

STATUTORY INSTRUMENT

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THE EMPLOYMENT REGULATIONS, 2023

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THE EMPLOYMENT ACT, 2023
(ACT NO. 15 OF 2023)

THE EMPLOYMENT REGULATIONS, 2023

Short title

In exercise of the powers conferred upon him by section 112 of the Employment Act, 2023, in consultation with the Joint Consultative Committee, the Minister hereby makes the following Regulations.

PART I—PRELIMINARY

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

"Act" means, the Employment Act, 2023 (Act No. 15 of 2023);

"acting allowance" means an allowance paid to a worker who temporarily performs the functions and responsibilities of the substantive holder of a higher post when the post is vacant for a period in excess of 3 months or more. The acting allowance shall be paid monthly in addition to the worker's basic salary and other allowances for his substantive position;

"actuarial valuation" means an analysis performed by an actuary that compares the assets and liabilities of a pension plan;

"allied health professional" means the definition given to it in the Allied Health Professions Act No. 3 of 2022;

"cash handling" includes tellers, cashiers and cash handlers, generally whose job it is to accept, count, track and dispense cash as part of the workplace operations;

"Commissioner" means the Commissioner of Labour and Employment appointed by the Public Service Commission for the purpose of the administration and implementation of the Employment Act;

"cooking allowance" means an extra money given to certain set of workers owing to the nature and remoteness of their work or workplace;

"extra work" includes overtime work and work on rest days and holidays;

"faecal waste" means a mixture of human excreta, water and solid wastes including toilet paper or other anal cleansing materials, menstrual hygiene materials that are disposed of in pits, tanks, or vaults of onsite sanitation systems;

"Minister" means the Minister responsible for labour unless otherwise stated and "Ministry" shall be construed accordingly;

"night patrol officer" means a night worker whose job is to provide surveillance and assure security between the hours of 8pm and 6am the following day;

"night work" means all work that is performed during a period of not less than 7 consecutive hours, including the interval between the hours of 8pm and 6am the following day;

"private employment agency" means a body corporate that acts as an intermediary for the purpose of procuring employment for a worker or recruiting a worker for an employer and includes-

- (a) services for matching offers and applications for employment without the private employment agency becoming a party to the employment relationship, which may arise from there;
- (b) services consisting of employing workers with a view to making them available to a third party who may be a natural or legal person referred to as a "user enterprise," which assigns their tasks and supervises the execution of these tasks; and
- (c) other services relating to job-seeking determined by the competent authority after consulting the most representative employers' and workers' organisations, such as the provision of information that do not set out to match specific offers of and applications for employment.

"register" means a book or separate cards kept by every employer containing the information relating to his workers as required under these Regulations and includes a register required to be maintained under the Employment Act 2023;

"sludge Waste" means inorganic waste in a semi-liquid state, excluding hazardous waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries, and similar non-toxic materials;

"steam boiler" means any closed vessel in which, for any purpose, steam is generated under pressure greater than atmospheric pressure, and includes any economizer used to heat water being fed to any such vessel and a super heater used for heating steam;

"same work or work of equal value" means work in respect of which the skill, effort and responsibility required are the same when performed under similar working conditions by a man or woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;

"unfair dismissal" means an employer applying different set of criteria in the treatment of his workers whether based on colour, disability, political opinion, national extraction, marriage, pregnancy and maternity, race, religion or belief, sexuality, sex, membership of a trade union, organization or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation, to the detriment of a worker;

"vulnerable groups" means physically, mentally or socially disadvantaged persons who may be unable to meet their basic needs and may therefore require specific assistance;

"waste collection allowance" means an extra payment given to a worker employed in the public and private sector to collect and dispose of wastes (fecal, sludge, and hazardous);

"young person" means a young person as defined in the Child Rights Act No.7 of 2007.

2. These Regulations shall apply to employers and workers in Sierra Leone and pending employment related claims, except where the contrary is expressly stated. Application.

3. These Regulations shall not apply to the armed forces, police force, fire force, correctional service of Sierra Leone excluding their civilian workers. Non-Application

PART II - FREEDOM OF ASSOCIATION

4. (1) In accordance with the provisions outlined in Part III of the Act, an employer shall reasonably allocate time during work hours to enable workers to participate in trade unions or other worker-related associations. workers' and employer's right to freedom of association.

(2) While workers have the right to freely associate and belong to trade union groupings or worker-related associations, it should not be exercised to the detriment of the employer or their business interests.

(3) A worker who intends to participate in a trade union or other worker-related association shall provide the employer with a prior notice of at least 3 working days.

(4) Workers, individually or through their trade unions or organisations, shall refrain from engaging in illegal strikes and or using threats of violence, or making unreasonable demands that exceed the employer's capacity and ability which they are not entitled to as a matter of law.

(5) In the event of a dispute concerning a worker's right to freedom of association, the worker shall have the right to lodge a complaint with the Commissioner.

(6) In the event of a dispute concerning an employer's right to freedom of association, the worker shall have the right to lodge a complaint with the Commissioner.

(7) The Commissioner shall thoroughly examine the complaint and render a final decision, ensuring the protection and promotion of the worker's right to freedom of association.

(8) The decision rendered by the Commissioner in response to the complaint lodged under sub-regulation (5) above shall be deemed final, providing a resolution to the dispute in relation to the worker's or employ's right to freedom of association.

PART III - VETTING AND ATTESTATION OF EMPLOYMENT CONTRACT

Vetting and
attestation of
contract of
employment.

5. (1) An employer shall submit a written application to the Commissioner requesting the vetting and attestation of a contract of employment or service, terms and conditions of contract of service, personnel policies, human resource manuals, or any other document that regulates labour and employment relations, excluding Collective Bargaining Agreements between the employer and a worker under section 33 of the Act.

(2) Upon receipt of an application under sub-regulation (1), the Commissioner shall review the document and if necessary, invite the employer to a meeting to discuss the document to be vetted or attested.

(3) The Commissioner shall carefully examine the document to ensure compliance with relevant labour laws and regulations.

(4) The Commissioner may consider factors such as fair treatment of workers, adherence to employment standards, non-discrimination and other legal requirements.

(5) A contract of employment or service, terms and conditions of service, personnel policies, human resource manuals, or any other document that regulates labour and employment relations shall not be attested by the Commissioner unless the following conditions are met -

- (a) that the Employer has obtained the worker's voluntary consent; confirming the absence of fraud, coercion, undue influence, mistake of fact, or misrepresentation inducing the worker to enter into the contract provided that where a worker is unionized the union shall be involved;
- (b) the document shall be in compliance with the Act, these Regulations and other relevant labour laws.

(6) The Commissioner may request a meeting with an employer to discuss concerns, seek clarifications and ensure that the document to be vetted aligns with legal requirements and best practices.

(7) The Commissioner shall, based on the review and discussions, make a decision regarding the vetting and attestation of the document.

(8) The Commissioner shall, where the document meets the necessary standards and requirements, proceed with the attestation process.

(9) The Commissioner may, where there are areas of non-compliance or concerns, provide recommendations or request amendments to the document before proceeding with attestation.

(10) The Commissioner shall, upon attestation of the document, issue a certificate indicating that the document has been successfully reviewed and attested.

(11) The attestation shall be prima facie evidence that the document complies with the legal requirements.

(12) The attested document holds legal validity and serves as a reference for the employer and workers concerned.

**PART IV - REGISTRATION AND MAINTENANCE OF
EMPLOYER'S ORGANISATIONS AND WORKERS'
REGISTER.**

Registration
of employer
organisation.

6. (1) Pursuant to section 13 of the Act, an employers' organisation shall be registered with the Commissioner in accordance with Regulation 7.

(2) Notwithstanding sub-regulation (1), an employers' organisation that has been in existence and recognised as such before the commencement of these Regulations shall be registered by the Commissioner, notwithstanding that such employers' organisation may not meet all the requirements for registration under Regulation 7.

Registration
requirements.

7. The requirements for registration of an employers' organisation under these Regulations are as follows-

- (a) any 3 or more members of an employers' organisation may, by subscribing their names to the rules governing their organisation and otherwise comply with all the other requirements of the Act and these Regulations;
- (b) an application accompanied by 3 copies of the constitution of the employers' organisation duly authenticated by the signatures of the Chairman or President and the Secretary of the employers' organisation for which the application is made;
- (c) the constitution of the employers' organisation complies with the Act, the Constitution and the laws of Sierra Leone;
- (d) the name of the employers' organisation is not identical to the name of any other employers' organisation or so closely resembles any other organisation's name, likely to mislead, deceive or confuse its own members or the public as to its true identity.

8. An application for registration of an employers' organization shall be made as specified in Form No. 2 in the First Schedule. Form of application.

9. (1) The Commissioner shall issue to a person registered under these Regulations a certificate of registration which shall be as specified in Form No. 3 in the First Schedule. Certificate of Registration.

(2) A trade union or employers' organisation shall pay the prescribed fees for the issue of a Registration Certificate.

10. (1) The Commissioner shall keep and maintain a Register of Employers' Organisations, in which shall be entered, in addition to such other details as may be prescribed by the Commissioner, the following - Register of Employers' Organisations.

- (a) name of the employer's organisation;
- (b) place of business of the employer's organisation;
- (c) sector in which the employer's organisation is engaged; and
- (d) key contact person of the employer's organisation.

(2) The Register of Employers' Organisations shall be open to the public for inspection during normal working hours.

11. The rights, benefits, and advantages conferred on an employers' organisations and its members by the Act and these Regulations shall not be enjoyed unless the employers' organisation it is duly registered and certified under the hand of the Commissioner. Benefits and advantages conferred

12. (1) An employers' organisation and workers' organisation shall submit to the Commissioner, within 3 months after the end of the financial year, an annual return which shall include- Annual return and compliance obligations for employers and workers organisations.

- (a) the registered address of the employers' organisation and workers' organisation;
- (b) the names and addresses of the officers of the employers' organisation and workers' organisation;
- (c) the total number of the fully paid-up members of the employers' and workers' organisation; and
- (d) a financial statement of the employers' and workers' organisation of the preceding year.

(2) The Commissioner shall, where an employers' organisation or workers' organisation fails or refuses to submit its annual returns to the Commissioner by the prescribed date in any year, give a written notice to the employers' organisation or workers' organisation of its failure to submit within 14 days of such non-compliance.

(3) The Commissioner shall, in the event that the non-compliance notice in sub-regulation (2) is disregarded, notify the employers' organisation or workers' organisation of the suspension, revocation or cancellation of its Certificate of Registration as specified in Form No. 3 in the First Schedule.

Register of
workers.

13. (1) An employer shall keep, maintain and preserve a separate register in respect of each worker in the form of a file.

(2) A register under sub-regulation (1), shall contain the following particulars-

- (a) personnel details-
 - (i) name;
 - (ii) gender;

- (iii) date of birth;
 - (iv) permanent home address;
 - (v) national identity card;
 - (vi) work permit and resident permit (where applicable) and date of expiry;
 - (vii) National Identification Number; and
 - (viii) curriculum Vitae.
- (b) details of terms and conditions of employment-
- (i) occupation or appointment;
 - (ii) job description or terms of reference;
 - (iii) date of commencing employment;
 - (iv) agreed working hours per day; and
 - (v) leave entitlements duration;
- (c) details of wages and allowances earned during each wage period-
- (i) wage rates (excluding allowances);
 - (ii) allowances payable and rates;
 - (iii) rates for overtime work;
 - (iv) other benefits (including approved amenity and services);

- (v) wage payment intervals; and
- (vi) where pay is calculated by reference to time (hour, day, week, or month)-
 - (aa) rate of pay;
 - (bb) total number of days of normal hours of work done during each wage period.
 - (cc) total amount of wages for normal hours of work during each wage period;
 - (dd) rate of pay per hour for overtime work;
 - (ee) total number of hours of overtime work done during each wage period;
 - (ff) total amount of overtime wages during each wage period;
- (vii) where wage is calculated by reference to work done in respect of piece, volume, or task of work-
 - (aa) rate of pay per piece, volume, or task of work during normal hours of work;
 - (bb) number of pieces, volumes, or tasks of work done during normal hours of work in each wage period;

- (cc) amount of wages earned during normal hours of work in each wage period;
- (dd) rate of pay per piece, volumes, or task of work done exceeding normal hours of work per day;
- (ee) total number of piece, volume, or task of work done exceeding normal hours of work in each wage period;
- (ff) amount of overtime wages earned exceeding normal hours of work in each wage period;
- (gg) number of days worked or total number of piece, volume, or task of work done on rest days and holidays with or without pay during each wage period;
- (viii) details of holidays, annual or sick leave with or without pay granted during each wage period;
- (ix) amount of wages paid in lieu of annual leave with pay in each wage period;
- (x) details including reason for the deductions made during each wage period;
- (xi) date of payment;
- (xii) signature of the worker;

(xiii) attestation of the employer.

(d) severance of employment-

(i) agreed period of notice for termination of employment or wages in lieu thereof;

(ii) date of leaving employment;

(iii) amount of termination or lay-off benefits paid and the date of such payment;

(iv) the method of computing the termination or lay-off benefits payments.

(3) The particulars under sub-regulation (c) of Regulation (2), shall be regularly updated in the register not later than the third day after the end of each wage period to which the particulars relate.

Inspection
of register.

14. (1) An employer shall, unless otherwise permitted by the Commissioner, keep the register referred to in sub-regulation (1) of Regulation 11, at the workplace of the worker and ensure it is readily available for inspection by the Commissioner or his duly authorised representative in that behalf when so required.

(2) The register shall be kept in both electronic and paper format with adequate measures being put in place to protect the privacy and confidentiality of data contained in the register.

