

BILL

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THE WAGES AND COMPENSATION COMMISSION ACT, 2020

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MEMORANDUM OF OBJECTS AND REASONS

PART 1-PRELIMINARY - contains definitions and interpretation of words and the application of the Bill.

PART II - ESTABLISHMENT OF THE WAGES AND COMPENSATION COMMISSION as a body corporate and governing body of the Commission.

PART III - FUNCTIONS AND POWERS OF COMMISSION states that the object for which the Commission is established is to develop and establish a mechanism for the determination of the emoluments, remunerations and other conditions of service, pensions and gratuities payable to public sector employees according to their job functions.

PART IV- ADMINISTRATIVE PROVISIONS - makes provision for the appointment and functions of the Chief Executive Officer, Deputy Chief Executive Officer as well as other staff of the Secretariat of the Commission.

PART V - FINANCIAL PROVISIONS - deals with issues relating to the funds and accounts of Agency.

PART VI MISCELLANEOUS PROVISIONS - contain provisions for repeal of the Act, the power to make regulations and appeals.

MADE this *2nd day of December, 2020.*

JACOB JUSU SAFFA
Minister of Finance

FREETOWN
SIERRALEONE
DECEMBER 2020

No.



Sierra Leone

2020

A BILL ENTITLED

The Wages and Compensation Commission Act, 2020.

Short title.

Being an Act to provide for the establishment of the Wages and Compensation Commission to be responsible to determine wages and compensation for public sector employees, to harmonise the public sector pay system to reflect equity and merit and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I-PRELIMINARY

- Interpretation.
1. In this Act unless the context otherwise requires -
- "Chairman" means the Chairman of the Commission appointed under section 4;
- "Commission" means the Wages and Compensation Commission established under section 3;
- "Chief Executive Officer" means the Chief Executive Officer appointed under section 14;
- "Minister" means the Minister responsible for finance;
- "state-owned enterprises" mean public sector agencies and institutions established by Government, with public funds, as commercial entities to provide goods and services to the public.
- Application.
2. This Act shall apply to -
- (a) the President and other members of the executive arm of Government;
 - (b) the Speaker of Parliament and other members of the legislative arm of Government;
 - (c) the Chief Justice and other members of the judiciary;
 - (d) statutory corporations, commissions and agencies;
 - (e) the Armed Forces of the Republic of Sierra Leone, the Sierra Leone Police and other security and intelligence agencies; and
 - (f) all other persons employed in the public sector and paid from the consolidated fund.

PART II - ESTABLISHMENT OF THE WAGES AND COMPENSATION COMMISSION

3. (1) There is hereby established a body to be known as the Wages and Compensation Commission. Establishment of Commission.
- (2) The Commission shall be a body corporate having perpetual succession, a common seal, and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.
- (3) The Commission shall have a common seal, the use of which shall be authenticated by the signatures of-
- (a) the Chairman or other member of the Commission authorised either generally or specially by the Commission for that purpose; and
 - (b) the Chief Executive Officer or some other person authorised by the Board in that behalf.
- (4) Every document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.
- (5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone.
4. The Commission shall consist of-
- Composition of Commission.

- (a) a Chairman, appointed by the President from amongst persons who have proven knowledge and experience in labour or human capital management, subject to the approval of Parliament;
- (b) a Vice Chairman, appointed by the other members of the Commission from amongst their number;
- (c) the Financial Secretary; Ministry of Finance;
- (d) the Solicitor-General, Law Officers Department;
- (e) the Permanent Secretary, Ministry of Labour and Social Security;
- (f) the Director-General, Human Resources Management Office;
- (g) the President, Sierra Leone Chamber of Commerce and Industry;
- (h) the Commissioner, National Commission for Privatization;
- (i) the President, Sierra Leone Labour Congress;
- (j) the President; Sierra Leone Employers Association;
- (k) the President, Sierra Leone Pensioners Association;
- (l) the President, Sierra Leone Association of Accountants; and
- (m) Chief Executive Officer, who shall be secretary to the Commission.

5. (1) The Chairman shall hold office for a term of 5 years and shall be eligible for re-appointment for further term of 5 years only. Tenure of office.

(2) A person shall cease to be a member of the Commission on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Commission without reasonable cause; or
- (f) if he resigns his office by written notice to the President.

