



Unofficial English Translation

# Employment Act

*Law No. 2/2008*

Consolidated with Amendments by Labour Relations Authority

updated as of 21<sup>st</sup> September 2022

This document consolidates the following:

1. *Law No. 2/2008 (Employment Act), ratified by the President on 26<sup>th</sup> of May 2008.*
2. *Law No. 14/2008 (First Amendment to the Employment Act), ratified by the President on 13<sup>th</sup> of October 2008.*
3. *Law No. 12/2010 (Second Amendment to the Employment Act), ratified by the President on 7<sup>th</sup> of August 2010.*
4. *Law No. 3/2014 (Third Amendment to the Employment Act), ratified by the President on 12<sup>th</sup> of January 2014.*
5. *Law No. 14/2015 (Fourth Amendment to the Employment Act), ratified by the President on 11<sup>th</sup> of June 2015.*
6. *Law No. 22/2016 (Fifth Amendment to the Employment Act), ratified by the President on 25<sup>th</sup> of August 2016.*
7. *Law No. 22/2020 (Sixth Amendment to the Employment Act), ratified by the President on 22<sup>nd</sup> of September 2020.*
8. *Law No. 15/2022 (Seventh Amendment to the Employment Act), ratified by the President on 21<sup>st</sup> of September 2022.*

*This is the unofficial translation of the original document in Dhivehi. In the event of conflict between this translation and the Dhivehi version of this document, the latter shall prevail. Therefore, it is advised that both the Dhivehi version of this document and this translation be read concurrently.*

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Law No. 2/2008

## **Employment Act**

### **Chapter 1**

#### **Introduction and Jurisdiction**

Introduction and  
Title

1. (a) 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.
- (b) This Act shall be cited as the "Employment Act".

Jurisdiction

2. (a) 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).
- (b) This Act does not prevent any agreements between the employer and the employee which guarantees the rights specified in this Act to a greater extent than provided herein.
- (c) Any provision of any regulation or employment agreement which prevents or impedes the receipt of any rights or benefits, conferred to an employee by this Act, shall be void.

## Chapter 2

### Fundamental Principles

Prohibition of  
Forced  
Employment

3. (a) No person shall be compelled or forced into employment.
- (b) “Forced employment” shall mean any services or labour obtained from a person under threat of a penalty, undue influence or duress, and this excludes services or labour performed of their own volition. The following are exempted from this definition.
- (1) Work carried out by, or services obtained from a person under the control and supervision of the relevant government authority in pursuance of a court judgement;
  - (2) 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 population or a section of the population.

Non-  
discrimination

4. (a) 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 provisions herein age or disability.
- (b) The implementation of any principles, activities or programmes with the objective of assisting those persons disadvantaged against for any of the reasons specified in subsection (a) or socially disadvantaged persons shall not be deemed as discrimination among equal employees.
- (c) Subsection (a) does not preclude consideration of matters such as educational qualifications required for employment, aptitude, experience and such other matters directly related to employment.



- (d) Where a complaint is lodged against an employer alleging contravention of subsection (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 subsection (a).
- (e) Any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination as provided herein.

Contravention  
of Fundamental  
Principles

- 5. (a) 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.
- (b) 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 reasonable opportunity to make submissions and respond to arguments.
- (c) 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;
  - (4) An order providing for compensation.

### **Chapter 3**

#### **Employment of Minors**

- Minimum Age
6. Minors under the age of sixteen years shall not be employed except for training associated with their education or department. Minors under the age of 16 years who participate in the family's line of work on their own accord shall be exempted from this principle.
- Prohibition of Employment of Minors
7. (a) No minor shall be employed in any work or employment or in conditions of work or employment that may have a detrimental effect on their health, education, safety or conduct.
- (b) All age limits stipulated in this Chapter shall be determined 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).
- Obtaining Guardian's Approval
8. (a) 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.
- (b) For the purposes of subsection (a), a legal guardian or guardian recognised at law shall be defined as is provided in Law No 4/2000 (The Family Law).
- Working Hours
9. (a) A minor employed in accordance with Section 6, shall not be required to be at work during school hours of the minor.
- (b) A minor shall not be required to work after 11pm at night.
- Register of Minors in Employment
10. 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.

- Health Check
11. (a) In accordance with Section 6, a minor shall be employed on a vessel only upon submission of a medical certificate of fitness for such employment which is issued by a medical practitioner licensed by the Government.
- (b) A minor shall only continue to be employed on a vessel for a period of more than one year subject to a medical check-up 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.
- Penalty
12. 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

- Types of Employment Agreements
13. (a) Unless otherwise provided herein, the provisions of this Chapter shall apply to all forms of Employment Agreements.
- (b) There shall be a written Employment Agreement consisting of one or several documents between the employer and each employee. Such Employment Agreements 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) Remuneration and other benefits;
  - (5) Method and guidelines for calculation of salary;
  - (6) Pay day;
  - (7) Days on which leave may be granted;

- (8) Principles pursuant to which disciplinary measures may be taken against the employee due to their conduct;
  - (9) Employee performance appraisal; and
  - (10) Manner of dismissal from employment.
- (c) The following types of agreements are permitted:
- (1) Employment agreements of a definite term;
  - (2) Employment agreements of an indefinite term; and
  - (3) Employment agreements specific to a certain work.
- (d) Either party of an indefinite employment agreement, may terminate the agreement in accordance to the Sections of this Chapter, regarding notice of resignation or termination.
- (e) Except in the circumstance specified in subsection (g), employment agreements of a definite term shall terminate at the end of the term specified in the employment agreement without requirement of any further notice.
- (f) Employment agreements of a definite term shall not exceed a maximum period of two years.
- (g) 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.
- (h) Employment agreements of a definite term or specific to a certain work shall be deemed as employment agreements of an indefinite term, if the objective or result of the employment agreement is such that the employee is required to continue carrying out duties and responsibilities which are usually and normally carried out at the place of work on a permanent basis.
- (i) Employment agreements specific to a certain type of work shall terminate upon completion of the specific work undertaken without requirement of

any further notice.

- (j) The employer shall formulate an employment agreement as mentioned in subsection (b), and provide a signed copy to the employee. Those who have not handed over copies to employees shall do so within 3 (three) months of commencement of this Act.
- (k) If the employer has not made the agreement as mentioned in subsection (b), or handed a copy to the employee as per subsection (j), they shall be penalised with a fine between MVR 2,000 and MVR 20,000 depending on the scale of business.