(3) The employer shall establish and maintain internal policies and procedures to govern the access, use, and retention of the register's data with only authorised personnel having qualified access and such access shall be limited to the extent necessary for the performance of their duties or as required by law.

(4) The employer shall provide periodic ethical and professional training to workers responsible for handling the register to ensure their compliance with data privacy requirements and their continued obligations to always maintain strict confidentiality.

15. (1) An employer shall, subject to a reasonable and written notice, grant each worker full and unfettered access to their information contained in the register in sub-regulation (1) of Regulation 11. Employer to make available register for examination.

(2) The right of a worker to peruse his personal records in the register shall be at no cost whatsoever and such right shall be exercised save where the circumstances so demand, on not more than one occasion in a wage period.

(3) Without prejudice, the employer may seek approval from the Commissioner for an alternative manner of providing access to the worker's information and the approved alternative manner shall comply with the requirements set forth by the Commissioner.

(4) The information contained in the Register, including the worker's particulars, shall be presented in English, however, in the case of a worker who cannot read English, the employer shall make facilities available to assist the worker in understanding the details contained in the register relating to them and these facilities may include translations, interpretations, or other means to ensure comprehension of the information.

(5) The worker shall have the right to review and obtain copies of information pertaining to them upon submitting a written request to the employer.

(6) The employer shall respond to the worker's request within a reasonable timeframe, not exceeding 30 days, and provide access to the requested information.

(7) The access provided by the worker shall include making copies of his personal file as appertains to him only under the supervision of the employer or a person authorised in that behalf free from intimidation.

(8) In fulfillment of the obligation under sub-regulation (7), the employer may charge a reasonable fee to cover the administrative costs of providing such copies and the fee shall be communicated to the worker in advance.

(9) The employer may require the worker to provide appropriate identification to verify their identity before granting access to the information.

(10) In cases where the requested information contains personal data of other individuals, the employer shall take necessary measures to ensure that the privacy rights of those individuals are not compromised.

(11) If, for any valid reason, the employer is unable to grant access to certain information requested by the worker, the employer shall provide a explanation to the worker, stating the legal basis or justification for the refusal or inability.

(12) The employer shall inform workers of their rights to have access to their personal information in the register, including the procedures involved in making the requests.

(13) The employer shall ensure that the procedures are fair and transparent, ensuring that the workers' right to access is respected.

(14) The employer shall ensure that the worker's access to the information is facilitated promptly and in a manner that respects the worker's privacy rights and maintains the confidentiality of other individuals' personal data.

(15) The employer shall keep a record of instances where access to the register is granted to workers, including the dates, methods and any assistance provided to a worker who cannot read English.

(16) The employer shall keep particulars of the register referred to in sub-regulations (1) and (2) of Regulation 11 for a period of 3 years from the date of severance of the employment relations with the worker or for such other period as the Commissioner shall determine.

PART VI-EMPLOYMENT RIGHTS AND OBLIGATIONS

16. An employer shall have the following obligations-

Employers'
rights and
obligations.

- (a) ensure full compliance with the laws of Sierra Leone and respect every contract or agreement with the worker, upholding the legal rights and obligations established between himself and the worker;
- (b) providing information as set out in Form X of the Schedule in respect of his workplace or proposed workplace;
- (c) treat all workers equally, regardless of their colour, disability, political opinion, national extraction, marriage, pregnancy and maternity, race, religion or belief, sexuality, sex, membership of a trade union, organization or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation and promotes decent work and non-discrimination;
- (d) ensure the occupational safety and health of workers by implementing appropriate measures and procedures to minimize risks and hazards associated with their work, providing necessary training, and personal protective equipment;

- (e) maintain a hygienic workplace environment, which includes providing adequate sanitary facilities and ensuring that the overall conditions are conducive to the well-being and welfare of the worker;
- (f) foster a good working environment that enhances workers' performance and contributes to their career development by promoting professional growth, skill enhancement, and opportunities for advancement;
- (g) provide workers with means of secure access into and out of the workplace by ensuring their ability to enter and exit the premises safely, healthily and conveniently;
- (h) remunerate workers for their services based on the terms agreed upon between the employer and the worker by ensuring fair pay that reflects the value of the work performed;
- (i) provide the worker with clear and comprehensive information regarding his remuneration, including the manner in which it is calculated to enable the worker to understand and verify his remuneration;
- (j) respecting the privacy of workers, safeguarding their personal information and ensuring that confidential matters are handled with discretion and confidentiality;
- (k) not to disclose any information relating to the calculation, payment, or payable wages of a worker without the worker's explicit consent, preserving the confidentiality and privacy of the worker's financial matters;

- (l) grant periods of absence due to illness or injury as stipulated in the Act and as agreed upon, by ensuring that the worker continues to receive wages and, supporting the worker during times of incapacity and maintaining their financial security;
- (m) upon verification, indemnify the worker in respect of the following-
 - (i) reimburse all reasonable expenses, losses, and liabilities incurred by the worker in the execution of the employer's instructions;
 - (ii) reimburse the worker for all reasonably incidental expenses, losses, and liabilities incurred in the execution of the employer's instructions;
 - (iii) cover all expenses, losses, and liabilities incurred by the worker within the authority granted to them by the employer;
 - (iv) provide compensation for all expenses, losses, and liabilities incurred by the worker during the reasonable performance of their employment.
- (n) exercise reasonable care to ensure that plants, tools, equipment, premises, and work processes used in the workplace are safe, while taking necessary precautions to prevent accidents, injuries, or harm to workers;
- (o) provide workers with appropriate tools and resources necessary to facilitate their work, while ensuring that they have access to the equipment, materials, and support required to effectively carry out their duties; and

- (p) ensure equal treatment for all workers at all times, both in the evaluation of workers for career progression by providing equal opportunities to workers at all times, while fostering decent workplace culture.

Particulars
of
employment.

17. (1) At the commencement of employment relationship, an employer shall provide a worker with comprehensive written particulars of employment which includes -

- (a) the full name and address of the employer, ensuring clear identification of the employing entity;
- (b) the location of the place of work, including accurate details of where the worker will carry out their duties;
- (c) a summary of his job description outlining the nature of the tasks and responsibilities involved;
- (d) the precise date on which the employment commences, ensuring clarity regarding the start of the employment relationship;
- (e) the worker's ordinary hours of work and days of work, clearly specifying the regular working hours and days during which the worker is expected to be present;
- (f) the types of leave to which the worker is entitled, such as annual leave, sick leave, or other applicable types of leave, specifying the duration and requirements of such different leave.

(2) Where any of the particulars listed in sub-regulation (1) change, the employer shall provide the worker with updated written particulars reflecting the changes within 7 working days of the changes being implemented.

(3) An employer shall, where a collective bargaining agreement is currently in force and applicable to a worker, furnish the worker with a copy of the collective bargaining agreement or alternatively, choose to permanently display a copy of the said agreement in a conspicuous place within the workplace to ensure easy access for the worker.

(4) An employer shall, where a worker is unable to understand the written particulars provided, take necessary measures to ensure that the particulars are explained to the worker in a language and manner that the worker comprehends to ensure effective communication of the terms and conditions of employment.

18. (1) A worker shall, in the course of discharging his duties, abide by the following obligatory principles - Workers' rights and obligations.

- (a) act with honesty, competence, and professionalism, by demonstrating the necessary skills and abilities to perform assigned tasks effectively;
- (b) maintain integrity by ensuring that his actions do not bring the employer into disrepute while upholding the reputation and interests of the organisation;
- (c) do not discriminate in the workplace;
- (d) interact courteously and respectfully with all individuals he encounters in his professional capacity by fostering good relationships and promoting a harmonious work environment;
- (e) act professionally and responsibly, by being accountable for his actions and its impact in the workplace;

- (f) maintain strict confidentiality regarding any information related to his employment, even after the employment relationship has ceased by safeguarding sensitive data and respecting privacy rights;
- (g) obey all lawful and reasonable orders given by the employer or his authorised representative within the scope of their contractual duties;
- (h) demonstrate skill, competence, and reasonable care in the performance of his duties, ensuring the protection of the employer's property and meeting the expected standards of quality and efficiency.
- (i) act in the best interests of the employer prioritising the organisation's goals and objectives over personal interests or conflicts;
- (j) disclose any conflicts of interest that may arise by his impartiality or negatively impact the employer's interests unless authorized by the employer upon notification and consent; and
- (k) do not engaged in act of gross breach of duty, gross misconduct or gross insubordination
- (L) subject to any express agreement or exceptional circumstances where it is impossible to provide, the employer shall, upon a written request, consider providing loans and advances to workers that can be deducted from their salary in order to facilitate financial assistance when needed.

(2) These duties and responsibilities are to be made integral in order to maintain, enhance a productive and harmonious work environment, thereby fostering trust and professionalism between the worker and the employer.

(3) An employer shall provide necessary guidance and support to ensure that workers are aware of their obligations and understand the expected standards of conduct.

(4) A violation of these duties and responsibilities shall result in disciplinary action or other appropriate measures as may be determined by the employer in accordance with applicable laws, regulations and employment policies.

(5) Workers are encouraged to seek clarification or guidance from the employer or relevant authorities in case of any uncertainties or conflicts related to their duties and responsibilities.

19. (1) In the event that an employer changes its business name, address, or location, the employer shall provide timely notification to the Commissioner of such changes within 7 working days by completing Form No. 5 of the First Schedule and such notification shall include the following information- Change of name or address.

- (a) the updated business name of the employer, ensuring accurate identification and recognition of the employer's new name;
- (b) the new address, if any, of the employer's business, specifying the precise information about the physical geographic location where the employer's operations are conducted;
- (c) the updated location details, providing precise information about the new geographic location of the employer's business.

(2) The employer shall further furnish the Commissioner with the necessary documentation or forms required to officially record the changes in the employer's business name, address, and/or location, as prescribed by the relevant regulatory authorities.

(3) Failure to comply with the notification requirement within the specified timeframe may result in penalties or legal consequences as provided by applicable laws and regulations.

(4) The Commissioner shall maintain accurate records of the updated business name, address, and/or location of the employer, ensuring that the information is readily accessible and available for reference and official purposes.

(5) The employer shall also update relevant records, including employment contracts, payroll systems, and employee information, to reflect the changes in the business name, address, and location to ensure consistency and transparency in employment-related documentation.

(6) The Commissioner may provide further guidelines or additional requirements regarding the notification process and documentation necessary to facilitate the accurate and timely recording of changes in the employer's business name, address, and location.

(7) An employer shall communicate any changes to his business name, address, and location to his workers, ensuring that workers are informed and aware of the updated information to facilitate effective communication and potential future correspondence.

Weekly rest.

20. (1) Unless otherwise agreed to, a worker shall not be required to work for their employer for more than 5 consecutive days without at least a day's rest, which shall be taken on a customary day or as agreed upon between the parties.

(2) The Minister may, after consultation with the Joint Consultative Committee, exclude persons holding high managerial positions in a workplace from the operation of section 60 of the Act.

(3) Pursuant to Section 60 (3) of the Act, the right and entitlement of a worker to weekly rest may be deferred under any of the following circumstances-

- (a) in the event of natural disasters, accidents, actual or imminent force majeure, or urgent work required on the workplace's premises or equipment, but only to the extent necessary to avoid serious interference with the ordinary working of the workplace;
- (b) in cases of abnormal work pressure due to special circumstances where the employer cannot reasonably be expected to employ other measures;
- (c) in order to prevent the loss of perishable goods.

(4) When temporary exemptions are granted under sub-regulation (3), the worker shall be provided with compensatory rest, with a total duration of at least the equivalent to that provided for in sub-regulation (1) and the employer shall provide such compensatory rest within 2 months of the rest period missed.

(5) Where a worker is employed under a contract in which wages are calculated based on a period of one week or more, a deduction shall not be made from wages on account of not working or attending his workplace during the usual or compensatory rest period.

PART VII - MATERNITY-PATERNITY PROTECTION

21. (1) A pregnant or breastfeeding woman worker shall not be assigned work that is detrimental to her health or the health of her baby. Health protection.

(2) An employer shall, where a medical assessment establishes a risk to the health of a mother and her baby, provide alternative work or modify the working conditions to eliminate or reduce the risk.

Maternity
and paternity
leave.

22. (1) In granting maternity leave under subsection (1) of section 72 of the Act, the leave shall include a compulsory period of 6 weeks after childbirth.

(2) The prenatal period of maternity leave, between the presumed date of childbirth and the actual date of childbirth, may be extended to any period without reducing the compulsory postnatal period of maternity leave.

(3) The employer shall ensure that a female worker is informed about her entitlement to maternity leave and the procedure for requesting and taking maternity leave.

(4) A male worker shall be granted paternity leave of the birth of his child as provided by section 77 of the Act.

Benefits.

23. (1) A pregnant woman or a woman on maternity leave shall enjoy medical benefits.

(2) Such medical benefits may cover the woman during the prenatal, childbirth, and postnatal periods, as well as hospitalization if required.

(3) The medical benefits may also cover the child of the woman on maternity leave.

Breastfeeding
mothers.

24. (1) Employers shall where his circumstances so permit, ensure that breastfeeding women workers have the right to one or more daily breaks or a reduction of work hours to enable them breastfeed their babies.

(2) The breaks or reduction in work hours where applied for breastfeeding mothers shall be considered as working time and shall be remunerated accordingly.

(3) Without prejudice, the following determinations shall be made regarding breastfeeding breaks and reduction of work hours-

- (a) period of nursing breaks during the workday;
- (b) reduction of daily hours of work allowed for breastfeeding;
- (c) number of daily hours of work allowed for breastfeeding; and
- (d) procedures for requesting and implementing the reduction of daily hours of work.

