



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

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**OFFICIAL HANSARD REPORT**

**FIFTH SESSION –FIRST MEETING**

**TUESDAY, 17<sup>TH</sup> JANUARY, 2023**

*SESSION – 2022/2023*



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# **PARLIAMENTARY DEBATES**

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First Meeting of the Fifth Session of the Fifth Parliament  
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
held Tuesday, 17<sup>th</sup> January, 2023.

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*THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE*

**Official Hansard Report of the Proceedings of the House**

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**FIFTH SESSION – FIRST MEETING  
OF THE FIFTH PARLIAMENT  
OF THE SECOND REPUBLIC**

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**Tuesday, 17<sup>th</sup> January, 2023.**

**I. PRAYERS**

*[The Table Clerk, Mr Edward Sahr Lebbie, read the Prayers]*

*[The House met at 11:20 A.M. in Parliament Building, Tower Hill, Freetown]*

*[The Speaker, Hon. Dr Chernor Abass Bundu in the Chair]*

The House was called to Order

*Suspension of S. O. 5[2]*

*COMMUNICATION FROM THE CHAIR*

**THE SPEAKER:** Honourable Members, may I ask that we all please concentrate our attention to the proceedings in the House. All pocket side meetings be ended within the Well.

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON FRIDAY 13<sup>TH</sup> JANUARY, 2023**

**THE SPEAKER:** Honourable Members, we shall now take the Votes and Proceedings for the 63<sup>rd</sup> sitting held on Friday 13<sup>th</sup> January, 2023 starting from page 5. Page 5? Page 6? Page 7? On page 7, relating to my own statement or felicitations, the word should be 'reposed' after confidence, not confidence posed but reposed in the nominee. Can somebody please move for the adoption of the record of Votes and Proceedings for the parliamentary sitting held on Friday 13<sup>th</sup> January, 2023?

**HON. SIMEON FEFEGULA:** I so move Mr Speaker.

**THE SPEAKER:** Any Secunder?

**HON. JOSEPHINE MAKIEU:** I so second Mr Speaker.

*[Question Proposed Put and Agreed To]*

*[Record of votes and Proceedings for the parliamentary sitting held on Friday 13<sup>th</sup> January, 2023 has been adopted as amended]*

**III ANNOUNCEMENT BY MR SPEAKER**

**THE SPEAKER:** I have no announcement to make today except again, to renew my appeal for the prompt start of our proceedings. Starting late is not a norm but I see we are deliberately turning it into a norm. So I want to appeal to all of us to observe that our Standing Orders prescribing the time to start our proceedings which 10 O'clock and we should endeavour to respect that time, this is a special plea and my plea goes to all Honourable Members. We should all make ourselves role models for the rest of mankind

in this part of the world to follow our fine examples. I would continue to commend those who are almost always prompt and at the end of this Parliament you would take to your Constituents a special medal of commendation and you would not be alone, I would be by your side when you present it to your Constituents. For those of you who are perpetual late comers, I would wave goodbye to you from a distance or I would print a special medal of late comers that you would also present to them. I thank you. Shall we get on with the day's business please?

#### **IV BILL**

##### **THE EMPLOYMENT ACT, 2022**

##### **THE LABOUR AND SOCIAL SECURITY**

##### **INTRODUCTION AND FIRST READING**

**THE SPEAKER:** Welcome Mr Minister, we hope with this introduction of the Employment Bill consideration would be given to changing the name of your Ministry to the Ministry of Employment instead of Labour. I am clearly suggesting that but we have to be consistent with the language we use, it is not lopsided labour but when you talk about employment it covers both.

**MR ALPHA TIMBO:** Mr Speaker, Honourable Members, I take note of your initial comment but as you may know the Executive Arm of Government is led by the President who has the powers to assign Ministers and their portfolios and the discretion to change the nomenclature of various Ministries. So with your advice, maybe he would take heed of that but for the time being I am the Minister of Labour and Social Security.

Mr Speaker, Honourable Members, I move that the Bill entitled: The Employment Act, 2022 be read the first time.

*[Question Proposed Put and Agreed To]*

*[The Bill The Employment Act, 2022 has been read the first time]*

##### **SECOND READING**

**MR ALPHA TIMBO:** Mr Speaker, Honourable Members, I move that the Bill entitled: 'The Employment Act, 2022' be read the second time.

Mr Speaker, Honourable Members, I would want to state from the outset that the most valuable asset of any nation constitutes its workforce. A nation needs a workforce that is well motivated for the transformation of its national resources to wealth. Our employment Laws over the years are not only obsolete, others weak but also their implementation has been seriously undermined. Co-labour standards comprising rules and principles regarding the minimum standards recognised internationally for treating workers and employers have been violated. These labour standards are fundamental principles that protect basic human rights at the work place. As a result of this, our Government takes premium in ensuring that these obsolete Laws are being critically examined with a view to ensure their review for us to be able to have legislations that will reflect the current realities.

Mr Speaker, Honourable Members, I have the distinct honour and privilege to stand before you this morning to present to you the Employment Act, 2022 for your consideration. This Bill, when passed into Law will repeal and consolidate the following labour Laws; if you have the document in your hands you will see Section 116, sub-section 1 which is page 85 of the document where you would see the memorandum and object of reason for this particular Bill that is in front of you. The main trust of the Bill is contained and summarised as I said in page 85 of the proposed Act and if you can go through it, it has 12 parts like in all other legislations. Most times legislations are divided into sections and parts, for this Bill it is divided into 12 parts.

**Part One** deals essentially with interpretation, that is to say the words used in this particular Bill, the context in which they are applicable as far as the Bill is concerned and the meanings that they all carry when you go through the legislation itself.

Mr Speaker, before that, I would just want to take you briefly to the current employment Laws that prevail in the country. There are so many of them, they are all put in one heading; Employment and Trade Unions. They are divided into several parts for instance:

Chapter 212 is the Employers and Employed Act

Chapter 213 is the Registration of Employees Act

Chapter 214 talks about the African Labourers Employment Act at Sea

Cap 215 talks about the Provision of Forced Labour

Cap 216 the Recruitment of Workers

Cap 217 Dock Regulations

Cap 218 -The Machinery Safe Working Interpretation Rules which is now the Factories Act, of 1974, it was amended

Cap 219 is the Workman's Compensation

Cap 220 is Wages Board

Cap 221 has to do with the Trade Unions

Cap 222 deals with Trade Dispute Declaration of Law

Cap 223-Trade Dispute Arbitration and Inquiry.

All of these ones, the Wages Board that is Cap 220, 222 and 223 were reviewed to the current Industrial Relations Act of 1974. So you would see that originally we have about 12 Legislations that governed the world of work.

Mr Speaker, Honourable Members of Parliament, this Bill when passed as I said will repeal and consolidate the following Labour Laws which are contained in page 81 and 82 of the document that you have in front of you and I proceed to just state them briefly. It says the following enactments are hereby repealed:

- a. The Employers and Employed Amendment Act, Cap 212 of 1962,
- b. The Registration of Employees Act, 1947, Cap 213
- c. The African Labour short Title Employment at Sea Act, 1937, Cap 214
- d. The Recruitment of Workers 1941, Cap 216 and
- e. The Employers and Employed Act, 1935, Cap 212 and



- f. Section 88 of the Chiefdom Councils Act, Cap 61 which talks about forced labour.

This particular Employment Act when passed into Law would repeal these aspects of the Law that are mentioned which constitute part of those that I originally mentioned as constituting the general body of Laws in our Law books as far as the issue of Labour and Industrial Relations are concerned. This Act is to consolidate and to improve the Law relating to labour and employment to provide for the promotion of equal opportunity and the elimination of discrimination whether positive or otherwise in employment and occupation and to provide for other related benefits.

The main thrust of the Bill as I originally said is contained in page 85 of the Parent Act which is memorandum and object of reasons. So like in most legal documents, the Bill is divided into several parts. Part 1 as I said makes provision for the interpretation, the application that is where this Law applies and non-application that is those employees that it does not cover. This is the provision that is contained in this particular Bill. The second aspect has to do with the administration of the Act itself which makes provision of the functions of the Commissioner of Labour as enshrined in his instrument of appointment. Then the third part talks about the basic employment obligations that are to be covered by all employers including workers then Part 5 talks about the employment of catchment and the basic recruitment procedures that are supposed to be covered by all employing agencies. Then part 6 talks about contract of employment and other term and conditions of employment while part 7 talks about leave entitlement, including maternity leave and other forms of protection. Then Part 8 talks about risk allowance and end of service entitlement and Part 9 talks about unfair dismissal. Part 10 talks about the protection of child labour. Part 11 deals with the issue of internship, volunteerism, apprenticeship and employment of persons with disability. And then the last part has to do with the miscellaneous part of it which deals with other aspects that this particular Bill may have failed to address which will come in the form of regulations and also the penalties that are associated with this particular Bill.

Mr Speaker, Honourable Members, taking you through, like I have said, in this particular Bill you would see that part 2, which deals with the administration, and what the Act has done is to give the functions of the Commissioner of Labour. The Commissioner of Labour is the Principal Employing Officer in the Ministry of Labour which constitutes the head of the professional wing of the Ministry of Labour and he is in charge of supervising all the activities of other employees within the Ministry. What this Act has done is to stipulate his powers and it is contained in page 9 of the Bill itself. The powers of the Commissioner, the obligations of the Commissioner and what may befall on any individual who obstructs the work of the Commissioner of Labour in the discharge of his duties. This section also talks about how the Commissioner of Labour's office is structured into various Directorates ranging from the Directorate of Policy, Planning and Research, that of Labour and Employment then that of occupational safety and health and that of social protection. So as I speak there are four Directorates currently established in the Ministry of Labour and Social Security so all of these Directorates would have to be under the direction of the Commissioner and each Directorate would be headed by a Director who acts on behalf of the Commissioner at any point in time. So that is the provision that is there.

Mr Speaker, Honourable Members, what is very new in this particular provision has to do with the annual report by the Commissioner that is to say in the discharge of his duties, at the end of every year it is the responsibility of the Commissioner of labour to make a report to the Minister for onward information to Parliament, that is contained in Section 8 of this Bill, that is a new provision. Then apart from that Mr Speaker, Part 3 deals with the fundamental; the freedoms of individuals and in formulating this reference was made to the 1991 Constitution which states in chapter 2, the fundamental principles of state policy which spells clearly the political, economic, social, educational and foreign policy objectives of the State, including chapter 3 of the 1991 Constitution which speaks on the recognition and the protection of fundamental human rights. As you may have known chapter 2, which talks about the fundamental principles of State policy those are non-justiciable so as a result of the fact that this is the Bill that

we have to pass that employers as well as workers have to adhere to, that is why we have removed some aspects of the recognition and protection of fundamental human rights and included them here. So we would see that in Part 3, we talk about the freedom of association and here the right to form a trade union is clearly spelt out in this particular document, equally the right of employers also to form an organisation of their choices is also expressly stated here. Provisions are also adequate to make sure that the issue of forced labour which I mentioned originally when I was talking about the repeal of some of the provisions of the Law which has to do with the Chiefdom Councils, this adequately takes into consideration that particular aspect. And the issue of non-discrimination in employment is also contained in this particular part of the legislation including fair terms conditions of employment Clause. So these are all contained in this part of the legislation and it gives the assurance that those who are the key players in the industrial relation system are all covered. So Mr Speaker, I take heed to your initial private comments that employer's aspirations must be seen to be here very vividly and I want to say that it is very clear in this part.

Mr Speaker, Honourable Members, when you move to Part 4, which talks about the basic employment obligations, here Mr Speaker, Honourable Members, this clearly talks about notification of business enterprises. Wherever a business exists there would be an employer-employee relationship so it is mandatory for those businesses to give notification, the registration of work places as well as the notification of job vacancies to the various areas identified to serve as employment outlets so all of these are contained in this particular part.

