



**HOUSE OF PARLIAMENT
OAU DRIVE, TOWER HILL
FREETOWN**



**EIGHTH REPORT OF THE LEGISLATIVE COMMITTEE, FIFTH
SESSION OF THE FIFTH PARLIAMENT OF THE SECOND REPUBLIC
OF SIERRA LEONE, ON THE BILL ENTITLED “THE EMPLOYMENT
ACT, 2022” PRESENTED TO PARLIAMENT ON TUESDAY 17TH
JANUARY 2023**

INTRODUCTION

Mr. Chairman, Hon. Members, I rise to present the eighth Report of the Legislative Committee, Fifth Session of the Fifth Parliament of the Second Republic of Sierra Leone, on the Bill Entitled: **THE EMPLOYMENT ACT, 2022** “**Being an Act to consolidate and improve the law relating to labour and employment, to provide for the promotion of equal opportunity and elimination of discrimination in employment and occupation and to provide for other related matters.**”

Mr. Chairman, Hon. Members, the Bill having gone through the Second Reading, was committed to the Legislative Committee for scrutiny pursuant to **Standing Orders 51(1)**. Subsequently the Committee met on Monday 30th January 2023, Tuesday 7th February 2023, Tuesday 14th February 2023 and Thursday 16th February 2023, in Committee Room No.1 of Parliament Building, with the following objectives:

- To scrutinize in detail the principles and provisions of the bill and to make amendments if necessary.
- To ascertain the constitutional and legal implications contained therein.
- To report to Plenary for consideration by the Committee of the Whole House in line with S.O.53.

Mr. Chairman, Hon. Members, in attendance were, the Minister, Deputy Minister and Officials of The Ministry of Labour and Social Security, Labour Commissioner, Representatives from OJP Legal, Managing Director Job Search, the Chairman and Deputy Chairman Legislative Committee, Members of both the Legislative and Labour Committee, and other Members of Parliament.

RECOMMENDATIONS

Mr. Chairman, Honourable Members, the Legislative Committee having scrutinized the bill line by line and clause by clause recommends the following amendments to the House for approval:

The Short Title- be amended to read **“THE EMPLOYMENT ACT 2023”**

The Long Title of the Bill- be approved

PART I – PRELIMINARY:

Clause 1 Interpretations: the definition of the Phrase **“Termination of employment”** be amended by replacing the phrase **“means the discharge of a worker from employment”** with the phrase **“means the severance of employment relationship”** to now read **“Termination of employment means the severance of employment relationship”**

The definition of the word **“Worker”** be amended by inserting the phrase **“,or for”** immediately after the phrase **“contract of”** to now read **“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, or for service, a contract concerning learning or a contract personally to execute any work or labour and an outworker”**

Clause 2 sub clause 1 – Application – be amended by inserting the phrase **“and pending employment related claims”** immediately after the word **“Leone”** to now read **“This Act shall apply to all employers and workers in Sierra Leone and pending employment related claims except where the contrary is expressly stated”**

Clause 3 – Non application – be approved

PARTII–ADMINISTRATION AND JURISDICTION

Clause 4 - Commissioner- be amended by deleting the word **“Minister”** before the word **“public”** to now read **“There shall be a Commissioner of Labour appointed by the Public Service Commission who shall be responsible for all matters relating to labour and for the administration, implementation and enforcement of this Act”**

Clause 5 – Powers of Commissioner - be approved

Clause 6 – Obligations of Commissioner – be approved

Clause 7 – Obstruction of Commissioner – be amended to read **“commits an offence and is liable on conviction to a fine not less than Nle 32,000.00 of each offence or to a term of imprisonment not less than 12 months or to both such fine and imprisonment”**

Clause 8 – Annual report – be approved

Clause 9 – Directorates departments, etc – side note of clause 9 be amended by inserting the word **“and”** immediately after the word **“Directorates”** to now read **“Directorates and departments, etc”**

Clause 9 sub clause 1(b) – Directorates and departments, etc – be amended by deleting the word **“Directorates”** to now read **“Labour and Employment”**

