Employment Act

This Act determines the fundamental principles relating to employment in the Maldives, the rights and obligations of employers and employees, establishes a Labour Relations Authority and an Employment Tribunal to protect such rights, and makes provision for all other matters related to employment.

This Act shall be cited as the "Employment Act".

With the exception of those areas and persons exempted by any other statute, this Act shall apply to all employment by the State or the private sector and to all persons employed by the State or by the private sector. However, the military and the police due to the special nature of their employment shall be subject to Law No: 1/2008 (The Armed Forces Act) and Law No: 5/2008 (The Police Act).
CHAPTER 2

FUNDAMENTAL PRINCIPLES

No person shall be compelled or forced into employment.

(a) 3. Prohibition of forced employment

“Forced employment” shall mean any services or labour obtained from a person under threat of punishment, undue influence or intimidation, and does not include services or labour performed of his own volition by any person. The following are exempted from such definition.
Labour carried out by, or services obtained from a person under the control and supervision of the relevant State authority in pursuance of a court judgement; or

Labour or services obtained to the extent deemed reasonable in instances of emergencies which may pose risk to the life or well being of the entire populace or a section of the population.

It is prohibited to discriminate amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations, and in so far as it does not contravene, the provision provisions herein age or disability.
The implementation of any principles, activities or programmes with the objective of assisting those persons disadvantaged against for any of the reasons specified in sub-section (a) or socially disadvantaged persons shall not be deemed as discrimination amongst employees carrying out equal work.

(b)

Sub-section (a) does not prevent the taking into consideration of matters such as educational qualifications required for employment, aptitude, experience and such other matters directly related to employment.

(c)

Where a complaint is lodged against an employer alleging contravention of sub-section (a), the onus is on the employer to show that there has been no discrimination or that any discrimination is based on reasonable cause and does not contravene sub-section (a).

(d)

Any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination as provided herein.

(e)
Any person whose rights conferred pursuant to the basic principles specified in this Chapter have been affected, may submit such matter to the Tribunal specified in Section 10.

Complaints submitted to the Tribunal in connection with a right conferred pursuant to the basic principles specified in this Chapter shall be dealt with expeditiously by the Tribunal. The complainant and the respondent shall both be afforded ample opportunity to make submissions and respond to arguments.

Where the Tribunal deems that a complaint submitted to it is based on legitimate and valid grounds, it has the power to issue orders mandating compliance with the basic principles specified in this Chapter, including:

1. an order to perform or cease performance of an act;
2. an order to re instate a dismissed employee;
3. an order to restore a benefit or advantage that has been denied to a person; or
4. any other order that is justified by the circumstances.
An order providing for compensation. (4)

CHAPTER 3

EMPLOYMENT OF MINORS

Minors under the age of sixteen years shall not be employed except in connection with training associated with their education or deportment. Minors under the age of 16 (sixteen) years who participate in the family's line of work of their own shall be exempted from this principle.

No minor shall be employed in any work or employment or in conditions of work or employment that may have a detrimental effect on his health, education, safety or conduct.

All age limits stipulated in this Chapter shall be computed according to the Gregorian calendar. A child shall be deemed to be under 18 (eighteen) years of age as provided for in Law No 9/91 (The Law on the Protection of the Rights of the Child)
A minor shall only be engaged in any employment or work, in accordance with Section 6 and Section 7, after the written approval of the minor's legal guardian or guardian recognised at law has been obtained.

For the purposes of sub-section (a) a legal guardian or guardian recognised at law shall be defined as is provided in Law No 4/2000 (The Family Law).

A minor employed in accordance with Section 6, shall not be required to be at work during school hours of the minor.

A minor shall not be required to work after 11pm (eleven) at night.

Any person employing minors in accordance with this Act shall record and maintain a register containing the name, address and date of birth of such minors.
In accordance with Section 6, a minor shall only be employed on a vessel upon submission of a medical certificate of fitness for such employment which is issued by a medical practitioner licensed by the Government.

A minor shall only continue to be employed on a vessel for a period of more than one year subject to a medical certificate of fitness for such employment issued by a medical practitioner licensed by the Government. Such a health check up must be conducted at least on an annual basis at the expense of the employer.

Any person contravening a provision of this Chapter shall be fined a sum not less than MVR 1,000 (one thousand) and not more than MVR 5,000 (five thousand).

CHAPTER 4

EMPLOYMENT AGREEMENT

Unless otherwise provided herein, the provisions of this Chapter shall apply to all forms of employment agreements.
Types of Contract

There shall be a written employment agreement consisting of one or several documents between the employer and the employee. Such employment agreement shall include:

1. The name of the employee, permanent address, current address, identity card number or passport number, date of birth, nationality, emergency contact person's name, address and phone number;

2. Whether employment is permanent or temporary;

3. Date of commencement of employment agreement;

4. Salary and other benefits;

5. Method and guidelines for calculation of salary;

6. Pay day;

7. Days on which leave may be granted;
Principles pursuant to which disciplinary measures may be taken against the employee due to his conduct;

Staff appraisal; and

Manner of dismissal from employment.

The following types of agreements are permitted:

Employment agreements of a definite term;

Employment agreements of an indefinite term; and

Employment agreements specific to certain types of work.

Either party to an employment agreement may terminate such agreement, where it does not (as specified for in this Chapter) provide a defined notice period for resigning from or termination from employment.

Employment agreements of a definite term shall, subject to sub-section (g), terminate at the end of the term specified in the employment agreement without requirement of any further notice.
Employment agreements of a definite term shall not exceed a maximum period of two years.

Employment agreements of a definite term shall be deemed as employment agreements of an indefinite term, if renewed or if its term is extended such that the total duration of employment exceeds two years, or if it can be deemed from the actions of both parties that such a renewal or extension has occurred.

Employment agreements of a definite term or specific to certain types of work shall be deemed as employment agreements of an indefinite term, if the objective or effect of the employment agreement is such that the employee is required to continue carrying out employment of a kind which is usually carried out at the place of work on a permanent basis.

Employment agreements specific to a certain type of work shall terminate upon completion of the specific work undertaken without requirement of any further notice.
The employment agreement can specify a term of no more than 3 (three) months as the period during which an employee is subject to probation. Either party may terminate the employment during such period without the giving of any notice.

Except in the circumstance specified in sub section (d), every employer shall provide each employee with a written job description detailing the duties and scope of employment.

