

THE LABOUR (AMENDMENT) BILL
(No. XXVII of 2006)

Explanatory Memorandum

The objects of this Bill are to –

- (i) raise the minimum age of competency to enter into a contract of employment from 15 to 16 years in order to harmonise the labour legislation with the recent amendment to the Education Act rendering education compulsory up to the age of 16;
- (ii) grant a female worker 12 weeks' maternity leave, with the possibility of taking a maximum of 6 weeks' leave from that entitlement prior to confinement;
- (iii) grant to a female worker two weeks' leave on full pay immediately after a miscarriage certified by a medical practitioner;
- (iv) make the provisions relating to workplace violence applicable to all categories of workers;
- (v) amend the provisions relating to deductions from severance allowance in order that an employer may deduct from any severance allowance payable half the amount of any gratuity or 5 times the amount of any annual pension granted at the age of 60 from any fund or scheme computed by reference only to the share of contributions paid by the employer, instead of by reference to the contributions made by both the employer and the worker.

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*Minister of Labour, Industrial Relations
and Employment*

10 November 2006

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 5 of principal Act amended
5. Section 19 of principal Act amended
6. Section 37 of principal Act amended
7. Section 47A of principal Act amended

A BILL

To amend the Labour Act

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Labour (Amendment) Act 2006.

2. Interpretation

In this act -

"principal Act" means the Labour Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “child” and replacing it by the following definition –

“child” means a person under the age of 16;

- (b) in the definition of “worker”, in paragraph (c)(ii), by deleting the words “except, in relation to Part VA and Part VI” and replacing them by the words “except in relation to Part VI and section 55A”.

4. Section 5 of principal Act amended

Section 5 of the principal Act is amended by deleting the figure “15” and replacing it by the figure “16”.

5. Section 19 of principal Act amended

Section 19 of the principal Act is amended by –

(a) deleting subsection (1) and replacing it by the following subsection

–

(1) (a) A female worker shall, on production of a medical certificate, be entitled to 12 weeks’ maternity leave.

(b) Leaves deductible from the 12 weeks’ entitlement may be taken within a period of 6 weeks before confinement, provided that if the leave taken exceeds four days consecutively, the worker shall produce a medical certificate to that effect.

(c) Entitlement to leave under paragraph (b) shall not prejudice the right of a worker to go on sick leave within the period of 6 weeks before confinement.

(b) adding after subsection (4) the following new subsection –

(5) A female worker shall be entitled to 2 weeks’ leave on full pay following a miscarriage certified by a medical practitioner.

6. Section 37 of principal Act amended

Section 37 of the principal Act is amended in subsection (1), in paragraph

(a) –

(a) by deleting subparagraph (i) and replacing it by the following subparagraph –

(i) half the amount of any gratuity due at the age of 60 from any fund or scheme, computed by reference only to the employer’s share of contributions;

(b) by deleting subparagraph (iii) and replacing it by the following subparagraph –

- (iii) 5 times the amount of any annual pension granted at the age of 60 from any fund or scheme, computed by reference only to the employer's share of contributions.

7. Section 47A of principal Act amended

Section 47A of the principal Act is amended by deleting subsection (1) and replacing it by the following subsection –

- (1) (a) A female part-time worker, who has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, shall be entitled to 12 weeks' maternity leave.
- (b) Leaves deductible from the 12 weeks' entitlement may be taken within a period of 6 weeks before confinement, provided that if the leave taken exceeds four days consecutively, the worker shall produce a medical certificate to that effect.
- (c) Entitlement to leave under paragraph (b) shall not prejudice the right of a worker to go on sick leave within the period of 6 weeks before confinement.