AN ACT to amend the Employment Act, Cap 69; to regulate the deferment of payment, and the reduction, of wages of a worker pending the termination of the Government programme for salary support to workers as a result of the Covid-19 pandemic; to restrict the lay-off or redundancy of Seychellois workers in certain circumstances; to suspend any notice given to a worker until after 1st July 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.
The Employment Act is amended as follows —

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

“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 the negotiation procedure.

(2) Part 1A 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
sections 48 and 51 in respect of a non-Seychellois worker, or a worker in respect of whom the employer has not received full salary support from the Government.

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

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th May, 2020.

Mrs. Tania Isaac
Deputy Clerk to the National Assembly
(7) This section shall lapse on termination of the Government programme for salary support to employees in the private sector as a result of the Covid-19 pandemic.

(b) by inserting after subsection 51 the following section —

**51A.** An employer shall not be allowed to temporarily lay off or make redundant a Seychellois worker, if the employer —

(a) is employing a non-Seychellois worker in a similar post as the Seychellois worker; and

(b) has not initiated the negotiation procedure to temporarily lay-off or make redundant, as the case may be, the non-Seychellois worker.

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

**81A.(1)** Notwithstanding any other provision to the contrary in this Act, where —

(a) an employer initiates, during the period from 20\(^{th}\) March 2020 to 30\(^{th}\) June 2020, the negotiation procedure for —

(i) the reduction, or deferment of payment, of wages of a worker;

(ii) the temporary lay-off of a worker; or

(iii) terminating the contract of employment of a worker on the ground of redundancy; and

(b) the competent officer, prior to 1\(^{st}\) July 2020 approves, as the case may be —

(i) the reduction, or deferment of payment, of wages of a worker;

(ii) the temporary lay-off of a worker; or

(iii) the termination of the contract of employment of a worker on the ground of redundancy;

any notice given by an employer to a worker, on the basis of such approval shall not take effect prior to 1\(^{st}\) July, 2020.

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

(3) Subsection (1) shall not apply to the negotiation procedure under
(7) This section shall lapse on termination of the Government programme for salary support to employees in the private sector as a result of the Covid-19 pandemic."

(b) by inserting after subsection 51 the following section —

An employer shall not be allowed to temporarily lay off or make redundant a Seychellois worker, if the employer —

(a) is employing a non-Seychellois worker in a similar post as the Seychellois worker; and

(b) has not initiated the negotiation procedure to temporarily lay-off or make redundant, as the case may be, the non-Seychellois worker.

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

Notwithstanding any other provision to the contrary in this Act, where —

(a) an employer initiates, during the period from 20th March 2020 to 30th June 2020, the negotiation procedure for —

(i) the reduction, or deferment of payment, of wages of a worker;

(ii) the temporary lay-off of a worker; or

(iii) terminating the contract of employment of a worker on the ground of redundancy; and

(b) the competent officer, prior to 1st July 2020 approves, as the case may be —

(i) the reduction, or deferment of payment, of wages of a worker;

(ii) the temporary lay-off of a worker; or

(iii) the termination of the contract of employment of a worker on the ground of redundancy;

any notice given by an employer to a worker, on the basis of such approval shall not take effect prior to 1st July, 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 the negotiation procedure under
sections 48 and 51 in respect of a non-Seychellois worker, or a worker in respect of whom the employer has not received full salary support from the Government.

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

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th May, 2020.

Mrs. Tania Isaac
Deputy Clerk to the National Assembly