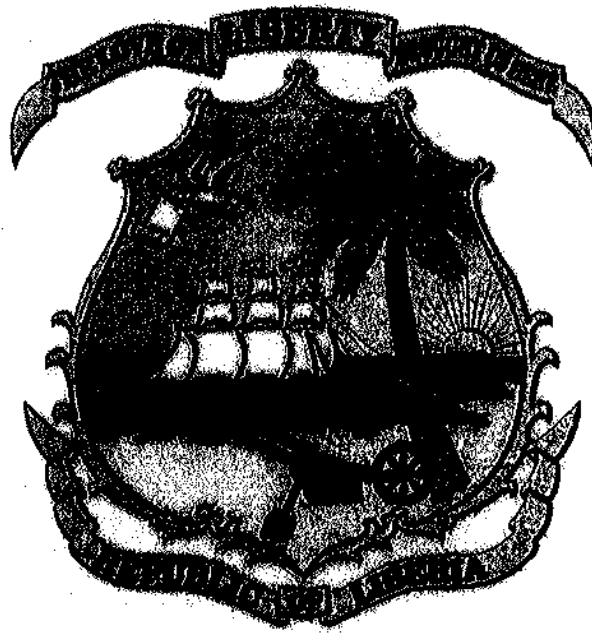


✓ LBR - 1956
LBR - 1997 R - 1997
LBR - 1985 - L - 5125
LBR - 1986 - L - 3552

LABOR LAW



As Enacted By The
NATIONAL LEGISLATURE

Reproduced by the Ministry of Labor

T I T L E 18

Labor Law

As enacted and amended by the National Legislature

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Chapter 1. RECRUITMENT OF LABOR

§ 1. Recruiting for service abroad illegal.

§ 2. Penalty for violation.

§ 1. Recruiting for service abroad illegal.

It is illegal:

(a) For any person to recruit or cause to be recruited within this Republic any Liberian citizen for service in any place, territory, or country outside this Republic; or

(b) For any official to issue any license or otherwise give authorization for recruiting of any Liberian citizen for service in any place, territory, or country outside this Republic; or

(c) For any citizen or resident of this Republic to enter into a contract or contracts for the recruitment of Liberian citizens for service in any place, territory, or country outside this Republic or to act as agent or agents of any person so contracting; provided, however, that the definition of service outside this Republic shall not include service as merchant seamen and seagoing laborers, as defined in section 280 of the Maritime Law.¹

§ 2. Penalty for violation.

Any person who violates any of the provisions of section 1 above shall

1. Prior legislation: L. 1930-41, ch. I, §§ 1-4; Rev. Stat. (adopted L. 1929, ch. VII), §§ 1337-1354; L. 1924-25, ch. III; L. 1923-24, ch. XVIII; L. 1922-23, ch. II; L. 1921-22, ch. VIII; L. 1920-21, ch. XIII; L. 1919-20, ch. II; L. 1914, 37 (1st); L. 1910-11, 35 (2nd); L. 1908-09, 32 (1st.); L. 1907-08, 29 (2nd); L. 1903-04, 35 (2nd); L. 1902-03, 41; L. 1898-99, 16 (2nd); L. 1897-98, 32 (2nd), except § 6; L. 1897-98, 13 (1st.), § 3; L. 1896-97, 11 (3rd); L. 1891-92, 5 (4th), §§ 1-6, 9, 10; L. 1872-73, 12, § 1-3, 6; L. 1858, 25 (2nd); and L. 1857, 6.

be guilty of a misdemeanor and upon conviction shall be punished by fine of not exceeding two thousand dollars or by imprisonment for period not exceeding one year.²

Chapter 2. CONDITIONS OF EMPLOYMENT

Subchapter A. General

- § 20. Labor contracts to represent free agreement and comply with law.
- § 21. Definitions.

Subchapter B. Wages

- § 35. Disposition of wages not claimed by employees.

Subchapter C. Hours of work

- § 50. Legal working days defined.
- § 52. Leave of absence to vote.

Subchapter D. Other conditions of employment

- § 71. Unlawful to dismiss group for act of individual.
- § 72. Control of abusive language.
- § 74. Prohibited child labor.
- § 75. Liberian employees to be preferred.

Subchapter A. GENERAL

- § 20. Labor contracts to represent free agreement and comply with law.

The conditions of employment shall be mutually agreed upon by employer and employee, and every contract of employment, whether written or oral, express or implied, shall comply with the requirements of this chapter.

2. Prior legislation: L. 1930-31, ch. I, § 5.

Chapter.³

§ 21. Definitions.

When used in this Chapter, the terms listed below shall be defined or construed as indicated in this section:

(a) "Workman" includes every employed person whose earnings do not exceed one hundred dollars per month, except persons employed in the following occupations: agriculture; forestry; processing the products of agriculture and forestry; domestic service; and administration of aid, comfort, or care to the sick.

(b) "Time and one-half" means one and one-half times the wage rate.

(c) "Casual labor" means all unskilled labor employed for a period of less than a working day, as defined in section 50.

(d) "Skilled workman" means any employed person who by reason of training and experience is able to perform services requiring special knowledge, ability or mental dexterity and whose wages do not exceed one hundred dollars per month.

(e) "Wage," "earning," or "rate" shall be construed to include the reasonable cost to the employer of furnishing the workman with food, medical care, and other facilities which are customarily furnished by such employer to his employees; provided, however, that "wage," "earning," or "rate" shall be construed to mean monetary compensation only in sub-chapter B of this Chapter.

The provisions of this Chapter shall not apply to (a) public employees to the extent that their wages and other working conditions are determined by budgetary appropriation or by other statutes or rules and regulations;

3. Prior legislation: L. 1911-12, 52 (2nd), § 5, 11.

Cross reference:

Labor contracts to be registered to prevent racial discrimination, see Penal L.

(b) seamen and seagoing laborers, insofar as the provisions of this Chapter conflict with the provisions of Chapter 10 of the Maritime Law; and

(c) persons required to work on public works. ⁴

Subchapter B. WAGES

§ 35. Disposition of wages not claimed by employees.

If an employee leaves his employment before or without receiving the accumulated wages owed to him, his employer shall report such unpaid obligations as required in section 34 above and shall hold such wages to the credit of the employee for six months. If the employee or his accredited representative does not apply for the wages within this period, such wages, as listed in the verified payroll, shall be paid to the Labor Agent, who shall transmit them to the Bureau of Revenues through the Minister of Labour. This amount shall be held in a government depositary as a part of a special fund to be specially applied to such educational purposes in the Hinterland as may be designated by the Minister of Education, through whom they shall be applied to such purposes. ⁵

Subchapter C. HOURS OF WORK

§ 50. Legal working day defined.

The legal working day shall consist of eight hours.

§ 52. Leave of absence to vote.

Any employee may obtain a leave of absence to vote in any election

4. Prior legislation: L. 1943-44, ch. I, §§ 2, 3; and L. 1942-43, ch. XVII, §§ 2, 3.

5. Prior legislation: L. 1943-44, ch. I, § 12; and L. 1942-43, ch. XXII, § 15.

without penalty or disproportionate deduction from pay in accordance with the procedure and under the circumstances prescribed in section 5.2 of the Elections Law. ⁶

Subchapter D. OTHER CONDITIONS OF EMPLOYMENT

§ 70. When strikes are lawful. (Repealed) ⁷

§ 71. Unlawful to dismiss group for act of individual.

A group or groups of employees shall be dismissed only for an act committed by such group or groups. It shall be unlawful to dismiss a group or groups of employees for an act, the commission of which cannot be attributed to a definite individual. ⁸

§ 72. Control of abusive language.

It shall be unlawful:

- (a) For any alien employer or his agents to utter or direct any abusive language to or against any Liberian worker which reflects on his race; or

6. *Prior legislation.* L. 1945-46, ch. VI, pt VII, § 110.

Legis. Note: The new Section 5.2 of the Elections Law provides: "An employer shall allow an employee leave of absence for reasonable period as is necessary to enable the employee to vote without any penalty or deduction of pay, if the following conditions are met: (a) The employee notifies the employer before the day of the election that he desires such leave of absence; and (b) Such leave of absence is necessary to enable the employee to vote."

7. Section 70 which prescribed the procedures which had to be followed prior to employees resorting to strike action and the unlawfulness of strikes where there was a failure to followed those procedures, was repealed by Act of the Legislature of May 1, 1963.

8. *Prior legislation:* L. 1943-44, ch. 1, § 6; and L. 1942-43, ch. XVII, § 8.

(b) For any Liberian employee or employer to utter or direct any abusive language to or against any alien or his agents which reflects on his or their race.

Upon conviction of a violation of this section before a Labor Court the offender shall be fined not more than one thousand dollars; in addition, if the offender is an alien, the Court may recommend to the Minister of Justice the immediate deportation of the guilty party from the Republic.⁹

§ 73. Hospitalization and compensation for injury. (Repealed)¹⁰

§ 74. Child labor prohibited.

It shall be unlawful for any person to employ or hire any child under the age of sixteen years during the hours when he is required to attend school in any portion of any month when school is in session; provided, however, that a person may employ minors under sixteen if he keeps a register and the school certificates of such employees open to inspection, which certificates shall show that each of the said minors listed in the register is attending school regularly and is able to read at sight and write simple sentences legibly. Any employer violating the provisions of this section shall be fined one hundred dollars and be committed until such fine is paid; any parent, guardian, or other person having control of any child under sixteen who permits such child to be employed in violation of this section shall be fined for each offense not less than fifteen dollars nor more than twenty-five dollars and shall be committed until the fine

9. Prior legislation: L. 1943-44, ch. I, § 9 (a); and L. 1942-43, ch. XVII, § 9.

Cross references:

Offense of racial discrimination, see Penal L., § 13.1.

Labor contracts to be registered to prevent racial discrimination, see prior Penal L., § 263 (6).

Deportation of aliens and dissolution of corporation on conviction for racial discrimination, see Penal L., § 13.1(3) and (4).

10. Section 73 repealed by Act of the Legislature approved June 6, 1961.

is paid. ¹¹

§ 75. Liberian employees to be preferred.

Except as provided in section 280 of the General Business Law, all employers are required to hire employees, except agricultural and unskilled laborers, from the lists of qualified Liberian workmen and employees maintained by the Ministry of Labor and Labor Agents. Except for administrative, supervisory, or technical positions, it shall be unlawful to hire an alien employee unless and until the list of qualified Liberians has been exhausted or there is no qualified person on the list capable of performing the job to be filled. In the event that an employer reports to the Minister of Labour that he can find no Liberian employee capable of doing a specific job, the Minister or his deputy appointed for that purpose shall grant a special permit setting forth this fact and according to the employer the right to engage the service of an alien or aliens to be named in the permit, designating the class of work he or she will be required to perform. *Accept*

No alien employee shall be employed at a rate different from that paid to Liberian citizens in similar positions who have equal competence or length of service. ¹²

11. *Prior legislation:* L. 1911-12, 6, § 40.

12. *Prior legislation:* L. 1943-44, ch. I, §§ 7, 10; and L. 1942-43, ch. XVII, §§ 10, 13.

Cross references:

When alien retail traders may employ alien employees and agents, *see* General Business L.; *see also* Labor Law in this volume.

Cross references:

Maintenance of status of alien employee, *see* Aliens and Nationality L., §§ 5.13, 6.4, 6.5. Resident importing employees into Liberia shall guarantee they will not become public charges, *see* Aliens and Nationality L., §§ 5.13 (4), (5), and (6).

Chapter 3. ADMINISTRATION

Subchapter A. General

- § 100. Labor Agent; appointment.
- § 101. Labor Agent; duties.
- § 102. Registration of skilled workers.

Subchapter B. Labor Commissioner Courts

- § 120. Labor Courts; Labor Commissioners.
- § 121. Jurisdiction of Labor Commissioner's Court.
- § 122. Appeals from decision of Labor Commissioner's Court.
- § 123. Minister of Justice to draw rules governing procedures.

Subchapter C. Violations

- § 140. Penalty for violations.

Subchapter A. GENERAL¹³

§ 100. Labor Agents: appointment.

Labor Agents shall be appointed in accordance with the provisions of the Civil Service Act for the various counties and Hinterland districts until the number of Agents is sufficient to carry out the duties required by

13. *Cross references:*

Functions of Ministry of Labor in connection with administration of this Title, *see* new Executive L., ch. 34, § 34.2 and Arts. I and II of Interim National Assembly decree No. 21, issued Dec. 24, 1985.

Functions of Labor Ministry, *see* People's Redemption Council decree No. 35, issued Mar. 17, 1981, constituting Chapter 34 of the new Executive L., at § 34.2.

Ministry of Labor to issue rules and regulations for carrying out provisions of this Title, *see* new Executive L., ch. 34, § 34.2 and Interim National Assembly decree No. 21, issued Dec. 24, 1985, amending the new executive Law, to extend the powers of the Ministry of labor. Sub-section 2 of the decree vests in the Ministry of Labor the power to issue regulations.

section 101 below in all parts of the Republic.¹⁴

§ 101. Labor Agents: duties.

Every Labor Agent shall have the following duties:

- (a) To oversee and supervise labor camps or other places where unskilled labor may be concentrated;
- (b) To secure the general welfare of the laboring classes as to sanitation, health, and safety in the work at which they are employed;
- (c) To hear in the first instance all differences or disputes between various employees and between employer and employee or employees and to adjust and compose them without prejudice to the right of the aggrieved party to bring the matter before the Labor Court;
- (d) Under orders from the Minister of Labor, to prosecute all legitimate claims before the Labor Court on behalf of unskilled laborers;
- (e) To keep a register of all Liberians qualified in all types of work, unskilled labor excepted, such register to be kept free of charge and no fee to be required of any laborer for registry;
- (f) Under the direction of the Minister of Labor to administer the provisions of Chapter II of this Title; and
- (g) To make quarterly reports to the Minister of Labor of his activities and to supply the Minister of Labour with copies of all registrations of Liberian laborers entered under the provisions of subsection (e).¹⁵

14. *Prior legislation:* L. 1943-44, ch. I, § 17; L. 1942-43, ch. XVII, §§ 19, 20; and L. 1911-12, 52 (2nd), §§ 2, 8, 10.

15. *Prior legislation:* L. 1943-44, ch. I; L. 1942-43, ch. XVII; and L. 1911-12, 52 (2nd), §§ 3-6.

§ 102. Registration of skilled workmen.

Every skilled workman as defined in section 21 above is required to register with the Ministry of Labor in the office of a Labor Agent, who shall keep a registry as required by section 101 (e) above. The Labor Agent shall file a copy of the registration with the Minister of Labor for entry in special books provided for that purpose. Upon such entry the skilled workman who has registered as required shall be furnished with a certificate of registration duly countersigned by the Minister. No skilled workman shall be permitted to pursue his craft or skill unless he possesses such a certificate of registry issued in the form and manner specified in this section. ¹⁶

Subchapter B. LABOR COURTS**§ 120. Labor Courts; Labor Commissioners.**

To implement the provisions of this Title, Labor [Commissioner] Courts shall be established as soon as possible in each county and district.

Each Labor [Commissioner] Court shall be considered an agency of the Ministry of Labor and shall be presided over by a Labor Commissioner appointed by the President. ¹⁷

§ 121. Jurisdiction of Labor Commissioner's Courts.

The jurisdiction of the Labor [Commissioner] Courts shall be confined to causes arising under Chapter II of this Title to which employers, workmen, and/or employees other than government employees are parties. They shall not exercise any civil or criminal jurisdiction which is conferred on stipendiary magistrates or justices of the peace by statute, rules,

16. Prior legislation: L. 1943-44, ch. 1, § 10; and L. 1942-43, ch. XVII, § 13.

17. Prior legislation: L. 1943-44, ch. 1, §§ 15, 17; and L. 1942-43, ch. XVII, §§ 18, 20.

or regulations.¹⁸

§ 122. Appeals from decisions of the Labor [Commissioner] Courts.

Appeals from the Labor [Commissioner] Courts shall be heard *de novo* in the Labour Court of the appropriate judicial circuit. An appeal may be taken from the decision of the Labour Court to the Supreme Court.¹⁹

§ 123. Minister of Justice to draw rules governing procedure.

Rules governing the procedure of the Labor [Commissioner] Courts shall be drawn by the Minister of Justice in accordance with the provisions of chapter 22 of the new Executive Law.²⁰

Subchapter C. VIOLATIONS

§ 140. Penalty for violation.

The commission of any act prohibited in Chapter II of this Title shall be an offense; and the neglect or refusal of an employer to comply with the decision of a Labor [Commissioner] Court (unless such decision is reversed or modified on appeal) shall also be an offense. If no penalty is specified therefor, any such offense shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.²¹

Chapter 9. REPEALERS

§ 500. Statutes repealed.

18. *Prior legislation:* L. 1943-44, ch. I, § 15; and L. 1942-43, ch. XVII, § 18.

19. *Prior legislation:* L. 1943-44, ch. I, § 15; and L. 1942-43, ch. XVII, § 18.

20. *Prior legislation:* L. 1943-44, ch. I, § 15; and L. 1942-43, ch. § 18.

21. *Prior legislation:* L. 1943-44, ch. I, § 18; and L. 1942-43, ch. XVII, § 21.

§ 500. Statutes repealed.

The following statutes are hereby repealed:

L. 1857, 6, insofar as it refers to refers to laborers shipped for services outside Liberia.

L. 1858, 25 (2nd) insofar as it refers to laborers shipped for service outside Liberia.

L. 1872-73, 12, secs. 1-3, 6, insofar as it refers to laborers shipped for service outside Liberia.

L. 1891-92, 5 (4th), secs. 1-6, 9, 10, insofar as it refers to laborers shipped for service outside Liberia

L. 1896-97, 11 (3rd)

L. 1897-98, 13 (1st.)

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P A R T I

*Administration and Enforcement***Chapter 1. BOARD OF GENERAL APPEALS
(Abolished)²²**

§ 9. Wrongful dismissal.

§ 10. Appointment of Labor Solicitor.

§ 11. Duties of Labor Solicitor.

Art. II. Extension of the duties of the Labor Solicitor.

§ 9. Wrongful dismissal.²³

Where wrongful dismissal is alleged, the [Labour Court] shall have power to order reinstatement, but may order payment of reasonable compensation to the aggrieved employee in lieu of reinstatement. The party against whom the order is made shall have the right of election to reinstate or pay such compensation. In assessing the amount of such compensation, the [Labour Court] shall have regard to:

- (a) (i) reasonable expectations in the case of dismissal in a contract of indefinite duration;

22. The Chapter created the Board of General Appeals, within the Ministry of Labor, to hear and determine appeals taken from decisions of the Hearing Officers, Labor Commissioners, Labor Inspectors, etc. It also provided for appeals from the decisions of the Board to the Circuit and debt courts. However by Act of the Legislature, approved October 20, 1986, the Board of General Appeals was abolished and Labour Courts created for all the counties, to which appeals could be taken directly from the decisions of the hearing officers and other quasi-judicial personnel of the Ministry of Labor.

23. **EDITORS' NOTE:** Because section 9 continues to remain the basis for decisions of the Labour Courts relative to wrongful dismissal and computation of compensation for such wrongful dismissal, it is printed herein, notwithstanding the dissolution of the Board of General Appeals by Act of the Legislature of October 20, 1986.

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(ii) length of service; but in no case shall the amount awarded be more than the aggregate of two years salary or wages of the employee computed on the basis of the average rate of salary received 6 months immediately preceding the dismissal. However, if there are reasonable grounds to effect a determination that the dismissal is to avoid the payment of pension, then the [Court] may award compensation of up to but not exceeding the aggregate of 5 years' salary or wages computed on the basis of the average rate or salary received 6 months immediately preceding the dismissal.

Section 10. Appointment of Labor Solicitor.

The President by and with the advice and consent of the Senate shall appoint to the Ministry of Labour an Official with the title of Labor Solicitor. The Labor Solicitor shall be a competent lawyer.

Section 11. Duties of the Labor Solicitor.

It shall be the duty of the Labor Solicitor to conduct and represent employees in all labor matters whenever an appeal is taken to the debt Court or to the Labour Court and such employees declare under Oath their inability, because of financial destitution, to retain counsel.²⁴

Art. II. Extension of the duties of the Labour Solicitor.

It shall be the duty of the Labour Solicitor to conduct and represent employees in all labour matters before the Labour Courts, when such employees have declared under oath their inability to retain counsel because of financial destitution.²⁵

24. Approved July 9, 1975; published February 25, 1976.

25. The Article extending the duties was decreed under Interim National Assembly decree No. 21, issued December 24, 1985. The decree, which was an amendment to the Executive Law, was captioned "Decree by the Interim National Assembly of the Republic of Liberia Amending the Executive Law to extend the Administrative Powers and Procedure of the Ministry of Labour, amending the Labour Law to extend the duties of the Labour Solicitor and Amending the Judicial Law to Establish the National Labour Court.

Chapter 2. SYSTEM OF INSPECTION

- § 50. Inspection districts and offices.
- § 51. Composition of staff.
- § 52. Qualification of Inspectors.
- § 53. Technical experts.
- § 54. Duties of Labor Inspectors.
- § 55. Inspection visits.
- § 56. Action by Inspector in case of violation.
- § 57. Conduct of Inspectors.
- § 58. Notification of industrial accidents or occupational diseases.
- § 59. Notification of opening of establishment.
- § 60. Obstruction of Inspectors.

§ 50. Inspection districts and offices.

The Minister of Labor shall divide all territory within the jurisdiction of the Republic into as many inspection districts as he considers advisable for the effective administration of the inspection system. The central office of the inspectorate shall be located in Monrovia, and a district office shall be established in each inspection district in a place as convenient as possible for all interested persons in the area of jurisdiction.

§ 51. Composition of Staff.

The Minister of Labor shall appoint as many labor inspectors as are necessary to carry out adequately the functions of the inspection system. From among such appointees a Chief Inspector shall be designated for each inspection district. The Director of Inspection shall exercise general supervision over the inspectorate and be responsible for its efficient operation to the Ministry of Labor.

§ 52. Qualifications of inspectors.

1. To be appointed as a labor inspector, a person must have, in addition to the technical training required to enable him to perform his duties, a

good general education and the character and ability to acquire the confidence of persons with whom he may deal.

2. Women as well as men be appointed as labor inspectors where the nature of the duties required of them makes them suitable for the position.

3. Labor inspectors shall not have any direct or indirect interest in the undertakings subject to their inspection.

§ 53. Technical experts.

1. If at any time a labor inspector feels that the advice of another technical expert in the employ of the Government, such as a physician, public health authority, engineer, or chemist, is necessary in the performance of his duties, he may with the consent of his Chief Inspector request such expert to assist him, and the experts so called upon shall comply with the request. A labor inspector may also request the Government to test samples of material or equipment submitted by him in the course of his work.

2. It shall be the duty of all medical officers in the service of the Government or members of any school or educational authority, local health authority, building inspection committee, or public authority to report to a labor inspector any failure to comply with the provisions of this Title or Title 18 coming under their observation.

§ 54. Duties of Labor Inspectors.

1. *Inspection visits.* A labor inspector shall carry out a thorough inspection of all workplaces in his assigned jurisdiction and within the application of any of the provisions of this Title or Title 18 at least once a year to ascertain if such provisions are being fully observed. Additional inspections shall be carried out in workplaces where violations of the law are suspected or about which complaints have been received or in cases where a further inspection is required to ascertain whether earlier orders or instructions have been complied with. Establishments where the employees are subject to dangerous or unhealthful conditions are to be inspected as often as may be necessary to enforce compliance with the law.

2. *Receiving complaints.* An employee or a person representing him may make a complaint concerning a violation of this Title or Title 18 or other defect or condition affecting the welfare of employees to the employer or to a labor inspector, who shall, if he considers that there may be some ground for such complaint, investigate to determine if it is justified. The Minister of Labor may cause a labor inspector to investigate a practice or condition in a workplace within his jurisdiction which the Minister considers may constitute a violation of this Title or Title 18.

3. *correction of irregularities.* Where a labor inspector becomes aware of any circumstance, condition, or practice which may impair the safety, health, or welfare of the employees in a workplace under his jurisdiction, even though such circumstance, condition, or practice is not illegal, he shall attempt to have the employer correct it and shall call it to the attention of his superior officers.