PART VIII-PROTECTION OF CHILD LABOUR

25. (1) An employer shall maintain a separate register specifically for recording the details of children employed by him prior to the enactment of the Act and the register shall include the information specified in sub-regulation (2) of Regulation 11, as well as the following additional particulars- Child Labour.

- (a) full name and address of the child;
- (b) name and address of the parents or guardian of the child;
- (c) age of the child at the date of employment;
- (d) educational level of the child;
- (e) nature of the job or work in which the child is engaged;
- (f) duration of work performed by the child;
- (g) rest periods granted to the child;

- (h) remuneration and any other benefits provided to the child; and
- (i) any other matters prescribed by the employment contract or as required by the Commissioner.

(2) In the event that an employer fails to comply with the requirements specified in sub-regulation (1), the Commissioner shall issue a directive to the employer, specifying the necessary actions to be taken within a period of 21 days.

(3) Failure of an employer to comply with the directions of the Commissioner, as outlined in sub-regulation (2) above, shall result in a fine equivalent to one month's minimum wage for each day of non-compliance.

(4) An employer shall, upon request, present the register referred to in sub-regulation (1) of Regulation 26 for inspection or examination by the Commissioner or any duly authorized person.

(5) Failure to produce the register for inspection in sub-regulation (4) shall be deemed an offence and subject to penalties as prescribed by the Act and relevant regulations.

(6) The Ministry shall, in collaboration with relevant stakeholders, conduct periodic inspections and audits to verify the accuracy and completeness of the child employment registers maintained by employers, as well as to assess compliance with child labour laws and regulations.

(7) An employer shall cooperate fully with the Commissioner and authorized personnel during inspections, providing access to relevant records, documents, and premises as required by law to support the reduction and or eradication of child labour.

(8) The Commissioner may, in consultation with appropriate authorities, prescribe additional requirements and procedures relating to the maintenance inspection of the child employment register to further safeguard the rights and well-being of children.

(9) The Ministry shall actively promote awareness among employers, parents, and the general public regarding the importance of maintaining accurate and up-to-date child employment registers, ensuring compliance with child labour laws and protecting the rights and welfare of children.

26. (1) An employer who has already employed a child shall ensure that the employment nutrition, does not impede or interfere with the following fundamental aspects of the child's healthcare Register of child workers.

- (a) to ensure that the child has access to sufficient and nutritious food in accordance with recognized standards for nutrition;
- (b) to have access to essential primary health care services, including regular check-ups, immunizations, and timely medical attention in case of illness or injury; and
- (c) where the child is enrolled in school or any other educational institution, the employer shall not allow the employment to disrupt or hinder the child's education. The employer shall make appropriate arrangements, such as flexible working hours or leave, to enable the child to attend and fully participate in educational activities.

(2) In the event that the employment arrangement compromises any of the aforementioned aspects of the child's well-being, the employer shall promptly take corrective measures to mitigate the negative impact and ensure the child's well-being and development are safeguarded.

(3) The failure by an employer to comply with the provisions of this regulation may result in penalties as prescribed under the Act, aimed at ensuring the effective protection of child's rights and their overall well-being.

(4) The Ministry of Labour shall collaborate with relevant government agencies, educational institutions, and healthcare providers to promote awareness and provide support to employers in fulfilling their obligations to protect the nutrition, health, and education of children.

(5) The Commissioner shall conduct periodic assessments and monitoring to evaluate Employers' compliance with the provisions outlined in this regulation, ensuring the effective implementation of child labour regulations and the protection of child labour rights.

PART IX: ALLOWANCES AND SPECIAL PROVISIONS FOR WORKERS

Access to
nutrition,
healthcare
and education.

27. (1) A worker assigned the role of 'steam boiler watcher' shall be entitled to receive a monthly allowance, referred to as the "risk allowance," which shall be calculated allowance. based on a percentage of their monthly basic salary. The risk allowance aims to compensate the worker for the level of exposure and associated risks related to operating a steam boiler.

(2) The rates of the risk allowance shall be as follows-

- (a) for a worker directly exposed to the steam boiler, a minimum of 15 percent of his basic monthly salary shall be allocated as the risk allowance; and
- (b) for a worker who works in close proximity to the steam boiler but is not directly exposed to it, a minimum of 10 percent of his basic monthly salary shall be allocated as the risk allowance.

(3) The determination of the specific percentage of the risk allowance within the prescribed minimum rates shall be based on an assessment of the level of exposure to the steam boiler, considering factors such as the proximity, duration of exposure, and

associated hazards. Employers shall conduct regular evaluations to determine the appropriate allocation of the risk allowance for each worker in accordance with the guidelines provided by the competent authority.

(4) The risk allowance shall be provided in addition to the worker's regular wages and benefits, and it shall be subject to all applicable statutory deductions and entitlements.

(5) The Minister, in consultation with relevant stakeholders and based on considerations of occupational health and safety standards, may review and adjust the rates of the risk allowance as necessary to ensure fairness for workers in steam boiler-related roles.

(6) Employers shall maintain accurate records of the risk allowances granted to steam boiler watchers, including the calculation basis and the corresponding amounts allocated. These records shall be made available for inspection by the Commissioner or any authorized officer for the purpose of ensuring compliance with this regulation.

(7) Any employer found to be in violation of the provisions of this regulation, including the failure to provide the appropriate risk allowance to eligible workers, shall be subject to penalties and sanctions as prescribed under the Act, aimed at promoting fair and safe working conditions in relation to steam boiler operations.

28. (1) A worker assigned the role of a 'night patrol officer' shall be entitled to receive a monthly allowance, hereinafter referred to as the "night allowance," which shall be determined by the contract of employment and or the collective bargaining agreement were applicable. Night patrol officers' allowance.

(2) The night allowance aims to recognize and compensate the worker for the additional responsibilities, risks, and inconveniences associated with performing duties during night time hours.

(3) The determination and payment of the night allowance shall be made in accordance with the following provisions-

- (a) the night allowance shall be provided in addition to the worker's regular wages and benefits, and it shall be subject to all applicable statutory deductions and entitlements;
- (b) the night allowance shall be paid on a monthly basis alongside the worker's regular salary;
- (c) the worker shall be eligible to receive the night allowance for each calendar month in which they are engaged as a night patrol officer; and
- (d) the night allowance, as stated in sub-regulation (1) above, may be subject to revision by the Minister, in consultation with relevant stakeholders, to ensure its adequacy and alignment with prevailing economic and labour market conditions.

(4) Employers shall maintain accurate records of the night allowances granted to night patrol officers, including the calculation basis and the corresponding amounts allocated. These records shall be made available for inspection by the Commissioner or any authorized officer for the purpose of ensuring compliance with this regulation.

(5) Failure to provide the required night allowance to eligible night patrol officers shall be deemed a violation of this regulation, and the employer shall be liable to penalties and sanctions as prescribed under the Act, aimed at upholding the rights and fair treatment of workers engaged in night patrol duties.

(6) Any dispute arising from the entitlement, calculation, or payment of night allowance shall be subject to the applicable dispute resolution mechanisms provided under the Act and or other labour related laws, including the possibility of mediation, arbitration, or adjudication under the Arbitration Act, No. 18 of 2022.

29. (1) As specified in this regulation, every worker shall have the right to receive a health or medical allowance or reimbursement of medical expenses for themselves and medical their defined dependents. Entitlement to health and allowance.

(2) To claim reimbursement of medical expenses, a worker must submit a certified bill of claim issued by a qualified medical or health professional. The reimbursement shall be limited to the amount of allowance due to the worker, as determined by the employer.

(3) The medical allowance or reimbursement of medical expenses, as provided in sub-regulation (1) above, shall not exceed 2 months' worth of the worker's annual basic monthly salary unless otherwise decided by the employer.

(4) The term "defined dependents" mentioned in sub-regulation (1) shall include the worker's spouse, disclosed children, and any other individuals as permitted by the employer.

(5) The employer shall establish clear guidelines and procedures for submitting and processing medical expense claims, ensuring transparency, fairness, and timely reimbursement.

(6) The worker shall provide all necessary documentation, including medical bills, receipts, and any other supporting documents, as required by the employer for the reimbursement process.

(7) The employer shall maintain accurate records of medical allowances granted and reimbursements made, including the details of the worker, dependents, medical expenses incurred, and the corresponding amounts disbursed. These records shall be retained for a specified period as determined by the relevant laws or regulations.

(8) In the event of any dispute or disagreement regarding the entitlement, calculation, or payment of health or medical allowances, the parties shall follow the dispute resolution mechanisms provided under the Act and or other labour related laws, including the possibility of mediation, arbitration, or adjudication under the Arbitration Act, No. 18 of 2022.

(9) The Commissioner or any authorized officer shall have the authority to inspect and examine the records and practices of employers to ensure compliance with the provisions of this regulation. Failure to comply with the requirements may result in penalties and sanctions as prescribed by the Act.

Special health or medical risk allowance for pandemic and epidemic outbreaks and disasters.

30. (1) In the event of a pandemic or epidemic outbreak, health or medical professionals, including allied health professionals and frontline workers, shall be entitled to receive a special health or medical risk allowance for their services rendered during such circumstances. The allowance shall be determined by the contract of employment and or collective bargaining of agreement where applicable.

(2) The special health or medical risk allowance shall be provided as an additional pay to recognize the exceptional risks and challenges faced by these professionals during disasters, pandemic and epidemic outbreaks.

(3) The allowance shall be applicable to health, medical professionals and frontline workers employed in various settings, including hospitals, clinics, laboratories, research institutions, emergency response units, and other healthcare facilities directly involved in disaster, pandemic and epidemic response.

(4) The payment of the special allowance shall be implemented in accordance with the guidelines and criteria set forth by the competent authorities responsible for public health, epidemic control and other related matters.

(5) The eligibility and criteria for receiving the special allowance shall be based on factors such as the nature of work, level of exposure to infectious agents, level of risk involved, and the duration of service during the disaster, pandemic or epidemic outbreak.

(6) The employer shall maintain accurate records of the special health or medical risk allowances disbursed, including the details of the professionals, the period of the disaster, outbreak, and the corresponding amounts provided. These records shall be retained for a specified period as prescribed by the relevant laws or regulations.

(7) The special health or medical risk allowance shall not be considered as a substitute for any other entitled benefits or compensations granted to health or medical professionals under existing laws or regulations.

(9) The Commissioner or any authorized officer shall have the power to inspect and examine the compliance of employers with regard to the payment and administration of the special allowance. Non-compliance or violations may result in penalties and sanctions as stipulated by the Act.

(10) This regulation shall be interpreted and applied in conjunction with other provisions of the Act, as well as any supplementary regulations, laws or directives issued by the competent authority to ensure the protection and welfare of health or medical professionals during public health emergencies.

31. (1) A worker engaged in a sector that requires him to reside away from his usual place of residence shall be entitled to a monthly cooking allowance. The cooking allowance shall be determined by the contract of employment and or collective bargaining of agreement where applicable.

Monthly cooking allowance for workers living home.

(2) Where the employer operates a subsidized canteen service that provides adequate meals, including lunch or square meals, it shall discharge the employer from the obligation to provide a cooking allowance to the worker.

(3) The cooking allowance is intended to support workers who unable to access their regular cooking facilities and are obliged to prepare their own meals while residing away from home.

(4) The cooking allowance shall be paid to eligible workers together with their regular monthly remuneration and shall be subject to applicable taxes and deductions.

(5) The employer shall maintain a separate record of the cooking allowances provided to workers, including the worker's details, the amount disbursed, and the periods covered. These records shall be retained for a specified period as prescribed by the relevant laws or regulations.

(6) The Commissioner or any authorized officer shall have the power to inspect and examine Employers' compliance with the provision of the cooking allowance. Failure to comply with this requirement may result in penalties and sanctions as provided for in the Act.

Workers
handling cash
in workplace.

32. (1) A worker entrusted with the responsibility of handling cash in the cash workplace shall be entitled to a monthly cash handling allowance, determined by the contract of employment and or collective bargaining of agreement where applicable.

(2) The cash handling allowance is provided to pay the worker for the added responsibility, risks, and expertise required in managing cash transactions in the workplace.

(3) The employer shall maintain accurate records of the cash handling allowances provided to workers, including the worker's details, the amounts disbursed, and the periods covered. These records shall be retained for a specified period as prescribed by the relevant laws or regulations.

(4) The Commissioner or any authorized officer shall have the power to inspect and examine Employers' compliance with the

provision of cash handling allowances. Failure to comply with this requirement may result in penalties and sanctions as provided for in the Act.

(5) This regulation shall be construed and applied in conjunction with other provisions of the Act, as well as any supplementary regulations, laws or directives issued by the competent authority to ensure equity and proper handling of cash transactions in the workplace.

33. (1) A worker who possesses the necessary competence or qualifications to perform underwater diving, including members of the coast guard, shall be entitled to a monthly allowance referred to as a "diving risk allowance." The diving risk allowance shall be determined by the contract of employment and or collective bargaining of agreement where applicable. Underwater diving risk allowance.

(2) The diving risk allowance recognizes the inherent risks and specialized skills involved in underwater diving. It serves to pay the worker for the additional dangers, physical demands, and expertise required in performing such tasks.

(3) The employer shall maintain accurate records of the diving risk allowances provided to workers engaged in underwater diving. These records shall include the worker's details, the amount of allowance paid, and the applicable period. The employer shall retain these records for a specified period as prescribed in the Act.

(4) The Commissioner or any duly authorized officer shall have the power to inspect and examine employers' compliance with the provision of diving risk allowances. Failure to comply with this requirement may result in penalties and sanctions as provided for in the Act.