Probation

- 14. (a) 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.
- (b) During the probationary period mentioned in subsection (a), either party may terminate the employment agreement without giving any prior notice. However, employees in probation shall be entitled to all the rights granted through Section 32 to Section 57 of this Act. And they shall also be entitled to receive the minimum wage declared under Section 59 of this Act.

Job Description

- 15. (a) 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.
- (b) 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.
- (c) The Job Description specified in this Section shall include:
  - (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) job title and detailed job description;
  - (4) place of employment;
  - (5) normal working hours;
- (d) In the following circumstances, employees shall be exempt from the provision of this section.
- (1) Employees whose total normal working hours are less than 16 hours in a week;
  - (2) Employees who are employed for a specified period of less than six weeks, or for a specified task to be completed within 6 weeks.
- (e) Where the employee has not been provided with a job description by the employer, the employee in order to obtain their 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.
- (f) Employers who have not provided employees with the job description specified in subsection (a) shall be subject to a fine of not more than MVR 1,000/- (one thousand).

Permanent  
Employment

16. (a) 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.
- (b) 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 away 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 layoffs;
- (5) Any period away from work with the consent of the employer.

Transfer of  
Employment  
Agreement

17. (a) Except as provided in subsection (b) no employment agreement shall be transferred to a party other than the employee without the consent of such employee.
- (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.
- (c) 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.
- (d) Any obligation imposed on a person pursuant to an ongoing prosecution or a conviction for an alleged offence, shall in the circumstances specified in subsection (b), not be deemed transferred to another party and there shall be no lessening in the obligations of such person.

Employment of  
a Specific  
Duration

18. 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, their accrued duration of employment shall be deemed as continuous employment with such employer.

### **Work Ethic and Dismissal from Employment**

Imposing  
Disciplinary  
Measures on  
Employee

19. (a) 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.
- (b) 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 14 days;
  - (4) Demotion
- (c) 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.
- (d) Complaints may be lodged at the Tribunal by any employee concerning the reasonableness of the disciplinary measures imposed against him.

Permitted  
Deductions from  
Salary

20. (a) Employer shall not impose any additional penalty on an employee for absence from work, other than deduction from their salary, for the amount of time absent from work.
- (b) 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.



Prohibition of  
Dismissal  
without  
Reasonable  
Cause

21. (a) An employee shall not be dismissed from employment, except for reasonable cause of failure to fulfill their responsibility related to work ethic, or the proper operation of the place of employment, even after measures have been taken to improve skill deficiencies or ethical standard.
- (b) The following shall not be deemed reasonable cause that the employee is failing to maintain work ethics or in dismissing them 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;
  - (4) temporary failure to report to work for a period of time due to illness or injury;
  - (5) 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;
  - (6) membership of a workers association or involvement in any lawful activity conducted by such association;
  - (7) Submission of a complaint against the employer alleging contravention of the law or being involved, in any capacity, in such a complaint.
- (c) Despite subsection (a), a job position being made redundant in accordance with the regulation mentioned in subsection (e), due to the discontinuation of a business or a service provided by the employer, or due to an operational change of the employer, or due to the decline of the employer's financial status, shall be considered as a reasonable cause for dismissal, for the purpose of this Section.
- (d) Despite subsection (c), it is the obligation of the employer to prove the cause of dismissal and that it was carried out in good will, with no

employee or employees being targeted.

- (e) The Minister shall formulate a regulation stipulating the causes for which employees can be dismissed under subsection (c), and the procedures that must be followed by the employer in such cases.
- (f) Where an employee is dismissed for causes mentioned in subsection (c), and if the employee has not completed 1 (one) year of service in employment, they must be given 1 (one) month of notice or payment in lieu of notice. If the duration of service in employment is between 1 (one) and 4 (four) years, they must be given at least 2 (two) months of notice or payment in lieu of notice. And if the duration of service in employment exceeds 4 (four) years, they must be given at least 3 (three) months of notice or payment in lieu of notice.

Notice Prior to  
Dismissal

- 22. (a) 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:
  - (1) 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
- (b) The notice periods specified in subsection (a) shall not be served on the employee while they are on leave taken pursuant to this Chapter, in a manner that the period of notice is counted with the period of such leave.
- (c) 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 of an employee's right in respect of notice period.
- (d) Notice given pursuant to this Section must be given in writing

Dismissal  
without Notice

23. (a) An employee shall be dismissed without notice only in circumstances where their work ethic is deemed unacceptable, and the employer, on reasonable grounds, does not consider further continuation of employment to be possible.
- (b) An employee's work ethic shall be deemed unacceptable as specified in subsection (a) if:
- (1) any further retention in employment is likely to be detrimental to the employer or to the workplace;
  - (2) The employee has committed fraud
- (c) "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.

Performance  
Record

24. (a) 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 months of the termination of the employment 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;
  - (6) salary and benefits up to the date of termination of employment
- (b) The reason for termination of employment or the employers' views on the employee's performance must not be included in the performance record unless requested by the employee.

- Payment in Lieu of Notice
25. Employment can be terminated without notice provided that the employee's salary 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.
- Resignation
26. (a) 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 employer fails to rectify such matters in accordance with the employment agreement within the period specified in such notice, the employee has the right to resign from employment after giving the notice as required by the employment agreement.
- (b) A termination of the employment agreement by the employee pursuant to subsection (a) shall be deemed as dismissal by the employer without reasonable cause.
- Establishing Cause for Dismissal
27. In any complaint submitted by or proceedings filed by the employee pursuant to dismissal from employment, it is the employer's obligation to prove that dismissal was for cause. Where the employer is unable to prove that dismissal of the employee was for reasonable cause, it shall be deemed that dismissal was without reasonable cause.
- Complaint Regarding Dismissal
28. (a) The employee has the right to submit a complaint relating to their dismissal from employment, to the Tribunal within three months of dismissal where they believe that they were dismissed without reasonable 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.
- (b) 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 subsection (a) to file a complaint at the Tribunal.

Legal Redress  
for Employees  
Dismissed  
without  
Reasonable  
Cause

29. (a) Where the Tribunal finds that an employee has been dismissed without reasonable cause, the Tribunal shall issue any of the following orders.
- (1) an order requiring re-instatement of the employee in the same post and not considering the employee as dismissed under any circumstances;
  - (2) 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;
  - (3) An order requiring compensation as provided in subsection (d).
- (b) 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
- (c) 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.
- (d) 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.

Death of  
Employer

30. If the employment agreement is formed by the employer in their individual capacity, the agreement shall be void within one month from the date of the employer's death, unless the agreement is terminated pursuant to Section 22 (a) of this Act, within this period.

