

## DECENTWORKCHECK.ORG

Check

Decent Work Check Angola is a product of WageIndicator.org  
and www.meusalario.org/angola/main

National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 07/13 Health & Safety

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 08/13 Sick Leave & Employment Injury Benefits

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status	😊	<input type="checkbox"/>	<input type="checkbox"/>
Age	😊	<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS	😊	<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities	😊	<input type="checkbox"/>	<input type="checkbox"/>
Language	😊	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😊	<input type="checkbox"/>	<input type="checkbox"/>
Marital Status	😞	<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

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41. In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

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43. I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

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46. I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Angola scored 38 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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## 01/13 Work & Wages

### Regulations on work and wages:

General Labour Law (No. 7/15 of 15 June 2015)

### Minimum Wage

The minimum wage is fixed by Decree of the Council of Ministers based upon the proposal made by the Minister of Protection, Labour and Finance following the recommendations of the National Council of Social Dialogue, composed of worker, employer and government representatives. Wage rates may also be determined by collective agreement. The government may exclude workers covered by a collective agreement signed within the 6 months preceding the issue of the Decree fixing the minimum wage.

When establishing the minimum wage, Government considers the evolution of the national price index including the general national wage level as well as the social security benefits and the relative living standards of the social groups; and other economic factors, including the demands of economic development, the productivity levels and the necessity to reach and sustain a high level of employment. The determination of the minimum wage of part-time workers is based on the same formula used to set the hourly rate of payment of a full-time worker.

All workers, with a complete schedule are covered by minimum wage regulations. Nevertheless, the government may exclude workers covered by a collective agreement signed within the 6 months preceding the issue of the Decree fixing the minimum wage. The legislation allows for a combination of national, regional and sectoral minimum wages. There are in practice different minimum wage rates for agriculture; transport, services and process industry; and commerce and extraction industry.

Source: §161-165 of the General Labour Law (No. 7/15 of 15 June 2015)

### Regular Pay

Wage consists of both the basic salary and any remuneration in kind, directly or indirectly paid in exchange of work. Wage can be fixed, variable or mixed. Fixed salary is the right or remuneration to the time when the work done over a period of time is irrespective of the outcome. The salary is variable remuneration or income when the work is done according to the results obtained in the period to which it relates. The salary is mixed when constituted by a fixed part and some other variable part. The variable salary can assume, namely the modalities of salary for piecework and commission when it regards only the work performed by the employee during the period considered without regard to the runtime; and salary for task when it meets the duration of work required to ensure a given production period.

Wage does not include travel allowances and facilities, transport allowance, the accidental and voluntary gratuities not related to performance of work, family allowance and all other benefits and social security benefits or their complements when paid by the employer.

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Wages must be paid in cash at workplace, and partially in benefits (in-kind payment of wage) of other nature, including food, shelter and clothing. The non-payment of wages, if any, may not exceed 50% of the total. By agreement with the employee, payment is made in cash or (if provided for in internal regulation or collective agreement) by bank check, money order, bank transfer or deposit in the worker's current account. Salary is paid directly to the employee or the person indicated by him in writing, leaving the worker able to freely dispose off the wages preventing the employer from limiting that freedom in any way. Payment of wage in vouchers, coupons, credit account, debt statements or any other substitute method of payment in current currency is prohibited. Payment of wages in alcohol, drugs or harmful psychotropic substances is also prohibited.

Payment in kind is intended to satisfy personal needs of the worker or his family. Such payment is replaced by the corresponding value from. An employee may inform the employer within 15 days before the date of payment that you want the salary to be paid in cash only.

The employer is obliged to pay salaries every week, fortnight or month, and should be made until the last working day of the referring period, during work hours. The worker paid with an hourly or daily wage hired for a task of short duration, is paid for each day after completion of work. In the case of paid work by the piece or task, the payment is made after completion of each part or task, unless the execution lasts more than four weeks, in which case the employee must receive each week an advance of no less than 90% of the guaranteed minimum wage, with full payment of the difference calculated in the week following the conclusion of the piece or task. The commissions acquired during a quarter must be paid during the month following the end of that quarter. In case of termination of employment contract, the salary, damages and other amounts owed to the worker whatever they refer to, are paid within three days following the termination. Employees absent on the day of payment of wages can collect the amounts due, on the following day, within the normal business hours.

The employer must maintain payroll identifying the employer, the worker's full name, number of social security beneficiary, the period that corresponds to the payment, discrimination of amounts paid, all discounts and deductions, as well as the total net amount paid.

Deductions can be made from the salary of an employee in cases provided by the law. However, deductions or discounts cannot be made to the employer and his representatives for obtaining or maintaining employment.

Source: §155, 156, 166-173 of the General Labour Law (No. 7/15 of 15 June 2015)

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## 02/13 Compensation

**Regulations on compensation:**

General Labour Law (No. 7/15 of 15 June 2015)

Public Holiday Act (No. 07/03 of 21 March 2003)

**Overtime Compensation**

Unless otherwise provided under the law, the normal working hours cannot exceed 8 hours a day and 44 hours a week. In the case of intermittent work or work requiring mere presence at the workplace, a 9-hour limit is permitted in 5-day work week. In the case of flexible work, a 10-hour limit is permitted. In the case of intermittent work, or work that involves only presence at the workplace or flexible work time or shift work, the weekly work hours can be extended to 54 hours. Normal working period for minors cannot be longer than 6 hours a day and 34 hours a week (under 16) and 7 hours a day and 39 a week (aged 16-18).

In the case of hazardous and unhealthy work, the 8-hour daily (44-hour weekly) limit can be reduced by collective agreements or governmental regulations. The daily and weekly hour limits don't apply to upper management and workers performing their job without supervision outside the workplace. The reduction of maximum limits on normal working periods do not lead to salary reduction or any change in working conditions that becomes unfavorable to workers. The time of work is counted as long as in the beginning and termination the worker is at his work place.

Overtime hours are all hours exceeding the ordinary limits of the working day. Overtime work is allowed only if it is indispensable to the functioning of the enterprise or in the case of emergency (accidents). The maximum limits for overtime are 2 hours per day, 40 hours per month and 200 hours per year. The overtime limits are not applicable in unforeseen circumstances or natural disasters. The limits can also be reduced by the competent government authority for particularly hazardous or unhealthy activities. During the first 30 hours of overtime, workers are paid at the following rates:

- a) 150% of the normal wage rate for workers in large enterprises;
- b) 130% of the normal wage rate for workers in average enterprises;
- c) 120% of the normal wage rate for workers in small enterprises; and
- d) 110% of the normal wage rate for workers in micro-enterprises.

For all the hours exceeding 30 hours 31st and all subsequent hours), workers are paid at the following rate:

- a) 175% for workers in large undertakings;
- b) 145% for workers in middle-sized enterprises;
- c) 120% for workers in small enterprises;
- d) 110% for micro-enterprise workers.

The employer must keep a register of overtime work where each day are recorded the beginning, the term and the motive of the overtime work provided by each worker. This record must be presented to the General Labor Inspectorate whenever required.