6. (1) The Commission shall meet for the dispatch of its business at least once every 2 months at a time and place to be determined by the Chairman. Meetings of Commission.

(2) The Chairman shall preside at every meeting of the Commission and in his absence the Vice Chairman shall preside.

(3) The quorum at any meeting of the Commission shall be 5.

(4) A minimum of 3 members of the Commission may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Commission for such purposes as may be stated in the notice.

(5) Decisions of the Commission shall be by a majority of votes of the members present and where the votes are equal the Chairman or other member presiding shall have a casting vote.

(6) The Commission may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Commission.

(7) Subject to this Act, the Commission shall regulate its own procedure.

7. (1) A member of the Commission who has any interest, whether direct or indirect, in any matter being considered by the Commission, shall disclose the nature of that interest to the Commission and the disclosure shall be recorded in the minutes of the Commission and such member shall not take part in any deliberation or decision of the Commission relating to that matter.

(2) A member of the Commission who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Commission.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Commission or member of a committee of the Commission for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Commission shall not be personally liable for any debt or obligation of the Commission.

9. (1) The Commission may, for the discharge of its functions, appoint committees consisting of members of the Commission or non-members or both.

(2) Without prejudice to the generality of subsection (1), the Commission shall establish a Dispute Resolution Committee which shall be responsible to determine complaints relating to grading or conditions of service.

10. The Chairman and other members of the Commission and any person co-opted by the Commission under subsection (6) of section 6 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions as the Commission may, with the approval of the Minister, determine.

11. (1) Where the Chairman or a member of the Commission dies, resigns or is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of -

- (a) the Chairman, the Vice Chairman shall assume the office as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Commission.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment or re-election as the case may be.

PART III - FUNCTIONS AND POWERS OF COMMISSION

12. (1) The Commission shall have responsibility to -
- (a) develop and establish a mechanism for the determination of the emoluments, remunerations and other conditions of service, pensions and gratuities payable to public sector employees according to their job functions;

- (b) regularly review the emoluments, remunerations and other conditions of service, pensions and gratuities payable to public sector employees to reflect equity and merit and promotes competitiveness and employee performance;
- (c) co-ordinate, manage and monitor collective bargaining processes in which Government is the direct or indirect employer;
- (d) monitor the salaries, allowances and other benefits paid to public sector employees for compliance with this Act;
- (e) determine the modalities of retirement benefits, pensions and gratuities, ex gratia and awards payable and available to eligible public sector employees who have completed their term of office;
- (f) develop and ensure a consistent review of -
 - (i) job evaluation methodology;
 - (ii) grading and classification structures;
- (g) undertake research in labour markets and trends in order to attract and retain critical skills,
- (h) advise Government on policy issues relating to public sector emoluments, remunerations, conditions of service, pensions, retiring benefits and related matters.

(2) In the performance of its functions under subsection (1), the Commission shall have regard to -

- (a) the payment of emoluments, remunerations and conditions of service within budgetary constraints;
- (b) the productivity and performance of public officers and employees;
- (c) the need to attract and retain skilled and qualified persons in public offices; and
- (d) equity, transparency and fairness.

13. (1) The Commission shall have the power to require any person, including the ministries, local councils and Boards of state-owned enterprises, by notice in writing, to provide information related to the performance of its functions under this Act. Powers of Commission.

(2) The Commission shall have the power to enforce compliance with Government pay policy and collective bargaining arrangements reached between Government and public sector workers.

(3) The Commission shall have exclusive authority to certify payment of all forms of public sector emoluments including salaries, allowances and

PART IV-ADMINISTRATIVE PROVISIONS

14. (1) The Commission shall have a Chief Executive Officer who shall be appointed by the President, subject to compliance with appropriate recruitment processes and subsequent approval by Parliament. Chief Executive Officer.

(2) A person shall not be appointed a Chief Executive Officer unless he -

- (a) is a citizen of Sierra Leone;
- (b) holds a postgraduate degree from a recognised university; and

- (c) has at least 10 years' experience in human capital management, financial or public management.

(3) The Chief Executive Officer shall be appointed for a term of 5 years and shall be eligible for reappointment for another 5 year term only.

Functions of Chief Executive Officer.