Bankruptcy of  
Employer

31. (a) If the employer goes bankrupt or ceases to carry on the business, the employment agreement shall be void within one month from such an event, unless the agreement is terminated pursuant to Section 22 (a) of this Act.
- (b) 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.
- (c) If upon termination of an employment agreement due to bankruptcy of the employer or the cessation of the business, an employee or their representative initiates proceedings for recovery of any unpaid salary 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:
- (1) payment of salary, overtime, commission, service charge and any other monetary benefits due to employees in the 27 weeks immediately preceding the bankruptcy or cessation of business;
  - (2) payment for days worked by employees who during the 2 years immediately preceding the bankruptcy or cessation of business, worked without taking leave;
  - (3) payment due to employees for paid leave during the 12 months immediately preceding the bankruptcy or cessation of business;
  - (4) compensation due to any employee dismissed without reasonable cause and any other payments due when the employment was terminated.

## Working Hours

Maximum  
Normal  
Working Hours  
within a Week

32. (a) No employee shall be required to work more than 48 hours a week. This principle does not include overtime carried out in accordance with this Act.
- (b) No employee shall be required to work more than 6 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.
- (c) Subsection (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 day after working for 6 consecutive days a week shall be accumulated and taken by way of one day for every 6 consecutive days worked.
- (d) 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 hours a day. However, such additional hours must be paid for by way of overtime as provided in Section 37 of this Act.
- (e) Employer shall maintain records of normal hours and overtime hours worked by employees, and details of overtime payments made to employees, in accordance with the regulation enacted under this Act.
- (f) The records mentioned in subsection (b) must be presented to Labour Relations Authority, when and as requested.
- (g) Where any parties refuse to comply with an order made under subsection (f), Labour Relations Authority has the power to impose a fine of up to MVR 5,000/- on them.

Determination  
of Maximum  
Working Hours  
per Day

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

Exempted  
Employees

34. (a) The following persons shall be exempt from the provisions of Section 32, Section 37 and Section 38 of this Act.
- (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;
  - (5) persons in senior management posts;
- (b) 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 overtime, 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;
  - (3) where work is required to be carried out in order to prevent spoilage of perishable goods.
- (c) Persons temporarily exempted pursuant to subsection (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 overtime, calculated as specified in Section 37(b), if the employee worked more than the maximum number of working hours per day.



- Right to Leave Workplace after Working Hours
- 34-1. (a) An employer shall not compel an employee to remain at the worksite, or island, or vessel, after their working hours. In addition, neither the employer nor the owner of the work premises shall obstruct an employee to leave the worksite after working hours, or to return back for duty.
- (b) If the employee requires to board a vehicle or a vessel to leave and return to the worksite after and for working hours, the employer or the worksite premise owner shall grant the permission for such a vehicle or vessel.
- Meal Time
35. (a) 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 minute break for meal times;
- (2) require an employee to work during meal times.
- (b) 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.
- Time for Prayer and Break Time
36. (a) Every employee shall be allowed 15 minutes to pray during each prayer period in such a manner that it does not disrupt work.
- (b) In the event that a 15 minute break for prayer as specified in subsection (a) is not allowed, a fifteen minute break shall be allowed for four consecutive hours of work.
- Overtime
37. (a) Employees shall not be required to work overtime except unless this has been agreed in the employment agreement. Any work carried out as overtime shall be subject to the requirements of subsection (b) and Section 38 of this Act.
- (b) An employee working overtime shall be paid 1  $\frac{1}{4}$  times their hourly salary as overtime on a normal working day, and 1  $\frac{1}{2}$  times their hourly salary as overtime on a Friday or a public holiday.

Working on a  
Public Holiday

38. 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.

### **Leave Entitlements**

Annual Leave

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

Not Working  
when on Leave

40. 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.

Dates of Leave

41. (a) Annual leave specified in Section 39 of this Act shall be provided in the following manner:
- (1) 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.
- (b) If an employee requests as per the employment agreement, for their wages for the days that they are going to be on leave, the employer shall pay the employee no later than the last working day prior to commencement of their annual leave. However, employees remunerated by the State may be paid their salary on the normal basis for salary payment.

- (c) 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.
- (d) 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 their leave or dismissal.
- (e) 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 subsection (c).
- (f) 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.

## Sick Leave

42. (a) The employer is required to grant at least 30 (thirty) days of paid sick leave to the employee during every year of employment.
- (b) The employer is not required to grant sick leave unless a medical certificate specifying the nature of the employee's illness and recommended duration of sick leave issued by a licensed medical practitioner is submitted on the first day back at work.
- (c) Despite subsection (b), 15 (fifteen) out of the 30 (thirty) days of sick leave may be used by the employee without providing a medical certificate, provided that the leave does not exceed for more than 2 (two) consecutive days.

- Maternity Leave
43. (a) Female employees shall be granted 60 (sixty) days of maternity leave upon submission of a medical certificate, specifying the estimated date of delivery, issued by a licensed medical practitioner. A maximum of 30 days prior to the expected date of delivery may be granted for such leave. This section does not prevent the employee from returning to work prior to expiry of the duration of her maternity leave.
- (b) Maternity leave is a leave granted to female employees, in addition to the leaves entitled by this Act or an agreement.
- (c) 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 to have been interrupted, suspended, or shortened the duration of employment.
- (d) A female employee shall be duly paid her salary on the same day salary payments are made in the normal course of business even while the employee is on maternity leave.
- (e) A further leave of 28 days in addition to the maternity leave specified in subsection (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.
- Right to Return to Work
44. (a) 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:
- (1) the position no longer exists at the workplace due to economic, technical or organisational reasons;
- (2) Incapacity of the employee to continue working in the same job.

- (b) In the event of the occurrence of any of the circumstances specified in subsection (a), the employer shall take reasonable steps to provide the employee with another suitable job at the workplace to replace the job that the employee had lost, or was unable to perform.
- (c) In the event that suitable alternative employment as required pursuant to subsection (b) is not found, or the employee declines to take such employment without reasonable cause, the employer may give notice to the employee pursuant to Section 22 of this Act and terminate the employment agreement.

Break to Attend  
to Child

45. Upon return to work after completion of maternity leave, the employee shall be entitled to 2 daily breaks of 30 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 year of age.

Leave for  
Mothers and  
Fathers

46. (a) 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 year.
- (b) 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.

