Additional Month Remuneration Order 1979

GN No. 319 of 1979

Order made by the Minister under section 8(6) of the Labour Act 1975

1. This Order may be cited as the Additional Month Remuneration Order 1979.

2. In this Order-

"additional remuneration" means the remuneration payable under paragraph 3;

"basic wage or salary"-

(a) means-

(i) in relation to an employee in respect of whom no basic wage or salary is prescribed or agreed upon the wages or salary actually earned;

(ii) in every other case, the basic wage or salary prescribed or agreed upon;

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

"continuous employment" means employment on an average of at least two thirds of the total number of working days during which a worker has been in the employment of an employer;

"employer" has the same meaning as in the Labour Act 1975;

"worker" has the same meaning as in the Labour Act 1975;

"working day"-

(a) means a day on which work is normally performed; and

(b) includes a day on which an employee-

(i) has been absent for good and sufficient cause;

(ii) is not provided with work by his employer;

(iii) has earned his basic wage or salary.

3. (1) Subject to the other provisions of this paragraph and to paragraph 4 every employer shall pay to every worker reckoning continuous employment with him during the whole year 1979 an additional remuneration in respect of the month of December 1979 equivalent to twenty-five per cent of the worker's basic wage or salary for that month.

(2) Every employer shall pay to every worker who is in his employment in the month of December 1979 and who has been employed by him for only part of the year 1979 an additional remuneration in respect of the month of December

1979 equivalent to one twelfth of twenty five per cent of the worker's basic wage or salary for that month multiplied by the number of months' service the worker reckons in the year 1979.

(3) For the purpose of subparagraphs (1) and (2) where a worker is remunerated otherwise than at a monthly rate, his monthly basic wage or salary for the month of December 1979 shall be deemed to be-

(a) where he is remunerated at a daily rate, twenty six times his daily basic wage or salary in that month;

(b) where he is remunerated at a weekly rate, four and one third times his weekly basic wage or salary in that month.

(4) 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.

(5) Where an employer is required to pay an end of year bonus, by whatever named called, pursuant to a remuneration order, or otherwise which is less than the additional remuneration if the employer shall pay to the worker the balance between the additional remuneration and the end of year bonus.

(6) Any sum payable under this Order shall be paid to the worker on or the 31st December 1979.

4. (1) Subject to Paragraph 3 (5), this Order shall not apply to any worker entitled to an end of Year bonus, by whatever name called, pursuant to A remuneration order or otherwise, which exceeds twenty-five per cent of the worker's basic wage or salary for the month of December 1979.

(2) This Order shall not apply to a worker in the ernploymei3t of a local authority or a body specified in the Schedule.

Made by the Minister on the 27th December 1979.

SCHEDULE
(Paragraph 5)

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
Widow's and Children's Pension Scheme Board.