

BILL

Supplement to the Sierra Leone Gazette Vol. CXLXIII No. 74
dated 13th October, 2022

THE EMPLOYMENT ACT, 2022

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PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires-

“apprentice” means a person above the age of 14 years under training at a workplace with an employer or craftsman to acquire knowledge and skill, art or trade within the period specified for the training;

“award” means a judgment or decision by the High Court;

“business” means a trade, undertaking, operation or establishment, whether corporate, public or private;

“casual worker” means a worker contracted to work for a limited period of up to 6 months and such work shall not include those normally performed by regular workers in the workplace;

“Code of Practice on Discipline” means the Code of Practice on Discipline set out in the Schedule;

“Commissioner” means the Commissioner of Labour appointed by the Public Service Commission for the purpose of the administration and implementation of this Act;

“contract of employment or service” means a contract or agreement containing the conditions and terms of employment or service, whether written or oral, whether expressed or implied, individually or collectively, for a definite or indefinite period, whereby a worker agrees in return for wages or other remuneration to work for an employer, employing organisation, institution or business establishment, including a contract of apprenticeship, in the public or private sector;

“court” means the High Court;

“day’s rest” means a period of rest comprising at least 24 consecutive hours;

“disability” means a physical, sensory, mental or other impairment which has a substantial long-term adverse effect on a person’s ability to carry out normal day-to-day activities;

“discrimination” includes a distinction, exclusion or preference made on the basis of colour, disability, political opinion, national extraction, marriage, pregnancy and maternity, race, religion or belief, sexuality, sex, membership of a trade union, organisation or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation;

“earnings” include wages and allowances paid to a worker by an employer and the value of food, fuel, accommodation, overtime payment or other special remuneration or benefit in kind;

“employer” means a person or group of persons including a government, a public or local authority, firm, corporation or company, partnership, business, or any other entity whatsoever for whom one or more workers work, have worked or normally work under a contract of employment and includes the heirs, successors and assignees of the employer;

“employers’ organisation” means an organisation of employers that has among its principal objects the regulation of collective relations between employers and workers;

“environment” means a working environment or premises in which work is done by a worker;

“equal remuneration” means rates of remuneration established without discrimination;

“federation” includes the Sierra Leone Employers’ Federation;

“forced or compulsory labour” means work or service which is performed by a person –

- (a) under the menace of a penalty and for which the person has not offered himself voluntarily; or
- (b) coerced to work through the use of violence or intimidation; or by debt bondage, retention of identity papers or threats of denunciation to immigration authorities;

“health” in relation to work means not merely the absence of disease or infirmity but it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work;

“industrial action” means a temporary show of dissatisfaction by employees by a concerted withdrawal of labour or restriction upon the availability or quantity of labour on the part of workers, strike, slowdown or working to rule in order to protest against bad working conditions or low pay and to increase bargaining power with the employer and to force the employer to improve them by reducing productivity in a workplace, usually organised by trade unions or other organised labour;

“intern” means a student or trainee who works, sometimes without pay, in order to gain work experience or satisfy requirements for a qualification;

“internship” means a programme or period of work experience offered by a firm, corporation, company, organisation or government to help students and graduates gain relevant skills and

experience in a particular field of work or trade or to satisfy a requirement for a qualification;

“Joint Consultative Committee” means an advisory committee appointed by the Minister to advise generally on labour matters under the law governing regulation of wages and industrial relations;

“Joint National Negotiating Board” means the Joint National Negotiating Board for workers established by the law governing regulation of wages and industrial relations;

“labour officer” means an officer appointed by the Public Service Commission in whom the Commissioner may delegate his functions and powers generally or in part for the effective and efficient performance of his functions under this Act;

“Minister” means the Minister responsible for labour and “ministry” shall be construed accordingly;

“national minimum wage” means the national minimum wage established by the Minister in accordance with section 3 of the Minimum Wage Act, 1997;

“night work” means work which is performed between 8:00 o’clock in the evening and 6:00 o’clock in the morning;

“outworker” means a worker to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired, or adapted for sale in his home or on other premises, not in the control or management of the person who gave out the articles or materials;

“pay statement” means a statement issued by an employer under section 56;

“person” means a person or group of persons, company, firm, corporation or any other kind of body including their agents;

“probationary contract” means a contract of employment for not more than 6 months period;

“Public Service Commission” means a body established under subsection (1) of section 151 of the Constitution of Sierra Leone (Act No.6 of 1991);

“qualified medical practitioner or personnel” means a Government Medical Officer or a medical practitioner registered in accordance with the Medical and Dental Surgeons Act, 1966 (Act No. 3 of 1966);

“redundancy” means an involuntary loss of employment by a worker due to circumstances where an employer have to let go of one or more workers due to circumstances unrelated to job performance or behavior.