Every employer must provide each person in employment at the commencement of this Act, with a job description within three months of the commencement of this Act. Every person employed after the commencement of this Act, must be provided by with a job description by the employer within one month of commencing such employment. The job description must be renewed in the event of a change in job or a promotion.
The job description specified in this Section shall include:

(c)

1. the name of the employer, address, nationality, and type of work;

2. the name of the employee, permanent address, current address, identity card number, date of birth, and nationality;

3. date of commencement of employment agreement;

4. methods and guidelines for calculation of salary;

5. durations at which salary shall be paid;

6. job title and job description

7. place of employment;

8. normal working hours;

9. leave provisions; and

10. Principles pursuant to which disciplinary measures may be taken against employees due to his conduct.
Employees shall be exempt from the provisions of this Section in the following circumstances:

(d) where the normal weekly working hours are less than a total of 16 (sixteen) hours; or

(2) Employment for a definite fixed term of 6 (six) weeks or any work which will definitely be completed within six weeks.

(e) Where the employee has not been provided with a job description by the employer, the employee in order to obtain his benefits according to the terms and conditions required to be incorporated into a job description has the right to enforce such terms and conditions or any verbal agreements made with the employer. The employer shall not have the right to enforce such agreement in a manner that will cause a detriment to the employee.
Employers who have not provided employees with the job description specified in sub-section (a) shall be subject to a fine of not more than MVR 1000 (one thousand).

Permanent employment shall be deemed to commence from and inclusive of the date on which the employee begins work. The duration of employment shall be inclusive of the date of dismissal or termination of employment.

A suspension in duration of employment shall not be deemed to have occurred for absenteeism of the employee arising out of the following:

1. leave pursuant to this Act, any other statute or any employment agreement;
2. any specific period of paid or unpaid leave where the employee is prohibited from work pursuant to this Act, any other statute or any employment agreement;
3. any period way from work deemed to be due to unfair dismissal.
from work and pending re-instatement pursuant to Section 29 of this Act or any other agreement;

(4) any period away from work due to temporary employee lay off's;

(4) Any period away from work with the consent of the employer.

(5) Except as provided in sub-section (b) no employment agreement shall be transferred to a party other than the employee without the consent of such employee.

(a) 17. Transfer of employment agreement

(b) Where a business or a commercial venture (in part or in full) is sold, leased, transferred or released in any other manner, the employment agreements of employees associated with such business or work shall be transferred to the transferee of such business or work. The rights and
duties of employees and employers arising out of the employment agreement shall be transferred accordingly. Any transactions between the transferor and the employee prior to the transfer shall be deemed to have occurred as between the transferee and the employee.

Where a business or a venture (in part or in full) is sold, leased or transferred, or released in any other manner, the period of employment with the previous employer and the person deemed as the current employer (transferee) upon transfer of the business or venture, shall both count as continuous employment and shall not be deemed as a discontinuation in employment.

Any obligation imposed on a person pursuant to an ongoing prosecution or a conviction for an alleged offence, shall in the circumstances specified in sub-section (b), not be deemed transferred to another party and there shall be no lessening in the obligations of such person.
Where a person is employed during the same period of time every year to carry out seasonal work, and is so employed by the same employer every year, his accrued duration of employment shall be deemed as continuous employment with such employer.

18. **Employment of a specific duration**

Where the employee does not confirm to work ethics, the employer has the power to impose appropriate and reasonable disciplinary measures from amongst those specified in this Section.

For the purposes of this Section, the following shall be included in the definition of “disciplinary measures”:

1. counselling;
2. caution in writing;
3. suspension from employment for a period not exceeding fourteen days;
4. Demotion
In ascertaining the reasonableness of disciplinary measures imposed on an employee, due regard shall be had to the extent of the breach of work ethics, the duties of such employee, measures imposed by the employer, manner of imposing such measures, loss caused by the employee's breach of work ethics and the employee's conduct prior to such incident.

Complaints may be lodged at the Tribunal by any employee concerning the reasonableness of the disciplinary measures imposed against him.

Employees may be fined for absenteeism from work during official working hours, such fine to be deducted from his wages and to be commensurate to the time absent from work. No other fines shall be imposed by the employer on account of absenteeism.

This Section does not prevent the determination of reasonable compensation on account of loss or detriment to the property or business of the employer due to a wilful act or omission by the employee.
An employee shall not be dismissed from employment without showing appropriate cause as to failure to maintain work ethics, inability to carry out employment duties and responsibilities related to the proper functioning of his place of work; even after measures have been taken to discipline the employee or upgrade skill deficiencies.

The following shall not be deemed reasonable cause that the employee is failing to maintain work ethics or in dismissing him from employment.

1. the employee's race, colour, nationality, social standing, religion, political opinion, affiliations with any political party, sex, marital status, familial responsibilities or any disability;

2. pregnancy or any pregnancy related cause;

3. the employee's exercise of a right conferred by this Act;

(1) 21. Prohibition of dismissal without reasonable cause

(2)
temporary failure to report to work for a period of time due to illness or injury;

exercising or attempting to exercise any right of the employee to stay away from the work environment based on a reasonable belief that the same is directly and indirectly hazardous to the employee's life or health;

membership of a workers association or involvement in any lawful activity conducted by such association; or

Submission of a complaint against the employer alleging contravention of the law or being involved in any capacity in any proceedings involving such a compliant.

Except in the circumstances specified in Section 23 of this Act, employment agreements of indefinite term shall only be terminated after giving the minimum notice specified below:

two weeks’ notice for any person in employment for more than
six months but less than one year;

(2)

one month's notice for any person in employment for more than one year but less than five years;

(3)

Two months’ notice for any person in employment for more than five years

(3)

The notice periods specified in sub-section (a) shall not be served on the employee while he is on leave taken pursuant to this Chapter such that the leave and notice period are counted together.

(3)

This Section does not prevent the variation of the notice period to a greater extent as agreed between the employer and the employee in the employment agreement or the waiver by the employee for the time being of his rights to be given notice prior to a specific period.

(3)

Notice given pursuant to this Section must be given in writing

(d)
An employee shall be dismissed without notice only when an employee's work ethic is deemed unacceptable and further continuation of employment is on reasonable grounds seen by the employer as unworkable.

(a) 23. **Dismissal without notice**

An employee's work ethic shall be deemed unacceptable as specified in sub-section (a) if:-

1. any further continuation of employment is likely to be detrimental to the employer or to the workplace; or

2. The employee has committed fraud

"Dismissal without notice" shall mean termination of the employment agreement by the employer without the requisite notice as provided in law or the employment agreement or a notice of a lesser period than specified.

(c) 24. **Performance record**

A written performance record of employment based on the following shall be provided to the employee by the employer if such a request is made within 6 (six) months of the termination of the employment

(a) 24.
agreement and the employee being informed of the termination:

(1) name and address of the employer;

(2) nature of employer's business;

(3) period of continuous employment by the employee;

(4) place of employment;

(5) designation of the employee prior to termination of employment; and

(6) Wages and benefits up to the date of termination of employment

Payment in lieu of notice

Employment can be terminated without notice provided that the employee's wages and other benefits for the required notice period
(from the date of commencement of the notice period to the date of termination of the notice period) have been paid in lieu of notice.

