

**FINAL REPORT OF THE JOINT
COMMITTEE ON HEALTH,
WOMEN, CHILDREN, DISASTER,
HUMANITARIAN RELIEF AND
REFUGEES AND SELECT
COMMITTEE ON TRADE, NEPAD,
REGIONAL INTEGRATION, WTO,
WB, AND LDC OF THE
NATIONAL ASSEMBLY OF THE
GAMBIA
ON THE LABOUR (AMENDMENT)
BILL, 2020**

October 2020

Contents

1. MEMBERSHIP OF THE JOINT COMMITTEE	3
2. ACKNOWLEDGEMENT	4
3. INTRODUCTION	1
4. MANDATE.....	2
5. METHODOLOGY	2
6. THE LABOUR (AMENDMENT) BILL, 2020	3
7. PLANNING MEETING	5
8. PROCEEDINGS	5
8.1. Witnesses.....	5
8.2. Consultative Meeting on the Labour (Amendment) Bill, 2020.....	6
8.3. Evidence of witnesses	7
11. ANNEXES	11

1. MEMBERSHIP OF THE JOINT COMMITTEE

1.1. Members of the National Assembly Joint Select Committee of Health, Women, Children, Disaster, Humanitarian Relief and Refugees and Trade NEPAD, Regional Integration WTO, WB and LDC.

1. Hon. Ousman Sillah - Co-Chairperson (Health, Women and Children)
2. Hon. Muhammed Mahanera - Co-Chairperson (Trade)
3. Hon. Fatoumata Jawara - Member (Health, Women and Children)
4. Hon. Billay G. Tunkara - Member (Trade)
5. Hon. Musa Amul Nyassi - Member (Health, Women and Children)
6. Hon. Amadou Camara - Member (Health, Women and Children)
7. Hon. Saikou Marong - Member (Health, Women and Children)
8. Hon. Momodou S. Ceesay - Member (Trade)
9. Hon. Kaddy Camara - Member (Health, Women and Children)
10. Hon. Alhagie Sowe - Member (Trade)
11. Hon. Ya kumba Jaiteh - Member (Trade)
12. Hon. Omar Darboe - Member (Health, Women and Children)
13. Hon. Omar Ceesay - Member (Trade)
14. Hon. Lamin F.M. Conta - Member (Trade)
15. Hon. Abdoulie Ceesay - Member (Trade)
16. Hon. Kebba Jallow - Member (Trade)
17. Hon. Sulayman Saho - Member (Health, Women and Children)
18. Hon. Ndey Yassin Secka - Member (Health, Women and Children)

1.2. Secretaries

1. Sarata Bojang - Secretary (Health)
2. Isatou Sonko - Secretary (Health)
3. Fatou Gibba - Secretary (Trade)
4. Mr. Modou Sillah - Secretary (Trade)

1.3. Subject Matter Specialist

1. Mr. Bai Ibrahim Jobe - SMS (Trade)

2. ACKNOWLEDGEMENT

The Members of the Select Committee on Health, Women, Children, Disaster, Humanitarian Relief and Refugees wish to acknowledge the positive response of all the stakeholder institutions from government, non-governmental organisations and civil society who were invited to participate in the consultations. Their position papers and presentations reflecting their views and recommendations had really enriched the exercise and its outcome. The participation of the Permanent Secretaries, Deputy Permanent Secretaries of the relevant ministries, the Directors and Assistant Directors of concerned departments, Executive Directors and Programme or Unit heads of NGOs and CSOs, senior officials, among others have been very instrumental in the consultations with their ideas and passion to achieve results.

It would therefore not be an exaggeration to conclude that without their invaluable participation and contributions in the process, as stakeholders in the promotion and protection of the rights of women and children, it would not have been easy for the Committee to complete and present this report for the consideration of the Assembly. They provided the evidence or information needed for inclusion in the amendment bill.

The Committee is obliged to express appreciation to the Office of the Clerk for providing the efficient support staff and logistics which enabled the Committee to carry out exhaustive consultation with all relevant stakeholders.