“remuneration” includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by an employer to a worker, arising out of the worker’s employment;

“severance pay” means the benefit or entitlement given to a worker by his employer at the end of his contract of employment or service;

“strike” means the cessation of work or refusal to work organised by a body of workers as a form of protest, typically in an attempt to gain a concession or concessions from their employer;

“summary dismissal” means the discharge of a worker from an employment due to breach of dismissible offence as prescribed in section 91;

“supervisor” means a worker having authority, in a workplace, to recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, reward or discipline of other workers or to recommend such action;

“termination of employment” means the discharge of a worker from employment;

“trade dispute” means a disagreement or difference between employers and workers connected with the employment, the terms of employment or with the conditions of labour of workers and includes a dispute connected with any of the following -

- (a) terms and conditions of employment including remuneration for employment;
- (b) the engagement of a worker;
- (c) the times at which or the conditions under which work is, or is not performed;
- (d) the demotion, suspension or imposition of other penalty or discipline of a worker;
- (e) the termination of an agreement by which work is to be performed;
- (f) the grievance or complaint of a worker in respect of his employment;
- (g) the machinery for negotiating the disputes or for the settlement of a work-related dispute;

“trade union” means an organisation of workers that has among its principal objects the regulation of collective relations between workers and employers;

“violence and harassment” means a range of unacceptable behaviours, practices or threats, whether a single occurrence or repeated, that aim at, result in or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment directed against a person in the workplace;

“volunteer” includes a person of working age who engages in an unpaid, noncompulsory work to produce goods or provide service for a community or organisation;

“wage” means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by law, which is payable by virtue of a written or unwritten contract of employment by an employer to a worker for work done or to be done or for services rendered or to be rendered;

“week” means a period of 5 working days;

“workplace” means a place where workers need to be or to go by reason of their work and which is under the direct or indirect control of an employer;

“worker” means a person who has entered into or works under a contract of employment or other contract with an employer, including a contract of service, a contract concerning learning or a contract personally to execute any work or labour and an outworker.

2. (1) This Act shall apply to all employers and workers in Sierra Leone, except where the contrary is expressly stated. Application.

(2) Notwithstanding subsection (1), the Minister may, by statutory instrument, after consultation with the Joint Consultative Committee, exempt a person, class of persons, trade, industry or undertaking whose terms and conditions of employment are governed by special arrangements, from the operation of all or any of the provisions of this Act.

(3) The Minister may, by statutory instrument, extend the application of this Act to any category of persons excluded from the application of this Act under section 3.

3. This Act shall not apply to the armed forces, police force, fire force, correctional service of Sierra Leone excluding their civilian workers. Non application.

PART II - ADMINISTRATION AND JURISDICTION

4. There shall be a Commissioner of Labour appointed by the Minister. Public Service Commission who shall be responsible for all matters relating to labour and for the administration, implementation and enforcement of this Act. Commissioner

5. (1) The Commissioner shall, in the exercise of his functions under this Act, have power to - Powers of Commissioner.

- (a) enter into a workplace for inspection without previous notice;
- (b) carry out examination, test or inquiry, which he considers necessary, in order to ensure that the rights of workers under this Act have not been violated and in particular to -

- (i) question, alone or in the presence of witnesses, an employer or staff on any matter under this Act;
 - (ii) require the production of books, registers or other documents relating to conditions of work and to copy such documents or take extracts from them;
 - (iii) enforce the posting of notices prescribed under this Act;
- (c) take or remove, for the purpose of analysis, samples of materials and substances used or handled;
- (d) issue to an employer, an improvement notice or prohibition notice, on such conditions as may be prescribed, to remedy a defect in plant layout or working methods which in his opinion constitutes to be a threat to the health or safety of a worker;
- (e) order the temporary seal of a workplace or the discontinuation of a work process –
- (i) for non-compliance with relevant labour laws; or
 - (ii) on an imminent danger to the safety and health of workers;
- (f) order the closure of a workplace or discontinuation of any work process where an employer fails to remedy a defect under paragraph (d); and

- (g) institute civil or criminal proceedings in the High Court in respect of a contravention or alleged contravention of this Act or any other law relating to labour and employment.

