

THE EQUAL OPPORTUNITIES (AMENDMENT) BILL
(No. XVI of 2017)

Explanatory Memorandum

The object of this Bill is to amend the Equal Opportunities Act to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level, where a person's criminal record is not relevant to the nature of his employment.

P. K. JUGNAUTH

*Prime Minister, Minister of Home Affairs, External
Communications and National Development Unit,
Minister of Finance and Economic Development*

10 November 2017

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 10 of principal Act amended
4. Section 11 of principal Act amended

A BILL

To amend the Equal Opportunities Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Equal Opportunities (Amendment) Act 2017.

2. Interpretation

In this Act –

“principal Act” means the Equal Opportunities Act.

3. Section 10 of principal Act amended

Section 10 of the principal Act is amended –

- (a) by renumbering the existing provision as subsection (1);
- (b) in the newly numbered subsection (1), by adding the following new paragraph, the word “or” at the end of paragraph (d) being deleted and the full stop at the end of paragraph (e) being deleted and replaced by the words “; or” –
 - (f) where, subject to subsection (2), that person has a criminal record which is irrelevant to the nature of the employment for which that person is being considered.
- (c) by adding the following new subsection –
 - (2) The burden of establishing the relevance of the criminal record to the nature of employment shall rest with the employer or prospective employer.

4. Section 11 of principal Act amended

Section 11 of the principal Act is amended –

- (a) by renumbering the existing provision as subsection (1);
- (b) in the newly numbered subsection (1), by inserting, after paragraph (e), the following new paragraph, the word “or” at the end of paragraph (e) being deleted –
 - (ea) where, subject to subsection (2), the employee has a criminal record which is irrelevant to the nature of the promotional post for which the employee is being considered; or
- (c) by adding the following new subsection –

(2) The burden of establishing the relevance of the criminal record to the promotional post shall rest with the employer.