4. *Investigation of accidents and diseases.* A labor inspector shall investigate serious industrial accidents and occurrences of occupational disease, as defined in Chapter 36, of which they are notified or otherwise obtain knowledge in order that, if possible, the causes may be ascertained and precautions may be taken to prevent recurrence.

§ 55. Inspection visits.

A labor inspector may without previous notice at any time during working hours enter and inspect any workplace within the application of any provision of this Title or of Title 18. Before beginning his inspection, the labor inspector shall present himself to the employer or responsible manager or his deputy and, if so requested, present his credentials. The labor inspector may (a) interrogate the employer or any employee to determine whether the provisions of this title or Title 18 are being observed; (b) require them of any books, register, or other documents required under this Title or Title 18 any copy extracts therefrom; (c) after notification of the employer, remove for purposes of study or analysis samples of materials used or handled by employees; (d) examine any notices posted in conformity with this Title or Title 18.

§ 56. Action by inspector in case of violation.

If the labor inspector finds the existence of violation of any of the provisions of this Title or Title 18, he shall instruct the employer to cease such violation by a written notice specifying a reasonable period not less than three months and not more than six months for compliance. If the violation is continued after the time allowed for its correction in such notice, the labor inspector shall bring the matter before the Ministry of Labor in the manner specified in Section 202 of this Title. If the violation involves imminent danger to the lives or health of employees, the labor inspector may immediately bring it to the attention of the Ministry for its action.

§ 57. Conduct of inspectors.

1. A labor inspector is forbidden, even after termination of his services, to divulge, except as required by his duties, any information coming to his knowledge in the course of his employment.
2. A labor inspector shall not disclose, except to a superior officer, the source of an complaint received by him in the course of his employment.
3. A labor inspector shall not accept from the employer or employees in workplaces under his supervision anything of value.
4. A labor inspector who violates a provision of this section shall be removed from office. A violation of Paragraph 3 shall be punishable as bribery.

§ 58. Notification of industrial accidents or occupational diseases.

Any employer whose employee is seriously injured in an industrial accident or stricken with an occupational disease contracted in his workplace shall immediately after the occurrence of the accident or discovery of the disease notify a labor inspector of such fact.

§ 59. Notification of opening of establishment.

Any person who opens a new establishment or commences a business activity or changes the operation of a previous establishment or business activity so that the application of the provisions of this Title or Title 18 is in any way affected shall give notice thereof to a labor inspector.

§ 60. Obstruction of inspectors.

A person who knowingly obstructs or hinders a labor inspector in the exercise of his duties under this Title or Title 18 should be reported to the Ministry and if found guilty of a misdemeanor is punishable by a fine of not more than one hundred dollars.

**Chapter 3. REVIEW ON COMPLAINT OF
LABOR VIOLATION**

§ 200. Securing evidence.

§ 201. Place of meeting.

§ 202. Procedure before Ministry of Labor.

§ 203. Appeals from order of Ministry; enforcement of order.

§ 200. Securing evidence.

The Ministry of Labour, as constituted by Chapter 34 of the Executive Law is hereby empowered to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, require the production for examination of any books or papers or other evidence relating to any matter under investigation or in question before the Ministry.

§ 201. Place of meeting

The Ministry of Labor may meet and function at any place within the Republic convenient to the residence of the employer who is charged with a violation of this Title or of Title 18 or the place of business where

the violation is occurring.

§ 202. Procedure before Ministry of Labour.

In case a labor inspector fails to eliminate a violation, he shall, within fifteen days after the expiration of the time allowed the employer for correction under the notice by the inspector, make, sign, and file with the Ministry of Labor a verified complaint in writing, which shall state the name and address of the employer alleged to be committing the violation and shall set forth any information which may be required by the Ministry. If the Ministry on a consideration of the complaint decides that it shows that a violation of the law may be occurring, it shall cause to be issued and served a written notice together with a copy of such complaint, as the same may have been amended, requiring the employer named in the complaint, hereinafter referred to as the respondent, to answer the charges contained therein at a hearing before the Ministry at a time and place to be specified in such notice. The case in support of the complaint shall be presented before the Ministry by one of its attorneys or agents, and the labor inspector who filed the complaint shall not participate in the deliberation of the Ministry in such case. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The Ministry or the complaining inspector shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The Ministry shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. Counsel shall have the right to examine and cross-examine. If, upon all the evidence at the hearing the Ministry shall find that a respondent is committing a violation or any of the provisions of this Title or Title 18, the Ministry shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring him to cease and desist from continuing such violation and to take such affirmative and remedial action as is specified in the law or as, in the judgment of the Ministry, will effectuate the purposes of this Title or of Title 18. Such order served on a respondent shall include a requirement for a report of the manner of compliance. If, upon all the evidence, the Ministry shall

find that a respondent has not engaged in the violation charged, the Ministry shall state its findings of fact and shall issue an order dismissing the said complaint. A copy of all orders by the Ministry shall be kept on file by the Ministry.

§ 203. Appeals from order of Ministry; enforcement of order.

Any respondent aggrieved by an order of the Ministry may appeal therefrom and the Ministry may obtain an order of the court for enforcement of its own order, in a proceeding as provided in this section. Such proceeding shall be brought in the judicial circuit of the Labor or Circuit Court of the county in which the Ministry held its hearing in the case, or, if the hearing was held in the Hinterland, in the judicial circuit of the Circuit Court most convenient to the place where the hearing was held. Such proceeding shall be initiated by the filing of a petition in such Court, together with a written transcript of the record upon the hearing before the Ministry and the issuance and service of a notice on the Ministry and on the respondent of the time and place fixed for the proceeding. Thereupon the Court shall have jurisdiction of the proceeding and shall have power to grant such temporary relief or restraining order as it deems fit and to make an order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Ministry. No objection that has not been urged before the Ministry shall be considered by the Court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Either party may move the Court to remit the case to the Ministry in order to adduce additional specified and material evidence and seek findings thereon provided he shows reasonable grounds for the failure to adduce such evidence before the Ministry. The findings of the Ministry as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the Labor or Circuit Court, and if an appeal is taken, by the Supreme Court, as expeditiously as possible. The judgment and order of the Labor or Circuit Court shall be final, subject only to review by the Supreme Court. The Ministry's copy of testimony shall be available at all reasonable times to the parties for examination without cost and for the purposes of judicial review of the order of the Ministry. A

respondent who institutes a proceeding under this section must institute it within thirty days after the service of the order of the Ministry.

P A R T II

*Conditions of Employment*²⁶

Chapter 6. MINIMUM WAGES

- § 500. Employees for whom minimum wages may be fixed.
- § 501. Minimum Wage Board.
- § 502. Standard of minimum wages.
- § 503. Procedure for determining minimum wages.
- § 504. Proposed orders of Minimum Wage Board.
- § 505. Publication of proposed order; hearings.
- § 506. Review of minimum wage by Minimum Wage Board.
- § 507. Violation of order of Minimum Wage Board.
- § 508. Permits for handicapped persons.
- § 509. Recovery by employee of unpaid minimum wages.
- § 510. Agreements for less than minimum wage void.
- § 511. Records to be kept by employer.
- § 512. Posting of minimum wage rates.
- § 513. Minimum wage for unskilled labor pending determination by Minimum Wage Board.

§ 500. Employees for whom minimum wages may be fixed.

Minimum wages may not be fixed by the Minimum Wage Board for the following: (a) government employees; (b) employees engaged in domes-

26. Part II and the Chapters contained therein were added to the Labor Law by Legislative Session enactment of CHAPTER LIII, captioned "AN ACT WITH REFERENCE TO THE DETERMINATION OF MINIMUM WAGES." Section 1. of the Act read as follows: "The following is hereby enacted as Chapter 6 of Part II of a new title, Title 19-A, of the Liberian Code of Laws of 1956 to be known as the Labor Practices Law."

tic or professional service; (c) employees in undertakings in which fewer than four employees are employed; (d) employees in undertakings in which only members of the employer's family are employed; and (e) those holding a managerial position or employed in a confidential capacity.

§ 501. Minimum Wage Board.

1. There is hereby created in the Ministry of Labour a Minimum Wage Board which shall be responsible for fixing the minimum wage which is to be paid to each class of employees within the jurisdiction of the Republic, with the exception of those hereinabove named in Section 500.

2. The Minimum Wage Board shall be composed of three permanent members as follows: The Assistant Minister of Labour, the Assistant Minister of Commerce, and the Assistant Minister of the Internal Affairs, and four additional members who shall be appointed and whose membership shall be limited as provided in Sub-section 3 of this Section.

3. While the Minimum Wage Board is fixing the minimum wage for a particular class of employees, it shall be composed, in addition to its permanent members, of two employers representing the industry, and two employers representing agriculture. The four temporary members of the Board shall be appointed by the Minister of Labour with the approval of the President of Liberia. The Board, when considering issues affecting industries or agriculture may invite two employees representing such class for their observations thereon.

4. The temporary members of the Minimum Wage Board shall be reimbursed for their traveling and other expenses and shall receive a daily fee while engaged in the work of the Board in an amount to be fixed by the Minister of Labour with the approval of the President of Liberia.

5. The chairmanship of the Minimum Wage Board shall rotate annually among the three permanent members thereof, the Assistant Minister of Labour acting as chairman.

6. The permanent members and three temporary members of the Minimum Wage Board shall constitute a quorum.

7. The Minimum Wage Board shall meet at such time and place as the chairman thereof shall appoint.

§ 502. Standard for minimum wages.

Any minimum wage established under this Chapter shall be as nearly adequate as is economically feasible to maintain the minimum standard of living necessary for the health, efficiency, and general well-being of the employees and their families.

§ 503. Procedure in determining minimum wage.

1. The classification of employees for the purpose of establishing minimum wages for their benefit shall be within the discretion of the permanent members of the Minimum Wage Board.

2. For the purpose of fixing minimum wages, the Board shall inquire into the conditions prevailing for the class of employees under consideration. Among other relevant factors, the Board shall consider the following:

(a) cost of living of the employees whose minimum wage is under consideration;

(b) wages paid for work of like or comparable character by employers who voluntarily maintain reasonable standards.

To assist in its deliberations, the Board shall have the power to administer oaths, compel the testimony of witnesses and the production of all books, records, and other evidence relevant to any matter under investigation, and require other government agencies to supply any relevant information which they may have available.

3. The rules of evidence applied by courts in proceedings at law shall not be strictly applied in any proceeding conducted before the Minimum

Wage Board.

§ 504. Proposed orders of Minimum Wage Board.

At the conclusion of its deliberations, the Minimum Wage Board shall formulate a proposed order fixing a minimum wage for the class of employees which has been under consideration. If appropriate in view of the prevailing customs and conditions, a proposed order may include the following:

- (a) a suitable scale of rates for learners and apprentices, which scale may be less than the regular minimum wage which it is proposed to fix for experienced employees;
- (b) piece rates in addition to or in lieu of time rates;
- (c) rates for part time workers;
- (d) variations in rates for different localities if in the judgment of the Board conditions make such local differentiation proper and will not cause unreasonable discrimination against any locality;
- (e) in addition to the regular scale of minimum wages, a lower scale for employees receiving from the employer other benefits.

§ 505. Publication of proposed order; hearings.

A proposed order of the Minimum Wage Board shall be published in the official "Gazette" and copies shall be posted in a readily accessible place in those workplaces where any of the affected classes of employees are employed. The proposed order shall be accompanied by a notice of a public hearing to be conducted by the Minimum Wage Board between fifteen and thirty days after publication and posting of such notice. At the hearing all persons in favor of or opposed to the recommendations contained in the proposed order may be heard. After the due consideration of all objections and suggestions made at the hearing and within ten days thereafter, the Minimum Wage Board shall issue a final order which may

confirm or revise the proposed order. A copy of every proposed and final order shall be transmitted to the Office of the President.

§ 506. Publication of proposed order; hearings.

The Minimum Wage Board shall at least once in every two years review the minimum wage rates fixed by it for each class of employees and review such rates if conditions require. The same procedure shall be followed in reviewing minimum rates as in establishing the original schedules.

§ 507. Violation of order of Minimum Wage Board.

Failure of an employer to observe the provisions of a final order of the Minimum Wage Board shall, except as otherwise provided, constitute a violation of this Title and render the employer liable to the enforcement procedure prescribed in Chapters 2 and 3 of this Title.

§ 508. Permits for handicapped persons.

A person whose earning capacity is impaired by age or physical or mental deficiency or injury may apply to any one of the three permanent members of the Minimum Wage Board for a permit to accept employment at a wage lower than a minimum wage fixed by the Board for such employment. If the applicant shows that his handicap is such that it will curtail his opportunities for employment, a permit may be granted subject to such conditions, including the minimum wage payable to the applicant, as it seems advisable to impose. No permit shall be granted under this Section for a longer period than one year. On the expiration of a permit, the holder may apply for its renewal. A permit may be revoked by any of the three permanent members of the Minimum Wage Board if the holder is no longer affected by the incapacity which justified its issuance.

§ 509. Recovery by employee of unpaid minimum wages.

An order of the Ministry of Labour issued under Section 201 of this Title with reference to a violation under this Chapter shall include directions

to the defaulting employer to pay to his employees any amount by which the Ministry finds the payments made to such employees were short of the minimum wages due them plus a fair rate of interest from the time such wages were due. Nothing in this Section shall be in derogation of the right of an employee to recover wages due him from an employer in a civil proceeding.

§ 510. Agreements for less than minimum wage void.

Any provision in a contract of employment for the payment of wages at less than the rate fixed by the Minimum Wage Board shall be null and void.

§ 511. Records to be kept by employer.

Every employer shall keep with respect to any employees for whom a minimum wage has been fixed such records of wages as are necessary to show that the provisions of this Chapter are being complied with.

§ 512. Posting of minimum wage rates.

Schedules of minimum wages applicable to any employees in a work place shall be displayed in a readily accessible location in such work place.

§ 513. Minimum wage for unskilled labor pending determination by Minimum Wage Board.

An unskilled laborer shall be paid for his work at the rate of not less than twenty-five cents an hour if he is an industrial laborer, and not less than One Dollar and Fifty Cents per eight-hour day if he is an agriculture laborer, exclusive of fringe benefits.²⁷

²⁷ This Section was added to the chapter by Act of the Legislature titled "AN ACT TO AMEND SECTION 513 OF CHAPTER 6 OF THE LABOUR PRACTICES LAW WITH RESPECT TO MINIMUM WAGES FOR WORKERS", approved June 30, 1977, published July 4, 1977. By its terms, the Act became effective upon publication in handbills by the

Chapter 7. COMPANY STORES²⁸

- § 600. Company stores.
- § 601. Employees.
- § 602. Company stores; when legal.
- § 603. Posting of notices.
- § 604. Payment in cash.

§ 600. Company stores.

The term "company store" shall include any arrangement whereby an employer directly or indirectly sells or supplies goods to its employees.

§ 601. Employee.

For the purposes of Section 602-603, the term "employee" shall include every employee or employees whose wages do not exceed \$150 per month.

§ 602. Company store; when legal.

A company store shall be lawful if and only if the following conditions are fulfilled:

- (a) That the employees are not required as a condition of employment to obtain their supplies there;
- (b) That goods are sold only for immediate cash payment; provided, however, that nothing in this section shall affect the validity of an assignment by any employee in connection with purchases from a

Ministry of Foreign Affairs.

28. Chapter 7 was enacted under the title of "An Act to Regulate Company Stores and the Method of Wage Payment" as a chapter to the new Title 19-A, Labour Practices Law, which was enacted under Legislative Sessions Act Chapter LII, approved May 8, 1961.

company store or stores of wages to be earned within thirty days from date of such assignment when given to secure payment for rice, palm oil, raincoats, cassava, blankets, soap, and such other personal or family necessities as the Ministry of Labor may hereafter from time to time prescribe.

§ 603. Posting of notices.

The prices of all goods offered for sale in a company store shall be posted therein in a conspicuous place.

§ 604. Payment in cash.

Every employer shall pay the wages of his employees in legal tender or by a negotiable instrument; provided however, that said negotiable instrument shall be payable or redeemable upon demand without discount and for face value in legal tender at one or more of the following places: Office or place of business of said employer or bank.²⁹

Chapter 8. MAXIMUM HOURS³⁰

- § 700. Application of Chapter.
- § 701. Minimum hours of work.
- § 702. Exemption from prescribed maxima.
- § 703. Remuneration for overtime work.
- § 704. Rest periods.
- § 705. Posting of notices.
- § 706. Keeping of records.

29. The Act, at Section 2, repealed Section 210 of Title 19 of the Labor Law, which dealt with the unlawfulness of payment of wages in the form of merchandise. The repealing Act was approved May 18, 1961 and took effect ninety days after it became law.

30. Chapter 8 was enacted as a part of the new Title 19-A, Labor Practices Law, by Legislative Sessions Act, Chapter XLIX, titled "An Act to Regulate the Maximum Hours of Workers" approved May 18, 1961.

§ 700. Application of Chapter.

This Chapter applies to all employees with the exception of the following:

- (a) government employees;
- (b) employees engaged in domestic or professional service;
- (c) employees in undertakings in which fewer than four employees are employed;
- (d) employees in undertakings in which only members of the employer's family are employed;
- (e) those holding a managerial position or employed in a confidential capacity;
- (f) rubber-tree tappers and other agricultural workers whose work is defined by an assigned task and not by hours.

§ 701. Maximum hours of work.

1. Subject to the provisions of this Chapter, no employer shall cause or require any employee to work longer than eight hours in any one day or forty-eight hours in any one week, except to the extent that any hours worked in excess thereof shall be paid in accordance with the provisions of Section 703.
2. An employee who on one or more working days of the week works fewer than eight hours may be required to work more than eight hours on the remaining working days of the week; but in no case under the provisions of this Sub-section shall the daily limit of eight hours be exceeded by more than one hour, nor shall the weekly limit of forty-eight hours be exceeded.
3. Employees engaged in work (a) of such a nature that it can only be

performed at irregular intervals during the daily hours of work for which the employees need to be available for work, or (b) in which attendance at the place of employment is the chief requisite, or (c) in the iron ore mining industry, may be required to work in excess of the number of hours specified in Sub-section 1 of this Section; but in no such case shall the hours of work for which the employees need to be available for work exceed twelve hours a day or seventy-two hours a week.

4. An employer may employ the requisite number of workers to do necessary preparatory or compulsory work for longer than the maximum hours prescribed by Sub-section 1 of this section, but no employee engaged in such work shall work more than fifty-six hours in any week.

5. In an industry of a seasonal nature, the maximum hours of labor for a period or periods of not more than fourteen work weeks in the aggregate in any calendar year may exceed the maximum hours specified in Sub-section 1 of this Section, provided that no employee within the application for this Sub-section shall work in excess of fifty-six hours in any week, nor in excess of a yearly average of forty-eight hours per week.

§ 702. Exemption from prescribed maxima.

1. The limit of hours of work prescribed by Section 701 of this Chapter may be exceeded in the following cases:

(a) In a case of actual or imminent disaster or accident in order to avert a peril to life or health, or to prevent serious damage to property, or to ensure the continued operation of the undertaking;

(b) In case of work urgently required to be done to the plant, equipment, machinery, or other property to maintain the undertaking;

(c) To prevent damage to perishable goods;

(d) To perform work of vital public importance if authorized by the Ministry of Labor.

(e) To perform tasks required by an exceptional pressure of work or business in the establishment and not within the provisions of Section 701 (5) or of (a), (b), (c), or (d) of this Sub-section.

2. The hours specified in Section 701 of this Chapter may be exceeded under the authorization of any one of the Sub-divisions of this Section only to the extent necessary to meet the emergency or accomplish the purpose for which the exception is authorized; provided that overtime worked by any employee under the exception authorized in Sub-division (e) of Sub-section 1 shall not in any case exceed two hours a day or two hundred hours in any calendar year.

3. If an employer finds it necessary to extend the normal working hours for any reason authorized by this Section, he shall as soon as possible thereafter notify the Ministry of Labour or a local Labour Inspector of the fact of the extension, the reason justifying it, and the probable duration of the period for which overtime work will be required.

§ 703. Remuneration for overtime work.

Work in excess of the number of hours specified in Section 701, Sub-section 1, shall be paid for at a rate not less than fifty percent above the normal rate.

§ 704. Rest periods

Any employee working more than five hours a day shall have a period of not less than one-half hour's rest in the course of the day's work. The rest periods of an employee in the course of the working day shall be reckoned in the hours of work except those periods which exceed one-half hour's duration.

§ 705. Posting of notices.

Every employer within the application of this Chapter shall keep posted in a place freely accessible to the employees and in such manner that it may easily be consulted a notice showing the hours at which work begins

and ends and the daily rest periods, either collectively or, if the hours differ for different groups or individuals, then by a roster listing such groups or individuals.

§ 706. Keeping of records.

Every employer to whom this Chapter is applicable shall keep an accurate record of work performed by each employee in excess of the number of hours specified in Section 701(1) and the remuneration paid for such work. Such record shall be produced on demand for inspection by the Labor Inspector. On the request of an employee an extract from such records containing such information as concerns him shall be communicated in writing to such employee or to a person authorized by him to receive it.³¹

Chapter 9. WEEKLY REST DAYS AND PUBLIC HOLIDAYS³²

§ 800. Application of Chapter.

§ 801. Right to weekly rest.

§ 802. Rest on public holidays.

§ 803. Payment for work on days of rest or public holidays.

§ 804. Notice of work schedule.

§ 805. Keeping of records.

§ 800. Application of Chapter.

This Chapter applies to all employees with the exception of the follow-

31. Approved May 18, 1961.

32. Chapter 9 was enacted as a part of the Labor Practices Law by legislative session Act, CHAPTER XXXII, under the caption "AN ACT TO PROVIDE WEEKLY REST DAYS AND PUBLIC HOLIDAYS FOR WORKERS." Section 1 of the Act read as follows: "The following is hereby enacted as Chapter 9 of a new Title 19-A of the Liberian Code of Laws of 1956, to be known as the Labor Practices Law."

ing:

(a) government employees,

(b) employees engaged in domestic or professional service;

(c) employees in undertakings in which fewer than four employees are employed;

(d) employees in undertakings in which only members of the employer's family are employed;

(e) those holding a managerial position or employed in a confidential capacity.

§ 801. Right to weekly rest.

All employees within the application of this Chapter shall be granted by the employer an uninterrupted rest period of not less than twenty-four consecutive hours in every week; provided that (a) An employee may be required to work on his regular day of rest under any of the circumstances specified in section 702 (1) of this Title, but in such a case, the employee shall be granted a day of rest within six days thereafter; (b) An agricultural worker may be allowed by the employer to take days of rest at irregular intervals, but in such cases the days of rest taken shall number at least eight in every period of two calendar months, and if such a worker shall work on any of the rest days to which he is entitled, his work on such days shall be subject to the provisions of Section 803.

§ 802. Rest on public holidays.

Every employee is entitled to a holiday with pay on the days specified as public holidays in section 1 of the Patriotic Observances Law, and except that an employee may be required to do work on a public holiday which:

(a) For technical or economic reasons or because of its nature is carried on continuously;

(b) In the judgment of the employer must be performed on the holiday to ensure the normal operation of the undertaking;

(c) Is for the purpose of supplying public needs; or

(d) Is within the provisions of section 702 (1) (a), (b), (c), or (d)

§ 803. Payment for work on days of rest or public holidays.³³

An employee who works on a public holiday, or on a day of the week on which he is regularly entitled to a day of rest, or on a public holiday falling on his regular day of rest, shall be paid at a rate not less than fifty percent above the normal rate.³⁴

§ 804. Notice of work Schedule.

In every undertaking in which employees subject to the provisions of this Chapter are employed, there shall be posted in a place freely accessible to the employees concerned, and in such manner that it may easily be consulted, the weekly rest program or schedule.

§ 805. Keeping of records.

The records kept in accordance with the requirements of section 706 of this Title shall show the days of rest taken by each employee and, if work is done on a day of rest regularly taken by the employee, the remuneration paid for it.³⁵

33. The present wording of Section 803 was by amendment by legislative Act, CHAPTER XXXV, captioned: "AN ACT TO AMEND THE LABOR PRACTICES LAW WITH RESPECT TO WEEKLY REST DAYS AND PUBLIC HOLIDAYS FOR WORKERS."