(2) The Commissioner may, for the effective and efficient performance of his functions under this Act, delegate his functions and powers generally or in part, to a director or labour officer authorised under this Act and may, at any time, by notice in writing, revoke such delegation.

(3) The Commissioner or a person authorised by him shall not be personally liable for any act or omission in the exercise of his functions and powers under this Act.

6. The Commissioner or a person authorised by him shall - Obligations
of
Commissioner.
- (a) not have direct or indirect interest in an undertaking under his supervision;
 - (b) not disclose information obtained by him, except to persons acting in the execution of this Act, in so far as such information may be necessary for the performance of his duties;
 - (c) treat as absolutely confidential, the source of complaint made under this Act or action taken in consequence of such complaint.
7. A person who - Obstruction
of
Commissioner.
- (a) wilfully delays or obstructs;
 - (b) hinders, prevents or molests;
 - (c) fails to comply with a direction, order, requirement or request for information or document, demand for or inquiry;
 - (d) fails to honour an invitation to a conciliation meeting;

- (e) provides inaccurate or deficient record or information, with an intention to defraud or deceive;
- (f) conceals or attempts to conceal or otherwise prevents a person from appearing before or being examined by the Commissioner or any person authorised by him in the exercise of any power, duty or function under this Act,

commits an offence and is liable, upon conviction, to a fine not less than 40 months national minimum wage in respect of each offence or to imprisonment for a term not less than 12 months or to both such fine and imprisonment.

Annual
report.

8. (1) The Commissioner shall, within 4 months after the end of the financial year, submit to the Minister a report on the performance of his functions during that year and on its policy and programmes.

- (2) An annual report under subsection (1), shall include
 - (a) the accounts and annual financial statement of the office of the Commissioner;
 - (b) the status of this Act and any other law relating to labour and employment;
 - (c) the staff of the office of the Commissioner;
 - (d) statistics of –
 - (i) workplaces liable to inspection and the number of employees employed therein;

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- (ii) inspection visits, violations and offences, and penalties imposed;
 - (iii) industrial accidents and occupational diseases; and
 - (iii) proceedings brought before the High Court and of their disposal; and
 - (iv) any other relevant labour or employment information.

(3) The Minister shall, on receipt of an annual report by the Commissioner under subsection (1), lay copies of the report before Parliament within 2 months.

9. (1) The office of the Commissioner shall have such directorates and departments or divisions as may be necessary for the expedient and efficient performance of the functions of the Commissioner including –

Directorates
departments,
etc.

- (a) Policy, Planning and Research;
- (b) Labour and Employment Directorate;
- (c) Occupational Safety and Health;
- (d) Social Protection.

(2) A directorate of the office of the Commissioner under subsection (1), shall be headed by a Director.

10. The Commissioner shall, in the performance of his functions under this Act, be assisted by officers appointed by the Public Service Commission to be known as labour officers.

Labour
officers.

Other staff.

11. In addition to the directors and labour officers, the office of the Commissioner shall have such other staff as may be necessary for the efficient and effective performance of the functions of the Commissioner.

PART III - FREEDOM OF ASSOCIATION

Right to form or join trade union.

12. (1) A worker may form or join a trade union of his choice for the promotion and protection of his economic and social interests or withdraw his membership from such trade union and in particular, a worker may -

- (a) take part in the formation of a trade union;
- (b) be a member of a trade union and take part in lawful activities of a trade union;
- (c) hold office in a trade union;
- (d) take part in a trade union election;
- (e) be elected an officer of a trade union;
- (f) exercise a right conferred by this Act or any other law relating to labour and employment or assist another worker or trade union to exercise such rights.

