

Government Notice No. 261 of 2024

THE EMPLOYMENT RELATIONS ACT

Regulations made by the Minister under section 94(2) of the Employment Relations Act

1. These regulations may be cited as the Wage Adjustment Regulations 2024.

2. In these regulations –

“basic wage or salary” –

(a) means, where the terms and conditions of employment of the employee are governed by an agreement, arbitral award or report of a salary commission, the basic wage or salary prescribed in the agreement, award or report, or where the employer pays a higher wage or salary, the higher wage or salary so paid excluding payment for overtime, any bonus or allowance, by whatever name called, paid over and above the wage or salary; and

(b) includes –

(i) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and

(ii) the additional remuneration payable under the Workers’ Rights (Additional Remuneration) (2024) Regulations 2024;

“Diploma” means a 2-year post-HSC Diploma or a 3-year post-SC Diploma;

“Director-General” means the Director-General of the Mauritius Revenue Authority established under the Mauritius Revenue Authority Act;

“employee” –

- (a) means any person who enters into, or works under an agreement or a contract of apprenticeship, other than a contract of apprenticeship regulated under the Mauritius Institute of Training and Development Act, whether by way of casual work, manual labour, clerical work, or otherwise, and however remunerated; and
- (b) includes –
 - (i) a part-time employee;
 - (ii) an atypical employee;
 - (iii) an employee working from home;
 - (iv) a share employee; and
 - (v) a person, other than a consultant, who is classified by an employer as a service provider or by any other such appellation, whether or not he holds a business registration number, but who performs personally the same or similar work of a comparable employee employed in the same enterprise or industry; but
- (c) does not include –
 - (i) a job contractor;
 - (ii) a consultant;
 - (iii) a self-employed;
 - (iv) a person taking part in a training scheme set up by the Government or under a joint public-private initiative with a view to facilitating the placement of jobseekers in gainful employment;

- (v) a person whose monthly basic wage or salary is at a rate exceeding 50,000 rupees as at December 2023;
- (vi) an employee whose terms and conditions are governed by any other Remuneration Regulations;
- (vii) a public officer, a local government officer, an employee of a statutory body who is, or has opted to be governed by the terms and conditions in a report of the Pay Research Bureau or an employee who is employed on terms and conditions specified in a report of the Pay Research Bureau;

“equivalent qualification” means such qualification as the Higher Education Commission may determine to be equivalent;

“first degree” means a Bachelor’s Degree or a Bachelor’s Degree with Honours;

“HSC” means the Higher School Certificate or its equivalent;

“SC” means the School Certificate or its equivalent.

3. (1) An employer shall –

- (a) where the monthly basic wage or salary of an employee is less than 20,000 rupees in December 2023, pay to the employee, as from the month of July 2024, the amount of wage adjustment equivalent to the difference between –
 - (i) the monthly basic wage or salary for the month of December 2023, increased by 4,925 rupees; and
 - (ii) the monthly basic wage or salary for the month of January 2024, inclusive of the additional remuneration payable under the Workers’

Rights (Additional Remuneration) (2024)
Regulations 2024;

- (b) where the monthly basic wage or salary of an employee is not less than 20,000 rupees nor more than 50,000 rupees in December 2023, pay to the employee, as from the month of July 2024, a monthly wage adjustment of 2,925 rupees.

(2) Subject to paragraphs (3) to (6), an employee shall, notwithstanding any annual increment to which he may be entitled, be paid the amount of wage adjustment specified in paragraph (1).

(3) (a) Where the amount of wage increase granted by an employer, or in accordance with a collective agreement, is equivalent to or higher than the amount to which an employee is entitled under paragraphs (1), (5) or (6), as the case may be, the employee shall retain his actual wage or salary.

(b) Where an employer –

- (i) has not paid his employee the wage adjustment; or
- (ii) pays his employee an amount of wage adjustment which is less than the adjustment,

to which the employee is entitled under paragraph (1), (5) or (6), the employer shall –

- (A) adjust the basic wage or salary of the employee not later than 31 January 2025; and
- (B) refund to the employee any arrears due for the months of July to December 2024 not later than 31 March 2025.

(4) Paragraph (1) shall not apply where, notwithstanding any annual increment to which an employee may be entitled, an employer has, as from the month of January 2024, granted an increase in the monthly basic wage or salary of the employee by an amount equivalent to or higher than 4,925 rupees, inclusive of the additional remuneration payable under the Workers' Rights (Additional Remuneration) (2024) Regulations 2024, or 2,925 rupees.

(5) (a) Where, in accordance with the entry requirements for any grade, occupation, job position or category, an employee possesses –

- (i) a Diploma or an equivalent qualification acceptable to the employer, the employee shall be paid a monthly basic wage or salary of not less than 23,000 rupees;
- (ii) at least a post-HSC first degree or an equivalent qualification acceptable to the employer, the employee shall be paid a monthly basic wage or salary of not less than 25,000 rupees.

(b) Where the monthly basic wage or salary of an employee, inclusive of the wage adjustment under paragraph (1) is less than the monthly basic wage or salary to which the employee may be entitled in this paragraph, the employer shall –

- (i) adjust the basic wage or salary of the employee not later than 31 January 2025; and
- (ii) refund any arrears due for the months of July to December 2024 to the employee not later than 31 March 2025.

(c) Notwithstanding subparagraph (a), where the monthly salary of an employee in post is, as at 1 July 2024, inclusive of the

wage adjustment under paragraph (1), (5)(a) or (6), higher than the salary specified in that paragraph, the employee shall, as from 1 July 2024, be entitled to the higher salary.

(6) (a) For the purpose of computing the wage adjustment for a part-time employee –

- (i) (A) drawing less than 20,000 rupees for the month of December 2023, the amount to be added to the basic wage or salary of the part-time employee for the month of December 2023 shall be computed in accordance with the following formula –

$$\frac{4,925 \text{ rupees} \times N}{W}$$

(B) the wage adjustment shall be calculated as specified in paragraph (2);

- (ii) drawing not less than 20,000 rupees nor more than 50,000 rupees for the month of December 2023, the wage adjustment to be added to the basic wage or salary of the part-time employee shall be computed in accordance with the following formula –

$$\frac{2,925 \text{ rupees} \times N}{W}$$

(b) In this paragraph –

“N” means the number of hours worked per month by the part-time employee;

“W” means the number of hours worked per month of a full-time employee.

(7) An employer shall, in respect of the month of July 2024 and thereafter –

- (a) keep, in accordance with section 116 of the Workers' Rights Act 2019, a separate record, in respect of each employee on his payroll system, of the monthly wage adjustment payable under these regulations; and
- (b) provide a copy of the record to the Director-General in accordance with section 7 of the Social Contribution and Social Benefits Act 2021.

4. Nothing in these regulations shall –

- (a) prevent an employer from granting the employee a wage adjustment higher than that specified in these regulations;
- (b) authorise an employer –
 - (i) to reduce the wages of an employee; or
 - (ii) subject to section 57 of the Employment Relations Act, to alter the conditions of employment of the employee, prescribed in an agreement, award or report, so as to make them less favourable.

5. These regulations shall be deemed to have come into operation on 1 July 2024.

Made by the Minister on 27 December 2024.