34. Provision as worded above approved May 1, 1963. *Prior legislation:* An Act to Provide Weekly Rest Days and Public Holidays for Workers, Ch. XXXII, § 803, App. May 26, 1961.

35. The Act, approved May 26, 1961, took effect ninety days after it became law.

Chapter 10. ANNUAL LEAVE³⁶

- § 900. Application of Chapter.
- § 901. Right to annual leave; its length.
- § 902. Relinquishment of right to leave.
- § 903. Continuity of leave.
- § 904. Notifying employee of commencement of leave.
- § 905. Payment to employees who take leave.
- § 906. Keeping of records.

§ 900. Application of Chapter.

This Chapter applies to all employees with the exception of the following:

- (a) government employees;
- (b) employees engaged in domestic or professional service;
- (c) employees in undertakings in which fewer than four employees are employed;
- (d) employees in undertakings in which only members of the employer's family are employed;
- (e) those holding a managerial position or employed in a confidential capacity.

§ 901. Right to annual leave; its length.

1. Every employee within the application of this Chapter is entitled, subject to the provisions herein contained, to a minimum uninterrupted pe-

³⁶ Chapter 10 was enacted as part of the Labor Practices Law, Title 19-A, by legislative Sessions Act, CHAPTER XXVIII, captioned: "AN ACT TO PROVIDE ANNUAL LEAVE FOR WORKERS", approved May 18, 1961.

period of paid annual leave in accordance with the following:

(a) For continuous service with the same employer for twenty-four (24) months, the number of working days in two (2) weeks, and thereafter for each additional twelve months, with the same employer, the number of working days in three (3) weeks; and

(b) For continuous service with the same employer for sixty (60) months and thereafter, the number of working days in four weeks.

2. For the purpose of this section,

(a) "*continuous service*" means the period during which the employee remained bound by the employment contract with his employer regardless of absence from work for an aggregate of thirty days or less in twelve months by reason of annual leave, physical inability to work established by medical reports to the employer, military training required by law, or any other cause not attributable to the fault of the employee.

(b) "*number of working days*" of an employee is the number of days which he averages in a week over the year of work which entitles him to the leave.

(c) An employee shall be deemed to have served continuously with the "*same employer*" without regard to a change in the ownership of the undertaking.

(d) Weekly rest days and public holidays shall not be reckoned as days of annual leave to which he is entitled under this Section.

§ 902. Relinquishment of right to leave.

An employee may, with written permission from his employer, relinquish his right to annual leave and continue working during the period for which he is entitled to leave. For work performed during such period he shall be entitled to receive compensation at a rate not less than twenty-

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five percent above the normal, but without any increase in any accessory benefit to which he is entitled for such period.

§ 903. Continuity of leave.

The annual leave of an employee shall be granted in a single period; provided that an employer may permit an employee entitled to more than one week's leave to take such leave in two parts if one of such parts is of at least one week's duration.

§ 904. Notifying employee of commencement of leave.

The employer shall inform the employee of the date of his annual leave or any part thereof exceeding six days not less than fourteen days before its commencement.

§ 905. Payment to employees who take leave.

1. Amount of pay. An employee who has taken annual leave shall receive remuneration for the period of his leave as follows:

(a) If he is paid a time rate, the remuneration shall be equal to the remuneration he would have earned during the period of the leave. If the hours of work in the undertaking vary, the daily remuneration of an employee paid at a time rate shall be calculated on the basis of the average remuneration which has been paid to him during the year immediately preceding the leave.

(b) If he is paid on any basis other than a time rate, the remuneration shall be equal to the average remuneration which he receives for a comparable period in the year immediately preceding the leave.

(c) In fixing the pay to an employee while he is on annual leave, he shall be given the cash equivalent of any remuneration in kind paid him when he is working, and accessory benefits shall continue during the period of his leave.

2. *Time of Payment.* The employee shall receive his pay for the period while he is on leave not later than the day on which he would receive his pay if instead of going on leave he continued to work; provided that in the case of leave of not less than seven days the employee shall receive payment in advance; in such a case the employer shall make the payment before commencement of leave.

3. *Pay in case of termination of employment.* An employee with whom the contract of employment is terminated shall receive compensation for the annual leave to which he is entitled in an amount computed in accordance with the provisions of Subsection 1 of this Section.

§ 906. Keeping of records.

Every employer shall keep an accurate written record of the period of annual leave granted to each employee and the remuneration paid for the period of such leave, or the compensatory payment in lieu of such leave. The employer shall produce such record and the documents on which it was based on the demand of the labor inspector. An employee or his representative shall likewise be entitled to examine such record and documents if he demands it and to receive a written copy of the parts of such record and documents pertaining to him.³⁷

37. The Act, approved May 18, 1961, took effect ninety days after it became law.

PART IV

Employment

Chapter 16. EMPLOYMENT IN GENERAL ³⁸

- § 1500. Definitions.
- § 1500-A. Probation period.
- § 1501. Oral contracts.
- § 1502. Written contracts.
- § 1503. Contract provisions.
- § 1504. Foreign employees.
- § 1505. Period of service.
- § 1506. Recruiting of workers.
- § 1507. Employment of persons not Liberians.
- § 1507-A. Liberians to have employment preference.
- § 1508. Dismissal of employees.
- § 1509. Employment service.
- § 1510. Contract of apprenticeship.
- § 1511. Protection of wages.

§ 1500. Definitions.

When used in this Chapter, the term "Contract of employment" shall mean any agreement between employer and employee containing the conditions and terms of employment. Contracts of employment may be oral or written, individual or collective and may be for a definite or an indefinite period.

38. Chapter 16 added as part of the Labor Practices Law, Title 19-A, by legislative Sessions Act, CHAPTER LXX, captioned "AN ACT TO AMEND THE LABOR PRACTICES LAW WITH RESPECT TO EMPLOYMENT IN GENERAL, approved May 30 1966.

§ 1500-A. Probation period.

Subject to the provisions of subsection 2 of section 1508, probational period for all workers shall not be less than one month nor more than three months.³⁹

§ 1501. Oral Contracts.

Any contract of employment which is made for an indefinite period or for a definite period of less than six months or a number of working days equivalent to less than six months, and is to be performed within the Republic of Liberia, shall be deemed an oral contract. Oral contracts need not be in writing.

All oral contracts shall, subject to any stipulation to the contrary, terminate on the last day of the term agreed upon or upon the completion of the specified number of days' work; provided that each party to an oral contract for a period not exceeding one month shall on the termination of such oral contract in the manner aforesaid be conclusively presumed to have entered into a fresh oral contract upon the same terms and conditions as those of the oral contract so terminated unless notice has been previously given by either party to such oral contract in accordance with the provisions of this Chapter. Such notice shall be in writing and may be given at anytime, but must be given in compliance with this Chapter. When notice is given, there shall be paid to the worker on the date of the expiration of the notice all wages then due to him.

Every employer shall, unless the employee has broken the oral contract, provide work suitable to the employee's capacity on every day on which the worker presents himself for work and is fit for work, exclusive of holidays; if the employer fails to provide work as aforesaid, he shall pay to the worker wages at the same rate as if the worker had performed a

³⁹ The present wording of section 1500-A was made by amendment titled "AN ACT TO AMEND THE LABOUR PRACTICES LAW TO PROVIDE FOR A PERIOD OF PROBATION FOR WORKERS", approved July 10, 1973, published August 1, 1973.

day's work.⁴⁰

§ 1502. Written Contracts.

When a contract for employment is made for a definite period of or exceeding six months or a number of working days equivalent to six months; or stipulates conditions of employment which differ materially from those customary in the district of employment for similar work; or is a contract for employment outside of the Republic of Liberia, the contract shall be in writing. The worker shall indicate his consent to the contract either by signing the same or by affixing thereto the impression of his thumb.

If a contract which is required to be made in writing has not been made in writing, it shall not be enforceable except during the maximum period permissible in respect of contracts not made in writing, in accordance with the provisions of this Chapter, but each of the parties shall be entitled to have it drawn up in writing at any time prior to the expiry of the period for which it was made. No contract in writing shall be decreed to be binding on the family or dependents of the employee unless it contains an express provision to that effect. The employer shall be responsible for the performance of any contract made by any person on his behalf.

§ 1503. Contract provisions.

1. Every contract shall contain all such particulars as necessary to define the rights and obligations of the parties and shall in all cases include:

- (a) The name of the employer or group of employers and the place of employment.
- (b) The name of the employee, the place of engagement and, where practicable, the place of origin of the employee and any other particulars necessary for his identification;

40. Prior legislation: An Act to Amend the Labour Practices Law with Respect to the Recruitment of Labour, ch. XLIV, App. May 1962.

(c) The nature of the employment and position to be held;

(d) The duration of the employment;

(e) The appropriate period of notice to be given by the party wishing to terminate the contract;

(f) The rates of remuneration and method of calculation thereof, the manner and periodicity of payment of wages and advances of wages, if any, and the manner of payment of any such advances;

(g) The measures to be taken to provide for the welfare of the employee and any members of his family who may accompany him under the term of the contract;

(h) The conditions of repatriation, where the contract is for employment outside the Republic of Liberia, and

(i) Any special conditions of the contract.

2. All employment contract in writing involving Liberian citizens shall be presented for attestation to an officer of the Ministry of Labour.

3. Before attesting any contract, the officer of the Ministry of Labour or as the case may be, shall--

(a) Ascertain that the employee has freely consented to the contract and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and

(b) Satisfy himself that--

(i) The contract is in due legal form;

(ii) The terms of the contract are in accordance with the requirements of this Article;

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(iii) The employee has fully understood the terms of the contract before signing it or otherwise indicating his assent;

(iv) The employee declares himself not bound by any previous engagement;

the terms of the contract comply with all relevant requirements of this Act.

4. Any employment contract which an officer of the Ministry of Labour has refused to attest as not satisfying the requirements of the immediately preceding subsection shall have no further validity.

5. A contract which has not been presented to an officer of the Ministry of Labour for attestation shall not be enforceable except during the maximum period permissible for contracts not made in writing but each of the parties shall be entitled to have it presented for attestation at any time prior to the expiry of the period for which it was made.

6. Four copies of every contract attested under the provisions of this Title shall be attested along with the original. One copy shall be delivered to the employer, one to the employee or, in the case of a gang, to one of their members, one to the senior officer of the Ministry of Labour.

7. The Ministry of Labour shall, subject to the approval of the President issue Regulations requiring all or any categories of employees to be medically examined as a prerequisite for being employed under a contract of employment in writing in any trade or industry. A medical certificate shall be issued in all cases where such examination is a requirement.

8. A non-adult person whose apparent age is less than 16 years shall not be capable of entering into a contract in writing.

§ 1504. Foreign employees.

1. Every employee who is a party to a contract in writing and who has

been brought to the place of employment by the employer or by any other person acting on behalf of the employer shall have the right to be repatriated at the expense of the employer to his place of origin or place of engagement which ever is the nearer to the place of employment in the following cases:

(a) On the expiry of the period of service stipulated in the contract.

(b) On the termination of the contract by reason of the inability of the employer to fulfil the contract.

(c) On the termination of the contract by reason of the inability of the worker to fulfil the contract owing to sickness or accident;

(d) On the termination of the contract by notice but subject to the provisions of the particular contract;

(e) On the termination of the contract by a court, unless the court otherwise decides.

2. Where the family of the employee has been brought to the place of employment by the employer or by any person acting on behalf of the employer, the family shall be repatriated at the expense of the employer, whenever the employee is repatriated or in the event of his death.

3. The expenses of the repatriation shall include:

(a) The traveling and subsistence expenses during the journey, and

(b) The subsistence expenses during the period, if any, between the date of the expiry of the contract and the date of repatriation.

4. The employer shall not be liable for subsistence expenses in respect of any period during which the repatriation of the worker has been delayed by the employee's own choice.

5. The employer must provide under written contract adequate security in the form of bond or other security to guarantee repatriation of the

employee.

§ 1505. Period of Service.

1. The maximum period of service that may be stipulated in any contract of employment in writing shall be two years for a contract to be fulfilled in the Republic of Liberia and three years for a contract without the Republic of Liberia.

2. The maximum period of service that may be stipulated in any re-employment contract in writing shall be 18 months.

3. Where the period of service to be stipulated in any re-engagement contract, together with the period already served under the expired contract, involves the separation of any employee from his family for more than 18 months, the employee shall not begin the service stipulated in the re-engagement contract until he has had the opportunity to return home at the employer's expense.

4. Except as provided in Sub-sections (2) and (3), all the provisions of the present Article shall apply to re-engagement contracts, provided that an officer of the Ministry of Labour may in his discretion exempt such contracts from the requirements of this article in respect of attestation.

§ 1506. Recruiting of workers.

1. The provisions of this Section shall be in addition to and not in derogation of the provisions of Sections 1500 through 1505 of this Chapter.

[2] The provisions of this Article shall apply to the recruiting of Liberians for employment either within or without the Republic.

2. In this Section "the Ministry of Labour" shall mean the Ministry of Labour of the Republic of Liberia; "professional recruiting" means recruiting workers from one or more specific employers or associations of employers; "recruiter" means a person licensed by the "Ministry of Labour" in accordance with provisions of this Section; "recruiting"

includes all operations, undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public immigration or employment office or at a private employment agency regulated by the Ministry of Labour.

3. No person or association shall recruit any Liberian for employment either within or without the Republic unless such person or association be in possession of a license granted under the provisions of this Section.

4. (1) If any person be desirous of recruiting for himself or for any employer or group of employers, whether within or without the Republic, the services of any Liberian as an employee either within or without the Republic he may apply in writing to the Ministry of Labour stating-

- (a) the number of such employees required;
- (b) the place where the work is to be performed;
- (c) the nature of the work;
- (d) the wages to be paid;
- (e) the duration of the proposed contract, and
- (f) whether he desires to obtain such workers through a recruiter or not.

(2) Upon receipt of such application, the Ministry of Labour may grant to the applicant a permit to engage personally or through a recruiter the number of such persons required, or any less number, within such area as may be specified in such permit.

(3) No permit shall remain in force for a longer period than six months from the date of issue.

5. The Ministry of Labour whenever it deems fit, may require security

in such amount as it may think fit, either by way of deposit or otherwise, to be given by the employer or his agent or both--

(a) for the payment of the wages and traveling expenses of the employees about to be recruited; and

(b) for any other contingencies which it may consider necessary to be covered.

6. No recruiter shall recruit workers in any area declared by the President to be a prohibited area.

7. (1) The Ministry of Labour may, if in its opinion it is necessary so to do for the welfare of the Republic or of any area therein, by public notice, prohibit the recruiting of Liberians.

(2) During the continuance in force of any public notice issued under the provisions of subsection (1) of this section, any license granted under the provisions of this Chapter shall be deemed to be suspended in so far as it relates to the recruiting of Liberians within the area or place to which the aforesaid notice applies.

8. No recruiter shall recruit employees for service with any person--

(a) unless such person is in possession of a valid permit granted under the provisions of Section 4.

(b) in excess of the number of employees authorized to be recruited by the said permit; or

(c) from any area or place which is not specified in such permit.

9. The Ministry of Labour may license fit and proper persons to recruit Liberians in Liberia for the purpose of--

(a) employment as employees outside the limits of the Republic; or

(b) employment as employees within the Republic.

10. No chief shall:

- (a) act as a recruiting agent; or
- (b) exercise pressure upon possible recruits; or
- (c) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

11. No recruiter shall recruit any Liberian who is not of an apparent age of 18 years or over.

Provided that the Ministry of Labour may by writing permit the recruiting of persons whose apparent age exceeds 16 years but less than 18 years in an occupation approved by the Ministry of Labour, as not being injurious to the moral and physical development of non-adults.

12. The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

13. The Minister of Labour shall, on the advice of the Labour Ministry, issue regulations requiring that persons to be recruited for employment in any or all trades or industries or occupations be medically examined before recruitment, and that their recruitment be subject to the provision of a medical certificate attesting their physical capacity to perform their proposed employment.

14. (1) The expenses of the journey of recruited employees to the place of employment, including all expenses incurred for their welfare during the journey, shall be borne by the recruiter or the employer.

(2) The recruiter shall furnish recruited employees with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drink, water, fuel, cooking utensils

and clothing.

15. Any recruited employee who:

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment;
- (b) is found on medical examination to be unfit for employment;
- (c) is not engaged after recruiting for a reason which he is not responsible; or
- (d) is found by an officer of the Ministry of Labour to have been recruited by misrepresentation or mistake, shall be repatriated at the expense of the recruiter or employer.

16. Where the family of a recruited employee has been authorized by the recruiter or the employer to accompany him, the family shall be repatriated at the expense of the recruiter or the employer in the event of:

- (a) the recruited employee being repatriated under the provisions of Sub-section 15; or

- (b) the death of the recruited employee.

17. (1) No person recruited for employment shall be employed until he has been brought before the Ministry of Labour or officer of the Ministry of Labour and certified as properly and duly recruited in accordance with the provisions of this Section.

(2) The Ministry of Labour or officer of the Labour Ministry shall, before issuing a certificate under the provisions of Subsection (1) of this Section, satisfy himself:

- (a) that the recruited person:

- (i) understands and agrees to the terms upon which he is to be

employed;

(ii) has not been subjected to illegal pressure or recruited by misrepresentation or mistake

(iii) has been recruited in accordance with the provisions of this Chapter; and

(b) that the oral or written contract into which the recruited person enters conforms with the requirements of this Chapter.

18. The President may, by Executive Order-

(a) stipulate the fees to be paid for the issuance of recruiting licenses;

(b) determine the period for which recruiting licenses shall be valid;

(c) stipulate the provision of security by recruiters for their proper conduct;

(d) determine the conditions under which recruiting licenses may be revoked or suspended;

(e) require the keeping of registers and record relating to persons recruited by employers and recruiters in a prescribed form;

(f) stipulate the fees to be paid for the issuance of certificates certifying that recruited persons have been properly and duly recruited;

(g) issue such special regulations regarding the recruiting of Liberians for employment outside the Republic as he may consider expedient for the purposes of giving effect to the provisions of the present Section;

(h) prescribe penalties for the infringement of the provisions of this Section.

§ 1507. Employment of persons not Liberians.

1. (1) Except as hereinafter provided, no employer shall employ an employee not a Liberian citizen unless such alien employee is in possession of a permit issued by the Ministry of Labour authorizing his employment in the capacity in which he is to be employed.

(2) The Ministry of Labour shall issue such permits only in cases in which it is satisfied that suitably qualified Liberians are not available to meet the labour requirements of the employer concerned and that the alien employee has satisfied alien residence requirements.

(3) The Ministry of Labour may withhold permits in respect of nationals of any country not according at least equal reciprocal rights in employment to Liberians.

2. Alien employees who have satisfied the requirements of this Chapter and Liberian employees shall be entitled, having due regard to efficiency and length of service, to equal treatment in respect of wages and conditions of employment.

3. The Ministry of Labour, is hereby empowered;

(a) to require that the registers to be kept or the returns to be provided by all or any categories of employers shall indicate nationality of their employees;

(b) to establish, in accordance with the provisions of the present part, any registration arrangements necessary to give effect to the provisions of this Chapter; and

(c) to issue any regulations necessary to give effect to the provisions of this Chapter.

4. Registration for alien work permit is required annually. Fee for registration is established by regulation of the Ministry of Labour.

Section 1507-A. Liberian to have employment preference.

Applications made by any person, partnership, firm or corporation for visa to enable travel of an alien to Liberia for employment or to the Ministry of Justice for change of status for employment of an alien who entered Liberia on a visitor visa shall not be acted upon by the Minister of Foreign Affairs or the Minister of Justice, as the case might be, unless such application be accompanied by a permit from the Ministry of Labour that there is no qualified Liberian for such employment.⁴¹

§ 1508. Dismissal of Employees.

1. No employer shall dismiss any employee with whom he is bound by a contract for a definite period before the end of that period unless it is shown that the employee has been guilty of a gross breach of duty or a total lack of capability to perform. Where this has not been proven, the dismissed employee shall be entitled to claim full remuneration for the unexpired portion of the contractual period.

2. The following acts and violations shall be deemed to be gross breaches of duty (without limiting the generality of the term) within the meaning of Section 1 of this Chapter and shall dispense the employer from payment of compensation for dismissal under the provisions of that Section:

(a) any unprovoked assault by an employee upon the employer or his agents in the course of or arising out of employment;

(b) persistent disregard by any employee of the technical measures for safety of the staff of the undertakings; provided that the said measures have been in rules posted as required by law and the employer or his agent has ordered the employee in writing to comply with the said rules;

41. Section 1507-A was added to Chapter 16 by Act of the Legislature entitled "AN ACT TO AMEND THE LABOR PRACTICES LAW TO PROVIDE FOR EMPLOYMENT PREFERENCE FOR LIBERIANS."

(c) disclosure by an employee of the working secrets of the employer's undertaking;

(d) absence of an employee for more than ten consecutive days (or more than 20 days over a period of six months) without good cause, in which case the employee shall be deemed to have terminated his contract. Save in the case of vis major, an employee shall be required to notify the employer or his agent of the reason for his absence.

3. Where the contract is concluded between the employer and the employee for an indefinite period, the employer shall have the right to dismiss the employee on condition that he gives him two weeks written notice in the case of non-salaried employee and four weeks written notice in the case of salaried employee or payment in lieu of such notice.

4. The period of notice shall begin to run on the first day of the pay period next following that in which the notice was served.

5. Notwithstanding the provision of Section 1508 of this Chapter an employer may dismiss an employee engaged for an indefinite period without notice, subject to payment only of wages due, where it is shown that the employee has been guilty of a serious breach of duty.

6. The following acts and violations shall be deemed to be serious breaches of duty within the meaning of the preceding Section entitling the employer to terminate without notice or pay in lieu of notice contracts of employment for an indefinite period:

(a) any of the acts or violations specifically set out in Sub-section 2 of this section;

(b) lack of skill or manifest inefficiency of the employee which makes impossible the fulfilment of his duties under the contract;

(c) if the employee commits any other serious offence against his obligations under the contract.

§ 1509. Employment service.

1. The President may, by Executive Order, provide for the establishment of employment offices in any part of the Republic operating in respect of all or any categories of employees and all or any occupations or industries or any part thereof.
2. Employment offices shall be under the jurisdiction of the Ministry of Labour.
3. Employment offices shall have the following duties:
 - (a) registering applicants for employment, such registration to include particulars of their occupational qualifications, experience and desire;
 - (b) obtaining from employers notification and information on vacancies;
 - (c) referring suitable applicants to available employments;
 - (d) giving guidance and assistance to applicants for employment in respect to the vocational training or retraining necessary for obtaining available employment;
 - (e) facilitating the transfer of a worker from one occupation to another or from one region to another for the purpose of obtaining employment; and
 - (f) performing such other duties as the Ministry of Labour may direct.
4. The Ministry of Labour shall be responsible for collecting, analyzing and making generally available all information regarding the situation of the employment market obtained either through reports on the operation of the employment offices or otherwise in the course of its duties.
5. The Ministry of Labour is hereby empowered to regulate the operation of any employment office established by Executive Order and

generally to issue regulations, subject to the approval of the President, for giving effect to the provisions of this Article.

6. The Ministry of Labour is hereby empowered to regulate the establishment and operations of private employment services.

§ 1510. Contracts of Apprenticeship.

1. No person under the age of 16 years shall be eligible for apprenticeship training and any contract of apprenticeship which violates this age requirement is void.

2. Any person of the age of 16 years or upward not being under any contract of apprenticeship, may, subject to the provisions of this Article, apprentice himself for a term not exceeding five years to a trade or employment in which art or skill is required.

3. The age of any person may, where no register of his birth is available, be enquired into by an officer of the Ministry of Labour or one or more persons appointed by such officer. The Ministry of Labour or the aforesaid officer of the Ministry of Labour shall then, on the basis of such enquiry, determine the age of such person and the age so determined shall be conclusive for the purpose of this section.

4. Every contract of apprenticeship may be assigned, subject to the consent of the parties thereto.

5. Every contract of apprenticeship and every assignment thereof shall be in writing and shall not be valid unless attested by all the parties concerned and made with the written approval of an officer of the Ministry of Labour.

