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GOVERNMENT NOTICES

The following Government Notice is published by Order of the President.

No. 297 of 2020

GAZETTE SUPPLEMENT

The following Bill is published as a Legal Supplement to this number of the Official Gazette.

Gazette	Description	Price
46	Employment (Amendment) Act, 2020. (Bill No. 19 of 2020)	4.50

No. 298 of 2020

PUBLIC HEALTH ACT, 2015

(Act 13 of 2015)

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS

ORDERS

(Extension of Duration of Orders)

Infectious Disease (Prohibition of Outdoor Movement) (No. 2) Order, 2020

Infectious Disease (Prohibition of Outdoor Movement) (No. 3) Order, 2020

Infectious Disease (Prohibition of Public Assemblies) (Restriction on opening and closing hours of offices, establishments, and shops) (No. 2) Order, 2020

Infectious Disease (Restriction on travel by vehicles and vessels to, or leaving, any part of Seychelles) (No. 2) Order, 2020

Infectious Disease (Restriction on entry to, exit from and return to Seychelles) (No. 2) Order, 2020

RECOGNISING that the Coronavirus Disease 2019 (COVID-19) has spread across the world;

AND, RECALLING that the Public Health Commissioner published a Notice in the Gazette on 20th March, 2020 declaring a Public Health Emergency in Seychelles under section 25(5) of the Public Health Act, 2015, and directed all persons to comply with the directions and orders therein, and cooperate with the Public Health Commissioner, the Public Health Authority and other relevant authorities in preventing, controlling and suppressing the spread of COVID-19 in Seychelles;

AND, FURTHER RECALLING that —

- (a) under the **Infectious Disease (Prohibition of Public Assemblies) Order, 2020**, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner prohibited all public assemblies and all indoor public assemblies in order to prevent, control and suppress the spread of COVID-19 in Seychelles;
- (b) under the **Infectious Disease (Prohibition of Public Assemblies) (No. 2) Order, 2020**, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner restricted the opening hours of retail outlets and retail food outlets, and gave directions to the owner, manager, or any person in control of the said outlets in respect of social or physical distancing and hygiene to be observed by the workers, occupiers and consumers so as to remove the risk of infection or spread of COVID-19;
- (c) under the **Infectious Disease (Prohibition of Outdoor Movement) Order, 2020**, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner considered it necessary and expedient that every person shall be confined to the person's place of residence, inclusive of the person's yard space, for a period of twenty-one (21) days starting from 12:00 AM of 8th April, 2020 and ending at 12:00 AM of 29th April, 2020, unless extended by Order of the Public Health Commissioner, in order to effectively prevent, control and suppress the spread of COVID-19 subject to such exceptions and exemptions set out in the said Order;
- (d) upon the infection of an eleventh person by COVID-19 in Seychelles the Public Health Commissioner considered that there could be transmission of COVID-19 in local communities if further restrictions are not immediately imposed on the movement of persons outside the confines of the place of their residence;
- (e) under the **Infectious Disease Orders** made on 16th April 2020, the Public Health Commissioner considered it necessary and expedient to impose further restrictions on —
 - (i) the movement of persons outside the confines of the place of their residence;
 - (ii) the opening and closing hours of offices, establishments, trade premises and shops, and the movement by vehicles and vessels; and
 - (iii) exit to, exit from and return to Seychelles;

AND, WHEREAS, the Public Health Commissioner considers it necessary and expedient to extend the prohibitions and restrictions under the Infectious Disease Orders referred to in above paragraph (e) in order to effectively prevent, control and suppress the spread of COVID-19;

NOW, THEREFORE, in exercise of the powers conferred by regulation 7A, 7C, 8, 9 and 13A of the Public Health (Infectious Diseases) Regulations (S.I. 8 of 1960) and the above-mentioned Infectious Disease Orders, the Public Health Commissioner hereby order the extension of the duration of the Orders as follows —

A. Infectious Disease (Prohibition of Outdoor Movement) (No. 2) Order, 2020

(Regulation 13A read 7C)

1. In accordance with regulation 13A read with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960, and the Infectious Disease (Prohibition of Outdoor Movement) (No. 2) Order, 2020**, (the “Order”), the Public Health Commissioner hereby extend the duration of the Order to 4:00 AM of 4th May, 2020.

B. Infectious Disease (Prohibition of Outdoor Movement) (No. 3) Order, 2020

(Regulation 13A read 7C)

2. In accordance with regulation 13A read with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960, and the Infectious Disease (Prohibition of Outdoor Movement) (No. 3) Order, 2020** (the “Order”), the Public Health Commissioner hereby extend the duration of the Order to 4:00 AM of 4th May, 2020.

C. Infectious Disease (Prohibition of Public Assemblies) (Restriction on opening and closing hours of offices, establishments, and shops) (No. 2) Order, 2020

(Regulation 8 read with 9(2))

3. In accordance with regulation 8 read with regulation 9(2) of the **Public Health (Infectious Disease) Regulations, 1960, and the Infectious Disease (Prohibition of Public Assemblies) (Restriction on opening closing hours of offices, establishments, and shops) (No. 2) Order, 2020** (the “Order”) the Public Health Commissioner hereby extend the duration of the Order to 4:00 AM of 4th May, 2020.

D. Infectious Disease (Restriction on travel by vessels to, or leaving, any part of Seychelles) (No. 2) Order, 2020

(Regulation 7C)

4. In accordance with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960, and the Infectious Disease (Restriction on travel by vessels to, or leaving, any part of Seychelles) (No. 2) Order, 2020** (the “order”), the Public Health Commissioner hereby extend the duration of the Order to 4:00 AM of 4th May, 2020.

E. Infectious Disease (Restriction on entry to, exit from and return to Seychelles) (No. 2) Order, 2020

(Regulation 7A and 7B)

5. In accordance with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960, and the Infectious Disease (Restriction on entry to, exit from and return to Seychelles) (No. 2) Order, 2020** (the “Order”), the Public Health Commissioner hereby extend the duration of the Order to 4:00 AM of 4th May, 2020.

F. Miscellaneous Orders

6. The words “6:00 AM of 30th April, 2020,” in **Order G Commencement of Operation and expiration of these Orders**, is repealed and the words “4:00 AM of 4th May, 2020, is substituted therefor.

7. The following orders shall apply to Orders A, B, C, D, E, F and G made on 16th April, 2020.

MADE ON THIS TUESDAY 28TH APRIL, 2020

JUDE GEDEON
PUBLIC HEALTH COMMISSIONER

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 30th June 2020 except in relation to a non-Seychellois worker.

Dated this 29th day of April, 2020.

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

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 30th 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 30th June, 2020.

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

(5) In case the suspension of the negotiation procedure is required to be extended beyond the period of 30th 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.”.