(2) An employer, employers' organisation or a person acting on behalf of an employer or employers' organisation, shall not, with respect to a worker or a person seeking employment-

- (a) require him not join a trade union or to relinquish his trade union membership;

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- (b) take prejudicial action, including termination or dismissal, against a worker or other person by reason of his trade union membership or participation in legitimate trade union activities;
 - (c) otherwise discriminate against a worker because of his exercise or anticipated exercise of a right conferred by this Act;
 - (d) threaten a worker that he will suffer disadvantage from exercising a right conferred by this Act;
 - (e) promise a worker a benefit or advantage for not exercising a right conferred by this Act;
 - (f) restrain or seek to restrain a worker, by a contract of employment or otherwise, from exercising a right conferred by this Act and a contractual term which purports to exert such restraint shall be null and void;
 - (g) impose a discipline or disadvantage upon a worker, who is lawfully on strike or locked out, for refusing to do work normally done by that worker, unless such work must be done to prevent an actual danger to life, health or safety.

(3) Nothing in this section shall be interpreted as preventing an employer from terminating or otherwise disciplining a worker for just cause, in accordance with this Act.

(4) An employer or employer's organisation that seeks, by any kind of threat to intimidate a worker during negotiations of a collective agreement is guilty of unfair labour practice and is liable upon conviction to a fine not less than 15 months national minimum wage.

(5) An employer or employer's organisation that discriminates, intimidates, or harasses a worker with respect to the employment or conditions of employment because the worker is a member or an officer of a trade union or on account of race, religion, gender, religious dress code, HIV, AIDS, political opinion, region, marriage, age, disability condition or ethnicity commits an offence and is liable upon conviction to a fine of not less than 17 months national minimum wage and shall take appropriate steps to ensure there is a remedy to such action and prevent a reoccurrence.

(6) An employer or employer's organisation that seeks by –

- (a) intimidation or harassment;
- (b) threat of termination or dismissal;
- (c) imposition of a penalty;
- (d) giving or offering to give a wage increase or any other favourable alteration of terms of employment; or
- (e) any other means,

to induce a worker to refrain from becoming or continuing to be a member or officer of a trade union commits unfair labour practice and is liable upon conviction to a fine not less than 16 months national minimum wage and shall take appropriate steps to ensure there is a remedy to such action and prevent a reoccurrence.

Right to
form or join
employers'
organisation.

13. (1) An employer may form or join an employers' organisation of his choice for the promotion and protection of his economic and social interests or withdraw his membership from such organisation.

(2) An employer may -

- (a) take part in the formation of an employers' organisation or federation;
- (b) be a member of an employers' organization or federation and take part in the lawful activities of an employers' organisation;
- (c) hold office in an employers' organisation or federation;
- (d) exercise any and all rights conferred by this Act or any other enactment or assist another employers' organisation to exercise such rights.

(3) A worker or group of workers that seeks to intimidate or disrupt the business of an employer during negotiations of a collective agreement commits an unfair labour practice and is liable upon conviction to a fine not less than 6 months national minimum wage.

14. A complaint of infringement of the rights and protections under this Act may be referred to the High Court. (2) Where the High Court finds that a complaint referred to it under subsection (1) is well founded, it shall make such order as it may deem fit to secure compliance with this Act, including an order for the restoration to him of any benefit or advantage and for the payment of compensation or a fine.

Remedies
for
infringement
of freedom
of
association.

15. (1) Violence and harassment in the workplace is prohibited.

Violence and
harassment
at work
prohibited.

(2) In the case of violence and harassment including sexual prohibited. harassment, the victim may make a complaint based on dispute resolution procedures and in accordance with the regulations or grievance procedures of the workplace.

(3) Where a complaint made under subsection (1) is not resolved to the reasonable satisfaction of the complainant, he may make a complaint to the Commissioner and if the Commissioner finds that the complaint is well founded, he shall order an investigation into the complaint.

(4) Upon completion of an investigation under subsection 3, and if there is sufficient evidence of violence and harassment including sexual harassment, the Commissioner shall, after consultation with the Minister, refer the complaint to the High Court.

(5) Where the High Court finds that the complaint is well founded, it shall –

- (a) grant suitable protection against victimisation or retaliation against complainants, victims, witnesses or whistlers;
- (b) protect the privacy and confidentiality of those involved;
- (c) ensure that the requirements of privacy, confidentiality are not misused; and
- (d) impose appropriate sanctions.

(6) A person shall not prevent easy access to suitable, safe, fair and effective means of making a complaint of violence and harassment including sexual harassment that occurs in the workplace.

(7) A person who contravenes subsection (6) commits an offence and is liable, on conviction, to a fine of not less than 15 months national minimum wage.