6. If any person with whom an apprentice has been placed retains such apprentice in his service after the stipulated period of service has expired without any agreement between the parties for the payment of wages, the apprentice shall be entitled to recover from the person so retaining him wages at the ordinary current rate payable for service similar to that

performed by such apprentices.

7. The Ministry of Labour shall issue regulations for all or any of the following purposes:

(a) prescribing the conditions which must be fulfilled and an authorized officer of the Ministry of Labour attests any contract of apprenticeship;

(b) prescribing the form of contracts of apprenticeship and the terms and conditions upon which such contracts can be lawfully entered into.

(c) the technical and other qualifications of employers in order that they may take and train apprentices;

(d) the supervision to be established over apprenticeship, particularly with a view to ensuring that the regulations governing apprenticeship are observed, that the training being given is satisfactory, and that there is reasonable uniformity in the conditions of apprenticeship;

(e) the issuance of certificates at the end of apprenticeship and the conditions to be fulfilled preliminary to such issuance;

(f) generally for giving effect to the provisions of the present Article.

8. No person shall enter into a contract of apprenticeship for less than the minimum wage during the term of apprenticeship.

§ 1511. Protection of wages.

1. (1) In addition to money wages as remuneration for his services, it shall be lawful for any contract of employment, oral or written, to stipulate that the employer shall provide the employee with fringe benefits of food, housing accommodation or other allowances or privileges.

(2) Where in any contract of employment it is stipulated that the

employer shall provide the employee with intoxicating liquor by way of remuneration for services or any part of such remuneration, the contract shall, as regards that stipulation, be void.

2. Subject to the provisions of Section 1 of this Article, in any contract of employment the whole of remuneration of the employee shall be stipulated to be made payable in legal tender, and every contract of employment containing any provision to the contrary shall be void.

3. Wages shall be paid directly to the employee or to a member of his family specified by him in writing or in an instrument drawn up by an authorized officer of the Ministry of Labour.

4. Every employee shall be entitled to recover so much of his wages and fringe benefits he is legally entitled to, inclusive of sums lawfully deducted in accordance with the provisions of Section 3 of this Article.

5. No employer shall impose, in any contract for the employment of [an] employee, any term as to the place in which or the manner in which or the person with whom any wages paid to the employee are to be expended, and every contract between an employer and an employee containing such terms shall be illegal, null and void.

6. The intervals for the payment of wages shall be fixed between the employer and the employee, provided that the said intervals shall in no case exceed a month. In the case of manual workers, the interval shall exceed a fortnight.

7. (1) No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wage made to any employee in anticipation of the regular period of payment of such wages.

(2) Any debts contracted by the employee to his payments shall be paid off during the period of operation of the contract by mutual agreement, provided that the proportion of wages earned that may be deducted for the payment of such advances shall not exceed one-third in any pay period.

(3) On the termination of the contract the employer shall be entitled to make the necessary definitive settlement.

8. No employer shall-

(a) Impose a fine upon an employee for any cause whatsoever,

(b) Make any agreement or contract with an employee for any payment to the employer by the worker for or in respect of any fine, or of bad or negligent work or for injury to the materials or other property of the employer;

(c) Deduct from any wages due to the employee any amount whatsoever, save the following permitted deductions;

(i) Deductions in repayment of advances on account of wages made in accordance with the provisions of this Act;

(ii) Deductions authorized by other laws of the Republic of Liberia.

9. Employees in the employment of contractors shall be entitled to require the persons for whom the said contractors work to deduct and pay to them the amount of the wages due in any of the agreed pay periods, if wages have not been paid on the agreed date.

10. The payment of wages shall be made on working days only and/or near the workplace.

11. Wages shall not be paid to an employee in premises used for the sale of intoxicating liquor or for the retail sale of goods, except in the case of an employee employed in such premises.

12. The remuneration of employees of all categories shall be liable to attachment or seizure in execution only within the following limits:

(a) Up to one-half in respect of maintenance payment;

- (b) Up to one-third in respect of all other debts of any kind and however contracted.

The above proportions shall not be applicable cumulatively on the ground that there are several debts or several creditors, the maximum proportion in all cases remaining 50 per cent of remuneration. The sums attached or seized shall be divided among the claimants in the above proportions.

13. (1) Amounts owed by employers to employees by reason of non-payment or remuneration shall constitute privilege debts of the first degree. They shall have a prior claim over all other debts in respect of the property of the employer.

(2) A like privilege shall apply in respect of sums owed by way of compensation for dismissal and sums due in respect of accident compensation under the terms of this Act.

(3) In the event of nonfraudulent bankruptcy, judicial liquidation of the employer, the above mentioned debts shall be entered as a privileged debt.

14. (1) Nothing in this Section shall prevent the employer from establishing a shop for the sale of provisions generally to his employees, but no employee shall be impelled by any contract or agreement, written or oral, to purchase provisions at such shop.

(2) All such shops shall be liable to inspection by officers of the Ministry of Labour for the purpose of giving effect to the present Act. The ministry of Labour may issue orders for the regulation of such shops, and in particular for the purpose of ensuring that goods are sold and services provided at fair and reasonable prices where access to other stores or services is not possible for the employees concerned.

15. Any employer who:

- (a) Enters into any contract of employment or agreement or gives any

remuneration for employment contrary to the provisions of this Chapter; or

(b) Makes any deduction from the wages of any employee or receives any deduction from any employee contrary to the provisions of this Article, shall be liable, in conviction, to a fine of \$500.00 or, for a second or subsequent offence, to a fine of \$1000.00.

16. *Disposition of wages not claimed by employees.* If an employee leaves his employment before or without receiving the accumulated wages owed to him, his employer after diligent effort to make wage payment, should report such unpaid obligations to the Ministry of Labour and shall hold such wages to the credit of the employee for six months. If the employee or his accredited representative does not apply for the wages within said six months period after diligent effort by employer to pay same, such wages, as listed in the verified payroll, shall be paid to the Ministry of Labour who shall transmit them to the Bureau of Revenue through the Minister of Labour. The Bureau of Revenue will hold this amount in a special fund for a period of one year. This amount shall be redeemable by said employee for the period of one year or greater period at the discretion of the Ministry of Labour. That the employee is required to prove his rights to these wages to the satisfaction of the Ministry of Labour. This amount shall be held in a Government depository as a part of a special fund to be specially applied to such educational purposes as may be designated by the Minister of Education through whom funds shall be applied to such purposes.

17. The Ministry of Labour shall enforce the provisions of this Chapter. The Ministry of Labour will establish regulation procedures and other rules to judicially enforce this Chapter. If necessary the Ministry of Labour will be empowered to substitute itself in a court of law as a party to [the] action either for employment or its own behalf to protect the interest of the government within the scope of its responsibility.

P A R T IV

Grievances

Chapter 21. CONCILIATION OF GRIEVANCES ⁴²

- § 2000. Definition of "grievance".
- § 2001. Grievance committees.
- § 2002. Procedure for settlement of grievance in workplace.
- § 2003. Conciliation of grievance by labor inspector on own motion.
- § 2004. Procedure for settlement of grievance before Labor Ministry.
- § 2005. Conciliation and legal procedures as concurrent remedies.
- § 2006. Reports concerning grievance procedures.

§ 2000. Definition of "grievance".

A "grievance" within the meaning of this Chapter is any difference or dispute relating to the terms, tenure, or conditions of employment arising in a workplace with more than three employees between an employer and a person who is or has been employed by him or a group composed of persons who are or have been employed by him; provided, that a complaint concerning a violation of this Title or Title 18 is not a grievance.

§ 2001. Grievance committees.

1. In a workplace with more than twenty employees, a committee or committees to deal with grievances may be established by agreement between the employer and a majority of the employees. In a workplace in which the committee system is to be established, one committee shall

42. Chapter 21 was added as a new Chapter, LX, to the Labor Practices Law by Act of the Legislature entitled "AN ACT TO PROVIDE A PROCEDURE FOR CONCILIATION OF LABOR GRIEVANCES", approved June 6, 1961.

represent all employees, except that in a workplace in which more than one hundred persons are employed, the employees may be divided by the employer into units, each of which shall have its own grievance committee. Each grievance committee shall be composed of a representative of the employees and a representative of the employer. The representative of the employees shall be elected for a term of one year by a majority of the employees in the workplace or, if the workplace has been divided into units, by a majority of the employees in a unit. The representative of the employer on a grievance committee shall be appointed by him for a term of one year.

2. The labor inspector within whose jurisdiction is located the workplace in which the committee is established shall, if necessary, supervise any election by employees held under this section and shall be the final judge of the result of any such election.

§ 2002. Procedure for settlement of grievance in workplace.

An aggrieved person may give notification of the existence of his grievance (a) to the grievance committee in the workplace where the grievance arose, or (b) if there is more than one grievance committee in the workplace, to the committee representing the unit of employees to which he has been assigned, or (c) if there is no grievance committee in such workplace, to the competent labor inspector. The grievance committee or labor inspector immediately after receiving notification of a grievance shall attempt by conferring informally with the parties to effect a settlement between them. If a grievance committee which has been notified of a grievance is unable to effect a settlement thereof within two weeks after receiving notification thereof, the competent labor inspector shall be notified of the grievance and of any action taken or proposals for settlement made by the committee with respect thereto. Such labor inspector shall in turn attempt to conciliate the parties and bring about a settlement. If a labor inspector who has been notified of a grievance either by an aggrieved person or by a grievance committee after it has failed to effect a settlement, likewise fails in this respect, he shall within two weeks of receiving such notification refer the case to the Ministry of Labor.

§ 2003. Conciliation of grievance by labor inspector on own motion.

A labor inspector who, without notification by an aggrieved person or a grievance committee, obtains knowledge of the existence of a grievance in a work-place within his jurisdiction shall attempt to effect a settlement thereof. If the labor inspector is unable to effect a settlement within two weeks, he shall refer the grievance to the Ministry of Labor.

§ 2004. Procedure for settlement of grievances before Ministry of Labor.

1. In referring a grievance to the Ministry of Labor, a labor inspector shall submit in writing a clear and concise statement of the nature of the grievance, the position of the parties with regard to it, and the proposal or proposals for settlement that have been made up to that time with the reason why such proposal or proposals were unacceptable to the party or parties rejecting them. He shall simultaneously furnish all parties with copies of the concise statement submitted to the Ministry of Labor.

2. On referral of a grievance from a labor inspector, the Ministry of Labor shall proceed without delay to hold conferences with one or both of the parties in order, if possible, to reconcile the differences between them. Each party may submit to the Ministry either an oral or written statement of the basis of the grievance and his position with respect thereto, as well as any relevant evidence in support of his position. The Ministry shall have the power to summon and compel attendance of such witnesses and require the production of such evidence as well as assist it in the performance of its duties under this Chapter. When the Ministry has become acquainted with the facts forming the basis of the grievance and with the positions of the parties, it shall present to them a proposal or proposals for the settlement and attempt by conferences and conciliation to effect its adoption and to secure the signature of the parties to a written agreement embodying such settlement. If the Ministry is unable to secure a settlement between the parties within a reasonable time, it shall attempt to induce them to seek other means of settling their differences, and shall submit a report on the dispute to the President.

§ 2005. Conciliation and legal procedures as concurrent remedies.

The procedure established by this Chapter for conciliation of a grievance and any remedy afforded to a party to such a grievance by common law or by statute may be pursued concurrently.

§ 2006. Reports concerning grievance procedures.

Each labor inspector shall report to the Ministry of Labor concerning every successful and unsuccessful attempt made by him to settle a grievance immediately on the termination of his action in the case. The Ministry of Labor shall include in its annual report to the President a summary of conciliation activities by the labor inspectors and also a statement of grievances which it has endeavored to settle and the outcome of such endeavors.⁴³

43. Approved June 6, 1961.

P A R T V

SOCIAL WELFARE

Chapter 26. RETIREMENT PENSIONS ⁴⁴

- § 2500. Payment of pensions required.
- § 2501. Retirement pension.
- § 2502. Definition of cumulative service.
- § 2503. Dismissal of employee to avoid payment of pension.
- § 2504. Inalienability of right to payment of pension.
- § 2505. Enforcement of payment in default.

§ 2500. Payment of pensions required.

Every employer except the Government of Liberia or subdivisions or agencies of such Government shall pay retirement pensions to employees in undertakings in which ten or more employees are employed.

§ 2501. Retirement pension.

An employee within the application of this Chapter is entitled to receive from his employer retirement pension on retirement from an undertaking at the age of 60 and if such employee has completed at least fifteen years of continuous service, or he may retire at any age after he has completed twenty-five years of continuous service in such undertaking. The amount of pension paid annually to an employee shall be at least forty per cent of the average monthly earnings for the last five years immediately preceding his retirement. One-twelfth of such amount shall be paid each

44. Part V, Chapter 26 was added as a new part of the Labor Practices Law, by Act of the Legislature, Chapter LIV, captioned "AN ACT REQUIRING PAYMENT OF RETIREMENT PENSIONS TO EMPLOYEES", approved June 6, 1961.

month from the time of retirement until the death of the employee.⁴⁵

§ 2502. Definition of cumulative service.

In reckoning the time of cumulative service, account shall be taken of service prior to the effective date of this Chapter.

§ 2503. Dismissal of employee to avoid payment of pension.

Dismissal of an employee by an employer in order to avoid payment of a retirement pension is a violation of this Chapter and subject to the remedial procedure provided in Chapters 2 and 3 of this Title.

§ 2504. Inalienability of right to payment of pension.

The right of an employee or former employee to receive payments of a retirement pension cannot be assigned, transferred, hypothecated, encumbered, commuted, or anticipated. The right to receive payments shall also be exempt from execution, garnishment, and other process for the collection of indebtedness, provided, however, that the employer may withhold such sum of money as the employee owes to him.

§ 2505. Enforcement of payment in default.

Compensation due under provisions of this Chapter shall be a lien against the assets of the employer, to be subordinate, however, to claims for unpaid wages, workmen's compensation payments, and prior recorded liens.

45. The present reading of the retirement pension law was given effect by amendment made by CHAPTER XXX, under the caption "AN ACT TO AMEND THE LABOR PRACTICES LAW WITH RESPECT TO PAYMENT OF RETIREMENT PENSIONS TO EMPLOYEES", constituting Chapter 26 of the Labor Practices Law, Approved May 1, 1963.

**Chapter 27. SCHOOLS FOR EMPLOYEES'
CHILDREN LIVING IN CAMPS**⁴⁶

- § 2600. Definitions.
- § 2601. School, construction of equipment of.
- § 2602. School, construction and equipment of additional.
- § 2603. School where construction may be shared.
- § 2604. Plans to be approved.
- § 2605. Children, number to be ascertained.
- § 2606. Maintenance of schools.
- § 2607. Penalties.

§ 2600. Definitions.

As used in this Chapter:

(a) "Site" includes all land used by an operator for

(i) the mining and processing of minerals, or

(ii) the production of crops or other agricultural products, including but not limited to rubber, bananas, cocoa, rice, and lumber; or

(iii) both;

and regularly employing hired workers for such purpose.

(b) "Operator" includes any individual, partnership, firm, corporation, or other legal entity who as landowner or as lessee is directly or indirectly responsible for and derives the profit from the operation of a camp.

⁴⁶ Chapter L. To constitute ch. 27, of title 19-A, Labor Practices Law, App. May 24, 1961, entitled "AN ACT FOR THE CONSTRUCTION OF SCHOOLS BY EMPLOYERS"

(c) "Children" includes all persons residing on a site who have not yet attained the age of fifteen years and who are the children of an employee.

(d) "School children" includes all persons residing on a site who have attained the age of six years but who have not yet attained the age of fifteen years and who are the children of an employee.

(e) "Employee" includes every employee of an operator of site whose wages do not exceed \$150 per month.

(f) "Qualified site" includes a site

(i) upon which there are residing at least twenty children; and

(ii) within a radius of three miles from the center of which there is no public elementary school.

§ 2601. School, construction and equipment of.

The operator of each qualified site shall either:

(a) Construct and equip one or more public elementary schools thereon in accordance with plans approved by the Ministry of Education and in accordance with Section 2602 hereof; or

(b) Provide bus service for all school children to and from the nearest public elementary school during such periods as such school shall be in session; provided, however, that this alternative shall not be available to any operator of any site beyond a ten-mile radius of which there shall be no public elementary school.

§ 2602. Schools, construction and equipment of additional.

Where a qualified site is of such geographical size that by the construction of one public elementary school only by the operator of said site, twenty or more school children are not within three miles of said school,

he shall construct and equip an additional school, or he shall provide bus service as provided in Section 2601 (b) hereof.

§ 2603. School where construction may be shared.

1. The operators of two or more qualified sites may construct one public elementary school in accordance with section 2601(a) hereof where the children on each such site shall be no further than three miles from the site of the proposed school.

2. The operators of said site may share the cost of said construction in a manner to be agreed upon by said operators or, in the absence of such agreement, in proportion to the number of children on each said site.

§ 2604. Plans to be approved.

No plans for public elementary schools to be constructed and to be equipped by operators of qualified sites in accordance with Section 2601 (a) hereof shall be approved unless the same shall provide for heating, ventilating, lighting, sanitation and health, and fire and accident protection, adequate to maintain healthful, safe, and comfortable conditions therein.

§ 2605. Children, number of to be ascertained.

The Minister of Education shall see that the number of children on each site is ascertained annually, or as often as he shall deem necessary.

§ 2606. Maintenance of schools.

Funds for the staffing and maintenance of public elementary schools to be constructed and to be equipped under the provisions of this chapter shall be provided by the Government of the Republic of Liberia; however, the Minister of Education may permit the operator to staff and maintain the school or schools for such period of time as may be agreed upon by the operator and the Minister.

§ 2607. Penalties.

1. The failure by the operator of any qualified site to comply with the requirements of section 2601 hereof within a year of the effective date of this Chapter or within a year of the date on which he was notified by the Minister of Education that the Government would staff and maintain the school shall be deemed to constitute a consent to the building and to the equipping of a public elementary school or schools by the Minister of Education at the expense of such operator, and such school or schools shall be so built and shall be so equipped as soon as practicable after the said Ministry shall have determined in such manner as its regulations shall require that the necessary consent shall be deemed to have been given. Each determination by the said Ministry pursuant hereto shall be upon notice to the operator affected thereby and shall be made only after such operator shall have had an opportunity to be heard. Each determination hereunder shall become conclusive and binding upon the operator concerned thirty days after publication in the Official Gazette of the Republic of Liberia unless prior to the expiration of such thirty days the operator shall have appealed the determination to the Labor or Circuit Court.

2. Interest at six percent on the cost of the construction and of the equipping of said school or schools by said Ministry shall begin to run against the said operator from the time that the said school or schools should have been constructed in accordance with the provisions of subsection 1 above.⁴⁷

60. The provisions of sections 2600-2607 were enacted and included in the Labor Laws of Liberia, as Chapter 27 of Title 19-A of the Liberian Code of Laws of 1956, the Labor Practices Law, and was done under Chapter L of the Legislative Sessions Act. The Legislative Session Act was captioned "AN ACT FOR THE CONSTRUCTION OF SCHOOLS BY EMPLOYERS", approved May 24, 1961.

EDITOR'S NOTE: Until passage of the Act, the Labor Law contained no provisions imposing on the employer the obligation to participate in the scholastic development of the community and employees.

Chapter 36. WORKMEN'S COMPENSATION⁴⁸

Subchapter A. General

- § 3500. Statement of policy.
- § 3501. Definitions.

Subchapter B. Compensation for occupational injury

- § 3550. Liability for compensation.
- § 3551. Compensation for death.
- § 3552. Compensation for temporary incapacity.
- § 3553. Compensation for permanent partial disability.
- § 3554. Compensation for permanent total disability.
- § 3555. Calculation of average earnings.
- § 3556. Liability for medical treatment.

Subchapter C. Compensation for occupational disease.

- § 3600. Liability for compensation.
- § 3601. Compensation for death.
- § 3602. Compensation for permanent total disability.
- § 3603. Calculation of average earnings.
- § 3604. Liability for medical treatment.

Schedule A. Permanent partial disability

Subchapter D. Procedure.

- § 3650. Notice of injury or disease; application for compensation.
- § 3651. Notification of Labor Inspectors.
- § 3652. Settlement of claims for temporary disability.
- § 3653. Settlement of claims for permanent disability.

48. Chapter 36 was enacted as part of the New Labour Practices Law, Title 19-A, under Chapter LXIII of the Legislative Sessions Act, captioned "AN ACT TO PROVIDE FOR WORKMEN'S COMPENSATION IN THE REPUBLIC OF LIBERIA.

Note: For compensation of workers under the Social Security and Welfare Scheme established by the Government of Liberia, see PRC decree no. 14, issued July 31, 1980, and constituting Title 22a of the Liberian Code of Laws Revised contained in Volume V.

- § 3654. Settlement of claims for death.
- § 3655. Medical examination; treatment of disabled.
- § 3656. Action by Ministry of Labour.
- § 3657. Enforcement; appeal.
- § 3658. Compensation; how payable.
- § 3659. Review of awards; modification.
- § 3660. Rights against third-party.
- § 3661. Effect of revenue from other sources.
- § 3662. Rights not to be waived or assigned.
- § 3663. Enforcement of payment in default.
- § 3664. Records.
- § 3665. Alternative remedies.
- § 3666. Ministry to prescribe forms and procedures.
- § 3667. Separability.

Subchapter A. GENERAL

§ 3500. Statement of policy.

It is the policy of the Government of Liberia: (a) that every person in this Republic who works for a living shall be entitled to maintain his independence and self-respect through self-support even when physically handicapped by injury or disease; (b) that an employee who suffers injury or disease as a consequence of his employment shall be entitled to compensation during his disability and to the extent of his disability as a right arising out of his employment; and (c) that the rehabilitation of an employee who suffers an occupational injury or disease shall be the joint obligation of his employer, the employee himself, and the government, according to the capacity of each.

§ 3501. Definitions.

Except as otherwise specifically provided or when the context requires a different meaning, the following words shall, when used in this Chapter, be defined and construed as set forth in this Section:

- (a) "Ministry" --- means the Ministry of Labour established by

Section 1 of this Title.

- (b) "Compensable occupational disease" --- means any occupational disease defined in Section 3600 (2) of this Chapter which causes the disability or death of an employee, for which consequence compensation shall be payable according to the provisions of Section 3600.
- (c) "Compensable occupational injury" means any injury to an employee arising out of and in the course of his employment, for the disability or death resulting from which compensation shall be payable in accordance with the provisions of Section 3550 of this Chapter.
- (d) "Dependents"-- includes those members of the family of an employee who are, at the time of his death or at the commencement of his disability resulting from an occupational injury or disease, wholly or partially dependent for the ordinary necessities of life upon the earnings of such employee.
- (e) "Domestic servant"-- includes any house, stable, garage, or garden servant employed in or in connection with the domestic services of any dwelling house, and the driver of a private motor car.
- (f) "Earnings" -- includes wages and any allowance in respect of increased cost of living paid to an employee; the value of any food, fuel, or quarters supplied to the employee by the employer if as a result of an occupational accident or disease the employee is deprived of such food, fuel, or quarters; any overtime payments or other special remuneration for work done, whether by way of bonus or otherwise, if of constant character or for work habitually performed, but not including remuneration for intermittent overtime or casual payments of a nonrecurring nature or any *ex gratia* payment whether by the employer or by any other person or the value of a travelling allowance or the value of any travelling concession or a contribution paid by the employer to the employee to cover any special expenses entailed on him by the nature of his employment.
- (g) "Employee" includes every person who is employed (or in the

case of a person disabled or dead as the consequence of an occupational injury or disease, who has been employed) under a contract of service or of apprenticeship or training entered into with any employer not exempt under the provisions of this section either before or after the effective date of this Chapter, whether such contract is express or implied, oral or written; provided, however, that the following persons are excluded from the definition:

- (i) Members of the employer's family dwelling in his house or in the curtilage thereof;
- (ii) Casual-worker (unless they are injured while on the premises of their employer's business place or manufacturing establishment);
- (iii) Domestic servants
- (iv) Persons whose employment is of a casual nature and who are employed other than for the purposes of the employer's trade or business (unless four or more persons otherwise within this exclusion are employed by the same employer simultaneously or unless such persons are employed for the purposes of any game or recreation and are engaged or paid through a club);
- (v) Public employees subject to statute containing equivalent or more favorable provisions for compensation of occupational injury or disease; provided, however, that no public employee shall be entitled to compensation under both this chapter and under such other statute; and
- (vi) Foreign employees in Liberia of private or public employers if by special contract such employees are entitled to compensation for occupational injury and disease that is equivalent or more fa-

avorable than the provisions of this chapter.⁴⁹

(h) "Employer"--- An "Employer" is any person or persons, firm, company, corporation or the like who has the authority to hire a person or persons to perform a service which performance requires financial remuneration."