INTRODUCTION

After being handed over a copy of the Bill entitled the '**Labour (Amendment) Bill, 2020**' at the plenary on 22nd June, 2020 by the Attorney General and Minister of Justice, the Clerk of the National Assembly read aloud the short title which was deemed to be the First Reading, in accordance with Standing Order 65 of the National Assembly (Revised Edition, 2019).

On 07th July, 2020, the National Assembly plenary, following the conclusion of the second reading of the Bill, which witnessed a debate on its principles and merits by the honourable National Assembly Members, referred the said proposed legislation to the Assembly Business Committee (ABC), in accordance with Standing Order 68 (1). Consequently, the ABC committed the said Bill for consideration to the Joint Committee, comprising the two select committees on Health, Women, Children, Disaster, Humanitarian Relief and Refugees and Trade, NEPAD, Regional Integration WTO, WB and LDC.

In accordance with Standing Orders 68 (2), 69 (1) and (2), 97 (1) and (3) (b), the Select Committees on Health, Women, Children, Disaster, Humanitarian Relief and Refugees and Trade were jointly tasked to review, consult and report to the plenary its findings and recommendations on the draft Labour (Amendment) Bill, 2020.

Immediately following the committal of the Labour (Amendment) Bill, 2019 to the Joint Committee "for detailed investigation and report..." as per Standing Order 68 (2), the two Committees convened a planning meeting to adopt the methodology or approach to undertake in order to accomplish the task in accordance with the requirements of the Standings Orders. The Joint Committee agreed to hold consultations and thus identified the key stakeholders from government and non-state institutions and organisations to be engaged to get their views and recommendations on the proposed Bill for consideration and incorporation in its report to the National Assembly.

4. MANDATE

Standing Order 69 requires the Committee not to discuss the principles of the Bill but its details in terms of the clauses. It is thus mandated as follows:

- a) List out witnesses, hold proceedings and take evidence from witnesses.
- b) Record the opinion of the Committee on each clause and schedule of the Bill and apprehend any amendment recommended.
- c) Present Amendments in the order in which they stand in the Bill.
- d) Present a report incorporating the summary of the evidence of the witnesses, the opinion of the Committee on the clauses and attach relevant records of minutes of its proceedings.

5. METHODOLOGY

Since Clause 66 (1) (b) requires a Committee, at the Committee Stage of the process, to engage in “detailed investigation” when considering a Bill committed to it, the Select Committee called witnesses from the identified institutions and organisations. This was after when each of them was provided with a copy of the Bill and thus asked to review and present a written report or position paper on their views and recommendations, if any, for the consideration of the Committee.

After holding the formal meetings at the National Assembly with the stakeholders from Government Ministries, Departments and Agencies (MDAs), Non-Governmental Organisations (NGOs) and Civil Society Organisations and platforms to present and discuss their written reports, the Committee convened a meeting to review and conclude on the positions and validate the Report.

6. THE LABOUR (AMENDMENT) BILL, 2020

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Supplement "B" to The Gambia Gazette No. 12 of 16th March 2020

NATIONAL ASSEMBLY

LABOUR (AMENDMENT) BILL, 2020

A BILL ENTITLED

[]

AN ACT to review and amend the provisions of the Labour Act found to be discriminatory against women and girls in The Gambia in furtherance of The Gambia's international obligations and in line with the Constitution and for connected matters.

ENACTED by the President and the National Assembly.

1. Short title

This Act may be cited as the Labour (amendment) Act, 2020.

2. Amendment of the Labour Act 2007

The Labour Act (In this Act referred to as "the Principal Act") is amended as set out in this Act.

3. Repeal and Replacement of Section 71

Section 71 of the Labour Act is repealed and replaced as follows -

"71. (1) Every is entitled to a period of six months maternity leave with pay or with comparable social benefit without loss of employment, seniority or similar benefits.

(2) In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay."