Source: §95, 113-118 of the General Labour Law (No. 7/15 of 15 June 2015)

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## Night Work Compensation

The night work is comprised of any work performed between 20:00 and 06:00 of the following day or any work including at least three working hours within that timeframe. The normal working period of the night employee has been increased to 10 hours.

Activities that are excluded from the concept of night work due to their nature (developed necessarily in the night period) includes: i) personal and property security, ii) overtime work, iii) shift work, iv) work in continuous labour companies, among others.

The added compensation (night work premium) due to performance of night work depends on the dimension of the company, in the following terms:

- a) 20% for workers in large undertakings (120% of the normal wage rate);
- b) 15% for workers in middle-sized enterprises (115% of the normal wage rate);
- c) 10% for workers in small enterprises (110% of the normal wage rate);
- d) 05% for micro-enterprise workers (105% of the normal wage rate);

The additional remuneration for night work can be replaced, through collective bargaining agreement, by reducing working hours for night work, provided that this reduction does not cause inconvenience to the activity pursued.

Source: §110-112 of the General Labour Law (No. 7/15 of 15 June 2015)

## Compensatory Holidays / Rest Days

There is provision in the law for compensatory rest for working on weekly rest day and public holiday. The worker, who works on a weekly rest day, is entitled to half a day-off (in the following week) if he worked less than four hours on the weekly rest day or full day-off in case the worker worked on a weekly rest day for four hours or more.

If work is performed on a public holiday, compensatory rest is provided within the following three days.

Source: §124 of the General Labour Law (No. 7/15 of 15 June 2015); §04 of the Public Holiday Act (No. 07/03 of 21 March 2003)

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## Weekend / Public Holiday Work Compensation

General Labour Law Section 134 (1)(2) regulates work on holidays as overtime work. A worker who works on a weekly rest day for at least three hours is entitled to 175% of the normal wage rate for hours worked. A worker employed on a public holiday is also entitled to 200% of the normal wage rate. In case the work is performed on a complementary rest day or half day, the additional compensation is equivalent to the rate established for the performance of extra work.

Working on a rest day or public holidays also entitles a worker to the compensatory rest day.

Source: §124 of the General Labour Law (No. 7/15 of 15 June 2015); §04 of the Public Holiday Act (No. 07/03 of 21 March 2003)

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## 03/13 Annual Leave & Holidays

### Regulations on annual leave and holidays:

General Labour Law (No. 7/15 of 15 June 2015)

Presidential Decree on Regulation of the National Holidays Law, Local and National Celebration dates (No. 156/12 of 29 June 2012)

### Paid Vacation / Annual Leave

The Labour Law provides for 22 working days of annual leave after one full year of service. It does not include weekends, compensatory rest days and public holidays. Workers who started the work during the year are entitled to two days of annual leave for each month of employment (up to a maximum limit of 6 days per month). A similar method to determine the holiday period with the same threshold is applied in case the employment contract is suspended in the year to which the right to take annual leave relates. There is also provision for reduction in the number of days of annual leave in consequence of the absences in conditions provided under the law (however generally cannot be reduced to less than 12 days).

Employer must organize, in consultation with the workers' representatives, a vacation plan listing all workers with the start and end dates of annual leave. An employee's vacation schedule is determined in agreement between the worker and the employer or by employer's discretion if they don't reach an agreement. An employer must consider following factors while charting out a vacation plan: exclude the period of greatest productivity and demand from vacation period; distribute the most desired periods for vacations between the workers alternatively depending upon the periods enjoyed in the previous two years; give preference to the workers with family responsibilities and giving vacations to workers with minor children during school holidays; and granting annual leave to workers belonging to the same household at the same time, whenever possible. Workers' preference must also be taken into account in deciding the date of annual leave.

The annual leave must be taken during the calendar year or before the end of the first term of the following year. A worker who has family members living abroad may accumulate vacation of two or three years. Accumulation of leave may also be made available, by agreement, to workers who want to spend their vacations outside the country or in a different region of the country.

Workers are paid their full wages for the term of annual leave plus any other benefit(s) or bonuses he/she has accumulated during his/her period of work. There is also provision for annual leave bonus which is paid at 50% of the monthly wage. Thus workers are entitled to 150% of their normal salary during annual leave.

If an employer prevents the enjoyment of annual leave by a worker, the worker receives as damages double the remuneration for the period of leave not taken and should take annual leave until the first quarter of the next year. The right to vacation and its actual enjoyment cannot be replaced by financial compensation, even at the request of the worker or with the worker's consent, except in the case of termination of employment contract before enjoyment of annual leave. An employee may not exercise any paid professional activity during the annual leave period. If an employee violates these provisions and engages in any paid professional activity, employer has the right to recover annual leave bonus from the worker.

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Female workers who have children under the age of 14 years have their annual leave increased by one day for each child (two children under 14: 22 + 2 working days of annual leave). The part time workers are entitled to annual leave at the rate of two days' annual leave per month. The fixed term contract workers whose employment period (or renewal) does not exceed one year are entitled to two days of annual leave per month. The disabled workers are entitled to five additional days of annual leave.

Source: §129-140 & 158(1) of the General Labour Law (No. 7/15 of 15 June 2015)

### Public Holidays

Public holidays are declared at the national level however government can establish other holidays at the provincial level under proposal of the governor of the Province. Workers are entitled to 11 days of public holidays. Public Holidays includes: New Year Day (January 01), National Day of the Armed Struggle (February 04), International Women Day (March 08), Peace and National Reconciliation Day (April 04), Labour Day (May 01), Founder of the Nation and Heroes' day (September 17), All Souls Day (November 02), National Independence Day (November 11), and Christmas Day & Family Day (December 25). Good Friday and Carnival Day are also public holidays however their dates are not fixed.

In accordance with the new law, Colonial Repression Martyrs' Day (January 04), Angolan Women Day (March 02), Expansion of Armed Struggle for National Liberation Day (March 15), Angolan Youth Day (April 14), Africa Day (May 25), International Children's Day (June 01), International Human Rights Day (December 10) are national celebration days however part of the normal working days.

Source: Presidential Decree on Regulation of the National Holidays Law, Local and National Celebration dates (No. 156/12 of 29 June 2012)

### Weekly Rest Days

The worker is entitled to a full day of weekly rest, as a rule, on Sunday.

The weekly day of rest can only be another day of the week when the employee performs services to employers who are not required to terminate or suspend work a full day per week or where it is required to terminate or suspend work on days other than Sunday.

Sunday may not be the weekly day of rest for the following types of enterprises: where it is necessary to assure the continuity of services that cannot be interrupted; hygiene, health and cleaning services or managers of other preparatory or complementary tasks which must necessarily be performed on the day of rest of the other workers when the equipment and facilities are inactive.; and guard, vigilance and concierge services.

The half day of rest which results from the distribution of the weekly schedule by five and half days of work or on the day of rest which results in any other case is considered a complementary weekly rest. The complementary weekly rest period must precede or follow whenever possible, the weekly day of rest.

