

Consolidated Covid-19 (Amendment No. 2) Regulations 2022

GN No. 37 of 2022

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THE QUARANTINE ACT 2020

Regulations made by the Minister under section 13 of the Quarantine Act 2020

1. These regulations may be cited as the **Consolidated Covid-19 (Amendment No. 2) Regulations 2022**.

2. In these regulations —

"principal regulations" means the Consolidated Covid-19 Regulations 2021.

3. Regulation 2 of the principal regulations is amended by adding the following new definition, the full stop at the end of the definition of "self-confined person" being deleted and replaced by a semicolon —

"worker" —

(a) has the same meaning as in section 2 of the Workers' Rights Act 2019; and

(b) includes —

(i) a person whose basic wage or salary is at a rate exceeding 600,000 rupees in a year; and

(ii) an employee as defined in any Remuneration Regulations made under the Employment Relations Act.

4. Regulation 13 of the principal regulations is amended by adding the following new paragraph —

(4) (a) Subject to subparagraph (b), where, pursuant to paragraph (1)(a), a worker does not have access to his workplace and is absent from work, such absence may, with the consent of the worker, be reckoned against his paid leave entitlement, whether sick leave, accumulated sick leave, annual leave or vacation leave or a combination of such leave, as the case may be, and shall be with pay.

(b) Where the worker —

- (i) does not give his consent for his absences to be deducted from his leave entitlement; or
- (ii) has exhausted all his leave entitlement, the absence of the worker shall be without pay.

5. The principal regulations are amended —

- (a) in Part VIII A, by deleting the following heading —

23A. Closure and prohibition of activities in the Island of Rodrigues

and replacing it by the following heading —

22A. Closure and prohibition of activities in the Island of Rodrigues

- (b) by inserting, after Part VIII A, the following new Part —

PART VIII B — COVID-19 LEAVE

22B. Special leave for Covid-19 vaccination

(1) Where a worker absents himself from work on any day during the period starting on 24 January 2022 and ending on such other date as the Minister may determine for the purpose of being vaccinated with a Covid-19 vaccine, he shall, subject to paragraph (2), be entitled to a special leave with pay.

(2) The worker referred to in paragraph (1) shall not be eligible to a special leave with pay unless, on resumption of work, he produces his Covid-19 vaccination card certifying that he has been vaccinated with a Covid-19 vaccine on that day.

22C. Leave related to self-confinement

(1) Subject to paragraph (2), where a worker —

- (a) who is tested as being infected with COVID-19 or who has been in contact with a person infected with COVID-19 is ordered to be self-confined at his place of residence by a quarantine officer; or
- (b) who is tested as being infected with COVID-19 is admitted to a hospital or a private health institution,

his absence from work during the period he is self-confined or admitted to a hospital or private health institution shall be reckoned, at his option, against his paid leave entitlement under the Workers' Rights Act 2019, any Remuneration Regulations, an arbitral award or an agreement, whichever is applicable, and that absence from work shall be with pay.

(2) Where a worker is not entitled to any paid leave, or has exhausted his paid leave entitlement, any absence from work may be with pay and shall be reckoned, at his option, against any of his future paid leave entitlement.

(3) A worker referred to in paragraph (1) shall —

- (a) notify his employer of the reason for his absence on the first day of such absence;
- (b) where he was self-confined, submit to his employer, within 3 days of his resumption of work, a medical certificate issued by a Government medical practitioner, certifying that he was ordered to be self-confined and the reasons thereof;
- (c) where he was admitted to a hospital or private health institution, submit to his employer, within 3 days of his discharge, a medical certificate issued by a Government medical practitioner or a registered medical practitioner, as the case may be, certifying that he was infected with COVID-19.

(4) In this regulation —

"leave" refers to sick leave, accumulated sick leave, annual leave or vacation leave to which the worker may be entitled, or a combination of such leave.

6. (1) Regulation 5(a) shall be deemed to have come into operation on 29 January 2022.

(2) Regulation 5(b), in so far as it relates to regulation 22C, shall be deemed to have come into operation on 20 August 2021.

(3) Regulation 5(b), in so far as it relates to regulation 22B, shall be deemed to have come into operation on 24 January 2022.

Made by the Minister on 10 February 2022.