Export Enterprises (Remuneration Order) Regulations 1984, as subsequently amended;

(B) the Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations'1983, as subsequently amended;

(C) the Sugar Industry (Non-Agricultural Workers)(Remuneration Order) Regulations 1985, as subsequently amended.

3. Payment of additional remuneration.

(1) Subject to section 8, 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 an additional remuneration equivalent to not less than 10 per cent of the basic wage or salary.

(2) Where the basic 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 basic wage or salary paid by him bears to the total basic wage or salary.

(3) Where an employer has paid an increase, as from the appointed day, other than by way of an increment or increase on promotion, which is less than the additional remuneration specified in subsection (1)there shall be sufficient compliance with subsection (1) if the employer pays the difference between the sum so paid and the additional remuneration.

(4) 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. 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.

5. 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 island 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.

6. 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 4;

(c) fails to comply with a request under section 4(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.

7. Regulations

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

8. Application of Act

This Act shall cease to apply in relation to any employee who governed by an enactment where the enactment is amended after the commencement of this Act to include specifically the increase provided by this Act.

9. Saving.

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

10. 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 December one thousand nine hundred and eighty seven.

L Rivaltz Quenette Clerk of the Legislative Assembly

SCHEDULE

(Section 2)

Agricultural Marketing Board
Cargo Handling Corporation
Central Housing Authority
Central Water Authority
Development Bank of Mauritius
Development Works Corporation
Irrigation Authority
Mahatma Gandhi Institute
Mauritius Broadcasting Corporation
Mauritius Co-operative Union Limited
Mauritius College of the Air
Mauritius Examinations Syndicate
Mauritius Housing Corporation
Mauritius Institute of Education
Mauritius Marine Authority
Mauritius Meat Authority
Mauritius Sugar Terminal Corporation
Outer Islands Development Corporation
Private Secondary Schools Authority
State Insurance Corporation of Mauritius
State Trading Corporation
Sugar Industry Development Funds
Sugar Industry Labour Welfare Fund
Sugar Insurance Fund Board
Sugar Planters' Mechanical Pool Corporation
Tea Board
Tea Development Authority
Tobacco Board
Town and Country Planning Board
Widows and Children's Pension Scheme Board
Municipality of Port Louis
Municipality of Beau Bassin/Rose Hill
Municipality of Curepipe
Municipality of Quatre Bornes
Municipality of Vacoas/Phoenix
Moka-Flacq District Council
Pamplemousses-Rivière du Rempart District Council
Grand Port-Savanne District Council