ADDITIONAL REMUNERATION ACT 1980

Act No. 14 of 1980

I assent,

D.BURRENCHOBAY
Governor-General

30th June, 1980.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Payment of additional remuneration.
4. Employees paid otherwise than on a monthly basis.
5. Powers of authorised officers.
6. Jurisdiction.
7. Offences.
8. Regulations.
9. Saving.
10. Commencement.

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

ENACTED by the Parliament of Mauritius, as follows-

1. This Act may be cited as the Additional Remuneration Act 1980.

2. In this Act-

"appointed day" means the 1st July, 1980.

"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, the amount payable in respect of his work and prescribed in any other enactment or agreed upon in his contract of service;
(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.

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.

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.

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.

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.

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 five thousand rupees.

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

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

10. This Act shall come into operation on the appointed day.

Passed in the Legislative Assembly on the twenty seventh day of June, one thousand nine hundred and eighty.

GUY T. D'ESPAIGNET
Clerk of the Legislative Assembly

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 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	Additional remuneration (in rupees)	(in percentage)
In respect of employees who earn up to Rs 550 per month or who are remunerated on a piece-rate basis		11% rounded to the next 5 cents
Above 550 up to 600 per month	...	... 63
Above 600 up to 650	...	... 69
Above 650 up to 700	...	... 74
Above 700 up to 750	...	... 80
Above 750 up to 800		85
Above 800 up to 850	...	... 91
Above 850 up to 900	...	... 96
Above 900 up to 950	...	... 102
Above 950 up to 1000	...	... 107
Above 1000 up to 1100	...	... 115
Above 1100 up to 1200	...	... 126
Above 1200 up to 1300	...	... 137
Above 1300 up to 1400	...	... 148
Above 1400 up to 1500	...	... 159
Above 1500 up to 2400	...	... 170
Above 2400 up to 2700	...	... 180
Above 2700 up to 3000	...	... 190
Above 3000 up to 3300	...	... 200
Above 3300 up to 3600	...	... 215
Above 3600 up to 4000	...	... 230
Above 4000 up to 5000	...	... 250
Above 5000 up to 6000	...	... 275
Above 6000	...	... 300