OBJECTS AND REASONS

This amendment is the first of its kind in Africa for being the trail blazer for the recognition, observance and the domestication of international obligations and commitments relating to women's rights into domestic laws. Since the enactment of the Women's Act 2010, significant strides have been made to enforce the law and to protect women in line with the provisions of the Act. Section 25 of the Women's Act recognised the need for periodic review of legislation every ten years to ensure further compliance with our international obligations as enshrined in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Protocol to the African Charter on Human and People's Rights on The Rights of Women in Africa, (The Protocol). This amendment is intended to amend and repeal the provisions of this Act that are discriminatory against women as mandated by section 25 of the Women's Act.

7. PLANNING MEETING

The two committees held a Joint Committee meeting on 29 September, 2020 to discuss and agree on the approach to be adopted for the proceedings as well as to identify the relevant stakeholders to be consulted as witnesses. During the deliberations, members identified the stakeholders to be consulted from the state and non-state institutions/organisations i.e. NGOs and civil society.

The meeting agreed for a rotational or co-chairpersonship for all the proceedings and presentation to the plenary of the two joint reports on the Labour (Amendment) Bill, 2020 and Forced Labour (Amendment) Bill, 2020. It was also agreed that each of the two committees should have a quorum of its members to form a quorum for the Joint Committee.

The procedure adopted by the Joint Committee was provided for by Standing Orders 69, 104, 105, 106, 107, 108 and 109.

8. PROCEEDINGS

8.1. Witnesses

The following witnesses or stakeholders from government, non-government organisations and civil society participated in the consultation on the Labour (Amendment) Bill, 2020:

1. Mrs. Rohey Bittaye Darboe - PS (MOWCSW)
2. Mr. Landing Sanneh - President (GALGA)
1. Mr. Nfamara Kuyateh - Secretary (PSC)
2. Mr. Landing Samateh - Chairman (PSC)
3. Mr. Lamin F. J. Jawara - PS (PSC)
4. Mr. Lamin Daffeh - MOTIE
5. Mrs. Awa Jobarteh - MOTIE
6. Mr. Nyallow Barrow - Commissioner (Dept. of Labour)
7. Mr. Basiru Secka - MOTIE
8. Mr. Abdou Saidy - Dept of Labour
9. Mrs. Diyeh Sawaneh - Chairperson of Gambia Women's Federation
10. Mrs. Fanta Jatta Sowe - Action Aid International The Gambia
11. Mr. Fallou Sowe - NGBV
12. Mr. Pateh Baldeh - NGBV
13. Mr. Ousman Ceesay - NGBV
14. Mrs. Isatou Dem - Women Council
15. Council Kissima Bittaye - MOJ
16. Mrs. Naffie Sissoko Bangura - MOJ
17. Mr. Muhammed Dibbasey - SHFG

8.2. Consultative Meeting on the Labour (Amendment) Bill, 2020

On Thursday, 8th October, 2020, the Joint Committee convened its session with witnesses on the Forced Labour (Amendment) Bill, 2020 at the Auditorium of the National Assembly as a bigger meeting space to accommodate the COVID 19 requirement of physical distancing, considering the expected high turnout of participants.

The invitation of witnesses is provided for by Standing Order 69 which states “A Committee to which a Bill is committed shall consider and take evidence on the provisions of the bill and report its opinion thereon to the Assembly.”

Hon. Ousman Sillah, Chairperson of the Select Committee on Health, Women, Children, Disaster, Humanitarian Relief and Refugees and Co-Chair of the Joint Committee, chaired the first session which considered the Labour (Amendment) Bill, 2020.

In his welcoming and introductory remarks, the Chair informed the witnesses that it was during the First Ordinary Session in March 2020 that the Labour (Amendment) Bill, 2020 was committed to the Joint Committee to investigate and report back on its findings and recommendations to the plenary, in accordance with the Constitution of The Gambia and Revised Standing Orders of the National Assembly. He added that the Committee was further tasked to engage stakeholders as witnesses in the review process to get their views and recommendations for consideration and possible inclusion in the report to be presented to the Assembly. He told the stakeholders that they were invited to this statutory engagement to submit their written position papers or reports and to make oral presentations on the Bill. He noted that the oversight committees of the National Assembly are invested with the powers of a high court when they are sitting in terms of compelling the attendance of witnesses and production of documents and failure of which is treated as contempt.

