REPUBLIC OF THE GAMBIA

National Assembly, New Assembly Building, Reg. Pye Lane
Banjul, The Gambia.

REPORT OF

THE SELECT COMMITTEE ON TRADE AND

REGIONAL INTEGRATION

ON THE

LABOUR BILL 2022

28TH FEBRUARY, 2023

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1.0 ACKNOWLEDGEMENT

The Select Committee on Trade and Regional Integration register its appreciation to the Office of the Clerk of The National Assembly for providing the logistics and support staff that gave their best to enable the Committee to complete its work. This has invaluably contributed to enabling the Committee to perform its responsibilities as mandated in Section 109 of the 1997 Constitution of the Republic of the Gambia.

The Committee is also grateful to the Ministry of Trade, Regional Integration and Employment and the representatives from the Ministry of Justice for the great commitment, consistency, humility, and professionalism displayed in clarifying and acknowledging all gaps marched by options to address them during the engagement. Concerns were all addressed, and the recommendations are incorporated as agreed by all parties.

The Committee is equally grateful to all other stakeholders/witnesses who took time to scrutinise the Bill and satisfactorily demonstrated competence, dedication, professionalism, and objectivity in giving valuable evidence which enriched the content of the Bill.

Finally, the Committee wishes to commend all the Honourable Members for demonstrating a high sense of commitment and dedication throughout the exercise.

2.0 INTRODUCTION

The sitting of the Sixth Legislature on December 13, 2022, during the Fourth Ordinary Session of the 2022 Legislative year witnessed the introduction of a Bill entitled "Labour Bill, 2022".

On the second reading of the Bill, Honourable Members debated on the general merits and principles of the Bill. The Bill was then read for the second time and was referred to the Assembly Business Committee for Committal to the relevant Committee/Committees as dictated by Standing Order 68. The Assembly Business Committee remitted the Bill to the Select Committee on Trade and Regional Integration.

In this regard, the Committee convened a meeting on 08th February 2023 to strategize and identify a way forward on scrutinizing the Bill to fulfil its mandate as prescribed by Standing Orders 69, which provide the procedural guidelines to perform its task. During this meeting, the Committee considered it prudent to call on the mover of the Bill and his team and the drafter(s) from the Ministry of Justice as the first witnesses to provide evidence on the Bill. This gave Honourable Members the chance to clear all issues raised before engaging the relevant stakeholders. For comparison purposes, it also took note of information regarding the existing Acts in the country governing labour issues and in other jurisdictions.

This report indicates the mandate, proceedings of the Committee and provides a summary of evidence gathered from witnesses. All the proposals for amendments were also captured for ease of reference for members in scrutinising the Bill, for approval or otherwise, at the consideration stage.

3.0 MANDATE OF THE COMMITTEE

In accordance with Standing Order 69 the mandate of the Committee is as follows:

a) Identify witnesses, hold proceedings and gather evidence on the clauses of the Bill;
b) Record the opinion of the Committee on each clause of the Bill focusing on any proposed amendment;
c) Present amendments in the order in which they stand in the Bill; and
d) Present a report comprising a summary of the evidence gathered from the witnesses, the opinion of the committee on the clauses of the Bill and the amendments proposed.

4.0 METHODOLOGY

The Committee adopted the following methods to gather evidence.

a) Called witnesses to testify.
b) Called for submission of documentary evidences.
c) Convened meetings to rationalize and harmonize proposal for amendments.
d) Convened meetings to validate the Bill with its proposed amendments.

5.0 PROCEEDINGS

The Committee relied on the testimonies of witnesses to review the details of the whole Bill, clause by clause, taking due notice of any input aimed at adding value to the content of the Bill. Cross references were made to ensure that the content of the Bill were brought in conformity with The 1997 Constitution of the Republic of the Gambia, the Labour Act 2007 and other laws of the country.

6.0 COMPOSITION OF THE COMMITTEE

HONOURABLE MEMBERS

1. Honourable Kebba Jallow	Chairperson
2. Honourable Fatou Cham	Vice Chairperson
3. Honourable Alhagie Mbow	Member
4. Honourable Lamin Ceesay	Member
5. Honourable Modou Lamin B Bah	Member
6. Honourable Nfamara Sabally	Member
7. Honourable Saikou Bah	Member
8. Honourable Nfally M Kora	Member
9. Honourable Kebba T Sanneh	Member
10. Honourable Sulayman Saho	Member
11. Honourable Abdou Sowe	Member
12. Honourable Haruna Barry	Member