The employee shall be afforded the opportunity to bring to the notice of the employer any contraventions of this Act or the employment agreement by the employer. Where the matters specified in such notice for amendment are not complied with in accordance with the employment agreement and within the period specified in such notice, the employee may resign from employment after giving notice as provided for in the employment agreement.

A termination of the employment agreement by the employee pursuant to sub-section (a) shall be deemed as dismissal by the employer without reasonable cause.

Except in the circumstances specified in Section 29, it is an obligation of the employer, in any complaint submitted by or proceedings filed by the employee pursuant to dismissal from employment, to prove that dismissal was for cause. Where the employer is unable to prove that
dismissal of the employee was for cause, it shall be deemed that dismissal was without cause.

The employee has the right to submit a complaint relating to his dismissal from employment, to the Tribunal within three months of dismissal where he is of the opinion that he was dismissed without cause regardless of whether notice was given or not. This Section does not prevent the employee filing a complaint with the Tribunal from the date of receiving notice.

An employee dismissed during the probationary period, or due to retirement age or any other reason requiring resignation from office, does not have the right as provided in sub-section (a) to file a complaint with the Tribunal.

If the Tribunal is of the opinion that the employee was dismissed without reasonable cause, the Tribunal can issue any of the following orders.
an order requiring re-instatement of the employee in the same post and that the dismissal of the employee be struck off the record;

an order requiring re-instatement of the employee in a post similar to or appropriate to the post filled by the employee prior to dismissal, compliance with any conditions stipulated in the order or agreed between the employer or the employee and re-instatement to be made on a specific date;

An order requiring compensation as provided in sub-section (d).

The Tribunal shall in issuing an order firstly seek to re-instate the employee to the post held when dismissed or to a similar post or to a post appropriate to the employee. The Tribunal shall have due regard to the circumstances for dismissal and also to the extent of the employee’s involvement in such act if the dismissal was due to any act on the part of the employee.
If in the opinion of the tribunal, the dismissal of the employee was in some measure attributable to the employee's fault or facilitated by the employee, the order for re-instatement of the employee may also provide for the imposition of a penalty.

In issuing an order for compensation, the measure of compensation shall be decided based on what in the opinion of the Tribunal is reasonable and just. In determining the measure of compensation due regard must be had of detriment directly suffered by the employee due to the employer's actions during dismissal of the employee, and the extent of contributory factors directly attributable to the employee. If dismissal of the employee was pursuant to any of the matters specified in Section 23(b) of this Act, the Tribunal may order further damages to be payable to the employee.
If the employment agreement is based on the employer in his individual capacity, the employment agreement, if not terminated pursuant to Section 22(a) of this Act within one month of the employer's demise, shall stand terminated at the expiry of such period.

If the employer goes bankrupt or ceases to carry on the business, the employment agreement, if not terminated pursuant to Section 22(a) of this Act, within one month of such event, shall stand terminated at the expiry of such period.

Despite the bankruptcy of the employer, if the business continues to operate or if the business is transferred to a third party, the employment agreement shall not be deemed terminated as provided herein.

If upon termination of an employment agreement due to bankruptcy of the employer or the cessation of the business, an employee or his representative initiates proceedings for recovery of any unpaid wages and other dues, precedence shall be given over recovery of debts due to the government (if any) and other creditors to recovery of any monies owed to the employee. Such recovery shall be based on the following order:-

Unofficial Translation
Law No. 2/2008 (Employment Act)
Compiled by: Mariyam Shirda Usman (Labour Relations Authority) “for the purpose of office use only”
payment of wages, over time, commission, service charge and any other monetary benefits due to employees in the twenty seven weeks immediately preceding the bankruptcy or cessation of business;

payment for days worked by employees who during the two years immediately preceding the bankruptcy or cessation of business, worked without taking leave;

payment due to employees for paid leave during the twelve months immediately preceding the bankruptcy or cessation of business; and

Compensation due to any employee dismissed without reasonable cause and any other payments due when the employment was terminated.
WORKING HOURS

No employee shall be required to work more than 48 (forty-eight) hours a week. This principle does not include overtime carried out in accordance with this Act.

(a) No employee shall be required to work more than 6 (six) consecutive days a week (on a day that is normally a day off or has been agreed as a day off), without being provided with twenty-four consecutive hours of leave.

(b) Sub-section (b) does not prevent an employment agreement between an employer and a person or persons employed at tourist resorts, tourist vessels or uninhabited islands designated for industrial projects from providing that the leave entitlement of 1 (one) day after working for 6 (six) consecutive days a week shall be accumulated and taken by way of one day for every 6 (six) consecutive days worked.

(c)
This Section does not prevent a person or persons employed at tourist resorts, tourist vessels or uninhabited islands designated for industrial projects from working an additional 2 (two) hours a day. However, such additional hours must be paid for by way of overtime as provided in Section 37 of this Act.

The Minister has the discretion to make regulations determining the maximum number of working hours per hours per day.

The following persons are exempted from the provisions of this Chapter:

1. persons working in emergency situations;
2. crew of sea going vessels or aircraft;
3. imams and other employees at mosques;
4. persons on on-call duty during the hours of duty; and
Regulations enacted pursuant to this Act can provide for the exemption of the provisions of this Chapter for any person in the following circumstances:

1. in the event of an accident, or an incident which is out of the employer's control, or in the event of certainty of such incident occurring or in a situation involving work outside the place of work or involving equipment used on the job, such work which if not carried out over time, may result in significant detriment to the functioning of the employer's business;

2. special circumstances existing which require working more than normally in order to meet the employers work deadlines; or

3. where work is required to be carried out in order to prevent spoilage of perishable goods.

persons in senior management posts;
Persons temporarily exempted pursuant to sub-section (b), shall upon completion of the work required to be carried out, be provided with a period for rest which is equivalent to the period specified in Section 32(b). The employer shall also pay the employee over time, calculated as specified in Section 37(b), if the employee worked more than the maximum number of working hours per day.

No employer shall require or authorise an employee to carry out the following:

1. Work consecutively for more than five hours without allowing at least a 30 (thirty) minute break for meal times; or

2. Require an employee to work during meal times.

Despite the provisions of sub section (a), the meal times of employees exempted pursuant to Section 34(a) of this Act, shall be determined in agreement with the employer.
Every employee shall be allowed 15 (fifteen) minutes to pray during each prayer period in such a manner that it does not disrupt work.

In the event that a 15 (fifteen) minute break for prayer as specified in sub-section (a) is not allowed, a fifteen minute break shall be allowed for four consecutive hours of work.

Employees shall not be required to work overtime except unless this has been agreed in the employment agreement. Any work carried out over time shall be subject to the requirements of sub-section (b) and Section 38 of this Act.