(i) "Inspector"--- means an official of the Ministry of Labour as set forth in Section 51 of this Title.

(j) "Members of the family" of an employee --- include his spouse (or spouses), children (including adopted children, and dependents) and parents; provided, however, that a spouse voluntarily separated from his or her employee spouse shall not for the purposes of determining dependency or allocating compensation for occupational injury or disease be considered a member of such employee's family (unless such spouse has been awarded a legal separation or divorce and alimony by final decree of a court of this Republic); and provided further that it shall be permissible to show that under the applicable customary law "members of the family" of an employee who is an aborigine has a different meaning.

(k) "Casual-worker"--- means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired or adapted for sale in his own home or on other premises not under the control or management of the employer who gave the materials or articles.

(l) "Partial incapacity (or disability)"--- means an incapacity which reduces the earning capacity of the employee suffering therefrom in every available employment which he is capable of undertaking during the period of such incapacity; provided, however, that every

49. The current Subsection 2, inclusive of (i) to (vi) of the subsection, are amendments made to Section 3501 of the Labor Practices Law, by Act of the Legislature, approved June 4, 1962. The amendment deleted reference to "seamen or mariners or seagoing laborers" as part of the definition of "employee" in the section.

injury specified in Schedule A annexed to this Chapter (except any such injury or combination of injuries, the lump sum or aggregate lump sum payment for which equals or exceeds 1460 times the daily rate) shall be deemed to result in permanent partial disability.

(m) "Permanent incapacity (or disability)"--- means, in connection with an occupational injury, continuing for the medically foreseeable future and includes incapacity resulting from any injury specified in Schedule A annexed to this Chapter; and, in connection with an occupational disease, having a foreseeable duration of more than six months.

(n) "Total incapacity (or disability)"--- means such incapacity, whether of a temporary or permanent nature, as incapacitates an employee for any employment which he was capable of undertaking at the time he suffered the injury or disease causing such incapacity; provided, however, that permanent total incapacity shall be deemed to have resulted from any injury or combination of injuries specified in Schedule A annexed to this Chapter, the lump sum or aggregate lump sum payment for which equals or exceeds 1460 times the daily rate.

Subchapter B. COMPENSATION FOR OCCUPATIONAL INJURY

§ 3550. Liability for compensation.

1. Every employer shall in accordance with the provisions of this Chapter pay or provide compensation or secure compensation to each employee (or to his dependents) for the disability or death of such employee caused by an injury arising out of and in the course of his employment, such compensation to be paid, provided, or secured without regard to fault as a cause of the injury, except as provided in sub-Section 2 of this Section.

2. There shall be no liability on the part of an employer for compensation under this Chapter when the injury or death of his employee has

been considered:

- (a) Solely by the intoxication of the injured employee while on duty;
or
- (b) By the inexcusable misconduct of the injured employee; or
- (c) By the wilful intention of the injured employee to bring about the injury or death of himself or of another.

3. For the purpose of this Chapter, an accident resulting in incapacity or death of an employee shall be deemed to arise out of and in the course of his employment notwithstanding that the employee was, at the time when the accident happened, acting in contravention of statutory or other rule applicable to his employment or of any orders given by or on behalf of his employer or that he was acting without instructions from his employer if such act was done by the employee for the purposes of and in connection with his employer's trade or business.

4. When an accident happens to an employee during any temporary interruption of his work for a meal or for rest or refreshment, the accident shall be deemed to arise out of and in the course of his employment if the accident would have been deemed so to have arisen had it happened at the place of employment and if:

- (a) The accident happens upon premises occupied by the employer;
or
- (b) The accident happens upon premises to which the employee has by virtue of his employment the right of access during that temporary interruption of his work; or
- (c) The accident happens upon premises to which the worker is permitted to resort during that temporary interruption of his work by the express or implied authorization of his employer.

§ 3551. Compensation for death.

1. When an employee dies as the consequence of a compensable occupational injury, compensation shall be paid as set forth in this section.
2. If the deceased employee leaves any dependents wholly dependent upon his earnings, the amount of compensation shall be a sum equal to 48 months' earning.
3. If the deceased employee leaves no dependents who are wholly dependent, but only dependents who are partially dependent on his earnings, the Ministry shall award such compensation as it shall, after hearing representations by all interested persons, deem just, which compensation shall not be less than 20% nor more than 80% of the amount which would be awarded under Subsection 2 above.
4. If the deceased employee leaves no dependents, the employer shall provide a coffin and pay any other reasonable funeral expenses not in excess of \$50.00. He shall also be liable for any expenses set forth in Section 3556 below which have been incurred in consequence of the accident which caused the decedent's death.
5. If a deceased employee was, prior to his death, compensated for incapacity resulting from the occupational injury which subsequently caused his death, the amount of such compensation paid shall be deducted from the amount of compensation due under this Section.
6. Compensation shall be paid in the manner set forth in Section 3658.
7. Except as otherwise provided in Subsection 4 above, the employer shall, in every case to which this Section is applicable, provide his coffin and \$50.00 for the funeral expenses of his deceased employee; and in every case he shall pay the reasonable medical expenses, if any, incurred in connection with the deceased employee's injury which resulted in his death, in accordance with the provisions of Section 3556.

§ 3552. Compensation for temporary incapacity.

1. When an employee is temporarily incapacitated as the consequence of a compensable occupational injury, compensation shall be paid as set forth in this Section.
2. In the case of temporary partial disability resulting in decreased earnings, the compensation shall be 60% of the difference between the injured employee's daily earnings before the injury and his wages earned after the injury in the same or another employment available to him until he is granted medical approval to return to his regular employment.
3. In the case of temporary total disability, the compensation shall be 60% of the injured employee's average daily earnings before the accident.
4. Compensation for temporary disability shall be paid in the manner provided in Section 3658 (2) below; provided, however, that compensation for temporary disability may be in the form of a lump sum calculated on the basis of the probable duration of the disability and its probable change in degree during that period, upon agreement of employer and employee within the presence of the inspector and an authorized representative of the labor union.

§ 3553. Compensation for permanent partial disability.

1. When an employee suffers permanent partial disability as the consequence of a compensable occupational injury, compensation shall be paid on the basis of loss of earning capacity as set forth in this Section.
2. In the case of a permanent partial disability, the amount of the compensation that shall be paid the injured employee shall be based on the formula set opposite the injury listed in Schedule A, attached.
3. In case of a permanent partial disability of a member or limb that does not involve the loss of such member or limb, the compensation shall be commensurate with the proportional loss of earning capacity, but not

exceeding 50% of the lump sum payment for that member or limb as appears in Schedule A; provided, however, that total permanent loss of a member or limb shall be compensated on the basis of the loss of such member or limb.

1. When more than one injury is caused by the same accident, the amount of compensation payable under the provisions of this Section shall be aggregated, but in no case shall the total compensation payable exceed that payable for permanent total disability.

§ 3554. Compensation for permanent total disability.

1. When an employee suffers permanent total disability as the consequence of a compensable occupational injury, the compensation therefor shall be an amount equal to 48 months average earnings.

2. When a compensable occupational injury results in permanent total incapacity of such a nature that the injured employee requires the help and attention of another person, the Ministry may direct the payment of additional compensation not to exceed \$500.00 of the amount payable under Subsection 1.

3. Compensation shall be paid in the manner set forth in Section 3658.

§ 3555. Calculation of average earnings.

1. If the injured or deceased employee worked for the same employer at substantially the same kind of work for a year, his average monthly earnings shall be computed by dividing his annual earnings by 12, and his average weekly earnings shall be computed by dividing his annual earnings by 52. Daily earnings shall in such case be computed by dividing the average weekly earnings by the average number of days worked per week.

2. If the injured or deceased employee did not work for the same employer at substantially the same kind of work for a year, his earnings shall be based on the average earnings which, during the twelve months

prior to the injury, were earned by a person in the same grade, class, or district, employed at the same work by the same employer.

3. Any excess of earning over four hundred dollars per month shall not be taken into account in computing compensation benefits.⁵⁰

§ 3556. Liability for medical treatment.

1. The employer shall promptly provide for any injured employee such reasonable medical, surgical, or other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. The employer shall be liable for the payment of the reasonable expenses of medical, surgical, or other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus or other devices or appliances necessary to support or relieve a portion or part of the body resulting from and necessitated by the injury of the employee, for such period as the nature of the injury or the process of recovery may require.

2. The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party not in the same employ; the employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment, as provided in Section 3660 below.

3. Payments made by an employer for medical treatment of an injured employee in accordance with the provisions of Subsection 1 above do not constitute compensation within the meaning of Section 3550 (1) above or of Section 3600 (1) below.

50. Sub-section 3 was added to previous legislation by amendment by Chapter XXXIV "AN ACT TO AMEND THE LABOR PRACTICES LAW WITH RESPECT TO THE CALCULATION OF AVERAGE EARNINGS IN DETERMINING A LIMIT FOR WORKMEN'S COMPENSATION, App. May 1, 1963.

Subchapter C. COMPENSATION FOR OCCUPATIONAL DISEASE

§ 3600. Liability for compensation.

1. Every employer shall in accordance with the provisions of this Chapter pay, or provide compensation or secure compensation to each employee (or his dependents) for the disability or death of such employee caused by any occupational disease as if such disease were a personal injury by accident arising out of and in the course of that employment; provided, however, that the liability for compensation created by this Section shall be limited by the revisions of Subsections 3 and 4 below.
2. An occupational disease is one which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, to which an employee is not ordinarily subjected or exposed outside of or away from his employment.
3. Liability for compensation under this Section shall be limited to disability which commences or death which occurs (if it is not preceded by incapacity) within 2 years after termination of the employee's employment which is alleged to have caused the disability or death, or 5 years after the termination of the employment if the disability or death is alleged to be due to exposure to radium, ionized particles, other radioactive substances or other forms of radiant energy, or X-rays (roentgen rays).
4. There shall be no liability for compensation under this Section unless the employee has been employed for a period sufficient in duration in the opinion of experts, for him to have contracted the occupational disease alleged to have caused his disability or death.

§ 3601. Compensation for death.

When an employee dies as the consequence of a compensable occupational disease, compensation shall be paid as set forth in Section 3551

for death due to compensable occupational injury, and the provisions of that Section shall apply *mutatis mutandis* to occupational disease.

§ 3602. Compensation for permanent total disability.

When an employee suffers permanent total disability as the consequence of a compensable occupational disease, compensation shall be paid as set forth in Section 3554 for permanent total disability due to compensable occupational injury, and the provisions of that Section shall apply *mutatis mutandis* to occupational disease.

§ 3603. Calculation of average earnings.

The calculation of average earnings for the purpose of determining compensation due under Sections 3601-3602 above shall be made in the same manner as the calculation of average earnings in Section 3555 above, and the provisions of that Section shall apply *Mutatis mutandis* to calculation of average earnings in case of occupational disease.

§ 3604. Liability for medical treatment.

1. When an employee suffers any disability as a consequence of compensable occupational disease, the employer shall be liable for medical treatment as defined in and to the extent required by Section 3556(1) above for occupational injuries; and the provisions of that Section shall apply *mutatis mutandis* to occupational disease.

2. The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was disabled as a consequence of his employment by occupational disease through the fault or negligence of a third party not in the same employ; the employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment, as provided in Section 3660 above.

Schedule A. Permanent Partial Disability

INJURY	LUMP-SUM PAYMENT
1) loss of two limbs	1460 x daily rate*
2) loss of both hands or all fingers and both thumbs	1460 x daily rate*
3) loss of both feet	" " " "
4) loss of sight in both eyes	" " " "
5) total paralysis	" " " "
6) injuries resulting in being permanently bedridden	" " " "
7) injuries resulting in loss of mental competence	" " " "
8) any other injury resulting in total permanent disability	" " " "
9) loss of remaining eye by one-eyed workman**	640 x daily rate*
10) loss of remaining hand by one-armed workman**	550 " " "
11) loss of remaining foot by one legged workman**	700 " " "
12) loss of arm a shoulder	950 " " "
13) loss of arm at elbow	750 " " "
14) loss of hand at wrist	700 " " "
15) loss of fingers**	550 " " "
16) loss of thumb**	
both phalange	300 " " "
one phalanx	100 " " "
17) loss of index finger***	
three phalange	230 " " "
two phalange	100 " " "
one phalanx	50 " " "
18) loss of middle finger***	
three phalanges	150 " " "
two phalanges	75 " " "
one phalanx	50 " " "
19) loss of ring finger	
three phalanges	125 x daily rate
two phalang	75 " " "
one phalanx	50 " " "
20) loss of little finger***	
three phalanges	100 " " "
two phalanges	50 " " "
one phalanx	25 " " "

21) loss of metacarpal***			
first or second (additional)		(add 50 to above	
third or fourth or fifth (additional)		number stated)	
22) loss of leg at or above knee		950 x daily rate	
23) loss of leg below knee		808 " " "	
24) loss of foot		700 " " "	
25) loss of toes (one foot)			
all		100 " " "	
great, both phalanges		50 " " "	
other than great, if more than one toe lost,			
each		25 " " "	
26) loss of eye			
eye out		640 " " "	
sight of		640 " " "	
sight of, except perception of light		640 " " "	
27) loss of hearing			
both ears		700 " " "	
one ear		250 " " "	

Notes

Loss of use of member to be treated as provided in Section 3553 (3).

*Represents 48 months' (four years') pay.

**One-eyed person means person who had sight in only one eye when employed.

**One-legged person means person who had only one leg when employed.

**One armed person means person who had only one arm when employed.

***The aggregate loss of two or more parts of the hand shall not exceed total for loss of hand.

*Subchapter D. PROCEDURE***§ 3650. Notice of injury or disease; application for compensation.**

1. In order to be entitled to receive compensation for disability or death

resulting from an occupational injury or disease, the employee must give timely notice of the occurrence of the injury or disease to the employer allegedly liable for the compensation or to his agent. Timely notice shall be considered to mean within 60 days of the occurrence which caused the disability or death unless the Ministry of Labor shall find that a longer period was justified under the circumstances. The requirement of notice to the employer or his agent shall be deemed satisfied if notice is given to any supervisory official of the employer. If an employee suffers death or disability as a consequence of an occupational disease, and he has worked during the period specified in Section 3600 (3) for several employers in the kind of employment which is alleged to have caused the disease, notice to any one such employer shall be sufficient. It shall be the duty of the employer to whom notice was given to notify the other employers who may be liable for compensation; and if he fails to give such notice, he shall be liable for all compensation awarded for the death or disability of the employee.

2. The notice to the employer shall be in writing, or shall be reduced to writing by the employer or his agent. It shall give the name and address of the employee who has been disabled or has died and shall state in ordinary language the cause of the injury and the place and date of same or the description of the disease and any information available as to its onset. Notice may be given by the employee personally or by a member of his family or by a friend on his behalf, or, if the employee is deceased, by any of his dependents or by a person acting on their behalf.

3. Failure to give such notice or intentional and wilful misstatement of essential information shall excuse the employer from his liability to pay compensation under this Chapter; provided, however, that the want of, or any defect or inaccuracy in such notice shall not excuse the employer from his liability for compensation under this Chapter if he is proved to have had knowledge of the injury or disease from any other source at or about the time of its occurrence or if it is determined at proceedings held under the provisions of this Chapter that the employer is not or would not be (if a notice or amended notice were then given and the proceedings adjourned for a reasonable period) prejudiced in his defense by the want, defect, or inaccuracy of such notice or that such want, defect, or inaccu-

racy was due to mistake or other reasonable cause (including the absence of the employee from the country or from the vicinity of the employer's premises at the time of the onset of an occupational disease).

4. Notice of death of an employee given in accordance with the provisions of this Section shall be deemed to constitute an application for compensation, and notice of disability may also so serve; but the Ministry of Labour may by regulation determine under what circumstances a separate application for compensation must be made, the form and contents of such application, and the time for service upon the employer. The provisions of Subsection 3 above shall apply *mutatis mutandis* to every application for compensation.

§ 3651. Notification of Labor Inspectors.

1. The employer shall be responsible for notifying a labor inspector as soon as possible of all occupational injuries or disease suffered by his employees (of which he has received notice or other knowledge).

2. If an employee is killed or very seriously injured (so that permanent, total or almost total disability is likely to result) or if there is an accident in which a large number of employees are injured or if a large number of employees appear to be suffering from the same disease, (and there is any evidence that it is an occupational disease), the employer shall immediately notify the nearest inspector.

3. In all other cases it shall be sufficient, if there is no inspector in the vicinity, for the employer to make a complete and accurate record of all cases of occupational injury or disease suffered by his employees and to submit a true copy of such record to the Ministry of Labour at such intervals or to an inspector on his regular tour of inspection, as the Ministry may by regulation require.

§ 3652. Settlement of claims for temporary disability.

1. When an employer receives an application which is made by or on behalf of an employee for compensation for temporary disability and it

appears that no permanent disability is involved, he shall immediately make a record thereof in duplicate.

2. In all cases comprehended by this Section the employer or his agent and the employee (or some person who is authorized to represent him) shall discuss the claim and determine the amount, if any, which they believe required by law to be paid as compensations. The employer shall record such agreement, if any, and the reasons therefor on the application for compensation or in an annexure to such application; and the employer and the employee shall date and sign such agreement.

3. Every such agreement may be reviewed by the labor inspector on his regular tour of inspection. If he determines that the employee understands his rights generally and the terms of the agreement and that he has freely consented to such terms, the inspector shall approve same unless he finds serious errors of fact or law or bad faith on the part of either party. If he approves the agreement, he shall so indicate in writing on the agreement, the original of which shall be attached to the permanent record of the claim. If he does not approve, the inspector shall submit the claim to the Ministry for review, forwarding to the Ministry a true copy of the entire record, along with his observations and recommendations.

4. If the employer and the employee cannot agree as to the compensation due, the positions of each party shall be summarized in an annexure to the application and the record shall be preserved for consideration by the inspector upon his regular tour of inspection; provided, however, that if the inspector is not due for more than two months, the record shall, at the employee's request, be forwarded to the Ministry for its consideration in the first instance. In every case in which the employer and the employee agree that compensation is due, but differ as to the amount, the record shall show such partial agreement, and the employer shall pay compensation to the extent that there is agreement, leaving for consideration by the inspector only the questions whether additional compensation is due, and, if so, how much.

5. In any case of disagreement preserved for consideration by the inspector, he shall call together the employer and the employee for a

discussion of the claim. If an agreement is reached, and the inspector approves it, he shall record same in an annexure to the application for compensation; and the agreement shall be dated and signed by all participants in the discussion. If the agreement is reached by a person acting on behalf of the employee, the inspector shall ensure that the agreement is explained to the employee, and that he agrees thereto. If no agreement is reached, the inspector may propose a settlement of the claim; if the parties agree thereto, it shall be treated as an agreement reached in the preceding provisions of this Subsection. If no agreement can be reached, the inspector shall submit the case to the Ministry, forwarding to the Ministry a true copy of the entire record, along with his observations and recommendation.

§ 3653. Settlement of claims for permanent disability.

1. In any case in which immediate notification of an inspector is required by Section 3651(2) on account of serious injury to an employee, the inspector shall make an investigation of the accident which caused the injury. He shall submit to the Ministry his observations, depositions of witnesses and other documentary evidence reduced to writing, the examining physician's report, the statements of the employer and of the employee, and a true copy of the permanent record of the claim. The Ministry shall act as quickly as possible upon this record and the information furnished by the inspector in accordance with the provisions of Section 3656 below.

2. In every other case of apparent permanent disability the employer shall immediately call in an inspector, if there is one present in the vicinity; and the inspector shall make an investigation of the circumstances leading to the injury or disease which caused the disability. He shall make recommendations to the employer and to the employee (or to their representatives) as to the compensation required to be paid pursuant to the provisions of this Chapter, based on the results of his investigations and the applicable statutory provisions. If the inspector's recommendations are accepted by the employer and by the employee, he shall report same to the Ministry, along with the materials required to be submitted under Subsection 1 and the written agreement of the

employer and the employee.

If the inspector's recommendations, as originally made or as amended upon full discussion with the employer and the employee, are not accepted by both, the claim shall be submitted to the Ministry, along with the inspector's recommendation and the other materials required to be submitted under Subsection 1; provided, however, that in the case of partial agreement, the employer shall pay compensation to the employee to the maximum amount agreed upon until the Ministry makes determination. The Ministry shall act upon the claim in the manner set forth in Section 3656 below.

3. In every other case of apparent permanent disability when there is no labor inspector available in the vicinity, the employer shall, as of the date that compensation first becomes due, pay the maximum compensation for which he admits liability to the disabled employee in the form of weekly payments (unless otherwise provided in Section 3658 below), and he shall make a permanent record thereof, which shall be annexed to the claim for compensation. Upon arrival of the inspector on his regular tour on inspection, or otherwise, the claim shall be presented to him, and he shall make an investigation and proceed as provided in Subsection 2 above; provided, however, that any payments made by the employer prior to the inspector's investigation and recommendations shall be credited against the total compensation due.

§ 3654. Settlement of claims for death.

On every case of death caused by occupational injury or disease, the employer shall immediately notify an inspector, as provided in Section 3651(2). The inspector shall investigate the circumstances leading to the injury or disease and shall also attempt to determine whether the deceased employee had dependents, if any, and the degree of dependency of each. He shall make a determination of the compensation due and the persons entitled to receive same; he shall submit to the Ministry with his determination, his observation, depositions of witnesses and other documentary evidence or evidence reduced to writing, the physician's or coroner's report, if any, the statement of the employer and of the dece-

dent's dependents, any protest against his determination, and a true copy of the permanent record of the claim. The Ministry shall act on this record and the other information furnished by the inspector in accordance with provisions of Section 3656 (6) below.

§ 3655. Medical examination, treatment of disabled:

1. The employer may require any employee who claims compensation for disability resulting from occupational injury or disease to submit to an examination by a physician at a place and time reasonably convenient to the employee. If a disabled employee refuses, without just cause, to submit to such examination, the employer shall not be required to pay the compensation otherwise required by the provisions of this Chapter. The physician's report shall form a part of the permanent record of the case.
2. The dependents of an employee who is alleged to have died as the consequence of a compensable injury or disease shall be required, at the request of the employer, to permit a physician to examine the body of their decedent and certify the cause of death; provided, however, that such examination is timely made. If such permission is refused without just cause, the employer shall not be required to pay the compensation otherwise required by the provisions of this Chapter. If no physician is available, the coroner may, notwithstanding any other provision of law, be called to conduct an inquest into the death of any employee alleged to have resulted from occupational injury or disease; and the coroner shall be entitled to be paid his regular fees from public funds for performing such duty. The certificate of the physician or of the coroner as to the cause of death shall form a part of the permanent record of the case.
3. Whenever a physician who examines an employee allegedly disabled as a result of a compensable occupational injury or disease prescribes treatment to arrest the disability or to rehabilitate the employee, it shall be the duty of such employee to follow such treatment to the best of his ability; and failure or refusal so to do, without just cause, shall justify the employer in refusing to pay the compensation otherwise required by this Chapter; provided, however, that the employer shall be required to supply the drugs, appliances, or equipment, required to carry out such

prescribed treatment, as provided in Sections 3556 and 3604 above, and to train the employee to use the same.

§ 3656. Action by Ministry of Labour.

1. Whenever an inspector forwards to the Ministry a record of a claim for compensation for temporary disability which has been settled to the mutual agreement of the employer and of the employee and which has been approved by the inspector, the Ministry shall review and approve the settlement unless it discovers some serious mistake of law, or believes that a serious mistake of fact has been made. In such case it shall either return the case to the inspector for further consideration and action in accordance with its directions or it shall issue general instructions to the inspectors as to the handling of future cases of the same sort if it feels that reopening the case in question would cause undue hardship.