Forced
labour
prohibited.

16. (1) A worker shall not be required to perform forced or compulsory labour including -

-
- (a) work in fulfilment of social responsibilities of a communal, cultural or religious nature;
 - (b) work or service which forms part of the normal communal or civil obligations of citizens;
 - (c) work or service performed in cases of emergency, that is to say in the event of force majeure, that would endanger the existence or the well-being of the whole or part of the population; or
 - (c) communal service of a kind which is performed by the members of the community in the direct interest of the community, provided that the members of the community or their direct representatives have been consulted by the relevant authorities in regard to the need for such services.

(2) A person who exacts or imposes forced labour or causes or permits forced labour for his own benefit or for the benefit of another person, commits an offence is liable, on conviction, to a fine of not less than 30 months national minimum wage or to imprisonment for a period of not less than 12 months or to both fine and imprisonment and pay compensation to the victim of forced labour.

17. (1) Discrimination in employment or occupation is prohibited and a person discriminated against may make a complaint by himself or by another person on his behalf.

Non-discrimination in employment or occupation.

(2) An employer shall not dismiss an injured worker, discriminate against or disadvantage a worker in respect of the worker's employment or occupation, or alter the worker's position to the detriment of the worker by reason only that the worker-

- (a) makes a complaint about a matter which the worker considers is not safe or is a risk to his health;
- (b) is a member of a safety and health association;
- (c) exercises any of his functions as a member of a safety and health association;
- (d) sustained a degree of disability as a result of workplace injury; or
- (e) is pregnant or experiencing a maternity condition.

(3) An employer who contravenes subsection (2) commits an offence and is liable to a fine not less than 10 months national minimum wage or to imprisonment for a term of not less than 6 months or to both such fine and imprisonment.

(4) Notwithstanding any written law to the contrary, where a person is convicted of an offence under subsection (2), the High Court may, in addition to imposing the penalty under subsection (3), make one or both of the following orders –

- (a) that the offender pays within a specified period, as a compensation to the person against whom the offender has discriminated such damages as the court may deem fit; or
- (b) that the worker be reinstated or reemployed in his former position or, where that position is not available, in a similar or suitable position.

18. (1) An employer shall pay equal remuneration for men and women workers for work of equal value and for that purpose, an employer shall conduct a job evaluation to ensure that the principle of equal remuneration for men and women workers for work of equal value is applied. Equal

(2) An employer who contravenes subsection (1) commits an offence and upon conviction, is liable to a fine not less than 12 months national minimum wage.

19. (1) There shall be implied in every contract for the supply of goods or services to government departments, public, private institutions or local government authorities a "fair terms and conditions of employment" clause. Fair terms
and conditions
of
employment
clause in
contracts.

(2) A "fair terms and conditions of employment" clause under subsection (1) shall imply that a supplier of goods or services to a government department, public or private institution or local government authority undertakes to -

- (a) recognise and respect the freedom of the workers of its suppliers to belong to trade unions of their choice;
- (b) ensure that the workers of its suppliers enjoy terms and conditions of employment that are not less favourable than those established for work of the same character in that trade or industry in the place where the work is carried out, regulated by-
 - (i) collective bargaining agreement or other recognised machinery of negotiation between employers and trade union representatives or between substantial proportions of the employers and workers in that trade or industry; or

- (ii) conciliation award or a government wages order.
- (c) where the conditions of labour are not regulated in the manner referred to in paragraph (b) in the area where the work is carried on, ensure that workers of its suppliers enjoy terms and conditions of employment not less favourable than-
 - (i) those established by collective agreement or other recognised mechanism of negotiation including, conciliation award or government wages order, for work of the same character in that trade or industry in the nearest locality or area; or
 - (ii) the general level observed in the trade or industry in which its suppliers are engaged, by employers whose general circumstances are similar.

(3) A complaint may be made to the High Court by a trade union or an employers' organisation alleging a breach of subsection (2) and the High Court may order the supplier to pay to the workers concerned such sum or sums by way of compensation as it deems just and equitable in all the circumstances.

PART IV – BASIC EMPLOYMENT OBLIGATIONS

Notification
of business
activities.

