BURUNDI

Decent Work Check 2019

Iftikhar Ahmad
Liberat Bigirimana
WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The authors

Liberat Bigirimana is a team member from francophone Africa and a lawyer from Burundi.

Corresponding author: Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

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Bibliographical information


For an updated version in the national language, please refer to https://votresalaire.org/burundi

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

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 even labour inspectors are not, sometimes, fully aware of 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).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: [www.decentworkcheck.org](http://www.decentworkcheck.org) During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!
Major Legislation on Employment and Labour

4. Ministerial Order n. 630/116, 9 May 1979
5. Ministerial Order n. 630/117, 9 May 1979
6. Ministerial Order n. 630/136, 12 July 1978
7. Decree n° 100/182, 17 July 2006
8. Ministerial Order n. 650/22, 17 February 1984
9. Ministerial Order n. 110/172, 18 November 1971
10. Social Security Code, 1999
11. Ministerial Order n. 650/287, 7 November 1985
12. Ministerial Order n. 630/1, 5 January 1981
ILO Conventions

Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Burundi has not ratified the Convention 95, 117 & 131.

Summary of Provisions under ILO Conventions

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. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.
Regulations on work and wages:
- Burundi Labour Code, 1993

Minimum Wage

According to the Labour Code, salary is either determined by mutual agreement between employer and workers or by the order from the Minister in charge of Labour. After consulting National Labour Council, the Minister establishes the wage zones and minimum inter-professional basic wage; the minimum increase for overtime work and night work, as well as for work performed during weekly rest days and holidays; and increase for seniority.

Minimum wage rates are determined and adjusted according to the cost of living and the current economic situation. The minimum wage has not been revised since 1988, and is too low to have practical application. Wages are particularly low in the public sector and there are large differences in wages for similar jobs in different ministries and parastatal institutions.

The implementation of minimum wage rates along with other provisions of the Labour Code is the responsibility of the Labour Inspectorate which works under the Ministry of Labour. Those who violate the minimum wage provisions and pay workers less than the minimum wage have to pay a fine of 2,500 to 5,000 Burundian Francs. In the case of repetition, the fine is doubled.

Sources: §74-81 and 292 of the Labour Code, 1993

Regular Pay

In accordance with the Labour Code, wages must be paid in legal tender regularly at the time and at agreed location. Amount of remuneration must not be less than the minimum wage. Wages are paid directly to the worker unless he/she accepts otherwise.

The employer is under obligation to pay wages in cash on a working day.

Monthly payments must be made within eight days of the end of month for which salary is due. It is also the responsibility of the employer to pay agreed remuneration with regularity and punctuality. Wage period may be fixed on hourly, daily, weekly or monthly basis. If the employment of a worker is terminated by or on behalf of the employer, the outstanding wages are paid along with severance pay.
Payment, all or part, of wages in kind is prohibited. Also, payment of wages in a form of liquor or drugs is prohibited. Employer is not allowed to compel workers to spend their salary in a certain way. Workers are entitled to the wages without any kind of deduction that involve direct or indirect payments by the worker. An employer should provide pay slips to all employees on each pay day. Payment must be recorded on a pay slip issued to the worker at time of payment.

ILO Conventions

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

Burundi has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

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 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.

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

If a worker has to work during the weekend, he/she 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 a worker has to work on a public holiday, he/she 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 away the right to a holiday/ rest.
Regulations on compensation:
- Burundi Labour Code, 1993

Overtime Compensation

In accordance with the Labour Code, the normal hours of work are 8 hours a day and 45 hours a week. In cases of emergency or extraordinary circumstances, employer has the right to extend working time to a limit of 15 hours per week, and 150 hours per year. If a worker works beyond the stipulated working hours, i.e., 8 hours a day and 45 hours a week, he/she is entitled to an overtime pay according to the following schedule:
- 135% of normal hourly rate for the first two overtime hours, i.e., 46th and 47th hour;
- 160% of normal hourly rate beyond the 48th hour.


Night Work Compensation

In accordance with the Labour Code, night work is the work performed between 22:00 to 05:00 of the following day.