2. When the inspector forwards to the Ministry a record of a claim for compensation for temporary disability on which no agreement has been reached among the employer, the employee, and the inspector, the Ministry shall review the record, the inspector's recommendations and the written statements or representations of the parties, but it shall not permit oral testimony except upon extraordinary circumstances, as it may be in its discretion determine, making sure that all parties have equal opportunities to be heard in such case. The Ministry may approve the inspector's recommendations without opinion, but shall state its reasons for any different decision. It shall be empowered to make interim or temporary order which it feels just in order to prevent undue hardship.

○ If a claim for compensation for temporary disability is forwarded to the Ministry without any report or recommendation of an inspector in accordance with the provisions of Section 3652 (4), the Ministry shall issue its decision as soon as possible, based on the written record and the statements of the parties only. It shall be empowered to make any interim or temporary order which it feels just in order to prevent undue hardship.

4. In the case of a claim for compensation for permanent disability as

submitted in accordance with the provisions of Section 3653 (1), the Ministry shall ordinarily issue its decision on the basis of the written record only, but it shall permit oral testimony to be given or arguments to be made upon the request of the employer or of the employee, extending equal opportunities therefor to both, including the right to examine and cross-examine witnesses. It may in an appropriate case examine the site of the accident or depute one of its members to hear oral testimony at a place other than the site of the Ministry, or it may depute an inspector to take statements or to hear further testimony on behalf of the Ministry. The Ministry shall state the reasons for every final decision in a case decided under this Subsection, but it may issue such interim or temporary order as it feels just in order to prevent undue hardship.

5. In every other case involving a claim for compensation for permanent disability, the Ministry shall ordinarily issue its decision on the basis of the written record only, but it shall permit oral testimony to be given or arguments made in the same manner and under the same circumstances as in Subsection 4 above; and it shall have all and any powers granted to it in said Subsection. The Ministry shall state in writing the reasons for its decision; but if it approves the recommendations of the inspector, it may adopt his reasons as its own.

6. In a case involving death, the Ministry shall have the same duties and the same powers as in the case of permanent disability under Subsection 4 above. In addition, the Ministry shall determine who are the deceased employee's dependents, if any, and the degree of their dependency, and shall allocate the benefits among them.

7. If the employee for whose disability or death as a consequence of occupational disease compensation is sought worked for more than one employer at the same kind of employment which is alleged to have caused his disease within the period set forth in Section 3600 (3), and if the Ministry finds that the death or disability was in fact caused by such disease, it shall determine the proportionate share of the total compensation awarded to be borne by each such employer; provided, however, that the liability for such compensation shall be joint and several, and that the employee or his dependents may bring an action for debt for the

entire amount due against any or all of such employers, each one of whom shall have recourse against every other for any payment made by him beyond his proportionate share as determined by the Ministry.

8. In proceedings before the Ministry held in accordance with the provisions of this Section, it shall be presumed in the absence of substantial evidence to the contrary:

(a) That the claim for compensation comes within the provisions of this Chapter;

(b) That sufficient notice thereof was given;

(c) That the injury did not result solely from the intoxication of the injured or deceased employee while on duty;

(d) That the injury did not result from the inexcusable misconduct of the injured or deceased employee;

(e) That the injury was not occasioned by the wilful intention of the injured or deceased employee to bring about the injury or death of himself or of another; and

(f) That the contents of medical and surgical reports introduced in evidence by claimants for compensation shall constitute *prima facie* evidence of facts as to the matter contained therein.

§ 3657. Enforcement; appeal.

The enforcement of a decision or award of the Ministry in any proceeding arising under this Chapter and appeal from any such decision or award shall be subject to the provisions of Section 203 of this Title.

§ 3658. Compensation; how payable.

1. Compensation shall be paid in the manner provided in this Section; provided, however, that the provisions of Subsections 2-6 below shall be

subject to the provisions of Subsection 7, which shall supersede all provisions of the specified Subsections to the extent inconsistent therewith whenever Subsection 7 is properly invoked by an employer.

2. Except when the Ministry shall otherwise order, for good reason stated in the record, compensation for temporary disability caused by an occupational injury or disease shall be paid on the regular payday.

3. Compensation for permanent partial disability may be paid in a lump sum unless the Ministry, upon advice of the inspector or of a party or upon its own motion, determines that the employee, by reason of his minority or otherwise, is unable to make satisfactory use of a lump sum payment.

4. Compensation for permanent total disability or for death may be paid in a lump sum, unless the Ministry, upon advice of the inspector or of a party or upon its own motion, determines that the employee, by reason of his minority or otherwise, is unable to make satisfactory use of a lump sum payment or that the dependents of the disabled or deceased employee who are rightfully entitled to receive such payments on his or their own behalf are, for any such reasons, unable to make satisfactory use of lump sum payment. The Ministry shall, however, recommend payment of such compensation award in the form of a pension or of periodic payments over a specified period of time unless it determines: (a) that the amount of the pension or periodic payments would be too small to serve any useful purpose or (b) that the disabled employee or his dependents or the dependents of the deceased employee will make wise and profitable use of the award if paid to him or them in a lump sum; provided, however, that the Ministry may recommend payment partly in the form of a pension or periodic payments and partly as a lump sum or in any other manner which may seem appropriate in the light of all the circumstances.

5. When a totally disabled employee is a minor or when the dependents of such an employee or of a deceased employee who are rightfully entitled to receive compensation on his or their own behalf are minors, the Ministry may direct that compensation be paid to his or their legal

guardians or to a guardian specially appointed for the purpose of administering the compensation award in the best interests of such employee or of his dependents.

6. Every employer shall keep an accurate record of all payment made by him under each award entered against him by the Ministry and he shall render semi-annual reports thereon to the Ministry. Advance payments made by the employer while an issue as to compensation is still being determined shall be credited against the total amount required to be paid by him; provided, however, that an employer shall be entitled to recover overpayments made by him and received by an employee or by his dependents in good faith only by means of an action of quasi-contract.

7. Whenever an employer is unable to ascertain with assurance which persons are entitled to receive compensation due under an award, or does not know the whereabouts of the persons rightfully entitled to receive such compensation, or cannot easily pay over such compensation to the rightful payee due to his absence from the vicinity, or for any other good and sufficient reason, he may deposit the entire amount due under such award, together with a special administrative fee equivalent to one percent of the amount of the award (but in no case less than five dollars) in the probate court of the county in which his main or registered office is located or in which the disabled or deceased employee was employed (or the county nearest thereto if the office or place of employment is not located in any county). With such deposit he shall file an application to the court, reciting the award of the Ministry and the circumstances which make it impossible for him to pay over such compensation to the rightful payee; and a copy thereof shall be filed on the Ministry, which shall have the right to intervene in an appropriate case. The probate court shall, in the absence of a finding of bad faith on the part of the employer-applicant, grant such application and administer such fund in accordance with the provisions of this Subsection. The court shall, in connection therewith, be authorized, upon adequate notice and hearing, (a) to appoint, remove, replace, or discipline a special guardian for an injured minor or disabled employee or for the minor or incompetent dependents of a disabled or deceased employee; (b) to require regular accounting and any special accounting which it shall deem necessary from any general

or special guardian receiving funds under the provisions of this Subsection or of Subsections 3 or 4; (c) to determine who are the dependents of an employee rightfully entitled to receive compensation under the provisions of this Chapter; and (d) to determine, with due regard to the Ministry's recommendations, how and in what form and what amounts the fund deposited in court shall be paid to the employee or to his dependents. The probate court shall render to the employer a semi-annual accounting for each fund deposited by him in accordance with the provisions of this Subsection, and a copy thereof shall be filed with the Ministry.

§ 3659. Review of awards; modification..

1. Every award of compensation for disability which continues longer than three months shall be reviewed at the end of said three months to determine whether the nature or extent of the disability has changed or was incorrectly determined in the first instance, and if any substantial change or error is discovered, a new award may be made by the Ministry on the basis of the conditions as newly determined or evaluated; provided, however, that an award for compensation for a temporary disability may make provision by formula for decreasing payments at the end of certain periods of time or upon the happening of certain specified events without resubmission of the question of the Ministry.

2. At any other time that the employer or employee feels that a substantial change in the condition of the disabled employee has taken place or that a reevaluation of the nature or of the extent of the disability is required, he may request an inspector in the vicinity or the inspector who arrives on a regular inspection visit to reopen the question, examine and evaluate new evidence, and approve a new agreement or submit the opposing requests of the two parties for a changed award to the Ministry along with his own recommendations. Except in the case of a temporary disability which is gradually lessening, a request to modify an award because of the changed nature or extent of the disability or its original incorrect determination may be made to the Ministry if there is no inspector in the vicinity or due there within a reasonable period.

3. If an employee dies while disabled by an occupational injury or disease and it is alleged that his death was caused by said injury or disease, the claim for additional compensation, if any, shall be treated as a request to the Ministry to reopen and modify the award.

4. In acting upon any request to change an award, the Ministry shall have all the powers vested in it to make original awards by the provisions of section 3656 (4). In the case of changed awards agreed to by the employer and the employee and approved by the inspector, the Ministry shall simply approve the modification without opinion unless it finds a substantial error of law or of fact.

5. The employer is entitled to require a disabled employee to submit to continuing medical examinations at reasonable intervals, to ascertain the progress of his recovery and the efficacy of any prescribed treatment; provided, however, that the Ministry is empowered to issue rules, in accordance with the provisions of [Chapter 34, section 34.2(a)] of the Executive Law, to prevent harassment of a disabled employee by his employer in the guise of exercising his rights under this subsection.

6. The Ministry may, upon notice and hearing to all interested persons, modify or set aside any award not completely executed upon a showing of substantial inequity or for any other sufficient reason fully set forth in the record.

§ 3660. Rights against third-party.

1. If an employee suffers a disability arising out of and in the course of his employment as the consequence of the act of a third-party not in the employ of his employer, he is nevertheless entitled to the compensation provided by this Section for occupational injury (or disease); and his employer may bring an action against such third-party for all damages suffered by him (including all compensation paid by him to the employee, the cost of all medical treatment, and any other payments required by the provisions of this Chapter) as the consequence of the injury to his employee. Such action must be brought within one year after the Ministry awards such compensation; but another action may be brought

for an additional award under Section 3659 above; provided, however, it is brought within one year after such additional award is made.

2. An employee who suffers a disability arising out of and in the course of his employment as a consequence of the act of a third-party, not in the employ of his employer may sue the tortfeasor directly for his damage in accordance with the provisions of the Private Wrongs Law.

3. If an employee sues the tortfeasor after claiming and obtaining compensation for his disability, he shall be compelled to join his employer as a party plaintiff, and the employer shall be entitled to recover the amount which he has paid or for which he is liable as compensation under this Chapter, and the employee to recover the balance of the judgment, if any. If the employee claims compensation from his employer after obtaining a judgment against the tortfeasor, he shall receive such amount only as represents the difference between the total amount of compensation to which he would otherwise be entitled and the amount of the judgment he received; provided, however, that if the amount of the judgment exceeds the total amount of compensation he would otherwise be entitled to, he shall receive no compensation, under the provisions of this Chapter.

§ 3661. Effect of revenue from other sources.

The fact that an employee is entitled to sickness, disability, or death benefits under a contract of employment, a contract of insurance or from any other source (except as the result of a judgment against a third-party tortfeasor as provided in section 3660 above) shall not affect his right to compensation under this Chapter, nor the amount of compensation to which the employee is entitled.

§ 3662. Rights not to be waived or assigned.

1. Any agreement by an employee to waive his rights under this Chapter shall be void.

2. Any attempt by an employee to assign his rights under this Chapter shall be void, and any agreement to assign compensation payment due

under this Chapter shall likewise be void. Compensation payments made pursuant to the requirements of this Chapter shall not be subject to garnishment or attachment, except to execute a judgment against an employee for fraudulently obtaining such compensation.

§ 3663. Enforcement of payment in default.

1. Compensation due under the provisions of this Chapter shall be a lien against the assets of the employer (and of his insurance carriers, if any) without limit as to amount, subordinate, however, to claims for unpaid wages and to prior recorded liens.

2. If an employer fails to make any payment required under the provisions of this Chapter on an award of the Ministry of Labour (affirmed by the Labor or Circuit Court, if an appeal was taken therefrom), the employee is entitled to bring an action of debt for the amount due and to obtain summary judgment thereon. The employer shall not be permitted to attack the award collaterally in such an action of debt.

§ 3664. Records.

Every employer shall keep records prescribed by this Chapter in the manner prescribed. He shall also keep records of every injury reported to him which requires first aid treatment and absence from work for more than a day. All such records shall be available during business hours to labor inspectors and other officials of the Ministry; and any employee or the representative of a deceased employee shall be given a reasonable opportunity to consult the employer's records as to his own or his decedent's injuries or illness; or the employer may provide his employee (or his representative) with a copy thereof. For any offense against this Subsection for which no other penalty is prescribed, a violator shall be penalized as set forth in section 3.4 of the Penal Law.

2. The Ministry shall keep permanent records on all compensation laws, which it is called upon to approve or decide. It shall keep a special file of awards and decisions with opinions, which shall be suitably indexed and shall be available for public inspection during business hours.

3. Except as hereinabove provided, all records prescribed by this Chapter shall be confidential. Any government official or employee who discloses any information obtained from any such record except as a witness in court or when otherwise required by law shall be dismissed from office and subject to the penalties for malfeasance.

§ 3665. Alternative remedies.

The liability of an employer under this Chapter shall be exclusive and in lieu of any other liability whatsoever on his part, under the laws of Liberia or of any other country, to his disabled or deceased employee and to the employee's personal or other legal representatives, his spouse, children, parents, dependents, or next of kin, or to anyone otherwise entitled to recover damages, at common law or otherwise, on account of such disability or death.

§ 3666. Ministry to prescribe forms and procedures.

The Ministry shall have the power to prescribe forms and procedures to be followed in connection with all compensation matters under this Chapter. This power shall be in addition to all other powers granted to the Ministry by the provisions of this Title.

§ 3667. Separability.

If any provision of this Chapter, or the application of any such provision to any circumstances or persons, shall be held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other circumstances or persons shall not be affected thereby.⁵¹

51. Approved June 6, 1961. The Act also repealed section 73 of Title 18 of the Labor Law, previously Title 19..

*Chapter 37. GENERAL EXCLUSION*⁵²

§ 4000. General exclusion.

§ 4000. General Exclusion.

The provisions of this Title 18-A shall not apply to officers, members of the crew, seamen, mariners, greasers, firemen, stevedores, launch drivers, stewards, cooks, laundrymen, and any other persons employed or in training on vessels registered under the provisions of Chapter 2 of the Maritime Law or their employers.⁵³

52. CHAPTER XXX "AN ACT TO AMEND THE LABOR PRACTICES LAW WITH RESPECT TO EXCLUDING THE APPLICATION OF ITS PROVISIONS TO PERSONS EMPLOYED ON VESSELS REGISTERED IN ACCORDANCE WITH MARITIME LAW."

53. Amendment approved June 1, 1962, under Act entitled Chapter XXX, An Act to Amend the Labor Practices Law with respect to excluding the application of its provisions to persons employed on vessels registered in accordance with Maritime law.

P A R T VI

LABOR ORGANIZATIONS⁵⁴

Chapter 40. LABOR ORGANIZATIONS; REGULATIONS OF INTERNAL AFFAIRS

- § 4100. Filing of rules of labor organizations.
- § 4101. Annual reports by labor organizations.
- § 4102. Terms of office and election procedures
- § 4103. Enforcement of regulations governing election procedures.
- § 4104. Rights of members of labor organizations.
- § 4105. Duties of officers of labor organizations.
- § 4106. Reports of officers and employees of labor organizations.
- § 4107. Report of employers with regard to payments or benefits to labor organizations or their officers, representatives or employees thereof.
- § 4108. Discipline by labor organizations.
- § 4109. Appeals from discipline to Ministry of Labor.
- § 4110. Use of funds of labor organizations for political purposes prohibited

§ 4100. Filing of rules of labor organizations.

1. Every labor organization shall adopt written rules governing its organization and operation and shall file a copy thereof with the Ministry of Labour, certified by its president and secretary, or its principal officers corresponding thereto.

54. The Chapter was enacted under an Act of the Legislature captioned: "AN ACT TO AMEND THE LABOR PRACTICES LAW IN RELATION TO THE RIGHTS AND DUTIES OF LABOR ORGANIZATIONS AND THE MEMBERS THEREOF", Approved May 1, 1963.

2. Such rules of a labor organization shall contain provisions covering the following subjects:

(a) The name of the labour organization or union shall specify whether same is Agricultural or Industrial and the address of its principal office.⁵⁵

(b) The titles of its officers;

(c) The regular dues required to be paid by its members, and any initiation fees, additional assessments or other payments its members may be required to pay.

(d) The qualifications and conditions of membership and any restrictions thereof;

(e) Any authorization for the disbursement of funds of the labor organization;

(f) Any participation in insurance or other benefit plans;

(g) The audit of financial transactions of the labor organizations;

(h) The election, appointment or selection of officers, members of the executive committee or other governing body, and representatives or delegates to other bodies composed of representatives of labor organizations;

(i) Discipline or removal of any officers, members of governing boards and representatives or delegates;

(j) Procedure and grounds for the discipline, through the imposition

55. The provision of this sub-section was amended from a previous reading, by AN ACT TO AMEND THE LABOUR PRACTICES LAW WITH RESPECT TO THE PRIVILEGES AND FUNCTIONS OF LABOUR UNIONS AND TO AMEND OTHER SECTIONS OF SUCH LAW IN RELATION THERETO.

of fines or otherwise, suspension and expulsion of members;

(k) Identification card to be issued to its officers and members containing the name, address, age, occupation, blood type and photograph of officers and members.

3. Such rules shall not be inconsistent with the provisions of Part VI.

§ 4101. Annual reports by labor organizations; inspection thereof.

1. Every labor organization shall also file with the Ministry of Labour annually a report signed by its president and secretary, or its principal officers corresponding thereto, containing the following information:

(a) The name, address and title of each of its officers, its representatives or delegates to other bodies composed of representatives or delegates of labor organizations;

(b) Any changes in its rules governing its organization and operation as originally filed with the Ministry and not previously reported;

(c) All the information in such detail as may be necessary accurately to disclose its financial condition and its operations for its preceding fiscal year including:

(i) Assets and liabilities at the beginning of the fiscal year;

(ii) The salary, allowances and any other direct or indirect payments (including reimbursed expenses) to each officer and each principal employee;

(iii) Each employee who is also receiving salary, compensation or reimbursement, directly or indirectly, from any other labor organization or any organization consisting of delegates or representatives of labor organizations;

(iv) Receipts of any kind, and sources thereof;

(v) Direct and indirect loans made to any officer, employee or member during the fiscal year, together with a statement of the purpose, security, if any, and terms thereof;

(vi) Direct and indirect loans to any business enterprises, together with a statement of the purpose, security and terms thereof;

(vii) All other disbursements or loans or any gifts thereof.

2. Copies of the rules and the report filed with the Ministry shall be made available by the labor organization for inspection by its members; and every labor organization shall permit any of its members for just cause to examine any books, membership list, records and accounts necessary to verify such report.

3. Such right of inspection shall be enforceable by a member in a proceeding in the Labor or Circuit Court for the judicial district in which such labor organization maintains its principal office. The court in such proceeding may, in its discretion, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee to be paid by the defendant, and costs of the proceeding.

4. Each labor organization shall file the initial report required by this section within one hundred and twenty days after the end of the fiscal year or portion thereof in which Part VI becomes effective, and thereafter within ninety days after the end of each fiscal year.

4102. Terms of office and election procedures; removal of officers.

Every national labor organization, except a federation of national labor organizations, shall elect its officers, who shall be citizens of the Republic of Liberia, at least once every three years either by secret ballot of its members in good standing or at a convention of delegates chosen by secret ballot.

2. Officers of intermediate bodies shall be elected at least once every three years by secret ballot among members in good standing or by labor

organization officers representing their members who have been elected by secret ballot.

3. Every local labor organization shall elect its officers at least once every two years by secret ballot of its members in good standing.

4. Prior to an election every labor organization, except a federation of national labor organizations, shall comply with all reasonable requests of any candidates to distribute to its members in good standing by mail or otherwise at each candidate's expense campaign literature and to refrain from discrimination in favor of or against any candidate with respect to the use of the list of its members and whenever any labor organization or its officers authorize the distribution to members, by mail or otherwise, of campaign literature on behalf of any candidate or of the labor organization itself relating to the election, at the request of any other *bona fide* candidate, equal treatment as to distribution and expense thereof shall be accorded to such candidate.

5. Every *bona fide* candidate or his representatives shall have the right, once within thirty days prior to the election, to inspect the list of all members of the labor organization and their addresses, and such list shall be maintained at the principal office of the labor organization.

6. Adequate safeguards to ensure a fair election, including the right of any candidate to have an observer at the polls and at the counting of the ballots, shall be provided by the labor organization and its officers.

7. In any election, a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office and shall have the right to vote for or otherwise to support the candidate or candidates of his choice; and no member shall be subject to penalty, discipline, improper influence or reprisal of any nature for exercising such rights.

8. At least fifteen days prior to an election, notice thereof shall be given to each member.

9. At any election, each member shall be entitled to one vote for each office to be filled.

10. The election shall be conducted in accordance with the rule of the labor organization insofar as they are not inconsistent with this Chapter, and shall be supervised by the Ministry of Labor.

11. The votes cast by members of each local labor organization shall be counted by the labor inspector for the district in which the election is held or a representative of the Ministry, and the results published separately.

12. The election official designated in the rules of the labor organization or the secretary thereof shall preserve the ballots and all other records of the election for one year.

13. In an election by a Convention of delegates chosen by secret ballot, the Convention shall be conducted under the observation of the Ministry, in accordance with the rules of the labor organization insofar as they are not inconsistent with the provisions of this title. The secretary of the labor organization or such other official designated in the rules thereof, shall preserve for one year the credentials of the delegates, and the minutes and records of the convention pertaining to the election of officers.

14. No money collected by any labor organization as dues or similar levies and no moneys of any employer shall be used to promote the candidacy of any person in any election of a labor organization; provided that any moneys of a labor organization may be used for notice, factual statements of issues not involving or, mentioning candidates and any other expenses necessary for the holding of an election.

15. (a) The rules of a labor organization shall prescribe procedures for the removal of an elected officer of such labor organization for serious misconduct including notices, hearing and decision of the members in good standing voting in secret ballot conducted by the officers of such labor organization provided that such rules are not inconsistent with the provisions of this title.

(b) The Ministry shall adopt regulations prescribing minimum standards for determining the adequacy of such removal procedures of a labor organization.

§ 4103. Enforcement of regulations governing election procedures.

1. Any *bona fide* candidate may enforce the duties imposed upon a labor organization with regard to requests for distribution of such candidate's campaign literature, with regard to equal treatment of all candidates as to the expense of distribution of campaign literature and with regard to his right to inspect the list of members and last known addresses of all members of such labor organization as provided in Subdivisions 4 and 5 of Section 4102 of this Chapter by a proceeding in the Labor or Circuit Court for the judicial district in which such labor organization maintains its principal office.
2. If the Ministry of Labour, upon application of any member in good standing of a labor organization, finds after notice and hearing that the rules of the labor organization do not provide an adequate procedure for the removal of an elected officer for serious misconduct or conviction for crime, the Ministry may require such labor organization to give proper notice, hold a proper hearing by the members in good standing and determine by the voting of such members in secret ballot conducted by the officers of such labor organization under the supervision of the Ministry whether such officer be removed, and upon a vote that such officer has been guilty of serious misconduct or conviction for crime, such officer shall be removed.
3. (a) A member in good standing of a labor organization after exhausting remedies available under the rules of such labor organization or after invoking such available remedies without obtaining an official decision within three calendar months may file within one month thereafter a complaint with the Ministry alleging violation of any provision of Section 4102 of this Chapter, or the violation of the rules of such labor organization concerning the election or removal of officers; if the Ministry, after investigation, finds probable cause that such violation has occurred and such officer has not been removed,

the Ministry shall bring civil proceedings against such labor organization as an entity in the Labor or Circuit Court for the judicial district in which such labor organization maintains its principal office to set aside the invalid election and to direct the conduct of a proper election or for a hearing and vote by the members in good standing of such labor organization for the removal of any officer for serious misconduct under the supervision of the Ministry, and in accordance with the provisions of this title and with the regulations prescribed by the Ministry. The Court shall have the power to take such action as it deems proper to preserve the assets of the labor organization pending the final decision thereon by the Court.

