

# SURINAME

## Dismissal Permits Decree (Amendment)

### DECREE E-39A

DECREE of 11 December 1984, containing amendments of the Dismissal Permits Decree (Law Gazette 1983, No. 10).

THE PRESIDENT OF THE REPUBLIC OF SURINAME,

Having considered the necessity to amend the Decree Dismissal Permit (Law Gazette 1983 No. 10), as experience has proved that the protection rendered by this decree to employees in companies, is still insufficient in certain cases;

Has, after approval from the Military Authority and the Council of Ministers, established the decree referred to below:

#### *Article 1*

The following amendments will be introduced in the Dismissal Permits Decree (Law Gazette 1983 No. 10):

A. Article 3 is amended as follows:

Paragraph 2 will be read as follows:

2. If dismissal is given due to an urgent reason as referred to in article 1615p of the Suriname Civil Code, the employer is obliged to report such in writing to the Head of the Labour Inspection within four days under specification of the urgent reason.

A new paragraph is inserted after paragraph 2 reading as follows:

3. The dismissal as referred to in paragraph 2, with regard to the termination of the relevant employment, shall be suspended until the decision from the Minister that there are no objections to the reasons mentioned is obtained.

This decision shall be taken by a ministerial decision and shall be brought to the knowledge of the employer at the latest fourteen days after the Head of the Labour Inspection has received the relevant report of dismissal.

#### *Article 2*

B. Article 8 will be read as follows:

1. The employer, acting contrary to what has been determined in article 2, article 3 paragraphs 2 to 4, and article 9 paragraph 1, shall be

penalized with a financial fine of ten thousand guilders at the most or detention of six months at the most.

2. The actions liable to punishment, this in connection with paragraph 1, shall be considered as offences.

3. If an offence, liable to punishment by or pursuant to this decree, is committed by a corporate body, the prosecution shall be undertaken and the penalty shall be pronounced against the members of the board established in Suriname, or in their absence, against the representative of the corporate body in Suriname.

4. The stipulations in the preceding paragraph are of equal application with regard to corporate bodies, acting as director or representative of another corporate body, or of a natural person.

5. No penalty shall be pronounced against the member of the board or against the representative of whom has been established that the action committed was not of his doing.

### *Article 3*

1. This decree shall be made public through the Law Gazette of the Republic of Suriname.

2. It shall become effective from the day after the day of its publication.

Done at Paramaribo, the 11th of December 1984  
L.F. RAMDAT MISIER

The Military Authority  
The Commander of the National Army  
D.D. BOUTERSE

The Minister of Labour, Social Affairs and Public Housing  
S.F. GILDS

The Minister of Internal Affairs, Urban Development and Justice  
F.J. LEEFLANG

Issued at Paramaribo, the 11<sup>th</sup> of December 1984  
The Minister of Internal Affairs,  
Urban Development and Justice  
F.J. LEEFLANG

DECREE of 11 December 1984, containing amendments of the Decree Dismissal Permit (Law Gazette 1983 No. 10).

## MEMORANDUM OF EXPLANATION

The Dismissal Permit Decree came into force on 27 January 1983 (Law Gazette 1983 No. 10) in order to discuss the increasing number of dismissals of employees in the private sector by their respective employers.

The above decree aims, in general, at a preceding examination of an imminent dismissal, especially of the grounds for dismissal, by a government body. The dismissal permit laid the foundation for the Decree E-39 to introduce an important modernization in the Surinamese dismissal legislation. This legal regulation of preventive examination of dismissals by the government is no novelty in today's world.

The operational scope of the Decree Dismissal Permit is significantly determined by its exceptions as stipulated in article 3. Pursuant to article 3 paragraph 1, sub-paragraph (d), no dismissal permit is required in the case of dismissal resulting from an urgent reason as referred to in Article 1615p of the Suriname Civil Code. However, during the execution of Decree E-39, it became clear that especially this exceptional clause, in an increasing number of cases, is utilized to evade the dismissal permit requirement. In similar cases it may relate to a fictitious urgent reason allowing improper use of the "dismissal due to urgent reasons", as regulated by law. Also, there seems to be a disproportion between the reported reasons and the radical measure of dismissal.

The present amendment signifies a supplementary preventive measure, also to avoid an unnecessary increase of the unemployed. If the Minister is not in the position to agree with the reported reasons, the dismissal shall, in line with article 3 paragraph 3, have no effect and the employment shall by right be continued.

In the event the employer is not able to agree with the decision of the ministry the possibility remains to appeal at the independent judge. The same right is reserved for the employee if the ministry agree with the reasons as stated.

The Minister of Labour, Social Affairs and Public Housing  
S.F. GILDS

The Minister of Internal Affairs, Urban Development, and Justice  
F.J. LEEFLANG