(5) This regulation shall be construed and applied in conjunction with other provisions of the Act, as well as any supplementary regulations, laws or directives issued by the competent authority, to ensure fairness and proper recognition of the risks associated with underwater diving activities performed by workers.

Relocation
allowance.

34. (1) When a worker is required to be relocated or transferred from one work station to another, the employer shall provide a relocation allowance. The rate of the relocation allowance shall be determined based on reasonable costs associated with the relocation process, including but not limited to-

- (a) transportation expenses for the worker and, where applicable, their immediate family members; and
- (b) housing and accommodation costs, if not provided by the employer.

(2) The relocation allowance shall be designed to ensure that the worker and their family can smoothly transition to the new location without experiencing financial hardship. The specific amount of the relocation allowance shall be determined by considering prevailing market rates, standard practices, and the specific circumstances of the relocation.

(3) In cases where the worker's circumstances and the nature of the relocation warrant additional allowances, such as living costs or children's education expenses, the employer shall provide reasonable additional allowances, subject to the employer's capacity and other relevant considerations.

(4) In situations where both the husband and wife are employed by the same employer, working at the same workstation, and are transferred to different workstations within a 6 month period, only one of them shall be entitled to receive the relocation allowance. The purpose of this provision is to ensure that the employer's relocation costs are reasonably allocated and, to avoid excessive financial burden on the employer.

(5) The terms and conditions related to the relocation allowance, including eligibility criteria, application procedures, and dispute resolution mechanisms, shall be determined in accordance with the provisions of the Act and any relevant regulations or guidelines issued by the competent authority.

(6) Any disputes or grievances arising from the payment or non-payment of the relocation allowance shall be subject to the resolution mechanisms prescribed in the relevant labour laws and collective agreements including but not limited to mediation, arbitration under the Arbitration Act, No. 18 of 2022, or adjudication by the Commissioner or the Courts.

(7) It shall be the responsibility of the employer to maintain accurate records and documentation related to the relocation allowances provided to workers. These records shall include the worker's details, the amount and nature of the allowance, and the period of relocation. Such records shall be retained for a specified period as prescribed by the applicable laws or regulations.

35. (1) A worker shall be entitled to a reasonable travel allowance when undertaking an official travel for the following purposes- ^{Travel allowance.}

- (a) tours organized by the employer;
- (b) recall from leave where the worker is required to travel outside their usual place of work during the leave period;
- (c) participation in training programs, seminars, conferences, sports events, cultural events, or any other engagement directly related to their employment;
- (d) appearance in court as a jury member, assessor, or witness (only for matters related to the employer's work);
- (e) receiving national awards on behalf of the employer.

(2) The travel allowance provided to the worker shall cover expenses such as meals, accommodation, and other reasonable expenses incurred during the official travel. The specific amount and scope of the travel allowance shall be determined based on the nature and duration of the travel, prevailing rates, and the worker's reasonable needs.

(3) The employer shall ensure that the travel allowance is sufficient to meet the worker's necessary expenses during an official travel. In addition to meals and accommodation, other reasonable expenses incurred, such as transportation costs and incidentals, should be considered when determining the travel allowance.

(4) The employer may establish guidelines or policies regarding the reimbursement of specific expenses, submission of receipts or supporting documentation, and any other relevant procedures for claiming the travel allowance. Such guidelines or policies shall be communicated to the workers and adhered to in a fair and transparent manner.

(5) The travel allowance shall be provided to the worker in a timely manner, either in advance or through reimbursement after the completion of the official travel. The employer shall establish procedures for the disbursement of the travel allowance to ensure prompt and accurate payment.

(6) The provisions under this regulation shall not alter any laws or institutional policies currently in force relating to per diems paid to workers for purposes under sub-regulation (1).

(7) Any disputes or grievances arising from the entitlement or calculation of the travel allowance shall be resolved in accordance with the dispute resolution mechanisms prescribed in the Act or other labour related laws including negotiation, mediation, arbitration under the Arbitration Act No. 18 of 2022 or adjudication by the Commissioner or by the Courts.

(8) It is the responsibility of the worker to comply with any applicable policies, procedures, or reporting requirements related to the travel allowance. Failure to comply with such requirements may result in the delay or denial of the travel allowance, subject to the provisions of the Act and any relevant regulations.

36. (1) A worker employed and required to work at night shall be entitled to receive a monthly allowance, referred to as the "night allowance" which shall be determined by the contract of employment and or collective bargaining of agreement where applicable. Night allowance entitlement for workers.

(2) The night allowance is provided to pay the night worker for the specific challenges and inconveniences associated with working during night hours, including disruptions to their normal sleep patterns and potential adverse effects on health and well-being.

(3) The exact amount of the night allowance shall be determined by the contract of employment and or collective bargaining of agreement where applicable. The employer may choose to provide a higher night allowance if deemed appropriate.

(4) The night allowance shall be disbursed to the night worker along with their regular monthly salary, in a timely manner and in accordance with the applicable payment procedures established by the employer.

(5) The night allowance is a statutory entitlement and shall not be treated as a substitute for any other rights or benefits to which the night worker may be entitled under the provisions of the Act or any applicable regulations.

(6) Any disputes or grievances regarding the non-payment, or inadequate payment of the night allowance shall be resolved in accordance with the dispute resolution mechanisms provided for in the Act or other labour related laws including negotiation, mediation, arbitration under the Arbitration Act No. 18 of 2022, or adjudication by the Commissioner or by the Court.

(7) The entitlement to the night allowance shall not be waived or reduced by any agreement or arrangement between the employer and the night worker that is contrary to the provisions of this regulation or any other provisions of the Act.

(8) The provisions of this regulation shall apply to all night workers, regardless of their occupation, industry, or sector of employment, unless specifically exempted by the Act or any applicable regulations.

Housing or
rent
allowance.

37. (1) Every worker shall have the right to receive a rent or housing allowance, which shall be determined by the contract of employment and or collective bargaining of agreement where applicable to be paid annually or pro-rated and paid monthly as the circumstances of the employer may permit.

(2) In cases where the employer provides accommodation to the worker, the provision of such accommodation shall be considered as fulfilling the requirement for rent and housing allowance.

(3) The rent or housing allowance shall be paid to the worker in addition to their regular salary and other benefits, and it shall be subject to the terms and conditions set forth in the employment contract or applicable regulations.

(4) The amount of the rent or housing allowance may be reviewed periodically, taking into consideration factors such as prevailing rental rates to ensure that it remains fair and adequate.

(5) Any disputes or disagreements regarding the payment of the rent or housing allowance shall be resolved in accordance with the procedures and mechanisms specified in the relevant labour laws or collective agreements.

(6) The employer shall maintain proper records and documentation related to the payment of rent or housing allowance to workers, which may be subject to inspection or audit by the competent authorities to ensure compliance with the statutory requirements.

(7) Failure by the employer to provide the required rent or housing allowance, or any attempt to evade or withhold such allowance, shall be deemed as a violation of the worker's rights and may result in legal consequences, penalties, or remedies as prescribed by law.

38. (1) Every worker shall be entitled to receive a monthly transport allowance, which shall be determined by the contract of employment and or collective bargaining of agreement where applicable. ^{Transport allowance.}

(2) The transport allowance shall be provided to assist the worker in meeting the costs associated with commuting to and from the workplace.

(3) Where-

(a) in cases where the employer assigns an official vehicle to the worker for their exclusive use or provides an alternative means of transportation to and from work, the worker shall not be eligible to receive the transport allowance;

(b) Notwithstanding sub-regulation (i), and subject to the contract of employment, the employer may provide fuel for a vehicle assigned to the worker.

(4) The transport allowance shall be paid in addition to the worker's regular salary and other benefits, and it shall be subject to the terms and conditions specified in the employment contract or applicable regulations.

(5) The amount of the transport allowance may be reviewed periodically, considering factors such as prevailing transportation costs, distance travelled and fuel price to ensure that it remains fair and adequate.

(6) Any disputes or disagreements regarding the payment of the transport allowance shall be resolved in accordance with the procedures set out under the Act, other labour related laws or Regulation or the Arbitration Act No. 18 of 2022.

(7) The employer shall maintain accurate records and documentation related to the payment of transport allowances to workers, which may be subject to inspection or audit by the competent authorities to ensure compliance with the statutory requirements.

(8) Failure by the employer to provide the required transport allowance, or any attempt to evade or withhold such allowance, shall be considered a violation of the worker's rights and may result in legal consequences, penalties, or remedies as prescribed by law.

Out-of-station allowance.

39. (1) A worker who is required by the employer to work outside of their usual workstation shall be entitled to receive an out-of-station allowance. The purpose of this allowance is to reasonably pay the worker for their basic living expenses during the period of work away from their usual work station.

(2) The out-of-station allowance shall be determined based on what is reasonably sufficient to cover the worker's essential living expenses, such as accommodation, meals, transportation, and other necessary costs incurred during their time away from their usual work station.

(3) The specific amount of the out-of-station allowance shall be established by the employer in accordance with applicable laws, regulations, or standards. It should reflect the prevailing cost of living in the area where the worker is temporarily stationed and take into consideration the duration and nature of the assignment.

Duration of Out of station relocation allowance.

40. (1) Out-of-station work shall not exceed a period of 30 consecutive working days. During this period, the worker shall be entitled to receive the out-of-work and station allowance as described in sub-regulation(1) of Regulation 41 above.

(2) If a worker is required to work beyond 30 working days out of station, they may be eligible for a relocation allowance. The purpose of the relocation allowance is to assist the worker in covering additional expenses incurred due to the prolonged period of work away from their usual workstation.

(3) The relocation allowance shall be in accordance with Regulation 35, provided to facilitate the worker's transition to a new location, including costs related to housing, transportation, and other reasonable relocation expenses. The specific amount of the relocation allowance shall be determined based on factors such as the worker's job level, duration of the assignment, and prevailing relocation costs.

(4) The employer shall establish clear procedures and guidelines for the payment of out-of-station allowances and relocation allowances, including the eligibility criteria, application process, and documentation requirements.

(5) Any disputes or disagreements related to the entitlement of out-of-station allowances or relocation allowances shall be resolved in accordance with the grievance redress provisions set out under the Act, other related labour laws, this Regulation or under the Arbitration Act No. 18 of 2022.

(6) The employer shall maintain accurate records and documentation of the payment of out-of-station allowances and relocation allowances, which may be subject to inspection or audit by the competent authorities to ensure compliance with the statutory requirements.

41. (1) A worker employed as a firefighter, excluding those employed by the National Fire Force or any other public authority responsible for firefighting, shall be entitled to a monthly allowance specifically designated for active duties.

Allowance for
fire fighters
not in
service.

(2) The purpose of the monthly allowance is to provide fair payment to firefighters engaged in active firefighting, acknowledging the inherent risks and challenges associated with their role in protecting lives and property.

(3) The monthly allowance for active firefighting duties shall be determined by the contract of employment and or collective bargaining of agreement where applicable.

(4) The specific rate of the monthly allowance may be determined by the employer based on factors such as the level of responsibility and the prevailing conditions and requirements of firefighting operations.

(5) The monthly allowance for active firefighting duties shall be in addition to the worker's regular salary and any other allowances or benefits they are entitled to under their employment contract or applicable laws and regulations.

(6) The employer shall ensure timely and accurate payment of the monthly allowance to firefighters engaged in active firefighting duties and maintain appropriate records to demonstrate compliance with this provision.

(7) Any disputes or disagreements regarding the entitlement of the monthly allowance for active firefighting duties shall be resolved in accordance with the dispute resolution mechanisms as set out in labour related laws or in the Arbitration Act No. 18 of 2022.

(8) This regulation shall apply to all workers employed as firefighters by private entities or organisations, excluding those employed by the National Fire Force or any other public authority responsible for firefighting, unless otherwise provided by specific legislation or regulations governing the employment conditions of firefighters in public service.

42. (1) A worker engaged in waste collection shall be entitled to a monthly engaged in waste waste collection allowance, which shall be determined by the contract of employment and or collective bargaining of agreement where applicable. Allowance for workers monthly basic salary.

(2) The purpose of the waste collection allowance is to recognize the unique nature of waste collection work and provide fair payment to workers for their efforts in managing different types of waste, including potential health and safety risks associated with such tasks.

(3) The waste collection allowance shall be paid in addition to the worker's regular salary and any other applicable allowances or benefits provided under their employment contract or relevant laws and regulations.

(4) The employer shall ensure the timely and accurate payment of the waste collection allowance to workers engaged in waste collection, maintaining proper records to demonstrate compliance with this provision.

43. (1) A worker who is required to perform duties in an acting capacity in a for which they were not originally employed or promoted, and such acting period exceeds 3 months, the worker shall be entitled to receive the same allowances that are paid to the substantive holder of that position. Acting allowance.

(2) The entitlement to allowances for workers in acting positions shall serve as recognition for the additional responsibilities and duties performed by the worker during the acting period.

(3) Any disputes or disagreements regarding the entitlement or calculation of the waste collection allowance or allowances for acting positions shall be resolved in accordance with the dispute resolution mechanisms in related labour laws or under the Arbitration Act, No.18 of 2022.

(4) This regulation shall apply to all workers engaged in waste collection, regardless of the type of waste or the employing entity, unless otherwise provided by specific legislation or regulations governing waste management and related employment conditions.

Pro-rated allowances for casual or daily wage workers.

44. (1) For casual or daily wage workers, the allowances payable under these Regulations shall be pro-rated based on the worker's monthly basic salary and the nature of the work undertaken.

