

End of Year Bonus

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1. End of Year Bonus

A. Entitlement



S31A(1), (2) ERA

(1) Where a worker remains in continuous employment with the same employer in a year, the worker shall be entitled at the end of that year to a bonus equivalent to one-twelfth of his earnings for that year.

(2) Every worker who —

- (a) takes employment during the course of a year;
- (b) is still in employment as at 31 December in that year; and
- (c) has performed a number of normal days' work with that employer, equivalent to not less than 80 per cent of the number of working days, during his employment in that year,

shall be entitled at the end of that year to a bonus equivalent to one-twelfth of his earnings for that year.

S54(1) WRA

(1) (a) Where a worker remains in continuous employment of an employer for the whole or part of a year and with the same employer as at 31 December of the year, the worker shall be entitled to the payment of a bonus equivalent to one twelfth of his earnings for that year.

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N/A

S54(3) WRA

When a worker is with an employer for only part of the year and –

(a) his employment is terminated in the course of the year for any reason; or

(b) he retires in the course of the year in accordance with the provisions of any agreement or enactment other than the Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations 1983 and the Sugar Industry (Non-Agricultural Workers) (Remuneration Order) Regulations 1985; or

NOTE: Incidentally these have been revoked!

(c) he resigns in the course of the year on or after having been in continuous employment for at least 8 months

the worker shall be paid, not later than the last working day of the month in which he is terminated, he retires or resigns...a bonus equivalent to one-twelfth of his earnings for that year.

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B. Timing of Payment



Payment

Unchanged

- 75% not later than 5 clear working days before 25 December
- Balance to be paid not later than on the last working day of the same year

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C. What is to be paid ?

Items	Details
<p>Basic wages Specified in RR; or Paid by the employer</p>	<p>Excluding any allowance by any name called Whether paid in cash or in kind OR All emoluments received by the employee excluding any bonus or overtime</p> <p>NOTE: Emoluments – Payment in money or money’s worth which is salary, wages, fee, overtime, perquisite, allowance bonus</p>
<p>Overtime Payment of remuneration for work performed on a public holiday</p>	<p>Remuneration:</p> <ul style="list-style-type: none"> • All emoluments (in cash or in kind) • Any sum paid in relation to the special nature of the work • Any money paid to a job contractor for work by a person employed by the job contractor • Any sum of money due as a share of profits
<p>Part-time agreement, atypical work agreement, compressed hours, flexitime, shift work, payment of remuneration, payment of remuneration to part-time worker, payment of remuneration due on termination of agreement, payment of remuneration in other specific circumstances, additional remuneration, wage guarantee fund account, annual leave, sick leave, vacation, special leave, juror’s leave, international sports event, leave to attend Court, maternity leave, miscarriage, stillborn child, adopted child, paternity leave</p>	
<p>Commission related to productivity NOTE: In ERA, this was excluded NOTE: Definition of productivity payment not payment related to productivity</p>	<p>In respect of work performed over and above the basic work agreed and related to productivity</p>
<p>Any allowance paid under RR NOTE: See definition of basic wage</p>	

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The Difficulties



Reconciliation with the RR

Provision in RR that they take precedence over WRA when it comes to terms and conditions of work



Productivity Payment

Paid over and above or in addition to the basic work agreed



Attendance Bonus

Does not reward the employee for work performed by him



Loyalty Bonus

% of turnover not determined by the individual contribution but rather by the company's performance

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