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Procedure for taking action against non-compliant employers

Introduction

The procedure outlines steps followed against non-compliant employers and actions to be taken in order to complete legal obligations of employers.

An employer belonging to any one or more of the following categories are identified as non-compliant:

a. Employers who hold a registration with a Government / State institution but have not registered in MPAO
b. Employers who have not enrolled their employees in MRPS
c. Employers who have failed to declare monthly contributions to MPAO
d. Employers who have failed to pay monthly contributions by the due date
e. Other breaches of legal obligations

Any employer within the above categories will be notified before publishing employer information on MPAO website. Employers will be served an initial notice, which will provide details of noncompliance, instructions on how to proceed and the consequences for not complying. Employers who fail to take action on the first notice will be served a second and final notice. If the employer fails to comply with the final notice, employer information will be published on the website and legal actions will be taken where necessary.

Procedure

Initial Notice

Initial notice will be served before the 5th of every month for all employers falling under the following non-compliant categories.

a) Employers who hold a registration with a Government / State institution but have not registered in MPAO
   i) Request to register at MPAO
   ii) Request to enroll staff
   iii) Request to contribute before 15th of the current month

b) Employers who have not enrolled their employees in MRPS
   i) Request to enroll staff
   ii) Request to contribute before 15th of the current month
   iii) A check list will be attached with the notice and request employer to fill and submit to MPAO.

c) Employers who have failed to declare monthly contributions to MPAO
   i) A notice will be sent to a designated email
   ii) Request to declare contributions
   iii) Request to contribute before 15th of the current month

d) Employers who have failed to pay monthly contributions by the due date
   i) Request to contribute before 15th of the current month

e) Other breaches of legal obligations
   i) To fulfill the legal obligation before 15th of the current month
   ii) Impose penalties where necessary

Final Notice

If the employer fails to act on the first notice before 15th of the current month, a final notice will be served on 1st of the next month. Additional 15 days will be provided to comply.

Publishing Employer Information

If an employer fails to comply with the final notice, the respective employer information will be published on MPAO website on 25th of the month.

Names of employers who have a special payment arrangement with MPAO will not be published on website. However, if an employer fails to make payments as agreed, employer name will be published on the website, and the rest of the steps outlined in this procedure will be followed.

Once the employer fulfills the requirements, employer information will be updated on the website within 2 working days.

Inspections

In the event an employer fails to comply within 15 days of publishing information on the website, MPAO may arrange an inspection visit to the employer.

Legal Action

Legal action will be initiated against employers who fail to comply within 15 days after the information was published on the website.

Conclusion

This procedure will come in to effect on 25th of September 2012. Any amendments to this procedure will be updated on MPAO website.