(2) The pro-rated calculation of allowances aims to ensure fair payment for casual or daily wage workers, taking into account the duration and nature of their employment.

(3) The pro-rated allowance shall be determined by dividing the worker's monthly basic salary by the number of working days in a month and multiplying it by the number of days the worker has worked during the specific period for which the allowance is payable.

(4) The nature of the work undertaken by the casual or daily wage worker shall also be considered in determining the pro-rated allowance. Different types of work may have varying levels of skill, effort, or risk, which may warrant different allowances.

(5) The employer shall maintain accurate records of the daily or casual wage worker's attendance, duration of work, and the corresponding pro-rated allowance paid for each specific period.

(6) The pro-rated allowance shall be paid in addition to the worker's daily or casual wage, providing fair pay for the specific tasks performed during the employment period.

(7) Any disputes or discrepancies regarding the calculation payment of the pro-rated allowance shall be resolved in accordance with the applicable laws, regulations, or the established dispute resolution mechanisms in labour related laws or under the Arbitration Act No.18 of 2022.

(8) This regulation shall apply to all casual or daily wage workers unless otherwise specified by specific legislation or regulations governing their employment conditions.

45. (1) The specific allowances provided for under this Part of the Regulations shall not affect the payment of general allowances that are payable by the employer to workers.

Relationship between specific allowances and general allowances.

(2) General allowances are additional forms of benefits that are provided to workers on a regular basis without being directly linked to specific circumstances or requirements as outlined in these Regulations.

(3) Examples of general allowances include, but are not limited to, housing allowances, transportation allowances, meal allowances, or other similar benefits that are commonly provided by the employer to workers.

(4) The specific allowances outlined in this Part of the Regulations are intended to address particular situations, risks, or additional responsibilities associated with certain types of work or specific conditions. They are separate and distinct from the general allowances.

(5) Workers who are eligible for specific allowances under this Part of the Regulations shall continue to receive any applicable general allowances to which they are entitled in addition to the specific allowances.

(6) The payment of specific allowances shall not reduce or replace the employer's obligation to provide general allowances as stipulated in employment contracts, collective agreements, or applicable laws and regulations.

(7) Employers shall ensure that workers receive both specific allowances and any applicable general allowances to which they are entitled in accordance with the terms and conditions of their employment.

PART X - EMPLOYMENT CENTRES

Registration
at centres.

46. (1) Any person seeking employment and wishing to register at an employment centre established pursuant to section 30 of the Act and in accordance with Form No.10 in the First Schedule shall have the option to register either in-person at the Centre or online through the Centre's designated website or portal.

(2) For in-person registration at an employment centre, every person shall provide the following documents-

- (a) 2 recent clear passport-size photographs;
- (b) a comprehensive curriculum vitae detailing their education, work experience, skills, and qualifications;
- (c) valid national identification card, driver's license, passport, or any other government-issued identification document for verification and record-keeping purposes; and
- (d) any additional information or documents deemed necessary by the centre to assist in determining the most suitable employment opportunities for the job-seeker, such as educational certificates, reference letters, or skills certifications.

(3) For online registration, individuals shall be required to provide the necessary information and upload the required documents as specified on the Ministry's website or portal. The centre shall ensure the security and confidentiality of the online registration process and take appropriate measures to verify the authenticity of the information and documents provided.

(4) Upon receipt of the completed registration form, whether submitted in- person or online, a designated staff member at the employment centre shall review the information provided by the job seeker. If deemed necessary, an interview may be conducted, either in-person or through electronic means, to gather further details regarding the job seeker's skills, experience, and preferences.

(5) Once the registration process is completed, the job seeker's application and relevant details shall be securely stored in the Ministry's database. The information will be treated with strict confidentiality and in accordance with applicable data protection laws and regulations.

(6) A job seeker who fulfills the requirements specified and successfully completes the registration process, whether in-person or online, shall be issued an unemployment certificate. The unemployment certificate can be accessed and downloaded electronically through the centre's website or portal and can be presented by the job seeker upon request by potential employers or relevant authorities as proof of their registration with the employment centre.

(7) The employment centre shall periodically review and update the registered job seekers' information to ensure its accuracy and relevance. Job seekers shall be notified of the need to update their records and provide any necessary additional information promptly, whether through in-person visits or online updates.

(8) The employment centre shall obtain from employers' precise information on vacancies notified by them and the requirements to be met by workers they require.

(9) The employment centre shall establish and maintain appropriate safeguards to protect the confidentiality and security of the job seekers' personal information, whether submitted in-person or online, in accordance with applicable data protection laws and regulations.

47. (1) After successful registration with an employment centre, each Job seeker shall further be issued a labour card. The labour card shall serve as an official document that verifies the job-seeker's registration and entitles them to certain benefits and privileges.

(2) The labour card shall entitle every person to the following benefits:

- (a) access and preference to employment opportunities: The job-seeker shall be given priority consideration for suitable job openings and employment opportunities that become available through the employment centre. The labour card shall serve as evidence of the job-seeker's eligibility and registration status;
- (b) job placement assistance: The job-seeker shall receive vocational guidance, counseling, and training and retraining support from the employment centre's staff to enhance their employability and facilitate their job search. This may include assistance with resume writing, interview preparation, and skills development programs tailored to their needs;
- (c) training and skill development programs: The job-seeker shall have access to various training and skill development programs offered by the employment centre. These programs aim to enhance the job-seeker's skills, upgrade their qualifications, and improve their chances of securing suitable employment;

- (d) employment-related information and resources is key as the job-seeker shall have access to up-to-date information and other employment-related resources. The employment centre shall provide regular updates and notifications to registered job-seekers through various channels, including the centre's website, email, or sms alerts; and
- (e) support services for self-employment and entrepreneurship: The labour card holder may receive support, guidance, and access to resources to start their own business or pursue self-employment opportunities. This may include assistance with business planning, access to financing options, mentorship programs, and networking opportunities.

(3) The specific terms, conditions, and entitlements associated with the labour card shall be determined by the employment centre in accordance with the applicable laws and regulations governing employment and job-seeker services.

(4) The labour card shall remain valid for a period of 1 year, and job-seekers shall be responsible for renewing or updating their card as required by the employment centre. Failure to renew the card within the specified timeframe may result in a loss of entitlements and benefits.

(5) The employment centre shall take necessary measures to ensure the security and integrity of the labour cards and prevent misuse or unauthorized duplication. Job-seekers shall be required to present their labour card when availing themselves of the benefits and services provided by the employment centre or prospective employer.

(6) The employment centre shall maintain a record of labour card issuance, renewals, and updates in its database to facilitate efficient administration and monitoring of job-seekers' entitlements and benefits.

Job vacancies
from
employers.

48. (1) Employers seeking to recruit job-seekers shall submit comprehensive details of the vacancies to the employment centre. The notification shall include the following information-

- (a) the legal name or registered name of the employing organization;
- (b) description of the business - a brief overview of the organization's activities, industry or sector;
- (c) vacancies available - the specific positions or roles that are open for recruitment;
- (d) requirements for the position-the qualifications, skills, experience, and any other criteria necessary for the job-seeker to be considered for the vacancy;
- (e) terms of reference-the job description, duties, responsibilities, and any other relevant details related to the position;
- (f) proposed employment commencement date - the anticipated start date for the successful candidate; and
- (g) any additional information or documents - any supplementary information or documents that may be required by the employment centre to facilitate the matching process effectively.

(2) The employment centre shall utilize its resources and expertise to match the qualifications and skills of registered job-seekers with the available job vacancies. The centre shall consider factors such as education, work experience, skills, and preferences to determine suitable matches.

(3) Prior to recommending a job-seeker for a vacancy, the employment centre shall communicate the details of the job vacancy to individual. The job-seeker shall have the opportunity to review the vacancy details and confirm their willingness to be considered for the position. This confirmation may be in the form of written consent, electronic communication, or any other method specified by the employment centre.

(4) The employment centre shall prioritize transparency and fairness in the matching process, ensuring that job-seekers are adequately informed about the available job vacancies and their compatibility with the job-seeker's qualifications and preferences.

(5) The employment centre may provide additional support services to both employers and job-seekers, including assistance with preparing job advertisements, conducting pre-employment assessments, facilitating interviews, and offering guidance on recruitment best practices.

(6) The employment centre shall maintain a database of job vacancies, employer details, and job-seeker's qualifications to facilitate efficient matching and tracking of job placements. The centre shall regularly update and monitor the database to ensure accurate and up-to-date information.

(7) Employers and job-seekers shall comply with the procedures and guidelines specified by the employment centre regarding the submission and processing of job vacancy notifications and job-seeker recommendations.

(8) The employment centre shall periodically evaluate the effectiveness of the job-matching processes, seek feedbacks from employers and job-seekers alike, and make necessary improvements to enhance the efficiency and quality of the service provided.

PART XI- PRIVATE EMPLOYMENT AGENCIES

Employment agencies.

49. (1) No person shall engage in or operate as an employment agency without first obtaining a valid license.

(2) The Ministry shall have the authority to grant license to individuals and entities seeking to operate as employment agencies, subject to the fulfillment of specific requirements.

(3) The Commissioner may, impose conditions and restrictions on the issuance of licenses, taking into account factors such as the applicant's qualifications, financial stability, integrity, and compliance with relevant laws and regulations.

(4) A license granted under this regulation shall specify the scope of activities that the employment agency is authorized to undertake, including but not limited to recruitment, placement, and provision of employment-related services.

(5) The Commissioner may, from time to time, review and assess the performance and conduct of licensed employment agencies to ensure compliance with the provisions of these and any other applicable regulations.

(6) Any person found operating as an employment agency without a valid license shall be liable to penalties and sanctions as prescribed by this Act, including but not limited to fines, suspension, or revocation of the license.

(7) Any person who contravenes the provisions of this regulation or fails to comply with the conditions of a license granted under these regulations shall be subject to penalties and sanctions as specified by this Act, including but not limited to fines, suspension, or revocation of the license.

50. (1) Any person desiring to establish and operate a private agency shall first register the agency with the Corporate Affairs Department of the National Investment Board or any other authorized body as a body corporate prior to applying for a license from the Commissioner. Registration
licensing
requirements.

(2) The person shall pay a prescribed license fee.

(3) In addition to the license fee, the person shall provide a security deposit of NLE 50,000.00 to serve as insurance in the circumstance the agency contravenes the conditions of the license.

51. (1) An application for a license under regulation 50 shall be made in the prescribed Form No. 7 of the First Schedule and shall contain the following particulars- Application
for license.

- (a) the corporate documents of the business;
- (b) the business plan of the agency;
- (c) audited financial statements of the agency, where available;
- (d) evidence of experience or qualifications of key personnel to provide services as a private employment agency;
- (e) a certificate of good standing to carry out business; and
- (f) the prescribed fee as the accompanying payment.

(2) Upon receiving an application for a license, the Commissioner shall review the application and grant the license, which shall be valid for a period of 2 years if the following conditions are met-

- (a) the applicant's workplace is deemed suitable for the operation of a private employment agency;
- (b) the applicant has not been convicted of an offence involving fraud and dishonesty under any law in Sierra Leone within the last 5 years ending on the date of the application.

Notification
of refusal of
license.

52. In the event that the Commissioner refuses to grant a license to an applicant under this part of these Regulations, the Commissioner shall within 14 working days notify the applicant of the decision, providing clear and specific reasons for the refusal.

Record
keeping.

53. (1) A private employment agency that has been granted a license under this part shall maintain comprehensive records of its operations.

(2) The records to be kept by the private employment agency in accordance with sub-Regulation(1) above shall include the following information-

- (a) the details of individuals who have been provided employment during the year;
- (b) the extent of training, if any, provided to these individuals;
- (c) the qualifications and experience of the individuals;
- (d) the details of the destination country and employers to whom employment placements have been made; and
- (e) the rate of retention of individuals placed in employment.

54. (1) A private employment agency that has been granted a license under this part of the regulations shall submit an annual report to the Commissioner before the 30th January the following year.

Report of private employment agency.

(2) The annual report to be provided by the private employment agency shall contain the following particulars set out in Regulation 55(2)-

- (a) the details of persons to whom employment has been provided in the year;
- (b) the level of training offered, if any, to these persons;
- (c) the qualifications and experience of these persons;
- (d) the details of the employers to whom employment placements were made; and
- (e) the rate of retention of persons placed in employment.

55. (1) A license granted under this part shall be subject to renewal upon application made by the license and the payment of a renewal fee.

Criteria for license renewal.

(2) The renewal of a license shall be granted if the private employment agency continues to satisfy the criteria prescribed in Regulation 53(2) and shall be renewed for a period of 12 months on each occasion.

56. Where the holder of a license granted under this part has been convicted of revocation involving fraud or dishonesty under any law during the validity of the license or has provided false information in an application under this part of these Regulations, or where in the opinion of the Commissioner-

Ground for revocation of licence.

- (a) the holder is deemed unsuitable to continue operating as a private employment agency; or
- (b) the workplace where the holder conducts the business of an employment agency is no longer suitable for such operations, the Commissioner shall revoke the license.

Notice and opportunity to rectify.

57. (1) In the event that the Commissioner intends to revoke a license under these regulations, he shall issue the license holder a notice specifying the grounds for revocation in accordance with Form no. 6 of the First Schedule. The license holder shall be given a period of 21 days to rectify any issues identified as the basis for the proposed revocation.

(2) If the license holder fails to comply with the notice issued under sub- Regulation(1) above, the Commissioner shall revoke the granted license.

Right to appeal against refusal and revocation of licence.