(b) If upon a preponderance of the evidence after a trial upon the merits, the Court finds that an election has not been held within the period prescribed by Section 4102 of this Chapter or that a violation of Section 4102 may have affected the outcome of an election, the Court shall declare such election void and direct the conduct of a new election under the supervision of the Ministry and so far as lawful and practicable in conformity with the rules of such labor organization. Immediately after such election the Ministry shall promptly certify to the Court the names of the persons elected and the Court shall thereupon enter a decree declaring such persons to be officers of such labor organization.

(c) After the proceedings for the removal of an officer of a labor organization for serious misconduct pursuant to Subsection 2 of Section 4103, the Ministry shall certify the results of the vote and the Court shall enter a decree declaring whether such persons have been removed as officers of such labor organization.

4. An order, decree or judgment of the Labor or Circuit Court directing an election, dismissing a complaint, designating elected officers of a labor organization or directing compliance with Subdivisions 4 and 5 of Section 4102 of this Chapter shall be appealable in the same manner as a final judgment in a civil action; and the Supreme Court shall expedite the perfecting, hearing and decision of such appeals and may by special rules provide for a shorter period of time than authorized by statute or by

regular rules for the perfecting and argument of such appeals.

5. No labor organization shall be required to conduct the election of officer, with greater frequency or in a different form or manner than required by its own rules, except as otherwise provided by this Chapter.

6. The existing rights and remedies to enforce rules of labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this Chapter. The remedy provided by this Chapter for challenging an election already shall be exclusive.

§ 4104. Rights of members of labor organizations.

1. All the members of a labor organization shall have equal rights and privileges to nominate candidates, vote in elections or referenda of the labor organization, attend membership meetings, and participate in the business and action of such meetings, subject to such reasonable rules as the labor organization may have provided.

2. Every member of a labor organization may meet and assemble freely with other members thereof, express any laws, arguments or opinions, both at meetings of the labor organization and elsewhere, subject, however, to such reasonable rules as the labor organization may establish with regard to the conduct of meetings and with regard to the responsibility of members to refrain from impairing the welfare and existence of the labor organization or from conduct interfering with the performance by the labor organization of its legal obligations.

3. Any increase in dues or initiation fees of members of a labor organization shall be effected only by a majority notice or by a majority vote of the members in good standing in a referendum conducted by secret ballot except that in the case of a labor organization governed by delegates from constituent organizations an increase of dues or initiation fees may be authorized by a majority vote of the members in good standing after reasonable notice or, by a majority vote of the members in good standing in a referendum conducted by secret ballot except that in the case of a labor organization governed by delegates from constituent organizations,

an increase of dues or initiation fees may be authorized by a majority vote of the delegates voting at a regular convention or special convention of the labor organization held upon not less than thirty days' written notice to the principal office of such constituent labor organization represented by the delegates or by a majority vote of the members of the executive board or similar governing body of such labor organization in accordance with the rule thereof, provided that such action by the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

4. The right of any members of a labor organization to institute an action or proceeding in any court or before any administrative body or agency or to appear as a witness in any action or in any proceeding, judicial, administrative or legislative or to petition the Legislature or any government official shall not be limited by any organization, provided that prior to the exercise of such right a member may be required to exhaust reasonable hearing procedures provided within the labor organization and provided further that no employer or association of employers shall, in any action, proceeding or petition, directly or indirectly, finance, encourage or participate except as a party joined in an action or proceeding in accordance with the provisions of a law in such cases provided.

5. Except in cases of non payment of dues, no member of any labor organization may be fined, suspended, expelled or otherwise disciplined unless such member has been served with written charges, been given a reasonable time to prepare his defense and been afforded a full and fair hearing.

6. Each member of a labor organization shall be entitled to inspect at the principal office and at the local office of the organization a certified copy of each agreement of such labor organization which affects the rights of said employee and shall also be entitled to obtain a copy thereof from the secretary or corresponding officer of such labor organization. The labor inspector for the district in which the principal office of such labor organization is situated or the Ministry of Labour may bring a civil action to compel the performance of the duties imposed by this subdivision upon the secretary or corresponding officer of the labor organization and upon

the labor organization. Such action shall be brought in the Labor or Circuit Court for the judicial district where the violation occurred and may demand such relief, including an injunction, as may be appropriate.

7. Any member may bring a civil action in the Labor or Circuit Court for such relief, including an injunction, as may be appropriate to remedy any violations of any rights provided by this Section.

8. Nothing contained in this Section shall limit the rights and remedies of members of labor organization under any other law or under the rules of any labor organization.

9. Every labor organization shall inform its members of the provisions of this Chapter.

§ 4105. Duties of officers of labor organizations.

1. The officers and representatives of a labor organization shall be deemed to occupy positions of trust with regard to the labor organization and its members as a class.

2. (a) Any officer holding funds or property of a labor organization shall manage, invest and expend such funds and property in accordance with the rules of the labor organization and shall refrain from dealing in such property or funds for personal benefit or advantage or from holding or acquiring pecuniary or personal interests which conflict with the interests of the labor organization.

(b) Any officer or representative of a labor organization shall account to the labor organization for any profit or benefit received by such officer or representative in connection with transactions conducted on behalf of the labor organization, and any rules of the labor organization relieving any officer or representative from liability for breach of duties provided by this Section shall be void as against public policy.

3. In the event that any labor organization or its duly authorized officers fail or refuse to enforce the liabilities of any officer or representative of

a labor organization prescribed by this Section, a member of such labor organization within a reasonable time after the labor organization or its officers have been requested to take appropriate action and have failed to do so, may for the benefit of the labor organization sue such officer or representative of the labor organization in the Circuit Court for the judicial district in which the labor organization has its principal office to recover damages or secure an accounting or other appropriate legal or equitable relief; and in the event of a recovery in such action, the trial judge may allow a reasonable part of such recovery to the member prosecuting the action to pay for counsel fee and any expenses necessarily paid or incurred by him in connection with the action.

4. No officer or employee of a labor organization shall borrow any funds of the labor organization or accept any gift from it, and no labor organization shall make any loans or gifts to an officer or its officers or employees provided, however, that a member of a labor organization may borrow and the labor organization may loan funds to its members only in case of bereavement, and where such bereavement is for close relatives for whom the member was wholly responsible. Any person who violates this subdivision shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding \$500 or imprisonment not exceeding six months or both.

5. (a) It shall be unlawful for any officer, agent or representative of a labor organization to request, demand, receive or accept, or agree to receive or accept, from any employer, any of whose employees are members of such labor organization, or from any association if such employer is a member or from a labor relations consultant to such employer or acting in the interest of such employer, any money or other thing of value.

(b) It shall be unlawful for any employer or association of employers or any labor relations consultant to an employer of such association or any person who acts as agent for or in the interests of an employer or of such association, to pay, lend or deliver, or agree to pay, lend or deliver any money or other thing of value to any labor organization or to any officer, representative, agent, or employee of a labor organi-

zation.

(c) It shall be unlawful for any employer or association of employers or any labor relations consultant to an employer or such association or any person who acts as agent for or in the interest of an employer or such association, to pay, lend or deliver, or agree to pay, lend or deliver, any money or other thing of value to any employee or group of employees of such employers or of a labor organization of which such employees are members, in excess of their normal compensation for the purpose of causing such employees or group of employees, directly or indirectly, to influence any other employees in the exercise of any of their rights.

(d) The provisions of this subdivision, however, shall not be applicable with respect to compensation paid, to any officer or representative of a labor organization who is an employee or former employee of such employer by reason of his services as employee of such employer or with respect to any payment made in satisfaction of a judgment or arbitration awarded or with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business. Any person who willfully violates the provisions of this subdivision shall upon conviction be guilty of a misdemeanor and be punishable by a fine not exceeding \$500, or imprisonment not exceeding six months, or both.

§ 4106. Reports of officers and employees of labor organization.

1. Every officer, every representative and every employee of a labor organization, other than an employee performing exclusively clerical or custodial services, shall file with the Ministry of Labor a signed report listing and describing for his preceding fiscal year:

(a) Any stocks, bonds, securities or other interests, legal or equitable, which he, his spouse, or minor child, directly or indirectly holds in, and any income or other benefits, including reimbursed expenses which he, his spouse, or minor child derived, directly or indirectly, from an employer whose employees are represented by such labor

organization or whose employees such labor organization is actively seeking to represent, except payments and other benefits as a *bona fide* employee of such employer;

(b) Any transaction in which he, his spouse or minor child engaged, directly or indirectly, involving stocks, bonds, securities, or loans to or from, or other legal or equitable interests in the business of an employer whose employees are members of such labor organization;

(c) Any stocks, bonds, securities or other interests, legal or equitable, which he, his spouse or minor child, directly or indirectly, holds in, and any income or other benefits, including reimbursed expenses which he, his spouse or minor child, directly or indirectly, derived from, and any business, a substantial part of which consisted of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees are members of such labor organization;

(d) Any stocks, bonds, securities or other interests, legal or equitable, which he, his spouse or minor child, directly or indirectly derived from, a business, any part of which consisted of buying from, or selling or leasing directly or indirectly or otherwise dealing with such labor organization;

(e) Any business transaction or arrangement, directly or indirectly between him, his spouse or minor child and any employer whose employees are members of his labor organization, except work performed and payment and benefits received as a *bona fide* employee of such employer and except purchases and sales of goods or services in the regular course of business at a price generally available to any employee of such employer; and

(f) Any payment of money or other thing of value, including reimbursed expenses which he, his spouse or minor child received directly or indirectly from any employer or any person who acts as labor relations consultant to an employer except payment in those categories excepted from the provisions of Subdivision 5 of Section 4105 of

this Chapter.

2. Each such person shall file the initial report required by this Section within one hundred and twenty days after the end of the fiscal year or portion thereof in which this Act becomes effective, and thereafter within thirty days after the end of the fiscal year.

§ 4107. Report of employers with regard to payments or benefits to labor organizations or their officers, representatives or employees thereof.

Every employer and organization of employers shall file with the Ministry of Labor a report, in a form prescribed by the Ministry, signed by the owner or, if a corporation, the president and treasurer or corresponding principal officers showing in detail the date and amount, the name, address and position, if any, in any labor organization or organizations or business firm, of the person to whom the following was made, and a statement of all the circumstances thereof, any expenditures during the fiscal year for the purpose, directly or indirectly, of interfering with or restraining or coercing employees for the purpose of obtaining information concerning the activities of employees thereof, or of a labor organization, in connection with any labor dispute involving such employer, except information for use solely in connection with an administrative or arbitration proceeding or action.

§ 4108. Discipline by labor organization.

It shall be unlawful for any labor organization or any officer, agent, representative or employee thereof to fine, suspend, expel or otherwise discipline any of its members for exercising any right to which such member is entitled under the provisions of Part IV.

§ 4109. Appeals from discipline to the Ministry of Labor.

1. The Ministry of Labor may review and make a final decision upon a complaint by a member in good standing or a *bona fide* candidate in an election for office in such labor organization that any of the rights speci-

fied in Subparagraphs 6, 7 and 15 or Section 4103, Subparagraphs 1, 2, 3, 4, and 5 of Section 4104 or Section 4108 have been violated or that discipline has been imposed upon any member contrary to the rules of the labor organization or without adequate proof of appropriate charges or contrary to the welfare or interests of the labor organization or its members.

2. Any member or *bona fide* candidate shall not be deemed to have exhausted his remedies within a labor organization until he has taken an appeal to the Ministry.

○ § 4110. Use of funds of labor organization for political purposes prohibited.

It shall be unlawful for any labor organization to make any financial contribution, directly or indirectly, to any political party or to any persons running for political office as a part of the campaign expenses of such candidate.

Chapter 41. LIABILITY OF LABOR ORGANIZATIONS

§ 4200. Responsibility for acts of agents; entity for purpose of suit; enforcement of money judgments.

§ 4201. Jurisdiction of Circuit Courts.

§ 4202. Service of process.

○ § 4203. Determination of question of agency.

§ 4200. Responsibility for acts of agents; entity for purpose of suit; enforcement of money judgments.

Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the Courts of the Republic. Any money judgment against a labor organization shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets

§ 4201. Jurisdiction of Circuit Courts.

For the purpose of action and proceedings by or against labor organizations in the Circuit Court of the Republic, Circuit Courts shall be deemed to have jurisdiction of a labor organization (1) in the judicial district in which such organization maintains its principal office, or (2) in any judicial district in which its duly authorized officers, representatives or agents are engaged in representing or acting for employee members.

§ 4202. Service of process.

The service of summons, *subpoena*, or other legal process of any Court of the Republic upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

§ 4203. Determination of question of agency.

For the purpose of this Chapter, in determining whether any person is acting as an "agent" of another person so as to make such person responsible for his acts, the term "agent" shall have the meaning as defined in Section 4700, Subdivision 10, and shall also mean officer as defined in Section 4700, Subdivision 14, and shall also include representatives and key administrative personnel, whether elected or appointed, but does not include salaried non-supervisory professional staff, stenographic and service personnel or persons who are members of a labor organization and who have no powers, rights or duties within the labor organization other than ordinary members.

Chapter 42. MEDIATION OF LABOR DISPUTE

§ 4300. Mediation by Minister.

§ 4301. Declaration of policy.

§ 4302. Conciliation by Ministry of Labor.

§ 4303. Cooperation.

§ 4304. Rules.

§ 4305. Provisions of chapter cumulative as to grievances.

§ 4306. National employee-employer conference.

§ 4300. Mediation by Minister; by Labor Ministry.

1. The Minister shall have the power to act as mediator in labor disputes or to refer any labor dispute to the Ministry of Labor whenever in his judgment industrial peace may require it to be done.

2. The Ministry of Labor shall have the power to act as mediator in labor disputes either on its motion or in labor disputes referred to the Ministry
○ the President, the Minister or any labor inspector.

§ 4301. Declaration of policy.

It is the policy of the Republic of Liberia that:

(a) Sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Republic and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through peaceful processes and conferences between employers and the representatives of their employees;

○ (b) The settlement of issues between employers and employees through peaceful processes may be advanced by making available full and adequate governmental facilities for conciliation and mediation to aid and encourage employers and the representatives of their employees to make all reasonable efforts to settle their differences reached through conferences and peaceful negotiations.

§ 4302. Conciliation by the Ministry of Labor.

1. The Ministry of Labor shall have the following powers.

(a) To encourage employees and employers or labor organizations or association of employers to avoid disputes and if they arise, to reach fair settlement by means of conciliation.

- (b) To take all practical measures to consult with the representatives of employers or association of employers and of labor organizations to establish and effectuate conciliation machinery and procedures.
 - (c) To investigate disputes, promote conciliation, and assist the parties in arriving at a fair settlement.
 - (d) To assist in the prevention and settlement of industrial disputes between employers and employees.
 - (e) To act on its own initiative or on the initiative of any of the parties to the dispute.
 - (f) If a dispute has been subjected to conciliation procedure with the consent of all the parties concerned, to encourage and urge all the parties to refrain from strikes and lockouts while conciliation is in progress.
 - (g) To encourage the parties to a dispute who have reached an agreement during conciliation to reduce such agreement to writing, and to assist the parties in the preparation of such written agreement.
 - (h) In the event that negotiations between the disputants or their representatives are deadlocked or broken off, to invite the disputants or their representatives to attend a conference or conferences for the further submission and discussion of grievances and differences.
 - (i) To discuss such grievances and differences with disputants or their representatives.
2. In carrying out any of its work under this chapter, the Ministry may designate one of its members or an officer of the Ministry to act on its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the Ministry with the discharge of the duty or duties so delegated.

3. The Ministry and each member thereof and such person designated thereby shall have the power to hold public or private hearings at any place within the Republic, subpoena witnesses and compel their attendance, administer oaths, take testimony and receive evidence.

4. Members of the Ministry and any agents or representatives of the Ministry shall not be compelled to disclose to any administrative or judicial tribunal any information relating to, or acquired in, the course of official activities, nor shall any reports, minutes, written communications, or other documents of the Ministry pertaining to such information be subject to subpoena; except that where the information so required indicates that the person appearing or who has appeared before the Ministry has been the victim or subject of a crime, any members of the Ministry, the executive secretary and all other employees of the Ministry may be required to testify fully in relation thereof upon any examination, trial, or other proceeding in which the commission of the crime is the subject of inquiry.

5. For the performance of its work under this chapter, the Ministry may request and shall avail itself of and utilize the services of any officer or employee of the Ministry of Labour who shall render such assistance as the Ministry may require without additional compensation.

The Ministry may, in cases which affect the public interest and welfare, appoint or designate special mediators who shall have the authority and power of members of the Ministry, provided that their authority and power to act for the Ministry shall cease upon the conclusion of the specific matter assigned to them or by revocation by the Ministry of their appointment or designation. Such special mediators shall be paid in the same amount in the same manner as members of the Ministry *pro rata*.

§ 4303. Cooperation.

The Ministry of Labour and the other Ministries of the Republic and the officers and employees thereof shall render assistance to the Ministry of Labor as it may request in connection with its work hereunder.

§ 4304. Rules.

The Ministry of Labor shall have the power to adopt, alter, amend, or repeal such rules in connection with the mediation of labor disputes as may be necessary for the proper administration and enforcement of the provisions of this Chapter.

§ 4305. Provisions of Chapter cumulative as to grievances.

The provisions of this Chapter shall be cumulative and in addition to the provisions of Chapter 21 of the Labor Practices Law.

§ 4306. National employer-employee conference.

There is created a national employer-employee conference which shall be composed of nine members appointed by the President, three of whom shall be selected from among persons outstanding in the field of management and as representative as possible of management, three of whom shall be selected from among persons outstanding in the field of labor, and as representative as possible of labor, and three of whom shall be selected as representatives of the public interest and shall be identified with the interests either of labor or management. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated at the time of appointment by the President, three at the end of the first year, three at the end of the second year, and three at the end of the third year, after the date of appointment. The rotation of terms shall be so arranged that the representation provided in this subdivision shall be maintained at all times. Members of the conference, when serving on business of the conference, shall be paid compensation at the rate of \$25.00 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

2. It shall be the duty of the conference, at the request of the President

[or] the Minister of Labor to advise in the avoidance of employee-employer controversies and the manner in which mediation and voluntary adjustment of disputes and controversies shall be administered, particularly with regard to employee-employer controversies affecting the general welfare of the country and its economy.

**Chapter 43. PEACEFUL SETTLEMENT OF
INDUSTRIAL DISPUTES DANGEROUS TO
NATIONAL HEALTH, SAFETY, SECURITY AND
ECONOMY.**

- § 4400. Written statement of employee's demand and procedure with regard thereof.
- § 4401. Policy as to settlement of labor disputes in essential industries.
- § 4402. Conciliation and mediation of labor disputes.
- § 4403. Certification of labor disputes in essential industries to President.
- § 4404. Presidential proclamation of the necessity of governmental intervention; effect of proclamation.
- § 4405. Use of armed forces to maintain governmental authority.
- § 4406. Presidential board of inquiry; mediator; presidential mediation.
- § 4407. Authority of President when national emergency labor dispute not settled.
- § 4408. Termination of governmental intervention.

○ § 4400. Written statement of employee's demands and procedure with regard thereof.

1. When a labor dispute arises between an employer and his employees or some of them, the employees, or the labor organization representing the employees shall submit a written statement of the specific demands to the labor inspector, or in the absence of the labor inspector, to the Ministry of Labor. The authority receiving the statement shall notify the employer or his agent or representative, within forty-eight hours, allow-

ing the employer three days to answer in writing.

2. If the employer's reply is favorable to the demands of the employees or their labor organization, a record thereof shall be prepared and signed by the employees and employer, or their representatives, and the labor dispute shall be deemed settled and terminated; and upon such settlement, it shall be unlawful for employees to strike by reason of any grievance as defined in Section 2000 or any labor dispute involved in such settlement.

§ 4401. Policy as to settlement of labor disputes in essential industries.

The industries listed in Section 4403 are essential to the national health, safety, security or economy and the settlement of labor disputes which threaten substantial interruption thereof is therefore affected with a public interest. The adjustment of labor disputes, and of difference or grievances which might lead to labor disputes can best be accomplished between employers and representatives fully designated or selected by their employees. The intervention of government, however, is necessary to protect the national health, safety, security or economy whenever a labor dispute which has not been settled threatens an immediate and substantial interruption in any of the industries specified in Section 4403 or any other industry, which would curtail any service or the provision of any commodity essential to the health, safety, security or economy of the Republic. It is, therefore, declared to be the policy of the Republic (a) to place the primary responsibility upon the employers and the employees and their labor organizations for the avoidance of any such interruption and (b) in the event that a peaceful adjustment of such differences is not accomplished, to provide procedures for government intervention and the settlement of the causes of labor disputes without any such interruptions.

§ 4402. Conciliation and mediation of labor disputes.

If the employer fails to reply, or his reply is unfavorable or only partly favorable, the authority receiving the employer's statement shall forthwith attempt to conciliate the labor dispute, grievance or difference

between the employees or their organization and the employer. If such attempt to conciliate is unsuccessful within a period of two weeks after the receipt of the employees' statement of their demands, the authority receiving such statement of grievances shall refer the labor dispute or grievances or differences to the Ministry of Labor. Towards that end, this Chapter provides various procedures and methods of governmental assistance for the peaceful settlement of such labor disputes, differences and grievances which threaten substantial impairment of the supply of goods or services essential to the national health, safety, security or economy, which may be utilized by the government of the Republic either singly, alternatively, cumulatively or simultaneously in any such labor dispute, difference or grievance to prevent any such impairment of the supply of goods or services as follows:

- (a) Conciliation and mediation by the Ministry of Labor under Section 4300, Subdivision 2.
- (b) Presidential proclamation of public necessity for governmental intervention making strike or lockout unlawful for ninety days thereafter, under Section 4404.
- (c) Presidential boards of inquiry and mediators and Presidential mediation under Section 4406, with power to report or to recommend or to publicize such report or recommendation.
- (d) Injunctive relief against such strikes or boycotts, under Section 4407(a)
- (e) Negotiations or arrangements to resume or continue the supply of the essential services or goods in sufficient value or quantity to eliminate the threat to national health, safety, security or economy, under Section 4407 (b)

§ 4403. Certification of labor disputes in essential industries to President.

1. At the same time, the labor dispute or grievances or differences are

referred to the Ministry of Labor, the authority receiving the employees' statement shall, if the labor dispute, grievances or differences arise in the following industries, certify the labor dispute, grievances or differences to the President:

- (a) Telecommunications;
- (b) Water supply;
- (c) Electrical industries;
- (d) Hospitals;
- (e) Any industry engaged in the production or handling of goods essential to the national defense and the safety of the Republic.

2. In the industries listed in Subdivision 1 of this Section, employees and employers labor organizations, prior to engaging in any strike and, organizations of employers prior to effecting any lockout, shall give the President thirty days' written notice of the intention to strike or effect a lockout. Any strike called or lockout effected in such industries without such written notice shall be unlawful.

§ 4404. Presidential Proclamation of the necessity of governmental interventions: effect of Proclamation

1. Whenever, after such investigations as may be appropriate in the premises, in the opinion of the President, a threatened or actual strike or lockout will, if permitted to occur, or to continue, imperil the national health, safety, security or economy, he shall proclaim that the intervention of the government will be in the public interest.

2. For a period of ninety days from the date of the President's Proclamation of the necessity of intervention of government into a labor dispute and for such further period as the parties to the labor dispute may agree, and for a period of ten days after the filing of any of the reports specified in Section 4406, there shall be no interruption in the production or distribution of the essential goods or services produced or distributed by the parties to the labor dispute, and any strike or lockout during such periods shall be unlawful.

3. During such period or periods, except by mutual agreement of the parties to the labor dispute, there shall be no change in the rates of pay, wages, hours or other terms and conditions of employment in effect prior to the labor dispute.