Clause 10 – Labour officers – be approved

Clause 11- Other staff – be approved

PART III- FREEDOM OF ASSOCIATION

Clause 12 sub-clause 4 – Right to form or join trade union- be amended to read “An employer or employer’s organization that seeks, by any kind of threat to intimidate a worker during negotiation of a collective agreement is guilty of unfair labour practice and is liable on conviction to a fine not less than Nle 12,000.00

Clause 12 sub-clause 5 – Right to form or join trade union- be amended to read “An employer or employer’s organization that discriminate, intimidate, 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 on conviction to a fine not less than Nle 13,600.00 and shall take appropriate steps to ensure there is a remedy to such action and prevent a reoccurrence”

Clause 12 sub-clause 6 – Right to form or join trade union- be amended to read “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 on conviction to a fine not less than Nle 12,800.00 and shall take appropriate steps to ensure there is a remedy to such action and prevent a reoccurrence”

Clause 13 sub-clause 3 – Right to form or join employers’ organization- be amended to read “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 on conviction to a fine not less than Nle 4,800.00”

Clause 14 – Remedies for infringement of freedom of association – be amended by separating sub clause 1 from sub clause two. Sub clause 1 should read, “A complaint of infringement of the rights and protections under this Act may be referred to the High Court”

Sub clause 2 should read **“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”**

Clause 15 sub clause 2 – Violence and harassment at work prohibited - be amended by deleting the word **“prohibited”** immediately after the word **“sexual”** to now read **“In the case of violence and harassment including sexual harassment, the victim may make a complaint based on dispute resolution procedures and in accordance with the regulations or grievance procedures of the workplace”**

Clause 15 sub clause 3 – Violence and harassment at work prohibited – be amended by inserting the phrase **“provided that this shall be prejudice to the right of the person to bring a complaint directly to the High Court”** at the end of the sentence.

Clause 15 sub clause 4 – Violence and harassment at work prohibited – be amended by separating sub clause 4 from sub clause 5. Sub clause 5 should read **“Where the High Court finds that the complaint is well founded, it shall-.....”**

Clause 15 sub clause 5(a) – Violence and harassment at work prohibited – be amended by deleting the letter **“r”** from the word **“whistler”**

Clause 15 sub clause 7 – Violence and harassment at work prohibited – be amended to read **“A person who contravenes subsection (6) commits an offence and is liable on conviction to a fine not less than Nle 12,000.00”**

Clause 16 sub clause 1– Forced labour prohibited – be amended by deleting the word **“including”** immediately after the word **“labour”** at the end of the sentence.

Clause 16 sub clause 1– Forced labour prohibited – be amended by deleting sub clauses **“a, b, c and d”**

Clause 16 sub clause 2– Forced labour prohibited – be amended to read **“ A person who exacts or imposes forced labour or causes or permit forced labour**

for his own benefit or for the benefit of another person, commits an offence and is liable on conviction to a fine not less than Nle 24,000.00 or to a term of imprisonment not less than 12 months or to both fine and imprisonment and pay compensation to the victim of forced labour”

Clause 17 sub clause 3 – Non-discrimination in employment or occupation – be amended to read “An employer who contravenes subsection (2) commits an offence and is liable to a fine not less than Nle 8,000.00 or to a term of imprisonment not less than 6 months or to both such fine and imprisonment”

Clause 18 - Equal – side note of clause 18 be amended by inserting the word “remuneration” immediately after the word “equal” to now read “Equal remuneration”

Clause 18 sub clause 2 – Equal remuneration – be amended to read “An employer who contravenes subsection (1) commits an offence and on conviction is liable to a fine not less than Nle 9,600.00”

Clause 19 sub-clause 2(a) – Fair terms and conditions of employment clause in contracts – be amended by replacing the word “its” with the word “the” to now read “recognize and respect the freedom of the workers of the suppliers to belong to trade unions of their choice”

Clause 19 sub-clause 2(b) – Fair terms and conditions of employment clause in contracts – be amended by replacing the word “its” with the word “the” to now read “ensure that the workers of the 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-”

Clause 19 sub-clause 2(c)(ii) – Fair terms and conditions of employment clause in contracts – be amended by replacing the word “its” with the word “the”, deleting the letter “s” from the word “suppliers” and replacing the word “are” with the word “is” to now read “the general level observed in the trade or industry in which the supplier is engaged, by employers whose general circumstances are similar”