20. (1) A person, organisation or institution in Sierra Leone -
- (a) intending to open a new business;
 - (b) commences business activity;

- (c) changes the operation of a previous establishment or business activity; or
- (d) enters into an agreement that has labour and employment relations element,

shall notify the Commissioner in writing of his intention before opening, commencing, changing the operation of such business activity.

(2) The Commissioner shall, upon receipt of the notice under subsection (1), take such steps as may be necessary to satisfy himself that -

- (a) the premises in which the business is to be operated is suitable for use as a workplace of the nature stated in the notice; and
- (b) the person, organisation or institution opening, commencing, changing the operation of such business is in adherence to the relevant labour laws.

21. Where the Commissioner is satisfied that -

Registration
of workplace.

- (a) the premises in which the business is to be operated is suitable for use as a workplace of the nature stated in the notice; and
- (b) a person, organisation, institution or business intending to open, commence or changing the operation of a business, he shall register the workplace.

22. (1) An employer, in the public or private sector, shall notify the Commissioner of any employment vacancy whenever it occurs for the purposes of employment statistics and labour market information.

Notification
of job
vacancies.

(2) Information received by the Commissioner under subsection (1) may be used order to -

- (a) determine the demand and supply of labour in different sectors of the economy; or
- (b) enhance effective labour management in Sierra Leone.

(3) An employer that fails to comply with subsection (1) commits an offence and is liable upon conviction to a fine of not less than 6 months national minimum wage.

**Employment
and training.**

23. (1) An employer shall, for the purpose of employment and training, give first consideration to Sierra Leoneans.

(2) Where an employer cannot employ a Sierra Leonean for a particular position due to the unavailability of trained personnel locally, the employer -

- (a) may hire a foreign expert to occupy such position; and
- (b) develop and submit to the Commissioner, a training and succession plan for the transfer of such skills to Sierra Leoneans.

**Employment
returns and
statistics.**

24. (1) In addition to any other powers conferred upon him by this Act, the Commissioner shall submit to an employer, a questionnaire relating to statistical data of workers employed or recruited for employment, the rates of wages and other conditions of service affecting such employment.

(2) An employer shall complete and return a questionnaire under subsection (1) to the Commissioner, not later than 2 weeks from the date of receipt of the questionnaire.

(3) An employer that fails to comply with subsection (2), commits an offence and is liable to a fine of not less than 6 months national minimum wage and in the case of a second or subsequent offence against the same provision, the offender shall be subject to a fine of not less than 3 months national minimum wage.

25. (1) An employer shall, for the payment of terminal benefits, -

Employer to establish separate terminal benefits account.

(a) establish separate "end of service" or "gratuity benefits" bank account in line with the International Financial Reporting Standards and International Accounting Standards; and

(b) submit to the Commissioner annually, a status report of the account.

(2) The signatories to an end of service or gratuity benefits account established under subsection (1) shall, in the case of unionised workers, be the employer and accredited workers' representatives.

(3) Withdrawal from an end of service or gratuity benefits account shall not be effected, without prior notice in writing to the Commissioner.

26. (1) A foreign employer or worker who intends to travel out of Sierra Leone shall obtain labour travelling clearance from the Commissioner in order to ascertain that the foreign employer or worker has no employment or labour related obligations to the government, workers or employers in Sierra Leone.

Labour travelling clearance.

(2) A foreign employer or worker that fails to obtain Labour Travelling Clearance under subsection (1) shall be denied exit out of Sierra Leone.

Registration with professional body or institution.

27. An expatriate or foreign professional who is required by law to register with a professional body or institution in Sierra Leone, including the Sierra Leone Medical and Dental Association, the Sierra Leone Bar Association, the Association of Certified Chartered Accountants and the Sierra Leone Institute of Engineers, shall not work or operate in Sierra Leone unless-

- (a) he is registered with the appropriate professional body or institution; and
- (b) submits proof of such registration to the Commissioner.

Professional approval for labour related research.

28. (1) An individual or institution shall not engage in labour or labour related research in Sierra Leone unless he -

- (a) informs the Commissioner in writing prior to the commencement of such research; and
- (b) submits the following documents to the Commissioner -
 - (i) a hard copy of the full research proposal; and
 - (ii) brief curriculum vitae of the lead researcher; and
 - (iii) any other relevant document or information that may be required by the Commissioner.

Publication of annual report.