Source: §120-123 of the General Labour Law (No. 7/15 of 15 June 2015)

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## 04/13 Employment Security

### Regulations on employment security:

General Labour Law (No. 7/15 of 15 June 2015)

### Written Employment Particulars

General labour law states that an employment agreement does not need to be made in writing. Nevertheless, there are some cases where a written employment agreement is required, such as employment agreements entered into with foreign employees, traineeship agreements, employees hired to render work on vessels or domestic employees. Law requires an employer to conclude pre-employment agreements and mention the type of work to be provided and its remuneration. Employment contract can be of fixed or indefinite duration, depending on the parties' free will, taking into account the type of the activity, dimension and economic capability of the company and the tasks for which the employee is hired for.

The employment relationship may be governed by an agreement between the parties, provided that they do not undermine any statutory obligations and do not offer less protection to the employee than those provided under Labour Law. Additionally, employment agreements must contain the following information: (i) full name and addresses of the parties; (ii) professional classification and professional occupational category of the employee; (iii) place of work; (iv) normal weekly working hours; (v) amount, means and period of wages' payment and details of additional payments; (vi) hiring date; (vii) place and date of the agreement; and (viii) signatures

The employment contract gives the worker the right to occupy a job in accordance with the law and collective work agreement and should be within the type of work for which he/she was hired, the most appropriate to his/her skills and professional preparation. The employment contract requires the employee to perform the functions and tasks of the job it was put and observe labor discipline and other duties arising it. It obliges the employer to assign a category to the worker and an occupational job classification appropriate to the functions and tasks of the job, to provide him effective occupation, a salary according to his work and the laws and agreement applicable and create the necessary conditions for achieving greater productivity and promoting human and social worker.

Source: §12 &13 of the General Labour Law (No. 7/15 of 15 June 2015)

### Fixed Term Contracts

The fixed-term employment contract may be concluded for the definite term, that is, with precise fixation of the date of its conclusion or the duration period; or to the uncertain term, that is to say, its term being conditioned to the cessation of the reasons that justified the hiring. Unless expressly provided otherwise, all fixed or statutory provisions relating to the provision of work for an indefinite period are applied to workers hired for a specified period of time.

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The employment agreements for a determined period of time (either a fixed-term or an uncertain-term) can now be renewed in succession up until a maximum limit of 5 years for large business and 10 years for medium, small and micro-businesses. The prior notice of non-renewal of the employment agreements is only applicable to agreements with a duration equal or over 3 months. Prior notice of at least 15 working days must be provided. In case of failure in provision of prior notice period, the employer is under the obligation to pay the worker compensation corresponding to the period of prior notice.

Source: §16 & 17 of the General Labour Law (No. 7/15 of 15 June 2015)

### Probation Period

In accordance with the Labour Law, the duration of probation period is the first 60 days of work. Parties may agree to reduce or suppress it.

- (1) Probation period can be increased up to 4 or even 6 months for highly qualified workers who perform complex jobs and of difficult application and up to six months for workers who perform jobs of high technical complexity or have management and leading functions, whose exercise demands high academic education.
- (2) Duration of probation period for fixed term contract workers is either 15 or 30 days, according to the level of skills demanded by the work.

The trial period helps the employer assess the workers' quality of services and his income. The trial period also helps the worker to assess working conditions, remuneration and life, health and safety and social environment at the enterprise.

During the trial period either party may terminate the employment contract, without obligation of previous notice, indemnification or presentation of justification.

Source: §18 of the General Labour Law (No. 7/15 of 15 June 2015)

### Notice Requirement

The employment contract may be terminated on the grounds provided by the law. If the employment contract was made by appointment, it is extinguished by discharge. It can be terminated due to:

- a) objective causes, beyond the control of the parties;
- b) voluntary decision of both parties;
- c) unilateral decision by either party, enforceable against the other.

At any time, the parties may terminate the employment contract, for fixed or indefinite period, provided they do so in writing, signed by both parties under pain of nullity. The written agreement must identify the two sides and contain an express declaration of termination, the date of termination. This agreement is made in duplicate, and each party is given a copy.

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The dismissal must be justified and the employer must provide valid reason for dismissal. Just causes include serious disciplinary offenses or the objective causes which make it impossible to maintain the employment relationship.

Labour Law provides a list of just causes justifying disciplinary dismissal (e.g. unjustified absence from work, non-observance of the working hours, lack of punctuality, serious disobedience, verbal or physical violence against the employees, the employer or his/her representatives, severe indiscipline, repeated lack of compliance with the obligations incumbent to the worker, theft, robbery, embezzlement, fraud, revealing manufacturing secrets, causing damages deliberately or through gross negligence to the premises, equipment, bribery and corruption, intoxication or drug addiction, non-compliance with the safety and hygiene rules). The dismissal can be justified by economic, technological and structural reasons involving internal reorganization, restructuring, reducing or closing down the business activity.

The prior notice of dismissal is standardized for all the categories of employees to a deadline of 60 days. It is obligatory to inform the employment office of the respective area.

The employee can invoke the constructive dismissal, pointing out the facts constituting the violation of employee's rights in the period of 30 days beginning from the knowledge of such facts.

The employee may terminate the employment contract without just cause through a prior written notice, with a 30-day advance, regardless of the duration of the employment agreement.

If a party is unable to provide the prior notice period, they have to pay compensation in lieu of notice.

Source: §198-217, 206-210, 219-220 & 228 of the General Labour Law (No. 7/15 of 15 June 2015)

### Severance Pay

An employee is not entitled to severance pay in case of disciplinary dismissal. However, workers dismissed by way of individual or collective economic dismissal are entitled to redundancy pay.

The compensation for individual dismissal by objective grounds and collective dismissal is as follows:

- a) Big businesses: one base (monthly) salary for each year of service up to a limit of 5 years, plus 50% base salary multiplied by the number of service years in excess of such limit;
- b) Medium-sized businesses: one base (monthly) salary for each year of service up to a limit of 3 years, plus 40% of base salary multiplied by the number of service years in excess of such limit;
- c) Small-sized businesses: two base (monthly) salaries plus 30% of the base salary, multiplied by the number of years in excess of two years;
- d) Micro-businesses: two base salaries (monthly) plus 20% of the base salary, multiplied by the number of years in excess of two years.

The compensatory allowance due to non-reintegration, calculated under the new legal terms, comprises:

- a) 50% of the base salary multiplied by the number of service years for the big businesses;

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- b) 40% of the base salary multiplied by the number of service years for medium-sized businesses;
- c) 20% of the base salary multiplied by the number of service years for small and micro sized businesses.

The compensation in case of bankruptcy, insolvency or extinction of the collective employer, and in a fortuitous case or force majeure or judicial condemnation of the employee by res judicata preventing the employer from receiving the working performance and expiration of the employment agreement by cause related to the employer, calculated under the new legal terms, comprises:

- a) 50% of the base salary multiplied by the number of service years for the big businesses;
- b) 40% of the base salary multiplied by the number of service years for medium- sized businesses;
- c) 30% of the base salary multiplied by the number of service years for small-sized businesses, and;
- d) 20% of the base salary multiplied by the number of service years for micro-sized businesses.