PART IV – BASIC EMPLOYMENT OBLIGATIONS

Clause 20 sub clause 1 – Notification of business activities – be amended by inserting the word “or” immediately after the word “commencing” to now read “shall notify the Commissioner in writing of his intention before opening, commencing or changing the operation of such business activity”

Clause 20 sub clause 2(b) – Notification of business activities – be amended by inserting the word “or” immediately after the word “commencing” to now read “the person, organization or institution opening, commencing or changing the operation of such business is in adherence to the relevant labour laws”

Clause 21(b) – Registration of workplace – be amended by inserting the letter “s” to the word “operation”, deleting the word “he” and inserting the phrase “is in adherence to the relevant labour laws” before the word “shall” to now read “a person, organization, institution or business intending to open, commence or changing the operations of a business is in adherence to the relevant labour laws shall register the workplace”

Clause 22 sub clause 2 – Notification of job vacancies – be amended by inserting the word “in” after the word “used” to now read “Information received by the Commissioner under subsection (1) may be used in order to -”

Clause 22 sub clause 3 – Notification of job vacancies – be amended to read “An employer that fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not less than Nle 4,800.00”

Clause 23 – Employment and training – be approved

Clause 24 sub clause 3 – Employment returns and statistics – be amended to read “An employer that fails to comply with subsection (2) commits an offence and is liable to a fine not less than Nle 4,800.00 and in the case of a second or subsequent offence against the same provision, the offender shall be subject to an additional fine of not less than Nle 2,400.00”

Clause 25 – Employment to establish separate terminal benefits account – be approved

Clause 26 – Labour travelling clearance – it was unanimously agreed that this clause should be taken to Plenary

Clause 27 – Registration with professional body or institution – be approved

Clause 28 sub clause 1(b)(i) – Professional approval for labour related research – be amended by deleting the word “**and**” at the end of the sentence to now read “**a hard copy of the full research proposal;**”

Clause 29(c)(iii) – Publication of annual report – be amended by deleting the word “**and**” at the end of the sentence to now read “**industrial accidents and occupational diseases;**”

PART V – EMPLOYMENT CENTRES AND BASIC RECRUITMENT PROCESSES

Clause 30– Employment Centres – be amended by inserting a new (a) to read “**receive and display job vacancies from employees**”, previous (a) now becomes (b) and be amended by inserting the phrase “**and register**” immediately after the word “**receive**” to now read “**receive and register applications for employment**”, previous (b) now becomes (c) and previous (c) now becomes (d)

Clause 31 - Recruitment by employer– be approved

Clause 32– Reward not demanded or accepted – side note of clause 32 be amended by inserting the phrase “**to be**” immediately after the word “**not**” to now read “**Reward not to be demanded or accepted**”

Clause 32– Reward not to be demanded or accepted –be amended by deleting the phrase “**to be**” immediately after the word “**indirectly**”

PART VI – CONTRACT OF EMPLOYMENT AND OTHER TERMS AND CONDITIONS

Clause 33 sub clause 1 – Vetting and attestation of contract of employment – be amended by inserting the word “**contract**” immediately after the word “**of**” at the second line of the sentence and deleting the phrase “**contract of**” after the word “**any**” at the third line of the sentence to now read “**A contract of employment or service, terms and conditions of contract service, personnel policies, human**

resource manuals or any 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”

Clause 33 sub clause 2 – Vetting and attestation of contract of employment – be amended to read “An employer who acts in contravention of subsection (1) commits an offence and is liable on conviction to a fine not less than Nle 9,600.00”

Clause 33 sub clause 3 – Vetting and attestation of contract of employment – be amended by deleting sub clause 3 and replacing it with a new sub clause 3 to read “The original of the document recording the attestation shall be attested in triplicate: one copy shall be delivered to the employer; one to the worker and the third shall be retained by the Commissioner”

Clause 33 – Vetting and attestation of contract of employment – be amended by inserting a new sub clause 6 to read “Notwithstanding the provisions of this Act, persons shall be at liberty to be engaged as consultants or independent contractors and to enter into contractual arrangement and remuneration for the services provided”

Clause 34 – Cancellation of contract of employment or service – be amended by deleting the word “or” in between the words “Act” and “that” at the fifth line of the sentence

Clause 35 sub clause 4 – Fixed term of contract of employment or service – be deleted