58. (1) If an applicant is aggrieved with the decision of the Minister to refuse or against refusal revoke the license granted pursuant to Regulation 51(1), they shall have the right to and appeal to the High Court. The appeal process shall be conducted by invoking the appellate jurisdiction of the High Court.

(2) The applicant or holder of a license, who is aggrieved by the decision of the Minister to revoke the license, shall have the right to appeal to the High Court. The appeal process shall be conducted in accordance with the provisions relating to the appellate jurisdiction of the High Court.

(3) Where a party aggrieved by the Minister's decision appeals against the revocation, the decision to revoke the license shall, subject to the discretion of the High Court, be stayed until the Court determines otherwise. The High Court may grant a stay of the revocation decision, ensuring that the license remains in effect during the pendency of the appeal, taking into consideration the interests of justice and any relevant circumstances.

(4) Upon the hearing of an appeal under this regulation, the Court shall have the authority to either confirm the Commissioner's decision or allow the appeal. If the appeal is allowed, the Commissioner shall act in accordance with the directions given by the Court, which may include the reinstatement of the license, the variation of conditions, or any other appropriate remedy as deemed fit by the Court.

(5) A decision of the Court on an appeal under this regulation shall be considered final, subject to the provisions of the Supreme Court Rules Public Notice No.1 of 1982, however, with leave granted by the High Court, an appeal may be made to the Court of Appeal specifically on a specified question of law arising from the decision rendered by the High Court. The Court of Appeal shall have jurisdiction to review and determine the legal question at hand and provide its judgment accordingly.

59. (1) The Commissioner, Director and Labour Officials shall be deemed to be authorized officials for the purposes of this regulation. Additionally, the Minister may appoint any other individuals who are deemed necessary to be authorized officers to carry out the provisions of this regulation. Power of entry, inspection etc.

(2) An authorized officer may, at all reasonable times-

- (a) enter without notice and inspect any premises where the business of an employment agency is being conducted or in respect of which an application under Regulation 41 of these regulations has been made;
- (b) inspect the books and records pertaining to the business of the employment agency that are required to be maintained under this part. The authorized officer may also make copies of any entries in such books or records; and

- (c) require any person engaged in or intending to engage in the business of an employment agency to provide information that the authorized officer reasonably requires to ascertain whether the agency's business is being or is likely to be conducted in accordance with the provisions of this part.

(3) It shall be prohibited for any person to-

- (a) obstruct or impede an authorized officials in the exercise of any powers conferred upon them by this regulation;
- (b) fail or refuse to provide the authorized officials, after confirmation of their authority, with any information that the officer is entitled to demand under this regulation;
- (c) provide the authorized officials with information that the person knows to be false or misleading in a material particular.

Offenses and penalties.

60. (1) If any person contravenes the provisions of this part, they shall be deemed to have committed an offence and, upon summary conviction, shall be liable to a fine of at least 12 months minimum wage. In the case of a continuing offence, the person shall be liable to a further fine of at least 6 months minimum wage for each day during which the offence is continued.

(2) In the event that an offence under this part is committed by a body corporate, and it is proven that such offence was committed with the consent or approval of, or facilitated by the willful neglect on the part of any director manager, secretary, or other officials of that body corporate, such director manager, secretary, or other officials shall also be deemed to be guilty of the same offence.

61. All funds received under this part of these regulations shall be deposited into the Single Treasury Account or disposed of for the benefit of the state in such manner as the Ministry of Finance shall direct.

Management and utilization of funds received.

PART XII - LABOUR TRAVELLING CLEARANCE

62. (1) A non-Sierra Leonean employer intending to travel out of Sierra Leone shall apply to the Commissioner for a Labour Travelling Clearance, as provided for in Section 26 of the Act. A non-Sierra Leonean employer shall complete the prescribed form in Form No. 9 in the First Schedule and submit the following particulars:

Labour travelling clearance.

- (a) a cover letter accompanying the completed form;
- (b) license to carry on business in Sierra Leone;
- (c) copy of the bio data page of the applicant's passport;
- (d) statement certified by the head of the accounting department of the employer, confirming no outstanding employment or labour-related obligations or liabilities in Sierra Leone;
- (e) international address and contact details; and
- (f) payment of the prescribed fee.

(2) The Commissioner shall not consider or grant an application for a Labour Travelling Clearance if the application is incomplete.

(3) Where applicable, the application for a travel clearance shall be completed online.

(4) Upon receipt of the application, the Commissioner shall review it. If the requirements outlined in sub-regulation (1) above are satisfied, the Commissioner shall grant the Labour Travelling Clearance within 7 working days. In cases of emergencies and subject to the payment of a special fee, the application shall be processed within 2 working days.

(5) In the event of non-compliance with sub-regulation(1) above, if employer makes adequate arrangements to the satisfaction of the Commissioner to address any employment or labour-related obligations, a Labour Travelling Clearance shall be issued to the employer based on the terms stated in the Clearance.

(6) A Labour Travelling Clearance issued under sub-regulations(3) and (4) above shall be valid for a period of 1 year. The employer may apply for renewal upon expiration.

(7) In the case of a corporate entity, the senior management expatriate be the persons obligated to apply for a Labour Travelling Clearance.

(8) If, in the opinion of the Commissioner, the requirements for issuing a Labour Travelling Clearance have not been fulfilled, and adequate arrangements have not been made by the employer to address any observed issues, the application may be refused.

(9) The Commissioner shall promptly inform the applicant inwriting of the decision to refuse the Labour Travelling Clearance, providing reasons for the refusal.

(10) An employer who is aggrieved by the decision of the Commissioner shall have the right to appeal to the Minister within 7 working days or within a time period permitted by the Minister, not exceeding 21 working days. The appeal shall be accompanied by reasons supporting the appeal.

(11) The Minister shall consider the appeal and render a decision within 7 working days.

(12) The decision rendered by the Minister shall be final and shall not be subject to any further appeal or adjudication in any Court in Sierra Leone.

PART XIII - EMPLOYMENT EQUALITY AND NON-DISCRIMINATION

63. (1) An employer shall apply equal treatment in the remuneration of workers and non-performing the same work or work of equal value avoiding engagement in discriminatory discrimination practices based on colour, disability, political affiliation, national extraction, marriage, in pregnancy and maternity, race, religion or belief, sex, membership of a trade union, organization or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation or any other criteria that would discriminate against a worker.

Equal remuneration and non-discrimination in employment.

(2) It shall be unlawful for an employer, with the intention of complying with the provisions of sub-regulation (1) above, to reduce a worker's rate of remuneration in a manner that is detrimental to the worker.

(3) In cases where an employer has been paying different rates of remuneration for the same work or work of equal value based on the grounds of colour, disability, political affiliation, national extraction, marriage, pregnancy and maternity, race, religion or belief, sex, membership of a trade union, organization or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation, or any other criteria that would discriminate against the worker prior to the commencement of these Regulations, the highest rate of remuneration among the existing rates (in cases of only two rates) or the highest rate among multiple rates (in cases of more than 2 rates) shall be the rate at which remuneration shall be payable from the commencement of these regulations.

Prohibition
of
discrimination
in
employment.

64. (1) It shall be unlawful for an employer, during the recruitment process or in any discrimination in condition of service subsequent to recruitment, such as promotions, training, or transfer, to discriminate against a worker based on the grounds of colour, disability, political affiliation, national extraction, marriage, pregnancy and maternity, race, religion or belief, sex, membership of a trade union, organization or social origin, that has the effect of nullifying or impairing equality of opportunity or treatment in employment occupation, or any other impairment attributes.

(2) Notwithstanding the provisions of sub-regulation (1), if the employment of certain individuals is prohibited or restricted by or under the authority of any applicable law, the failure to employ or assign a worker to a particular task shall not be deemed discriminatory.

(3) In the event of a violation of the prohibition on discrimination under this regulation, the affected worker shall be entitled to the remedies provided for in section 17 of the Act and such other remedies as may be as provided for by law, including but not limited to compensation, reinstatement, or other forms of relief as may be determined by the Commissioner of Labour on a complaint made to the effect or by the Courts.

(4) Any agreement or contract that purports to waive or limit the rights of workers under this regulation shall be null and void to the extent that it contravenes the provisions of this regulation.

(5) In any proceedings brought under this regulation, the burden of proof shall rest on the employer to demonstrate that any differentiation, exclusion, or preference in employment was based on valid and non-discriminatory grounds as allowed by law.

(6) The prohibition on discrimination under this regulation shall apply to all aspects of employment, including but not limited to recruitment, hiring, terms and conditions of employment, promotions, training, transfers, and termination.

(7) Employers are encouraged to develop and implement equal opportunity and treatment, policies that promote a fair and inclusive work environment, free from discrimination, and to provide regular training to workers on the importance of equal treatment and respect for diversity.

(8) Subject to section 15 of the Act the employer shall ensure workers are protected from violence and harassment including sexual harassment in the workplace. The employer shall provide adequate redress mechanisms to deal with complaints by workers of violence and harassment including sexual harassment.

(9) Employers shall cooperate fully with regulatory authorities responsible for enforcing non-discrimination laws and shall provide any requested information or assistance in investigations related to allegations of discrimination in the workplace.

PART XIV - CLAIMS FOR UNFAIR DISMISSAL

65. (1) Subject to the provisions of section 92 of the Act, an employer shall not unfairly apply a different set of treatment to his workers in the course of their employment. Workers claim for dismissal.

(2) Where a worker dismissed from employment is aggrieved that the dismissal is unfair under Part IX of the Act and wishes to make a claim for unfair dismissal, he shall do so in writing, stating the reasons for his grievance.

(3) Upon receipt of the complaint, the Commissioner shall determine whether an inquiry ought to be held and, if it so determines, hold an inquiry into the complaint.

(4) Where the Commissioner decides to hold an inquiry, he shall do so in public.

66. (1) In the hearing of a complaint, the Commissioner shall have the same powers as a Judge of the High Court in respect of the summoning of witnesses, requiring the production of documents, and the examination of witnesses or the parties on oath administered by him. Proceedings on complaint for unfair dismissal.

(2) A summons under sub-regulation (1) shall be in the Form No. 11 set out in the First Schedule.

(3) A person summoned or subpoenaed to attend and give evidence or to produce documents at any hearing before the Commissioner shall be bound to obey such summons as witnesses are bound to comply with subpoenas issued out of the High Court.

(4) A person who fails without reasonable excuse to attend to a summons or subpoena issued by the Commissioner at the time and place appointed or who withdraws from a hearing without the permission of the Commissioner or refuses to answer questions put to him, or refuses to produce any document required of him, without reasonable excuse shall be guilty of contempt and the Commissioner shall refer the matter to the High Court for determination.

(5) No person giving evidence in any hearing before the Commissioner shall be compelled to incriminate himself and shall, in respect of any evidence so given, be entitled to the privilege to which a witness giving evidence before the High Court is entitled.

Employer to
be given fair
hearing.

67. An employer against whom a complaint of unfair dismissal is made shall be given a period of 7 working days within which to respond to the complaint. The Commissioner shall furnish the employer with-

- (a) copy of the claim(s) made against him;
- (b) copies of relevant documents; and
- (c) give a reasonable opportunity to present a defense to the complaint.

Penalty for
unfair
dismissal.

68. (1) At the end of the hearing, the Commissioner shall render a decision within 10 working days.

(2) Where the Commissioner finds that the claims lack merit, he shall dismiss the complaint. Where the claim by the worker is found to have been established, the Commissioner shall make such order as he deems fit in accordance with section 93 of the Act, provided that the period between receipt of a complaint and the rendering of a decision shall not exceed 30 working days.

PART XV - COMPLAINT AGAINST DISCIPLINARY PENALTY

69. (1) A worker who perceives a disciplinary penalty imposed on unreasonable or them as unreasonable or unjustified has the right to lodge a written complaint to the Commissioner. Complaint procedure for unreasonable or unjustified disciplinary penalties

(2) In accordance with Form no. 8 of the First Schedule, the complaint submitted by the aggrieved worker shall include the following essential information-

- (a) name and address of the employer;
- (b) date of employment commencement;
- (c) nature of employment;
- (d) nature of the complaint;
- (e) details of the disciplinary penalty imposed;
- (f) reason(s) why the worker believes the disciplinary penalty is unreasonable or unjustified; and
- (g) any additional information the worker deems relevant to substantiate the complaint.

(3) Upon receipt of the written complaint, the Commissioner shall review the details provided and evaluate the worker's allegations against the disciplinary penalty.

(4) The Commissioner's review is to ensure a fair assessment of the complaint, considering the specific circumstances and merits of the case, leading to an appropriate resolution.

**Inquiry
process for
Complaints.**

70. Upon receipt of the complaint, the Commissioner shall determine whether an inquiry ought to be held and if he so determines, an inquiry shall be held into the complaint.

**Procedure
for hearing
Disciplinary
penalty
complaint.**

71. (1) The Commissioner shall invite the employer to respond to the complaint by giving 7 working days' notice in writing or such other reasonable period as the circumstances shall warrant, which shall not exceed 14 working days to respond to the complaints. The Commissioner shall furnish the employer with the particulars of the complaint.

(2) In responding to a complaint, the employer shall be required to produce all documents pertaining to the disciplinary matters and such other information justifying the imposition of the penalty complained against. Such information shall demonstrate that the disciplinary penalty has consistently been applied to other workers in the past or between two or more workers who participated in the misconduct of a similar nature.

(3) Where the employer fails to comply with the invitation of the Commissioner, the Commissioner shall proceed to review and determine the complaint and make such determination as shall be reasonably justified as stipulated in section 83(6) of the Act.

(4) Where the employer responds to the invitation of the Commissioner, the Commissioner shall, within a period of 5 working days or within such other reasonable period as he shall determine, but which shall not exceed 10 working days, issue out notices to both parties informing them of the hearing of the complaint.

