

DECENTWORKCHECK.ORG

Check

Decent Work Check Cameroon is a product of WageIndicator.org and
<https://votresalaire.org/cameroon/>



National Regulation exists



National Regulation does not exist

01/13 Work & 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 & 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 & 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"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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
<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

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 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

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 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

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

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

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"/>

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.

Cameroon scored 40 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.

DECENTWORKCHECK.ORG

01/13 Work & Wages

Regulations on work and wages:

Labour Code 1992

Minimum Wage

There are very limited provisions in Cameroonian labour law on minimum wage and these are found within the Labour Code of 1992.

In general, a decree enacted by the government upon consultation with the National Labour Advisory Board, establishes the minimum wage. Professional categories and their respective salaries are established by a collective agreement or enterprise level agreements.

Source: §62 of the Labour Code 1992

Regular Pay

Under the Labour Code the term wages is defined as the remuneration or the earnings capable of being assessed in cash and fixed, either by agreement or by regulation, which are due because of an employment contract between an employer and an employee, either because a work performed or that has to be performed, or for services provided or that have to be provided.

Wages are payable only in legal tender. Any other method of payment is considered unlawful. Apart from the case of trading and occupations where a different method for the frequency of payment is provided, the wages are to be paid at regular intervals not exceeding one month. The occupations, where the frequency of payment is different, are specified under an Order of the Minister in charge of Labour, issued in consultation with the National Labour Advisory Board. However, workers may, at their request, receive at the end of fifteen days a payment equal to half the monthly amount of their basic remuneration and in such case the balance due to them will be settled at the end of month.

Monthly payments are to be made not later than eight days following the end of the month of employment in respect of which the wages are dues. Moreover, upon the termination of the contract of employment, a final settlement of all wages and allowances is effected as soon as the employment ceases. However, in the case of dispute, the employer can obtain authorization from the President of the competent court to retain provisionally all or part or any attachable portion of the amount payable. Workers absent on pay day are entitled to draw their wages during the normal hours of opening of the pay office in accordance with the internal regulations of the enterprise. Lastly, wages are to be paid on working days only at or near the workplace and not in a public house or in a shop or store except in the case of workers who are normally employed therein.

DECENTWORKCHECK.ORG

Payment of wages must be evidenced by a document made out or certified by the employer or his representative and initialed by each worker or by two witnesses if the worker can neither read nor write English or French. In addition, these documents must be preserved by the employer in the same manner as accounting documents and should be made available, upon demand, to labour inspector. The employer should also, at the time of payment, give the worker an individual pay voucher.

Apart from compulsory levies, reimbursement of the value of any facilities provided for housing or food and any deposits which may be stipulated in collective agreements or individual contracts, no deductions from wages can generally be made. Some exceptions include:

- court order of attachment;
- deduction of trade union contribution from wages;

Any stipulation in a collective agreement or individual contract authorizing other levies is considered null and void.

The rate of the compulsory levies to be deducted from the wages will be determined by a decree issued by the government after consultation with the National Labour Advisory Board. Lastly, it is unlawful for employers to restrict in any way a worker's freedom to dispose of his wages as he thinks fit.

Source: §67-69 and 75-77 of the Labour Code 1992

DECENTWORKCHECK.ORG

02/13 Compensation

Regulations on Compensation:

Labour Code 1992

Decree on Deviations of Legal Working Hours

Decree No. 95-677 of 18 December 1995

Act Regulating Public Holidays in the United Kingdom of Cameroon

Act No. 73-05 of 7 December 1973

Overtime Compensation

There are no statutory provisions within the law on the normal limit of daily working hours and they can be extended for preparatory works or for technical reasons, for example in the following professions: engineers, electricians, drivers and distributors.

For every non-agricultural establishment, public or private, the duration of work cannot exceed 40 hours per week. However, in certain occupations, a higher number of hours are established as equivalent to 40 hours, e.g. for guards, surveillance staff and fire-fighting staff 56 hours, for medical staff (45 hours); and for retail workers (45 hours). The working hours must not exceed 60 hours per week.

Overtime may occur on a temporary basis for work necessary due to exceptional or seasonal overload of work; the impossibility of finishing work within a fixed time, and when recruitment of extra staff is not possible.

The employer can only require the staff to perform overtime work, if it is not possible to recruit supplementary workers in virtue of:

- The qualification and nature of the work to be performed;
- Organisation of the work posts in the establishment.

In case of urgent work or force majeure in non-working days, the employer can require the performance of overtime work, conditioned to the regularization by the labour inspector from the first working day after the referred period. Labour Code allows 20 hours of overtime work per week. No overtime is authorized on public holidays.

DECENTWORKCHECK.ORG

The overtime work performed entitles the worker to compensation as follows:

- a) Overtime during the day:
 - i. first 8 hours: 20% of the hourly salary;
 - ii. following 8 hours: 30% of the hourly salary;
 - iii. third instalment of hours (maximum 4 hours), up to 20 hours per week: 40% of the hourly salary;
- b) For overtime work performed on Sundays:
 - i. 40% of the hourly salary;
- c) Overtime during the night:
 - i. 50% of the hourly salary.
- d) Overtime performed according to the circumstance foreseen in art. 10(3), i.e., emergency and force majeure:
 - i. 50% of the hourly salary.

Source: §80 of the Labour Code 1992; §3, 4, 9-12 of the Decree on Deviations of Legal Working Hours, Decree No. 95-677 of 18 December 1995; §2 of the Act Regulating Public Holidays in the United Kingdom of Cameroon, Act No. 73-05 of 7 December 1973

Night Work Compensation

The Labour Code 1992 states that every work performed between 22:00 and 6:00. There is no premium payment for night work. The rate for working overtime during the night hours is 150% of the hourly salary.