A very important provision Mr Speaker, Honourable Members of Parliament, which is included in this particular Bill, has to do with Section 25[1] which makes it mandatory for employers to establish a separate terminal benefits account for their respective employees. This is important because over the years, in the Ministry of Labour our staff are inundated with several cases where employers abandon their obligations; there are companies that were closed without meeting their obligations. And there are also employing organisations sometimes who are determined to pay end of service benefit

but during the course of operations of their enterprises they fail to make provision for the payment of end of service benefits in the event there is severance between the employer as well as the worker. So what this particular provision is doing is to make sure that a separate end of service or gratuity benefit account is opened and this is in line with International Financial Reporting Standards that is the IASS and the Commissioner of Labour must be notified in order to make sure that this particular account exists. Another new provision which has also been added in this particular part is the question of the requirement for a Labour Travelling Clearance. You may want to think this is bit problematic but the fact remains that taking a queue from what I have said failing to establish bank accounts for the payment of end of service benefit, you will find out that some people will come to Sierra Leone establish a business and overnight they leave a lot of obligations leaving the problems with the Ministry of Labour and sometimes litigations in the Court of Law. So this particular provision is trying to address that particular aspect which over the years had served as very difficult thing in terms of implementation.

Mr Speaker, Honourable Members, when you look at Section 27 it talks about Professional Body. Yesterday we had the opportunity of presenting this particular Bill to the pre-legislative Committee and a number of issues came out about foreign expatriates especially Medical Doctors who are coming here, they are doing some particular aspect of their works without being done professionally. So what this particular provision is requiring is for those professional bodies like the Bar association, Medical and Dental Association, and the Accounting Profession, they have to make sure that they are required to register with their professional bodies to determine their professional competence for them to be allowed to practice in Sierra Leone consistent with the work permit Bill which we will have to present at some point in time in this House. So that is why that particular provision is being made and we also made a provision of the publication of the annual report which I had just mentioned when it comes to the obligations of the Commissioner.

Mr Speaker, Honourable Members, When you come to part 5 of this particular Bill we have mentioned employment centres and basic recruitment processes. Before this time, those of you who are older than us a bit, you would find out that in some establishment you normally see no vacancy apply for labour. You know it was deliberate in order for us to be able to make sure we take a look at the number of people looking out for jobs, those that have been engaged in employment, whether under employed or fully employed. So that is the object of establishing the employment centres. Over the years, the Ministry of Labour has wakened to the point that it has been very difficult for it to be able to collect labour statistics so as I speak we are currently trying to strengthen the labour market information system within the Ministry for us to be able to take critical look into this particular aspect. So the issue of notification of vacancies to the various employment centres is one of the provisions that is contained here and you can see the centres are meant to receive applications for employment. You can issue labour cards and also unemployment certificate which shows that you are looking out for job and when once you have a job there is a provision in the certificate that shows that you are gainfully employed. So if you leave from one occupation to the other, all of those would have to show. So today with the computer systems all of these things would have to be computerised and ensure that you can trace the issue of employment and unemployment situation.

Mr Speaker, Honourable Members, part 6 deals with contract of employment and other terms and conditions of service. This is one of the most crucial part of this legislation. And here when we talk about contracts we are not only referring to written contracts but also contracts that are done orally. This also makes provision for contracts that are deemed to be void whenever they are entered into those that are voidable also. One of the most important things here is the issue of vetting an attestation of employment contract, this is a new provision, it has slightly modified from the previous provision in the Employers and Employed Act especially part four [4] of the Employers and Employed Act, where you talk about the attestation of the contract to be done by the Magistrate. What this particular provision now is doing is removing the attestation from

the Magistrate and sending it to the Commissioner of Labour. So all the provisions there that have to do with cancellation of contract of employment, fixed out of contract, continued contract to all the different types of contract are also mentioned here orally and written contract in section 37, and 38 for the minimum wage which are void, all of these are clearly stipulated so the question of doubt will not exist in this particular provision.

Mr Speaker, Honourable Members, the issue of transfer of contract is also mentioned as well as taken note that some employees are casual employees they also taken into consideration when it comes to the issue of contract that exists in this particular part of the Bill. The remuneration casual workers is also mentioned here and we tried to fine-tuned a situation where some employers in a bid for them to escape the payment of end of service benefits they will just continue to give like casual employment even when the individual would have worked in that particular establishment may be for one or two or three years. This particular Bill takes note of that so as for those categories of employees to be catered for the issue of keeping records by the employer is very crucial and that is the responsibility of the employer, you have to keep records of workers to ensure that at any time the Ministry of Labour or a competent officer of the State wants to seek information for employees you have to make sure that it is provided. That is also adequately provided for in this particular part of the Bill.

Mr Speaker, Honourable Members, provisions including the death of workers, workers paid a minimum wage are clearly stipulated in this particular Bill. Where workers do not agree for their wages to be deducted by certain amount by trade unions as well as income tax all of these are clearly stipulated in section 52 and 53 where we mentioned about prohibition of deductions as well as deductions that are permissible when it comes to dealing with worker wages. So I think those are simplistically put in this particular Bill and it makes for very much easy reading.

Mr Speaker, Honourable Members, section 55 talks about the particulars of employment and this also goes to the Government where many people are employed without stating the particulars of the employment and the nature of the work that the individual is

doing, how much he or she is going to be paid and the date of engagement and all of these. So this particular provision has ensured that this type of employment is looked into and people would have an opportunity to quickly make a reference to them to be able to move for what and what to do and what not to do. We have also indicated here the length of working hours per day, per week all of them are clearly stated here, before this time they are not expressly stated they are found in various collective Agreements, but with the support of the Sierra Leone Labour Congress and Employers Federation this time around they wanted some of these provisions to be expressly stated in the main legislation itself. The issue of shift, overtime work which some people were talking about yesterday for the banks, where they said the banks are working for over eight [8] hours per day what is happening to those categories of workers all of it is stipulated here. We have side agreement in some of these establishments where some of these provisions are allowed but for a kind of remuneration which is normally acceptable to both the employer and the worker.

Mr Speaker, Honourable Members, an important provision we put here is the certificate of service, many people when they make relationship sometimes they fail to give good recommendation to the individual worker, especially where the worker voluntarily resigned and he or she has been doing a very good job but they want to maintain him without giving him the appropriate remuneration. So they do not normally want to give a certificate of service to show that he or she is coming. So this is making it mandatory for those kinds of persons to be able to do that type of work so that is a very important provision.

Mr Speaker, Honourable Members, section 69 talks about the provision and the period, yesterday in the pre-legislative meeting people raised concern as to the number of months; sometimes it takes years when workers serve their various establishments without receiving confirmation letters. So this one has stated that the maximum length of probationary contract for a worker shall not exceed six [6] months. So it makes it very clear, so where you believe that the service of the worker is not very satisfactory there are methods that you can go through some of them are stipulated in the various

connective Agreements that may have reached between them the employers as well as their workers or their representatives.

Mr Speaker, Honourable Members, when you come to part seven [7] which deals with leave entitlement including maternity this is also very important especially in industrial relations and we have made new provisions as far as this particular section is concerned especially the one that has to do with maternity leave which is section 72, page 48. Before this time the maternity leave was 12 weeks, it has been increased to 14 weeks and when you proceed from there it is not only confined to only the women but when you go to page 51 clause 72 [1] you will see that a new provision is made for the purposes of this Act a male worker is entitled to 2 weeks paternity leave upon the birth of his child in accordance with this Act and any other enactments or contracts. Yesterday, that question was asked, but when you proceed to read further provisions, it says under [2] upon the birth of his child because somebody was asking whether you can have the leave before the wife or when the woman gives birth especially where medical prescriptions would have shown that potentially the person will be given birth. We said no look at this provision it says upon the birth of his child a male worker shall give one week written notice to his employer of his intention to proceed on paternity leave, I think that one has made it very clear.

Mr Speaker, Honourable Members, then three now, it says notwithstanding sub-section one [1] and two [2] a male worker shall not be entitled to more than one paternity leave per year. So those who are polygamous who wanted to know yesterday, how many paternity leave people are given by this provision but it is clearly stated [*Interrupted*]...

**THE SPEAKER:** Mr Minister, let me advise you. You are getting distracted, and keep note, focus on the second reading. You will have an opportunity to respond to all the undertones that you are hearing now should again be repeated later on. So do not allow yourself to be distracted.



## ***Suspension of S.O 5 [2]***

**THE SPEAKER:** Mr Minister you may continue as I advised just focus on your presentation and not get distracted.

**MR ALPHA TIMBO:** Thank you Mr Speaker. We have the risk allowances and end of service entitlement, this I think I have briefly explained the provision that we have now established where you establish a separate account for you to be able to pay any of service benefits or whatever contingencies that arise all of them is stipulated in the Bill here especially in page 53 you can see them.

Mr Speaker, Honourable Members, in section 81, this answers the question where people are talking about people who are engaged in doing the same kind of job; they have the same qualification, experience and the rest where the employer in the provision is made where they can pay better wages. You know there are differences in terms of the ability of the employer, so that particular provision is stipulated in this particular Bill so it is covered.

Mr Speaker, Honourable Members, the other important provision has to do with the issue of dismissal. This has been a very important and a thronging issue both in the Ministry of Labour as well as the Court of Law and especially those legal practitioners who have the interest of this country from the time this particular thing has been gazetted they have expressed interest in following it so that from their experiences in matter both at the High Court and the Magistrate Court as well as Supreme Court, some of them are also here and I want to take the pleasure to introduce Mr Jalloh and others they are here to listen to the presentation and they may want to have some comments at some point when they are given the opportunity.

Mr Speaker, Honourable Members, the issue of unfair dismissal is provided for here and it is in section 92 of the Bill itself. There are several instances where people are unfairly dismissed; for instance for some employers even where the individual just serves as a

witness to give evidence to a particular instance that happened in the establishment some of them dismiss those particular individuals.

So we have stipulated a number of cases or issues that must be fulfilled before a dismissal can be termed as fair or unfair but in the Committee Stage we have some few areas that we needed to look into as far as this particular Bill is concerned.

Mr Speaker, Honourable Members, the issue of the employment of children, is adequately provided for in part ten [10] of this particular Bill. Where you see the protection of child labour we talked about the employment of children the minimum age they should have, the child under the age of 15 years shall not be employed to perform work in a work place and a child under the age of 18 years shall not be employed to perform work particularly underground work. Also, specific provisions are made here to make sure that the interest of our children is catered for and at what point in time he or she is allowed to work in a particular work environment. And it may interest you to know that in the underground work no child is allowed to work underground.

Mr Speaker, Honourable Members, the provision in part 11 is a new provision not entirely but most of it, that has to do with internship, volunteering, apprenticeship and the employment of persons with disability. This is a very important provision in a sense that especially for persons with disability we have taken our time to make sure that greater portions of issues that normally affect their employability are included in this particular Bill for them also to know that disability is not inability for them to have access also to the same job.

Mr Speaker, Honourable Members, when it comes to the issue of internship as well as apprenticeship most times these workers they perform a service although it is a form of training but sometimes some employers do not have moral courage to at least sometimes to give them transport and the rest. The provision is made here in this particular Bill is to make sure that a provision is made for those categories of persons we made it compellable for those that are engaging the service of these categories of persons to be giving some forms of remuneration. It is carefully drafted so that it will not be above the minimum wage because once it is above the minimum wage it seems

to be like issue of voluntary. These are provisions that are new, we talked about how you release an apprentice in a work and you give medical examination before a child or individual is considered to be fit and proper for internship, so this particular Bill makes adequate provision for that.

When it comes to the miscellaneous provision, here normally these are the areas where we place such issue that is not contained explicitly in the Act which may be of relevance can be put in the regulations and the instrument that the Minister is giving the power to make.

Mr Speaker, Honourable Members, but the other important provision that we have changed from the previous legislation has to do with issue of penalties. The penalties contained in the current legislations are so minimal to the point that employers sometimes are not even afraid to violate the Law with the hope that they will go and pay the compensation that is expressly provided for in the various legislations that I originally mentioned. So what we have done here is to tag the penalties to the minimum wage and given the number of months that a particular penalty can be applied to a particular employer or an employee failing to carry his or her own obligations as contained in this particular Bill.

