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**THE EQUAL OPPORTUNITIES (AMENDMENT) ACT 2017**

**Act No. 15 of 2017**

*I assent*

*23 November 2017*

**BIBI AMEENAH FIRDAUS GURIB-FAKIM**  
*President of the Republic*

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ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
- 2A. Section 2 of principal Act amended
3. Section 10 of principal Act amended
4. Section 11 of principal Act amended

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**An Act**

**To amend the Equal Opportunities Act**

**ENACTED by the Parliament of Mauritius, as follows –**

**1. Short title**

This Act may be cited as the Equal Opportunities (Amendment) Act 2017.

## **2. Interpretation**

In this Act –

“principal Act” means the Equal Opportunities Act.

### **2A. Section 2 of principal Act amended**

Section 2 of the principal Act is amended by deleting the definition of “status” and replacing it by the following definition –

“status” –

- (a) means age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation; and
- (b) in relation to sections 10 and 11, includes criminal record;

### **3. Section 10 of principal Act amended**

Section 10 of the principal Act is amended –

- (a) by renumbering the existing provision as subsection (1);
- (b) in the newly numbered subsection (1), by adding the following new paragraph, the word “or” at the end of paragraph (d) being deleted and the full stop at the end of paragraph (e) being deleted and replaced by the words “; or” –
  - (f) where, subject to subsection (2), that person has a criminal record which is irrelevant to the nature of the employment for which that person is being considered.
- (c) by adding the following new subsection –
  - (2) The burden of establishing the relevance of the criminal record to the nature of employment shall rest with the employer or prospective employer.

**4. Section 11 of principal Act amended**

Section 11 of the principal Act is amended –

- (a) by renumbering the existing provision as subsection (1);
- (b) in the newly numbered subsection (1), by inserting, after paragraph (e), the following new paragraph, the word “or” at the end of paragraph (e) being deleted –
  - (ea) where, subject to subsection (2), the employee has a criminal record which is irrelevant to the nature of the promotional post for which the employee is being considered; or
- (c) by adding the following new subsection –
  - (2) The burden of establishing the relevance of the criminal record to the promotional post shall rest with the employer.

Passed by the National Assembly on the twenty first day of November two thousand and seventeen.

**Bibi Safeena Lotun (Mrs)**  
*Clerk of the National Assembly*