The compensation due for individual dismissal in case of judicial decision rejecting the dismissal with allegation of just cause, should there be no reintegration and in case of constructive dismissal, calculated under the new legal terms, covers:

- a) 50% of the base salary multiplied by the number of service years for the big businesses;
- b) 30% of the base salary multiplied by the number of service years for medium-sized businesses;
- c) 20% of the base salary multiplied by the number of service years for small-sized businesses, and;
- d) 10% of the base salary multiplied by the number of service years for micro-sized businesses.

The compensation has always a minimum value corresponding to the base salary of 3 months, in case of big and medium-sized businesses, 2 months in case of small-sized businesses and 1 month in the case of micro-sized businesses.

To determine the employee's seniority, for the purposes of calculation, fractions of a year equal to or greater than three (3) months are counted as years of seniority

Source: §236-241 of the General Labour Law (No. 7/15 of 15 June 2015)

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## 05/13 Family Responsibilities

### Regulations on family responsibilities:

General Labour Law (No. 7/15 of 15 June 2015)

### Paternity Leave

Labour law provides 01 day of unpaid paternity leave to a father on the birth of a child.

Source: §145(1b) of the General Labour Law (No. 7/15 of 15 June 2015)

### Parental Leave

No provision could be located in law related to parental leave.

### Flexible Work Option for Parents / Work-Life Balance

General Labour Law provides flexibility in working hours to the employees, if needed. During part-time work, the worker carries out the activity up to a maximum period of five (5) hours of the normal daily period and four hours in the normal night period. Recourse to part-time work is made by agreement of the parties and it must be in written form.

The occupation of part-time workers should, wherever possible, be made easier for workers with family responsibilities, with reduced working capacity and who attend a medical or higher education establishment. The part-time workers enjoy the same rights and duties as well as the working conditions relating to the full-time worker, always observing the proportionality of the work performed for the purpose of remuneration. The employee is entitled to time off from work, for up to 1 day a month, during pregnancy and until 15 months after delivery, to provide childcare to herself and her child. However, this day off is not provided if the employee is already availing part-time work option.

In case a worker has family responsibilities, the female employee may also request to work part time or to work with flexible hours, with the respective salary reduction.

Source: §102, 244 & 249 of the General Labour Law (No. 7/15 of 15 June 2015)

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## 06/13 Maternity & Work

### Regulations on maternity and work:

General Labour Law (No. 7/15 of 15 June 2015)

Presidential Decree on Maternity Protection (No. 8/11of 7 January 2011)

### Free Medical Care

No legal provision for free medical care could be located. Universal primary healthcare is provided to all Angolan citizens. Specialist care is also provided with co-payments.

Source: ISSA Country Profile for Angola, 2015

### No Harmful Work

Female worker, when pregnant, has the right, without prejudice to remuneration, to not perform any work that could be dangerous to her health, having the employer to assure her an appropriate work.

In accordance with the labour law, pregnant women are not allowed to work incompatible with their status or that require awkward or harmful positions. Similarly, pregnant women cannot do overtime work, cannot be authorized to do night work, cannot be dismissed unless for disciplinary purposes, and can leave the work place to breastfeed their infants twice a day.

These prohibitions are applied until three months after delivery, some of which may be extended if a medical document is justified by the need for such an extension.

The employer must ensure that the pregnant woman works in conditions that are adequate to her situation and is not engaged in overtime or night work.

Source: §246 of the General Labour Law (No. 7/15 of 15 June 2015)

### Maternity Leave

Pregnant workers are entitled to the maternity leave of three months at the time of delivery. The leave begins four weeks before the expected date of birth (antenatal leave), and the remaining 09 weeks to be taken after delivery (postnatal leave).

In the event of multiple births, the postnatal leave is increased by 4 weeks (thus extended to 13 weeks). If the birth takes place after the fixed date for the beginning of the maternity leave, this should be extended for the necessary period so the worker will be able to enjoy at least 9 weeks of leave after the birth.

Source: §5-7 of the Presidential Decree on Maternity Protection (No. 8/11of 7 January 2011)

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## Income

Maternity leave benefits are provided from the first day of the leave and correspond to the entirety of the leave period, in the terms expressed in the Presidential Decree n. 8/11 on Maternity Protection. All female workers are covered under the compulsory social protection system.

The total amount of the cash benefit is 100% of the average daily wage effectively registered in the last two months before the beginning of the leave, but the months where the employee worked less than 20 days are not considered in the calculation.

The employer should pay the cash benefits in advance to the employee. Employer is later reimbursed by the state social security system. The employer has to pay the maternity leave benefits and pre-maternity benefits within 30 days counting from the beginning of the leave.

Source: §9-11 of the Presidential Decree on Maternity Protection (No. 8/11 of 7 January 2011)

## Protection from Dismissals

General Labour Law protects women from dismissal except in case of disciplinary offense that make it immediate and virtually impossible to maintain the legal– labor relation.

During pregnancy and up to 12 months after delivery, the worker enjoys the special protection against individual dismissal on objective grounds and against collective redundancies.

Documented health reasons are required in order to cease an employment agreement by the employee during the pregnancy and up to 15 months after birth with a week of prior notice.

Source: §207(b), 250 & 251 of the General Labour Law (No. 7/15 of 15 June 2015)

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## Right to Return to Same Position

Labour Law does not provide specific provision for pregnant women related to right to return to same position. However, Labour law provide special protection to the female workers during the pregnancy and until 12 months after the birth. The female worker enjoys the special protection regime against individual dismissal for objective reasons and against collective dismissal. This implies that female workers have the right to return to the same position.

Source: §207(b) & 251 of the General Labour Law (No. 7/15 of 15 June 2015)

## Nursing/Breastfeeding Breaks

After the birth, the female worker has the right to interrupt her work twice a day, for 30 minutes, in order to breastfeed the child, without prejudice to remuneration, whenever the child stays at her workplace or in a childcare place provided by the employer.

The worker conserves this right for the period of 12 months.

Source: §246(1e & 5) of the General Labour Law (No. 7/15 of 15 June 2015)

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## 07/13 Health &amp; Safety

**Regulations on health and safety:**

General Labour Law (No. 7/15 of 15 June 2015)

Decreto núm. 31/94, de 5 de agosto, que establece los principios que apuntan a la promoción de la Seguridad, Higiene y Salud en el Trabajo. Revoca todas las disposiciones legales y reglamentarias que contraríen lo dispuesto en este decreto

Decree on Regulation of the General labour inspectorate (No. 9/95 of 21 April 1995)

**Employer Cares**

The employer is under the obligation to provide workers with working conditions that allow their normal physical, mental and social development. They must ensure working conditions that protect workers from occupational accidents and diseases.

In order to maintain Occupational Safety and Health (OSH), they must design facilities and work processes without risk or reduce it to minimum; integrate within the management of the business the necessary OSH activities; comply with and enforce all rules regarding OSH; establish a joint commission (Comissão de Prevenção de Acidentes de Trabalho); create OSH services and occupational medicine; develop the prevention programme for the purpose of raising awareness and providing training and information to workers.

