

THE EMPLOYMENT RELATIONS (AMENDMENT) BILL

(No. XIX of 2024)

Explanatory Memorandum

The object of the Bill is to amend the Employment Relations Act to give the Minister the power to make regulations for wage adjustment arising from the introduction or review of the national minimum wage in the private sector, including any industry or sector of activity not governed by Remuneration Regulations.

M.R.C. UTEEM

*Minister of Labour and Industrial
Relations*

13 December 2024

THE EMPLOYMENT RELATIONS (AMENDMENT) BILL

(No. XIX of 2024)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 94 of principal Act amended
 4. Eighth Schedule added to principal Act
 5. Commencement
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A BILL

To amend the Employment Relations Act with a view to providing inter alia for the payment of wage adjustment to address the issue of wage relativity that arises from the introduction or review of the national minimum wage

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Employment Relations (Amendment) Act 2024.

2. Interpretation

In this Act –

“principal Act” means the Employment Relations Act.

3. Section 94 of principal Act amended

Section 94 of the principal Act is repealed and replaced by the following section –

94. Power to make regulations to effect payment of additional remuneration, national and other minimum wage and wage adjustment

(1) Notwithstanding sections 91 to 93, the Minister may, following the enactment of any law providing for the payment of additional remuneration or national minimum wage, make such regulations as are necessary in order to reflect any such additional remuneration or national minimum wage in the salary, wage or other remuneration payable under any regulations implementing any Remuneration Regulations governing any category of employees, to whom the additional remuneration or national minimum wage is payable.

(2) Notwithstanding sections 91 to 93 and anything to the contrary in any other enactment, the Minister may make such regulations for the payment of –

- (a) wage adjustment to address the issue of wage relativity that may arise from the introduction or review of the national minimum wage –

- (i) in Remuneration Regulations made under section 93;
 - (ii) in any industry or sector of activity not covered by the Remuneration Regulations made under section 93, other than the public service, the local government service or a statutory body where terms and conditions of employment are governed by the terms and conditions recommended in a report of the Pay Research Bureau;
- (b) a minimum monthly basic wage or salary to employees employed in an area of activity referred to in subsection (2)(a) in a grade, occupation, job position or category where the entry requirements for the grade, occupation, job position or category is –
 - (i) a Diploma or an equivalent qualification as may be prescribed, acceptable to the employer;
 - (ii) at least a post-HSC first degree or an equivalent qualification, as may be prescribed, acceptable to the employer.

(3) Regulations made under subsections (1) and (2) may be by way of regulations amending Remuneration Regulations made under section 93 or such other regulations made for the purpose of this section, as the case may be.

(4) The regulations listed in the Schedule shall be deemed to have been made under subsections (2)(a)(i) and (3).

4. Eighth Schedule added to principal Act

The principal Act is amended by adding the Eighth Schedule set out in the Schedule to this Act.

5. Commencement

This Act shall be deemed to have come into operation on 1 July 2024.

SCHEDULE

[Sections 3(4) and 4]

EIGHTH SCHEDULE

[Section 94(4)]

LIST OF REGULATIONS

1. The Attorneys' and Notaries' Workers (Remuneration) (Amendment No. 2) Regulations 2024
2. The Baking Industry (Remuneration) (Amendment No. 2) Regulations 2024
3. The Banks Fishermen and Frigo-workers (Remuneration) (Amendment No. 2) Regulations 2024
4. The Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration) (Amendment No. 2) Regulations 2024
5. The Catering and Tourism Industries (Remuneration) (Amendment No. 2) Regulations 2024
6. The Cinema Employees (Remuneration) (Amendment No. 2) Regulations 2024
7. The Cleaning Enterprises (Remuneration) (Amendment No. 2) Regulations 2024
8. The Distributive Trades (Remuneration) (Amendment No. 2) Regulations 2024
9. The Domestic Workers (Remuneration) (Amendment No. 2) Regulations 2024
10. The Electrical, Engineering and Mechanical Workshops (Remuneration) (Amendment No. 2) Regulations 2024
11. The Export Enterprises (Remuneration) (Amendment No. 3) Regulations 2024
12. The Factory Employees (Remuneration) (Amendment No. 2) Regulations 2024
13. The Field-Crop and Orchard Workers (Remuneration) (Amendment No. 2) Regulations 2024

- 14.** The Information and Communication Technologies and other Related Services (Remuneration) (Amendment No. 2) Regulations 2024
- 15.** The Light Metal and Wooden Furniture Workshops (Remuneration) (Amendment No. 2) Regulations 2024
- 16.** The Livestock Workers (Remuneration) (Amendment No. 2) Regulations 2024
- 17.** The Media Employees (Remuneration) (Amendment No. 2) Regulations 2024
- 18.** The Office Attendants (Remuneration) (Amendment No. 2) Regulations 2024
- 19.** The Pre-Primary School Employees (Remuneration) (Amendment No. 2) Regulations 2024
- 20.** The Printing Industry (Remuneration) (Amendment No. 2) Regulations 2024
- 21.** The Private Hospitals and Other Related Health Services (Remuneration) (Amendment No. 2) Regulations 2024
- 22.** The Private Secondary Schools Employees (Remuneration) (Amendment No. 2) Regulations 2024
- 23.** The Private Security Services Employees (Remuneration) (Amendment No. 2) Regulations 2024
- 24.** The Public Transport (Buses) Workers (Remuneration) (Amendment No. 2) Regulations 2024
- 25.** The Road Haulage Industry (Remuneration) (Amendment No. 2) Regulations 2024
- 26.** The Salt Manufacturing Industry (Remuneration) (Amendment No. 2) Regulations 2024
- 27.** The Special Education Needs Institutions Employees (Remuneration) (Amendment No. 2) Regulations 2024
- 28.** The Sugar Industry (Agricultural Workers) (Remuneration) (Amendment No. 2) Regulations 2024

- 29.** The Sugar Industry (Non-Agricultural Workers) (Remuneration) (Amendment No. 2) Regulations 2024
 - 30.** The Tailoring Trade (Remuneration) (Amendment No. 2) Regulations 2024
 - 31.** The Tea Industry Workers (Remuneration) (Amendment No. 2) Regulations 2024
 - 32.** The Travel Agents and Tour Operators Workers (Remuneration) (Amendment No. 2) Regulations 2024
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