The witnesses were reminded that the executive had earlier on laid before the Assembly for consideration a series of legislation from different Acts, including this Labour Amendment Bill, 2020, which were lumped in two bills. However, when it was realised that this should not be the approach to take, the executive later withdrew them and came back with these pieces of amendments in relation to the respective Acts.

The Chair proceeded to read out the Labour (Amendment) Bill, 2020 and then invited the witnesses to take turns in presenting their respective oral positions to be followed by the submission of their written position papers to form part of the report of Final Committee.

The following are a summary of the oral evidences of the witnesses on the proposed repeal and replacement of Section 71 of the Labour Act which states:

“Repeal and Replacement of Section 71

Section 71 of the Labour Act is repealed and replaced as follows –

“71. (1) Every woman is entitled to a period of six months maternity leave with pay or with comparable social benefit without loss of employment, seniority or similar benefits.

(2) In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay.”

8.3. Evidence of witnesses

PERSONNEL MANAGEMENT OFFICE (PMO)

The Permanent Secretary said the PMO is in support of the proposed amendment and that the woman in pregnancy should proceed on maternity leave at least a month or two before delivery. It was also indicated that Article 04113 of the General Orders (GO) of the Government of The Gambia provides for the six months maternity leave.

PUBLIC SERVICE COMMISSION (PSC)

The Chairperson indicated that PSC shared the same position with PMO.

Ministry of Women, Children and Social Welfare

The Permanent Secretary indicated that the Ministry is in support of the amendment and added that the woman can proceed at least two months before and four months after for the six months maternity leave.

Gambia Women’s Federation

The Chairperson of the Gambia Women’s Federation emphasised the importance of both ante-natal and post-natal care and the need for the woman to proceed on maternity leave before delivery. She also suggested for a either a tax break or other forms of incentives to be extended to the employers in the private sector to compensate for the maternity leave.

- Department of Labour –

The Commissioner of Labour indicated that the Department is fully in support of the amendment as the right to maternity leave is also provided for in the Women's Act.

- Ministry of Trade, Industry, Regional Integration and Employment -

The Ministry, in addition to supporting the amendment, also recommends for the provision of baby-sitting care for nursing mothers at the workplace.

- Gambia Association of Local Government Authorities (GALGA)

The Chairperson of GALGA said the amendment is supported, adding that the time for the husband to take a paternity leave whether before or after the delivery of the wife should also be determined.

- Action Aid International The Gambia (AAITG) -

The Action Aid official emphasized that both the six months maternity leave and paternity leave are informed by science. She indicated the need for employers to view maternity leave from the perspective of women's rights and not profit by the private sector. She noted that women should be given chores based on medical advice. She added that Section 71 (1) on the entitlement should read "with pay and comparable social benefit..." but not "with pay or comparable social benefit...".

- Network Against Gender Based Violence (NGBV) -

The Network supports the amendment and noted that exclusive breast feeding is the reason for the six months maternity leave. It also argues that paternity leave for the father should be every child. It was also indicated that the Labour Act should be speaking the same language with the Women's Act.

- Edward Francis Small Teaching Hospital (EFSTH) -

A nurse from EFSTH is proposing for maternity leave to be four months before and five months after.

- Ministry of Justice (MoJ) -

The State Counsel and Draft persons indicated that the time to proceed with the six months maternity leave should be left to the woman to decide, adding that the woman is also entitled to an annual work leave which can be added to the six months.

The honourable members of the Joint Committee also took turns to comment and also seek clarifications from the witnesses.

9. Review and Validation Meeting

Following the conclusion of the consultation with the witnesses, the Joint Committee, on Wednesday, 21 October, 2020, convened a review and validation meeting on the evidences provided and finalised on its recommendations and report.

10. CONCLUSIONS AND RECOMMENDATIONS OF THE JOINT COMMITTEE

Having discussed and considered all the oral and written evidences adduced from the witnesses on the Labour (Amendment) Bill, 2020, the Joint Committee agreed on the following Observations and Recommendations:

1 - Short Title

This Act may be cited as the Labour (amendment) Act, 2020.

- Observation/Conclusion

The joint committee agrees with the said Amendment.