Labour Code requires employers to make premium payments to the night workers. According to the Ministerial Order n. 630/116, a worker employed during night hours, i.e., between 10 pm and 5 am, is paid at a premium rate of 135% of the normal hourly salary paid during weekday. If the night work is performed as overtime, it is paid 135% or 160% (depending upon the hour of overtime) of the normal wage rate for those night hours (which is 135% of the normal wage rate during the day).

Sources: §118 of the Labour Code 1993, §4 of the Ministerial Order n. 630/116

Compensatory Holidays / Rest Days

In Labour Code, there is no provision of compensatory rest day when a worker has to perform work on a weekly rest day or public holiday, but Ministerial Order n. 650/22, from 17 February 1984, provides a list of business categories where workers are entitled to compensatory rest day when working on weekly rest day or public holiday.

Source: §4 Ministerial orders n. 650/22 from 17 February 1984

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Burundi in French, please refer to: https://votresalaire.org/burundi
Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work during daytime on Public holidays or Sundays, they are entitled to receive wages at a premium rate of 200% of the normal hourly wage rate.

Source: §3 of the Ministerial Order n. 630/116, from 9 May 1979 on Extra Pay for Overtime Work, Night Work, Work on Weekly Rest Days and Work on Public Holidays
ILO Conventions

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.

Burundi has ratified the Conventions 14 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of 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.

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

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.
Regulations on annual leave and holidays:
- Burundi Labour Code, 1993
- Decree n° 100/182, 17 July 2006
- Ministerial Order n. 650/22, 17 February 1984
- Ministerial Order n. 630/116, 9 May 1979

Paid Vacation / Annual Leave

Labour Law provides 20 days paid annual leave (one and two-thirds of a day for every month of service), after completion of 12 months of continuous service. Duration of annual leave is determined either by collective agreement or by the concerned Ministry after consulting the National Labour Council. Length of annual leave does not increase with the length of service.

Amount of benefit during annual leave is equal to the daily wage paid by the employer. However, the employer may not pay for circumstantial leave, unless the worker has already worked for 15 days at least. It is also obligatory for the employer to pay to the workers the amount in cash of the due in-kind payments, with the exception of furniture and accommodation. The benefits for the annual leaves are paid at the latest, the last working day before the beginning of the leave, whenever it is not a circumstantial leave.

The employer, in consultation with the worker and the enterprise council, determines the schedule of leave by taking into account the work requirements and worker’s possibilities of rest. The annual leave may be split however its minimum duration in one term can’t be less than 6 continuous week days between two weekly rest days.

Workers are informed at least thirty days before start of their annual leave. Workers have the right to accumulate annual leave for a period of two years.

Source: §130 & 133 of the Labour Code 1993

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These are usually 13 in number. These are New Year (January 01), Reconciliation Day (February 05), Commemoration of the Assassination of President Ntaryamira (April 06), Day of Ascension, Labour Day (May 01), Independence Day (July 01), Assumption Day (August 15), Commemoration of the Assassination of Prince Louis Rwagasore (October 13), Commemoration of the Assassination of President Ndadaye (October 21), All Saints Day (November 01), Christmas Day (December 25), and Eid-el-Fitr and Eid-el-Hajj (Muslim religious holiday dates depend on the sighting of moon).

Sources: Decree n° 100/182 from 17 July 2006 about Holidays
Weekly Rest Days

Labour Code provides for weekly rest. Workers are generally entitled to at least 24 consecutive hours of weekly rest. The weekly rest day is principally Sunday for all the workers.

Source: §114 of the Labour Code 1993
ILO Conventions

Convention 158 (1982) on employment termination

Burundi has not ratified the Convention 158.

Summary of Provisions under ILO Convention

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.

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

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

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

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).
Regulations on employment security:
- Burundi Labour Code, 1993

Written Employment Particulars

The contract of employment is any agreement, written or verbal, by which a person (worker) agrees to provide another person (employer) manual or intellectual work, under the direction and the direct or indirect authority of it and for wages or other compensation.

Employment contracts are concluded in writing except for daily workers. An employment contract may be of definite or indefinite duration. An employment contract without the express clause on its length is an indefinite contract. If a worker keeps working at the end of a definite contract, it turns into an indefinite contract.

All labour contracts must include the following: worker and employer name; worker's date and place of birth; nationality of the worker; the composition of the worker's family; the trade or profession of the worker; the place and residence of the worker at the time of the conclusion of the contract; the date of the commitment; the duration of employment contract; the nature of work to be performed; workplace; the details about wages, basic salary, bonuses and various allowances, family benefits, benefits in kind; special conditions of the contract; and the signatures of the parties.

