PUBLIC SERVICE SALARY ACT, 2013

(Act 25 of 2013)

ARRANGEMENT OF SECTIONS

SECTIONS

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2. Interpretation
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4. Public Service Salary Table
5. Basic principles of Public Service Salary Table
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7. Revision of Public Service Salary Table
8. Members of public service not be affected adversely
9. Compliance of national minimum wage
10. Contracting out
11. Application of Public Service Orders
12. Salary in case of re-appointment or re-election to a constitutional post
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SECOND SCHEDULE
PUBLIC SERVICE SALARY ACT, 2013

(Act 25 of 2013)

I assent

J. A. Michel
President

31st December, 2013

AN ACT to provide for a uniform salary structure for the public service of Seychelles and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

1.(1) This Act may be cited as the Public Service Salary Act, 2013.

(2) The provisions of this Act in relation to the public service, except for those provided in subsection (3), shall come into operation on the 1st day of April, 2014.
The provisions of this Act in relation to the posts specified under the Second Schedule shall come into operation on the 1st day of July, 2014.

Interpretation

2. In this Act, unless the context otherwise requires,—

(a) "Employment Act" means the Employment Act (Cap 69);

(b) "Minister" means the Minister responsible for public administration;

(c) "national minimum wage" means the national minimum wage specified by or under the Employment Act;

(d) "public service" means employment in the Government of the Republic of Seychelles, whether such employment is in the executive, legislature, judiciary or any other constitutional position or authority carrying out or performing a governmental function but does not include bodies specified in the Schedule to the Public Enterprise Monitoring Commission Act, 2013;

(e) "Public Service Salary Table" means the Public Service Salary Table referred to in section 4;

(f) "Regulations" means the regulations made under this Act;

(g) "salary band" means a salary band as specified in the Public Service Salary Table;

(h) "Schedule" means a Schedule appended to this Act.
3.(1) The provisions of this Act shall have **overriding** effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

(2) Without prejudice to subsection (1), the provisions of this Act shall be in addition to and in derogation of any other written law for the time being in force.

4.(1) There is hereby established, in the First Schedule, a Public Service Salary Table specifying therein the salary structure for the public service of Seychelles.

(2) The salary contained in the Public Service Salary Table does not include any allowance, gratuity or other benefit, by whatever name called.

(3) The salary for a given salary band and step in the Public Service Salary Table is the minimum salary payable under this Act for a post evaluated, or deemed to be evaluated, as commensurate with that band and step in the Table.

(4) The salary enhancement beyond the minimum salary payable may be made from time to time, based on good performance, experience or other factor in accordance with an approved scheme of service.

5.(1) The Public Service Salary Table consists of a table of 20 rows and 15 columns.

(2) Each row in the Public Service Salary Table represents a salary band labeled in ascending hierarchical order from salary band-1 to salary band-20.

(3) Each column in a salary band shall be known as a step, and 15 steps shall be labeled in progressive order from step 1, the **basic** salary in each salary band, to step 15, the maximum salary in that band.
(4) The percentage increase of salary from one step to the next step in the salary band shall be uniform.

(5) The salary at step 1 in the salary band-20 shall not exceed 20 times of the corresponding salary at step 1 in the salary band-1.

(6) The salary bands 1 to 10 shall be used to determine the basic salary level for positions in the public service, including all positions below the level of chief executive officer and certain other constitutional positions.

(7) The pay levels for the positions referred to in subsection (6), except constitutional posts, shall be determined by formal job evaluation in accordance with the system of job evaluation approved by the Department of Public Administration, from time to time.

(8) The salary bands 11 to 16 shall be used to determine the salary levels for the chief executive officers and certain other positions in the public service, including constitutional posts specified in Part A of the Second Schedule.

(9) The salary bands 17 to 20 shall be used to determine the salary levels of persons holding constitutional posts specified under Part B of the Second Schedule.