- Joint Committee's Recommendation

The Joint Committees recommend that for the short title to stand part of the Bill.

2. Amendment of the Labour Act 2007

The Labour Act (In this Act referred to as "the Principal Act") is amended as set out in this Act.

- Observation/Conclusion

The Joint Committee agrees with the said observation

Joint Committee's Recommendation

The Joint Committees recommend that for the short title to stand part of the Bill.

3. Repeal and Replacement of Section 71

Section 71 of the Labour Act is repealed and replaced as follows -

"71. (1) Every Woman is entitled to a period of six months maternity leave with pay or with comparable social benefit without loss of employment, seniority or similar benefits.

(2) In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay."

- Observation/Conclusion

The Joint Committee observed that the proposed amendment is seeking to align the Labour Act with the Women's Act by ensuring that the woman is entitled to six maternity leave with pay or with comparable social benefit without loss of

employment, seniority or similar benefits. It concludes that all the entitlements indicated above should be safeguarded.

However, the Joint Committee also observed that the witnesses, particularly the Ministry of Women, Gambia Women's Federation and Network Against Gender Based Violence, have also introduced another element that is seeking for the law to provide for the time that the woman should proceed on her maternity leave, citing the importance of ante-natal and post-natal care for the woman and child.

The position of the representatives of the Ministry of Justice indicated that the time when the woman would proceed on maternity leave should be left to the discretion of the woman. They also indicated that the woman is equally entitled for a one month annual leave which could be taken during this period of maternity leave.

Some of witnesses suggested that this should be determined by the doctors/health officials, while others proposed one month before and five months after as well as three months before and three months after.

The Gambia Chamber of Commerce and Industry in its position paper supports the proposed amendment bill.

Although, three trade union organisations were written to for position papers on the proposed amendment, the Joint Committee did not receive any response up to the time of finalising and validating this report.

Following a lengthy discussion on the different positions, the Joint Committee finally tasked the Co-Chair on Health, Women and Children to seek the opinion of the health experts and most particularly the Director of Health Services and also Dr. Ayo Palmer, one of the Subject Matter Specialists for the Committee on Health.

- Joint Committee's Recommendation

In light of the above observations, the Joint Committee has agreed to recommend what the medical specialists would be proposing to be included as proposed bill as an additional amendment.

4. Objects and Reasons

This amendment is the first of its kind in Africa for being the trail blazer for the recognition, observance and and the domestication of international obligations and commitments relating to women's rights into domestic laws. Since the enactment of the Women's Act 2010, significant strides have been made to enforce the law and to protect women in line with the provisions of the Act. Section 25 of the Women's Act recognised the need for periodic review of legislation every ten years to ensure further compliance with our international obligations as enshrined in the Convention on the Elimination of all forms of Discrimination Against Women

(CEDAW), and the Protocol to the African Charter on Human and People’s Rights on The Rights of Women in Africa, (The Protocol). This amendment is intended to amend and repeal the provisions of this Act that are discriminatory against women as mandated by section 25 of the Women’s Act.

- Observation/Conclusion

The Joint Committee recommends for the Objects and Reasons to be redrafted in order for it to capture the specific nature of the issue the Bill is intended to address as required by Standing Order 64 (1) (a), which states:

“(1) Every Bill shall be accompanied by a memorandum signed by the person in charge of the bill containing a statement of the objects and reasons of the Bill, including -

(a) the nature of the issue the Bill is intended to address;”

It was agreed by the Joint Committee that this task of redrafting the Objects and Reasons to ensure that it is specific to the proposed amendment was assigned to the team of draftpersons/counsels from the Ministry of Justice.