The contract must provide more favourable provisions that those provided by the law and these provisions must not contradict with laws and regulation. Less favourable clause in an employment contract is considered null and void.


Fixed Term Contracts

The Labour Code prohibits hiring fixed term contract workers for tasks of permanent nature. The fixed term contracts are the contracts whose duration or maturity is precisely agreed between the parties; contracts for execution of a particular project; contracts for replacement of an absent worker or on the occasion of exceptional or unusual additional work; contracts whose term is dependent on a future event. A fixed term employment contract may be renewed twice except for temporary workers. Temporary workers are also hired under a fixed term contract. If employment of a worker continues beyond the agreed date, the contract is automatically converted to the contract of indefinite duration. An Order of the Labour Minister is supposed to determine the modalities of fixed term contracts however this legislation could not be located.

**Probation Period**

In accordance with the Labour Code, probation/trial period may not exceed the time required to test the staff given the technology and practice of a profession. Probation period can't exceed:

(i) 12 months for categories 5 and 6; and
(ii) 06 months for lower grades.

Probation period, including renewals, must not exceed 12 months. During this period, a worker must receive at least the minimum wage for the professional category the worker is employed in.

During probation, each party has the right to terminate the employment contract at any time without notice within a month of probationary period or by providing 3 days' notice if he is on probation for more than a month.

Source: §15 & 31-33 of the Labour Code 1993

**Notice Requirement**

Either party can terminate a contract of indefinite duration by serving a notice or paying in lieu thereof. A fixed term contract terminates at the end of its term or by cancellation by either of the parties or in the case of gross misconduct. Otherwise, termination by one party entitles the other party to damages.

Either party can terminate an indefinite term employment contract by serving a notice or paying in lieu thereof. In the case of gross negligence, notice may not be required.

Generally notice period is fixed by collective agreement. According to the Labour Code, Minimum length of notice period for termination of employment contract by an employer is:

- One month if the employee has the seniority (work experience with the firm) of less than 3 years;
- One month and a half (45 days) if the employee has the seniority of 3 to 5 years;
- Two months if the employee has the seniority of 5 to 10 years; and
- 3 months if the employee has the seniority of more than 10 years.

If a worker wants to terminate the employment contract, his/her period of notice is half of the above notice requirements. During the trial period, either party may terminate the employment contract at any time and without notice during the first month of trial period. The required notice during the trial period is 3 days after worker has completed one month of probation/trial. Workers employed on daily basis can be dismissed at any time without notice period and severance pay.

During notice period, the terms and conditions of employment for the worker remain the same except that the worker has a right to take a day off in a week to search for a
new job. Worker may take four working days off per month. If a worker finds a job before the end of notice period, he/she can leave the employment without completing notice period and without being liable for any compensation.


**Severance Pay**

In accordance with the Burundian Labour Code, severance pay is not payable to a worker employed on daily wages and when a worker is dismissed for gross negligence. In the case of individual dismissals, the rate of severance pay is as follows:
- One average monthly salary for workers with seniority of 3 to 5 years;
- Two average monthly salaries for workers with seniority of 5 to 10 years; and
- Three average monthly salaries for workers with seniority of more than 10 years.

Source: §60 of the Labour Code 1993
ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

**Burundi has not ratified the Conventions 156.**

*Summary of Provisions under ILO Convention*

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) 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 the employers to look into the measures for improving general working conditions through flexible work arrangements.
Regulations on family responsibilities:
- Burundi Labour Code, 1993
- Ministerial Order n. 110/172, 18 November 1971

Paternity Leave

In accordance with the Ministerial Order No. 110/172, workers are allowed fully paid paternity leave of 4 days on the birth of a child.

Source: §2 of the Ministerial Order N. 110/172 from 18 November 1971

Parental Leave

No provisions could be located in the law supporting parental leave for new parents after exhaustion of maternity leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.
ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. 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.

**Burundi has not ratified both Conventions 103 & 183.**

**Summary of Provisions under ILO Convention**

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

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

The total maternity leave should last at least 14 weeks.