(5) The Commissioner shall, after hearing both parties, render a decision within 10 working days or such other reasonable period as the circumstances shall require, which shall not exceed 15 working days.

(6) Where the Commissioner finds that the disciplinary penalty is reasonable or justified, he shall dismiss the complaint. Where he determines that the complaint is reasonable or justified, he shall make such orders as stipulated in section 83(6) of the Act.

(7) The period from the receipt of a complaint to the rendering of a decision shall not exceed 30 working days.

PART XVI - END OF SERVICE

72. (1) When a contract of employment is terminated in accordance with employment the provisions of the Act, the employer shall ensure the following payments are made to and the worker- ^{Termination of compensation entitlement.}

- (a) the payment of all remuneration earned by the worker up to the date of termination;
- (b) the payment of any deferred pay or outstanding wages owed to the worker prior to the termination;
- (c) the provision of compensation to the worker where applicable, in respect of sickness or accident as stipulated by the relevant laws and regulations;
- (d) in the case of a foreign contract, the employer shall bear the expenses and costs associated with the repatriation of the worker, including

any accompanying family members, as applicable. It should be noted that this payment shall be made in addition to the payments specified in sub-regulations (a), (b), and (c);

- (e) the payment mentioned in sub-regulation (d) shall be made separately and in addition to the payments outlined in sub-regulations (a), (b), and (c).

(2) The employer shall ensure that the worker's end-of-service entitlement is paid not later than the expiration date of the notice of termination.

Notwithstanding the provisions of Regulation 77(1), either the employer or the worker may terminate the employment relationship without notice if the terminating party compensates the other party with an amount equal to the remuneration that would have been payable during the notice period.

Termination
of of
employment
not to affect
leave and
other
entitlement
earned.

73. (1) Upon the termination of a worker's employment, if the worker is entitled employment not to to annual leave, the employer shall provide the worker such annual leave allowance in affect leave and addition to the worker's end-of-service benefit and any other entitlements due to them which shall be separate from any Provident Fund and Social Security earned.

(2) The termination of a worker's employment shall not result in the deprivation of any other grants or awards that the worker is entitled to as of the date of termination.

(3) The provisions of sub-regulations (1) and (2) above shall not apply to cases where the employer has the right to dismiss a worker without notice.

(4) Where a worker has become entitled to end of service benefit or severance pay, any period in excess of 3 months or 6 months service shall be regarded as half and 1 year respectively.

74. (1) It shall be the responsibility of the employer to promptly notify the Commissioner within three working days after a worker ceases to be employed by the employer.

Notification of cessation of employment.

(2) Additionally, a worker has the right to report or notify the Commissioner of Labour regarding the cessation of his employment.

75. (1) In accordance with the provisions outlined in section 25 of the Act, every end of service employer shall annually augment the end-of-service or gratuity benefit account, determined in the actuarial valuation.

Obligation to augment end of service benefit account.

(2) The augmentation of the end-of-service benefit account shall be completed no later than March 31st of each calendar year.

76. With the agreement of the employer and the workers, and subject to the approval of the Commissioner, the monies accumulated at the end of service or gratuity benefit account, as provided for under section 25(1) of the Act may be account. invested in secure high returns yielding ventures or converted into a stable currency to prevent depreciation of its value.

Investment and currency conversion of end-of-service benefit

77. (1) Pursuant to section 25 (1)(b) of the Act, employers shall submit a report to the Commissioner, providing comprehensive details of the end of service or gratuity benefit account. The report shall include the following information-

End-of-service benefit account report.

- (a) the report shall include a clear breakdown of the contributions received by the employer throughout the reporting period. This encompasses the employer's contributions, as well as any additional contributions made by the workers, if applicable;
- (b) the report shall present a comprehensive overview of the interest accrued on the end-of-service benefit account during the reporting period. This includes any earnings generated through prudent investment strategies or interest-bearing instruments;
- (c) to ensure transparency and accountability, the report shall include a detailed account of the claims paid out from the end-of-service benefit account. This encompasses the disbursement of benefits to eligible workers upon termination of their employment;
- (d) the report shall disclose any account management fees that have been deducted from the end-of-service benefit account during the reporting period. This includes any administrative charges or fees levied for the management and maintenance of the account;
- (e) the report of the end-of-service benefit account provides a comprehensive overview of the account's financial activities, encompassing contributions received, interest accrued, claims paid out, and account management fees deducted.

78. (1) No withdrawal shall be made from the end of service or gratuity benefit account unless the employer complies with the provisions set forth in section 25 (3) of the Act. The employer shall notify the Commissioner regarding the intended withdrawal, seeking advice on the appropriate course of action.

Withdrawal procedures for end-of-service benefit account.

(2) Upon receipt of the withdrawal notice, the Commissioner shall carefully evaluate the circumstances and provide written advice on the appropriate course of action. The advice given by the Commission shall serve as a guide to the employer regarding the withdrawal from the end-of-service benefit account.

79. (1) A worker who has not been dismissed from employment shall be entitled to receive end-of-service benefit or severance in accordance with the rates end-of-service specified in the Second Schedule; provided that the employer shall be at liberty to offer his workers better rates than those stipulated in these Regulations.

Calculation and publication of end of service benefit.

(2) The Minister shall where applicable periodically publish in the Gazette changes to the rates of the end-of-service benefit or severance pay.

80. (1) Upon a request made by the Commissioner, an employer shall promptly submit an assessment of their current and future liabilities arising from workers' end-of-service or gratuity benefit obligations.

End of service or Gratuity benefit valuation report.

(2) The assessment shall include a comprehensive evaluation of the employer's financial obligations associated with providing end-of-service benefits or gratuity to their workers.

(3) An employer shall fulfill his obligation by submitting the assessment to the Commissioner within 21 working days from the date of the request.

(4) The assessment provided by the employer shall be a detailed report that accurately captures the current and projected liabilities associated with workers' end-of-service or gratuity benefits.

(5) The Commissioner shall handle the submitted assessments with the utmost confidentiality and in accordance with applicable data protection laws.

Local content compliance. 81. An employer who submits an actuarial valuation of his end of service or gratuity benefit scheme done by an Actuary based outside of Sierra Leone shall attach a Clearance Certificate from the Local Content Office showing that the valuation could not have been done in Sierra Leone.

Separation from employment. 82. Subject to section 82 of the Act, where there is a change of an employer either through a merger, takeover, or other forms of reorganization, a period of 3 months shall elapse for the new employment to take effect from old employment; otherwise, the worker shall be deemed to be in continuing employment with his old employer.

Protection of credit and dues earned in service. 83. (1) A credit or due earned by a worker in a specific year of service shall not be forfeited solely based on misconduct occurring in a subsequent year, except in cases of gross misconduct warranting summary dismissal.

(2) Gross misconduct refers to acts or behaviour that is grave in nature and breaches the fundamental terms and conditions of employment, leading to the immediate termination of the worker's contract.

PART XVII - REDUNDANCY

General right to redundancy payment. 84. (1) Subject to the provisions of section 82 of the Act, redundancy shall include constructive redundancy.

(2) A worker dismissed by his employer by reason of redundancy or laid off or kept on short time for the minimum period shall, subject to this regulation, be entitled to the payment of monies which shall be known as redundancy compensation; provided he has been in employment with the employer for at least a period of 1 year.

(3) For purposes of sub-regulation (1) above, a worker shall be deemed to have been dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to-

- (a) his employer ceasing or intending to cease, to carry on the business for which the worker was employed by him;
- (b) his employer ceasing or intending to cease, to carry on business in the place where the worker was employed; or
- (c) the requirements of the employer's business for the worker to carry out work of a particular kind in the place where he was so employed has ceased or diminished or are expected to cease or diminish.

(4) For the purposes of sub-regulation (1) above, a worker shall be taken as having been laid off or kept on short-time for the minimum period if he has been laid off or kept on short-time for a period of 4 or more consecutive weeks, or for a period of 6 or more weeks which are not consecutive, but which fall within a period of 13 consecutive weeks.

(5) Notwithstanding any other provision in these regulations, where a person who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is stopped from training or dismissed within 1 month after the end of that period, that person shall not, by reason of that stoppage or dismissal, be entitled to redundancy compensation.

(6) In this regulation, "requisite period" shall mean a period of 1 year of continuous employment with the same employer, excluding any period of employment before the worker attained 16 years.

Qualification
of general
rights.

85. (1) Notwithstanding anything contained in regulation 89, where a worker had been laid-off for an average period of more than 3 weeks within the requisite immediately preceding his redundancy, the following provisions shall have effect:

- (a) that worker shall not be entitled to redundancy compensation where he had been laid-off until a period equal to the lay-off duration over the requisite period in relation to that worker has elapsed after the date of lay-off;
- (b) if, before the termination of the period required to elapse under sub-regulation (a), that worker resumes work with the same employer, that worker shall not be entitled to redundancy compensation in relation to that lay-off;
- (c) if, before the termination of the period required to elapse under sub-regulation(a), the employer offers to re-employ that worker and that worker unreasonably refuses the offer, he shall not be entitled to redundancy compensation in relation to that dismissal or lay-off.

Notice for
proposed
dismissal for
redundancy.

86. (1) An employer who proposes to dismiss by reason of redundancy a dismissal for worker who has less than 1 year service with that employer's establishment shall, later than 2 weeks before the date of dismissal, give to the worker notice in writing of the proposed dismissal and send to the redundancy. Commissioner a copy of that notice.

(2) An employer who fails to comply with this regulation or furnishes false information in a notice under this regulation shall be guilty of an offence and shall be liable on summary conviction to a not exceeding 3 months minimum wage.

87. (1) This regulation shall have effect where-

Worker
anticipating
expiry of
employer's
notice.

- (a) an employer gives notice to a worker to terminate his contract of employment; and
- (b) at a time within the obligatory period of that notice, the worker gives notice in writing to the employer to terminate the contract of employment on a date earlier than the date on which the employer's notice is due to expire.

(2) Subject to sub-regulation(3), in the circumstances specified in sub-regulation (1) the worker shall, for the purposes of this Part, be taken to be dismissed by his employer, and the date in relation to that dismissal shall be the date on which the worker's notice expires.

(3) Where, before the period the worker's notice is due to expire, the employer gives him notice in writing-

- (a) requiring him to withdraw his notice terminating the contract of employment as mentioned in sub-regulation(1)(b) and to continue in the employment until the date on which the employer's notice expires; and
- (b) stating that, unless he does so, the employer will contest any liability to pay to him a redundancy compensation in respect of the termination of his contract of employment, but the worker unreasonably refuses to comply with the requirements of that notice, the worker shall not be entitled to a redundancy compensation by virtue of sub-regulation (2).

Redundancy
compensation.

88. (1) Upon the dismissal by reason of redundancy, a worker who is entitled under these Regulations to redundancy compensation, shall be paid in accordance with the rates specified in the Second Schedule; provided that his employer shall be at liberty to offer better rates than those stipulated in these Regulations.

(2) The Minister shall where applicable periodically publish in the Gazette changes to the rates of redundancy compensation.

Disentitlement
to redundancy
payment
because of
dismissal for
misconduct.

89. (1) Subject to sub-regulation 90(2), a worker who has been dismissed shall not be entitled to redundancy payment if his employer, being entitled to dismiss that worker's contract of employment without notice by reason of the worker's conduct, terminates the contract because of the worker's conduct-

- (a) without notice;
- (b) by giving shorter notice than that which, in the absence of such conduct, the employer would require to give to terminate the contract; or
- (c) by giving notice (other than such notice as is mentioned in sub-regulation(b) which includes, or is accompanied by, a statement in writing that the employer would, by reason of such conduct, be entitled to terminate the contract without notice.

(2) When a worker who has received the notice required by regulation 91 takes part, before the date of dismissal, in an industrial action including strike and his employer, by reason of such participation, terminates the contract of employment with the worker relying on regulation 94 (1), that sub-regulation shall not apply to such termination.

90. (1) Where after the commencement of this regulation, a worker's provide by reason of his employer's being unable to provide the work for which the worker was employed to do and- Employer unable to provide work.

- (a) it is reasonable in the circumstances for that employer to believe that the cessation of employment will not be permanent;
- (b) the employer gives notice to that effect to the worker prior to the cessation;
- (c) that cessation of employment shall be regarded for the purposes of these regulations as lay-off.

(2) Where by reason of a diminution in the work provided to a worker by his employer (being work of a kind which under his contract the worker is employed to do, the worker's remuneration for any week is less than one-half of his normal weekly remuneration, he shall for the purposes of this Part be taken to be kept on short time for that week.

PART XVIII: PENALTY FOR OFFENCES

91. In the absence of a prescribed penalty for any offense committed under these regulations, the following penalties shall apply- Penalty for offenses.

- (a) Upon summary conviction, the person shall be liable to a fine of at least 12 months national minimum wage or a term of imprisonment not exceeding 6 months or both;
- (b) In the case of a continuing offense, the person shall be liable to a further fine of at least 6 months national minimum wage for each day during which the offense is continued or to a term of imprisonment or both.

FIRST SCHEDULE

FORM NO. 1

Government of Sierra Leone

Employment Act 2023

Form No. 1

(Section 21 of the Act)

APPLICATION FOR THE REGISTRATION OF A WORKPLACE

Instructions: Applicant must submit together with this application three (3) copies of its M&A duly authenticated by the signatures of the CEO (Directors), Secretary General, and the Financial Secretary.

Full name of Applicant's Workplace:

.....

Sector or industry of the workplace.....