1. ANNEXES

(i) Minutes of Meeting

JOINT MEETING OF THE SELECT COMMITTEE ON HEALTH, WOMEN, CHILDREN, DISASTER, HUMANITARIAN RELIEF AND REFUGEE AND SELECT COMIITTEE ON TRADE, NEPAD, REGIONAL INTERGRATION WTO, WB AND LDC OF THE NATIONAL ASSEMBLY

Date: 29th September, 2020

Time: 11:30am

Venue: Committee Room 1

Attendance

Hon. Members of the Joint Committee

- | | | |
|---------------------------|---|----------------|
| 1. Hon. Ousman Sillah | - | Chairperson |
| 2. Hon. Muhammed Mahanera | - | Co-Chairperson |
| 3. Hon. Fatoumata Jawara | - | Member |
| 4. Hon. Billay G. Tunkara | - | Member |
| 5. Hon. Musa Amul Nyassi | - | Member |

6.	Hon. Amadou Camara	-	Member
7.	Hon. Saikou Marong	-	Member
8.	Hon. Momodou S. Ceesay	-	Member
9.	Hon. Kaddy Camara	-	Member
10.	Hon. Alhagie Sowe	-	Member
11.	Hon. Ya kumba Jaiteh	-	Member
12.	Hon. Omar Darboe	-	Member
13.	Hon. Omar Ceesay	-	Member
14.	Hon. Lamin FM. Conta	-	Member
15.	Hon. Abdoulie Ceesay	-	Member
16.	Hon. Kebba Jallow	-	Member
17.	Hon. Sulayman Saho	-	Member
18.	Hon. Ndey Yassin Secka	-	Member

Subject Matter Specialist

1.	Mr. Bai Ibrahim Jobe	-	SMS (Trade)
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Secretaries

5.	Sarata Bojang	-	Secretary
6.	Isatou Sonko	-	Secretary
7.	Fatou Gibba	-	Secretary
8.	Mr. Modou Sillah	-	Secretary

Agenda

- Prayers
- To review and identify relevant Stakeholders for the Consultation on the Labour (Amendment) Bill, 2020 and Force Labour (Amendment) Bill 2020.
- AOB

Introduction

Following the normal opening procedure, the Meetings was chaired by both Chairs of the joint Committees followed with a silent prayer.

MATTERS ARISING:

- ✓ After seeking procedural guidance from the Standing Orders, it was agreed that the two committees would sit concurrently.
- ✓ there shall be a rotational chairmanship of the joint committee when the two committees come together to consider the matter at hand.
- ✓ The committees' deliberations shall focus primarily on the details of the Bill referred to the two committees.
- ✓ All the minutes of the various meetings shall be used as addendum to the final report of the committee.
 1. Witnesses to be invited for consultations on the Labour Amendment Bill 2020 shall include Ministry of Trade, Ministry of Women, Children & Social Welfare

(MOWCSW), National Women’s Council (NWC), Women’s Bureau, Women’s Federation, Commissioner of Labour, Female Lawyers Association (FLAG) Public Management Office, Public Service Commission, Child Fund, Action Aid, and Gambia Chambers of Commerce and Industry (GCCCI).

2. Witnesses to be invited for consultations on the Labour Amendment Bill 2020 shall include Ministry of Trade, Ministry of Women, Children & Social Welfare (MOWCSW), National Women’s Council (NWC), Women’s Bureau, Women’s Federation, Commissioner of Labour, Female Lawyers Association (FLAG) Personnel Management Office, Public Service Commission, Child Fund, Action Aid, Gambia Chambers of Commerce and Industry (GCCCI), Network Against Gender Base Violence, think Young Women, Reproductive Child Health, Child Protection Unit and Gambia Association of Local Government Authorities (GALGA),

Schedule for Consultation

No	List of Witnesses	Meeting date	Time
1	Ministry of Trade, Ministry of Women, Children & Social Welfare (MOWCSW), National Women’s Council (NWC), Women’s Bureau, Women’s Federation, Commissioner of Labour, Female Lawyers Association (FLAG) Personnel Management Office, Public Service Commission, Child Fund, Action Aid, and Chambers of Commerce and Industry (GCCCI).	Thursday 08 th October, 2020	10:30pm
2	Ministry of Trade, Ministry of Women, Children & Social Welfare (MOWCSW), National Women’s Council (NWC), Women’s Bureau, Women’s Federation, Commissioner of Labour, Female Lawyers Association (FLAG) Personnel Management Office, Public Service Commission, Child Fund, Action Aid, Gambia Chambers of Commerce and Industry (GCCCI), Network Against Gender Base Violence (NGVB), think Young Women,	Thursday 08 th October, 2020.	12:00pm

	Reproductive Child Health, Child Protection Alliance and Gambia Association of Local Government Authorities (GALGA),		
3	Report writing	Wednesday 21 st October, 2020	11:00pm

- ✓ In the absent of any other business the meeting was adjourned until Monday 29th June 2020.