Clause 36(b) – Continuing contract – be amended by deleting the word “are” before the word “provided” at the third line of the sentence

Clause 37 – Oral and written contract of employment – be approved

Clause 38 – Agreement for less than national minimum wage void – be approved

Clause 39 – Agreement to exclude operation of Act void – be approved

Clause 40 – Agreement for payment of wages in contravention of Act void – be amended by separating sub clause 1 from sub clause 2, sub clause 1 to read **“An agreement for the payment of wages in contravention of this Act is void”** sub clause 2 to read **“Subsection (1) is not a bar to a worker being paid, in accordance with this Act, for work performed in the past”**

Clause 41 – Variation of terms – be approved

Clause 42 – Transfer of contract – be approved

Clause 43 sub clause 3 – Casual or temporary work – be amended by replacing the word **“not”** with the word **“of”** after the word **“period”** at the second line of the sentence

Clause 44 sub clause 4 – Remuneration of casual and temporary worker – be amended by inserting **“65”** after the word **“section”** to now read **“A temporary worker or a casual worker is entitled to be paid for overtime work by his employer in accordance with section 65”**

Clause 45– Employer to keep record of wages – side note of clause 45 be amended by inserting the phrase **“and other particulars of employment”** after the word **“wages”** and inserting the letter **“s”** to the word **“record”** to now read **“Employer to keep records of wages and other particulars of employment”**

Clause 45 sub clause 1 – Employer to keep records of wages and other particulars of employment – be amended by deleting the word **“record”** after the word **“group”** and replacing the word **“wages”** with the phrase **“records of wages and other particulars of employment”** after the word **“keep”** to now read **“An employer who employs a person to whom a minimum wage fixed by the Joint National Negotiating Board or a Trade Group of Negotiating Council is applicable shall keep records of wages and other particulars of employment as are necessary to show that this Act is complied with in relation to that person”**

Clause 45 sub clause 2 – Employer to keep records of wages and other particulars of employment – be amended to read **“An employer who contravenes subsection (1), commits an offence and is liable on conviction to a fine not less than Nle 1,600.00”**

Clause 45 sub clause 3 – Employer to keep records of wages and other particulars of employment – be amended to read “commits an offence and is liable on conviction to a fine not less than N12,000.00”

Clause 46 – sub clause 3 – Insolvency of employment – be amended by replacing the word “to” with the word “for” after the word “behalf” at the second line of the sentence

Clause 47 – Employer to provide work – be approved

Clause 48 sub clause 4(c) – Entitlement to wages – be amended by inserting the word “immediate” after the word “worker’s”, replacing the figure “3” with the figure “2” and the figure “12” with the figure “8” to now read “the death of a member of a worker’s immediate family or dependant relative, subject to a maximum of 2 days absence on any one occasion and a maximum of 8 days in any one calendar year;”

Clause 48 sub clause 4(d) – Entitlement to wages – be amended by deleting the phrase “or wedding” to now read “sickness of the worker or his dependants”

Clause 49 – Death of worker – be approved

Clause 50 – Workers to be paid minimum wage – be approved

Clause 51 – Payment of wages to another – be approved

Clause 52 – Prohibition of deductions – be approved

Clause 53(c) – Permitted deductions – be amended by deleting the letter “u” from the word “liquour” to now read “liquor”

Clause 54 – Employer to repay wages wrongfully deducted – be approved

Clause 55 – Deduction from wages for paying dues to trade union – be approved

Clause 56 – Employer to provide itemized pay statement – be approved

Clause 57 – Loan by employer to worker – be amended by removing the word “employer” after the word “worker” at the second line of the sentence and inserting it in between the words “the” and “if” at the third line of the sentence

Clause 58 – Work stores – be approved

Clause 59 – Written particulars of employment – be approved

Clause 60 – Weekly rest – be approved

Clause 61 - Length of working day – be approved

Clause 62 – Length of working week – be approved

Clause 63 – Shifts – be approved

Clause 64 – Rest breaks – be approved

Clause 65 sub clause 3 – Overtime work - be amended by deleting the word “hours” after the figure “8”

