

THE ADDITIONAL REMUNERATION (2014) BILL

(No. ~~XXVI~~ of 2013)

Explanatory Memorandum

The object of this Bill is to provide for the payment of additional remuneration to employees of the private sector.

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and Employment*

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Payment of additional remuneration
 4. Employees paid otherwise than on a monthly basis
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A BILL

**To provide for the payment of additional remuneration to
employees of the private sector**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Additional Remuneration (2014) Act 2013.

2. Interpretation

In this Act –

“additional remuneration”, in relation to an employee, means the appropriate amount determined in accordance with, or specified in, the second column of the Schedule and corresponding to the basic wage or salary payable to the employee as specified in the first column of the Schedule;

“appointed date” means 1 January 2014;

“authorised officer” means the Permanent Secretary or any public officer authorised by him;

“basic wage or salary” –

(a) means –

(i) in relation to an employee whose basic wage or salary is prescribed, such basic wage or salary, whether or not the employee’s actual wage or salary exceeds the prescribed wage or salary or the employee is remunerated on a piece rate basis or employed on task work;

(ii) in relation to an employee in respect of whom no wage or salary is prescribed or agreed upon in his contract of service, the total amount, by whatever name called, earned by him as from the appointed date;

(iii) in every other case, the basic wage or salary agreed upon in his contract of service, whether or not the employee’s actual wage or salary exceeds the agreed wage or salary or the employee is remunerated on a piece rate basis or employed on task work; and

(b) includes any previous additional remuneration granted under any enactment; but

(c) does not include any allowance, commission or other benefit not forming part of an employee’s wage or salary but given to him in addition to his wage or salary;

"comparable full-time employee" means a full-time employee who –

- (a) has the same type of employment relationship;
- (b) is engaged in the same or a similar type of work or occupation; and
- (c) is employed in the same establishment, enterprise or branch of activity,

as a part-time employee;

"employee" –

- (a) means any person who works or has worked under a contract of service or apprenticeship, whether the contract is express or implied, oral or in writing, and whether the person is paid daily, weekly, fortnightly, monthly or otherwise;
- (b) includes a part-time employee; but
- (c) does not include a public officer;

"Minister" means the Minister to whom responsibility for the subject of labour is assigned;

"part-time employee" means an employee whose normal hours of work are less than those of a comparable full-time employee;

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of labour.

3. Payment of additional remuneration

(1) Subject to subsections (4) and (5) and to section 9, every employer shall, as from the appointed date, pay to every employee in his employment, in addition to the actual wage or salary earned by the employee, the additional remuneration.

(2) Where the 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 wage or salary paid by him bears to the total wage or salary.

(3) Where an employer has paid during the period 1 January 2013 to 31 December 2013 an increase in wage or salary –