MINUTES OF THE JOINT MEETING BETWEEN THE SELECT COMMITTEES ON HEALTH, WOMEN, CHILDREN, DISASTER, HUMANITARIAN RELIEF & REFUGEES, AND THE SELECT COMMITTEE ON TRADE, NEPAD, REGIONAL INTEGRATION, WHO, WB AND LDC.

Date: 8th October, 2020
Time: 11:00am
Venue: Auditorium

ATTENDANCE:

Honourable Members:

- | | | |
|---------------------------|---|-----------------|
| 1. Hon. Ousman Sillah | - | Co-Chairperson |
| 2. Hon. Muhammed Mahanera | - | Co- Chairperson |
| 3. Hon. Fatoumata Jawara | - | Member |
| 4. Hon. Billay G. Tukanra | - | Member |
| 5. Hon. Musa Amul Nyassi | - | Member |
| 6. Hon. Amadou Camara | - | Member |
| 7. Hon. Momodou S. Ceesay | - | Member |
| 8. Hon. Omar Darboe | - | Member |
| 9. Hon. Alhagie Sowe | - | Member |
| 10. Hon. Kaddy Camara | - | Member |

- | | | |
|----------------------------|---|--------|
| 11. Hon. Ndey Yassin Secka | - | Member |
| 12. Hon. Sulayman Saho | - | Member |
| 13. Hon. Ya Kumba Jaiteh | - | Member |
| 14. Hon. Abdoulie Ceesay | - | Member |
| 15. Hon. Lamin F. M. Conta | - | Member |
| 16. Hon. Kebba Jallow | - | Member |

Subject Matters Specialist:

- | | | |
|-------------------------|---|-----|
| 1. Sekou Omar Dibba | - | SMS |
| 2. Mr. Bai Ibrahim Jobe | - | SMS |

Secretaries:

- | | | |
|------------------|---|-----------|
| 1. Sarata Bojang | - | Secretary |
| 2. Fatou Gibba | - | Secretary |

Witnesses:

- | | | |
|---------------------------------|---|--------------------------------|
| 3. Mrs. Rohey Bittaye Darboe | - | PS (MOWCSW) |
| 4. Mr. Landing Sanneh | - | President (GALGA) |
| 18. Mr. Nfamara Kuyateh | - | Secretary (PSC) |
| 19. Mr. Landing Samateh | - | Chairman (PSC) |
| 20. Mr. Lamin F. J. Jawara | - | PS (PSC) |
| 21. Mr. Lamin Daffeh | - | MOTIE |
| 22. Mrs. Awa Jobarteh | - | MOTIE |
| 23. Mr. Nyallow Barrow | - | Commissioner (Dept. of Labour) |
| 24. Mr. Basiru Secka | - | MOTIE |
| 25. Mr. Abdou Saidy | - | Dept of Labour |
| 26. Mr. Pateh Baldeh | - | NGBV |
| 27. Mr. Ousman Ceesay | - | NGBV |
| 28. Mrs. Isatou Dem | - | Women Council |
| 29. Council Kissima Bittaye | - | MOJ |
| 30. Mrs. Naffie Sissoko Bangura | - | MOJ |
| 31. Mr. Muhammed Dibbasey | - | SHFG |

Introduction:

The Meeting started with silent prayers followed by introduction of Members and Witnesses present at the meeting. Hon Ousman Sillah, Co-Chairperson welcomed all the Witnesses to the meeting.

Hon. Sillah informed the witnesses that the Labour (Amendment) Bill 2020 and Forced Labour (Amendment) Bill 2020 has been referred to the Joint Committee of Health, Women, Children, Disaster, Humanitarian Relief and Refugees and the Select Committee on Trade NEPAD, Regional Integration, WTO, WB and LDC for scrutiny, and for them to report their findings and recommendations to the National Assembly.