It is worth nothing that night work for women and children is forbidden in Industries, but this does not apply to women occupying management positions and in services where they are not implicated in manual work.

Source: §8 of the the Labour Code 1992; Decree on Deviations of Legal Working Hours; Decree No. 95-677 of 18 December 1995

Compensatory Holidays / Rest Days

According to the Labour Code, the weekly rest period is compulsory, and it will be of at least 24 consecutive hours per week. The weekly rest period is usually Sunday and cannot be replaced by a compensatory indemnity.

As far as work on public holidays is concerned, no work is allowed on civil holidays though work on religious holidays is allowed for workers over eighteen years of age.

Domestic servants, and those establishments or services whose activities cannot be interrupted and enterprises that functions 24 hours a day are exempted from the above rules.

DECENTWORKCHECK.ORG

There are no provisions as to whether a compensatory rest period is allowed for working on a weekly rest day or public holiday

Source: §88 of the the Labour Code 1992; Act Regulating Public Holidays in the United Kingdom of Cameroon, Act No. 73-05 of 7 December 1973

Weekend / Public Holiday Work Compensation

Work on weekly rest day and public holidays is regulated under the legislation. If the overtime work is performed on Sunday, workers are entitled to 140% of the hourly salary.

A worker who performs his/her activities on a civil or religious holiday is entitled to 200% of the normal wage for working on that day.

Source: §12 of the Decree on Deviations of Legal Working Hours, Decree No. 95-677 of 18 December 1995; Act Regulating Public Holidays in the United Kingdom of Cameroon, Act No. 73-05 of 7 December 1973

DECENTWORKCHECK.ORG

03/13 Annual Leave & Holidays**Regulation on Annual Leave and Holidays:**

Labour Code 1992

Act Regulating Public Holidays in the United Kingdom of Cameroon

Act No. 73-05 of 7 December 1973

Paid Vacation / Annual Leave

The worker acquires the right to annual leave at the rate of one and a half days per month of effective service (18 working days of annual leave), paid by the employer. For workers under 18 years of age, 2.5 days per month of service (30 working days of annual leave) are allowed. For mothers, the annual leave is increased by either 2 working days for each child under six years of age or by one day if the mothers accrued leave does not exceed six days. Moreover, the annual leave is increased, taking into account seniority in the company, at the rate of 2 working days per each full period, whether continuous or not, of 5 years of service. The above legal provisions are the minimum and the parties to the contract can agree on more favorable duration of paid leave in collective or individual agreements.

Annual leave accrues after a year of service however the collective agreement or individual employment contract may raise the accrual period to two years.

Splitting of annual leave is allowed and leave of over 12 working days can be divided upon agreement of the parties. In this case, one of the fractions will be of at least 12 consecutive days. Compensation instead of leave is only possible when the contract is terminated before the worker has exercised his right to leave and in all other cases payment of compensation in lieu of leave is prohibited.

As far as payment for annual leave is concerned, the employer is required to pay the worker, at the latest the day before the start of the leave, an allowance which is determined by the government on the establishment of a decree after consultation with the National Labour Advisory Board.

Source: §89-93 of the Labour Code 1992

DECENTWORKCHECK.ORG

Pay on Public Holidays

The relevant legislation on the public holidays is the Act Regulating Public Holidays in the United Kingdom of Cameroon, Act No. 73-05 of 7 December 1973. The public holidays provided under the law are 10 and are as divided between civil and religious holidays:

Civil Holidays

1 January (New Year's Day); 11 February (Youth Day), 1 May (Labour Day), 20 May (National Day)

Religious Holidays

Ascension Day, Good Friday, Assumption Day (15 August), Christmas Day (25 December), End of Ramadan and Id-el-Kebir (the Feast of Sacrifice).

When a civil holiday falls on a Sunday the following day shall be deemed to be a public holiday. If a religious holiday falls on a Sunday or public holiday the President may by Order declare the following day a public holiday. Muslim religious holidays depend on the sighting of the moon.

Source: Act Regulating Public Holidays in the United Kingdom of Cameroon, Act No. 73-05 of 7 December 1973

Weekly Rest Days

The provision in law on Weekly Rest days is found in the Labour Code, which states that a weekly rest of 24 consecutive hours per week is compulsory. The weekly rest day is generally Sunday and cannot be replaced by a compensatory indemnity.

Source: §88 of the Labour Code 1992

DECENTWORKCHECK.ORG

04/13 Employment Security

Regulations on Employment Conditions:

Labour Code 1992

Order N017/MTPS/SG/CJ of 26 May 1993 setting the terms for probationary period

Order No 015 / MTPS / SG / CJ of 26 May 1993 determining the conditions and the period of notice

Order No 016 / MTPS / SG / CJ of 26 May 1993 laying down the procedures allocation and calculation of severance pay

Written Employment Particulars

A contract of employment may be concluded for a specified or unspecified duration. These are referred to as fixed term and indefinite term contracts.

A contract of specified duration is a contract whose termination is fixed in advance by both parties while a contract of an unspecified period is a contract whose termination is not fixed in advance and may be terminated at any time by the will of the parties, provided that the prior notice is served.

There may be also contracts for jobs on a temporary basis such as: replacement of an absent worker; replacement of a suspended worker; for completion of a piece of work within a specific time limit and requiring additional manpower; an occasional job aimed at coping with unexpected growth in the enterprise activities as a result of certain economic conditions; entailing urgent works to prevent imminent accidents, organizing emergency measures or repairing company equipment, facilities or buildings which are dangerous for the workers ; and a seasonal job generated by the cyclical or climatic nature of company activities.

There is no requirement that the contract of unspecified duration be written, however contracts for specified duration and those which require probationary hiring are required to be written. Although it is not clear what particular might be discussed in relation to contracts for specified duration, the law expressly states that for contracts based on probationary hiring, the employer and the worker must agree to appraise in particular, the worker's quality of services and his output, as concerns the employer and as concerns the worker, the working, living, wage, safety and hygiene conditions as well as the climate under the employer.