The prevention of occupational risks includes the promotion of health surveillance of workers. Medical examinations may be required before admission/employing, on a periodical basis and for dismissal. The worker cannot be burdened with the realization of these medical examinations. Medical examinations are provided free of cost to workers.

The employer must ensure the health surveillance of workers due to the risks they are exposed to, giving particular attention to handling of hazardous substances, unhealthy, monotone work and working at height or at depth. Night workers engaged in industrial activities must undergo periodical medical examinations.

All companies with 50 or more workers must organize an OSH service and provide it with technical personnel (occupational safety technicians) with the proper training. These technicians must be registered within the Ministry of Public Administration, Employment and Social Security (MAPESS). Occupational medicine must be organized in the company when necessary.

OSH services are responsible for drawing up statistics on accidents at work and occupational diseases, as well as, for preparing monthly, quarterly and annually a report on their activities. They inform the employer and the authorities on the evolution of risks or accidents.

Workers have the duty to cooperate and the right to be informed about the results of inspections, investigations and inquiries in respect of accidents at work. They are also under the duty to improve working conditions. Unions may cooperate with the employer in various OSH activities.

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In companies with 50 or more employees and those with higher risks of accidents at work and occupational diseases, there must be constituted a joint commission for the prevention of accidents (Comissão de Prevenção de Acidentes de Trabalho) to allow workers to participate in the prevention programme.

Each worker must take care of health and safety of his/herself and of other persons who may be affected by his/her acts or omissions when carrying out activities.

Source: §81-91 of the General General Labour Law (No. 7/15 of 15 June 2015); §9-19 of the Decreto núm. 31/94, de 5 de agosto, que establece los principios que apuntan a la promoción de la Seguridad, Higiene y Salud en el Trabajo. Revoca todas las disposiciones legales y reglamentarias que contraríen lo dispuesto en este decreto

### Free Protection

The employer must provide workers with personal protective equipment as reasonable and when general measures do not ensure complete protection. Workers must be provided with the clothes, footwear and equipment of individual protection, when it is necessary to prevent, to the extent that is reasonable, the risks of accidents or of injurious health effects. Moreover, the employer must prevent workers to access the workplace without personal protective equipment. The equipment is provided to workers free of charge.

Workers who have received the necessary instructions and do not correctly use the collective and individual protection equipment, and do not ensure its conservation and maintenance, are in violation of labour discipline. This violation is punished by the law, without prejudice to criminal liability.

Source: §81(e), 83 of the General Labour Law (No. 7/15 of 15 June 2015); §25 of the Decreto núm. 31/94, de 5 de agosto, que establece los principios que apuntan a la promoción de la Seguridad, Higiene y Salud en el Trabajo. Revoca todas las disposiciones legales y reglamentarias que contraríen lo dispuesto en este decreto

### Training

The employer must provide OSH training to workers upon engagement or change of position or when they have to apply a new technique, materials or substances that may involve risk, and when returning to the work after six-month absence.

An employee is entitled to be transferred to a new post and to receive appropriate training when there is some reduction in his/her ability to work making impossible the continuation of his/her normal duties.

Source: §14 & 11 of the Decreto núm. 31/94, de 5 de agosto, que establece los principios que apuntan a la promoción de la Seguridad, Higiene y Salud en el Trabajo. Revoca todas las disposiciones legales y reglamentarias que contraríen lo dispuesto en este decreto

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## Labour Inspection System

Labour inspectors are linked to the State Administration of legal employment relationships in the public service by indefinite appointment. They have a professional status, working conditions and job stability that make them independent from changes in the Government or any other external influences.

Labour inspectors have the power to carry out examinations, inspections, investigations, inquiries and other necessary steps to ensure that labour legal provisions are being strictly observed; interrogate the employer or its representatives and employees about matters relevant to the application of legal provisions in the company and require their presence in the General Labour Inspectorate services; require immediate consultation (in workplace or in the General Labour Inspectorate services) of books, records, sheets or pay stubs and other documents and make copies of them; and collect and promote the analysis of samples of materials and substances used or handled in the operation process.

Labour inspectors must carry out investigation of any fatal or particularly serious accident at work, determining the causes and circumstances of its occurrence and submit findings to the competent court. The General Labour Inspectorate carries out pedagogic action, providing workers and employers with information and technical advice and sensitizing them regarding the most appropriate and effective way of complying with legal provisions. In this spirit of action, where there are offenses for which it is better to set a deadline for repair, it should be fixed, formalized in terms of notification and brought to the supervisor of the inspection technical coordination.

Inspectors have the power to issue warning and infraction notices. They also may require the employer to take the necessary steps in order to comply with labour legislation on OSH. When the labour inspectors identify irregularities, they give the employer a deadline to correct them. If under a second visit the infractions persist, then the inspector will proceed with sanctions.

If the facilities, certain equipment, products, manufacturing processes or any other circumstances pose a serious danger to the health or safety of workers, labour inspectors are entitled to impose immediately enforceable measures that could go up to a total suspension of work. They shall inform their superior, within 24 hours from the moment when the measures were taken.

Labour inspectors will issue infraction notices so as to initiate prosecution when in the exercise of their duties can prove any infringement of the rules on the supervision of the General Labour Inspectorate. Labour inspectors may proceed to the closure of operations if they consider that the safety and health of workers could be at serious and imminent risk.

The Inspectorate may order, when necessary for the proper exercise of inspection activities, the collaboration of administrative entities and police authorities. The findings of any activities constituting criminal and other offenses whose supervision is not the competence of the General Labour Inspectorate is reported, respectively, to the competent courts and authorities.

Source: §1-17, 25 & 36 of the Decree on Regulation of the General labour inspectorate (No. 9/95 of 21 April 1995)

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**08/13 Sick Leave & Employment Injury Benefits****Regulations on sick leave & employment injury benefits:**

General Labour Law (No. 7/15 of 15 June 2015)

Decree setting the Legal Framework of Work Accidents and Occupational Diseases (No. 53/05 of 15 August 2005)

**Income**

The Labour Law considers the following among others as justified absence: inability to perform work due to the fact that is attributable to the worker, including accident, illness or need for urgent assistance to members of household in case of illness or injury. The Labour Law provides for fully paid sick leave of two months for medium and large companies. In the case of small and micro enterprises, the paid sick leave is granted for 90 days and is paid at 50% of the base salary. If the disease/disability continues after these days, employment contract is terminated. The obligation to pay salaries ceases if a fixed term contract completes and the disease continues after that date. The above time limits can be extended on the request of the worker however any such extension would be without pay.

Source: §145 & 149 of the General Labour Law (No. 7/15 of 15 June 2015)

**Medical Care**

No statutory provision could be located in law related to medical care provided during paid sick leave. Universal primary healthcare is provided to all Angolan citizens. Specialist care is also provided with co-payments.

Source: ISSA Country Profile for Angola, 2015

**Job Security**

Employment of a worker is secure for varying periods depending on the size of enterprise. It is two months for medium and large enterprises and 90 days for small and micro enterprises. The said time limits can be extended on the request of the worker however any such extension would be without pay.