Family  
Responsibility  
Leave

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

Paternity Leave

48. Male employees are entitled to 3 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.

Circumcision  
Leave

49. Each employee is entitled to 5 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**

Payment of  
Salary

50. (a) Except for salary to be paid to a temporary employee, all other employees shall be paid at least on a monthly basis.
- (b) In general, temporary employees shall be paid on a daily basis. However, the employer and the temporary employee can agree that such payments shall be made on a weekly, bi-weekly or monthly basis.
- (c) 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;
  - (2) By legal tender or by a cheque issued by a bank in the Maldives
  - (3) If in cash, then payment shall be made on a working day, from the place of employment or a place nearby.
- (d) 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 their family;
  - (3) the value allocated to the product is a reasonable value;
  - (4) It is not something that is prohibited from use or retention.

Ramadan  
Allowance

51. (a) Each Maldivian employee is entitled to a Ramadan allowance of MVR. 3,000/- (three thousand), payable before the beginning of Ramadan.
- (b) In order for payment of allowance as required in subsection (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.

- (c) Employer has the discretion to pay Ramadan allowance 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 a Ramadan allowance same as Maldivian workers who are working in the private sector.
- (d) 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, for the first Ramadan after after the implementation of this amendment, the Ramadan allowance will be 1/3 of the employee's salary. If 1/3 of the employee's salary amounts to less than MVR 2,000/- (two thousand), the Ramadan allowance should be no less than MVR 2,000/- (two thousand). If 1/3 of the employee's salary amounts to more than MVR 10,000/- (ten thousand), then the employee should be given MVR 10,000/- (ten thousand) as the Ramadan allowance.

Service Charge

- 52. (a) All businesses operating in the Tourism Industry must charge a minimum of 10% Service Charge from all services provided. And businesses operating in other industries may also charge a Service Charge at their discretion.
- (b) Monies collected as Service Charge under subsection (a) must be distributed equally among all the employees of the employer, in accordance with this Section.
  - (1) The previous month's Service Charge shall be distributed to employees before the end of the current month.
  - (2) No discrimination shall be made between employees who are contributing to the provision of services. For the purpose of this Section, different establishments operating within the same business must be interpreted as equals.

- (c) For the purpose of this Section, “employees” shall be defined as, all employees who contribute, directly and indirectly to the provision of services by the employer.
- (d) The employer may retain 1% (one percent) of the total amount received as service charge every month, as an administrative fee. And under no circumstances, shall the employer retain any amount exceeding this.
- (e) The employer must, as per this Section, maintain records of total income received as service charge each month, number of employees receiving service charge each month, amount each employee is entitled to as service charge, and amount paid as service charge. And this information must be submitted to Labour Relations Authority and Maldives Inland Revenue Authority twice every year, in accordance with the regulation enacted by Labour Relations Authority.
- (f) Despite subsection (e), the information mentioned must be presented to Labour Relations Authority, when and as required by the Authority.
- (g) If any parties are in contravention of subsections (e) and (f), Labour Relations Authority has the power to impose a fine no more than MVR 50,000/- on them.
- (h) If service charge is not being collected by businesses operating in the tourism industry as per subsection (a), or if service charge is not being distributed among employees as mentioned in subsection (b), Labour Relations Authority has the power to impose a fine no more than MVR 100,000/-, and take administrative action. The fine policy and actions to be taken must be stipulated in the regulation made by Labour Relations Authority, under this Act.
- (i) For the purpose of subsection (h), in order to identify parties in contravention with subsection (a) and (b), Maldives Inland Revenue Authority shall confirm the validity of information, submitted under subsection (e), to Labour Relations Authority. Maldives Inland Revenue Authority is obligated to validate the information of those who are required to submit tax statements under Law No. 25/2019 (Income Tax Act).



53. \* This Section has been repealed by Law No.: 22/2020 (Sixth Amendment to the Employment Act).

Statement of  
Salary

54. (a) The employer shall provide a statement including the following information when making salary payments to employees:
- (1) the total salary entitled to the employee for the payment period;
  - (2) details of any deductions from the total salary and the reason for the deductions;
  - (3) the salary payable to the employee for the payment period.
- (b) Instead of providing a written statement as required pursuant to subsection (a), the employer may include the information specified in subsection (a) in a register which shall be signed by employees when being paid.
- (c) Employees requesting a copy of the relevant page of the register specified in subsection (b) shall be provided with a copy of such page without the imposition of any fee or payment.
- (d) An employee who has not been provided with a statement of wages by the employer 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.

Prohibited  
Actions in  
Relation to  
Salary

55. (a) No employer shall,
- (1) require any employee to return or pay back to the employer any salaries 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 salaries paid or payable to the employee or any part of such salary;
  - (3) require or authorise an employee to sign a receipt to the effect that they had received a sum of money that is in excess of what they had actually been paid;

- (4) do anything which is an obstacle to the employee's freedom of action in connection with their salaries.
- (b) An employer can make deductions from employee salary or wage payments only in the following circumstances:
- (1) deductions in accordance with law or a court order;
  - (2) 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;
  - (3) Deductions made in connection with the employees leave, medical expenses, or payments to an insurance fund or provident fund.

Providing a  
Retail Outlet for  
Employees

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

Payment of  
Remuneration  
upon Dismissal

57. The employer shall settle all payments due to an employee within 7 days of the employee being dismissed from employment or expiry of their employment period.

Formulating  
Regulations on  
taking  
Administrative  
Action and  
Enforcing  
Matters Relating  
to Salary on  
Employers

58. (a) Where an employer repeatedly violates Section 50, Section 51, Section 52, Section 53 and Section 57 of this Act, the Minister has the authority to notify government institutions, as an administrative measure, to cease services provided to that employer until the employer rectifies the violation, as an administrative measure.
- (b) 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 benefits given as part of the salary to employees.
- (c) The regulations made in accordance with this Section shall be formulated and published within 3 months from the commencement date of the Fifth Amendment to the Employment Act (Law Number 2/2008).

Determination  
of Minimum  
Wage

59. The Minister shall set and establish a minimum wage, in accordance with this Act, for employees working in the Maldives.

Minimum Wage  
Advisory Board

- 59-1. (a) A “Minimum Wage 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.
- (b) The Board mentioned in subsection (a) shall be established within 30 days of commencement of the Sixth Amendment to the Employment Act, and members shall be appointed in accordance with Section 60 of this Act.

