THE ADDITIONAL REMUNERATION ACT 1981

Act No. 10 of 1981

I assent,

D.BURRENCHOBAY
23 June 1981 Governor-General

ARRANGEMENT OF SECTIONS

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To provide for the payment of an additional remuneration to all employees (23 June).

ENACTED by the Parliament of Mauritius, as follows-

Short title.

1. This Act may be cited as the Additional Remuneration Act 1981.

Interpretation.

2. In this Act-

"appointed day" means the 1st July, 1981;

"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"
(i) means-

(A) in relation to an employee who is remunerated on a piece rate basis or who is employed on task work the amount payable in respect of his work and prescribed in any other enactment or agreed upon in his contract of service: provided that in the case of an employee

employed on task work, the task normally allotted to him before the appointed day shall not be increased ;

(B) 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;

(C) 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;

(ii) 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 expressed 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 authorized 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 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 five thousand rupees.

Regulations.

8. The Minister may make such regulations as he deems 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 the increase provided by this Act.

Consequential amendment

10. The Additional Remuneration Act 1980 shall cease to apply to any category of employees who are governed by a Remuneration Order and the Remuneration Order was amended after the commencement of that Act to specifically include the increase provided by that Act.

Saving.

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

Commencement.

12. This Act shall 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)
PART I

Employees whose remuneration is governed by The Sugar Industry (Agricultural Workers) Remuneration Order 1974 and the Sugar Industry (Non-Agricultural Workers) Remuneration Order 1974-

(a) In respect of employees whose basic wage or salary does not exceed Rs 1500 monthly-

(i) in respect of women ... 20 per cent of the basic wage or salary(rounded up to the next 25 cents)

(ii) in respect of men ... 18 per cent of the basic wage or salary(rounded up to the next 25 cents)

(b) In respect of employees whose basic wage or salary exceeds Rs 1500 monthly, the appropriate rate specified in Part II of this Schedule.

PART II
OTHER EMPLOYEES

Basic Wage or salary

In respect of employees who earn up to Rs 550 per month or who are remunerated on a piece-rate basis ...	... 15.5% rounded up to the next 25 cents
Above 550 up to 600 per month	... Rs 89
Above 600 up to 650 per month	... Rs 97
Above 650 up to 700 per month	... Rs 105
Above 700 up to 750 per month	... Rs 113
Above 750 up to 800 per month	... Rs 120
Above 800 up to 850 per month	... Rs 128
Above 850 up to 900 per month	... Rs 136
Above 900 up to 950 per month	... Rs 143
Above 950 up to 1000 per month	... Rs 151
Above 1 000 up to 1100 per month	... Rs 163
Above 1 100 up to 1200 per month	... Rs 178
Above 1 200 up to 1300 per month	... Rs 194
Above 1 300 up to 1400 per month	... Rs 209
Above 1 400 up to 1500 per month	Rs 225
Above 1 500 up to 30OO per month	... Rs 240
Above 3 600 up to 4000 per month	... Rs 250
Above 4 000 up to 5000 per month	... Rs 275
Above 5 000 up to 6000 per month	... Rs 300
Above 6 000 ...	... Rs 325