There are no provisions found within the law which stipulate within how many days of the commencement of the employment, an employee will be provided with such a letter.

A contract of employment concerning a foreign worker must be endorsed by the Minister in charge of Labour prior to its commencement. The application of endorsement is made by the employer. Where such endorsement is refused, the contract is null and void. If no decision is announced by the Ministry within two months of the receipt of application, the is deemed to have been endorsed.

Source: §25-28 of the Labour Code 1992

DECENTWORKCHECK.ORG

Fixed Term Contracts

The legal provisions on fixed term contracts are found in the Labour Code, which stipulates that a contract of employment can be concluded for a specified duration.

A contract of specified duration is a contract whose termination is fixed in advance by both parties. It may not be concluded for duration of more than (2) two years and is renewable once. At the expiry of such a renewal, the contract is transformed into indefinite contract. Thus, the maximum length of single fixed term contracts including renewals is 48 months.

There are however contracts of employment of a specified but non-renewable period, and those are as follows:

- a) A contract whose termination is subject to the occurrence, which does not depend exclusively on the will of the parties, of a future but certain event that is precisely indicated; and
- b) a contract concluded for the execution of a specified task.

However, there is no limit on the renewals involving contracts of temporary employment to replace a worker, employment to complete a task within a specified period which requires additional manpower, occasional work aiming at coping with unexpected growth in the activities of the company or entailing urgent tasks for reasons of public security and seasonal work.

Lastly, every contract of employment of specified duration exceeding three months, or requiring the worker to live away from his usual place of residence, must be written and a copy of the contract must be forwarded to the Labour Inspector.

Source: §25-27 of the Labour Code 1992

Probation Period

The Labour Code states that there will be probationary hiring where, prior to signing a final contract, the employer and the worker agree to appraise in particular, the worker's quality of services and his output, as concerns the employer and as concerns the worker, the working, living, wage, safety and hygiene conditions as well as the climate under the employer.

The duration for the probationary period varies between 15 days to 4 months according to the professional category of the worker. The law creates four categories of workers but fails to specify which workers will belong to each category. The period must be expressly agreed in writing at the time of probationary employment.

DECENTWORKCHECK.ORG

The probationary period may be renewed once and the consent for renewal must be given in writing by the worker before the expiration of the initial trial period. In the absence of such a stipulation, the probation is deemed conclusive and the worker is considered being hired permanently.

The probationary period cannot exceed six months, including any renewal, except in the case of managerial staff for which the period may be extended to eight months.

Source: §28 of the Labour Code 1992; Order N017/MTPS/SG/CJ of 26 May 1993 setting the terms for probationary period

Notice Requirement

A contract of employment of unspecified duration may be terminated at any time at the will of either party. A notice of contract termination must be given the party initiating the termination of contract. A written notice must be provided detailing the reasons for the termination. The notice period commences from the date of such notification and it cannot be set off against the leave period of the worker.

During the period of notice, the employer and the worker are bound to respect all the contractual obligations. For the purpose of seeking other employment, the worker must be allowed one day off (with full wages) during each week after a contract termination notice has been served. Where such obligations are not respected by one of the parties, no period of notice will be enforceable on the other party.

The notice period varies according to the professional category to which the worker belongs and the length of service. For Categories I to VI and domestic workers, the following notice period is followed:

- a. if the period of service is less than one year, the notice period is 15 days;
- b. if the period of service is between 1 to 5 years, the notice period is one month; and
- c. if the period of service is more than 5 years, the notice period is two months.

For Categories VII to IX, the notice requirement is as follows:

- a. if the length of service is less than a year, the required notice period is one month;
- b. if the length of service is between 1 to 5 years, the notice period is 2 months; and
- c. if the length of service is more than 5 years, the required notice is 3 months.

For Categories X to XII, the required notice period is 1 month, 3 months and 4 months respectively for above referred lengths of employment.

Whenever a contract of employment of unspecified duration is terminated without notice or without the full period of notice being observed, the employer must pay to the employee compensation corresponding to the remuneration including any bonuses and allowances which the employee would have received for the period of notice. An employment contract can be terminated without notice in cases of serious misconduct, subject to the findings of the competent court of law as regards the gravity of the misconduct.

DECENTWORKCHECK.ORG

As far as contract of employment of specified duration is concerned, it may not be terminated prior to its expiry save in the case of gross misconduct, force majeure, or by the written consent of both parties. Probationary hiring contracts will be terminable without notice and without either party having a claim to compensation.

Source: §34-38 and 43 of the Labour Code, 1992; Order No 015 / MTPS / SG / CJ of 26 May 1993 determining the conditions and the period of notice

Severance Pay

Severance pay is regulated under the Labour Code. Where a contract of employment of unspecified duration is terminated by the employer, the worker with at least two successive years of seniority in the enterprise is entitled to severance pay distinct from pay in-lieu-of notice which is determined according to the worker's seniority.

Severance pay corresponds to a percentage of the monthly overall wages per year of service and is set according to the length of service as follows:

- i. 20% of monthly wage per year during the first 5 years of service;
- ii. 25% of monthly wage per year from the 6th to the 10th year of service;
- iii. 30% of monthly wage per year from the 11th to the 15th year of service;
- iv. 35% of monthly wage per year from the 16th to the 20th year of service;
- v. 40 % of monthly wage per year after the 21st years of service.