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

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

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

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.
Regulations on maternity and work:
- Burundi Labour Code, 1993
- Social Security Code, 1999

Free Medical Care

The disease and maternity insurance in Burundi cover every morbid condition arising from a natural disease, a non-occupational accident, maternity, or childbirth and their consequences. In case of pregnancy, childbirth and their consequences, the medical care includes:
- Antenatal care, care during childbirth;
- Care and post-natal care for new-born for 15 days, given either by a doctor, a nurse or a midwife;
- Hospitalization.

Source: §31-33 of the Social Security Code 1999

No Harmful Work

The Labour Code prohibits a pregnant worker from a work that exceeds her physical abilities. The Labour Inspector may require medical examination of a pregnant worker to check that her assigned work does not exceed her strength. She must be transferred to another convenient work. If that is not possible, an employer may terminate the contract and pay in lieu of notice as well as the severance pay.

Source: §125 of the Labour Code 1993

Maternity Leave

Female employees are entitled to a maternity leave of 12 weeks with full pay, including 6 weeks of prenatal leave. Maternity leave may be extended up to 14 weeks.

Pregnant workers are required to provide medical certificate indicating the presumed date of birth. In case the confinement takes place after the presumed date, the pre-natal leave can be extended until the effective date of birth, without having the compulsory leave duration reduced after the birth.

Source: §122 of the Labour Code 1993

Income

Maternity leave is fully paid leave. Employer and Social Security Institution share the cost. 50% of the daily benefit is paid by the employer and the other 50% is shared by the Government/Social Security.

**Protection from Dismissals**

Protection from dismissals during pregnancy and maternity leave is guaranteed under Labour Code.

A woman worker can't be dismissed during the period of her maternity leave. The employer is also forbidden to terminate the contract before or after the maternity leave on the pretext of childbirth or pregnancy.

Source: §122 of the Labour Code 1993

**Right to Return to Same Position**

There is no explicit provision in the law that gives a female worker the right to return to same position after availing her maternity leave. However, because an employer cannot terminate a female worker during the term of her maternity leave, it gives an implied right to return to the same job.

Source: §122 of the Labour Code 1993

**Breastfeeding**

Female workers are entitled to paid nursing breaks of one hour duration, for new mothers to breastfeed their child(ren) until a child is six (06) months old. The breastfeeding/nursing breaks are in addition to the normal breaks an employee receives during the working day. These breaks are fully paid and are considered as work time.

Source: §124 of the Labour Code 1993
ILO Conventions

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)

Burundi has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

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

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

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.
Regulations on health and safety:
- Burundi Labour Code, 1993

**Employer Cares**

Employers are required to comply with the provisions in force concerning health and safety of workers. In some establishments, employers may form a Health and Safety Committee according to the provisions of the order of Minister related to it. The committee ensures compliance with the regulations related to safety and hygiene; detect risks to health or worker safety; study the preventive measures required; and respond to an accident.

Workers must also abide by the Health and safety regulations at workplace.

Source: §146-149 of the Labour Code 1993

**Free Protection**

Labour code requires workers to follow safety and hygiene rules at a workplace and to use the protective devices recommended by the employer. However, there is no provision in the Labour code requiring employer to provide protective clothing or equipment to the workers free of cost.

The Labour Inspectorate consists of officers that control the workplace and ensure compliance with the Labour Code. Any obstruction in fulfilment of the duty of labour inspector is a criminal offence.


**Training**

Employers are required to organize periodic training on occupational safety and health for newly hired staff and for those changing work departments. The training includes measures for preventing accidents.

Source: §150 of the Labour Code 1993

**Labour Inspection System**

Labour Code provides for the Labour Inspection system however there is extreme shortage of labour inspectors and the current system is not in line with the requirements of ILO Convention 081.

Labour inspectorate consists of officers that control the workplace and ensure compliance with the law. Labour Code authorizes the labour inspector to enter the workplace in working hours without previous notice; inquire or interview anyone; ask
for or take copy of any prescribed book/register, record or other document; take samples; and examine, check and investigate everything that is required during inspection. The labour inspector may also ask employer to display notices according to legal provisions.

The Labour Inspector may take technical assistance of certain administrative technicians or government agencies or any person authorized by Ordinance of the Minister. After visit, the inspectors record their comments in "inspection register" kept by the employers. This register is kept for five years after the last entry.