Responsibilities  
of the Board

- 59-2. (a) Research and identification of policies and guidelines in order to set the Minimum Wage, in accordance with Section 59 of the Act.
- (b) Advise the Minister on the Minimum Wages in reference to the following industries and sectors;

- (1) Fishing and Agriculture industry;
  - (2) Tourism industry;
  - (3) Construction industry;
  - (4) Travel industry;
  - (5) Health services;
  - (6) Educational services;
  - (7) Small and medium enterprises;
  - (8) Information, communication and technology;
  - (9) Maritime industry.
- (c) To revise every 2 (two) years, the minimum wage determined by the Minister under Section 62 of this Act, and where the Board sees an amendment to minimum wage as necessary, advise the Minister on such amendment.
- (d) Despite subsection (c), where the Board sees an amendment to minimum wage as necessary due to the economical state of the country, advise the Minister on such amendment.
- (e) Conduct researches and surveys and collect, collate and publish information required to perform the responsibilities of the board, and carry out any other technical, administrative or legal obligation required in relation with the responsibilities of the board.
- (f) Where policies, guidelines and measures in relation to minimum wage are determined as mentioned in the Section, the Board shall refer to the expenses of basic necessities for employees and their families, living expenses, social protection benefits, living standards, economic growth, national productivity, job opportunities and retention of employment.

Authority to  
order  
submission of  
information

- 59-3. (a) To undertake the Board's responsibilities, and to determine the minimum wage, the Board and the Minister shall have the power to order employers to present information regarding wages paid to employees.
- (b) If an employer refuses to comply with an order issued under subsection (a) by the Board or the Ministry, the Board or the Ministry has the power to impose a fine of no more than MVR 50,000/- on them.
- (c) Policies and guidelines regarding submission of wage information to the Board or the Ministry shall be stipulated in a regulation enacted under this Act.

Composition of  
the Board

60. (a) The Board shall comprise of 11 (eleven) members appointed by the President, as follows.
- (1) Chairperson of the Board, as nominated by the Ministry of Economic Development;
  - (2) Person nominated by the Ministry of Finance;
  - (3) 4 (four) members nominated by associations representing Tourism Industry, Construction Industry, Female Entrepreneurs and Small and Medium Enterprises.
  - (4) 5 (five) members nominated by associations representing employees or workers.
- (b) Members appointed to the Board shall possess the capabilities required to undertake the responsibilities and obligations of the Board.
- (c) The term of a member appointed to the Board under subsection (a) is, 3 (three) years from the date of appointment.
- (d) Any member, except those who are dismissed under (2) and (4) of subsection (e), can be re-appointed to the Board for another term.
- (e) The membership shall become vacant where one of the following situations arise.
- (1) Resignation from membership, sent in writing to the President;

- (2) Absent without a reasonable cause to 3 (three) consecutive meetings of the Board, without the permission of the Chair of the board;
- (3) Expiry of membership term;
- (4) Dismissal from membership by the President, due to the incapability of carrying out the duties of the member.

(f) The Board shall formulate the regulation regarding the administrative operations of the Board.

Wages of Board  
Members

60-1. Salary and other allowances of board members shall be decided by the President, with advice from the Minister.

Meetings of the  
Board

61. (a) 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.
- (b) Any person can request the Board for an opportunity to submit to the Board a matter relating to their 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, they shall be granted the opportunity to attend a meeting of the Board.
- (c) Any person refused an opportunity by the Chairperson, to attend and speak at a meeting of the Board as provided in subsection (b), may appeal the matter to the Tribunal.

Minimum Wage  
establishment  
order

62. (a) After review of the Board's advice, the minimum wage for employees working in the Maldives shall be established by an order of the Minister within 30 (thirty) days.
- (b) The Minister's order issued in relation to minimum wage must specify the hourly wage, the payment apportioned to part of the work and the

amount of overtime. In addition to this, minimum wage for employees of specific industries or sectors shall also be separately determined, and any period or periods given for employers to comply with the order shall also be mentioned.

- (c) The Minister shall refer to the expenses of basic necessities for employees and their families, living expenses, social protection benefits, living standards, economic growth, national productivity, and other economic factors when determining the minimum wage under subsection (a).
- (d) Once the Minister's order under subsection (a) in relation to the minimum wage has been published in the Gazette of the Government of Maldives, it shall be in effect until abolished or amended under this Act. And the order shall have the full power of the law, and everyone to whom it applies to must act in accordance with the order.
- (e) The Minister shall determine the first order under subsection (a) in relation to the minimum wage, and publish it in the Gazette of the Government of Maldives within 30 (thirty) days of receiving the advice of the Minimum Wage Advisory Board,
- (f) Despite subsection (b), all employers must comply with the order of the Minister under subsection (e), before the end of the year 2021.
- (g) Despite subsection (f), in reference to the advice of the Board as per the economic state of the country and national productivity, the Minister shall determine and publicly announce the date for employers to comply with the order under subsection (e), for expatriates working in the Maldives.

Display of  
notice

- 63. (a) An employer who receives an order of the Minister establishing a minimum wage shall display the information contained within such order at the workplace such that employees can view the information.
- (b) 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).

Non-payment of  
minimum wage

64. (a) Any employer who pays an employee less than the minimum wage is committing 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), or the employer may be remanded at a prison for a period not more than 3 months. the second time such offence is committed.
- (b) The Tribunal shall order any employer who pays less than the minimum wage to an employee to make up the shortfall.
- (c) Where the employer has paid an employee less than the minimum wage and the employee has consequently filed a complaint, the burden of proving that a minimum wage order issued by the Minister has not been contravened shall be on the employer.

## Chapter 5

### Employment of Expatriates

Employment of  
Expatriates in  
Maldives

65. (a) The Minister may issue quotas for employment of expatriates in the Maldives, grant the permission for expatriates to work in the Maldives, issue work permits for the duration of employment in the Maldives, as per the regulation enacted under this Act.
- (b) Terms, conditions, policies and duration of fees for issuance of quota for employment of expatriates in the Maldives shall be stipulated in the regulation enacted under this Act. And MVR 2,000/- shall be paid as quota fee, to an office determined by the Minister.
- (c) Work permits mentioned in subsection (a) shall be issued in accordance with the conditions mentioned in the regulation enacted under this Act, and when MVR 350/- has been paid as work permit fee to an office determined by the Minister.



- Declaration of Maximum Quotas for Expatriates per Country
- 65-1. (a) The maximum number of expatriates who can be brought to the Maldives for employment, from a single country is 100,000 (one hundred thousand).
- (b) If there are expatriates from a single country working in Maldives, which exceeds the maximum quota mentioned in subsection (a), it shall be minimized to the mentioned amount within 3 (three) years of commencement of the Sixth Amendment to the Employment Act (Law No. 2/2008).
- Complaints
66. Complaints may be lodged at the Tribunal, by or on behalf of a foreigner in employment alleging breaches of the provisions of their employment agreement.