Source: §145 & 149 of the General Labour Law (No. 7/15 of 15 June 2015)

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### Disability / Work Injury Benefit

Work injuries can lead to the following four situations: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker. The amount of compensation depends on the nature and the degree of disability.

Work Injuries Law states that the right to amendment for work injuries and illnesses includes the procedures for cash and in kind. There is no minimum qualification period for work injury benefit.

Temporary disability benefit is 65% of the insured worker's salary. In the event of hospitalization, full wages are paid for the first 30 days and 75% of wages are paid for the remaining period if the condition persists.

Permanent disability benefit is provided for a total loss of working capacity in the usual job. In this case, 50-70% of the insured worker's average earnings in the last 12 months are paid. If the insured worker is assessed with a total loss of working capacity for any type of job, there is provision for family allowances, payable to each family member.

The permanent disability pension and family allowances combined may not exceed 100% of the insured worker's average earnings in the last 12 months.

For permanent partial disability (partial loss of working capacity in the usual job), the benefit is equal to 70% of the assessed loss of working capacity multiplied by the insured worker's average earnings in the last 12 months.

Survivor Benefit is 30% of the insured worker's base earnings and is paid up to age 60. The benefit is 40% after retirement or if the survivor is assessed with loss of working capacity. 20% of the insured worker's base earnings is paid to each surviving child, up to three as orphan pension.

There is also provision for Ascendant pension which is 10% of the insured worker's base earnings and is paid to each surviving ascendant, up to three.

Source: ISSA Country Profile for Angola 2015; Decree setting the Legal Framework of Work Accidents and Occupational Diseases (No. 53/05 of 15 August 2005)

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## 09/13 Social Security

**Regulations on social security:**

Presidential Decree (No. 8/11 of 7 January 2011)

**Pension Rights**

Pensions and all other social security benefits are provided under social insurance system where both worker (3% of total monthly earnings) and employer (8% of worker's monthly earnings) contribute to the National Social Insurance Institute. These contributions also finance sickness and maternity benefits and family allowances.

Old age pension is provided at the age of 60 (women, one year earlier for each child, up to five) with at least 180 months of contributions; or at any age with at least 420 months of contributions. Amount of old age pension is the insured worker's average monthly earnings in the last 36 months (12 months for civil servants) multiplied by the number of months of contributions, divided by 420.

Early pension is provided at the age of 50 years with at least 180 months of contributions in hazardous or arduous working conditions. 30% of the insured worker's average salary in the last 12 months is paid as early pension.

Old-age grant is provided at the age of 60 to those who are unemployed and have at least 120 months of contributions. Old age grant is 30% of the insured worker's average salary in the last 12 months.

Source: ISSA Country Profile for Angola 2015

**Dependents' / Survivors' Benefit**

Dependents'/Survivor Benefit Could be either permanent or temporary.

Permanent survivor pension is provided if the deceased had at least 36 months of contributions in the last five years before death. Eligible survivors include a widow(er) and parents aged 50 or older at the time of the deceased's death and unable to work, and children assessed with at least a 30% physical or mental disability. The widow(er)'s pension ceases on remarriage. Amount of permanent survivor pension is 70% of the insured worker's last monthly wage.

Temporary survivor pension is provided if the deceased had at least 36 months of contributions in the last five years before death. This pension is payable if a survivor does not meet the age qualifications for a permanent survivor pension. Eligible survivors include an unemployed widow(er) at any age; an ex-spouse who was receiving subsistence maintenance (food subsidy) and has not remarried, and a child up to age 18 (age 25 for students). Temporary survivor pension is 70% of the insured worker's last monthly wage and is paid to the widow(er) for one year and to children up to age 18 or 25 (students).

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Death grant is provided if the deceased had at least six months of coverage, including at least three months of contributions. Eligible survivors include a widow(er), children, parents of a pensioner or insured person, and an ex-spouse who was receiving subsistence maintenance (food subsidy) and has not remarried. It is a lump sum of six times the insured worker's old age pension at the time of death or average monthly earnings. Half of the death grant is payable to the spouse and the other half to the children; 100% to spouse if there are no children (and vice versa); or 100% to other eligible survivors if there are no children or widower.

Funeral grant is paid as a lump sum amount to cover funeral expenses. The currently applicable rate of funeral grant is 25,000 kwanzas.

Source: ISSA Country Profile for Angola 2014; Presidential Decree (No. 8/11 of 7 January 2011)

### **Unemployment Benefits**

There is no provision for unemployment benefits under the legislation however the Labour Law provides for severance benefits. For more details, please refer to the section on severance payment.

### **Invalidity Benefits**

No provision could be located in law related to invalidity benefit.

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## 10/13 Fair Treatment

**Regulations on fair treatment:**

Constitution of Angola 2010

General Labour Law (No. 7/15 of 15 June 2015)

Penal Code

**Equal Pay**

Labour Law guarantees the right to equal pay for equal amount of work for both men and women. Law further states that the various components of remuneration should be set to the same standards as men and women. A woman worker is guaranteed by reference to man, equal treatment and non-discrimination at work.

Source: §157(2) & 242 of the General Labour Law (No. 7/15 of 15 June 2015)

**Sexual Harassment**

The Criminal Code includes sexual harassment among sexual crimes. According to Penal Code, “whoever abuses authority resulting from a hierarchical relationship of dependency or work, seeks to constrain another person, by order, threat or coercion, to suffer or to perform a sexual act, with him or with others, shall be punished with imprisonment of up to 2 years or a fine of up to 240 days.”

Labour law does not address sexual harassment at work. Also, it does not provide any civil remedy or criminal penalty for sexual harassment in employment.

Source: §173 of the Penal Code

**Non-Discrimination**

The constitution prohibits all forms of discrimination, The Angolan constitution prohibits discrimination on the basis of origins, race, party affiliations, sex, colour, age or any other form of discrimination. Everyone is equal under the law. No-one can be discriminated against, privileged, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, ethnicity, colour, disability, language, place of birth, religion, political, ideological or philosophical beliefs, level of education or economic, social or professional status. Discrimination on the basis of trade union membership and its related activities is also prohibited.

The labor law prohibits discrimination in employment and occupation based on race, color, sex, ethnic origin, civil status, origin and social status, religious reasons, disability, political opinion, trade union filiation and language. Discrimination against the worker on the basis of age, employment, professional career, salaries, duration and other conditions of work, by race, color, sex, citizenship, ethnic origin, civil status, social status, religious or political ideas, Union affiliation, kinship relationship with other company workers and language is prohibited.

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The Criminal Code defines discrimination and its punishment as follows: “Whoever, because of gender, race, ethnicity, color, birthplace, religion or belief, sexual orientation, political or ideological convictions, social origin or condition:

- a) refuses employment contract, refuses or restricts the supply of goods or services or restricts or prevents the exercise of economic activity of another person, or
- b) to punishes or fires workers shall be punished with imprisonment up to 2 years or with fine of up to 240 days.”