It is obligatory for the inspector to keep confidential, all the information gathered during inspection. The inspector must not have any personal interest, directly or indirectly, for or against the undertaking under their control. Labour inspector submits a monthly report on the result of their activities to the Directorate General of Labour. Annual report is then published by the Directorate General on the work of the services under his authority.

Source: §154-165 of the Labour Code 1993
ILO Conventions

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

Burundi has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker’s 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, a worker 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). A worker must be entitled to paid sick leave.

During illness, a worker 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.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must 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.
Regulations on sick leave & Employment Injury Benefits:
- Burundi Labour Code, 1993
- Social Security Code, 1999

**Income**

The Labour Code provides for the paid sick leave. The maximum duration of sick leave is 03 months in a calendar year. As for the compensation for sick leave, it is equal to at least 66.7% of daily wage a worker received before his/her sickness started.


**Medical Care**

Medical benefits are available for insured workers and these include general medical care, specialist care, medicine, dental surgery, hospitalization, provision of essential medical supplies, etc.


**Job Security**

Employment of a sick worker is secure during sick leave. Employment contract is suspended during the terms of sick leave or leave due to some accident or an occupational disease.

**Disability / Work Injury Benefit**

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, permanent disability benefit is 100% of a worker's annual earnings in three months before the disability began. The pension may be paid as lump sum after 5 years, subject to certain conditions.

In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability (at least 15%) and a percentage of full pension is accordingly paid. If the assessed degree of disability is less than 15%, a lump sum of 3 years pension is paid according to the assessed degree of disability.

In the case of temporary disability, 100% of worker's average wages (in the last 3 months before the disability began) for the first three months (100% paid by the employer in the first month, then 66.7% paid by social security system and 24% paid by the employer). After these three months, the worker gets 66.7% of his average wage for up to 6 months from the date of accident.
In the case of fatal injury, dependents receive survivors' pension. 50% of the pension a deceased worker would have received, if assessed with permanent total disability, is paid to the widow(er). This pension ceases on remarriage and a lump-sum amount of 6 months of pension is paid to the widow(er). 20% of a deceased worker's full disability pension is paid to each of the orphans younger than 16 years. This pension is 40% for a full orphan. Total survivors' benefits can't exceed 100% of a deceased worker's permanent disability pension.

ILO Conventions

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)

Burundi has not ratified the Convention 102, 121, 128, 130 & 168.

Summary of Provisions under ILO Conventions

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.

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.

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 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.
Regulations on social security:
- Burundi Labour Code, 1993
- Social Security Code, 1999

Pension Rights

Law provides for both full and partial pension. For full pension, a worker must have attained 60 years of age (same for women) with at least 180 months (15 years) of contributions. The old-age pension for the first 15 years of coverage is 30% of a worker's average monthly earnings. The pension is increased by 2% of average monthly earnings for each 12-month period of coverage exceeding 180 months. The maximum pension is 80% of the insured workers' average monthly earnings.


Dependents' / Survivors' Benefit

Social Security Code provides survivor benefit for the dependents including widow, widower, children and parents if there is no surviving spouse or children. Survivors' benefit is 50% of the deceased's pension and is paid to a widow/widower. 25% of the deceased worker's pension is paid to each orphan. 40% of the deceased worker's pension is paid to each full orphan. Total survivors' benefits can't exceed 100% of a deceased worker's pension.

Source: §57, 76 & 78 of the Social Security Code 1999

Unemployment Benefits

There is no provision for unemployment benefit under Burundian labour laws

Invalidity Benefits

Social Security Code provides invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. Worker must be assessed with at least 66.7% loss of physical or mental capacity, have at least 3 years (36 months) of contributions, including at least 6 months in the 12 months before the disability began. It is calculated similarly as old-age pension.

Source: §71-75 of the Social Security Code 1999
ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.
Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Burundi has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

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.

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

An 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)

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

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Burundi in French, please refer to: https://votresalaire.org/burundi
Regulations on fair treatment:

- Constitution of the Republic of Burundi, 2005
- Burundi Labour Code, 1993
- Ministerial Order n. 650/287, 7 November 1985

Equal Pay

In accordance with the Constitution of Burundi, the principle of equal remuneration for work of equal value applies between workers without any discrimination. Workers with similar qualification, working under the same conditions and having similar performance are eligible for equal pay regardless of their origin, sex and age.


