

**EMPLOYMENT (AMENDMENT) ACT, 2020**

*(Bill No. 19 of 2020)*

**OBJECTS AND REASONS**

The Bill seeks to prohibit the deferment of payment of wages or the reduction of wages of a worker without the approval of the competent officer. It further seeks to suspend the right of an employer to initiate negotiation procedure for the purposes of sections 48 and 51 until 30<sup>th</sup> June 2020 except in relation to a non-Seychellois worker.

**Dated this 29th day of April, 2020.**

**FRANK D.R. ALLY  
ATTORNEY GENERAL**

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**EMPLOYMENT (AMENDMENT) ACT, 2020**

*(Bill No. 19 of 2020)*



**A BILL  
FOR**

**AN ACT to amend the Employment Act, Cap 69; to prohibit the deferment of payment, and the reduction, of wages of a worker without the approval of the competent officer; and to suspend the right of an employer to initiate negotiation procedure for the purposes of sections 48 and 51 until 30<sup>th</sup> June, 2020; and for matters incidental thereto.**

**ENACTED** by the President and the National Assembly.

**1.** This Act may be cited as the Employment (Amendment) Act, 2020. Short title

Amendment of  
Cap 69 as last  
amended by  
Act 24 of 2016.

2. The Employment Act is amended as follows —

- (a) by inserting after section 39 the following section —

Prohibition  
to defer  
payment of,  
or to reduce,  
wages

“**39A.**(1) Notwithstanding anything to the contrary in this Act, an employer shall not, whether with the agreement of the worker or otherwise —

- (a) defer the payment of wages, whether partly or otherwise, of a worker; or
- (b) reduce the wages of a worker;

without first initiating and complying with negotiation procedure.

(2) Part 1 of schedule 1 shall, *mutatis mutandis*, apply to negotiation procedure under this section.

(3) Where consequent to the negotiation procedure, the competent officer determines —

- (a) that payment of the wages may be deferred or that the wages may be reduced, as the case may be, the employer shall be entitled to defer payment of, or reduce, the wages in accordance with the

directions issued by the competent officer; or

- (b) that payment of the wages shall not be deferred or that the wages shall not be reduced, as the case may be, the employer shall comply with the determination.

(4) In making a determination under this section the competent officer shall take into account all relevant matters.

(5) For the purpose of clarity, the competent officer shall not allow a deferment of the payment of the wages or a reduction of the wages, as the case may be, solely on the ground of consent on the part of the worker to the deferment or reduction.”;

- (b) by inserting after subsection 81(1) the following section —

Suspension of negotiation procedure

“**81A.**(1) Subject to subsection (3), the right of an employer to initiate negotiation procedure for the purposes of sections 39A, 48 and 51 is suspended until 30<sup>th</sup> June, 2020.

(2) Section 39A and subsection (1) shall be deemed to have come into operation on 20<sup>th</sup> March, 2020.

(3) Subsection (1) shall not apply to negotiation procedure, under sections 48 and 51, in respect of a non-Seychellois worker.

(4) Any negotiation procedure initiated or applied for prior to 20<sup>th</sup> March, 2020, shall remain valid.

(5) In case the suspension of the negotiation procedure is required to be extended beyond the period of 30<sup>th</sup> June, 2020 the Minister may, by order published in the *Gazette*, extend the period to a date as may be specified in the order.

(6) Where a period extended under subsection (5) is required to be withdrawn before the expiration of the date published in the *Gazette*, the Minister may, by a similar order published in the *Gazette*, withdraw or revoke the extended period from such date as may be specified in the order.”.