

Government Notice No. 76 of 2024

THE WORKERS' RIGHTS ACT 2019

Regulations made by the Minister under section 124 of the Workers' Rights Act 2019

1. These regulations may be cited as the Workers' Rights (Social Plan) (Income Support to Workers) Regulations 2024.

2. In these regulations –

“Act” means the Workers' Rights Act 2019;

“catering industry” has the same meaning as in the Catering and Tourism Industries (Remuneration) Regulations 2019;

“*domaine*” has the same meaning as in the Catering and Tourism Industries (Remuneration) Regulations 2019;

“eligible worker” means a person –

- (a) who was employed by a qualifying employer for the month or part of the month of February 2024;
- (b) whose basic wage or salary for the month of February did not exceed 50,000 rupees; and
- (c) who is deprived of his basic wage or salary because he does not have access to his workplace due to infrastructural works being undertaken by the Road Development Authority along B103 Road;

“guest house” means any premises where lodging and sleeping facilities, and breakfast, are provided against payment and in respect of which a guest house certificate has been issued under the Tourism Authority Act;

“qualifying employer” means an employer –

- (a) carrying on a trade or business in the catering industry;
- (b) operating an inland tourist attraction, including a *domaine*, recreational or leisure park, guest house or tourist residence; or
- (c) carrying on a trade or business of Spa therapy,

in the region of Chamarel and who cannot operate his trade or business due to infrastructural works being undertaken by the Road Development Authority along B103 Road;

“social plan” means a social plan referred to in section 77(d) of the Act for the benefits of workers;

“tourist residence” means any premises, other than a hotel or a guest house, which offers sleeping accommodation to tourists, with or without meals, for a fee and in respect of which a tourist residence certificate has been issued under the Tourism Authority Act.

3. For the purpose of section 77(d) of the Act, a social plan shall consist of a monthly income support equivalent to the basic wage or salary of an eligible worker.
4. The Ministry shall, on the coming into operation of these regulations, provide the Director-General with a list of qualifying employers.
5. Where an employer is not on the list referred to in regulation 4 and that employer is of opinion that he is a qualifying employer, he shall make representations to the Ministry and the Ministry shall consider the representations and inform the Director-General of the eligibility of the employer as a qualifying employer accordingly.

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- 6.** Where a qualifying employer is on the list referred to in regulation 4, the Director-General shall pay to every eligible worker specified in the monthly return submitted by the employer for the month of February 2024 under section 7 of the Social Contribution and Social Benefits Act 2021, a monthly allowance equivalent to the basic wage or salary specified in that return.
- 7.** The monthly allowance payable under regulations 6 –
- (a) shall be paid for the months of April 2024 and every subsequent month up to the month of November 2024, or such other months as may be prescribed; and
 - (b) shall be credited in the bank account provided by the eligible worker to the Director-General for the payment of the income allowance payable under Sub-Part IIIB of Part III of the Social Contribution and Social Benefits Act 2021.
- 8.** Where, on the date of coming into operation of these regulations, an eligible worker has not provided his bank account details to the Director-General for the payment of the income allowance under Sub-Part IIIB of Part III of the Social Contribution and Social Benefits Act 2021 and thereafter provides his bank details, the Director-General shall pay the allowance payable under regulation 7 for a maximum of 3 months preceding the month in which the bank details are provided.
- 9.** Where, after the coming into operation of these regulations, an eligible worker becomes gainfully employed, he shall, within 7 days thereof notify the Director-General who shall forthwith take such action as may be necessary to stop payment of the income support to the worker.

- 10.** Where an eligible worker fails to notify the Director-General as required under regulation 9 and continues to benefit from the payment of the income support, he shall forthwith refund the payment received or request his bank to refund the amount overpaid to the Director-General.
- 11.** Where, in any month, an eligible worker dies, the Director-General shall not credit the income support to the worker's bank account for any subsequent month.
- 12.** Where an eligible worker benefits from the payment of an income support under regulation 6 in a month and the Director-General finds that the individual is not entitled to that income support, he may –
- (a) issue a claim to the individual for repayment of the income support; and
 - (b) recover, any income support overpaid or erroneously paid in the manner specified in Part IVC of the Mauritius Revenue Authority Act.
- 13.** Section 34 of the Social Contribution and Social Benefits Act 2021 shall apply to the payment of the income support payable under regulation 6 with such modifications, adaptations and exceptions as may be necessary to enable the Director-General to recover any erroneous payment from the bank.
- 14.** Any worker who fails to refund any payment received or to request his bank to make the refund under regulation 10 shall commit an offence.
- 15.** An employer who makes a false declaration or provides false information shall commit an offence.

16. These regulations shall be deemed to have come into operation on 1 April 2024.

Made by the Minister on 29 April 2024.