## Chapter 6

### Employment Agencies

- Employment Agency
67. "Employment Agency" means a commercial venture which provides the service of or assists with the procurement of employment for those persons seeking to be employed or procuring employees for those persons seeking to provide employment.
- Registration and Operation
68. (a) An Employment Agency shall commence its operations only after being registered at the Ministry.
- (b) 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, the operation and services provided by such agencies, and the standard of services provided.
- (c) 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 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
69. (a) 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.
- (b) Information of a personal nature that is obtained pursuant to subsection (a) shall be disclosed by an employment agency only to employers that have expressed interest in employing a person with certain abilities.
- Fee
70. 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
71. (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;
  - (2) Impose a penalty between MVR 5,000/- (five thousand) and MVR 50,000 (fifty thousand);
  - (3) Cancelling the permit issued to the agency;
  - (4) Not issuing an agency operating permit to a business whose shares are held by the responsible personnel of the agency.
- (c) 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 Amendment to the Employment Act (Law Number 2/2008).

- (d) If a decision of the minister is deemed not acceptable, the issue may be appealed to the Tribunal within 60 days of such decision.
- (e) Subsection (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**

Training  
Agreement

72. (a) An agreement must be formed 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 their employment or job.
- (b) Any training agreement shall include the following information.
- (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) costs incurred by the employer to provide such training;
  - (6) rights and obligations of each party in the event that the training is not completed.
- (c) The employer shall not collect any fee in excess of the amount spent on training pursuant to the training agreement specified in subsection (a), either directly or indirectly from the employee, following the participation in the training.

On-the-Job  
Training  
Agreement

73. (a) 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 form an agreement relating to such training or include the provisions of this Section in the employment agreement.
- (b) Any on-the-job training agreement shall include the following information.
- (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) The terms and conditions of employment, salary and benefits to the employee from such employment
- (c) Regulations enacted pursuant to this Act shall specify the minimum salary payable to any employee undergoing on-the-job training.
- (d) The wage for employees receiving on-the-job training shall be 70% of the wages specified for such employment or work in any order issued by the Minister pursuant to Section 62 of this Act.
- (e) The period of employment during which the employee receives on-the-job training shall not exceed six months.
- (f) 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.
- (g) Regulations enacted pursuant to this Act may specify certain areas of employment which are deemed as barred from providing on-the-job training.

Contravention  
of Agreement

74. 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.

Training  
Maldivians, and  
Preference of  
Employment

- 74-1. (a) The Ministry shall arrange skill improvement and training programmes for Maldivians in order to improve work skills. As such, to increase employment opportunities for Maldivians in areas where Maldivian employees are fewer, the Ministry shall arrange skill improvement and training programmes in those areas and fields, for Maldivians.
- (b) The most senior employee in human resource management should be a Maldivian in workplaces with more than 50 (fifty) employees.
- (c) 60% of the Senior Management should comprise of Maldivians, in workplaces with more than 50 (fifty) employees. The meaning of “Senior Management” for the purpose of this Section shall be defined in a regulation enacted by the Ministry.
- (d) Subsections (b) and (c) should be complied latest within 5 (five) years of commencement of this Act.
- (e) The progress of achieving the milestones mentioned in subsections (b) and (c) should be submitted to Labour Relations Authority once every year, by the companies mentioned in the regulation enacted by the Authority. And Labour Relations Authority must publish this information publicly.
- (f) Appropriate job opportunities must be made available for those aged between 55 and 65 years, with education, training and experience, in order to ensure their financial wellbeing.
- (g) Labour Relations Authority has the power to impose a fine of no more than MVR 100,000/- for non-compliance of subsections (b) and (c).

## Chapter 8

### Workplace Safety and Employee Health

Obligations of  
the Employer

75. The employer shall implement measures for the health and safety of employees at the workplace without charging any fee from employees. Such measures shall include the following.

- (1) implementation of a safe workplace and procedures, procurement of secure tools and machinery for carrying out work, and ensuring the continued safety of the same;
- (2) provision of safe materials to work with;
- (3) provision of 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 from the work;
- (4) provision of instructions and training to employees on the use of protective gear and safety equipment, and dissemination of information to employees on all issues of related concern;
- (5) conducting regular health check-ups for employees engaged in work involving chemical or biological materials that may be a hazard to physical health or employees involved in any work that may cause physical ill-health;
- (6) provision of or arranging appropriate medical care for employees injured while carrying out employment; and
- (7) Arranging the facilitation of first aid to employees to be used during emergencies or accidents.

Standard for  
Accommodation  
of Employees

- 75-1. (a) Standards for accommodation facilities provided by employers to their employees and the basic necessities required in such facilities shall be stipulated in a regulation enacted under this Act.
- (b) Employers are obligated to comply with the standards set under subsection (a).

- (c) The regulation mentioned in subsection (a) shall be formulated and published publicly within 30 (thirty) days of commencement of the Sixth Amendment to the Employment Act.
- (d) Employers shall be given at least 6 (six) months to comply with the standards set by the regulation mentioned in subsection (a).

## Obligations of the Employees

76. 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) assisting the employer and co-workers in maintenance of measures designed to ensure safety and health;
  - (c) using safety equipment and protective gear as instructed in accordance with the training and instructions provided for use of such equipment and gear;
  - (d) reporting to the employer of any damage, loss of or breakage of protective gear or safety equipment;
  - (e) informing the employer or their designated supervisor of any incident which the employee believes may cause danger and which the employee is unable to resolve on their own;
  - (f) informing the employer or their designated supervisor of any accidents or damage sustained at work or in relation to work.

## Right to Abstain from Work

77. The employee has the right to abstain from work, if they believe on reasonable grounds that a serious hazard to health or life may be caused by such work.

## Notification

78. The Minister shall be notified within 48 hours in the event of death of an employee or an injury requiring medical care in excess of first aid care to an employee.

## Chapter 9

### Labour Relations Authority

Labour  
Relations  
Authority

79. To attain the following main objectives, a Labour Relations Authority shall be established at the Ministry.

- (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 provide technical information and advice required by employers and employees, and raise awareness for the purpose of ensuring compliance of this Act and regulations enacted hereunder.
- (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 formulate regulations governing employer and employee relations.