Hon. Sillah further informed the witnesses that the creation of this Joint Committee is to consider these important Bills in line with the Standing Orders of the National Assembly. The reports of the Joint Committee to the plenary shall also include the list of witnesses invited for consultations as part of the findings. The Committee will also look at the provisions of the Bills, whether they are consistent with the provisions of the Constitution and their parent Acts for consistence purposes.

Repeal and Replacement of Section 71 – Section 71 of the labour Act is repealed and replaced as follows:

(1) “Every woman is entitled to a period of six (6) months maternity leave with pay or with a comparable social benefit without loss of employment, seniority or similar benefit”.

(2) “in order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten (10) working days as paternity leave with pay”.

Evidences of the witnesses:

- The witnesses thanked the Committee for giving them the opportunity to discuss these important Bills with them.
- All witnesses were in agreement for Section 71 to be repealed and replaced with Section 71 Subsections 1 and 2.

Comments from PMO:

- Both maternity and the paternity leave laws have been implemented effectively.
- Permanent Secretary of the Ministry of Women, Children and Social Welfare and several other Speakers suggested for the maternity leave to begin 2 months before delivery and continue up to 4 months after delivery.
- Other speakers suggested 1 month before delivery and 5 months after delivery.
- Others said maternity leave should be 7 months so that the mother can have a one-month rest before delivery and 6 months to breastfeed her child exclusively for the whole 6 months without hindrance.
- The other suggestion was for it to be a matter of choice through recommendation from a nurse on when to take the maternity leave and when to resume work.
- It was also suggested for the Act to be specific on when to start the maternity leave and when it should end.

- It was also suggested by the Department of Labour to consider a qualifying period on when to take maternity leave. It was further suggested for it to be after every 18 - 19 months, although many disagreed with that suggestion.
- To have friendly baby centres in working places to help working mothers
- Most speakers agreed that the Paternity Leave should be taken immediately the wife delivers to help her in taking caring of the baby but others maintained that it should be based on the affected person's choice.
- To was also suggested for more baby friendly centres to be created so as to reduce the maternity leave.
- Government could engage the private sector to give tax breaks as part of an encouragement for them to hire and maintain female employees.

Responses from the Permanent Secretary Ministry of Women, Children and Social Welfare and the counsels from the Ministry of Justice:

- They agreed that both the mother and father should be allowed to choose when to go on their leaves.
- Creating baby friendly centres cannot be a good reason to reduce maternity leave given to mothers.
- It was also suggested for the mothers to have 7 months maternity leave. They can also add their one (1) month annual leave to make it 7 months.

Furthermore, it was recommended for the Committee to invite Labour Unions, GRA and GCCI for discussions on these Bills.

Committee's Observations:

Members emphasised the importance of the six (6) months exclusive breastfeeding of a child. Therefore, they will not recommend anything less than 6 months for maternity leave and not more than 10 days for the paternity leave. These should be matters of choice for the affected persons.

FORCED LABOUR (AMENDMENT) BILL 2020

This session was chaired by the Co-Chairperson of the Committee, Hon. Muhammed Mahanera, who also gave a brief background on what is expected from both the Members and the Witnesses. He then opened the floor for discussion.

Introduction of a new Section 7A:

The Forced Labour Act is amendment by inserting a new Section 7A, as follows:
 "Notwithstanding section 6 and 7, it is recommended that:

(a) a woman shall not be subjected to any labour during pregnancy instead of having during pregnancy in roman figure (i), that is hazardous to her health; or likely to affect her productive health

(b) a child shall not be subjected to any labour that is exploitative or hazardous to his or her health and safety.”

All the Witnesses agreed to the Amendments

Further Comments:

- The Committee recommends for the word “labour” to be define as Forced Labour.
- The object and reasons to be reviewed by the Ministry of Justice and other key stakeholders.

The Meeting was adjourned until further notice.

Signature.....
Chairperson (Health)

Signature.....
Chairperson (Trade)

Signature.....
Sarata Bojang
Secretary (Health)