Source: §21(h) & 23 of the Constitution of Angola 2010; §4(1 & 2), 19(2b) of the Labour Code 2015; §197 of the Penal Code

### Equal Choice of Profession

Angolan Constitution promotes equality between men and women. Everyone is equal under the constitution and the law.

Labour Law guarantees women worker’s equal treatment and non-discrimination at work. However, Labour Law prohibits the occupation of women in unhealthy and dangerous work, as well as all those who are considered risk measures with actual or potential par gene function. Women are also prohibited from working underground or in mines.

Source: §21(k) of the Constitution of Angola 2010; §242 of the General Labour Law (No. 7/15 of 15 June 2015)

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## 11/13 Minors &amp; Youth

**Regulations on minors and youth:**

General Labour Law (No. 7/15 of 15 June 2015)

Joint Executive Decree on Hazardous Occupations Prohibited for Children (No. 171/10 from 24 December 2010)

Basic Law of the Education System

**Minimum Age for Employment**

Minimum age for the employment is 14 years. According to Labour Law, minors must be provided with working conditions appropriate to their age; and ensure safety, health and education. They can be employed in light work, which does not involve great physical effort, which is not liable to harm their health and physical and mental development and which enables them to acquire conditions of learning and training. Their salary is determined by reference to the salary of the adult worker in the profession in which they are working or the national minimum wage in the case of performing unskilled work.

Working hours for minors may not exceed six (6) hours per day and thirty-four (34) hours per week if they are under sixteen (16) years. The working hours must not exceed seven (7) hours per day and thirty-nine (39) hours per week for minors aged between sixteen and eighteen. The working hours for minors must be organized in such a way that they must not hinder their attendance in school or official vocational training in which they are enrolled.

Minors who have reached the required age can be employed only after the consent of parents, guardian, legal representative, person or institution with the minor in charge or in the absence thereof General Labor Inspectorate. Employment contract must be written. Prior to employment, minors must undergo physical examination to prove their physical and mental capacity for the exercise of their functions. This medical examination must be repeated annually up to the age of 18 years and the employer must maintain the record.

Penalties for not signing a written contract for children ages 14 and over is a fine of two to five times the median monthly salary offered by the company. Children over age 14 who are employed as part of an apprenticeship are also required to have a written contract. The penalty for not having this contract is three to six times the average monthly salary of the company.

Source: §253-261 of the General Labour Law (No. 7/15 of 15 June 2015); Joint Executive Decree on Hazardous Occupations Prohibited for Children (No. 171/10 from 24 December 2010); Country Reports on Human Rights Practices for 2015

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## Minimum Age for Hazardous Work

Minimum age of employment for hazardous work is 18 years. In general, overtime and night work are prohibited for minors. The exceptional performance of overtime work may in no case exceed two hours daily and 60 hours per year.

Minors under 16 years may not work in the period between 20:00 and 07:00 and cannot be included in rotating shifts.

The Labour Law rules that together with the hazardous work, it is forbidden to work in smaller theaters, cinemas, nightclubs, cabarets, dancing and similar establishments, as well as the activities of the salesperson or advertisement of pharmaceutical products. A Joint Decree n. 171 of 2010 from Ministries of Labour, Health and Public Administration sets out the activities that are prohibited to minors. List of hazardous work prohibited for minors includes fireworks production, stone mining, animal slaughter, leather production, brick-making, paper-making, and pornography.

For children found to be working in jobs categorized as hazardous (which is illegal under the law), the fines are five to 10 times the average monthly salary of the company. Nonpayment of any of these fines results in the accrual of additional fines.

The law establishes that primary education is compulsory and free for 6 years. Children begin primary education at age 6, making education compulsory until age 12.

Source: §253-261 of the General General Labour Law (No. 7/15 of 15 June 2015); Joint Executive Decree on Hazardous Occupations Prohibited for Children (No. 171/10 from 24 December 2010); §8 & 17 of the Basic Law of the Education System

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**12/13 Forced Labour****Regulations on forced labour:**

Constitution of Angola 2010

General Labour Law (No. 7/15 of 15 June 2015)

**Prohibition on Forced and Compulsory Labor**

The law prohibits all forms of forced and compulsory labour. Constitution of Angola bans torture, forced labour, degrading or inhuman treatment.

According to the Labour Law, mandatory or compulsory labour is prohibited. Categories of work that are not considered mandatory/compulsory include, military and civil service, community service, work performed in prisons, by inmates, and the work or service required in cases of force majeure, namely war, floods, famine, epidemics, invasion of harmful animals and insects or pests. All circumstances which jeopardize the normal living conditions of the whole or of a part of the population, are also not part of forced or compulsory labour.

The Penal Code, recently amended, criminalizes trafficking in persons for sexual or labor purposes. It also penalizes employers or labor agents who confiscate workers' identity documents, switch contracts without the workers' consent, or withhold payment of salaries. Penalties for violations are the same as those for trafficking in persons, that is, ranging from eight to 12 years in prison.

Source: §60 of the Constitution of Angola 2010; §5 of the General General Labour Law (No. 7/15 of 15 June 2015); Country Reports on Human Rights Practices for 2015

**Freedom to Change Jobs and Right to Quit**

The constitution of Angola provides the right to work to every citizen. It is the duty of the state to promote the implementation of policies to generate work; and provide equal opportunities in the choice of profession or type of work and conditions which prevent preclusion or limitation due to any form of discrimination.

In accordance with the Labour Law, all citizens have the right to work that is freely chosen, with equal opportunities and no discrimination based on race, color, sex, ethnic origin, marital status, religious or political ideals social, trade union membership or language. All citizens have the right to free choice of profession and exercise, without restriction, except as provided by law. (The conditions under which work is performed must respect the freedoms and dignity of workers, usually allowing individuals to satisfy their own and families' needs, protect their health and enjoy decent living conditions.

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In order to terminate the employment, the employee should send notice to the employer 15 to 30 days in advance, according to his/her seniority in the job. The lack of all or part of the notice the employee is obligated to indemnify the employer with the salary for the period of notice missing.

Source: §76 of the Constitution of Angola; §6, 194 & 212 of the General General Labour Law (No. 7/15 of 15 June 2015)

### **Inhumane Working Conditions**

Normal working hours, according to Labour Law, are up to 44 hours a week and 8 hours a day. Working hours can be increased to a maximum of 54 hours a week. It may reach 9 or 10 hours a day, depending on the activity, length of the working week, work shifts, etc.

Source: §95(1 & 2) of the General General Labour Law (No. 7/15 of 15 June 2015)

**Regulations on trade unions:**

Angolan Constitution 2010

General Labour Law (No. 7/15 of 15 June 2015)

Trade Union Act 1992

Strike Law (No. 23/91 of 15 June 1991)

**Freedom to Join and Form a Union**

The Angolan Constitution guarantees the freedom of association. It states that all workers have the freedom to create trade union organisations to defend their collective and individual interests. Trade union associations have the right to defend the rights and interests of workers and to exercise the right to social dialogue, which must duly take into account the fundamental human rights of individuals and communities and the actual capacity of the economy, under the terms of the law. The law regulates the founding, affiliation, federation, organisation and closure of trade union associations and guarantees their autonomy and independence from employers and the state.