Clause 66 – Payment for night work – be approved

Clause 67 – Certificate of service – be approved

Clause 68 – Common employment not a defence – be approved

Clause 69 sub clause 3 – probationary contract not a defence – be amended by deleting the phrase “by the employer to the worker” to now read “Without prejudice to section 82 and 83, a contract for a probationary period may be terminated by either party by giving not less than 7 days’ notice of termination or by payment, of 7 days wages in lieu of notice”

Clause 70 – Continuous service – be approved

PART VII – LEAVE ENTITLEMENTS AND MATERNITY PROTECTION

Clause 71 – Annual leave – be approved

Clause 72 sub clause 2 – Maternity – be amended by deleting the letter “s” from the word “**subsection**” and deleting the phrase “**and (2)**” at the second line of the sentence

Clause 72 sub clause 5 – Maternity – be amended by replacing the figure “5” with the figure “4”

Clause 72 sub clause 6 – Maternity – be amended by inserting the word “of” after the word “**requirements**” and inserting the word “**compensation**” after the word “**redundancy**” at the second to last line of the sentence

Clause 72 sub clause 7 – Maternity – be amended by replacing the figure “5” with the figure “4”

Clause 72 sub clause 8 – Maternity – be amended by deleting the apostrophes from the word “**days**”

Clause 73 – Request for pregnancy test prohibited – be approved

Clause 74 – Night work - be approved

Clause 75 sub clause 3 – Protection of assignment of pregnant worker – be amended by deleting the sentence that follows immediately after the word “**final**” sub clause 3 should read “**The Commissioner shall investigate the complaint and his decision on the matter shall, subject to any other law, be final**”

Clause 76 – Underground work – be amended by replacing the word “of” after the word “in” with the word “or” and inserting the word “for” after the word “be” to now read “**A worker above 18 years may, except where prohibited under this Act or any other law, be employed in or allowed to be for the purpose of employment below ground**”

Clause 77 sub clause 1 – Paternity leave – be amended by replacing the word “is” with the phrase “**shall be**” and inserting the phrase “**at least**” before the figure “2” to now read “**For the purposes of this Act, a male worker shall be entitled to at least 2 weeks paternity leave upon the birth of his child in accordance with this Act, any other enactment, contract or collective agreement**”

Clause 78 – Sick leave – be approved

PART VIII – RISK ALLOWANCES AND END OF SERVICE ENTITLEMENTS

Clause 79 – Risk allowance –be approved

Clause 80 sub clause 5 – Severance pay or end of service benefit - be amended to read “ **On the death, retirement, termination, resignation or redundancy of a worker, his end of service benefits shall be paid within a period of one month, and an employer who fails to comply with this provision, commits an offence and is liable to a fine of not less than Nle 19,200.00**”

Clause 80 sub clause 7 – Severance pay or end of service benefit - be amended to read “ **An employer, who fails to honour a payment plan made to the Commissioner, commits an offence and shall be liable to a fine of not less than Nle 19,200.00**”

Clause 81 – Employer offer may better conditions of service – side note of clause 81 be amended by moving the word “**may**” from its current position and inserting it immediately after the word “**employer**” to now read “**Employer may offer better conditions of service**”

Clause 82 – Redundancy – be approved

Clause 83 – Disciplinary penalties – be approved

Clause 84 sub clause 3(a) – Notice of termination – be amended by inserting the word “**for**” after the word “**provided**” at the last line of the sentence

Clause 84 sub clause 3(d) – Notice of termination – be amended by replacing the word “**guity**” with the word “**guilty**” at the second line of the sentence

Clause 84 sub clause 3(e) – Notice of termination – be amended by replacing the word “**intolrable**” with the word “**intolerable**” at the last line of the sentence

Clause 85 sub clause 1 – Payment in lieu of notice of termination – be amended by inserting the letter “**b**” to the letter “**e**” to now mean “**be**” at the end of the second line of the sentence

Clause 86 sub clause 1 – Collective termination – be amended by replacing “**10**” with the phrase “**5 percent of its**” and deleting the word “**an**” before the word

“economic” to now read “Where an employer contemplates termination of not less than 5 percent of its workers over a period of not more than 4 weeks for reasons of economic, technological, structural or force majeure, he shall”

Clause 86 sub clause 1(b) – Collective termination – be amended by replacing the word **“is”** with the word **“are”** after the word **“terminations”** at the end of the sentence