Source: §37 of the Labour Code, 1992; Order No 016 / MTPS / SG / CJ of 26 May 1993 laying down the procedures allocation and calculation of severance pay

DECENTWORKCHECK.ORG

05/13 Family Responsibilities**Regulations on employment conditions for Parents:**

Labour Code, 1992

Paternity Leave

The law does not include explicit provisions about paternity leave. However, employees can take a maximum of ten days per year of paid special leave of absence, not deductible from annual leave on the occasion of family events directly concerning their own home.

Source: §89 of the Labour Code, 1992

Parental Leave

The law does not contain any provisions for parental leave, however a special leave of absence is allowed, details of which are mentioned above under paternity leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located within the law on flexible work for parents of minor children.

DECENTWORKCHECK.ORG

06/13 Maternity & Work

Regulations on maternity and work:

Family Allowance Code, Act No. 67-LF-7, dated 12 June 1967 amended by Law No. 2001/018 of 16 December 2001

Ordinance relating to the Employment of Women

Ordinance No. 16 of 1969, dated 27 May 1969

Ordinance Fixing the Conditions of Attribution and the Modes of Payment of the Family Allowances, Ordinance No. 007-MTLS-DPS, dated 14 April 1970 established by Act No. 67 -LF-7 dated 12 June 1967

Labour Code, 1992

Free Medical Care

The Labour Code requires employers to provide certain medical services for workers and their immediate family members through their own medical services.

Employed women receive 1,400 CFA francs toward medical childbirth expenses and 200 CFA francs for each prenatal and pediatric examination for up to six months.

Government healthcare facilities provide some free medical care.

Medical care includes 2 medical examinations that women must undergo to receive prenatal allowances, medical care for confinement and a medical examination for the child when he/she reaches 6 months of age.

Source: Family Allowance Code, Act No. 67-LF-7, dated 12 June 1967 amended by Law No. 2001/018 of 16 December 2001; Ordinance Fixing the Conditions of Attribution and the Modes of Payment of the Family Allowances; Ordinance No. 007-MTLS-DPS, dated 14 April 1970 established by Act No. 67 -LF-7 dated 12 June 1967; §98 of the Labour Code, 1992

No Harmful Work

In general, work exceeding women's strength, dangerous or unhealthy work and work of immoral nature are prohibited for women.

No pregnant woman may be required to carry, push or drag loads which are beyond her strength during pregnancy and the 3 months following confinement. Furthermore, women workers may request the labour inspector to order an examination by an approved medical practitioner in order to ascertain that the work which is given to them is not beyond their strength.

DECENTWORKCHECK.ORG

A woman worker may not be kept on a job which has been found to be beyond her strength, and must be transferred to more suitable work. If this is not possible, the contract is terminated without notice and without either party being responsible.

Source: §83 and 87 of the Labour Code 1992; §6-15 of the Ordinance relating to the Employment of Women, Ordinance No. 16 of 1969, dated 27 May 1969

Maternity Leave

Every pregnant woman is entitled to maternity leave for a period of 14 weeks (4 weeks prenatal and 10 weeks post-natal leave).

The maternity leave can be extended by 6 weeks (to a total of 20 weeks) in case of illness duly attested and resulting either from the birth or the pregnancy.

During the period of maternity leave, the employer cannot terminate the employment contract of the woman. Where the confinement occurs before the due date, the rest period will be extended so that the worker receives the full 14 weeks of leave to which she is entitled. Where the confinement occurs after the due date, leave taken before may be extended to the date of confinement without such extension leading to the reduction of the postnatal leave.

Lastly, maternity leave is granted to all women employees as well as apprentices.

Source: §1 and 84 of the Labour Code 1992; §16 of the Ordinance relating to the Employment of Women, Ordinance No. 16 of 1969, dated 27 May 1969

Income

Every employee covered by the Labour Code can receive family benefits. The Social Security provides various types of cash benefits before and after childbirth (prenatal allowances, maternity allowances and daily allowances for salaried workers when they stop work to give birth).

In order to qualify for prenatal allowance, the woman has to be employed or be a spouse of a male employee. She has to notify her pregnancy to the National Social Insurance Fund and undergo two medical examinations, one within the 3rd and 4th month of pregnancy, which indicates the presumed date of confinement and another examination within the beginning of the 7th and the end of the 8th month of pregnancy. Women receive their allowances in two payments, one after the first medical examination and the other after the second medical examination. If they do not comply with the condition of undergoing medical examinations, the allowance is suspended.

DECENTWORKCHECK.ORG

For maternity allowance, in addition to being employed or being the spouse of a male worker, a pregnant worker has to present a medical birth certificate to the National Social Insurance Fund and declare to the civil authorities the birth of the child and present an official birth certificate to the Fund within 12 months of the child birth.

The Prenatal allowances are two payments after each of the medical examinations, while the maternity allowance is 100% of the amount of wages received before maternity leave for the period of maternity leave. Lastly, maternity benefits are paid in one amount after birth or immediately when they are claimed.

As mentioned earlier, the National Social Insurance Fund is responsible for the provision of these benefits.

Source: §1 and 84 of the Labour Code 1992; §13-17 and 25 of the Family Allowance Code, Act No. 67-LF-7, dated 12 June 1967; §8-14 of the Ordinance Fixing the Conditions of Attribution and the Modes of Payment of the Family Allowances, Ordinance No. 007-MTLS-DPS, dated 14 April 1970 established by Act No. 67 -LF-7 dated 12 June 1967

Protection from Dismissals

An employer may not dismiss a woman because of her pregnancy or during maternity leave. However, a woman worker whose pregnancy has been medically certified or who is nursing her child may terminate her employment contract without notice and without being obliged to pay compensation on that account.

Source: §84 and 85 of the Labour Code 1992

Right to Return to Same Position

No provisions on the right to return to the same position for women workers after availing maternity leave could be found within the law. However, since employment of a worker is secure during maternity leave, it can be inferred that the worker has the right to return to the same position.