An employee working overtime shall be paid 1 ¼ times his hourly working wage as over time, and if working overtime on a Friday or a public holiday shall be paid 1 ½ times his hourly working wage as over time.
38. Working on a public holiday

An employee required to work normal hours on a public holiday shall be paid at least an amount equivalent to half of the minimum wages earned on a normal day of work in addition to overtime.

39. Annual leave

Unless otherwise provided herein, upon completion of one year of employment, an employee is entitled to 30 (thirty) days of paid annual leave.

40. No work when on leave

An employer shall not require an employee to carry out any work whilst the employee is on paid leave pursuant to Section 39 of this Act. Nor shall the employer authorise work in this manner.

41. Dates of leave

Annual leave specified in Section 39 of this Act shall be provided in the following manner:

(a) The employer shall decide the date of commencement of leave after consultation with the relevant employee. Such commencement
date shall fall no later than within twelve months from the expiry of the year in which the leave was acquired;

(2) annual leave shall not be given such that it includes sick leave granted pursuant to Section 42, maternity leave granted pursuant to Section 43, or notice period prior to termination of employment;

(3) The employee shall be entitled to an extra day of leave for every working day in the normal course of events which is declared a public holiday while the employee is on annual leave.

(2) The employer shall pay the employee no later than the last working day prior to commencement of his annual leave, his wages for the days that he is going to be on leave.

(3) Any unused annual leave entitlement for which the employee has not been paid by the employer shall be paid to the employee prior to dismissal from employment.
Any determination in connection with payments to be made to the employee pursuant to this Section shall be made based on the wage that the employee was receiving prior to commencement of his leave or dismissal.

The employer shall not give the employee salary in lieu of any leave entitled to an employee pursuant to Section 39 of this Act, except in the circumstances specified in sub-section (c).

Any agreements made by an employee agreeing to forego or forfeit any leave entitled to an employee pursuant to Section 39 of this Act shall be void.

The employer is required to grant 30 (thirty) days of paid sick leave to the employee during every year of employment.

The employer is not required to grant sick leave for two consecutive days unless a medical certificate specifying the nature of the employee’s illness is produced.

Sick Leave

(a) 30
(b) 42

Unofficial Translation
Law No. 2/2008 (Employment Act)
Compiled on: 18th December 2016

Compiled by: Mariyam Shirda Usman (Labour Relations Authority) “for the purpose of office use only”
illness and recommended duration of sick leave issued by a licensed medical practitioner is submitted on the first day back at work.

Female employees shall be granted sixty days maternity leave based on a medical certificate specifying the estimated date of giving birth issued by a licensed medical practitioner. Such leave shall not commence thirty days prior to the estimated date of giving birth. This section does not prevent the employee from returning to work prior to expiry of the duration of her maternity leave.

Maternity Leave

Female employees on maternity leave are also entitled to all the rights and benefits granted under the employment agreement such as the right to a promotion. No employee on maternity leave shall be subject to any lessening of rights conferred by the employment agreement or in calculating the duration of employment for due promotion. Nor shall the
period of maternity leave be deemed a stoppage, suspension or shortening of duration of work.

A female employee shall be duly paid her wages on the same day salary payments are made in the normal course of business even while the employee is on maternity leave.

A further leave of twenty eight days in addition to the maternity leave specified in sub-section (a) shall be granted to an employee where a licensed medical practitioner certifies of the employee's inability to return to work either due to the ill-health of the mother or the baby. Such leave can be granted prior to the estimated date of delivery or after delivery. The employer has the discretion not to pay the employee for the duration of any such leave.

Except in any of the circumstances specified below, the employee has the right to return to work to the same position held with the attendant rights and benefits upon expiry of her maternity leave:-
the position no longer exists at the work place due to economic, 
professional or organisational purposes; or

Incapacity of the employee to continue working in the same job.

In the event of the occurrence of any of the circumstances specified in sub-section (a), the employer shall take reasonable steps to find suitable alternative employment for the employee in place of the extinguished job or that which the employee is incapacitated to perform.

In the event that suitable alternative employment as required pursuant to sub-section (b) is not found or the employee without reasonable cause declines to take such employment, the employer may give notice to the employee pursuant to Section 22 of this Act and terminate the employment agreement.
Upon return to work after completion of maternity leave, the employee shall be entitled to 2 (two) daily breaks of 30 (thirty) minutes each to attend to the needs of the child. No deductions from pay shall be made for such breaks and an employee is entitled to such breaks until the child is of 1 (one) year of age.

Upon expiry of a female employee's maternity leave, the mother or father of the new-born child may take unpaid leave for a maximum period of 1 (one) year. Such leave may be allocated between the mother and father of the new born child subject to their preference where both parents are employed by the same employer.

Each employee is entitled to 10 (ten) days paid leave in a year to attend to important obligations such as tending to family members during illness.

Male employees are entitled to 3 (three) days of paid leave on the occasion of the birth of a child. Such leave shall commence from the date of the birth of the child.
Each employee is entitled to 5 (five) days of paid leave on the occasion of the circumcision of a child. Such leave shall commence from the date of the circumcision of the child.

**REMUNERATION**

Except for wages to be paid to a temporary employee, all other employees shall be paid at least on a monthly basis. Temporary employees shall be paid on a daily basis in general. However the employer and the temporary employee can agree that such payments shall be made on a weekly, bi-weekly or monthly basis.

Except in the circumstances determined in this Act for the payment of salary being paid to persons carrying on their jobs in a specific manner, salary to an employee shall be given:

1. to the employee in person or to a person nominated by the employee;
By legal tender or by a cheque issued by a bank in the Maldives

If in cash, then payment shall be made on a working day, from the place of employment or a place nearby.

Non-monetary payments paid as wages in full or in part, for industrial work or work of a nature such that it is usual to give non-monetary payments, shall only be allowed if they meet the following criteria:

1. is not within the category of alcohol or narcotic substances;
2. can be utilised by or of benefit to the employee or his family;
3. the value allocated to the product is a reasonable value;
4. It is not something that is prohibited from use or retention.
Each Maldivian employee is entitled to a Ramadan allowance of MVR. 3,000/- (three thousand), payable before the beginning of Ramadan.

In order for payment of allowance as required in sub-section (a), all those mentioned in the constitution and those whose salary is fixed by the People’s Majlis according to the law shall be included.