Clause 86 sub clause 1(d) – Collective termination – be amended by replacing the word **“is”** with the word **“are”** after the word **“terminations”** at the end of the sentence

Clause 86 sub clause 2 – Collective termination – be amended by replacing the letter **“a”** with the letter **“b”** after the word **“paragraph”** and deleting the phrase **“of the”** at the extreme right of the second line of the sentence

Clause 87 sub clause 1(b) – Fair termination of employment – be amended by deleting the word **“gross”** to now read **“the proven misconduct of a worker”**

Clause 87 sub clause 2(b) – Fair termination of employment – be amended by inserting a new **“c”** to read **“communicating the decision to a worker, and dealing with an appeal against the decision”** sub clause 2(b) now reads **“ the procedures adopted by an employer in reaching the decision to terminate”**. Previous **“c”** now becomes **“d”**, previous **“d”** now becomes **“e”**, Previous **“e”** now becomes **“f”**.

Clause 88 sub clause 1(d) – Unfair termination of employment – be amended by removing the **“apostrophe s”** from the word **“worker’s”** to now read **“a worker providing information, giving evidence or complying with a lawful requirement in respect of paragraph (h)”**

Clause 88 sub clause 1(f) – Unfair termination of employment – be amended by deleting the word **“and”** at the end of the sentence

Clause 89 sub clause 3 – Justification for termination – be amended by replacing the number **“64”** with the number **“67”**

Clause 91 sub clause 3 – Summary dismissal – be amended by deleting the phrases **“and violations”, “gross breaches of duty”, “or gross insubordination”, “for dismissal”** and replacing the word **“dispense”** with the word **“discharge”** to now

read **“The following conduct shall be deemed to be gross misconduct and may discharge the employer from payment of end of service benefit under this Act”**

Clause 91 sub clause 3(c) – Summary dismissal – be deleted

Clause 91 sub clause 3(e) – Summary dismissal – be amended by replacing the phrase **“proven by a satisfied medical practitioner”** with the phrase **“provided that this is substantiated with evidence to the effect”** to now read **“being under the influence of alcohol or narcotics substance, provided that this is substantiated with evidence to the effect”**

Clause 91 sub clause 4 – Summary dismissal – be amended by deleting the letter **“s”** from the word **“matters”** at the extreme right of the first line of the sentence

PART IX – UNFAIR DISMISSAL

Clause 92 sub clause 2 – Unfair dismissal – be amended by deleting the word **“an”** before the word **“unfair”** to now read **“The dismissal of an employee shall be deemed to be unfair if it results wholly or mainly from”**

Clause 92 sub clause 2 – Unfair dismissal – be amended by rearranging the lettering previous **“f”** now becomes **“g”**, previous **“g”** now becomes **“h”**, previous **“h”** now becomes **“I”**

Clause 93 – Remedies for unfair dismissal – be approved

Clause 94 sub clause 1(a)(i) – Determination of claims for unfair dismissal – be amended by replacing the word **“recommendation”** with the word **“decision”**

Clause 94 sub clause 3 – Determination of claims for unfair dismissal – be amended by replacing the word **“recommendation”** with the word **“decision”** at the first line of the sentence

Clause 94 sub clause 4 – Determination of claims for unfair dismissal – be amended by replacing the word **“recommendation”** with the word **“decision”** at the second line of the sentence

Clause 94 sub clause 4(a) – Determination of claims for unfair dismissal – be amended by replacing the word **“recommendation”** with the word **“decision”**

Clause 94 sub clause 5 – Determination of claims for unfair dismissal – be amended by inserting the word “not” after the word “shall” to now read “Proceedings under this section before the Commissioner shall not be conducted otherwise than in public”

PART X – PROTECTION OF CHILD LABOUR

Clause 95 sub clause 7 – Child labour – be deleted

Clause 95 sub clause 8 – Child labour – be deleted

Clause 96 – Minimum age for light work – be approved

Clause 97 – Registration of young persons in industrial undertaking – be deleted

PART XI – INTERNSHIP, VOLUNTEERING, APPRENTICESHIP AND EMPLOYMENT OF PERSONS WITH DISABILITY

Clause 98 – Working conditions for intern – now becomes clause 97

Clause 99 – Working conditions for volunteers – now becomes clause 98

Clause 98 sub clause 1 – Working conditions for volunteers – be amended by deleting the phrase “conditions for”, after the word “as” and before the word “meal” to now read “Volunteers may receive some form of stipend in kind, such as meal, transport or cash to cover out of pocket or living expenses incurred in connection with the voluntary work.”