6.(1) Where a person holding any position in the public service is promoted to a higher position, or transferred to any other position, within the public service, the salary of such person shall, except where it is otherwise provided for by law, be fixed in such manner keeping in view such principles as the Department of Public Administration may, from time to time, determine.

(2) The salary progression of a member of the public service under this Act shall, except where it is otherwise
provided for by law, take effect on and from such date and in such manner as the Department of Public Administration may, from time to time, determine.

7. (1) The salary structure under the Public Service Salary Table shall be revised at least once in every 5 years by such person or body as the Minister may, in consultation with the President, determine.

(2) The revision of the Public Service Salary Table under this section may, inter alia, include —

(a) the various components of the Public Service Salary Table, including, the salary grades, percentage of progression from one step to another, ratio of the base salary, levels of salary bands and system of job evaluation; and

(b) such other matters which the Minister may consider expedient or appropriate.

(3) The person or body, as the case may be, referred to in subsection (1) shall, within such period as the Minister may direct, complete the revision of the Public Service Salary Table and submit recommendations to the Minister.

(4) For the purposes of implementing the recommendations referred to in subsection (3), the Public Service Salary Table contained in the First Schedule may be amended from time to time.

8. Any person employed in, or elected to, the public service of Seychelles, on the coming into operation of the Public Service Salary Table, shall not be affected adversely and shall continue to enjoy the salary not less favourable than those enjoyed by them before the coming into operation of the Public Service Salary Table.
9. The salary contained at step 1 of the salary band-1 shall, in no case, be less than the national minimum wage specified under the Employment Act.

10. Any contract or agreement whether made before or after the commencement of this Act whereby an employed person relinquishes any right conferred by this Act shall not be valid or enforceable in any court, in so far as it purports to deprive him or her of such right.

11.(1) The Public Service Orders, except where it is otherwise provided for by law, shall apply to any matter under this Act in so far as such Orders are consistent with this Act and in case of any inconsistency contained therein, the provisions of this Act shall prevail.

(2) The Department of Public Administration may, from time to time, rescind, supersede or amend the Public Service Orders referred to in subsection (1) in such manner as it may consider appropriate.

12. Where there is a discontinuation in office by a person holding any post specified in the Second Schedule, otherwise than by being removed from office in pursuance to the Constitution, and the person is re-appointed or re-elected to any constitutional post, the aggregate number of years for which the person had held office in the constitutional post prior to such discontinuation shall be taken into consideration while determining the salary of that person.

13. The Minister may, in consultation with the President, make regulations, consistent with this Act, for all matters which by or under this Act are required or necessary to be provided for in giving effect to the provisions of this Act.
# FIRST SCHEDULE

## [Sections 2(e) and 4(1)]

### PUBLIC SERVICE SALARY TABLE

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<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
<th>Step 7</th>
<th>Step 8</th>
<th>Step 9</th>
<th>Step 10</th>
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SECOND SCHEDULE

[Sections 1(3) and 5(8) and (9)]

PART A
SPECIFIED PUBLIC OFFICES IN THE PUBLIC SERVICE

1. Members of the National Assembly
2. Chairman of the Constitutional Appointments Authority
3. Ombudsman
4. Auditor General
5. Chairperson of the Electoral Commission
6. Chairman of the Public Service Appeal Board
7. Master of the Supreme Court
8. Members of the Constitutional Appointments Authority
9. Members of the Public Service Appeal Board
10. Members of the Electoral Commission

PART B
SPECIFIED CONSTITUTIONAL POSTS

1. President of the Republic
2. Vice-President of the Republic
3. Speaker of the National Assembly
4. Chief Justice of the Supreme Court
5. President of the Court of Appeal
6. Designated Minister
7. Ministers
8. Attorney-General
9. Leader of the Government Business in the National Assembly
10. Leader of the Opposition in the National Assembly
11. Justices of the Court of Appeal
12. Judges of the Supreme Court
13. Deputy Speaker of the National Assembly

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th December, 2013.

Azarel Ernesta
Clerk to the National Assembly