Employer has the discretion to pay Ramadan bonus to Muslim expatriate workers. Upon the discretion of the employer, expatriate Muslim workers who are working in the public sector is entitled an allowance as specified in sub-section (a). And expatriate Muslim workers who are working in the private sector is entitled an Ramadan allowance as same as Maldivian workers who are working in the private sector.
For those who are employed in the private sector, the subsection (a) of the clause 51 will come to effect after the completion of one hijri year from the commencement of this amendment. Nevertheless, after the implementation of this amendment, the Ramadan bonus will be 1/3 of the employee’s salary. If 1/3 of the employee’s salary amounts to less than MVR 2,000/-, the Ramadan bonus should be no less than MVR 2,000/-. If 1/3 of the employee’s salary amounts to more than MVR 10,000/-, then the employee should be given MVR 10,000/- as the Ramadan bonus.

Where a service charge is levied on customers by the employer, the previous month's service charge shall be distributed to employees before the end of the current month after deduction of any administrative fee due to the employer in accordance with sub-section (b).

The employer may deduct not more than 1% (one percent) of the total amount received as service charge by way of an administrative fee.

Any money being paid by an employer as salary or service charge to foreign employees who hold a work visa under the Maldives
Immigration Act (Law Number 1/2007) and to foreign employees who are not allowed to work in the Maldives without a work visa, shall be paid as follows:

1. Through a bank account opened in the names of the foreign employee at a registered bank operating in the Maldives; and

2. By depositing cash in legal tender or a cheque from a bank operating in the Maldives, to the Employee’s account.

Notwithstanding subsection (a), employers shall open bank accounts for foreign employees in accordance with this section, within 3 (three) months from the commencement date of the fifth Amendment to the Employment Act (Law Number 2/2008).

Employers shall not violate subsection (a).

The Ministry or parties determined by the Ministry shall have the discretion to impose a penalty between MVR 10,000 (ten thousand) and MVR 50,000 (fifty thousand) against employers who violate subsection (a).
The employer shall provide a statement including the following information when making wage payments to employees:

1. The total wage paid to the employee for the specific period for which being paid;
2. Details of any deductions from the total wages and the reason for the deductions; and
3. The wages payable to the employee for the specific period for which being paid.

The employer can instead of providing a written statement as required pursuant to sub-section (a), include the information specified in sub-section (a) in a register which shall be signed by employees when being paid.

Employees requesting a copy of the relevant page of the register specified in sub-section (b) shall be provided with a copy of such page without the imposition of any fee or payment.
An employee who has not been provided with a statement of wages by the employee when being paid, or has not been provided with access to the register of wage payments as required pursuant to this Section, may file a complaint with the Tribunal.

No employer shall:

1. require any employee to return or pay back to the employer any wages paid or payable pursuant to this Act;

2. do anything which may prove a direct or indirect obstacle to any benefit accruable to the employee from wages paid or payable to the employee or any part of such wage;

3. require or authorise an employee to sign a receipt to the effect that he has received a sum of money that is in excess of what he has actually been paid; or

4. prohibit actions in connection with salaries.
Do anything which is an obstacle to the employees’ freedom of action in connection with his wages.

(4)

An employer can make deductions from employee salary or wage payments only in the following circumstances:

(a) deductions in accordance with law or a court order;

(1)

(b) deductions made from an employee's salary payments, with the employee's written permission, in connection with payments due to the employer from the employee with respect to the provision of a residence or rental of a residence, merchandise sold to an employee, a loan given or a loan sourced with the employer's guarantee, or an agreed amount deducted as part-payment for advances made. Such deductions shall not exceed the amount agreed by the employee or one third of the employee's wage; or

(2)

(c)
Deductions made in connection with the employees leave, (3) medical expenses, or payments to an insurance fund or provident fund.

Goods provided to employees through a retail-outlet operated by the employer or access to services provided by the employer on a commercial basis, shall be priced in a manner that is reasonable.

The employer shall not compulsorily require any employee to purchase goods from a shop or obtain services provided by the employer as specified in sub-section (b).

The employer shall settle all payments due to an employee within 7 (seven) days of the employee being dismissed from employment or expiry of his employment period.

Where an employer repeatedly violates Section 50, Section 51, Section 52, Section 53 and Section 57 of this Act, the Minister shall have the
authority to notify State Institutions, as an administrative measure, to cease services provided to that employer until the employer rectifies the violation.

The minister shall formulate regulations to enforce matters regarding salaries and benefits stipulated in this Act against employers who violate Section 50, Section 51, Section 52 and Section 53, in order to encourage the payment of salaries, service charge and allowances or other befits given as part of the salary to employees.

The regulations made in accordance with this Section shall be formulated and published within 3 (three) months from the commencement date of the Fifth Amendment to the Employment Act (Law Number 2/2008).

A Salary Advisory Board shall be established which will review and ascertain the manner of employment of employees in commercial ventures and other places and shall advise the Minister on minimum wages payable for all such employment.
59

Any order issued pursuant to Section 59 of this Act establishing a minimum wage for employees must be reviewed by the Board once every two years.

(b)

The Minister shall enact a regulation pursuant to this Act specifying the powers, responsibilities and administrative procedures of the Board.

(c)

The Board shall be composed of five members appointed by the President.

(a) 60.

Composition of the Board

Persons appointed to the Board shall have the competence and experience necessary to discharge the functions of the Board.

(b)

The Board shall be chaired by a member determined as the chairperson by the President.

(c)

Meeting of the board

The member chairing the Board may, if the Board so wishes, request any person to attend and speak at a meeting of the Board in connection with a matter being investigated.

(a) 61.
Any person can request the Board for an opportunity to submit to the Board a matter relating to his remuneration. If in the opinion of the member chairing the Board, such person is associated with a matter being investigated by the Board or if the matter falls within the mandate of the Board, he shall be afforded the opportunity to attend a meeting of the Board.

Any person refused an opportunity to attend and speak at a meeting of the Board by the chairperson, as provided in sub-section (b) may appeal the matter to the Tribunal.

The Minister may, after review of the advice of the Board, issue an order to establish, amend or terminate a minimum wage or remuneration in respect of certain types of employment.

The Minister may, when issuing an order with respect to the minimum wage or remuneration, specify the hourly wage, the payment apportioned to part of the work and the amount of overtime.
An employer who receives an order of the Minister establishing a minimum wage shall display the information contained within such order at the work place such that employees can view the information.

Any contravention of this Section by an employer is an offence. Such offence if proven is liable to a fine of not more than MVR 1,000 (one thousand).

Any employer who pays an employee less than the minimum wage commits an offence. The employer shall be fined MVR 1,000 (one thousand) the first time such offence is committed and shall be fined a sum that is not less than MVR 1,000 (one thousand) and is not more than MVR 3,000 (three thousand) the 2nd (second) time such offence is committed.

The Tribunal shall order any employer who pays less than the minimum wage to an employee to make up the shortfall.
Where the employer has paid an employee less than the minimum wage and the employee has consequently filed a complaint, the onus of proving that a minimum wage order issued by the Minister has not been contravened shall be on the employer.