SUBJECT MATTER SPECIALIST

1. Bai Ibrahim Jobe

SUPPORT STAFF

1. Mr Marabi S Hydara	Director of Committees
2. Mr Ebrima Jawo	Ass. Senior Committee Clerk
3. Ms Fatoumata Keita	Committee Clerk
4. Ms Amie Barrow	Research Officer

7.0 WITNESSES

The Committee engaged the following witnesses to gather evidence:

1. Hassan S Gaye	DPS, Ministry of Trade, Industry, Regional Integration and Employment (MoTIE)
2. Fabba Jammeh	Director, Employment MoTIE
3. Nyallow Barrow	Commissioner of Labour
4. Lamin Daffeh	Senior Labour Economist, MoTIE
5. Sidat B Sanneh	Department of Labour (DoL)
6. Abdou Saidy	DoL
7. Abdoulie Colley	Ministry of Justice (MoJ)
8. Fatou L Njie	MoJ
9. Basiru Secka	MoTIE
10. Ousman Sanneh	DoL
11. Baboucarr Kebbeh	CEO, Gambia Youth Chamber of Commerce (GYCC)
12. Macoumba Njie	Human Resource Manager (HRM), Kombo Beach Hotel
13. Aminata Senghore	HRM Kairaba Beach Hotel
14. Alice Senghore	HRM Senegambia Beach Hotel
15. Aji Mariam Senghore	HR Assistant, Bakadaji Hotel
16. Diminga Senghore	THR Manager, Gambia Tourism Board (GTB)
17. Theresa S Diarra	Director Operations, Gambia Chamber of Commerce, and Industry (GCCI)
18. Beatrice A Mboge	CEO, Gambia Women Chamber of Commerce (GWCC)
19. Pa Daniel Mendy	Senior Programs Officer, Gambia Teachers Union (GTU)
20. Mambabou Sowe	Representative, The Association of Non-Governmental Organisation (TANGO)
21. Edward Gomez	Director of Operations, Social Security Housing Finance Corporation (SSHFC)

22. Pierre S Secka	Director, Investigations Ombudsman
23. Ajara Jallow	Coordinator, International Labour Organisation (ILO)
24. Alieu Ceesay	R&D Officer, National Accreditation, and Quality Assurance Authority (NAQAA)
25. Lawa Drammeh	Ministry of Gender Children and Social Welfare
26. Muhamed Amin Badjie	Principal Personnel Officer, PMO
27. Garba Cham	SG, Gambia Workers Union
28. Kebba M Ceesay	Chairman, Gambia Trade Union Bureau
29. Fatoumatta B Sanyang	Legal Practitioner, Gambia Bar Association

8.0 SUMMARY OF EVIDENCE

The Labour Bill consist of Nineteen Parts and One Hundred and Eighty-five Clauses.

The Object of the Bill is to provide not only monetary benefits, but also to ensure occupational health and safety at the workplace. This review is necessitated due to numerous loopholes and unclear provisions that have been identified in the Labour Act, 2007. During the stakeholder consultations, it was highlighted that the current Act is silent on important issues such as the expatriate quota, domestic servants' unionism and workplace requirements. Most importantly the Labour Act, 2007 was reviewed to promote decent work, social dialogue, and employment.

The Labour Act is also being reviewed to be in conformity with other existing laws of The Gambia and to also take into consideration recommendations from the international partners, Employers and Trade Unions Organizations.

The factors which necessitate the proposed enactment of this Bill have been fully explored and has been dealt with accordingly. The duties and the functions of the Commissioner of Labour has been covered in part one of the Bill. Part three covers the licensing and operations of private employment agencies. Part four talks about the establishment, composition, and functions of the Labour Advisory Board. The establishment, composition and functions of the Expatriate Quota Allocation Board and the Industrial Tribunal are covered in parts five and six respectively. Part seven covers the Rights and Duties of both Employers and Employees. Conditions regarding the employment of Children, Women and Persons with Disability are covered in parts eight, nine and ten respectively. Labour Subcontracting is covered in part eleven. Parts twelve and thirteen covers Maintenance and Development of Human resources and Contracts of Employment and their types respectively. Occupational Health, Safety and welfare is covered under part fifteen and part sixteen covers the Protection of Wages. Parts seventeen, eighteen and nineteen covered the issues on Discipline, Dismissal and Redundancy, Freedom to associate, the Right to Collective Bargaining and Industrial Relations and Miscellaneous respectively.

The witnesses emphasised the necessity for the various Boards and the Industrial Tribunal to manifest competence and professionalism in all their undertakings to handle labour issues in the country.