Breastfeeding/ Nursing Breaks

For a period of 15 months following the birth of the child, the mother is entitled to nursing breaks. The total duration of the breaks cannot exceed one hour per day. It can be taken in several parts according to the rules of the enterprise or the agreement of the parties. In addition, these breaks are mandated to be taken during the working time and are paid.

In enterprises where more than 50 women are permanently employed, a clean, separate nursing room near the place of work with seats, drinking water, and facilities for heating bottles and food must be provided.

Source: §85 of the Labour Code 1992; §18 and 19 of the Ordinance relating to the Employment of Women, Ordinance No. 16 of 1969, dated 27 May 1969

DECENTWORKCHECK.ORG

07/13 Health & Safety

Regulations on health and safety:

Labour Code 1992

DECREE No. 039 / MTPS / IMT of 26 November 1984 laying down general hygiene and safety in the workplace

Decree No. 79-96 of 21 March 1979 laying down the procedures for the exercise of medicine

Employer Cares

Every enterprise and establishment must provide medical and health services for their employees. According to the size and nature of the establishment, its location and the medical infrastructure available, the medical and health service must be organized either in the form of a separate service within the establishment concerned or in the form of a joint service for several establishments, or on the basis of an agreement made with a public or private hospital. The employer is directly responsible for the implementation of all preventive health and safety measures to ensure the protection of workers' health.

No worker is allowed to work without having undergone a medical examination upon recruitment and a periodical one. The employer must provide the workplace with emergency workers to provide first-aid in case of accidents and appropriate equipment for first-aid and transport of the injured.

Another responsibility for the employer is to create a hygiene and safety committee in establishments employing at least fifty workers. The committee is composed of staff representatives, the employer or his representative and the occupational physician.

The occupational hygiene and safety committee is responsible for:

- a. proceeding to inquiries in case of serious occupational accidents and diseases in order to determine the causes and propose specific measures to remedy them;
- b. making any suggestions to improve the working conditions;
- c. establishing and implementing programs to improve health and safety requirements in relation to enterprise activities;
- d. dissemination of information on health protection of workers and proper work procedures;

Source: §98 and 99 of the Labour Code 1992; DECREE No. 039 / MTPS / IMT of 26 November 1984 laying down general hygiene and safety in the workplace; Decree No. 79-96 of 21 March 1979 laying down the procedures for the exercise of medicine

Free Protection

The employer has a duty to ensure to his workers, considering their activities, the supply, maintenance and renewal of the collective and personal protective means which are recognized as effective.

Every worker must strictly comply with the legal and regulatory provisions relating to hygiene and safety at the workplace as well as with the employer's instructions and with the rules of procedure's prescriptions, especially with the use and maintenance of the personal protective equipment which has been provided.

DECENTWORKCHECK.ORG

There is no detail on what equipment is to be provided and neither there is any information on whether this equipment is to be provided free of cost.

Source: DECREE No. 039 / MTPS / IMT of 26 November 1984 laying down general hygiene and safety in the workplace

Training

When hiring workers or when introducing new working methods, the employer must provide workers with all the information concerning occupational risks and the measures to be taken to avoid them, including the use of protective systems.

There are no provisions on what type of training is to be provided to the workers and on what occasions.

Source: DECREE No. 039 / MTPS / IMT of 26 November 1984 laying down general hygiene and safety in the workplace

Labour Inspection System

The Directorate of Health and Safety at Work and the National Commission on Industrial Health and Safety are the competent authorities in the field of occupational safety and health.

Under the Labour Code, labour inspectors with the proper credentials are empowered to enter any establishment liable to inspection, freely and without warning at any time of the day or night, for the purpose of inspection. In addition, these inspectors also have powers to carry out any examination, control or inquiry which they consider necessary to ascertain that the laws in force are strictly complied with and, in particular:

- i. to interrogate, alone or in the presence of witnesses, the employer or the staff of the enterprise on any matters concerning the application of the laws and regulations in force;
- ii. to ask for any books, registers and documents the keeping of which is prescribed by laws or regulations relating to conditions of employment, in order to ensure that they conform with the laws and regulations in force and to copy such documents or make extracts from them;
- iii. to enforce the posting of notices where this is required by the laws and regulations in force;
- iv. to take and carry away for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples taken and carried away for such purpose.

Any breach of the provisions of the order laying down the general measures on hygiene and safety in the workplace are noted by the labour inspectors and occupational health physicians.

Source: §95, 108 and 120 of the Labour Code 1992; DECREE No. 039 / MTPS / IMT of 26 November 1984 laying down general hygiene and safety in the workplace; Decree No. 2005/085 on the organization of the Ministry of Labour and Social Security

DECENTWORKCHECK.ORG

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

Labour Code 1992

Law No. 77-11 of 13 July 1977 on the repair and prevention of accidents and Occupational diseases

Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

Income

There is no specific information within the law which allow for the workers to take leaves in case of illness, the duration of such leave, the procedure on how they are to be taken and what income they are paid during this leave.

However, implicitly, there are provisions on duly certified absence due to illness. The Labour Code further provides that during the worker's absence in the case of illness duly certified by a medical practitioner approved by the employer or one belonging to a hospital establishment recognized by the State, employment contract of a worker is suspended if the length of absence does not exceed six months. The period is extended until such time the worker is replaced.

Depending on the type of contract and the employment sector, up to 100% of the employee's earnings are paid for up to six months.

Source: §32 and 89 of the Labour Code 1992; Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

Medical Care

Although there is a general duty on the employers to provide medical facilities in the working place to the employees, no provisions could be found within the law which allow for employees to be entitled to free medical care in their period of illness nor there any provisions on sharing of medical costs during the sick leave.

Workers are entitled to medical benefits which include medical and surgical care, hospitalization, medicine, appliances, X-rays, laboratory services, and rehabilitation.

