THE ADDITIONAL REMUNERATION ACT 1985

Act No. 51 of 1985

I assent,

S. RAMGOOLAM
Governor-General

25 July 1985

ARRANGEMENT OF SECTIONS

Section

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27th July 1985

To provide for the payment of an additional remuneration

ENACTED by the Parliament of Mauritius, as follows –

1. Short title.

This Act may be cited as the Additional Remuneration Act 1985.

2. Interpretation.

In this Act –

"appointed day" means I July 1985;

"appropriate 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, other than a public officer, means the Principal Labour officer, or any public officer authorised by him or by the Minister of Labour and Industrial Relations;

"basic wage or salary" –

(a) means –

(i) in relation to an employee who is remunerated on a piece-rate basis, the amount which is immediately before the appointed day –

(a) payable in respect of his work; and
(b) either prescribed in any other enactment or agreed upon his contract of service;

(ii) in relation to an employee who is employed on task work, the amount payable in respect of the work normally allotted to him immediately before the appointed day and prescribed in any other enactment or agreed upon in his contract of service;

(iii) in relation to an employee in respect of whom the wage or salary is prescribed in any other enactment but whose actual wage or salary exceeds the wage or salary prescribed, his actual wage or salary;

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

(b) does not include any allowance, commission or other benefit given to an employee in addition to the wage or salary earned by him or which is not in the nature of a 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; and

(b) includes a public officers.

3. Payment of additional remuneration.

(1) Subject 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 appropriate additional remuneration.

(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 appropriate additional remuneration which bears the same proportion to the appropriate additional remuneration as the part of the basic wage or salary paid by him bears to the total basic wage or salary.

(3) 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 any enactment where the enactment is amended after the commencement of this Act to include specifically for the increase provided by this Act except where -

(a) 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; or

(b) the employee is remunerated on a piece-rate basis and has not been granted as from the appointed day an increase in the piece-rate equivalent to at least the appropriate additional remuneration.

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.

SCHEDULE
(Section 2)

Basic wage or salary

In respect of employees who earn up to Rs 800 per month	... 9% rounded up to the next 25 cents
In respect of employees who are remunerated on a piece-rate basis	... 9% rounded up to the next 25 cents

Above	Rs 800 up to Rs 850 per month	...	... Rs 74
"	Rs 850 up to Rs 900 per month	...	... Rs 79
"	Rs 900 up to Rs 950 per month	...	... Rs 83
"	Rs 950 up to Rs 1000 per month	...	... Rs 88
"	Rs 1000 up to Rs 1100 per month	...	... Rs 94
"	Rs 1100 per month	...	... Rs 100