

## EMPLOYMENT

The Finance (Miscellaneous Provisions) Act 2023 ("The Act") introduces key changes to the Workers' Rights Act 2019 establishing a progressive framework that addresses the evolving needs of the workforce. The Key changes are highlighted in this video.

The Act makes a distinction between an employee whose basic salary is more than MUR 50 000 a month and for an employee whose basic salary is MUR 50 000 or less. References to Worker would mean that the amendment mandatorily applies to an employee whose basic salary is MUR 50 000 or less.

### "4 Day work-week"

Workers have now the option to complete their working hours as prescribed by law or under their contract of employment, over four days instead of five or six. The new provision requires that employers seeking to implement the 4-day workweek must obtain the worker's consent and provide at least 48 hours' prior notice. Similarly, the workers can request this arrangement, and the employer shall accommodate same if its operational requirements so permit.

In terms of overtime, any worker who works more than 45 hours in a week will be entitled to receive one and a half times of his basic rate for every additional hour worked. When the worker has to work on a public holiday, he shall be remunerated for work done during the first 8 hours at twice the basic rate and 3 times the basic rate for every subsequent hour.

### "Basic hourly rate"

The notional calculation of the basic hourly rate has been revised. A full-time worker shall be deemed to have 195 hours of work per month. A full-time garde malade shall be deemed to have 312 hours of work.

The notional hourly rate of a full-time worker shall be calculated by dividing his monthly wage, whether prescribed or agreed, by his deemed hours of work.

### "Payment of remuneration to a part-time worker"

The basis of calculation of remuneration for part-time worker has changed.

Their basic wage or salary will be calculated proportionately based on the notional hourly rate of full-time workers, increased by not less than 10%, instead of the previous 5%.



## "Payment of remuneration after a safety bulletin issued under the Mauritius Meteorological Services (Warnings) Regulations 2023"

In the event that a safety bulletin issued under the Mauritius Meteorological Services (Warnings) Regulations 2023, employees have the right to absent themselves from work, with pay at the normal rate during the period of absence. This applies to the period of absence until the bulletin has been removed; and the employer provides a means of transport to the employee to attend his place of work or public transport is available.

An employer shall provide an insurance policy to cover injury, disease or death sustained by a worker during a period of extreme weather conditions, including, but not limited to heavy or torrential rainfall, during a period of cyclone warning class III or IV, during a period covered by an order issued by the National Crisis Committee requiring any person to remain indoors, or during a state of disaster issued under section 37 of the National Disaster Risk Reduction and Management Act.

In the case of the unfortunate death of a worker, the insurance policy shall provide for the payment of a compensation or a monthly pension to the heirs of the deceased worker.



## "Annual leave"

In terms of annual leaves, a worker who has not requested to take his annual leave or whose request for leave has not been granted, can now, instead of being paid a normal day's wage, opt in writing that his untaken leaves be accumulated.

Additionally, a worker shall be paid a normal day's wage for any accumulated leave not taken or granted to a worker where he ceases to be in employment, whether on ground of termination or otherwise.



## "Leave to care for child, parents and grandparents with healthcare-related issues"

The legislator has extended leave that was previously granted to care for a sick child. Henceforth, a worker can take up to 10 days' leave with pay to care for parents or grandparents who are facing healthcare-related issues.

The leave granted to a worker is to be offset against his annual leave, sick leave or vacation leave entitlement under any other enactment.



## "Maternity leave and other benefits"

Where a female employee suffers a miscarriage which is duly certified by a medical practitioner, she shall be entitled to 3 weeks' leave and an additional 5 days' leave, both on full pay immediately after the miscarriage.



### “Childcare facilities”

The Legislator now requires that an employer who employs more than 250 workers shall provide free of charge childcare facilities in the form of a crèche on the workplace premises or within one kilometer from the workplace to workers having children aged not more than 3 years old.



### “Paternity leave”

Paternity leave has been amended to provide for paternity leave of 5 days where an employee and his spouse adopt a child of less than 12 months old.



### “Petrol allowance”

Petrol allowances for Employees shall be at least 10% higher than those in December 2021, provided that the increase in allowance is not less than Rs 1,000 and not exceeding Rs 2,000.



### “Termination of employment”

In respect of termination, employers can no longer dismiss employees solely based on written explanations. An oral hearing and the opportunity to review evidence are now mandatory.

An employer must now make available for inspection information and documents which it intends to adduce as evidence during a disciplinary hearing prior to the hearing, at the request of the employee, to the employee or his representative.

I hope that you will find the above useful both from an employer and employee perspective. If you have any queries reach out to us on [chambers@blc.mu](mailto:chambers@blc.mu) or [info@axis.mu](mailto:info@axis.mu).

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