Sexual Harassment

The law prohibits sexual harassment, including the use of orders, severe pressure, or threats of physical or psychological violence to obtain sexual favors. The sentence for sexual harassment ranges from fines (100,000 Francs to 500,000 Francs) to penalties of one month to two years of imprisonment. The sentence for sexual harassment doubles if the victim is less than 18 years old.


Non-Discrimination

Labour Code provides everyone equal opportunity and treatment in employment and at work, without any discrimination. It opposes any distinction, exclusion or preference based on race, colour, religion, sex, political opinion, and trade union activity, ethnic or social origin with respect to hiring, promotion, compensation and termination.

In accordance with the Constitution, all citizens are equal before the law without any discrimination because of their origin, race, ethnicity, sex, colour, language, social position, religious, philosophical or political beliefs, physical or mental disability or being infected with HIV / AIDS or any other incurable disease.

In accordance with a 2014 Anti-Trafficking Law, victims of trafficking cannot be subject to the discrimination linked in particular to the victim’s gender, religious belief, age, nationality and race.

A 2016 law on domestic violence requires enterprises to allow temporary reduction in working hours, reorganization of working time, and change in the workplace, suspension of employment contracts or resignation without notice to the victims of domestic violence on request of the worker and recommendation of the doctor.
Victims of gender based domestic violence may remain absent from work however it must be justified by a medical decision and employer must be informed within 72 hours of absence. Such absences are treated as paid leave. Workers are entitled to their job on expiry of the temporary suspension of contract related to domestic violence. An employer who does not respect these provisions is punishable with a fine of 0.5 to 1 million Burundian Francs.


**Equal Choice of Profession**

The Ministerial Order No. 650/287 states that women may not be employed for work that is dangerous and may adversely affect their health, and for works that may expose them to high risks. Women workers may not be involved in loads lifting. It is also prohibited to employ women in underground mines and quarries.

Economic violence, where a spouse prohibits the victim from use of family resources or from working, is prohibited under a 2016 law prohibiting domestic violence. A person who is guilty of economic violence is punishable by a fine of 20,000 to 100,000 Burundian Francs.

Source: Ministerial Order No. 650/287 from 7 November 1985; §2(s) and 50 of the Loi n° 1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre
ILO Conventions

Minimum Age: Convention 138 (1973)
Worst Forms of Child labour: Convention 182 (1999)

Burundi has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

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.

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.
Regulations on minors and youth:
- Burundi Labour Code, 1993
- Ministerial Order n. 630/1, 5 January 1981

Minimum Age for Employment

Minimum age for employment is 16 years. However, children (under 16 years of age) can still be employed in light work and for work which does not negatively affect their physical or moral development, or is not harmful to their health or does not impact their attendance at school or their ability to benefit from the instruction given in the school. A comprehensive list of light works allowed for children (12-16 years) is provided in the Ministerial Ordinance No. 630/1. The hours of work for children under 16 years can’t exceed 06 hours during a day. Education is compulsory in Burundi for 6 years, i.e., between the ages of 7 and 13 years. This stage is referred to as Primary Education.


Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. Ministerial Order 630/1 also establishes a list of occupations forbidden for children under age 18. It includes working with automobiles, using industrial tools such as metal cutters, working in slaughterhouses, mining minerals, and serving alcohol. The total hours of work for workers below 18 years of age may not exceed 08 hours a day. Night work is also prohibited for the children under 18 years of age.

Source: §9-15 & Chapter 5 of the Ministerial Order No. 630/1 from 5 January 1981
ILO Conventions

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.

Burundi has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

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

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.
Regulations on forced labour:
- Burundi Labour Code, 1993

Prohibition on Forced and Compulsory Labour

Forced Labour is prohibited under the Labour Code. In accordance with the Constitution of Burundi, a person cannot be held in slavery or in servitude. Slavery and trafficking in slaves are prohibited in all their forms. A 2014 law prohibits trafficking in persons for the purpose of slavery, sexual or economic exploitation. The law further prohibits use of deception or state of vulnerability of the victim for economic or sexual exploitation of an individual. It includes forced labour and debt bondage. A person who trafficks another person for exploitation of any kind is punishable with an imprisonment term ranging from one year to three years and a fine 100,000 to 500,000 Burundian Francs.


Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Source: §1-48 of the Labour Code 1993

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty five hours per week and eight hours a day. In certain circumstances, workers may be required to work overtime.

For more information on this, please refer to the section on compensation.

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Burundi has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

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.

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).

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.
Regulations on trade unions:

- Burundi Labour Code, 1993
- Constitution of the Republic of Burundi, 2005

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the Labour Code. In accordance with the Constitution, the right to found trade unions [syndicats] and to join them and the right to strike are recognized. The law may regulate the exercise of these rights and prohibit certain categories of persons to go on strike. In all the cases, these rights are prohibited to the members of the corps of defence and of security.

Trade unions are formed by the workers to protect their professional rights. Union members are free to elect their representatives and formulate their work program. They may draw up their own statutes and administrative regulations, as long as these are not contrary to laws in effect and public order.

The unions must get registered with the Ministry by filing their statutes and list of names of those responsible for management and administration. Copy of these documents is also submitted to the Inspectorate of Labour where the union is established. A trade union is registered by Ministry of Labour within 45 days of submission of required of documents. An employer is not allowed to interfere in a trade union's affairs and to support a union that is under his or an employer's organization control.


Freedom of Collective Bargaining

Labour Code recognizes right to collective bargaining. Collective bargaining agreement (CBA) is an agreement designed to regulate the relationship between the employer and the worker of an establishment. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions which are less favourable than those provided under the law, it cannot be enforced.

A CBA may be concluded for definite or indefinite time period. The duration of a CBA signed for definite time period is 2 to 5 years. The CBA of indefinite duration expires by the will of one of the party unless stated otherwise.

CBA is signed by all the parties and it is submitted to the Ministry of Labour to remove or modify any provisions that is contrary to the legislation and regulations. After approval, three copies of CBA are filed at the Court. Two copies are sent immediately by the tribunal secretary to the Ministry of labour. The CBA is then
published in official Bulletin. In case of any change in CBA, same procedure is followed again and it is mandatory to publish the revised CBA in the Official Bulletin.
The CBA is applicable from the day following its filing, unless otherwise stated in the agreement.

Labour Code provides for a National Labour Council which is a tripartite advisory body with equal representation from government, employer and worker sides. Worker and employer representatives in the Council are nominated by the respective representative bodies. The Council has following functions: study the elements on which to base the determination of minimum wage and its annual review; examine any matter relating to labour, work and employment; issue its opinions on regulations and legislation on labour issues. The Council must meet every quarter at the call of Minister for Labour who chairs the Council.

Burundi also has an Economic and Social Council, which is an advisory body and suggests policy reorientation, analyse social, economic and cultural problems of the country and give its opinions. The council has 20 members who are nominated by the President for a term of three years.


**Right to Strike**

Right to strike is provided under the Constitution and is regulated under the Labour Code. Only reasonable restrictions have been placed on the right to strike like banning solidarity strikes and requiring the provision of minimum service during strike action.

The strike is a stoppage of work coordinated and carried out within a company or an institution by a group of workers to obtain the satisfaction of claims presented to their employers and satisfaction of these claims is made a condition for resumption of work.

Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail. A strike is legal if it is approved by the majority of the workers and it is intended to promote professional economic interests or moral base of workers. A strike must occur after the completion of all the formalities and the employer must be informed at least 6 days prior to the proposed date of strike. Worker who are not participating in strike continue working during the strike.

During strike, the strikers must ensure minimum service, essential to the safety and maintenance of equipments and enterprise installation, in the company so that work can resume normally once the strike ends. Employment contract of strikers is suspended during the period of strike. Strike is considered illegal if it is contrary to
these provisions.

The strike ends with a direct agreement between the conflicting parties, by arbitration award or by a judicial decision. The work must be resumed immediately without any further delay.