Source: Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

DECENTWORKCHECK.ORG

Job Security

Implicitly, there are provisions on duly certified absence due to illness. The Labour Code further provides that during the worker's absence in the case of illness duly certified by a medical practitioner approved by the employer or one belonging to a hospital establishment recognized by the State, employment contract of a worker is suspended if the length of absence does not exceed six months. The period is extended until such time the worker is replaced.

Depending on the type of contract and the employment sector, up to 100% of the employee's earnings are paid for up to six months.

Source: §32 and 89 of the Labour Code 1992

Disability / Work Injury Benefit

The law on work injury benefit in Cameroon is from 1977. It covers Employed persons, apprentices, seamen, students in technical schools, persons in vocational retraining and rehabilitation, persons working in the national civic and development service. However, civil servants and self-employed persons are excluded.

The employer provides the main funding for such benefits, amounting to 1.75%, 2.5%, or 5% of gross payroll, according to the assessed degree of risk.

For temporary disability, 66.7% of average monthly earnings in the three months before the disability began are paid from the day after the disability began until full recovery or certification of permanent disability.

If the insured person is assessed with a total disability, 85% of the average monthly earnings in the three months before the disability began are paid. The minimum monthly earnings used to calculate benefits are the legal monthly minimum wage (36,270 CFA francs).

If the insured requires the constant attendance of others to perform daily functions, the legal minimum wage is paid.

In the case of partial disability, for an assessed degree of disability of at least 20%, a percentage of the full pension is paid according to the assessed degree of disability. If the assessed degree of disability is less than 20%, a lump sum of 10 years of the partial disability pension is paid.

As far as survivor benefits are concerned, 85% of the deceased worker's average monthly earnings in the last three months is paid, and is split among the eligible survivors according to a schedule in law. Eligible survivors include a surviving spouse, children younger than 14 (18 years for apprentices and 21 years for full-time students disabled), and dependent parents.

Source: Law No. 77-11 of 13 July 1977 on the repair and prevention of accidents and Occupational diseases; Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

DECENTWORKCHECK.ORG

09/13 Social Security

Regulations on social security:

Law No. 69 / LF / 18 OF 10 November 1969 establishing an old-age insurance plan, disability and death Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

Pension Rights

The law on Pension rights in Cameroon is from 1969 (implemented first in 1974). It covers employed persons only. There is a special regime for civil servants.

As far as funding is concerned, the insured person contributes 2.8% of covered earnings while the employer's contribution amounts to 4.2% of the covered payroll. The minimum monthly earnings used to calculate contributions are the legal monthly minimum wage. The legal monthly minimum wage is 36,270 CFA francs while the maximum monthly earnings used to calculate contributions are 750,000 CFA francs.

In order to be eligible for receiving pension, a person must be aged 60 with at least 20 years of coverage and at least 180 months of contributions, including 60 months in the last 10 years and the employment must have ceased.

For early pension, the age is 50 with at least 20 years of coverage and at least 180 months of contributions, including 60 months in the last 10 years.

The amount of old age pension is 30% of the insured worker's average monthly earnings in the last three or five years (whichever is greater) plus 1% of average monthly earnings for each 12-month period of contributions exceeding 180 months. The minimum pension is 50% of the legal monthly minimum wage, while the maximum pension is 80% of the insured's average monthly earnings.

There is also provision for old age allowance/grant if the worker does not meet the requirement of 180 months of contributions. A lump-sum of the insured worker's average monthly earnings multiplied by a number of 12-month periods of coverage is paid.

Source: Law No. 69 / LF / 18 OF 10 November 1969 establishing an old-age insurance plan, disability and death; http://www.cnps.cm/index.php?option=com_content&view=article&id=95&Itemid=133&lang=en; Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

DECENTWORKCHECK.ORG

Dependents' / Survivors' Benefit

For the survivors to qualify for getting the old-age pension of the deceased, the insured person must have had received or was entitled to receive an old-age or disability pension at the time of death, or had at least 180 months of coverage. Eligible survivors include a widow(er) at any age, children younger than age 14 (18 years for apprentices, 21 years for full time student or disabled), and dependent parents. The widow(er)'s pension ceases on remarriage.

A spouse's pension is 50% of the old-age or disability pension the deceased received or was entitled to receive. If there is more than one widow, the pension is split equally. For orphans, the survivor benefit is 15% of the old age or disability pension. The benefit is raised to 25% for each full orphan. The parents of the deceased that are classified as dependents receive 10%, which is paid to each eligible parent.

If there is no surviving widow(er), child, or dependent parent, the pension is split equally among other relatives. All survivor benefits combined must not exceed 100% of the old-age pension the deceased received or was entitled to receive.

A survivor grant amounting to a lump sum of 30% of the deceased's average monthly earnings multiplied by the number of six-month periods of contributions is paid. If there is more than one survivor, the grant is split equally.

Source: Law No. 69 / LF / 18 OF 10 November 1969 establishing an old-age insurance plan, disability and death; http://www.cnps.cm/index.php?option=com_content&view=article&id=95&Itemid=133&lang=en; Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

Unemployment Benefits

Apart from the employer giving severance pay to the employee, there are no other provisions in law which enables an unemployed person to obtain benefits. For more on severance pay, please refer to the section on severance pay.

Invalidity Benefits

In order to get invalidity benefits, the relevant person must be younger than 60 with at least a 66.66% assessed loss of earning capacity and at least five years of coverage, including at least six months of contributions in the last year.

There is no contribution requirement if the disability is the result of a non-work-related accident. The disability pension ceases at the normal retirement age and is replaced by an old-age pension of the same value, including the value of any constant-attendance supplement.