Finally, it is envisaged by all the stakeholders that this Bill will address the labour issues in the country by utilizing the tripartite system which is inclusive.

9.0 SCRUTINY, EVIDENCE, CONSIDERATION AND ADVICE OR RECOMMENDATIONS OF THE COMMITTEE

9.1 PART I – PRELIMINARY

Clause 2

Evidence

A proposal to change "Registrar" to "Register" and be defined as "the registration done by the Registrar General" was done by the legal expert from the MoJ.

Consideration

Both the Committee and the Ministry were in agreement with the proposal to be incorporated into the Bill.

Advice

It is proposed that Clause 2 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 3

Evidence

It was agreed by both the Committee and the Ministry for the deletion of sub-clause 3(2)(d) and the phrase "notwithstanding subsection 2" in subclause 3(4) from the Bill. With these amendments, the domestic servants will be covered under the Regulations.

Consideration

Both the Committee and the Ministry were in agreement with the proposal to be incorporated into the Bill.

Advice

It is proposed that Clause 3 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.2 PART II - ADMINISTRATION OF LABOUR MATTERS

Clause 8

Evidence

The Committee recommends for the replacement of the word "exceeding" with "not less than." This will give the judge options when making judgements and the severity of the punishment will discourage the act.

Consideration

The Ministry was in agreement with the recommendation.

Advice

It is proposed that Clause 8 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 17

Evidence

The Ministry recommended for the replacement of the phrase "Injury Compensation Act Commissioner" with the phrase "the Commissioner of Injuries" and the definition of "Commissioner of Injuries" under the Clause.

Consideration

The Committee agreed with the recommendation for amendment.

Advice

It is proposed that Clause 17 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.3 PART IV – LABOUR ADVISORY BOARD

Clause 27 (1)(a)

Evidence

The Committee recommended for the Permanent Secretary of the Ministry i.e. subclause 27(1)(a) to be a member of the advisory board only and not the Chairperson. It further recommended that "an independent person appointed by the Minister" i.e., subclause 27(1)(f) to be the Chairperson of the labour advisory board.

Consideration

The Ministry agreed with the recommendation for amendment.

Advice

It is proposed that Clause 27 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.4 PART V -EXPATRIATE QUOTA ALLOCATION BOARD

Clause 31(d)

Evidence

The Committee recommended for the amendment of subclause 31(d) to read as "Ministry of Gender, Children and Social Welfare" as this is the official nomenclature of the Ministry.

Consideration

The Ministry agreed with the recommendation for amendments in the Bill.

Advice

It is proposed that Clause 31(d) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 32

Subclause (1)(b) (d)

Evidence

The Committee and the Ministry agreed to delete the phrase "regulations and" from the subclause. The Minister is the one mandated to issue regulations and not the board. The Committee further recommended for the addition of "within fourteen days" to be added to subclause 32(1)(d). This will also give the Minister a timeline to give feedback on the matter.

Subclause 32(2)(3)

Evidence

The legal person recommended for the deletion of the phrase "set out in the fourth schedule" in both subclauses. It is not clear as to what is in the fourth schedule and in order to avoid inconsistency.

Consideration

The Committee agreed with the proposal for incorporation into the Bill.

Advice

It is proposed that Clause 32 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 33(d)

Evidence

The Committee recommended for the inclusion of a clause to cater for Board meetings and the modalities. It further suggested that it can be captured as it is under the Labour Advisory Board i.e., subclause 27(5).

Consideration

This was agreed by the Ministry for incorporation into the Bill.

Advice

It is proposed that Clause 33(d) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 36(2)(d)

Evidence

The Committee recommended for the amendment of clause 36(2)(d) to "the ministry" to be in order with this Act according to the interpretation.

Consideration

The Ministry was in agreement with the proposal for incorporation into the Bill.

Advice

It is proposed that clause 36(2)(d) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 39(2)

Evidence

The Committee recommended for the fine in subclauses 39(1)(2) to be increased from "three hundred thousand dalasis" to "five hundred thousand dalasis". This will serve as a deterrent to potential culprits and protection of Gambian employees especially in the private sectors.

Consideration

The Ministry agreed with the proposal for incorporation into the Bill.