29. The Commissioner shall publish an annual report on his inspection services which shall contain information relating to -

-
- (a) developments of this Act and other laws relating to labour and employment;
 - (b) the directorates, directors, labour officers and other staff under the supervision of the Commissioner;
 - (c) statistics of;
 - (i) workplaces and the number of workers employed therein;
 - (ii) inspection visits, violations and penalties imposed;
 - (iii) industrial accidents and occupational diseases; and
 - (iv) cases brought before the High Court and of their disposal; and
 - (d) any other relevant labour and employment information.

PART V - EMPLOYMENT CENTRES AND BASIC RECRUITMENT PROCESSES.

30. There shall be, within the Ministry or in such places as the Minister may, after consultation with the Commissioner determine, employment centres which shall be responsible to –

- (a) receive applications for employment-
- (b) issue labour cards; and
- (c) unemployment certificates.

Recruitment
by employer.

31. (1) An employer may employ or recruit a person either through -

- (a) the employment centre;
- (b) private employment agency;
- (c) by interview arising from an advertisement;
or
- (d) application received.

(2) An employer who employs or recruits a person on an application received through a private employment agency shall inform the Commissioner in writing in order to ensure compliance with this Act.

Reward not
demanded or
accepted.

32. A person shall not demand or accept directly or indirectly to be from a person seeking employment, or from a person acting on his behalf, money, gift, or other consideration whatever for providing him with employment other than such fee as may be prescribed.

PART VI - CONTRACT OF EMPLOYMENT AND OTHER TERMS AND CONDITIONS

Vetting and
attestation of
contract of
employment.

33. (1) A contract of employment or service, terms and conditions of service, personnel policies, human resource manuals or any contract of other document that regulates labour and employment relations, excluding Collective Bargaining Agreements between an employer and a worker, shall not be binding or valid for the purposes of labour and employment unless it is vetted and attested by the Commissioner.

(2) An employer who acts in contravention of subsection (1) commits an offence and upon conviction is liable to a fine not less than 12 months national minimum wage.

(3) The original of the document recording the attestation shall be retained by the Commissioner.

(4) A vetted and attested personnel policy or human resource manual regulating labour and employment relations shall not be binding or valid for more than 3 years from the date attested by the Commissioner under subsection (1).

(5) Notwithstanding subsection (1), the absence of a vetted and attested contract of employment or service shall not prejudice the rights of a worker and his accrued entitlements for the period he has served the employer.

34. The Commissioner shall, by notice served upon an employer, cancel a contract of employment, excluding a Collective Bargaining Agreement, that has been entered into by a worker with an employer, on grounds that, the contract is in contravention of this Act, or any other Act or that the nature of the employment is dangerous or immoral or is likely to be injurious to the safety and health of the worker or for any other cause as may be prescribed.

Cancellation of contract of employment or service.

35. (1) For the purpose of this Act, fixed term contract of employment or service shall be a contract of employment between an employer and a worker for a specific period.

Fixed term contract of employment or service.

(2) A fixed term contract of employment or service below 6 months shall be renewed once only.

(3) A fixed-term contract worker who have served the same employer continuously for a period of 12 months or more shall be entitled to all accrued benefits as provided by relevant trade group agreement or other better terms.

(4) Notwithstanding subsection (3), in the case of a consultant or independent contractor, the payments for a fixed term contract of employment shall be a consolidated amount fixed in advance.

36. A contract of employment valid and in force at the commencement of this Act shall -

Continuing contract.

(a) continue to be in force after its commencement, provided that such contracts are not in conflict with this Act;

- (b) be deemed to be made under this Act and the parties thereto shall be subject to and entitled to such terms and conditions as are provided under this Act.

Oral and written contract of employment.

37. A contract of employment, other than a contract which is required by this Act or any other Act to be made in writing, may be made orally and this Act, save as otherwise expressly provided, shall apply to oral and written contracts of employment.

Agreement for less than national minimum wage void.

38. A provision in a contract of employment for the payment of wages at less than the rate fixed by the Joint National Negotiating Board shall be null and void.

Agreement to exclude operation of Act void.

39. A provision in an agreement, whether or not it is a contract of employment, shall be void in so far as it purports to-

- (a) exclude or limit the operation of a provision of this Act to the detriment of a worker; or
- (b) precludes a person from-
- (i) presenting a complaint under this Act to the Commissioner or the High Court;
 - (ii) initiating or enforcing proceedings under this Act in the High Court; or
 - (iii) giving evidence in connection with a complaint or proceeding, unless contained in a written agreement in relation to an alternative dispute settlement mechanism.