DECENTWORKCHECK.ORG

The benefit is 30% of the insured person's average monthly earnings in the last three or five years (whichever is greater) plus 1% of average monthly earnings for each 12-month period of contributions exceeding 180 months. For each year, a claim is made before the insured person reaches age 60, the insured is credited with a six-month insurance period.

Source: Law No. 69 / LF / 18 OF 10 November 1969 establishing an old-age insurance plan, disability and death; http://www.cnps.cm/index.php?option=com_content&view=article&id=95&Itemid=133&lang=en; Social Security Profile for Cameroon 2017 (SSPTW Africa 2017)

DECENTWORKCHECK.ORG

10/13 Fair Treatment

Regulations on fair treatment:

Labour Code 1992

Penal Code

Constitution of the Republic of Cameroon 1972

Civil Status Registration Ordinance No. 81-02 of 29 June 1981

Equal Pay

Under the Labour Code, workers are entitled to the same remuneration for the same type of work and level of efficiency irrespective of their origin, sex, age, status and religion.

Source: §61 of the Labour Code 1992

Sexual Harassment

No provisions could be found within the labour law relating to preventing sexual harassment at work.

There is no specific law on gender-based violence in Cameroon however Penal Code criminalizes harassment. Sexual harassment is punished by article 302-1 of the Penal Code, which states: Whoever abuses the authority of his position to harass another by giving orders, making threats, imposing constraints or exerting pressure in order to obtain sexual favours shall be punished with imprisonment for a period of six months to one year and with a fine of 100,000 to one million francs. (2) The penalty shall be imprisonment for one to three years where the victim is a minor. (3) The penalty shall be imprisonment of three to five years where if the offender is in charge of the education of the victim.

Source: §302-1 of the Penal Code

Non-Discrimination

Under the constitution, every person has the right and the obligation to work.

According to the Labour Code, worker means any person, irrespective of sex or nationality, who has undertaken to place his services in return for remuneration, under the direction and control of another person, whether an individual or a public or private corporation, considered as the "employer".

The right to work is recognized as a basic right of each citizen and the State must therefore make every effort to help citizens to find and secure their employment. Moreover, work is a national duty incumbent on every able-bodied adult citizen.

DECENTWORKCHECK.ORG

Other than Labour Code, the collective agreements and the General Statute on the Civil Service do not discriminate in any way regarding access to employment. The Labour Code also devotes its chapter 3 to initiatives specific to women.

Under articles 12 and 13 of the Decree no. 94/199 of 7 October 1994 on the general regulations of civil service, access to the civil service is open, without discrimination, to any person of Cameroonian nationality meeting the relevant age criteria, namely at least 17 years of age, and at most 30 or 35 years of age for, respectively, category "C" and "D" or category "B" civil servants, subject to meeting physical ability and moral integrity requirements.

There is no definition of discrimination provided within the law, neither any ground for its prohibition.

Source: Preamble of the Constitution of the Republic of Cameroon 1972; §1 and 2 of the Labour Code 1992

Equal Choice of Profession

Labour Code prohibits engagement of women in all jobs performed by men. An Order by the Minister in charge of labour, issued after consultation with the National Commission on Industrial Hygiene and Safety, specifies the types of tasks which women and pregnant women respectively must not perform. The Order could not be located.

Decree 81-02 of June 29, 1981 allows a husband to oppose his wife's employment by invoking the interest of the household and children. Nevertheless, the husband can enforce this right only by seeking a decision from the president of the court.

The Labor Code provides for complete freedom in negotiating an employment contract.

Source: The Civil Status Registration Ordinance No. 81-02 of 29 June 1981

DECENTWORKCHECK.ORG

11/13 Minors & Youth

Regulations on minors and youth:

Constitution of the Republic of Cameroon 1972

Labour Code 1992

Law No. 98/004 OF 4 April 1998 on Guidance of education in Cameroon

Order No. 17 of 27 May 1969 on Child Labour

Decree on Deviations of Legal Working Hours

Decree No. 95-677 of 18 December 1995

Minimum Age for Employment

The Labour Code stipulates that no child is to be employed in an enterprise even as an apprentice before the age of 14 (fourteen) years, except as otherwise authorized by Order of the Minister in charge of Labour, taking account of local conditions and the jobs which the children may be asked to do.

Young persons under 18 (eighteen) years of age may in no case be employed on board a ship as a trimmer or stocker, and that when children and young persons under 18 (eighteen) years of age are to be embarked on ships other than those on which only members of the same family are employed, they will be medically examined to ascertain their fitness for work on board a ship and a medical certificate will be made out attesting fitness for such work and signed by an approved medical practitioner.

An Order of the Minister in charge of Labour specifies the types of work and categories of enterprises in which young people are not to be employed, and the age-limit to which the prohibition shall apply. No such order could be located however.

Under the Constitution, the State guarantees the child's right to education. Primary education is compulsory and the age for compulsory education is 11 years.

Source: Preamble of the Constitution of the Republic of Cameroon 1972; §86 of the Labour Code 1992; §9 and 16 of the Law No. 98/004 OF 4 April 1998 on Guidance of education in Cameroon

Minimum Age for Hazardous Work

The minimum age for hazardous work is 18 years and the legal provision is contained in Order No. 17 of 27 May 1969 on Child Labour. Although there are no provisions on the prohibition of overtime work for children, with respect to night work, the law expressly stipulates a prohibition, whereby young persons under 18 are not to undertake work at night in Industries.

Source: §8 of the Labour Code 1992; §9-23 of the Order No. 17 of 27 May 1969 on Child Labour; Decree on Deviations of Legal Working Hours; Decree No. 95-677 of 18 December 1995

DECENTWORKCHECK.ORG

12/13 Forced Labour

Regulations on forced labour:

Constitution of the Republic of Cameroon 1972

Labour Code 1992

Penal Code 1967

Law No. 2011/024 of 14 December 2011 on the fight against trafficking and trafficking in persons

Order No 015 / MTPS / SG / CJ of 26 May 1993 determining the conditions and the period of notice

Decree on Deviations of Legal Working Hours

Decree No. 95-677 of 18 December 1995

Prohibition on Forced and Compulsory Labor

The provisions against forced labour and slavery are contained in the Labour Code, the Penal Code and the anti-trafficking law.