Clause 100 – Minimum age for apprenticeship – now become clause 99

Clause 101 – Responsibilities of craftsman to apprentice – now becomes clause 100

Clause 100(b) – Responsibilities of craftsman to apprentice – be deleted

Clause 102 – Apprenticeship agreement – now becomes clause 101

Clause 101 sub clause 1 – Apprenticeship agreement – be amended by separating the word “enter” from the word “into” to now read “The parent, guardian or relative of an apprentice shall enter into an apprenticeship agreement with the craftsman under whose care the apprentice is placed”

Clause 103 – Duties of apprentice – now becomes clause 102

Clause 104 – Release of apprentice - now becomes clause 103

Clause 103 sub clause 1 – Release of apprentice – be amended by separating the word “**the**” from the word “**completion**” at the second line of the sentence

Clause 103 sub clause 3 – Release of apprentice – be amended to read “**A craftsman who refuses to issue a certificate of release under subsection (2), without just cause commits an offence and is liable on conviction to a fine not less than Nle 4,800.00**”

Clause 105 – Medical examination for fitness for work – be moved to Part xii Miscellaneous to become clause 111,

Clause 106 – Employment of persons with disability – now becomes clause 104

Clause 107 – Special incentives for employment of persons with disability – now becomes clause 105

Clause 105 – Special incentives for employment of persons with disability – be amended by separating the word “**consistent**” from the word “**with**” at the end of the sentence

Clause 108 – Persons with disability in public service – now becomes clause 106

Clause 109 – Employment not to cease upon disablement - now becomes clause 107

Clause 110 – Length of termination notice for persons with disability – now becomes clause 108

Clause 111 – Transfer of persons with disability – now becomes clause 109

Clause 109 sub clause 1 – Transfer of persons with disability – be amended by deleting the word “**to**” at the second line of the sentence

Clause 112 – Training for persons with disability – now becomes clause 110

Clause 110 – Training for persons with disability – be amended by separating the word “**with**” from the word “**the**” at the third line of the sentence

PART XII – MISCELLANEOUS

Clause 111 – Medical examination for fitness for work – be amended by deleting the phrase “**medical examination**” after the word “**lungs**”

Clause 113 – Regulations – now becomes clause 112

Clause 114 – Criminal liability – now becomes clause 113

Clause 115 – Penalties – now becomes clause 114

Clause 114 sub clause 1 – Penalties – be amended to read “**A person who commits an offence in contravention of this Act for which no penalty is expressly stated, shall be liable to a fine not less than Nle 4,000.00 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 Nle 8,000.00**”

Clause 114 sub clause 2(a) – Penalties – be amended to read “**repeats the infringement, he commits an offence and shall be liable on conviction to a fine not less than Nle 4,000.00**”

Clause 114 sub clause 2(b) – Penalties – be amended to read “**commits a second or subsequent offence against the same provision, shall be subject to a fine not less than Nle 8,000.00**”

Clause 116 – Repeals – now becomes clause 115

Clause 115 sub clause 1(f) – Repeals – be deleted

Clause 115 sub clause 2 – Repeals – be amended by inserting the phrase “**and save as otherwise stipulated in this Act**” immediately after the phrase “**subsection (1)**”

Clause 115 sub clause 3 – Repeals – be amended by inserting the phrase “**save as otherwise stipulated in this Act**” before the word “**an**” at the start of the sentence

CONCLUSION

Mr. Chairman, Hon. Members, the Legislative Committee, having scrutinized the Bill entitled **THE EMPLOYMENT ACT, 2022**. Recommend these proposals to the House for approval. The Report reflects the consensus of Honourable Members of the Committee. I therefore move that the House pass the Bill entitled: **THE EMPLOYMENT ACT, 2022** through Committee Stage, Third Reading and into Law.

I thank you for your attention.

Signed:

Hon. Abdul.S. Marray Conteh

Chairman, Legislative Committee

(Fifth Session 2022/2023)