CHAPTER 5
FOREIGNERS IN EMPLOYMENT

A permit to work in the Maldives or the “Employment Approval” shall be obtained pursuant to the relevant Act, prior to a foreign employee’s arrival in the Maldives.

Persons who bring in foreigners to work in the Maldives shall maintain a deposit at the relevant State Institution in accordance with the relevant laws and regulations.
The Minister shall formulate regulations with respect to the procedure for the employments of foreigners in the Maldives, carrying out employment by foreigners, employments and dismissal of foreigners and other relevant matters, and publish them within 3 (three) months from the commencement date of the Fifth Amendments to the Employments Act (Law Number 2/2008).

Complaints may be lodged at the Tribunal, by or on behalf of a foreigner in employment alleging breaches of the provisions of his employment agreement.

**CHAPTER 6**

**EMPLOYMENT AGENCIES**

"Employment agency" means a commercial venture which provides the service of or assisting with the procurement of employment for those persons seeking to be employed or procuring employees for those persons seeking to provide employment.

An employment agency shall not commence its operations without it being registered at the Ministry.
Registration and management

The Minister shall have the authority to formulate regulations with respect to the registration of an employment agency, the issuance, renewal, suspension, and cancellation of the permit of an employment agency and the operation of and services provided by such agencies and the standard of services provided.

The Ministry shall have the discretion to collect a fee for services provided by the Ministry to employment agencies under this Act. In this regard, the regulation with respect to the policy on and the amount of fees charged for such services shall be formulated and published within 3 (three) months from the commencement date of the Fifth Amendment to the Employment Act (Law Number 2/2008)

Confidentiality

An employment agency shall not request or keep on record any information of a personal nature relating to a prospective employee except such information as is required to ensure that the person has the competence to discharge the employment sought.
(a) Information of a personal nature that is obtained pursuant to sub-section (b) (a) shall be disclosed by an employment agency only to employers that have expressed interest in employing a person with certain abilities.

(b) The employment agency may charge a fee as is agreed with the employer. However no fee shall be taken directly or indirectly from a prospective employee.

Complaints

(a) Any complaints in connection with an employment agency may be submitted to the Minister.

(b) Where the Minister finds that a complaint filed with the Minister against an employment agency was based on true facts, the Minister shall have the authority to enforce any of the following actions against such agency, based on the severity of the act committed by the agency:

(1) Suspending the permit issued to that agency for a duration deemed reasonable to the Minister;
Impose a penalty between MVR 5,000/- (five thousand) and MVR 50,000 (fifty thousand);

Cancelling the permit issued to the agency;

Not issuing agency operating permit to a business whose shares are held by the responsible personals of the agency.

The Minister shall formulate and publish regulations with respect to the procedure for reviewing complaints submitted to the Minister in accordance with subsection (a) with regard to employment agencies, within 3 (three) months from the commencement date of the Fifth Amendments to the Employment Act (Law Number 2/2008).

A decision of the Minister is not acceptable, may be appealed to the Tribunal within sixty days of such decision.

Sub-section (a) does not prevent the submission of a complaint relating to an employment agency to the Tribunal.
CHAPTER 7

TRAINING AND ON-THE-JOB TRAINING

An agreement must be entered into between the employer and employee, prior to the commencement of any formal training or training programme or participation in a course for the purpose of training an employee in relation to his employment or job.

Any such training agreement shall include:-

(a) 72.

(1) name and address of the employer;

(2) name, permanent address, current address and identity card number of the employee;

(3) details of the training to be provided to the employee;

(4) training period;

(5) cost incurred by the employee and connection with such training;
For the purpose of office use only

Prior to the commencement of any on-the-job training for the purpose of providing specific skills related to a specific kind of work to an employee, the employee and employer must enter into an agreement relating to such training or include the provisions of this Section in the employment agreement.

Any such training agreement shall include the:

(1) name and address of the employer;

The employer shall not charge any fee in excess of the amount spent on training pursuant to the training agreement specified in sub-section (a), either directly or indirectly to the employee in connection with taking part in the training.

On-the-job training
(2) name, permanent address, current address and identity card number of the employee;

(3) details of the training to be provided to the employee;

(4) training period; and

(5) The terms and conditions of employment, salary and benefits to the employee from such employment

Regulations enacted pursuant to this Act shall specify the minimum salary payable to any employee undergoing on-the-job training.

The wage for employees receiving on-the-job training shall be 70% (seventy percent) of the wages specified for such employment or work in any order issued by the Minister pursuant to Section 60 of this Act.

The period of employment during which the employee receives on-the-job training shall not exceed six months.
The employer shall not charge any fee either directly or indirectly to the employee for providing him with employment and the opportunity to receive on-the-job training.

Regulations enacted pursuant to this Act may specify certain areas of employment which are deemed as barred from providing on-the-job training.

Contraventions of the employment agreement pursuant to which employment for on-the-job training is being provided or the agreement relating to on-the-job training may be submitted to the Tribunal.

CHAPTER 8

WORK PLACE SAFETY AND EMPLOYEE HEALTH

The employer shall implement measures for the health and safety of employees at the work place without charging any fee from employees. Such measures shall include:-
implementation of a safe work place and procedures, (1)
procurement of secure tools and machinery for carrying out work, and ensuring the continued safety of the same;

(2) provide safe materials to work with;

(3) provide protective equipment and safety equipment in the event that the nature of work is such that it is not possible to eliminate or control health hazards arising out of the work;

(4) provide education and training to employees on the use of protective gear and safety equipment, and disseminate to employees information on all issues of related concern;

(5) conduct regular health checks for employees engaged in work involving chemical or biological materials that may cause a hazard to physical health or employees involved in any work that may cause physical ill health;
provide or arrange for appropriate medical care for employees injured while carrying out employment; and

Arrange the facilitation of first aid to employees in emergencies or accidents.

The following are duties imperative upon every employee:

(a) maintenance of safe work practices at work to avoid danger to the safety and well being of the employee and co-workers which may be caused by inattentiveness to safety and security measures;

(b) assist the employer and co-workers in maintenance of measures designed to ensure safety and health;

(c) use safety equipment and protective gear as instructed in accordance with the training and education provided for use of such equipment and gear;
report to the employer any damage, loss of or destruction of protective gear or safety equipment;

inform the employer or his designated supervisor immediately of the occurrence of any incident which the employee believes may cause danger and which the employee is unable to resolve;

Inform the employer or his designated supervisor of any accidents or damage sustained occurring at work or related to work.

The employer has the right to abstain from work if he believes that reasonable grounds exist of serious hazard to health or life.