Inspection

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

Powers of  
Employment  
Officers

81. (a) Employment officers have the following powers:

- (1) except in the circumstance specified in subsection (3), employment officers have the power to enter and check the workplace without any prior notice;
- (2) if the workplace is the employer's dwelling place, enter such place with permission or the Minister's consent in writing;
- (3) if the workplace 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 workplace and questioning of employees and to specifically carry out the following to ensure that this Act and regulations enacted hereunder are being complied with;



- (a) 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;
  - (b) order the display of any notices required by law to be displayed, if such notices are not already displayed;
  - (c) take samples of different materials from the workplace for testing, after informing the employer or their designated representative;
  - (d) obtain information about employee working conditions, salary and working hours;
  - (e) inspect records of accidents and illnesses required to be maintained by a law or regulation, and obtain information or ascertain how, or the circumstances under which such accident or illness occurred while carrying out employment;
  - (f) implement steps to alleviate any situation where there are reasonable grounds to believe that the use of equipment at work or conditions of work may cause a threat to employees' health or safety.
- (b) Employment officers have the power to issue orders relating to the following in order to facilitate the carrying out of subsection (a) (4) (f). Any employer dissatisfied with such an order has the right to submit the matter to the Tribunal:
- (1) 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.

- Notification
82. Upon arrival at a workplace for an inspection, employment officers must notify the employer or their representative of the presence of the employment officer at the workplace if such notification would not prove to be an obstacle to the employment officer's work.
- Opportunity to Communicate
83. (a) Employers should facilitate free and unfettered access for their employees, to communicate with employment officers.
- (b) No employer shall take improper measures against an employee as a consequence of the employees' actions with respect to the provisions of this Section.
- Non-disclosure of Information
84. (a) Except in the circumstance specified in subsection (b), the confidentiality of information gathered by employment officers in the course of carrying out their duties, relating to trade secrets or productivity, and commercial ventures, shall be maintained both during and after their employment.
- (b) The relevant authorities shall be notified if anything which may pose a risk to the lives or health of employees is being utilised at any stage of the work.
- (c) No disclosure must be made to an employer of the details of any employee who submits a complaint to the Minister or Labour Relations Authority alleging contravention of law and regulations at the workplace. Nor shall any employment officer inspecting a workplace disclose that the visit is due to a complaint from a particular employee.
- (d) Employment officers shall not form any relations with any persons out of which they may gain a direct or indirect benefit, from places they are required to inspect.

- Report
85. Employment officers shall submit reports, prepared after review of employment practices at workplaces visited, to the Minister, in the manner specified.
- Offences and Penalties
86. 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 officer;
  - (3) non-compliance with orders issued by employment officers in the course of their duties or pursuant to the powers they have to carry out their duties;
  - (4) willfully providing false or misleading information to an employment official;
  - (5) obstructing or hindering a person from presenting themselves in front of an employment officer or, obstruct or hinder the questioning of such person or to attempt any such act;
  - (6) falsely claim to be or represent one's self as an employment officer.

## Chapter 10

### Employment Tribunal

- Establishing a Tribunal
87. (a) There shall be an Employment Tribunal established pursuant to this Act and which operates in accordance with this Act.
- (b) The Tribunal has the full power to review and deliberate, as it deems appropriate, on matters determined by this Act or any other law to be adjudicated by the Tribunal.
- (c) 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.

- |   |       |  |
|---|-------|--|
| Carrying out<br>Tribunal<br>Proceedings via<br>Courts | 87-1. | <ul style="list-style-type: none"> <li>(a) Employment disputes arising in islands except Male' can be submitted to the Employment Tribunal via the Court of the respective island.</li> <li>(b) Hearings of employment disputes submitted to the Magistrate Courts of islands may be carried out via the respective Court. However, decisions on these cases will be made by the Employment Tribunal.</li> <li>(c) The procedure for conducting hearings of cases submitted to the Employment Tribunal via island Courts, shall be compiled and published by the Employment Tribunal, within 6 (six) months of commencement of this Act.</li> </ul>  |
| Appeal  | 88.   | <ul style="list-style-type: none"> <li>(a) Except in the circumstance specified in subsection (b), the decisions of the Tribunal shall be final and binding.</li> <li>(b) A decision of the Tribunal, if in ultra vires of its powers, or in contravention of sharia principles, or law or regulation, can be appealed as of right to the High Court within 60 days of such decision being made.</li> <li>(c) Decisions of the Tribunal must be complied with, unless the court has specifically ordered that the decision of the Tribunal not be enforced.</li> </ul>   |
| Enforcing<br>Decisions                                | 88-1. | <ul style="list-style-type: none"> <li>(a) The Tribunal, after its decisions, must proactively confirm whether the recipients has complied with the decisions made by the Tribunal.</li> <li>(b) If the recipient of a Tribunal decision does not comply with the Tribunal's decision, the Tribunal must send the decision to the relevant Court for enforcement. And the Court shall proceed with these cases in the same procedure as other sentence enforcement cases submitted to the Court.</li> <li>(c) The Court shall not consider the Tribunal as either a claimant or a defendant in a case sent to by the Tribunal for enforcement.</li> <li>(d) The procedure mentioned in subsections (a) and (b) shall not be interpreted in a manner that it prevents the claimant or defendant themselves, to submit the case to the Court for enforcement.</li> </ul> |

Opening  
Tribunal  
Hearings to the  
Public

- 88-2. (a) Tribunal hearings must proceed open to public.
- (b) For any of the reasons below, members deliberating a case has the discretion to conduct a hearing or part of a hearing, not in contravention of democratic procedures, closed to public.
- (1) to maintain general social discipline, or for the harmony and safety of the community, or to prevent disrupt to national security.
  - (2) to protect the interests of a child involved in a case, or to protect the interests of a victim involved in a case.
  - (3) due to a reason whereby, open-door hearings are prohibited by another law.
- (c) Unless for the reasons mentioned in subsection (b), all orders and decisions passed by the Tribunal shall proceed in a public hearing. And orders and decisions made during open hearings must be made available to those who require it.

Summoning  
Persons to  
Tribunal

- 88-3. The Tribunal has the power, in accordance with the regulation enacted under this Act, to summon a person or persons, question them and order for submission of documents. The procedure on when a person refuses to present themselves to the Tribunal without reasonable cause must also be prescribed in the regulation enacted under this Act.

Proceeding  
Hearings via  
Audio and  
Video  
Conferencing

- 88-4. (a) Hearings of cases submitted to the Tribunal must proceed in the same presence of the claimant, the defendant, their lawyers, any other person the Tribunal deems as necessary to be present and the members deliberating.
- (b) Even though the procedure mentioned in subsection (a) is the standard procedure, under special circumstances, the Tribunal reserves the option to carry out hearings via audio and video conferencing, in a manner which does not disrupt the principles of justice and fairness. The following circumstances can be considered by the Tribunal as special circumstances.

