

THE LABOUR (AMENDMENT) BILL
(No III of 2004)

Explanatory Memorandum

The object of this Bill is to provide for specific offences and penalties in relation to workers who are assaulted, verbally abused, threatened or subjected to other offensive behaviour in the course of or as a result of their work.

..... 2004

S. Soodun
Minister of Labour and Industrial Relations

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 55 of principal Act amended
5. New section 55A added to principal Act

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 2004.

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 by –

- (a) inserting in their proper alphabetical order, the following new definitions –

“bullying” means any form of physical or psychological harassment;

“harassment” means any unwanted conduct, verbal, non-verbal, visual, psychological or physical, based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, that a reasonable person would have foreseen that a worker would be affected negatively in his dignity and includes sexual harassment;

“sexual harassment” has the meaning assigned to it by section 20 of the Sex Discrimination Act 2002;

“threat” means any declaration of intention to use force on, or to intimidate, a worker;

- (b) in the definition of “worker” by deleting paragraph (c) and replacing it by the following paragraph –

(c) does not include –

(i) a job contractor;

(ii) except, in relation to Part VA and Part VI, a person whose basic wage or salary is at a rate in excess of 240,000 rupees per annum;

4. Section 55 of principal Act amended

Section 55 of the principal Act is amended in subsection (1), by deleting paragraph (a).

5. New section 55A added to principal Act

The principal Act is amended by inserting immediately after section 55, the following new section –

55A. Workplace violence

(1) Any person who –

- (a) assaults;
- (b) verbally abuses, swears or insults;
- (c) expresses the intention to cause harm, including bullying and threatening behaviour against;
- (d) uses aggressive gesture indicating intimidation, contempt or disdain;
- (e) harasses;
- (f) by word or act, hinders,

a worker, in the course of or as a result of, his work, shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 75,000 rupees and to imprisonment for a term not exceeding 2 years.