Mr Speaker, Honourable Members, I know we have an opportunity also to continue but for now I want to say this is the outcome of the consultation which has taken place for almost a year, between the Government of Sierra Leone and the Sierra Leone Employers Federation and the Sierra Leone Labour Congress. I do not know whether representatives from the Congress are around and the Sierra Leone Employers Federation; this morning they have a meeting we are concluding the determination of the minimum wage and the joint national negotiating Board. Some of them are attending that meeting but I want to assure this House that each and every stage of this particular Bill extensive consultation was done. In fact at some point the International Labour Organisations supported the Labour Congress. Mr Sillah who is one of my staff here participated and they looked at the provisions contained in all of the draft legislations and what you see here is the outcome of all those consultations. I

would want to assure members of the public who are hearing us from here I can say categorically that is what we have been able to do is a compromise out of a whole lot of debates on a number of issues especially when you talk about employment.

So with that Mr Speaker, Honourable Members, I now move that the Bill entitled the Employment Act 2022 be read the Second Time.

**THE SPEAKER:** I thank the Minister for his presentation.

#### QUESTION PROPOSED

**HON. DICKSON M. ROGERS:** Mr Speaker, the Minister of Labour was very eloquent and explicit in highlighting some areas in the Bill, but also Mr Speaker he made a lot of references to provisions in the Parent Act. I do not know if he will make chance for us to have the Parent Act. So we can look at the Parent Act in the present Bill for proper analysis because a lot of references were made to the Parent Act and we do not have the Parent Act.

**HON. HASSAN A. SESAY:** Mr Speaker, I think the Minister was very clear in addressing that issue by letting us understand that various legislations have been repealed and now those legislations which are obsoletes have all been considered so that they will be able to correct them and put them on this document which we have in front of us now. Meaning that all of those various legislations if you look at the object it tells us that a lot of all of these things that he was making reference to have been considered and that is why they have now done a thorough job to put them altogether in one document so that we will understand where they refill them because they are obsolete and if we have the Parent document it means we have different document coming together before we address this one. I think the Minister made reference to all of those documents for us to understand it is not one document but different Parent Acts, and different captions etc. So I think it is clear from what the Minister explained for us to understand because if you look at the Act that we have in front of us it addresses all of those issues.

**THE SPEAKER:** The matter is now before you for debate and I am not going to ask the Chairman of Labour Committee because he has to wrap up later on.

**HON. DR ROLAND KARGBO:** Thank you Mr Speaker. I want to thank the Minister for this very comprehensive document for us it definitely shows that a lot of work has gone into it and rightfully so this document is long overdue. As we listened we could hear the important areas especially addressing the right of workers there is no doubt the document bears the title it has. Compared to that Mr Speaker suggested I have given it another name because workers have suffered for too long in a situation where there is no clear rules as to how the game should happen and this is a situation in the employment world within Sierra Leone where the employers for a long time have had the upper hand had treated workers as they like. As you go through this document you will see that this area has been sufficiently addressed to the extent that the right of workers even though they are taking employment have been reasonably addressed.

Mr Speaker, Honourable Members, areas like human rights of workers, minimum wages, conditions at the work place and end of service benefits these are areas that have been left at the mercy of employers and I think a country owes it to its people to make sure that you protect your people. As the Minister rightly said the greatest asset of a nation it is the work force and this work force it has to be properly managed and encouraged if the wealth as supposed to be approved from the Ministry of Labour could be shared equally throughout the people.

Mr Speaker, Honourable Members, I believe this document has a lot of merit and am sure these merits will come out more clearly. There are gaps that have to be filled and these gaps will come out more clearly when this document goes to Committee Stage whether it is Committee of the whole House or the Legislative Committee there needs to be a proper dotting of the 'I' and cutting of the 'ts' so that this document gets the completeness that it requires to address long standing disadvantages of workers in this country. So I have just started I know there are lot of things to say but I rest my case.

**THE SPEAKER:** Thank you.

**HON. ISHMAEL SAMA SANDY:** Thank you Mr Speaker. Let me start by thanking the Minister and his team for a job well done. Mr Speaker, Honourable Members, when going through this Bill yesterday I came to realise a lot of things relating to labour landscape is addressed in this Bill. I came to realise that the freedom of association and effective recognition and the right to collective bargaining is addressed in this Bill, the elimination of all forms of force labour is addressed, the effective abolition of child labour is addressed, the elimination of discrimination in the job place is addressed, fair compensation of workers is addressed, the right to labour union is addressed and all of these is in tandem with the ILO convention and I know with this Sierra Leone is moving. But as expressed by the Chief-Whip I just want to further advise Mr Minister and team to help us to have about six of the existing Laws that have been or we are about to repeal and replace so that having them it will help us at Committee Stage to see how best we can reference to see whether some of the provisions although they are claiming to be obsolete to see how best we can manage the two then. But really Mr Speaker, Honourable Members as expressed yesterday there are lot of concerns raised yesterday with regards the purification of our job market by foreigners to the point of even shop keepers and even shop security men we are now having Indians serving as security guards in shops [India shops]. This is worrisome and we are having people who are purporting to be professionals like Medical Doctors from Asia running hospitals all over the place we are concerned about that. And as a member of the NGO Committee there have been instances in which we found out that there are expatriates in this country without work and residential permit these are all concerns *[interrupted]*.

**THE SPEAKER:** That will come later.

**HON. ISHMAEL SAMA SANDY:** Fortunately some of these things have been addressed by this Bill. I am of the opinion that if this Bill goes through the passage even our work force that is being sometime exported to other countries would be secured because there are times over the social media we have seen a lot of inhuman treatment of our brothers and sisters seeking employment outside Sierra Leone especially in the

Middle East. Above it all Mr Minister it is a good work and rest assured that this House will stand with you to see the realisation of this particular Bill into a Law. I thank you.

**HON. ALUSINE BASH KAMARA:** Mr Speaker, Honourable Members, it will benefit both the employer and the employee, because Ministry of Labour and Social Security has found it very difficult even for them to do their job because of the old Laws. Mr Speaker, it would be interesting to know that a good number of industries in this country don't have standard terms of conditions of work in this country. When we go round as a Committee we have different areas of terms of conditions of work in this country, so do believe that if this Bill passes into Law there is going to be a standard in terms of the work force in this country. Mr Speaker, Honourable Members even the benefit you would be surprised to know that a good number of employees in this Country can only facing...

**THE SPEAKER:** No you cannot go ahead the time is not up check the next mike if it is working.

**HON. ALUSINE BASH KAMARA:** Mr Speaker, I want to appeal to this House (Interruption).

**HON: DICKSON ROGERS:** Mr Speaker, can the Honourable Member do the necessary S.O? There is an S.O. that should allow you to speak from another seat.

**THE SPEAKER:** For obvious reason go ahead, and let the Honourable Member from Pujehun not distract the Honourable Member from Gbintin, carry on.

**HON. ALUSINE BASH KAMARA:** Thank you very much, Mr Speaker to protect your MP, and as I said this has already showed that the Ministry of Labour is one of the most senior Ministries in this country, because their role in this nation is of importance even though Mr Speaker when it comes to funds allocation, this Ministry has the least funds allocation in this country and they have a lot of constraint as a Ministry. And if we are talking of implementing some of those Laws I think it will be necessary for the Ministry to be giving enough funds, so that they can move around in this nation to make sure that they are able to implement what is in this document.

Mr Speaker, Honourable Members, the Ministry of Labour you will be shocked to know that even S.O. [2] what we refer to as 'Okada' is very difficult to hire by this Ministry, and they have a lot of areas which they have to work in this nation. As the Speaker earlier said when it comes to other areas like the work permit, oversees employment you will definitely know that this Ministry is of very importance in this nation Mr Speaker, so on that note I want to urge that we look at this Bill and pass it into Law. Thank you very much Mr Speaker.

**HON. JOSEPH LAMIN-WILLIAMS:** Thank you very much Mr Speaker. Mr Speaker, Honourable Members, today is another day where salient issue is being discussed in this noble House which is the Employment Act 2022 I am sure it's going to be 2023. I want to join other speakers to outline the issues of employment especially in foreign land. My neighbour from Constituency 080, he outlined the issue of employment in foreign areas, and if you can recall His Excellency the President was on holiday whereby he came out with a lot of Sierra Leoneans who were stranded in Arab nations. Also if we look again the same issue is occurring in other parts of the world in Abu Dhabi, Sierra Leoneans are sending photographs all over the world appealing that they are stranded, and on that note Mr Minister this is an issue between you and the recruitment agencies who are sending these employees putting their lives at risk in those foreign places. I really urge you as you have done a very good job you are well grounded in this area as a former teacher and as a Lawyer you are well grounded in this area so please I appeal to you that those recruitment agencies who are responsible for Overseas employment that it will be done duly, because we have heard in many occasions that their traveling documents are withheld with the agencies, and they are underpaid. And if you go back to Clause [15] of this Act we talk about violence and harassment. They have been harassed, sexually humiliated and so on and so forth. We want to see that Sierra Leoneans are protected, Sierra Leoneans lives matter and therefore we should do all we could in our capacity as law makers, law enforcement agencies, and all the Arms of Government to make sure that Sierra Leoneans are secured.



Mr Speaker, Honourable Members, I also want to throw light on a particular area that was drawn attention by a colleague about our labour market is very vulnerable by the outsiders. Sierra Leoneans can no longer be good shop keepers we have all types of people standing in shops. What is wrong? I know you said you have a limited work force, a colleague from Constituency 067 was pleading that your work force is very little, but Freetown am sure with just few taxis can move around to these places and you have seen it in the market that our work is protected and these people who are violating our work labour force will be brought into law but we are not seeing that. I really appeal to you that you take that into consideration, because day after day the employment rate of foreigners in our places is just increasing.

Mr Speaker, Honourable Members, the area that interest me most is Clause [95] the child labour, we have it in the law books now we believe that after the required period that this Bill will come to existence, but if we look at the street of Sierra Leone in all places like Freetown, Bo, Makeni, Moyamba Junction you see all these children working with people and it will interest you to know that some of them are hired to work with some physically disabled person to move them from one place to another and they are deprived of their future. As a social worker for many years in Sierra Leone I want to tell you that some of these children are hired to be with those people, and at the end of the day they are rewarded with some pittance. So please let's take note of that. I know it is essential for them to move from one place to another, but if our children could be giving the quality of life that requires for every Sierra Leonean that will be in place.

Mr Speaker, Honourable Members, when I look statistically the labour force in Sierra Leone in 2016 it is 2,500,000 people that are physically fit to be in employment, but I believe that the current population which holds over 7,000,000 people we must be more than that. And when we did the 2023 budget if we look at it on the Government side it's just a little over 90, 000 people who are pin coded, who are working for the State and we know that there are several other employment areas in labour. But we have to do everything humanly possible so that these unemployed youths issue will

come to pass and that we as responsible Government and as responsible citizens we make sure that no one is left behind.

Mr Speaker, Honourable Members, it is a well-defined document, and it is very timely, and we promised this nation that we will do the needful to make sure that we enact the Laws that will put us into the 21<sup>st</sup> Century, and we promised to rebrand this nation with the requisite document. On that note Mr Speaker, Honourable Members, let's do everything humanly possible to make sure that this Bill will come into Law as we go through the procedures. I want to take this opportunity to express thanks to the Minister and his team and by extension His Excellency the President of this nation. Thank you very much.

**THE SPEAKER:** I thank all Honourable Members who have taken the Floor on this very important Bill. Let me draw your attention that when we commit this to the Legislative Committee that attention be paid to some Laws that we passed here towards the end of last year they are contained in the Local Government Act. When you read for example Clause [16] is dealing with communal labour with reference to the fulfilment of social responsibility I think we did touch a little on that particular subject in the Local Government Act that we enacted. All the more reason why it is necessary that we pay great attention to this Bill and read it alongside that particular Act that we enacted towards the end of the year. I just want to draw your attention to that. I have already informed the Chair of the Legislative Committee to ensure that issue is at rest when this Bill is committed to the Legislative Committee.