Date on which applicant was founded:

Statutory Equipment (if any):

Number of members:

Physical Address:

Postal Address:

Phone:

E-mail:

Office bearers (full names) and Position:

.....

.....

.....

.....

(If there are more office-bearers, attach list)

I certify that the above particulars are true and correct.

.....

Representative of Applicant (print name and sign)

Position

Date.....

To: Commissioner of Labour and Employment
Ministry of Labour
New England Ville

Government of Sierra Leone
Employment Act 2023
Form No. 2
(Sections 12, 13 and Regulation 6)

**APPLICATION FOR THE REGISTRATION OF A TRADE UNION AND
EMPLOYERS' ORGANISATION**

Instructions: Applicant must submit together with this application three (3) copies of its constitution duly authenticated by the signatures of the chairperson or president and the secretary of the organisation.

Full name of Applicant's Employers' or Workers' Organisation:

.....

Sector or industry to be represented:.....

Date on which Organisation/Union was founded:

.....

Number of members:.....

Physical Address:.....

Postal Address:.....

Phone:.....

E-mail:.....

Office bearers (full names) and Position:

.....

.....

.....

(If there are more office-bearers, attach list)

I certify that the above particulars are true and correct.

.....

.....

Representative of Applicant (print name and sign)

Position

Date.....

To: Commissioner of Labour and Employment

Ministry of Labour

New England Ville

Government of Sierra Leone
Employment Act 2023
Form No 3.
(Regulation 10 (3))

CANCELLATION/SUSPENSION/REVOCATION OF LICENSE FORM

BECAUSE OF YOUR TRADE UNION/EMPLOYER ORGANISATION'S FAILURE TO COMPLY WITH THE IMPROVEMENT NOTICE/PROHIBITION NOTICE, YOUR CERTIFICATE OF REGISTRATION AND OPERATIONAL LICENSE AS A TRADE UNION/EMPLOYER ORGANISATION IS HEREBY CANCELLED/SUSPENDED/REVOKED FORTWITH.

1. NAME OF TRADE UNION/EMPLOYER ORGANISATION

.....

2. PHYSICAL ADDRESS:

3. POSTAL ADDRESS:

4. PHONE:

5. PARTICULARS OF THE DECISION

.....

.....

.....

.....

SIGNATURE & DATE

COMMISSIONER OF LABOUR AND EMPLOYMENT

Government of Sierra Leone
Employment Act 2023
[Section 13 Regulation 7]
FORM No. 3.....

CERTIFICATE OF REGISTRATION AS TRADE UNION OR EMPLOYERS'
ORGANISATION

This is to certify that,

.....
has been registered as a trade union/employers' organisation,

IN THE REPUBLIC OF SIERRA LEONE

with effect from

.....
Labour Commissioner

.....
Date

Government of Sierra Leone
Employment Act 2023
(Section 20 and Regulation 17)

FORM No. 4

APPLICATION FOR CHANGE OF NAME, MEMORANDUM AND
ARTICLES OF ASSOCIATION, CONSTITUTION OR ADDRESS OF
REGISTERED TRADE UNION AND EMPLOYERS' ORGANISATION

Instructions: Attach hereto the following documents:

2 certified copies of resolution of Applicant containing the wording of the changes;
a certificate signed by the Applicant's chairperson stating that the resolution was
passed in accordance with its constitution.

Full name of Trade Union or Employers' Organisation:

.....

(i) Previous/ Former Name -

(ii) New Name

Physical Address:

..... (i) Previous/

Former Address NA

(ii) New Address NA.....

Telephone:

Postal Address:

E-mail address:

Section(s) or article(s) proposed to be changed:

I certify that the above particulars are true and correct.

.....

Representative of Applicant (print name and sign)

Position

Date:

To: Commissioner of Labour
Ministry of Labour
New England Ville

Government of Sierra Leone
 Employment Act 2023
 (Section 20, Regulation 17(2))
 FORM 5

CERTIFICATE OF APPROVAL OF CHANGES TO NAME, MEMORADOMAND
 ARTICLES OF ASSOCIATION / CONSTITUTION, ADDRESS OF
 ORGANISATION

I,, in my capacity as
 the Commissioner of Labour, hereby certify that I have approved the change of
 name, proposed amendment(s) to the Constitution or change of address of

 (Full name of Trade Union or Employers' Organisation) a copy of which is attached
 hereto.

(Signature) Date 20

Commissioner of Labour

To: (Name of trade union)

(Full Address)

Government of Sierra Leone
Employment Act 2023
(Section 5 (1) (d))
FORM NO. 6
IMPROVEMENT/PROHIBITION NOTICE

Instructions:

The compliance order can be directed against an individual employer, a company or a partnership. The Commissioner should direct the compliance order to the employer accordingly. If the employer is a company, the company can be cited. If the employer is a partnership, each partner should be cited.

Attach additional sheets if needed.

After serving this document upon the employer, the labour inspector must complete an affidavit of service.

To:(Full name, title and address of party to whom compliance order is directed):

.....
.....

Following an inspection conducted by the undersigned, a labour inspector duly appointed in Items of Section 5(1) of the Employment Act, 2023 on.....day of20.....at your premises located at..... I have reasonable grounds to believe that you/your company have violated the provisions of the Act set forth below.

1. I find that you/your company have violated the following sections of the Act, based upon the facts set out in relation to each violation:

Section..... Relevant facts:
.....
.....

Section..... Relevant facts:
.....
.....

Section..... Relevant facts:
.....

.....
 Section..... Relevant facts:

.....
 You are hereby ordered to take the following action to remedy each of the above-mentioned violations, within thirty days of receipt of this compliance order:

.....
 You must post a full copy of this order on your premises in a location that is fully visible to the affected employees.

Failure to comply with this compliance order constitutes an offence in terms of section 5(1)(d) of the Act, which is punishable by a fine not exceeding Le 10,000 or imprisonment for a period not exceeding two years or both.

.....
 (Print name and sign):

Commissioner..... Date:

Address.....

Telephone..... E-mail.....

Government of Sierra Leone
Employment Act 2023
(Sections 20 & 31 Regulation 51 (1))
FORM NO. 7.....

APPLICATION FOR PRIVATE EMPLOYMENT AGENCY LICENSE

New License
License Renewal
License #
Date of Application

Application is hereby made for a license to open, operate, and maintain a private employment agency. The undersigned attests that he is familiar with all the requirements of law governing private employment agencies and that if granted a license, he will abide by the rules and regulations based on sections 20, 31 (1) of the Employment Act and Regulations xx

AGENCY INFORMATION

Agency Name Telephone
D/B/A
Agency Address
Type of Organization
(Sole Proprietorship, Corporation, Partnership or Business Association)

LIST NAMES & ADDRESSES OF ALL RESPONSIBLE PARTIES OF THE ORGANIZATION:
(Proprietor, Corporate Officers, Partners or Members)

Name Address
Name Address
Name Address
Name Address
Manager's Name Address

INDIVIDUAL
INFORMATION

This section is to be filled out by the proprietor, corporate president, responsible partner or responsible member. A separate page may be used for additional information.

PERSONAL HISTORY List all addresses where you have resided for the past five (5) years.

Last Name First Middle

Date of Birth NIA Age

Present Address From To

Prior Address From To

Prior Address From To

EMPLOYMENT HISTORY Starting with your most recent employer, state all employers for the last five (5) years

From To Co. Name Address

From To Co. Name Address

From To Co. Name Address

From To Co. Name Address

PERSONAL REFERENCES

Name Address

Name Address

Name Address

GENERAL INFORMATION Answer fully. Use separate page if necessary.

Have you, or any organization to which you belonged, ever had a license to operate an employment agency in Sierra Leone or any other country?

Yes No If yes, when, where and under what name?

Have you, or any organization to which you belonged, ever been refused a license to operate an employment agency in Sierra Leone or any other country?

Yes No If yes, when where and why?

Have you, or any organization to which you belonged, ever had an employment agency license revoked in Sierra Leone or any other state?

Yes No If yes, when, where and under what name.....

.....

Are you employed, or do you presently administer, own or otherwise participate in another employment agency in Sierra Leone or any other country?

Yes No If yes, where and for how long? List the name and address

of agency (s) and nature of relationship:

.....

Have you ever been convicted of a felony in Sierra Leone or any other country?

Yes No If yes give details below

If presently employed in a private employment agency, are you under an employment contract with your present employer?

If under contract with another agency, will the actions and scope of the proposed agency be in violation of that contract?

Yes No If yes, explain:

Will the agency be operating as a franchise?

Yes No If yes, name the franchise:

9. If the agency name is a Doing Business As (D/B/A) name, state the true name:

.....

10. Agency Incorporation Number:

CERTIFICATE I affirm and state that the above information and statements are true, complete and correct to the best of my knowledge and belief.

Signature Title Date

Subscribed and sworn before me this day of 20.....

Notary Public

My commission expires

Please Note: In addition to completing the above application, the following requirements must be met:

Attach to this application, a current personal or business financial statement.
 Proof of a Le100,000.00 employment agency bond required by law must accompany this application.

The licensing fee of Le100,000.00 must accompany this application.

Attach to this application the schedule of fees, charges and commissions you expect to charge for your services, together with a copy of the agency contract. (All advertisements and statements, window signs, door signs, and all literature used, displayed or circulated by any such agency shall contain the regularly licensed name of the agency).

A complete statement of the proposed agency's refund policy must accompany this application. Please Note: Elaborate fully as this statement of refund policy will be used as reference if and when a refund complaint is filed against the proposed agency. It is in the best interests of the agency and the general public if clients of the proposed agency are fully apprised of the conditions involving the refund.

Please give details of the employer against whom this complaint is being brought:

Name: Company Name: Address: Telephone:

Email:
.....

What are you seeking?	
<input type="checkbox"/>	Reinstatement (Work in the same job as before)
<input type="checkbox"/>	Re-engagement (work in the company, different job)
<input type="checkbox"/>	Compensation (to get an award of money)

Documents to assist your complaint: (check all that apply)

Pay Slips Written Warnings

Employment Contract Correspondence from Employer

Work Permit Other information (please describe below)

Termination Letter

Employee Handbook

Please provide copies of the documents checked above with this form.

I declare that the information provided is true and correct to the best of my knowledge and belief

Applicant must
attach 1 passport
size photograph
here.

Government of Sierra Leone

Employment Act 2023

(Section 26 Regulation 62 (1))

FORM NO. 9- TRAVELLING CLEARANCE APPLICATION FORM.

Applicant must attach 1 passport size photograph here.

TO: The Commissioner of Labour

Ministry of Labour

New England Ville

Freetown

1	NAME	
2	GENDER	
3	D.O. B	
4	NATIONALITY	
5	PASSPORT DETAILS	NO Date of Issue Date of Expiry
6	PRESENT ADDRESS	
7	PERMANENT ADDRESS	

I certify that the information given above are true and correct, and that my company/
organization is in good standing, and I have no intention of abandoning my duties.

.....
Signature

I..... the Human Resource Manager/
Director of and of No.
..... do certify that the information provided above by
..... are true and correct to the best of my knowledge
information and belief.

.....
Signature

Government of Sierra Leone
Employment Act 2023
[Section 30) Regulation.(46)]
FORM 10.....

APPLICATION FOR REGISTRATION AS A JOBSEEKER /AN EMPLOYEE
WITH THE EMPLOYMENT CENTRE
FORM NO. 10

TO: The Commissioner of Labour and Employment

<p>(FOR OFFICIAL USE (ONLY))</p> <p>REGISTRATION NUMBER:</p> <p>.....</p>

EMPLOYEE INFORMATION:

Surname: First Names:

Date of Birth

ID Number: (if any)

Passport Number (if any)

Marital Status:

Married	<input type="checkbox"/>
---------	--------------------------

Single	<input type="checkbox"/>
--------	--------------------------

Male	<input type="checkbox"/>
------	--------------------------

Female	<input type="checkbox"/>
--------	--------------------------

Address:

Residential Address:

Telephone Number:

Number of children: Male: Ages: Female: Ages:

Occupation:

Date of commencement of employment:

Monthly income:

If previously registered as an employee, state previous Social Security Registration Number:

EMPLOYER INFORMATION:

Employer's Registration Number:

Name:

Postal Address:

Telephone Number:

I (full names and capacity) certify that the above particulars are true and correct.

.....

EMPLOYER

DATE

(Regulation 66(2))

FORM NO. 11.....

NOTICE SUMMONS TO APPEAR BEFORE A LABOUR COMMISSIONER

FORM NO. 11

TO:.....

You are hereby invited to appear before the Commissioner for Labour
on..... the..... Day of..... 20..... at
(place).....

at..... O'clock in order to answer questions concerning the complaint
of.....

Who alleges

that.....

.....

.....

.....

You are ordered to bring with you for inspection and copying the following books,
documents and/or

objects:

.....

.....

.....

.....

.....

.....

Please be advised that the failure to comply with this invitation/request is an
offence punishable by a fine or imprisonment, or both.

.....

.....

Commissioner of Labour

Date

Received by(print name) Signature

Date:

SECOND SCHEDULE

Rates for Calculating Redundancy pay and End of Service benefit.

Save in the case of workers to whom the Collective Bargaining Agreements apply, the rates set out below shall constitute the minimum standards for end of service benefits and redundancy compensation to be applied by Employers:

1	Over 1 year but less than 4 years	6 weeks
2	4 years but less than 8 years	8 weeks
3	8 years but less than 12 years	10 weeks
4	12 years but less than 15 years	14 weeks
5	Over 15 years	18 weeks

MADE this day of _____, 2023.

MOHAMED RAHMAN SWARAY
Minister of Employment, Labour and Social Security

FREETOWN,
SIERRA LEONE,