Advice
It is proposed that Clause 39 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.5 PART VI- THE INDUSTRIAL TRIBUNAL

Clause (41)
Evidence
The Committee and the Ministry both agreed for the replacement of "composition of the Tribunal" with "Resignation and Vacancy" to this clause. The clause is not only limited to the composition of the tribunal, but also covers the resignation and vacancy components.
Advice
It is proposed that Clause 41 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.6 PART VIII - EMPLOYMENT OF CHILDREN

Clause 54(1)
Evidence
The Committee recommended for the addition of "2005" to "Children's Act in the clause for consistency.
Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice
It is proposed that clause 54(1) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.7 PART IX - EMPLOYMENT OF WOMEN

Clause 62(5)

Evidence

The Committee observed that "Force Leave" is not defined under the interpretation and therefore recommends for the definition of "Force Leave" under the clause.

Consideration

The Ministry agreed with the recommendation to be incorporated in the Bill.

Advice

It is proposed that Clause 62(5) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 62(7)(b)

Evidence

The Committee recommended for the replacement of the phrase "with a child suckling at her breast" with the word "breastfeeding." This term is more appropriate under the Act.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that clause 62(7)(b) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 63

Evidence

The Ministry recommended that the phrase "Section 20(2)" be deleted from the clause so that amendment will not be required if the Women's Act or this specific section under the Women's Act is amended. The Committee further recommended for the addition of "Working" under the section for it to read as "ten working days".

Consideration

The recommendation was agreed by both parties for incorporation into the Bill.

Advice

It is proposed that Clause 63 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.8 PART X – EMPLOYMENT OF PERSONS WITH DISABILITY

Clause 64

Evidence

The Committee recommended for the definition of "special incentive" under the clause.

Consideration

The Ministry agreed to the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 64 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

9.9 PART XI – LABOUR ONLY SUB-CONTRACTING

Clause 74

Evidence

The Committee recommended for the deletion of subclause 74(4)(a) and the addition of "company" after "person" in subclause 74(4)(b) so that both persons and company are covered in the clause.

Consideration

The Ministry was in agreement with the recommendation to be incorporated into the Bill.

Advice

It is proposed that Clause 74 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.0 PART XIII CONTRACTS OF EMPLOYMENT

Clause 86(2)(n)(ii)

Evidence

The Ministry recommended that "in capacity" in this subclause should be one word.

Advice

It is proposed that clause 86(2)(n)(ii) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Subclause 86(2)(m)

Evidence

The Committee recommended for the definition of "collective agreement" under this clause.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 86 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 90

Evidence

The Committee recommended for the addition of a subclause (e) to read as "the employer if convicted of an offence by a court of competent jurisdiction." An employee that is convicted and fined is not trustworthy to serve his/her employer anymore.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 90 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 96

Evidence

Both the Committee and the Ministry agreed on the replacement of "necessaries" with "necessities." In this context, necessities is the appropriate word. The Committee further recommended for the definition of "foreign contract" under the clause as is not defined under the interpretation.

Advice

It is proposed that Clause 96 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 99

Evidence

The Committee recommended for the addition of a subclause under the clause to protect the benefits of employees in the case of a sole proprietorship business.

Consideration

The Ministry agreed but also recommended for more consultation on the clause.

Advice

It is proposed that Clause 99 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 100

Evidence

The Committee recommended for the deletion of "not later than one year" in the clause and make it open.

Consideration

The Ministry agreed but also recommended for more consultation on the clause.

Advice

It is proposed that clause 100 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.1 PART XIV – TERMS AND CONDITIONS OF EMPLOYMENT

Clause 108

Evidence

The Committee recommended for the replacement of subclause 108(2)(a) with "Dock workers" and subclause 108(2)(b) with "Processing plant". This amendment will cover the entire sectors covered under the Act rather than being specific on establishments.

Consideration

The Ministry agreed with the recommendations for incorporation into the Bill.

Advice

It is proposed that Clause 108 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 109(5)

Evidence

Both the Ministry and the Committee agreed to reduce the fine to "ten thousand dalasis." This will give the judge the option depending on the damage caused.

Advice

It is proposed that Clause 109 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.2 PART XV – OCCUPATIONAL HEALTH, SAFETY, WELFARE

Clause 113

Evidence

The Committee recommended for the replacement of "one month" with "Six months" under the subclause 113(1). This will give the department time to sensitize the public on the Act and time for businesses to acquaint themselves with the Act.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that clause 113(1) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 119

The Committee recommended for the drafters to redraft this clause and make it simpler to avoid any ambiguity.

Clause 120

Evidence

The Committee recommended for the addition of "in consultation with the Commissioner of Labour" to be added to subclauses 120(1)(2)(3). The Commissioner of Labour is more familiar with labour issues and his knowledge and expertise will guide the Minister in making any decision affecting labour issues.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 120(1)(2)(3) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.3 PART XVI - PROTECTION OF WAGES

Clause 124

The Committee suggested for a review and synchronization of clauses 87 & 124 by the MoJ.