DECENT WORK QUESTIONNAIRE
01/13 Work & Wages

1. I earn at least the minimum wage announced by the Government
   - National Regulation exists
   - National Regulation does not exist

2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)
   - National Regulation exists
   - National Regulation does not exist

02/13 Compensation

3. Whenever I work overtime, I always get compensation
   (Overtime rate is fixed at a higher rate)
   - National Regulation exists
   - National Regulation does not exist

4. Whenever I work at night, I get higher compensation for night work
   - National Regulation exists
   - National Regulation does not exist

5. I get compensatory holiday when I have to work on a public holiday or weekly rest day
   - National Regulation exists
   - National Regulation does not exist

6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it
   - National Regulation exists
   - National Regulation does not exist

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*
   - 1
   - 2
   - 3
   - 4*

8. I get paid during public (national and religious) holidays
   - National Regulation exists
   - National Regulation does not exist

9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week
   - National Regulation exists
   - National Regulation does not exist

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment
    - National Regulation exists
    - National Regulation does not exist

11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature
    Please tick "NO" if your employer hires contract workers for permanent tasks
    - National Regulation exists
    - National Regulation does not exist

12. My probation period is only 06 months
    - National Regulation exists
    - National Regulation does not exist

13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)
    - National Regulation exists
    - National Regulation does not exist

14. My employer offers severance pay in case of termination of employment
    Severance pay is provided under the law. It is dependent on wages of an employee and length of service
    - National Regulation exists
    - National Regulation does not exist

05/13 Family Responsibilities

15. My employer provides paid paternity leave
    This leave is for new fathers/partners and is given at the time of child birth
    - National Regulation exists
    - National Regulation does not exist

16. My employer provides (paid or unpaid) parental leave
    This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.
    - National Regulation exists
    - National Regulation does not exist

17. My work schedule is flexible enough to combine work with family responsibilities
    Through part-time work or other flex time options
    - National Regulation exists
    - National Regulation does not exist

06/13 Maternity & Work

18. I get free ante and post natal medical care
    - National Regulation exists
    - National Regulation does not exist

19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work
    - National Regulation exists
    - National Regulation does not exist

20. My maternity leave lasts at least 14 weeks
    - National Regulation exists
    - National Regulation does not exist

* 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

22. I am protected from dismissal during the period of pregnancy
   Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity

23. I have the right to get same/similar job when I return from maternity leave

24. My employer allows nursing breaks, during working hours, to feed my child

**07/13 Health & Safety**

25. My employer makes sure my workplace is safe and healthy

26. My employer provides protective equipment, including protective clothing, free of cost

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

28. My workplace is visited by the labour inspector at least once a year to check compliance of
   labour laws at my workplace

**08/13 Sick Leave & Employment Injury Benefits**

29. My employer provides paid sick leave and I get at least 45% of my wage during the first
   6 months of illness

30. I have access to free medical care during my sickness and work injury

31. My employment is secure during the first 6 months of my illness

32. I get adequate compensation in the case of an occupational accident/work injury or
   occupational disease

**09/13 Social Security**

33. I am entitled to a pension when I turn 60

34. When I, as a worker, die, my next of kin/survivors get some benefit

35. I get unemployment benefit in case I lose my job

36. I have access to invalidity benefit in case I am unable to earn due to a nonoccupational
   sickness, injury or accident

**10/13 Fair Treatment**

37. My employer ensure equal pay for equal/similar work (work of equal value) without any
   discrimination

38. My employer take strict action against sexual harassment at workplace

39. I am treated equally in employment opportunities (appointment, promotion, training and
   transfer) without discrimination on the basis of:*  
   Sex/Gender  
   Race  
   Colour  
   Religion  
   Political Opinion

* For a composite positive score on question 39, you must have answered “yes” to at least 9 of the choices.
| Nationality/Place of Birth | | | |
| Social Origin/Caste | | | |
| Family responsibilities/family status | | | |
| Age | | | |
| Disability/HIV-AIDS | | | |
| Trade union membership and related activities | | | |
| Language | | | |
| Sexual Orientation (homosexual, bisexual or heterosexual orientation) | | | |
| Marital Status | | | |
| Physical Appearance | | | |
| Pregnancy/Maternity | | | |

40. I, as a woman, can work in the same industries as men and have the freedom to choose my profession

11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden

42. In my workplace, children under 18 are forbidden for hazardous work

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice

44. My employer keeps my workplace free of forced or bonded labour

45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week

13/13 Trade Union Rights

46. I have a labour union at my workplace

47. I have the right to join a union at my workplace

48. My employer allows collective bargaining at my workplace

49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination
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:

- 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.