**HON. MOSES B. JORKIE:** Thank you very much Mr Speaker. Mr Speaker, Honourable Members, this Bill is very important and I want to believe that it is on time. This Bill when ratified in this House of Parliament, and if followed closely believe you me it will provide employment for most Sierra Leoneans. It is an actual fact that Sierra Leoneans are denied job opportunities, as other speakers were saying you go to the Lebanese shops, the Indian shops common works that should be done by Sierra Leoneans are done by those foreigners. Is that really necessary why are they not doing it? If you go back you will realise probably it's because of the habit of some of our brothers. But with

this Law I want to believe that actually they will have jobs. The issue of casual jobs here is eminent I can't remember working in agricultural companies, this company is not far away from me and I was sharing boundary with them and a good number of people from my Constituency are going to that place for a work.

Mr Speaker, Honourable Members, some of my Constituents have spent over a year on casual jobs this one is not really good. So when I saw this in the document for six months from there of course you are entitled to everything am overwhelmed with that, thank you very much and your team for putting this document together in terms of casual work. The other thing actually that is affecting us Mr Speaker is the expatriates that come to the country, some come and stay over ten years when our brothers and sisters can do the job. But this Bill has also addressed that particular aspect which is a laudable idea. As I was discussing with my colleague, there is one thing in this document or this Bill which is very much important which also I want to say something about, that is part three right to come and join employers' organisation. Mr Speaker, Honourable Members, if we really see the way some organisations are treating their workers it is not good. One good example I will give is the Teachers Union [SLTU]. SLTU, you are forced to join it when you join it for you to reap the benefit of SLTU am not seeing it coming just like the Motor Bike Union you are forced also to join the Union at the end of the day in fact to fight for you is not really easy. So therefore if you want you will join it if you don't want then you leave it, so therefore that one also is a very good idea please Honourable Members don't disturb me, if you are asking about CHOs it's your business.

Mr Speaker, Honourable Members, the Maternal leave yesterday we spoke on it is really good you will have to increase it to fourteen weeks, but I have a question or a concern assuming that prior to the date of birth we called it EDD expected date of delivery then somebody gets haemorrhage let me say a week before, and that particular person is being admitted where will that benefit in terms of this particular maternity leave is also a concern to me we need to look into that one. The leave I spoke of yesterday also I asked a question that in fact in the Health Department which I am a member you can

work in the centres for a long time without leave. When I was in the centre Mr Speaker you were not there yesterday I stated it. I worked for eleven years without a leave so that is not really good is not because of the service enjoyment but because of love for the job.

**HON. MATHEW S. NYUMA:** Please Honourable Members you are disturbing.

**HON. MOSES B. JORKIE:** Mr Speaker, Honourable Members, when we come to Committee Stage let's try to come with a Law that will fit those health workers because really they are suffering. They are really suffering I am telling you the fact they can work for over five years without going on leave please. Of course, the paternity leave you stated here which I know most men here are happy for because there are polygamous people in the House. We have to make consideration for that because if you have two wives assuming that the one gives birth today and the other one gives birth the other week, so what will that be? For me to contribute to this one I want to say thanks to Mr Minister and his team for bringing this document into this Well, and I want Honourable Members to really put keen attention to it so that it will benefit this nation. Thank you very much.

**THE SPEAKER:** The Honourable Member to my extreme left has the Floor.

**HON. DR ROLAND KARGBO** Mr Speaker, Honourable Members, I join the queue this morning by thanking the Minister of Labour for a job well done. I believe he has a team, and his team has put this document properly. If the country should forge ahead the Labour Ministry should be the number one to deal with the welfare of people because employment also deals with welfare. If the people who live in this country haven't got the main substance that make their lives better then the country is doom because page 85 of the document summarises what I have just said. This document if we go through it in the Committee Stage it will be a very good document, and it will excel Sierra Leoneans to what we are supposed to be. This document will minimise corruption, because the key problem in our country is the proper wage system. Sierra Leoneans are minimised logically, and Sierra Leoneans are minimised morally by our neighbouring sister countries.

Mr Speaker, Honourable Members, if you think about the employment in our neighbouring countries and what they have or what their education and ours in Sierra Leone is not commensurate. For example, the time I went to Guinea on business that time I was working for World Food Programme. In that country we had drivers that left Sierra Leone that were employed in Guinea those drivers were zero in terms of payment. A Guinean driver can receive Five Hundred Dollars and a Sierra Leonean driver cannot receive One Hundred Dollars. On that note everybody in here can see how we Sierra Leoneans look like side by side with our counterparts. In Sierra Leone the salary wage if improved, I can assure everybody here that we are going to be top on the ladder.

Mr Speaker, Honourable Members, if we cannot match with our brothers and sisters in the region we will always and ever be down there and in that case our country will always be low down there. If Labour Minister cannot work with those responsible for the economy all their efforts will be in vain. It is only when you have strong economy and you have strong people in the country that will bring economic stability. Mr Speaker, Honourable Members, more than 50% of the work force in Sierra Leone is not working. When you go to the public offices, you can see some people do not go to work for a week. Some people if you see them in their offices and ask them what your time of relevance is, they do not have it. What are they going to do in the offices? So until and unless you work with all the Ministries in this country, you will not succeed with this Bill. We are coming to enact it, it is going to be enacted but one reason of bringing it here is for it to be materialized. The dignity of our citizens must be realized but the profile of this country is measured by the quality of its people.

On that note Mr Speaker, I rest my case and look forward to what this Bill seeks to address. I thank you Mr Speaker.

**THE SPEAKER:** I thank the Honourable Member for his contribution.

**HON. SEGEPOH S. THOMAS:** I thank you very much Mr Speaker. Mr Speaker, Honourable Members, I did not want to say anything but I am moved to just say my bit. As a nation Mr Speaker, Honourable Members, we have always had beautiful Laws,

Labour Laws expected to have few rough edges here and there but our Laws have always been beautiful. The problem with our Labour Laws Mr Speaker, Honourable Members is with the implementation *[Applause]*. It will interest you to know Mr Speaker, Honourable Members, that for little labour pains, when these people go to Lawyers, they refer them to the Ministry or the Labour Commission hope it is done.

Mr Speaker, Honourable Members, I have experienced the Labour officers or even Labour Commissioner supporting the employer against the employee *[Applause]*. So I trust you Mr Minister, I hope you are listening to us; do something about this, it is not all of these Labour issues or Labour cases that should even go to the High Court. Some of these matters can be handled at the Ministry level, it is interesting, Mr Speaker you want to know the indignities Sierra Leoneans suffer at the hand of the employers especially foreigners. Of course, the Journalists are there, you are listening, we are making yet another Labour Law but when it comes to the implementation Mr Speaker, Honourable Members it is total nonsense. Mr Minister I trust you, I know you are a Trade Unionist and you have been in it for quite a while, do something different please. Thank you very much.

**THE SPEAKER:** I would like to give the Floor now to the Leader of C4C.

**HON. EMERSON S. LAMINA:** Mr Speaker, Honourable Members, it is a convention belief that you cannot give the un-initiate to initiate the initiate. The piloter of the Bill today is an initiate of Trade Unionism and because it is an initiate of Trade Unionism, he has done a lot to rekindle, to rejuvenate old obsolete moribund Laws to born again. Mr Speaker, when you give the initiate to initiate new initiates, you just give the result of new Law.

Mr Speaker, Honourable Members, Zimbabwe as a country will not forget Dr Abass Chernor Bundu in a hurry because of the way he promulgated and designed their Constitution *[Applause]*. Mr Speaker, Honourable Members, ECOMOG in 1993 will not forget the diction of ECOMOG been designed by Abass Chernor Bundu because he is a Constitutional Lawyer and that is just what Barrister Timbo has done to this new Law. Mr Minister I commend you, get all the fine Laws but without logistics for its

implementation it would be a problem. It is a beautiful Law, this shows the political will of His Excellency the President who promised the Citizens of this country that he will make them happy before it first term expires and this is what he has done. Mr Speaker, citizens of overseas countries they have confidence not to even rival with foreigners. When you are in the UK and the USA, citizens of those countries they are not even worry of rivalry with others and the making of the Employment Act 2021/2022 is half to settle the problem of Sierra Leoneans. By the time this Law is fortified, we will be proud. I realized Mr Speaker that Government cannot give all of the jobs but it also depends on the private sector and when the private sector is fearful of the Laws of the country it is the best. Mr Speaker, I commend the Minister because the Law under review now seeks the interest of the investor or the employer as well as the employee.

Mr Speaker, Part 3 talks on federation of association. Mr Speaker, Freedom and federation of association of the workers is very important but before this time, workers are very difficult to associate to Labour Union because you will be sacked. Today there is Law giving me the guarantee that let me associate, and let me express my freedom. In 2008 and 2012 respectively, Kono District said a Red Letter Day in sadness, workers of the Koindu Holdings rose for pay rise. Upon rising to pay rise, they were shot respectively, two gone down in 2008, and two also gone down in 2012 because they rose to express their interest for pay rise, others were also sacked by the General Manager.

Mr Speaker, Honourable Members, Clause 30 Part 4 is also saying employment centre for the recruitment processes, the people in overseas want job; they now have a centre in the Labour Ministry which makes it easier for the Ministry of Finance and the Ministry of Mines to raise revenue. Today, we are having a Commissioner General of the Ministry of Labour to also make employment and labour easier to you. Clause 30 is saying employment centres are now being recruited and created for recruitment processes.

Clause 35 also talks on the twelve months entitlement of a fixed benefit, what a beautiful Law. This Law is given a ban to bad employers that would come and leave overnight without giving out benefits to its employees.

Mr Speaker, Honourable Members, maternity leave is assured in this Law. Mr Speaker, a fine Law in Part 11; internship and volunteerism is also entitled to stipend, before this time volunteers are not given stipend and food. This Law guarantees me even though I am recruited, I am an apprentice, I am entitled to food from my Boss; I am entitled to medical service if I am hurt along the line.

Mr Speaker, also not to shy away to look at Clause 11 and Clause 100 that also fall foul with ILO [International Labour Organization Law] in the same fourteen years, Mr Minister take note, for me fourteen years is too small for apprenticeship; it falls foul with the Labour Law. United Nation Labour Law is saying that between the ages of fifteen and thirty-five, I can learn apprenticeship and this Law is saying in Clause 100 fourteen years is too small for my comfort; it will fall foul with ILO and Child Labour Bill. Mr Minister also take note on Clause 100, food and medical are entitled to them.

Mr Speaker, Honourable Members, I admire the Law, Mr Minister you have actually performed your expertise as a former Trade Unionist in the field of Trade Unionism but I also implore you to look at Clause 9 very well. Clause 9 is so beautiful, it actually coined out certain departments for example Clause 9 is saying that let there be Planning Policy, let there be Labour Employment Policy, Let there be Occupational Policy, and let there be Social Protection Policy. Unfortunately however, it has no Gender Policy and we have passed the GEWE Bill. I am a male champion; I support affirmative action of women. We have passed the GEWE Bill, is now an Act. We have the GEWE Act in this Well and it conspicuously absence of Gender issue, I am afraid. How will the women add their fair share to this Bill?

Mr Speaker, Honourable Members, during Committee Stage we will look at it critically. Mr Minister I admire this Act, the Act is so seasoned and salted because Government cannot give all of the jobs, I want to believe that with the passing of this Act we will do well and implement penalties attached to this Bill. It is saying specifically under penalty and code of practice that I cannot be penalized, I cannot be bullied, and I cannot be disadvantaged because I demonstrated.