Clause 127

Evidence

The Committee recommended for the deletion of the phrase "fine and imprisonment" from the clause and anywhere it appears in the Bill as it is a repetition.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 127 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 138(2)

Evidence

The Committee recommended that the phrase "one other" to be amended as "not more than two." This person or persons will serve as independent witness or witnesses to the employee.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 138 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 144

Evidence

The Committee recommended for the addition of "in consultation with the Commissioner of Labour" being the custodian of the Labour Act for a much-informed decision.

Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice
It is proposed that Clause 144 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.4 PART XVIII – FREEDOM TO ASSOCIATE, THE RIGHT TO COLLECTIVE BARGAINING AND INDUSTRIAL RELATIONS

Clause 148(2)(a)
Evidence
The Ministry recommended for the replacement of "needs" with "deems" as it is a typographical error.
Advice
It is proposed that Clause 148(2(a with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 149
Evidence
The committee recommended for the deletion of "Responsibility and" from this clause and maintain "Powers of the joint industrial council" as the heading of the clause. The Ministry further recommended for the deletion of "legislative provision whatsoever" in subclause 149(5) and the addition of "law" to the subclause.
Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice
It is proposed that Clause 149 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 152
Evidence
The Committee recommended for the replacement of the word "Tribunal" in subclause 152(3) with the "Joint Industrial Council" which is the appropriate term in the subclause.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 152 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 156

Evidence

Witnesses from GFD recommended to the Committee and the Ministry that the term "disabled persons" to be consistent with the Disability Act.

Consideration

Both the Committee and the Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 156 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 157

Evidence

The drafter from the MoJ recommended that subclause 3 to be moved to subclause 2 and vice versa for more coherence. It is further recommended for the deletion of the phrase after the two subclauses and only maintain "commits an offence".

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that clause 157 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 158

Evidence

The drafter from the MOJ recommended for the amendment of the clause to read as "Recruitment of dock workers" instead of "Employment of dock workers" which is more standard. It is further recommended for the amendment of the clause to read as "the dock workers shall be recruited on such terms and conditions as is in accordance with this Act."

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice
It is proposed that Clause 158 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 162
Evidence
The drafter from the MoJ recommended for the deletion of the phrase "on their face" from the clause as it is not proper in the clause.
Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice
It is proposed that Clause 162 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 166
Evidence
The drafter from the MoJ recommended for Clause "166" be moved to clause "167" and vice versa. This will introduce the works Committee first before referring the involvement of the Commissioner into the works committee.
Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice
It is proposed that Clause 166 and 167 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 168(8)
Evidence
The drafter from the MoJ advised the Committee and the Ministry that "section 158(7)' in this subclause to be replaced with "subsection 7" to refer to the correct subclause.
Consideration
The Ministry agreed with the recommendation for incorporation into the Bill.
Advice

It is proposed that Clause 168(8 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 169(3)

Evidence

The Committee recommended for the replacement of "with" in this subclause with "within" so that the meaning of the clause will be understood.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 169 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 170

Evidence

The Committee recommended for the deletion of "has been" in subclause 170(1) and replace "constituted" with "constitute", for the clause to be in order.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 170 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 171(1)

Evidence

The drafter from the MoJ recommended for the deletion of "contemplation or" in this subclause and any where it appears in the subsequent clauses. It is further recommended for the deletion of the phrase "would be actionable" in subclause 171(2).

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 171 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 177(6)(b)

Evidence

The Committee recommends for the deletion of the phrase "employers of organisation of" from the subclause as it is a repetition in the clause.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 177(6)(b) with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

10.5 PART XX – MISCELLANEOUS

Clause 179

Evidence

It was recommended to the Committee for the addition of "any other forms of noncommunicable diseases" to the clause. This is due to the fact that, not only HIV/AIDS patients are discriminated.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 179 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 181

Evidence

It is proposed to the Committee to replace "is" and "unforceable" with "shall be" and "forceable" respectively so that the clause will be in order with this Act and other laws.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 181 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Clause 185

Evidence

The drafter from the MoJ recommended that the phrase "and in force at the commencement of and not inconsistent with this Act" to be deleted from the clause so that it will be in order.

Consideration

The Ministry agreed with the recommendation for incorporation into the Bill.

Advice

It is proposed that Clause 185 with amendments, as presented in the edited version of the Bill, incorporating all the amendments, stands part of the Bill.

Honourable Kebba Jallow
Chairperson
Select Committee on Trade and Regional Integration