§ 4405. Use of armed forces to maintain governmental authority.

Whenever the President considers that unlawful strikes, lockouts, obstructions, combinations, or assemblages, or rebellion against the authority of the government of the Republic of Liberia, make it impracticable to enforce the laws of the Republic by the ordinary course of judicial proceedings, it shall be lawful for the President to use such of the armed forces of the Republic as he considers necessary to enforce the laws of the Republic.

§ 4406. Presidential Board of Inquiry; Mediator; Presidential mediation.

In accordance with the policy of this Chapter, the President is authorized to invoke any, some or all of the following procedures for the settlement of the dispute:

(a) He may appoint a Board of Inquiry to inquire into the issues involved in the labor dispute and to make a written report within such time as he shall prescribe. Such report shall include a statements of the facts with respect to the dispute, including each party's statement of its position.

(b) He may require either that such report shall not contain any recommendations or that it shall contain recommendations.

(c) He shall file a copy of such report with the Ministry of Labor and, in his discretion, may or may not make known the contents or any recommendations therein of such report.

(d) Such Board of Inquiry shall be composed of a chairman and such other members as the President shall determine, and shall receive

compensation at the rate of \$25.00 per diem for each day actually spent on the work of the Board, together with necessary travel and subsistence expenses and shall have the power to:

- (i) Sit and act in any place in the Republic of Liberia;
 - (ii) Conduct such hearings in public or private as it may deem necessary or proper to ascertain the facts concerning the labor dispute;
 - (iii) Subpoena witnesses and have all the powers specified in Section 4607 of Part VI.
- (e) The President may also require that the employer and the employees or labor organization who are parties in the labor dispute appear before the Board of Inquiry and show cause why they should not submit to mediation and conciliation.
- (f) The President may also require the parties to the labor dispute to appear before a moderator appointed by him. The moderator may act as mediator or conciliator to the extent he deems appropriate, and to this end he may conduct such investigation and public or private hearing as he deems appropriate. If either or both of the parties refuse to comply with the request of the moderator to conciliate the labor dispute, the moderator shall file his report with the President, containing his findings, and if so requested by the President, expressing an opinion as to the merits of the labor dispute, as to the responsibility of either or both parties for the failure to reach an agreement to settle the dispute. The President, in his discretion, may or may not publish the report of the moderator.
- (g) The President may act as moderator and conciliator and require the parties to the labor dispute to appear before him in every reasonable effort to effect a settlement of the labor dispute.

§ 4407. Authority of President when national emergency labor dispute not settled.

When the President finds that as a result of the labor dispute an interruption of production or distribution of essential goods or services has occurred or is imminently threatened by strike or lockout, or a threatened strike or lockout, which would curtail or prevent the production or distribution of such essential goods or services and would thereby endanger the national health, safety, security or economy and that such labor dispute either (1) has not been settled under the procedures established in this Chapter or (2) is of such a nature that those procedures cannot be applied, the President shall declare that an emergency exists. During such emergency the President may:

- (a) Direct the Minister of Justice to petition any Circuit Court having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof; and if the court finds such threatened or actual strike or lockout, if permitted to occur or continue, will imperil the national health, security or economy, it shall have the jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such orders as may be appropriate. Such injunction and order or orders shall be subject to review by the Supreme Court prior to the end of the period of ninety days and of such further periods as may be required because of the existence of the state of emergency. At the end of such period or the extension thereof, as the case may be, the Minister of Justice shall move the injunction, and such motion shall be granted and the injunction discharged.
- (b) Through mediation and negotiation by the President, enter into arrangements with any or all the parties to the labor dispute for eliminating the national emergency aspect of the labor dispute by the maintenance or resumption of the production or distribution of the essential goods or services in sufficient volume or quantity or to safeguard the national health, safety, security or economy. The President may make and promulgate rules and regulations to be effective immediately for carrying out such arrangements and preventing interference therewith.

§ 4408. Termination of Governmental intervention.

Whenever, in the opinion of the President, the intervention of the Republic under this Section is no longer necessary to safeguard the national health, safety, security or economy, he shall declare the termination of the emergency without regard to the settlement or continuation of the labor dispute.

Chapter 44. UNLAWFUL PICKETING, STRIKES AND BOYCOTTS

§ 4500. Procedure for prevention of unlawful picketing, strikes or other unlawful conduct.

§ 4501. Extortionate picketing.

§ 4502. Other unlawful picketing.

§ 4503. Requirement of notice and secret ballot for strike.

§ 4504. Requirement of notice for lockouts.

§ 4505. Boycotts and unlawful combinations.

§ 4506. Strikes against the government.

§ 4507. Acts excluded from the prohibitions against unlawful picketing.

§ 4500. Procedure for prevention of unlawful picketing, strikes or other unlawful conduct.

1. The Ministry of Labor is empowered, as hereinafter provided, to prevent any person, including any labor organization, from engaging in any picketing, strike or other conduct declared to be unlawful in Part VI. This power shall not be affected by any other means of adjustment or prevention that may be established by law or otherwise.

2. Whenever it appears to the satisfaction of the Ministry that any person has engaged in or is engaging in or threatens to engage in, any such picketing, strike or other conduct declared to be unlawful in Part VI or otherwise, the Ministry, either upon its own motion or otherwise, shall issue and serve upon such person a complaint stating the charges thereof and giving at least seven days' notice of a hearing before the Ministry at

the time and place fixed therein.

3. No such complaint shall be issued or served based upon any strike, picketing or other unlawful conduct which occurred and was terminated more than three months prior thereto.

(a) Any complaint may be amended by the Ministry at any time prior to its decision upon the complaint.

(b) The person upon whom a complaint is served shall have the right to file an answer to the original and any amended complaint to appear in person or otherwise, and to give testimony at the time and place fixed in the complaint.

(c) The proceeding with regard to a complaint shall be conducted in accordance with the rules of evidence applicable to the Circuit Courts under the rules of civil procedure for such courts; and the testimony taken in such proceeding shall be reduced to writing and filed in the office of the Ministry.

4. Upon the filing and issuance of a complaint, or at any time subsequent thereto, the Ministry may apply to the court with or without notice to the parties engaging or threatening to engage in any lawful picketing, strike or other unlawful conduct for appropriate temporary relief or restraining order, pending the determination of a petition for temporary relief or restraining order under subparagraph 7, 8, 11 or 14.

5. If upon the preponderance of the testimony taken, the Ministry shall be of the opinion that such person has engaged in or is engaging in any unlawful strike, picketing or other unlawful conduct, the Ministry shall state and issue its finding of fact and decision and order requiring such person to cease and desist from the striking, picketing or other unlawful conduct found by the Ministry and to take such affirmative action as will effectuate the policies of Part VI and terminate the unlawful conduct or activity found by the Ministry. If upon the preponderance of the testimony taken, the Ministry shall be of the opinion that the charges in the complaint have not been substantiated, the Ministry shall state its findings of

fact and issue an order dismissing the complaint.

6. Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Ministry may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding, decision or order made or issued, by the Ministry.

7. The Ministry shall have the power to repetition in any Circuit Court, where the unlawful strike, picketing or other unlawful conduct occurred or where the person charged therewith resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify, and file in the court a transcript of the entire record in the proceedings before the Ministry, including the pleadings and testimony upon which such order was entered and the findings, decision and order of the Ministry.

8. Upon such filing, the court shall cause notice thereof to be served upon the person against whom the complaint was issued and the order made; and thereupon the court shall have jurisdiction of the proceeding and of the question determined by the Ministry and presented by the Ministry's petition to the court, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Ministry. No objection that has not been urged before the Ministry shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances; the findings of the Ministry with respect to question of fact, if supported by substantial evidence on the record considered as a whole shall be conclusive.

9. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional information is relevant and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Ministry, the court may order such additional evidence to be taken before

the Ministry and to be made part of the transcript. The Ministry may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed; and the Ministry shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive; and the Ministry shall render its recommendations, if any, for modification or setting aside its original order.

10. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, subject, however, to review by the Supreme Court if an appeal is taken by any party to the proceeding in the manner generally provided for appeals to the Supreme Court.

11. Upon the filing of a notice of appeal, the Supreme Court shall have the exclusive jurisdiction to grant the Ministry such temporary relief or restraining order as it deems just and proper, and, in the appeal, to make and enter a decree enforcing, modifying or enforcing as so modified or setting aside in whole or in part the order of the Ministry; and the findings of the Ministry with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

12. The commencement of proceedings in the Circuit Court or the filing of an appeal in the Supreme Court shall not, unless specifically ordered by the court, operate as a stay of the Ministry's order.

13. Petitions and appeals filed under this chapter shall be heard expeditiously, and if possible within seven days after filing. In proper cases, the Circuit Court and Supreme Court by special rule may shorten the periods usually allowed by applicable rules or laws for perfecting and hearing of the case or appeal, as the case may be.

14. Upon the filing and issuance of a complaint or an appeal, as provided in this Section, the Ministry may petition the court for appropriate temporary relief or restraining order. Upon the filing of any such petition, the court shall cause notice thereof to be served upon the party against whom the temporary relief or restraining order is sought, and thereupon

the court shall have jurisdiction to grant such temporary relief or restraining order as it deems just and proper.

§ 4501. Extortionate picketing.

It shall be unlawful for any person, including a labor organization, to carry on picketing on or about the premises of any employer for the purpose of, or as part of any conspiracy, or in furtherance of any plan or purpose, for the personal profit or enrichment of any individual, by taking or obtaining any money or other thing of value, not part of any *bona fide* increase in wages or other employee benefits, from such employer against his will or without his consent.

§ 4502. Other unlawful picketing.

(a) The establishment, employees, supply of delivery vehicles or customers of anyone engaged in business, or to interfere with his business, or to interfere with anyone transacting or desiring to transact business with him, when the person whose business is affected thereby is not party to any labor dispute; or

(b) In the course of a strike declared to be unlawful under VI or any other law; or

(c) The home or domicile of any employer or any officer, agents, representatives or employees of an employer who is party to a labor dispute or a lawful strike; or

(d) Government buildings, general office buildings, and depots and places of public transportation not substantially devoted to the business of the employee or employers against whom a lawful strike is in progress or of the association of such employers;

(e) In a manner which involves the use of force or violence or a breach of the peace or any other unlawful conduct, or a threat thereof, on the part of the person or persons engaging in the picketing.

§ 4503. Requirement of notice and secret ballot for strike.

It shall be unlawful for any person, including any labor organization, to engage in, promote, or cooperate in a strike unless:

(a) A majority of the members of the labor organization engaged therein, or in the absence of a labor organization, of the employees of an employer or employers against whom such acts are primarily directed, have voted by secret ballot, subject to the supervision of the Ministry, a labor inspector or the Minister of Labor, to strike; and

(b) Except as otherwise provided in Chapter 43, at least seven days' written notice of the intention to strike has been sent to the employer or employers or their representatives or association of which such employers are members and to the labor inspector, the Ministry of Labor or the Minister, and the period of such notice has expired.

§ 4504. Requirement of notice for lockouts.

1. No employer shall effect a lockout of his employees unless and until he has given all his employees, or their representatives or the labor organization of which his employees are members and the labor inspector or the Ministry of Labor or the Minister at least thirty days written notice, and the period of such notice has expired.

2. Should any company terminate or suspend the services of any employee because of a reduction in its staff or lockout, such company is hereby enjoined from employing any new person to fill any vacancy subsequently created unless priority be given to the dismissed employee for re-employment and he rejects it.

§ 4505. Boycotts and unlawful combinations.

It shall be unlawful for any labor organization to engage in or induce or encourage the employees of any employer with whom there is primarily no labor dispute or grievance to engage in a strike or a concerted refusal in the course of their employment, to use, manufacture, process, trans-

port, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object is to force or require any employer or self employed person to join any labor organization or any employer or other person to cease using, selling, handling, transporting or otherwise dealing in the products or services, of any other producer, processor, manufacturer, supplier or servicer, or to cease doing business with any person.

§ 4506. Strikes against the Government.

If shall be unlawful for any officer or employee of the Government of the Republic of Liberia or any agency thereof to participate in any strike against the Government of the Republic of Liberia or any agency thereof or to be a member of any labor organization which asserts the right to strike against the Government of the Republic of Liberia or any of its agencies,

§ 4507. Acts excluded from the prohibitions against unlawful picketing.

Notwithstanding any other provisions of Part VI, the following shall be unlawful:

(a) Peaceful patrolling near an employer's place of business by union members to publicize the existence of a labor dispute, to persuade workers to join the work stoppage and to discourage customers from buying or using the employer's goods or services.

(b) Publicity other than picketing, for the purpose of truthfully advising the public, including consumers and members of a labor organization, that a product or products are produced by an employer who does not employ members of, or has no relation with, such labor organization or with whom such labor organization has a primary labor dispute and are distributed by another employer, as long as such publicity does not have the intent of inducing any individual employed by any person other than the employer primarily engaged in the labor dispute to refuse, in the course of his employment, to pick

up, deliver, transport any goods, or not to perform any services at the establishment of the employer engaged in such distribution and not primarily involved in such labor dispute;

(c) The refusal by any person to enter upon the premises of any employer, other than his own employer, if the employees of such employer are engaged in a lawful strike;

(d) Picketing of the place of business of any employer, not primarily involved in a labor dispute, but who has undertaken to produce or supply the goods or services for or on behalf of any employer or employers primarily involved in a labor dispute and against whom a lawful strike is in progress;

(e) Picketing at a site intermittently used by an employer or employers, primarily involved in a labor dispute against whom a lawful strike is in progress, if such picketing is limited to times when such employer is using such site, is engaged in his normal business at the site, and has no site in the general area at which his employees or the labor organization could effectively by picketing publicize their grievance or labor dispute, provided that any picketing clearly specifies that the labor dispute and strike is with the primary employer and takes place reasonably close to the site of the primary employer's activity.

PRC DECREE NO. 12⁵⁶

○ It is hereby decreed by the People's Redemption Council of the Armed Forces of Liberia as follows:

Considering the rate of growing unrest within various vital sectors of the Liberian economy and in view of the adverse effects which these

56. DECREE BY THE PEOPLE'S REDENPTION COUNCIL OF THE ARMED FORCES OF THE REPUBLIC OF LIBERIA ABOLISHING STRIKES AND MAKING NULL AND VOID THE REVIEW OF ALL LABOUR DECISION ALREADY ACTED UPON BY THE PREVIOUS DEPOSED GOVERNMENT OF LIBERIA.

unwholesome labour disturbances and/or strikes could impose on the Nation and the lives of all of our citizens and foreign friends alike, it is hereby decreed:

1. The Government of the People's Redemption Council of the Armed Forces of Liberia will countenance no labour unrest and/or strikes within the Republic of Liberia.

2. All labour claims or matters previously concluded by the deposed government shall not be subject to review; simultaneous in the accession to power of the Government of the People's Redemption Council of the Armed Forces of Liberia, all labour matters will be handled exclusively by the Ministry of Labour until otherwise ordered.

3. This Decree shall take effect retroactively; consequently it supercedes any labour related decision up to June 30, 1980.⁵⁷

Chapter 45. GENERAL

§ 4600. Freedom of association of employers and employees.

§ 4601. Rules and constitutions of labor organizations and associations of employers.

§ 4602. Confidential communications to attorneys.

§ 4603. Reports constitute public records.

§ 4604. Requirements of records and their retention.

§ 4605. Rules and regulations.

§ 4606. Criminal provisions.

§ 4607. Investigation by the Ministry of Labor.

§ 4608. Separability of provisions.

§ 4600. Freedom of association of employers and employees.

57. This Decree shall take effect immediately upon the signature of the head of State of the Republic of Liberia. Date Issued: June 30, 1980. Date Published: June 30, 1980

1. Employees and employers, without distinction whatsoever, shall have the right to establish, and, subject to the rules of the organization concerned, to become members of organizations of their own choosing without previous authorization or coercion.

2. No employer shall discriminate against an employee because of membership in a labor organization.

§ 4601. Rules and constitution of labor organization and association of employers.

Except as otherwise provided in Part VI, labor organizations and associations of employers shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs.

§ 4601-A. Labour unions or organizations to exercise their respective privileges and functions.

No industrial labour union or organization shall exercise any privilege or function for agricultural workers and no agricultural labour union or organization shall exercise any privilege or function for industrial workers.⁵⁸

§ 4602. Confidential communications to attorneys.

Nothing contained in Part VI of the Labor Practices Law shall require an attorney duly admitted to the practice of law to include in any report required to be filed pursuant to any of the provisions of Part VI any information obtained by such attorney from any of his clients in the course of any attorney-client relationship.

58. This section was added to the Labor Practices Law by amendment entitled "AN ACT TO AMEND THE LABOUR PRACTICES LAW WITH RESPECT TO THE PRIVILEGES AND FUNCTIONS OF LABOUR UNIONS AND TO AMEND OTHER SECTIONS OF SUCH LAW IN RELATION THERETO", approved February 11, 1966.

§ 4603. Reports constitute public records.

1. The reports filed pursuant to Part VI of the Labor Practices Law shall be public records subject to inspection by the public, and the Ministry of Labor may publish any information and data which the Ministry obtains in any such reports, may use such information for statistical and research purposes, and make public such studies, analyses, reports, and surveys based thereon as the Ministry may deem appropriate.

2. The Ministry of Labor shall adopt regulations for:

(a) Making reasonable provisions for the inspection and examination of any report filed with the Ministry pursuant to the provisions of Part VI of the Labor Practices Law;

(b) Furnishing copies of such reports and fixing fees therefor.

§ 4604. Requirements of records and their retention.

Every person required to file any report under Part VI of the Labor Practices Law shall maintain records on the matter required to be reported in sufficient detail to permit verification and explanation of the filed report; and such records shall include vouchers, work-sheets, receipts and applicable resolutions and shall be preserved for examinations for a period of at least one year after the filing of the report based thereon.

§ 4605. Rules and regulations.

The Ministry of Labor may issue, amend and rescind rules and regulations prescribing the form and publication of reports required to be filed under this Part VI and such other rules and regulations as it may find necessary to effectuate the provisions of this Act.

§ 4606. Criminal provisions.

1. Any person who wilfully violates Sections 4101, 4106, 4107, 4403, subdivision 2(4), 4404, or subdivision 4 of 4601-A, shall be guilty of a

felony and shall be punishable by a fine not exceeding \$1,000 for each offense and imprisonment for a period of two years. [The section is an amendment to the earlier provision, effected by passage of "An Act to Amend the Labour Practices Law with respect to the privileges and functions of Labour Unions and to amend other sections of such law in relation thereto, approved, February 11, 1966]

2. Any person who wilfully makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report or other information required under the provisions of Part VI shall be guilty of a misdemeanor and be punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or both.

3. Any person who wilfully makes a false entry in or wilfully conceals, withholds or destroys any books, records, reports, or statement required by any provision of Part VI shall be guilty of a misdemeanor and be punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or both.

4. Each individual required to sign reports under Section 4101 and 4106 shall be personally responsible for the filing of such reports and for any statement therein which he knows to be false.

Any person who through the use of force or violence, or threat of the use of force or violence, restraints, coerces, intimates or attempts to restrain, coerce or intimate any member of a labor or employer organization in order to interfere with or prevent the exercise of any right provided by Part VI shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or both.

Section 4607. Investigation by the Ministry of Labor.

1. The Ministry of Labor shall have power to make an investigation in connection with any violation of Part VI which it has reasonable cause to believe has occurred or is about to occur, and in connection therewith

may inspect such places, records and accounts pertaining thereto and examine such persons as may be necessary or relevant in the determination of any facts relating thereto. The Ministry shall file a report concerning such investigation and transmit copies thereof to interested officials.

2. In any investigation authorized by Part VI, the Ministry shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. In case of disobedience to a subpoena, the Ministry may invoke the aid of any court in requiring the attendance and testimony of witnesses and the production of documentary evidence.

3. Any Labor or Circuit Court within the jurisdiction of which any such investigation may be conducted may, in case of contumacy or refusal of a person to obey a subpoena issued to any corporation or other person, issue an order requiring such person to appear before the Ministry or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

4. Witnesses subpoenaed or summoned before the Ministry shall be paid the same fees and mileage that are paid witnesses in courts.

5. Any person who shall wilfully neglect or refuse to attend or testify at such investigation by the Ministry, or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in such investigation in obedience to the subpoena or lawful requirement of the Ministry, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or both.

§ 4608. Separability of provisions.

If any provision of Part VI, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder of Part VI or the application thereof to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Chapter 46. DEFINITIONS

§ 4700. Definitions

§ 4700. Definitions.

When used in this Part VI, and for the purposes thereof:

1. The term "Minister" means the Minister of Labour.
2. The term "Labor inspector" means the labor inspector; or any of them, exercising the functions of labor inspector under Part 1, Chapter 2 of the Labor Practices Law.
3. The term "Ministry" means, the Ministry of Labor established by the Labor Practices Law [and the Executive Law].
4. The term "person" means and includes one or more individuals, partnership, associations, corporation, legal representatives, trustees, trustees in bankruptcies, or receivers.
5. The term "employer" means any person conducting a business, or employing another and includes any person acting in the interest of an employer directly or indirectly, but shall not include the Government of Liberia or any political subdivision thereof, or any labor organization (other than when acting as employer), or anyone acting in the capacity of officer or agent of such labor organization.
6. The term "employee" or "worker" means any person employed to do any work, whether for wages or not, and includes any employee or worker discharged or dismissed, but does not include any person in any of the military services of the Republic and includes any employee, and shall not be limited to the employees of a particular employer unless the act explicitly states otherwise.
7. The term "representative" when used with reference to employees or

labor organizations means any person acting or authorized to act for employees as persons seeking employment or for a labor organization dealing with employers or organizations of employers concerning the terms or conditions of employment, grievances of employees or labor disputes, and who exercise substantial independent authority.

8. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, joint board or joint council, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

9. The term "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

10. The term "agent" means any person, other than an attorney engaged in the practice of law, who represents or is authorized to represent a labor organization or employer association, alone or with others, in its dealing with employers, employees, members, employer organizations, labor organizations, or other persons, regardless of whether his relationship to the labor organization or employer organization is that of an independent contractor or employee.

11. The term "strike" means a collective suspension of work, total or partial, by employees acting in combination or in concert.

12. The term "lockout" means the expression by ballot, betting machines or otherwise, but in no event by proxy, of choice with respect to any election or vote taken upon any matter, which is made so that the person expressing such choice cannot be identified with the choice expressed.

13. The term "officer" means any constitutional officer of a labor organi-

zation or organization of employers, any person authorized to perform functions of president, secretary, vice-president, treasurer or other executive functions of such organizations, any member of its executive board or similar governing body.

14. The term "member" or member in good standing, when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with the lawful rules of such labor organization.

15. The term "rules" when used in reference to labor organizations include the written constitution, by-laws, or any other written rules governing the organization, operation and procedures of such labor organization.

16. The term "labor relations consultant", "labor consultant" or "labor advisers" means any person who, for compensation, advises or represents an employer, organization of employers or a labor organization concerning labor disputes, organizing activities of employees or relation between employers and employees.⁵⁹

17. The term "Part VI" of the Labor Practices Law of this Title.

18. The term "Agricultural Labor Organization" means any association of persons employed in agricultural services.⁶⁰

19. The term "Industrial Labour Organization" means any association of

59. Enacted May 1, 1963.

60. Definition of "Agricultural Labor Organization" added to Chapter by amendment (Chapter VIII) captioned "AN ACT TO AMEND THE LABOUR PRACTICES LAW WITH RESPECT TO THE PRIVILEGES AND FUNCTIONS OF LABOUR UNIONS AND TO AMEND OTHER SECTIONS OF SUCH LAW IN RELATION THERETO", approved February 11, 1966.

persons employed in industrial services.⁶¹

78. Definition of "Industrial Labour Organization" added to Chapter by amendment (Chapter VIII) titled "AN ACT TO AMEND THE LABOUR PRACTICES LAW WITH RESPECT TO THE PRIVILEGES AND FUNCTIONS OF LABOUR UNIONS AND TO AMEND OTHER SECTIONS OF SUCH LAW IN RELATION THERETO, § 3, App. Feb. 11, 1966.