THE ADDITIONAL REMUNERATION ACT 1982

Act No. 9 of 1982

I assent,

D.BURRENCHOBAY
Governor-General

10th August 1982

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To provide for the payment of an additional remuneration to all employees

(10 August).

ENACTED by the Parliament of Mauritius, as follows--

Short title.

1. This Act may be cited as the Additional Remuneration Act 1982.

Interpretation.

2. In this Act-

"appointed day" means 1 July 1982.

"appropriate additional remuneration", in relation to an employee, means the appropriate amount determined in accordance with, or specified in the second column of the Second 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-

(A) payable in respect of his work; and
(B) either prescribed in any other enactment or agreed upon in 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 no basic 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;
(iv) in every other case, the total amount, by whatever name called, prescribed in any other enactment or agreed upon in his contract of service and which would have been payable to him as from the appointed day,

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

"employee" includes-

(a) a public officer.
(b) a person who is employed by a local authority or a body specified in the First Schedule
(c) a 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 or is oral or in writing, and whether the person is paid daily, weekly, monthly or otherwise.

Payment of additional remuneration

3. (1) As from the appointed day, every employer shall 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.

Employees paid otherwise than on a monthly basis

4. 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.

Powers of authorised officers.

5. 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.

Jurisdiction.

6. 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.

Offences.

7. Any person who--

(a) contravenes section 3 or any subsidiary enactment 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.

Regulations.

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

Application of Act.

9. This Act shall cease to apply in relation to any category of employees who are governed by a Remuneration Order where the Order is amended after the commencement of this Act to specifically include for the increase provided by this Act.

Saving.

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

Commencement

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

FIRST SCHEDULE
(section 2)

Agricultural Marketing Board Bank of Mauritius
Central Electricity Board
Central Housing Authority
Central Water Authority
Development Bank of Mauritius
Development Works Corporation Mahatma Gandhi Institute
Mauritius Broadcasting Corporation Mauritius College of the Air
Mauritius Co-operative Union
Mauritius Housing Corporation Mauritius Institute of Education
Mauritius Marine Authority Mauritius Meat Authority
Mauritius Sugar Terminal Corporation National Transport Corporation
Private Secondary Schools Authority
State Insurance Corporation of Mauritius Sugar Industry Development Fund
Sugar Industry Labour Welfare fund Sugar Insurance Fund
Sugar Millers Development Fund
Sugar Planters' Development Fund
Sugar Planters' Mechanical Pool Corporation Tea Board
Tea Development Authority
Tobacco Board
Town and Country Planning Board Valuation Tribunal
Widows' and Children's Pension Scheme Board

SECOND SCHEDULE
(section 2)

Basic wage or salary		
In respect of employees who earn up to Rs 600 per month or who are remunerated an a piece-rate basis		*8.0% rounded up to the next 25 cents*
Rs	Rs	Rs
Above 600	up to 650 per month	50
650	700	54
700	750	58
750	800	62

800	850		66
850	900		70
900	950	...	74
1OOO	950	...	78
1000	1100		84
4100	1200		92
1200	1300		100
1300	1400		108
1400	1500	...	116
1500	1690	...	124
1600	1700		132
1700			135
			flat