Mr Speaker, Honourable Members, thank you very much Trade Unionist, you have demonstrated one of your fine legacies which will be written out against your name that at one time you were a Trade Unionist giant as I gave my earlier reference that Zimbabwe cannot forget Dr Abass Chernor Bundu; Sierra Leone Government will also not forget you. Honourable Members, we will do our level best for us to have a fine Bill that will actually protect citizens of Sierra Leone under the leadership of retired Brigadier Julius Madaa Bio. Thank you very much *[Applause]*.

**THE SPEAKER:** Now I have to make a choice between tradition and gender. Nobody would question my adherence to Gender Equality Motion.

**HON. P.C. BAI KURR KANAGBARO SANKA III:** Thank you Mr Speaker. I think this voice has been missing for some time but because of this Bill, is a National Bill and if that is so, we have to commend the Minister and his Staff in the Ministry for doing their best to bring such a Bill that touches the lives of every human being that is in Sierra Leone and even outside of Sierra Leone. Yesterday, I also participated and Mr Minister I commended you that you are one of the very few Ministers that the President sent to the right place not square peg in a round hole. You have been a Teacher, a Trade Unionist; Minister during the days of the Late Pa Tejan Kabbah may his soul rest in perfect peace who introduced the NASSIT Program in Sierra Leone. In doing that, some people were sceptical but he was able to put brains together including you at that time a strong business man who later became the President of Sierra Leone to work with NASSIT to come up with it. The former President, President Ernest Bai Koroma, he worked together with him and you brought in NASSIT into this Parliament and we approved it. So we thank you very much because of the knowledge you have, you put it into practice. There are so many people in the world that are knowledgeable but they do not share their knowledge, they die with it, but you shared yours. You have tried as a SLTU Secretary-General, you fought very hard for this country and you have done well.

Mr Speaker, I have a lot of issues here but all towards the betterment of the Bill like in Clause 12, somebody will like to join a trade union then Clause 15 violence and

harassment of workers, we have to look at that, it is a good suggestion, a good Clause but Mr Speaker we have to also look at Clause 16; Clause 16 is very important. Mr Speaker, Honourable Members, what we call force Labour sometimes is not really force labour but is communal labour. Most of the roads, the railway that was built in Sierra Leone will be built by our people, the roads that led to Massingbi I could remember; were done by the people. The British Government does not have the money to pave, all of these roads now, if you tell anybody to go and construct a road, even feeder roads or to even repairs, people will not do it. How are we going to develop? We are waiting for people to donate money from Germany, England, and France to make our feeder roads, when we could have taken shovels to make our feeder roads. Mr Speaker, look at Section 16 that is a critical Clause, I cannot call it now Section, it might be a Clause for now. We have to look at it and compare the road from Gbinti that brought people from that area to Freetown and it was constructed by the people themselves. Today you cannot tell a youth to even clean the city or the town, very few, they will tell you I am not paid but they throw the dirt in the street. Now we cannot even build schools of our own until we get donations from NASCA, from IDP. The United Pentecostal School in Massingbi was built by my Grandfather the Paramount Chief, today they have produced Doctors, Lawyers, Engineers, Paramount Chiefs, and PHD Students but have not helped much. We have to, but the Politicians just in power, they will always do as if they are going to bring Heaven to Sierra Leone. We are very keen here; we have passed so many Bills, you are part of the system I agree; is your good friend I know it; you used to go there and hustle *[Laughter]*.

Mr Speaker, I have some suggestions please Honourable Members let us look at how we pay salaries to the workers Mr Speaker. In the United State of America, all private sectors pay daily wages every Friday. Do you know what that has to do with the multiplying effect of the economy? So the old SLST and IMCO were paying every two weeks. I remember when I was growing up in Kono District, every two weeks they were paid so if we come now to the Government of Sierra Leone and all the Private sectors pay their workers every week, every Friday, you will see the economy booming. I lived

at Aberdeen Mr Speaker, if you go there now during this week, the place is empty because no money again for the workers but if you go there on the first, second, third, fifth, the sixth, seventh of the month the places will be jam packed; so I am suggesting to this nation, the Ministry of Finance to pay workers if Government cannot pay every week, let us pay workers every two weeks *[Applause]* believe you me Sir what we call multiply effect in economics will work because there will be money rotating but when you look at salaries, even salaries of Members of Parliament sometimes until the fifth, sixth, seventh, you will begin to call S.O 2; 'bo the alert don kam den say alert nor kam yet' so we borrow all the time. I know MPs that borrow Ten Million Leones for month for Twelve Million Leones, the interest rate is so high, I know them; they borrow from the banks and is not official loan, they go to bankers and bankers give them Ten Million Leones, when they pay them they pay Twelve Million Leones, multiply that for a year you will see that you are paying over 20% for Ten Million Leones.

Mr Speaker, I am begging this nation, the Minister to work together with the Minister of Finance so that we will be paid if Government cannot pay weekly but by weekly. Believe you me Sir, you will see the economy booming, you will see the economy rising, what we call the multiplying effect based upon the reserve. If every bank reserves is 20%, for every Dollar in the bank, you will get \$5; that is all fabulous money, that is what the Governments of America, England, Germany, France are doing, they are borrowing from themselves; they are incurring deficit but we have to borrow from outside and pay them so Mr Speaker let us think. I am sure the workers of Sierra Leone including the Members of Parliament and the workers in Parliament every Friday if you are paid Five Million Leones; every Friday you receive One Million Two Hundred and Fifty Leones you will not borrow, you will live well. Thirty days is too long and sometimes Forty days before you receive your salary so Mr Minister please think of it. We talk about employment but what are we doing as Africans, or Sierra Leoneans to create employment? Everything we spend, we buy from China or whatever other countries, even the food we eat the rice, where are the factories? Where are the farms? They are on papers and let me tell you something Mr Speaker before I sit down. Karl Max when

addressing the political economy at that time, he said there are two types of capitalists at that time, he said you have the Industrial Capitalist and who is the Industrial Capitalist? The one that creates wealth, he builds the factories, he uses raw materials to manufacture your finished goods but you need the Commercial Capitalist to distribute and that is what is happening in Africa today, the Industrial Capitalists are taking our Iron Ore, taking our Bauxite, and taking everything. They produce wealth in England, in America, in Germany, and in France. Then the Commercial Capitalist export goods to Africa and what do they do? The Commercial Capitalist according to Karl Max, they create profit because in economics, if I produce one million cars put them in store and they do not sell them I will be bankrupt and I need now the Commercial Capitalist to export to sell so therefore Sierra Leoneans we are importing unemployment because butter, marmite, salt everything comes from abroad so I do not see how the African continent is going to develop because we are just consuming what we do not produce and produce what we do not consume. Our Iron Ore is crooked every day, Mr Speaker if you go to Tonkolili now and other parts of Sierra Leone in the North and the East, you will see foreigners exploiting our Gold every day. You look at the Pampana River, is more yellow than any yellow paint I have ever seen. Mr Speaker, I beg for us to consider these sections and these Clauses, Clause 19, Clause 22, and I read last night Clause 30, employment centre are created all these are very important. You quoted section 81 of the Constitution you know you have done a lot of work and is a great work but let me tell you immediately we enact this it will be the best.

Mr Speaker, yesterday I asked them, is Government paying their dues to international Labour organisations? No, Sierra Leone doesn't pay. There was something that came in if Sierra Leone would have paid like **\$13000** we would have got like **\$15000** at that time the Government of Sierra Leone didn't pay the **\$13000**. I asked him yesterday he answered which he said they are paying S.O [2] 'kelleh Kelleh small small'. Mr Speaker, this is very important the dues we owe so much monies which would have given us so much benefit if we pay like the Nuclear Agency, a lot of money is there. You go to the climate change when I was in Pan Africa Parliament there was money for over

**\$69,000.000** all we have to pay was **2.5Mln** we did not pay. Is funny how can you lose **70Mln** for **2.5Mln** and when they go to these international conferences they are observers they cannot vote. I support the Bill I like it, but I consider it very good for us as a national agenda for us to look at it. I thank the Minister and his team for doing very well trying to put a National agenda that will really reflects the welfare of Sierra Leone. I thank you very much Mr Speaker for allowing me to have my say in this important Bill, we will look at it keenly in the Legislative Committee particularly these Clauses that I have mentioned. I thank you.

**THE SPEAKER:** One thing I like about some of our Members is their persistence; you like them or hate them that is one good quality they have. I have not heard any voice from NGC I don't know how much longer they have [*Undertones*] you want the voice of a Lady, you know when something is on the path of demise he is always not bad to leave a legacy behind. So let us listen to the lady and then we end up with the Acting Leader of a Party that is likely to go into oblivion [*Laughter*].

**HON. EMILIA LOLLOH TONGI:** Thank you very much Mr Speaker. Mr Minister I want to thank you and your team this is one of the best and as far as I know you have touched all angles there is nothing left behind, this is fantastic.

Mr Speaker, Labour Ministry is one of the most important Ministries in this country and yesterday you told us that you issued out stamps on permit for labour in this country, so therefore I actually want to blame you a little bit because when you enter these companies like the water factory, plastic factory in King Tom all you see there are the Indians almost 90% and you get to the Chinese of course is almost the same both here in Africa and abroad to bring their kids and family members. So most of us here must have visited abroad and we have seen how their Laws are being implemented, you break it they will arrest you and they will ask the General Manager of the institution to pay fines and we are not doing it. Sometimes ago, I was somewhere abroad and the lady met me and said I want to go to Sierra Leone you have beautiful Laws; I want to go there with my family. I looked at her and I smiled simply because we have indeed beautiful Laws Mr Minister, but they are not implemented. Recently I had a case, a lady

came to me and report her Boss but at the end of the case she compromised with perpetrator simply because she didn't want to lose her job but we cannot continue in this situation we need our people to be protected. We are poor but let have the poverty with dignity than been disgraced having their jobs. Let's try to implement our Laws.

Mr Speaker, Honourable Members, Mr Minister this is going to be very important to me because my area has been discovered as one of the highest reserved of Iron Ore and Gold so therefore we are intending to have at least up to 5000 workers so therefore we need your Ministry because these people go to your Ministry to register their companies and we want qualified workers to be engaged and it is in this Bill. Mr Minister without labour in any country that country is dying slowly and we need workers and for a country to actually advance and be economically strong enough, labour needs to stand strong because we consider you as one of the most important Ministries therefore we need your Laws in each and every institution, let them implement it, let them make sure it is well done and that the workers are well protected.

When I look at your Bill Mr Minister, from number 1 to 116 you have left nothing out in terms of leave, in terms of sickness, death and everything, it is in there. Let your team go around and sensitize people about this Bill.

**THE SPEAKER:** They will do so after we shall have enacted the Bill today.

**HON. EMILIA LOLLOH TONGI:** I believe it is going to be enacted Mr Speaker.

**THE SPEAKER:** Yes.

**HON. EMELIA LOLLOH TONGI:** Mr Speaker, I have said it all and I hope to work with you very soon because I will need your presence in my Constituency and I hope we will enact this Bill as soon as we get to Committee Stage and it will be enacted as soon as possible. I thank you.

**THE SPEAKER:** I thank the Honourable Lady for her contribution. I would now give the Floor to my last speaker before we wind off the debate, and that is the Acting Leader of NGC [*Applause*].

**HON. FODAY MARIO KAMARA:** Thank you Mr Speaker. Mr Speaker, Honourable Members, for posterity let me state here before I start my debate that the NGC is alive and the NGC is for life. We are here today, we are here tomorrow and we are here in this country forever 'Inshallah'.