General Labour Law also provides the freedom of association and the consequent right to organize and exercise of trade union activity as a fundamental rights of workers.

Trade Union Act regulates the right to form trade unions and rules that the right of association for workers is guaranteed to workers without any discrimination, the right to establish trade unions and the free exercise of their activities in accordance with Constitution. Trade unions are organized and conduct business in compliance with laws and democratic principles and with total independence from the state, political parties, religious organizations, agencies, organizations, employers and all groups with no trade union nature.

The election for representatives of trade unions is done through voting in a members' General Assembly. The approval of the statutes is done through direct vote and open in members' General Assembly. The statutes of trade unions can, at any moment, be reviewed and altered in accordance with the established procedure.

Source: §50 of the Angolan Constitution 2010; §7(1) of the General Labour Law (No. 7/15 of 15 June 2015); §4-17 of the Trade Union Act 1992

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## Freedom of Collective Bargaining

General Labour Law includes the right to collective negotiation among the rights related to the rights to work.

In accordance with the Trade Union Act, Trade Unions exercise the right to collective bargaining in accordance with the provisions of law and ensuring compliance with existing labor laws and collective bargaining agreements and denouncing violations of workers' rights.

Source: §50 of the Angolan Constitution 2010; §7(1) of the General Labour Law (No. 7/15 of 15 June 2015); §01 of the Trade Union Act 1992

## Right to Strike

Employees have a right to resort to strike under the Constitution and the Strike Law. Angolan Constitution ensures workers' right to strike. General Labour Law includes the right to strike among the rights related to right to work. The Strike Act regulates the form of exercise of the right to strike.

The Strike Act regulates the procedure for initiating a strike and rules on the restrictions on the right to strike. Striking workers can neither be transferred nor fired, according to this Act.

Strikes can only aim on economic, social and professional interests of their members. Workers are free to individually join or not join the strike. Workers cannot be discriminated against nor in any way be affected, particularly in its relations with the employer or their union rights by reason of participating or non-participating in a lawful strike.

Workers are free to declare strike after a period of 20 days of negotiation that does not reach the agreement. The assembly of workers or the trade union body, as appropriate, communicate its decision to strike to the enterprise and relevant government authority at least three days prior to it. The strike declaration must contain the foundations and objectives of the strike; an indication of the facilities, services and professional categories covered by the strike; an indication of the strike delegates, appointed or elected; and the date and time of commencement of the strike.

To ensure the effectiveness of the strike or the protection of the facilities and the equipment, the strikers can form picket lines, which will operate outside the limits of the workplace to protect. The striking workers should not stop the workers who have not joined the strike from working or make use of intimidation or violence under penalty of criminal liability under the law.

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During the strike, trade unions and employees are obligated to ensure the necessary services for the safety, protection and maintenance of equipment and premises. The striking workers are forbidden to enter and remain inside the job sites covered, except for workers who have not joined the strike, strike delegates and those who are engaged in the operations of repair and maintenance of equipment and facilities.

During the period of notice, while the strike lasts and up to 90 days after its completion, the employer cannot transfer or fire the striking workers, except for disciplinary reasons under the labour laws. The delegates of the strike cannot be transferred or fired except for disciplinary reasons, according to labor legislation, for 1 year after the end of the strike.

Right to Strike is prohibited to military and militarized forces; police force; holders of positions of sovereignty and public prosecutors; state prison agents and workers; civil workers and military facilities; and fireman.

Strike is considered illegal and punishable if the strike has objectives other than those permitted by the law.

Source: §51 of the Angolan Constitution 2010; §7 (1) of the General Labour Law (No. 7/15 of 15 June 2015); Strike Law (No. 23/91 of 15 June 1991)

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## 01/13 Work &amp; Wages

**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

***Angola has not ratified any of the above Conventions.***

**Minimum wage**

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups.

**Regular Pay**

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## 02/13 Compensation

**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

***Angola has ratified the Convention 01 only.***

**Overtime Compensation**

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

**Night Work Compensation**

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

**Compensatory Holidays/Rest Days**

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

**Weekend/Public Holiday work Compensation**

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

## 03/13 Annual Leave & Holidays

### ILO Conventions on weekly rest days and paid annual leave

Convention 132 (1970) on Holidays with Pay Convention Conventions 14(1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

***Angola has ratified the Conventions 14 & 106 only.***

### Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

### Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

### Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

## 04/13 Employment Security

### ILO Conventions on employment termination

Convention 158 (1982) on employment termination

***Angola has not ratified the Convention 158.***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

### Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

### Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

### Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

### Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

### Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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**05/13 Family Responsibilities****ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***Angola has not ratified the Conventions 156 & 165.***

**Paternity Leave**

This is for the new fathers around the time of child birth and is usually of shorter duration.

**Parental Leave**

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

**Flexible Work Option for Parents / Work-Life Balance**

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

**06/13 Maternity and Work****ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

***Angola has not ratified the Conventions 103 & 183.***

**Free medical care**

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

**No harmful work**

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

**Maternity leave**

Your maternity leave should last at least 14 weeks.

**Income**

During maternity leave, your income should amount to at least two thirds of your preceding salary.

**Protection from Dismissals**

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

**Right to return to same position**

Workers have the right to return to same or equivalent position after availing maternity leave.

**Breastfeeding/Nursing Breaks**

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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## 07/13 Health &amp; Safety

**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

***Angola has ratified the Convention 81 only.***

**Employer cares**

Your employer, in all fairness, should make sure that the work process is safe.

**Free protection**

Your employer should provide protective clothing and other necessary safety precautions for free.

**Training**

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

## 08/13 Sick Leave &amp; Employment Injury Benefits

**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

***Angola has not ratified the Conventions 102, 121 & 130.***

**Income/Paid Sick Leave**

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

**Medical Care**

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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## 09/13 Social Security

**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

***Angola has not ratified the Conventions 102, 121, 128, 130 & 168.***

**Pension Rights**

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

**Dependent's/Survivors' Benefit**

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

**Unemployment Benefit**

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

**Invalidity Benefits**

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## 10/13 Fair Treatment

**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

***Angola has ratified both the Conventions 100 & 111.***

**Equal Pay**

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

**Sexual Harassment**

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

**Non-Discrimination**

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

**Equal Choice of Profession**

People have the right to work and there can't be occupational segregation on the basis of gender.

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## 11/13 Minors &amp; Youth

**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***Angola has ratified both the Conventions 138 & 182.***

**Minimum Age for Employment**

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

**Minimum Age for Hazardous Work**

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## 12/13 Forced Labour

**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

***Angola has ratified both the Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

**13/13 Trade Union****ILO Conventions on Trade Union Rights**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

***Angola has ratified both the Conventions 87 & 98.***

**Freedom to join and form a union**

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

**Freedom of Collective Bargaining**

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

**Right to Strike**

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Angola. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employer's associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

**WageIndicator.org and Iftikhar Ahmad**  
**05 December, 2016.**