15. (1) The Chief Executive Officer shall be responsible to the Commission for the performance of the following functions-

- (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;
- (b) monitor and supervise the preparation of the annual budgets and reports of the Commission for the review and approval of the Commission;
- (c) oversee the work and discipline of the other staff of the Commission;
- (d) to carry out such other functions as may be assigned by the Commission or necessary for the purposes of the Commission; and
- (e) serve as Secretary to the Commission.

Deputy Chief Executive Officer.

16. (1) There shall be a Deputy Chief Executive Officer of the Commission appointed by the President subject to compliance with appropriate recruitment process and subsequent approval of Parliament.

(2) A person shall not be appointed Deputy Chief Executive-Officer unless he -

- (a) is a citizen of Sierra Leone;

- (b) holds a postgraduate degree from a recognised university; and

- (c) has at least 10 years' experience in human capital management, financial or public management.

(3) The Deputy Chief Executive Officer shall be directly responsible for the operations of the Commission and such other duties as may be assigned to him by the Chief Executive Officer and in the absence of the Chief Executive Officer shall perform the functions of the Chief Executive Officer.

17. (1) There shall be appointed by the Commission, on such terms and conditions as the Commission may determine, such other staff as the Commission may require for the efficient discharge of its function under this Act. Other staff of Commission.

(2) Public Officers may be seconded or otherwise give assistance to the Commission.

(3) The Commission may engage the services of such consultants and advisers as it considers necessary for the efficient discharge of its functions under this Act.

PART V - FINANCIAL PROVISIONS

18. (1) The activities of the Commission shall be financed by funds consisting of - Funds of Commission.

- (a) moneys appropriated from time to time by Parliament for the purposes of the Commission;
- (b) moneys given to the commission by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Commission;
- (c) all other moneys which may, from time to time, accrue to the Commission.

(2) The funds of the Commission shall be applied only for the purposes of the approved budget of the Commission.

Accounts and audit. 19. (1) The Commission shall keep proper books of account and proper records in relation to their activities, property and finances of the Commission in a form approved by the Auditor-General.

(2) The books of accounts referred to under subsection (1) shall be audited by the Auditor-General or an auditor appointed by him within 3 months after the end of each financial year

Financial year of Commission. 20. The financial year of the Commission shall be the same as the financial year of the Government.

Annual report of Commission. 21. (1) The Chief Executive Officer shall, within 3 months after the end of each financial year, submit for the approval of the Commission, an annual report of the activities, undertakings, properties and finances of the Commission for that year.

(2) An annual report shall include a copy of the audited accounts of the Commission together with the report on the accounts.

(3) A copy of the report approved by the Commission shall be submitted to the Minister not later than 3 months after the year to which the report relates and the Minister shall, as soon as possible but not later than 3 months after receiving the report lay it before Parliament.

PART V MISCELLANEOUS PROVISIONS

Repeals. 22. (1) Any enactment in force, before the coming into operation of this Act, that -

- (a) sets out the terms and conditions of service of public sector employees; or

- (b) mode of determination or negotiation of conditions of service, placement on pay scales, adjustments to salaries and terms and conditions of service of any group of public sector employees, is hereby repealed.

(2) Notwithstanding the generality of subsection (1) the following Acts are hereby repealed -

- (a) The Pensions Act, 1946 (Cap 173);
- (b) Section 24 of the Judges' Conditions of Service Act, 1983 (Act No. 12 of 1983);
- (c) Sections 5, 6 and 24 of the Pensions and Retiring Benefits of Presidents and Vice Presidents Act, 1986 (Act No. 2 of 1986);
- (d) The Minimum Wage Act, 1997;
- (e) The State Salaries, Pensions, Gratuities and other Benefits Act, 2003 (Act No. 4 of 2003)

22. The Minister may by statutory instrument make Regulations. Regulations as it considers necessary or expedient for giving effect to this Act.

23. (1) The Commission's decision on grievance relating to grading and classification of salary and terms and conditions of service of public sector employee shall be final, but appealable to the courts on issues dealing with question of law only. Appeals.

(2) Notwithstanding the right of appeal to the courts on issues dealing with question of law under subsection (1), a decision on negotiations of salaries and other terms and conditions of service shall be appealable to the Commissioner of Labour at first instance.