Mr Speaker, Honourable Members, I want to register my support for this Bill because the Minister has actually been very considerate because this is a document that is protecting Sierra Leoneans not just a particular group of Sierra Leoneans. This document is protecting the people against employers and the number one employer in this country we all know is the Government when we say the Government we don't particularly mean the SLPP Government today. We see in Sierra Leone from time in memorial that has been victimising people for political affiliation each time there is a change of Government. We will see people pack out of offices because they have not belonged to the Government that is in power. When we look at this document today we are talking about just strangers like the Lebanese, Indians who are coming let look particularly at the Government itself when people are very insecure. I want to thank you Mr Minister for making the people very secured because this is a document that will protect everybody and this is a document that every Sierra Leonean starting from this Parliament should support this document. It is true we have little amendment we need to make at Committee Stage but at the end of the day let us say bravo to Mr Minister. This document is a good document and when enacted is going to be a very good Law for the Republic of Sierra Leone. If you look at what is happening in Guinea it is not easy for workers to be sacked. I am an employer in Guinea, Guinea Bissau, and in Monrovia you know what I am saying. I once sacked four people in Guinea it was not easy all the labour union came to my office it took a long time before it was accepted. In Sierra Leone an employer can just say don't come to this office again and you don't go there if you go there the Police will take you out. I sacked another man we went up to the Appeal Court he lost the case anyway because we have rules what makes me happy because both the employer and the employee are protected in this document, and everybody knows me for discipline. I was a Teacher, I taught for several years so I

like discipline that is why the workers should now be protected if the employer is not protected both parties are protected and this will yield good fruits for this country. When the workers know that the employer is also protected by a document then they will perform according to what they are employed for. Mr Minister I don't want to belabour this House, I know we are going to enact this Law am sure we need some awareness to make but before then I want to say bravo. Thank you very much I support this document.

**THE SPEAKER:** I thank all the speakers that have taken the Floor you will have a bite don't worry when we come to Committee Stage. Let us wrap up now and I want to give the Floor now to the Acting Leader of the Opposition the Honourable Member from Tonkolili.

**HON. HASSAN A. SESAY:** Thank you very much Mr Speaker. Mr Speaker, Honourable Members, we are now dealing with a document which by all intent and purpose is long overdue because we know in the first place Mr Speaker let me draw the attention of this House to what we spoke about Employment and the employers. I also want to draw your attention that now we have the Minister of Labour and the Commissioner of Labour and Employment. There is dignity in labour when you labour you expect and so if we are talking about labour let us say the Commissioner of Labour and Employment to give it an element of respectability [Interruption].

**THE SPEAKER:** I was not thinking of compounding the words I simply put it side by side and it flows quite logically from the title of this Bill so nothing could more befitting than to use the same language to describe the Ministry that will be responsible for implementation and enforcement of this Bill when it is being passed, so instead of calling it still the Ministry of Labour it now becomes the Ministry of Employment etc. etc.

**HON. HASSAN A. SESAY:** I agree with you so equally in the same vein let us call it the Commission of Labour and Employment just to buttress what you have been saying. However, that shows that the Minister and his team have done a fantastic job of putting together or trying to address issues that have been left on the shelves for quite a long time.



The Deputy Speaker did mention that there are Laws in the books but when it comes to implementation people disregard what the Laws are and they use what they believe they have as strength to influence the implementation of these Laws.

Honourable Members have maintained that we are employed by those people who believe that they have the strength, the power and the ability to influence always take advantage of those that they employ and I think all of what the Minister has said here addresses all of those issues. Whereby the man who is employed will not think or will not believe that he is advantaged by those who employed him. As a matter of fact we know that labour is important to this country even a basic shop keeper now they bring them in. When people come to invest what we expect is that when you come to invest the local has certain jobs which are deserved for them. I think all of those areas have been addressed by this document. Also people who work in NGOs, INGOs sometimes think they are not labourers they are employees. So when those rights are violated let us also have a caveat that includes them in the provisions created by this document. So in as much as everybody has said so many beautiful things about this document it is still something that will have to go through Committee Stage for it to become the document that we want it to be because they have done a fantastic job here. And again when you look at page 85, the Minister highlighted the different parts of this document and how it is being divided into different Acts that have to be repealed. Mr Speaker, let me refer you to 116 here with your leave I will read saying the following enactments are hereby repealed which my Honourable Colleague was referring to that they want this Parent Act to come to this House.

Mr Speaker, Honourable Members, we are saying they have been reference here but Mr Speaker with all designs and purposes, imagine Employers and Employed Amendment Act Cap 212 of 1962, the Registration of Employees Act 1947, the African Labourers Employment Act 1937, the Recruitment of Workers 1941, the Employers and the Employee Act 1935 Cap 212 etc, etc. Look at all of those Laws made in 1962, 1943, and 1965 all of those they are bound to be obsolete because Laws are meant to be amended based on the requirement of the time. We agreed the investment that we

have in 1942, the activities we have in 1956, 1962 etc are not the same as what we have now, the world has moved on why we can't move on with the Laws. So I think it's a good job to let us revisit all of those and try to bring them together in a month at least the Minister made that statement which I will agree with him. The Minister did say these obsolete Laws are to be reviewed to match the current realities. What are these current realities? The mode of investment has changed now we have the Corporate Affairs Institution, we have other institutions we have just enacted into Law here creating National Investment Board all of those are new institutions that were not created when these Acts were there. So if we now have Act that is capturing all of that it tells you we are moving forward. Let the Law move with the time that is why I agreed with the Minister who is saying that the Law that we now have are supposed to reflect the current realities that is what we need. And indeed that was what the Deputy Speaker said, I agreed with him because the Laws are there but when you come to implementation Mr Speaker, people believe S.O [2] 'nor worry ar go sack am ar dey go pay moni for ram back enor dey get e rite'. People do say those things and sometimes they get away with them to whoever they pay we don't know. But again in the public domain it is quick for them to say S.O [2] 'Parliament nor dey do natin'. They forget that the Laws are there if they go to the books and find out the Laws are there S.O [2] 'we nor be no'. When we enacted the Laws here they go out to the public but they don't look at the Laws Mr Speaker, Honourable Members, as the Chairman of the Labour Committee most of the complains we receive are people complaining that they are terminated without benefits been paid to them.

**THE SPEAKER:** I don't want to interrupt but I care about posterity, I didn't see your mike on [undertone] okay as long as is on that means you are being recorded that's good.

**HON. HASSAN A. SESAY:** Mr Speaker, Honourable Members, the Minister also made mention of the maternity leave and paternity leave I hope when we finally pass these Laws we will also make reference to the gender Bill so that we don't create a situation where one will contradict the other so that they would all be in the same direction. I

think those are the areas that we must pay attention to. But overall I will agree with the Minister that this Act is a good one, and when we come to the finality of it we would have done justice today by looking at different areas to ensure that when it finally leaves this House to become Law, it will stand the test of time.

Mr Speaker, Honourable Members, like the Minister said this Bill when passed will repeal and consolidate section 116 with all those different Acts from 1940s upward that are there. Mr Speaker, you know better than I do that you cannot use Laws of the colonial past to transform a new nation and we are building our nation so we need to move fast from these obsolete Laws to bring something new to refresh the Law books and make sure like in the words of the Minister to reflect the current realities.

On that note Mr Speaker, I will say this Act is good and that we will do justice to it when we come to the Committee Stage so that by the time we finish with the Act in this House it will bring something that all of us will be happy about and say at least we did a good job for the workers of this country. I thank you very much.

**THE SPEAKER:** I thank the Acting Leader of the Opposition. I am sure you have done most of the job that the Leader of Government Business would have done, so he will be very succinct and to the point.

**HON. MATHEW S. NYUMA:** Thank you very much Mr Speaker. I thank Honourable Colleagues for your brilliant contributions on the progress of our State. You can only talk about a progressive State when it is in conformity with the proper legislation with the policy drive of the Government of the day, and we are also conversant with what is roaming around us, it has to do with our people, the people we represent here.

Mr Minister it is a very good drive that you have taken to bring to us this long awaited Bill about employment. As for the responsibilities it has to be on both sides that have to do with the employer and employee, so one on the right and the other one on the left. What you are doing is to see how best you can bring them under one roof with full legislation so that one cannot disadvantage the other; so they can all work in a comfortable environment and we have a policy that can wedge them in their work

places. But as you said from Chapter Two talking about Fundamental State Policy which is a very good one from where you derived your powers so that you can have this Bill in front of Parliament. But what you have done in Chapter Three based on the Constitution is to tailor the fundamental rights of our people. I tell you even if you are employing me I have certain rights that I need to enjoy from this employment and you cannot just so abuse them; so that is the omnibus provision in Chapter Three. You have all of these beautiful Laws and we are coming to really enact it with all of the amendments that they carry but what is lacking giving the Commissioner the powers is not only the implementation. There are two distinct areas when we talk about these Laws. You can implement but what is lacking in our Labour Sector is standing employment fee and enforcement. So you have given provision for the Commissioner where you have to do with the safety of the employee and at times with the safety of the institution also; so it is very good for us when you look at those provisions that we need to set our people working, and also even the institution that we are working under. So it's not only about us talking about the institution but enforcement is the key word that we need to follow.

**THE SPEAKER:** I think the House demands decorum. We cannot have two or more meetings taking place simultaneously, especially when your Leader is speaking.

**HON MATHEW S. NYUMA:** Thank you Mr Speaker. You know I was quietly listening to you. Thank you for addressing this Sir. Thank you very much for protecting me.

Mr Speaker, I know you want me to be very brief but there are certain provisions I would like to state because every moment we have letters coming from the public talking about Labour issues, they have been disadvantaged, summary dismissal, benefit issue, it is so much; but my focus here is to talk about enforcement Mr Minister. This is a very powerful Bill, a very powerful proposal in front of Parliament but let me assure you that if we don't come together as Parliament Mr Speaker with that of the Executive with the Police, etc., there is no way we are going to succeed in the implementation. The enforcement aspect is the bottom line of this Act that we are going to enact.

Mr Minister let me just read the provision that has to do with the Commissioner, page 10 [5d], it says it has to do with the safety of workers. I am just talking about this same issue of enforcement. "Issues to an employer are improvement notice or prohibition on such conditions as may be prescribed to remedy a defect in plans layout or working method which in his opinion constitute to the health and safety of the worker." Coming to that [E] of that component of that Clause, "under the temporal seas of the workplace, or the discontinuation of both process", and he has one of that [i] "Enforcement taking non-compliance issues and imminent danger for the safety of the Health worker". All of these are things that we need to look into adequately. Mr Speaker, Honourable Colleagues, we have looked at other areas, and have heard about these casual workers, so many times is more in fact common to all of us which you have highlighted. In fact you are saying in the contract arrangement you can even don't go about renewal of contract over and over. There is time limit given to you, they have given us that, it is in this Bill. But the definition of casual worker is what is very interesting that we need to understand. What do you mean by casual worker? Because when people want to evade taxes they don't want to pay tax for their workers, they will put them under the category of casual workers. That is a very dangerous one and people are compromising. So if we look at part one [1] of the Bill that has to do with casual worker, means a worker contracted to work for a limited period of up to six [6] months and such work shall not include those normally performed by regular workers in the workplace irrespective of the six months contract you have given. You cannot also give extra job to those who are permanent workers and this one is clearly stated in the Bill. This we need to really look at, Honourable Members of this House to see how best we can enforce by the legislation that we are going to do. These are things that are very nice Mr Speaker.

Mr Speaker, there is another very interesting one. If you don't know, if I have not seen it, if I have not heard about it, and I have been misused as a worker or they have trampled on my right because I started with the fundamental right. So you talked about the area of codes of practice and discipline. It is only stated under the miscellaneous

provision. But there is something very interesting that we need to understand. I don't know why you decided to put it under the miscellaneous provision. Maybe you will see how best we can put it in the body of the text itself, under penalty or protection or where they can understand why it is there.

Mr Speaker with your leave, I will end very soon, I just want to clarify certain things. We said an organization Page [81], under the rubric codes of practice on discipline on personal schedule as stated in Section 83 [21] 87 [2] and let me just hasten to say we need you to provide us the clearance document of the various Acts that you are about to repeal to put us at a better state of mind when we reach at the Committee Stage. So you need to do that for us.