The Minister shall be notified within forty eight hours in the event of death of an employee or the occurrence of an injury requiring medical care in excess of first aid care to an employee.
CHAPTER 9

LABOUR RELATIONS AUTHORITY

The Minister shall establish a Labour Relations Authority to attain the following objectives:

(1) to observe compliance with this Act and regulations enacted hereunder and to implement the administrative steps required for adherence to the same;

(2) to facilitate creation of awareness for the purpose of ensuring the proper observation of this Act and regulations enacted hereunder and to provide technical information and advice required by employers and employees;

(3) to inform the Minister of any issues arising due to matters that have not been provided for in this Act and regulations made hereunder and any unfair advantage utilised from this; and

(4)
To issue regulations governing employer and employee relations.  

Checking and inspection

In order to ensure compliance with this Act and regulations enacted hereunder, officials of the Labour Relations Authority must inspect work places from time to time.

Employment officials have the following powers:-

Powers of employment officials

(1) except in the circumstance specified in sub-section (3), employment officials have the power to enter and check the work place without any prior notice;

(2) except in the circumstance specified in subsection (3), enter into and check during daylight hours, any place which there are reasonable grounds to believe is a work place;

(3) if the work place is the employer's dwelling place, enter such place with the employer's permission or the Minister's consent in writing;

(4)
inspection of the work place and questioning of employees and to specifically carry out the following to ensure that this Act and regulations enacted hereunder are being complied with;

(4) require submission of records, books, registers and other documents required to be maintained in relation to employment and related matters pursuant to law to ensure that they are being maintained as required and upon submission make copies of the same and collect information;

(a) order the display of any notices required by law to be displayed, if such notices are not already displayed;

(b) take samples of different materials from the workplace for testing, after informing the employer or his designated representative;

(c) obtain information about employee working conditions, salary and working hours;
inspect records of accidents and illnesses required to be maintained by statute or regulations and obtain information or ascertain how, or the circumstances under which such accident or illness occurred while carrying out employment;

Implement steps to alleviate any situation which there are reasonable grounds to believe may cause a threat to employee health or safety arising out of the use of equipment at work or conditions of work.

Employment officials have the power to issue orders relating to the following in order to facilitate the carrying out of sub-section (a) (4) (f).

Any employer dissatisfied with such an order has the right to submit the matter to the Tribunal:

an order to make changes, within a specified time, to the machinery or the manner in which work equipment is set up; such changes being ordered to ensure safety and health standards
of employees stipulated to be maintained by law are adhered to;

(2)

An order to take certain urgent steps to eliminate danger to health and lives of employees if grounds for certainty of such danger exist.

(2) Notification

Upon arrival at a work place for an inspection, employment officials must notify the employer or his representative of the presence of the employment official at the work place if such notification would not prove to be an obstacle to the employment official's work.

(ހ) Opportunity to interact

Employers should facilitate free and unfettered access to employment officials by his employees.

(a) 83.

No employer shall take improper measures against an employee as a consequence of the employees' actions with respect to the provisions of this Section.

(b) Prohibitions on disclosure
Except in the circumstance specified in sub-section (b), the confidentiality of information gathered by employment officials in the course of carrying out their duties, relating to business secrets, productivity and the like, of commercial ventures shall be maintained both during the currency of their employment and after dismissal.

The relevant government authorities shall be notified if a thing which may pose a risk to the lives or health of employees is being utilised at any stage of the work.

No disclosure must be made to an employer of the details of any employee who submits a complaint to the Minister or the Tribunal alleging contravention of law and regulations at the work place. Nor shall any employment officer conducting an inspection of a work place disclose that the visit is due to a complaint from a particular employee.

Employment officials are barred from forming any liaisons with any person which may produce either a direct or indirect benefit out of work place inspections conducted.
Employment officials shall submit reports, prepared after review of employment practices at work places visited, to the Minister, in the manner specified.

Any person who carries out any of the following commits an offence.

The penalty for such offence based on the extent of the offence is a fine of not less than MVR 500 (five hundred) and not more than MVR 50,000 (fifty thousand) or a one year jail term and a fine of not more than MVR 25,000 (twenty five thousand):

(1) contravention of Section 83 and Section 84 of this Act;

(2) obstructing the duties or the activities of an employment official;

(3) non-compliance with orders issued by employment officials in the course of their duties or pursuant to the powers they have to carry out their duties;
to wilfully provide an employment official with false or misleading information;

(5) to obstruct or hinder a person from presenting themselves in front of an employment official or to obstruct or hinder the questioning of such person or to attempt any such act; or

(6) Falsely represent one self to be an employment official.

CHAPTER 10

EMPLOYMENT TRIBUNAL

There shall be an Employment Tribunal established pursuant to this Act and which operates in accordance with this Act.

The Tribunal has full powers to review and deliberate as it deems appropriate on matters determined by this Act or any other law to be adjudicated by the Tribunal.
The Tribunal has the power to summon persons, elicit witness statements, obtain proof and evidence or do anything necessary to verify and elicit the truth of a matter submitted to it.

Appeal

Except in the circumstance specified in sub-section (b), the decisions of the Tribunal shall be final and not subject to any further appeal.

A decision of the Tribunal if in ultra vires of its powers, or in contravention of sharia principles or law, can be appealed as of right to the High Court within 60 (sixty) days of such decision being made.

Decisions of the Tribunal must be complied with, unless the court has specifically ordered that the decision of the Tribunal not be enforced.

The Tribunal is composed of 7 (seven) members appointed by the President of the Republic.
Members appointed to the Tribunal shall serve a term of 5 (five) years from the date of appointment.

A Member of the Tribunal can be re-appointed for an additional term of 5 (five) years except for a member removed pursuant to sub-section (h). Members re-appointed in this manner can be subsequently re-appointed for additional terms of 5 (five) years.

The members of the Tribunal shall possess the following qualifications:

1. Not have been convicted of an offence for which a hadd is prescribed in Islam during the last 5 (five) years;

2. Not have been convicted of the offence of corruption;

3. Not carrying out any elected or appointed political post pursuant to the Constitution of the Republic of Maldives or any statute;

4. Not a member of any political party or active in the activities of any political party; and
Be possessed of the educational qualifications or experience to comprehend and resolve employment related issues.

This act does not prevent the appointment of members to the tribunal on either a full time or a part time basis.

The President of the Republic shall appoint a President and a Vice-President of the Tribunal from among the members appointed to the Tribunal.

The President shall be the highest authority in the Tribunal charged with administering the Tribunal in accordance with regulations enacted hereunder.

In the event of the incapacity or inability of the President to carry out his duties of office, or vacancy of office of the President, his duties of office shall be temporarily performed by the Vice-President. In addition to the above, the Vice-President shall perform duties assigned to him by the President.
The office of the President or the Vice-President shall be deemed vacant upon the same circumstances pursuant to which a vacancy of membership is deemed to have arisen.

A member shall take the following oath of office in front of the President of the Republic before assuming office

"I, ............. , do swear in the name of Almighty Allah that I will respect the religion of Islam, that I will respect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens and will discharge the duties and responsibilities of membership of the Employment Tribunal independently, fairly, justly, faithfully without bias or prejudice.

