

S.I. 46 of 2010

EMPLOYMENT ACT

(Cap 69)

Employment (Wage Increase) Regulations, 2010

In exercise of the powers conferred by sections 40 (2) and 41 (3) of the Employment Act, the Minister of Education, Employment and Human Resources makes the following Regulations—

1. These Regulations may be cited as the Employment (Wage Increase) Regulations, 2010, and shall come into operation on 1st July, 2010.

Citation

2. With effect from 30th June 2010, employers shall pay every worker who is in employment on that date a wage that is increased in accordance with these Regulations.

Grant of
wage
increase

3.(1) The formula of the increased wage of an employee shall be the gross wage + 20% except in the case of the following categories of employees in respect of which the formula is individually specified—

Formula
applicable

- (a) a person employed as a Domestic Worker as defined under the Income and Non-Monetary Benefits Tax Act, 2010: Gross Wage per month + SR50.00;
- (b) a person employed as a Day Care Worker as defined under the Income and Non-Monetary Benefits Tax Act, 2010 is the lower of:
 - (i) Gross Wage per month + SR100; or
 - (ii) Gross Wage per month or part thereof + 10% of such wage or part;

(c) A person employed by a Farming Entity in possession of a Certificate granted under the Agriculture and Fisheries (Incentives) Act, 2005 : Gross Wage per month + SR100;

(d) A person employed by a Boat Owner in possession of a Certificate granted under the Agriculture and Fisheries (Incentives) Act, 2005 —

Gross Wage per month + SR100

(e) A non-Seychellois employee —

Gross Wage per month + 8.33% thereof.

(2) For the purpose of these Regulations, "Gross Wage" means any cash remuneration received by an employed person.

Exemption

4. Notwithstanding regulation 3, the increase shall not apply in the case of a person whose wage was exempt from the payment of both the Social Security Fund employer and employee contribution as at 30th June, 2010 and whose emolument continues to be exempted from liability to tax in accordance with Schedule 2 of the Income and Non-Monetary Benefits Tax Act, 2010.

Offence

5. An employer who contravenes regulations 2 and 3 commits an offence and is liable on conviction to a fine of not less than SR 100 and not more than SR 500 in respect of any worker, and in the case of a continuing offence to an additional penalty of SR 200 in respect of each day that the regulation is contravened.

Regulations

6. The Minister may, by Order published in the Gazette, exempt any class or category of workers from the application of

these Regulations, subject to such conditions as the Minister may specify in the Order.

MADE this 1st day of July, 2010.

MACSUZY MONDON
MINISTER OF EDUCATION, EMPLOYMENT
AND HUMAN RESOURCES