He said an Organization, Institution or Business established shall have discipline rules that may vary in form and context according to its size and nature. Further that, disciplinary rules should be in writing and be expressed in a manner and in a language which workers may reasonably be expected to understand. They should be made available to every worker and should be permanently and prominently displayed where they can be read by all workers. So sometimes most of the letters that you have received from the public, say out of gross misconduct, but they have not seen who is governing them in terms of discipline. That is why I said maybe as a Legal person and somebody who has been in the field for a very long time, in fact the advantage you have in discussing this Bill is because you have the mental strength and mental state of mind, how the employing sector looks like because you have been a Labour Congress man for a very long time and you are serving in that institution, so you can understand exactly the ramifications. So based on that we are looking up to you to know where we should place some of these things; do you think it should be under the miscellaneous provision or should have them somewhere that is clearly spelt out that maybe a mandatory Clause as a provision in the Bill.

Mr Speaker, another interesting one to note. You know when you go overseas, people coming to us as if we have jobs; as Parliamentarians we don't really have jobs in our offices but we can facilitate for you to have a job but it is a strenuous way to help your

Constituents or people we represent here. So as you talk about employment centres to be provided soon but we need to make them in a more advanced state. You need to have what we called Digital Application System where you have Apps, you use online methods; more people are using Whatsapp now etc. but you now should modernize it, not like the days of Mr Speaker when you want to look for job in the 1960s, you have to move around with their papers, this is modern time now. What he has said for us to understand that there are going to be employment.

Now the Modus Operandi [mode of operation] how we are going to handle them is a different matter; so administratively you will start to think about these things. When you come under the rules, if I set them up do I need people to move from places to seek for a centre? No. What do we do? This is a digital age. Let them apply a digital system in the form of ICT. As I said in my opening statement Mr Speaker our fundamental rights and principles as human beings are governed by the Constitution so we need to be very responsible. I said it is two sides of the story; if I have employed you looking at the Local Content Policy, I will also be able to see how best I can improve your standard in terms of employment and that one is clearly stated in Clause 23 and 24. How do you enhance the educational standard or even to professionalize the person? I can employ you with just the basic first degree but I can make you professional by giving you basic training. These are some of the reforms that were coming with and we are very impressed. But let me hasten to make some references; we should make our Laws in conformity with the present provision. We said even in the Gender Equality and Women's Empowerment Act 2022, we acknowledge the equal training and opportunity given to women, but also we are concerned with the Maternal Leave when we said we proposed to be 14 weeks; but I think the same thing we have Mr Speaker for there is no variation, I can authoritatively state here that there is no variation. In Clause Seventy Two [72] stated here that has to do with the Maternal Leave and in Part 3 of the Gender Empowerment Act 2022 Sub-section [5] I will read Mr Speaker with your leave, under the rubric 'Women's Empowerment', "An employer shall ensure pay maternity of at least 14 weeks immediately", so it is in conformity with

your proposal Sir. So we are at par, those who are saying they have seen variation, I have not seen such variation. But we are very concerned and that just tells you that they did better consultation. I know when they went for first meeting at Cabinet they had this agreement indeed under consultation, especially when the Chief mentioned about ILO. For those who said the ILO as in Clause 100 but when you look at the job corps it is between the age bracket of 16-25 under the ILO provision, and what we are saying we have acceded to those Conventions and we are trying to domesticate then but the caveat he said the Minister is proposing that after Basic Secondary Education you will bring in for free apprenticeship. They are saying they will bring in staff something like 14 going upward. If they are not within the age bracket they will look at you after the Basic Education what is called the BECE just to keep in line.

You think about our societal issues, the issues around us are not the same, they are not homogeneous with what we have in the Western World, but we are so conversant with the happenings of the difficulties around us. That one is another thing that we have dealt with. Mr Speaker, there is another one that is very concerned about women. We are talking about Clause 75; as I said this Parliament is very progressive in terms of Legislations and we are on record for that and will continue to be very progressive Parliament and in conformity with existing Legislations giving support from one Act to another. So even if we have a proposal in front of us we should make sure that those proposals support the existing Legislations we have. So there is Clause 75 in place Mr Minister and as I said you have a mental picture of the whole business of employment vis-a- vis employee.

Mr Speaker, Honourable Members, Clause 75 is the protection of assignment of pregnant workers. Let me read the provisions to you. Clause 75 that has to do with pregnant worker – an employer shall not assign whether permanently or temporarily a pregnant worker to a post outside her place of residence after the completion of the fourth month of pregnancy. Mr Speaker, let us take note of this provision if the assignment is the opinion of a medical practitioner or midwife which is detrimental to her health. I just read under the rubric of Women's Empowerment for the Gender



Empowerment Act 2022. I have just read the provision. We have to give protection. You do not take somebody and say because she is not pregnant; you know there are certain things happening within our workplaces which are not suitable for our ladies. As such nature I cannot just take you because I am the Boss I have one or two issues with you I want to transfer you because you are pregnant. I want to disadvantage you or take advantage of the situation.

Mr Speaker, these are the provisions we are looking for. There are so many things that were placed in terms of contract, especially when it has to do with contract workers Mr Minister. There is a solid provision that we have created. It is clear they can call you to say I want to give you contract and in the contract there are so many things missing. So in fact creating a Commission will address some of these issues. Because I want a job Mr Minister, I can go into a contract with you because I need survival. They will bring in their Lawyer, because these are employers that have the financial strength and you are coming in and looking for survival so the basic is that when they give you contract you just sign; and in fact when we talk about job centres there is a provision under that rubric which says if you have job centres you should not take money for facilitating me to get a job. Paying facilitation fee is corruption and charge must be levied, so is just avenue that you are going to create.

Under this provision, you are not to take monies from people that you are going to assist. They are already catered for; it is corruption and you can be prosecuted. So also what is happening in the field of contract, because I am giving you huge contract, I don't have the financial strength to prepare my own contract to have a bilateral agreement between me and you, I will just pen down my signature to that of your contract. There will be lacunas which you cannot take me for. So at the end of the day when you want to challenge them in terms of payment or the contract has gone bad, whether from your own part or their own side, they will start to dictate the face of the contract; because they know better, they have their own Legal person that has drafted the contract so you have little but nothing but just to accept what they have given you. So all of these you are trying to address.

Mr Speaker, Honourable Colleagues, what we should emphasize on is the issue of penalties and we can deal with that one exhaustively when we get to the Committee Stage. That is the only way we can help you when you have penalties, giving you the power so that you can enforce the Law because that is the fundamental thing that you are going to face. You can implement but you cannot enforce it, so it is nothing. So some of these Laws are in existence even when they are old as you are imagining but some of them are still good within our working environment. But let me tell you Mr Speaker, people in the Labour Sector, Pressure Groups, and Labour Congress, some of them have compromised and are not working in the interest of our people. They have been giving salaries, we know those who are doing under-table payment but not paying our workers and that is not what you have addressed in this Bill. They have said you should pay a minimum wage based on the National Minimum Wage and the penalty is also in the Bill which was also stated. When we come to the Committee Stage we would try to identify them and see how best we can pick up the penalties. We don't make crimes lucrative, we make them more punishable and that is the only way we can enhance enforcement. Bringing all of these will help you to implement and enforce the Law. But if you don't have where you can act and what you can rely on it is nothing. So for us as I said, you are giving so much; looking at the present happenings, with what has been existing before now, how our workers have been treated, those who would feel they can just pay them because they feel that is what they can give. Even if I am looking for job, there is job unavailability, that doesn't mean you have to disenfranchise me or you have to seize advantage of the situation, you don't have to do it. You don't just look at me because you have given me a job you can just discriminate me the way you feel like. So issues of discrimination that you highlighted are things that are really good for us. But in a very sounding note Mr Speaker, this is a very good Bill and we think what we can do as Members of Parliament, all of us should pay attention to the content of the Bill when we reach Committee Stage. Because this is good for everybody as long as you representing your people, it is your responsibility to make sure that you have a better Bill so that when it is enacted into Law we would help the Minister and his team to do the enforcement and they would make sure that there are better things we

can produce in form of policies, implementation and enforcement. Thank you very much Mr Speaker, and Honourable Colleagues all for your meaningful contributions.

**THE SPEAKER:** I thank you. Mr Minister, it is now your turn to respond towards many of the concerns and issues raised as you possibly can and then move for the Bill to be read the Third Time.

**MR ALPHA TIMBO:** Mr Speaker, Honourable Members, first of all I want to say on behalf of the Ministry, our Staff, those that are here and those that are not here, including the Leadership of Sierra Leone Labour Congress and the Employers' Federation, who have spent almost a year looking at these Bill for it to come to this particular House, so many thanks; and for the contributions that you have all made including the comments and questions that you have raised in order to make sure that at the end of the day we are going to get a perfect document and when enacted it will be able to stand the test of time.

In my response to some of the issues raised by various Members, you can see that a good number of the Members present here raised similar issues as they continue to make their contributions; so at some point when I would have addressed the issue raised by a Member of Parliament which was raised by another Member of Parliament, I may just spend a little time in polishing those aspects that are not very much clear to all of you. So with that I also want to beg for those Members of Parliament that have not been able to record their names to pardon me because is not all of you that were able to pick out the names of the Members to tie it up to the contributions or the questions that you have raised. But starting from the first Member of Parliament who made the contribution started by talking about the proliferation of foreigners including Medical Professionals, including those Sierra Leonean employees that proceed out of jurisdiction to go and work in other part of the world. What I want to say here is that like the Honourable Speaker of Parliament initially halted when the individual was making those comments, these are areas that will be sufficiently dealt with when we present the Overseas Employment and Migrant Workers' Bill probably tomorrow and the Work Permit Bill which is also before this House for discussion.

Mr Speaker, Honourable Members, to the detail aspects in those Bills mentioned the various safeguards that we have put in place in order to avoid a situation that you have mentioned with respect to some particular workers, so I want to plead with you to permit me to proceed with the general ones so that at the end of the day we will be able to understand the issues as presented. That goes also for the recruitment agencies where they mentioned that some of these migrant workers their passports have been withheld, sexually harassed, etc. all of these are dealt with in the Legislations that we will be considering shortly after this particular one. The other Member of Parliament made reference to the issue of child labour and he wanted us to take it by taking a look as to how they have been hired especially those children that are working in the streets, those accompanying some of these beggars, and the rest of it. What this Bill has done is to make sure that sufficient vision is made for those categories of persons to be cared for. What probably we may have to do as a Government and which we have all raised, is when it comes to the implementation of the provisions of particular Legislations that have been passed by this House including those that had existed prior to the existence of this current Parliament is the implementation. The Ministry of Social Welfare, and the Ministry of Gender and Children's Affairs have specific programs that will cater for these categories of persons, so at this stage, I will not like to belabour that particular aspect very much.

Mr Speaker, Honourable Members, somebody mentioned about provisions in the Local Government Act that Clause [16] which has to do with communal labour. I think when we are discussing this particular aspect, this Member of Parliament including the Honourable Member Paramount Chief also raised that particular issue because we asked for a repeal of this particular provision of the Local Government Act that is Section [8h] of the Chieftom Council's Act Cap 6:61. We want Members to read this provision in line with the definition of Force Labour that is provided for in this particular Act which is in page [4] that talks about Force or Compulsory Labour here is defined as work or service performed by a person:

- a) Under the menace of a penalty and for which a person has not offered himself voluntarily; or
- b) Coarse to work through the means of violence, or intimidation, or by debt bondage with the retention of identity papers or threat of denunciation to Immigration Authority.

This is what is being defined as far as this particular issue is concerned. And we spent considerable time including the Drafters in the Law Officer's Department. At some point, I held the view that was articulated by the Honourable Paramount Chief Kanagboro, that indeed some of the provisions that are contained in the Local Government Act are there as a matter of necessity in order for us to promote our culture and at the same time to make sure that we promote Community Development; but then our Development Partners also said that these provisions are used sometimes by the Paramount Chiefs to coerce people; so that is why it is still there but then the definition of Force Labour is clearly indicated there. I think it is something like you said, you look at it closely maybe when we go to the Committee Stage we look at issues specifically. That is why it has been stated here that it needs to be repealed and that is what the Paramount Chief was originally saying we can always have people through diplomatic ways, how to get them to comply to certain aspect that we want them to contribute in terms of promoting community service for development into their various areas.