- (1) lack of protection to attend a hearing due to a State of Emergency or State of Disaster declared under the Constitution or a Law.
  - (2) geographical boundaries and travel restrictions due to weather or expenses, or the financial burden an involved party has to carry, which may delay the case and disrupt justice being delivered.
- (c) Regulation in relation to the procedure for conducting hearings via audio and video conferencing, shall be compiled by the Tribunal within 1 (one) month of commencement of this Act. The regulation must include the following.
- (1) preparations needed to be made by all participants who are joining the hearing via audio and video conferencing;
  - (2) the standard of conduct which needs to be upheld by all who are joining the hearing at the Tribunal, via audio and video conferencing;
  - (3) equipment and resources needed to set up audio and video conferencing;
  - (4) procedure for using the audio and video conferencing setups in Magistrate Courts for persons involved in the case who are out of Male', with direction from the Department of Judicial Administration;
  - (5) transmission speed and bandwidth standards;
  - (6) procedure for technical issues;
  - (7) procedure for situations where one of the parties involved are residing abroad with a significant time difference;
  - (8) procedure for requirement of a translator; and
  - (9) all other additional procedures required for conducting hearings via audio and video conferencing.
- (d) Recordings of hearings carried out via audio and video conferencing shall be stored safely, for a period of 10 (ten) years from the date of the end of the case.

- Council of the Tribunal
- 88-5. There shall be a council of the Tribunal, comprising of all the members of the Tribunal. The council shall be chaired by the President of the Tribunal. Following are the responsibilities of the council.
- (a) discuss and decide on ways to improve the quality of services provided by the Tribunal.
  - (b) enactment of regulations, required under Chapter 10 of this Act.
  - (c) formulate procedures relating to the work of Tribunal, how cases are proceeded in the Tribunal, code of conduct for members of the Tribunal, and regulation of the common council of the Tribunal.
  - (d) determining on budget items required, before the preparation of annual budget.
  - (e) determine the areas of training required for employees of the Tribunal.
  - (f) make arrangements for the process of things mandated by a Law.
  - (g) carrying out the Tribunal's affairs, in addition to those stated above.
  - (h) maintain a registry of ongoing cases, and ensure proper administrative steps are taken for cases to be finished swiftly.
- Composition
89. (a) The Tribunal is composed of 7 members appointed by the President of the Republic.
- Term of Members
- (b) (1) members appointed to the Tribunal shall serve a term of 5 years from the date of appointment
  - (2) a member of the Tribunal can be re-appointed for an additional term of 5 years except for a member removed pursuant to subsection (h). Members re-appointed in this manner can be subsequently re-appointed for additional terms of 5 years.
- Characters of Members
- (c) 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 years;
    - (2) not have been convicted of the offence of bribery;

- (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
  - (5) be possessed of the educational qualifications or experience to comprehend and resolve employment related issues.
- (d) This Act does not prevent the appointment of members to the tribunal on either a full time or a part time basis.
- (e)
- (1) The President of the Republic shall appoint a President and a Vice-President of the Tribunal from among the members appointed to the Tribunal.
  - (2) The President shall be the highest authority in the Tribunal charged with administering the Tribunal in accordance with regulations enacted hereunder.
  - (3) In the event of the incapacity or inability of the President to carry out their duties of office, or vacancy of office of the President, their 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.
  - (4) 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.

President and  
Vice President  
of Tribunal



Assumption of  
Membership

- (f) 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.

## Vacancies

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

- (1) expiry of the term of membership;
- (2) resignation;
- (3) Removal from the Tribunal pursuant to subsection (h)
- (4) death;
- (5) No longer possessing a qualification specified in this Act for membership of the Tribunal.

Removal of  
Membership

- (h) 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;
- (4) to be lacking in the good standing required of a member of the Tribunal, in the opinion of the President of the Republic, due to being convicted of an offence;
- (5) Being found negligent or careless in the performance of the responsibilities of a member of the Tribunal

- Resignation
- (i) (1) The President, Vice-President or a member of the Tribunal may resign from office by writing under their hand specifying the reason and addressed to the President of the Republic. However, such member shall continue in office until informed by the President of the Republic of acceptance of the resignation or the lapse of 30 (thirty) days from the date of submitting the resignation.
  - (2) Resignation as President or Vice-President of the Tribunal shall not be deemed as resignation from membership of the Tribunal as specified in subsection I (1).
- Salary and Allowances of Members
- (j) (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.
  - (2) 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 members
- Appointing Employees to Tribunal
- (k) 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.
- Salary and Allowances of Employees
- (l) 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.
- Financing
- (m) (1) 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.
  - (2) 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.

Exemption from the Civil Service

- (n) The members of the Tribunal and its employees shall not be members of the Civil Service

Regulation Relating to the Tribunal

90. 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 months of the coming into force of this Act.

## Chapter 11 Remittance Tax

\* The Remittance Tax stipulated in this Chapter has been abolished by Law no. 25/2019 (Income Tax Act).

Charging Remittance Tax on money transferred out of Maldives by Foreigners

91. (a) 3% of the money transferred out of the Maldives by foreigners employed in the Maldives shall be collected by the State as "Remittance Tax" from 1 October 2016 onwards.
- (b) 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.
- (c) Remittance Tax shall be collected by Maldives Inland Revenue Authority (MIRA) in accordance with the Tax Administration Act (Law Number 3/2010).

- Collection of Remittance Tax and paying it to the State
92. 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 Chapter.
- Charging Remittance Tax
93. (a) Persons registered for Remittance Tax shall file a Remittance Tax Return after computing the amount of tax payable for each month, by the 15th of the following month, and pay the due amount of tax to MIRA by that date.
- (b) Remittance tax shall be paid to MIRA in Maldivian Rufiyaa.
- Taking Action
94. (a) 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 their other obligations, action will be taken against such person in accordance with the Tax Administration Act (Law Number 3/2010).
- (b) 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.
- Formulating the Remittance Tax Regulation
95. 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.
- (a) Registrations of persons required to register for Remittance Tax;
- (b) The procedures to be followed by persons who provide money transfer service in collecting Remittance Tax from foreigners;

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

## **Chapter 12**

### **Miscellaneous**

Enactment of  
Regulations

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

Interpretation

97. In this Act:

"Public holiday" shall mean Fridays, Day of Commemoration of the Birth of Prophet Mohamed, Day of Commemoration of the Maldives converting to Islam, Independence Day, National Day, First Day of Ramadan, Day of Eid-ul-Fitr, Victory Day, Republic Day, Hajj Day and Day of Eid-ul-Ad'ha.

"Licensed medical practitioner" shall mean persons who are authorized by the relevant authority of Ministry of Health, to issue medical certificates.

"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, those who are determined as senior management posts by the employer, among the senior most persons in the management of the employer.

"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 their 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

Commencement  
of this Act

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