The following shall be deemed vacancies in office of membership of the Tribunal:-

1. expiry of the term of membership;

2. [Additional information or list of vacancies if applicable]
resignation; (2)

Removal from the Tribunal pursuant to sub-section (h) (3)

death; (4)

No longer possessing a qualification specified in this Act for membership of the Tribunal. (5)

A member of the Tribunal shall be removed from office, upon the occurrence of any of the circumstances specified herein and by writing under the hand of the President of the Republic:

(1) declared a bankrupt by a judgement of the court;

(2) incapacity to perform the responsibilities required as a member of the Tribunal or circumstances existing where there is a personal interest or benefit or gain or role which conflicts with the performance of the duties of a member of the Tribunal;

(3) contravening the oath of office;
to be found in the opinion of the President of the Republic (4)
lacking in the good standing required of a member of the Tribunal (4)
due to being convicted of an offence;

Being found negligent or careless in the performance of the (5)
responsibilities of a member of the Tribunal (5)

The President, Vice-President or a member of the Tribunal may (1)
resign from office by writing under his hand specifying the (1) (i)
reason and addressed to the President of the Republic. However, (2)
such member shall continue in office until informed by the (2)
President of the Republic of acceptance of the resignation or the (2)
lapse of 30 (thirty) days from the date of submitting the (2)
resignation.

Resignation as President or Vice-President of the Tribunal shall (2)
not be deemed as resignation from membership of the Tribunal (2)
as specified in subsection I (1).
The President, Vice-President and the members of the Tribunal shall be paid such salary and allowances as determined by the President of the Republic. In determining the salary and allowances payable to members of the Tribunal, due cognisance shall be had to whether a member is a full time or a part-time member of the Tribunal.

The salary and allowances payable to the President and the Vice-President shall not be diminished during their term of membership. Nor shall the salary and allowances payable to members of the Tribunal be diminished during their term of membership.

The President of the Tribunal shall on behalf of the members of the Tribunal, appoint, transfer and remove employees from the Tribunal in accordance with the regulations enacted by the Tribunal.
The salary and allowances payable to members of the Tribunal shall be determined by the President of the Tribunal after consultation with the Minister of Finance and Treasury.

The funds required for the Tribunal to carry out its responsibilities shall be provided by the Treasury every year in accordance with the Budget approved by the People's Majlis.

The Tribunal shall, in accordance with the advice of the Auditor General and the regulations of the Tribunal, maintain and prepare its audited financial statements relating to its revenue, expenditure, property and liabilities and shall submit the same to the President of the Republic and the People's Majlis before the 28 day of February each year.

The members of the Tribunal and its employees shall not be members of the Civil Service.
Regulations governing the administration of the Tribunal, principles to be adhered to in review and consideration of matters before it and other matters relating to the Tribunal, shall be enacted and published within 3 (three) months of the coming into force of this Act.

(90) Regulation relating to the Tribunal

CHAPTER 11

REMITTANCE TAX

For the purpose of this Section, “foreigners employed in the Maldives” refers to foreigners who have been issued a work visa pursuant to the Maldives Immigrations Act (Law Number 1/2007) and foreigners who are not allowed to work in the Maldives without a work visa even though such visa has not been issued or the visa has expired.
It is the responsibility of banks and non-banks and non-bank financial institutions operating in the Maldives that provide the service of transferring in any manner money out of the Maldives, to collect the Remittance Tax specified in Section 89 of this Act from foreigners and to pay it to the State in accordance with this Chapters.

Persons registered for Remittance Tax shall file a Remittance Tax Return after computing the amount of tax payable for each month, by the fifteenth (15th) of the followings month, and pay the due amount of tax to MIRA by that date.

Remittance tax shall be paid to MIRA in Maldivian Rufiyaa.

Where a person has not paid Remittance Tax within the due date for payment, or does not file the Remittance Tax Return within the due date for filing, or where a person who provides money transfer services does not fulfill any of his other obligations, action will be taken against such
person in accordance with the Tax Administration Act (Law Number 3/2010).

Where a person takes measures to avoid payment of Remittance Tax, or assists in such avoidance, the person shall be fined an amount equal to the amount of money transferred abroad, in additions to the action taken in accordance with subsection (a). And where the measures were taken by a business, in addition to the fine, the relevant State Institution shall have the discretion to suspend the operating license issued to such business for a specified period.

Notwithstanding any other provision in this Act, for the purpose of this Chapter, MIRA shall have the authority to formulate regulations on the following matters.

Registrations of persons required to register for Remittance Tax;

The procedures to be followed by persons who provide money transfer service in collecting Remittance Tax from foreigners;

Defining what constitutes transfer of money out of the Maldives;
Other matters and procedures to be determined in implementing (d) Remittance Tax.

**CHAPTER 12**

**MISCELLANEOUS MATTERS**

Enactment of regulations

Unless otherwise provided in this Act, regulations required to administer this Act shall be made by the Minister.

In this Act:


"Licensed medical practitioner" shall mean person who are permitted to issue medical certificates from an authorized institution approved by Ministry of Health;
“Wage” shall mean in relations to employment, cash or anything of value which is paid from employer to employee as a means of salary, additional benefits, allowances related to employment which shall be given as financial gain.

"Temporary employee" shall mean employees working on a day to day basis with no prospect of being made permanent employees;

"Employer" shall mean any person, company, government or association of persons providing employment pursuant to an employment agreement, and includes the use of the services of non-independent contractors, successors and assigns of such employers, and any person to whom the rights of such employers are transferred by operation of law;

"Persons in senior management posts" shall mean persons who are members of the management committee, other employees of equivalent level and the senior most employees in management.
"Worker" shall mean an employee and any person seeking employment;

"Minister" shall mean the Minister appointed to oversee the responsibilities of the Ministry mandated with responsibility for matters relating to employment or a person who has the authority as his representative;

"Ministry" shall mean the Ministry mandated with responsibility for matters relating to employment;

“Employee” shall mean any person working under an employment contract. This shall also mean inclusive of any employee who has worked under a non-independent contractor as well as with a previous employer.

"Permanent employment" or "permanence of employment" shall mean employment carried out with an employer on an uninterrupted basis;
"Service charge" shall mean service charge imposed if any, in excess of the price imposed for the service provided;

"Tribunal" shall mean the tribunal established pursuant to Chapter 10 of this Act to review all employment related matters;

"Tourist resorts" shall mean resorts at which tourists spend their vacations and picnic islands

This Act shall come into force on the 45th day following its enactment by the President of the Republic. Any government structures that require amendment or consolidation pursuant to this Act must be settled within 90 (ninety) days of the enactment of this Act by the President.