Agreement for payment of wages in contravention of Act void.

40. (1) An agreement for the payment of wages in contravention of this Act is void. (2) Subsection (1) is not a bar to a worker being paid, in accordance with this Act, for work performed in the past.

41. (1) Except where expressly permitted, an agreement between an employer and a worker by which the provisions of this Act are excluded or varied in any way shall be void as to those provisions of such agreement and of no effect in law.

Variation
of terms.

(2) Nothing in this section shall prevent the application, by collective agreement or otherwise, of terms and conditions which are more favourable to a worker than those contained in this Act.

42. (1) A contract of employment shall not be transferred from one employer to another without the consent of the worker and prior notification of the Commissioner, save as provided by subsection (2).

Transfer of
contract.

(2) Where a trade or business is transferred in whole or in part, the contract of service of a worker employed at the date of transfer shall automatically be transferred to the transferee and all rights and obligations between the worker and the transferee shall continue to apply as if they had been rights between the worker and the transferor.

(3) A transfer under subsection (2) shall not interrupt a worker's continuity of service and the service shall continue with the transferee as if it is with the transferor.

(4) Subsection (2) shall not transfer or otherwise affect the liability of a person to be prosecuted for, convicted of, and sentenced for an offence committed before such transfer.

43. (1) Casual or temporary work shall be -

Casual or
temporary
work.

(a) seasonal or intermittent in nature; and

(b) for a period not exceeding 6 months.

(2) Casual or temporary work shall not be work of routine nature and the remuneration may be calculated on a daily basis.

(3) A casual or temporary worker who is employed by the same employer for a continuous period not more than 6 months shall be treated as a permanent worker.

(4) Without prejudice to the terms and conditions of employment, mutually agreed to by the parties to an agreement, the provisions of this Act in respect of minimum wage, hours of work, rest period, paid public holidays, night work and sick leave are applicable to a contract of employment with a casual or temporary worker.

(5) Casual or temporary worker shall be entitled to rent, transport, medical, relocation or risk allowances, and any other allowances as specified by relevant trade group agreements or other better terms, where required or applicable.

Remuneration
of casual and
temporary
worker.

44. (1) The minimum remuneration of a temporary or casual worker shall be determined, where a temporary worker or a casual worker is required to work on -

- (a) weekdays only, his minimum daily wage shall not be below the national minimum wage when multiplied by 22 working days;
- (b) an hourly basis only, his minimum hourly rate shall not be less than the national minimum wage when multiplied by 22 working days.

(2) A temporary worker or a casual worker shall not be entitled to any remuneration for each day or hour the worker is absent from work during the week or month.

(3) An employer shall pay a temporary worker or a casual worker the full minimum remuneration for each day or hour on which the worker attends work, whether or not wet weather prevents the worker from carrying on his normal work and whether it is possible or not, to arrange alternative work for the worker on such a day.

(4) A temporary worker or a casual worker is entitled to be paid for overtime work by his employer in accordance with section.

45. (1) An employer who employs a person to whom a minimum rate of wage fixed by the Joint National Negotiating Board or a Trade Group record of Negotiating Council is applicable, shall keep wages as are necessary to show that this Act is complied with in relation to that person.

Employer to keep record of wages.

(2) An employer who contravenes subsection (1), commits an offence and upon conviction shall be liable to a fine not less than of 2 months national minimum wage.

(3) A person who –

- (a) makes, or cause to be made, or knowingly allows to be made a wage sheet or a record of wages or payments, which is false in any material particular;
- (b) produces or causes to be produced, or knowingly allows to be produced, such record to the Commissioner, knowing the same to be false; or
- (c) furnishes information to the Commissioner, knowing the same to be false,

commits an offence and upon conviction is liable to a fine not less than 15 months national minimum wage.

46. (1) The bankruptcy or winding-up of an employer's business shall cause the contract of employment of a worker to terminate one month from the date of bankruptcy or winding-up, unless it is otherwise terminated for just cause within that period.

Insolvency of employer.

(2) This section shall not apply where, notwithstanding the occurrence of such bankruptcy or winding-up, the business continues to operate under public ownership or is transferred.