Mr Speaker, Honourable Moses Jokie extensively dealt with the issue of casual jobs in SOFIN that some of them spent years in casual employment. These are issues that this particular Bill is trying to address before this time also we have various collective arguments that are reached by the various trade groups negotiating councils with which the Ministry of Labour established through the issue of bargaining certificate but some of those unions at some point these are gaps that have existed there which this particular Bill is trying to address so be rest assured that with passage of this particular Act the Law is there to make sure now it is being enforced. Somebody mentioned about expatriates in the country are too many it is a fact and yesterday when we were dealing with the issue of work permit and Overseas Migrant Act we did raise the issue about a

number of Agreements which are passed by this House granting to some of these companies that come to Sierra Leone to perform certain tasks which we believe at some point needs to be reviewed. What we are now doing in the Ministry is to compile some of these Agreements and have asked the Deputy Minister who is the Chairman for the Work Permit Committee to make sure those Agreements that were passed before 2018 and after 2018 are in good order.

Mr Speaker, somebody made mention that he is happy about this Bill because of the issue of freedom of association, the right to join the trade union or the employer organisation of their choice but made specific reference to SLTU that they have the right to join or not to join that is why normally a form is being provided but as far as the Ministry is concerned where a Teacher approaches the Ministry stating that he/she is not interested becoming a member we normally refer the matter first to the Sierra Leone Labour Congress that is the umbrella organisation for all workers looking into the issues affecting members but we don't force them we go by the Constitution that represents the registration of trade union. We normally use the trade union ordinance that is currently existing which is about to be repealed when once the new legislation is being passed so that is what I will say so far as far as that area is concerned.

Mr Speaker, the Honourable Member of Parliament expressed thanks to the Minister and his team for a job well done like many of you have done but we took a look at page 85 of this particular document where we talk about elimination to minimize the issue of corruption. He believes that the provisions contained in section 85 of this particular Bill when once they are implemented effectively to a large extent if not will eliminate corruption in the labour market to a large extent it will minimize it that is the intention of this particular Bill. The Honourable Member also spoke about the negligent attitude of some of our workers in their various work places this is also true. Many people have attributed my past work been a labour person, trade unionism and was serving the SLTU, the Labour Congress during those moments we agitated for workers but when became the Minister of Labour during late President Ahmad Tejan Kabbah time SLTU Labour Congress some of them were accusing me that I have changed but I

used to tell them that I have occupied a different seat where interest of both the employers as well as the workers need to be looked at fairly. In terms of employers they also suffer a lot from our work forces some particular workers they did not meet their obligation in terms of productivity but they continue to ask for more salary and I want to agree with you that there are some that absent themselves without due process. When they are disciplined they come to the Ministry of Labour to complain this is an attitude that I think through our public education programmes we will continue to emphasise especially so when the new Bill would have been enacted into Law so it can be part of the public education programme.

Mr Speaker, Honourable Segepoh Thomas made mention that to a large extent even some of the Laws that we are about to amend and change they have been good Laws but what has been the problem is the issue of implementation and he made specific reference to the attitude of people in the Ministry of Labour including labour officials, labour inspectors and the rest of other staff in the handling of industry relation matters. Some of the things that you may have said some of them may be correct to the large extent and in fact the Ministry is under staff. Since I came there we had a vacancy of almost about 120 staff that we need and the few that we have cannot cover Freetown so they are just trying so that is why at the end this particular Bill special things would have to be made which I think various Members have raised in terms of implementation of this particular Bill when once it is passed. When I was presenting it to Cabinet I ensured that one of the things that we asked Cabinet to approve in addition to approving the Bill that the Ministry of Labour and partners have reviewed and consolidated the above mentioned Act. Most importantly, we asked Cabinet to authorise the Minister of Finance to make adequate provision to the Ministry of Labour and Social Security for the effective implementation of the Law to promote and maintain social justice in the work places in Sierra Leone. This was approved by Cabinet and all I want to say to Members of this House which I said also yesterday that we will continue to appeal for special reference to the Ministry of Labour for it to be able to perform its mandate. So I want to appreciate the comments made by the Honourable Segepoh

Thomas and I think it came out of an experience from the legal practices. I believe those of the senior officials that are here they must have heard and those that are not here through the electronic media they must have heard about the sentiment that was expressed by the Honourable Segepoh Thomas as far as that particular area is concerned.

Mr Speaker, Honourable Saa Lamina thank you very much for the good sentiment that you expressed about the quality of the Bill that is in front of you and for the work that the staff of the Ministry including its social partners have done but you said you need Parliament to advocate more for the Ministry so that it can be capacitated and we also want to ask the Oversight Committee of Labour for the good work they have done in terms of advising us to be able to go through this particular process as we are now able to put it in front of you for consideration. One of the Members made reference to the Koidu Holdings situation where because of simple protest some of the workers had to undertake at some point some of them lost their lives so he commended this particular Bill for the points that they are putting in place that will solve situation of that nature. They also commended that this particular Bill will give a ban to the '419' employers more particularly to those that come without having adequate assessment as to their capacity to engage our brothers and sisters in work place and later they just leave. He reminded us that we should take a special look at the Gender Bill which has been passed for us to ensure that there is consistency in the Bill.

Mr Speaker, the Honourable Paramount Chief Kanagbaro made mention that when you put round peg in a round hole you get good result thanks for that particular statement. He mentioned a number of Clauses in the proposed Bill including 12, 15, 19, 20, and 22 which he commended but said at the Committee Stage some aspects we would have to look at to ensure that they speak to the intent of what we are trying to talk about. He made a very important observation and suggestion that is the pay structure in the country making reference to other jurisdictions where people are paid weekly. Let us be honest at some point even myself as a Minister have been having contemplations as to whether we should continue with the practices that we are currently having paying at



end of every month but what came in my mind is the question of how you develop the system. The processes for all of these to be achieved but this is one thing that he has adequately suggested that we will consider with the Ministry of Finance including other agencies to look to that particular issue. So we just want you to know that you are the Law makers this is an important point that I think the Ministry of Finance will take into consideration and we will make sure that we continue the debate as far as that particular area is concerned. Of course, your exposition you mentioned Karl Max theory about industry capitalist as well as the commercial capitalist you made very important points as far as that particular area is concerned because you articulated them very well but the point as I said is very well noted that is something that we need to have further engagement on. We noted that for the past fifteen years we have not be honouring our obligation to the ILO but then we prevailed on His Excellency the President and he was able to direct the Minister of Finance and payment plan was made and that is the result of why in the last 110<sup>th</sup> session of the International Labour Organisation Conference in Geneva we were able to send delegation comprising the Sierra Leone Labour Congress Employers Federation and the Government. We are properly seated. We are able to restore our images by ensuring that we are placed on the agenda so we were able to speak and not like the previous years where we only attended as observers so we want to continue in that particular trajectory whereby we would continue to upset some of our pending obligations to these international organisations like you rightly said with the amount that we paid to the ILO this year alone. we are enjoying quadruple amount of programmes that they are supported in discharge of the Ministry mandates so it is very important that this House also makes it mandatory especially for some of us the Ministers to make sure that we honour our obligations especially to this international organisations.

Mr Speaker, the Honourable Emilia Lollo Tongi thank you very much for the good comment that you made on this fantastic document. You raised the issue about water companies and the facilities that some of these Chinese and Indians are more prevalent but like I said when we come to the discussion of the work permit Bill that will be in

front of you tomorrow these aspects are being looked into. This Bill deals with general employment then the work permit specifically with those that are coming from out of the country to come and engage in employment looking at the jobs that are available in line with the expectation of our local expertise to be able to take on those jobs so that we are going to consider as far as that legislation is concerned.

Mr Speaker, the Acting Leader of NGC also joined the other Members of Parliament to congratulate the Ministry and the staff as well as its partners for a very good document that is before them and emphasized the point that this particular document is for everybody. It protects everybody and it holds obligation to Members of Parliament to fine tune and make sure that it is published for implementation. Thank you very much for that when the Acting Leader of the Opposition who doubles also as the Chair for the Labour Committee in Parliament took the Floor he also tried to draw the attention of the Ministry to the use of the word Commissioner of Labour and recommended that we try to look at it from the perspective of it been Commissioner of Employment and Labour and this has been buttress further by the Honourable Speaker of Parliament who before coming to this House first told us that today we are going to make sure that the issue of labour is tagged to employment. It is your powers to be able to do what you are supposed to do but for us whatever that is decided at the Committee Stage it will be fine for us. The only recommendation that was made indirectly with the experience we have in labour market we want to eliminate labour totally then the element of industry relations have to come in the social security but this has been mentioned in my initial comments prior to the commencement of the presentation of this particular Bill to the House when the Leader of Government Business has been given the opportunity. He also raised a number of Clauses that he supported but also emphasised on the issue of enforcement and the implementation like Honourable Segepoh Thomas has done as well as Honourable Emerson Lamina when they were making their presentations. He particularly drew our attention to the issue of disciplinary rules which is contained in the legislation but why we have placed it in the miscellaneous provision there is no specific reason but when we were doing this Act we

think we should bring it out for them to be in the Act not everything will have to be there so we advised ourselves at some point that the miscellaneous provision that is a place where we can hide and have something to buttress this particular Bill. But as you may have said you are suggesting that we find a place for it to be in the body of the Act itself that is also possible but then when we advance to the next stage where we look at the full details of this Act we can also find a place as far as that area is concerned. So the issue of you clarifying the issue of the gender empowerment Bill but provision has been made especially for the maternity leave has been consistence with what is also here in the Bill that we are now proposing. Clause 75 talks about pregnant women it is just to make sure that we safeguard our women for them to feel very comfortable when they are serving the nation.

Mr Speaker, Honourable Members, I want to appreciate the Sierra Leone Labour Congress for the role that they have played during this whole process including the Sierra Leone Employer Federation they have been following this particular process from inception up to the time we came out of Cabinet. I want to thank the Honourable Speaker of Parliament as well as the Leader of Government Business for making it possible to have the opportunity to present this to the House of Parliament and I want to appreciate the Chairman of the Committee on Labour for the support that we have received so far in the prorogation of this particular Bill. We will continue to benefit from the wealth of experience when it comes to the Committee Stage for us to be able to put into a document that we all would finally proud of. We have to appreciate it that way and that is why we say the labour market is dynamic so with that, I want to say thanks to my staff and also to my Deputy Minister Mr Lansana Dumbuya for spending their time here this afternoon. Finally, to His Excellency the President who is the Chief Worker of this country but the fact that he was able to give us strategic direction and urged us that this is manifesto commitments which must be fulfilled before the end of the life of this particular Parliament so I want to end on that particular note to say that this is the main employment Bill but the other subsidiary legislations that are going to

support this one they are coming very soon and I want you to make use of your time for us to be able to conclude all the labour Laws that we intend to enact in this country.

So with your permission, Mr Speaker, Honourable Members, I want to move that the Bill entitled the Employment Act 2022 be read the second time. I thank you.

[Question Proposed Put and Agreed To]

(The Bill entitled the Employment Act 2022 be an Act to consolidate on improve the Law relating labour and employment to provide for promotion, equal opportunity and elimination discrimination in employment and occupation and to provide for other related matters has been read the second time).

**THE SPEAKER:** Any announcement?

**HON. SAHR MATHEW NYUMA:** Mr Speaker, based on what you have heard from Honourable Members, we want to have proper Act at the end of the day all of the Members raised sensitive issues. I want to commit this Bill to the Legislative Committee for proper scrutiny, so Mr Speaker I stand on S.O [51] for commit this Bill the Employment Act 2023 to the Legislative Committee.

**THE SPEAKER:** Any Seconder?

**HON. HASSAN A. SESAY:** I so second the Motion.

[The Bill has been committed to the Legislative Committee]

MR SPEAKER ADJOURNED THE HOUSE TO WEDNESDAY 18<sup>TH</sup> JANUARY, 2023.

THE HOUSE ROSE AT 2:55 P.M.