Under the Labour Code, forced or compulsory labour is forbidden, and will mean any labour or service demanded of an individual under threat of penalty, being a labour or service which the individual has not freely offered to perform. However, it will not include:

- any work or service exacted by virtue of compulsory military service laws and regulations for work of a purely military nature;
- any work or service in the general interest forming part of the civic obligations of citizens as defined by the laws and regulations;
- any work or service exacted from any person as a consequence of a conviction in a court of law;
- any work or service exacted in cases of force majeure, that is to say, in the event of war, disaster or threatened disaster, such as fire, flood, severe violent epidemic or epizootic diseases, invasion by animals, insects or plant pests, and in general, any occurrence that would endanger or threaten to endanger the existence of the well-being of all or part of the population.

Under the Penal Code, Article 292 and 293, the penalty for imposing forced labour and slavery is an imprisonment of one to five years and a fine of 10,000 to 500,000 francs and an imprisonment of ten to twenty years respectively. While the penalty of the trafficking of persons in order to exploit them for labour is an imprisonment of 10-20 years and a fine of 50,000 to one million francs.

Source: §2 of the Labour Code 1992; §292 and 293 of the Penal Code 1967; §1-6 of the Law No. 2011/024 of 14 December 2011 on the fight against trafficking and trafficking in persons

DECENTWORKCHECK.ORG

Freedom to Change Jobs and Right to Quit

The Constitution and the Labour Code recognize the right of the individual to work. The law also allows the individual to quit their job upon serving of notice. The notice period varies according to the professional category to which the worker belongs and the length of service.

For more information on the length of termination notice, please refer to the section on notice requirement.

Source: Preamble of the Constitution of the Republic of Cameroon 1972; §1-2 of the Labour Code 1992; Order No 015 / MTPS / SG / CJ of 26 May 1993 determining the conditions and the period of notice

Inhumane Working Conditions

For every non-agricultural establishment, public or private, the duration of work cannot exceed 40 hours per week. However, in certain occupations, a higher number of hours are established as equivalent to 40 hours. Under no circumstances may duration of 60 hours be exceeded. The maximum overtime hours are 20 hours per week. No overtime will be authorized on public holidays.

Source: §80 of the Labour Code 1992; §3-12 of the Decree on Deviations of Legal Working Hours, Decree No. 95-677 of 18 December 1995

Regulations on trade unions:

Constitution of the Republic of Cameroon 1972

Labour Code 1992

Decree No. 93/578 of 15 July 1993 laying down the substantive and form applicable to collective labour agreements

Freedom to Join and Form a Union

Under the Constitution, the freedom of association and of trade unionism is guaranteed under the conditions fixed by law.

The law recognizes the right of workers and employers, without distinction whatsoever, to set up freely and without prior authorization (trade unions or employers' associations), associations for the study, defense, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural nature, and for the social, economic, cultural and moral advancement of their members. However, all activity by such unions and associations which is not connected with the furtherance of the above objectives is prohibited.

Every worker and employer have the right to join a trade union or employers' association of his own choice in his occupation or kind of business.

Workers are protected from any acts of anti-union discrimination in respect of their employment and any practice tending to make their employment subject to their membership or non-membership in a trade union or to cause their dismissal or other prejudice by reason of union membership or non-membership or participation in union activities.

Trade union membership is related to the gainful employment of worker in an enterprise. However, a person who has ceased to be gainfully occupied may continue to be a member of his trade union, provided he has carried on his occupation for at least (6) six months, and is engaged in union activity or is appointed by virtue of his occupation to a post for which provision is made by laws and regulations

Source: Preamble of the Constitution of the Republic of Cameroon 1972; §3-4 and 7 of the Labour Code 1992

DECENTWORKCHECK.ORG

Freedom of Collective Bargaining

Under the Labour Code, a collective agreement is an agreement intended to regulate labour relations between employers and workers either of an enterprise or group of enterprises or of one or more branches of activity. This agreement is concluded between:

- The representatives of one or more trade unions or a federation of trade unions on the one hand; and
- The representatives of one or more employers' associations or any other group of employers or one or more employers acting individually on the other hand.

A collective agreement may contain more favorable terms to workers than those under the law and regulations in force and will define its scope of application which may be national, interdivisional or local.

The text of every collective agreement is published free of charge in the Official Gazette by the Minister in-charge of Labour as soon as he has been notified that it has been deposited at the registry of the competent court. However, before such publication, the Minister in charge of Labour may invite the contracting parties to amend or delete any provisions of the said text which may be repugnant to existing laws and regulations.

Every collective agreement is concluded for an indefinite period and will provide in what form and at what time of execution it can be made. It will specify the period of notice; failing which the period of notice will be three (3) months. It must be on plain paper and must be signed by each negotiator.

In addition to the indications of its professional and territorial scope, the place and the date of its conclusion, the designation of the contracting parties, the names of the signatories, the agreement must contain provisions concerning:

- a) the free exercise of trade union rights and freedom of opinion of workers;
- b) the conditions for hiring and firing workers;
- c) the duration of the trial period, the conditions and the period of notice;
- d) severance pay;
- e) job classification and pay scales;
- f) the specific arrangements for the allocation of housing;
- g) travel allowance;
- h) the special conditions of work: overtime, night work, Sunday and public holidays, shift work;
- i) leave increases for seniority;
- j) the travel and transportation when they are borne by the employer;
- k) the organization and functioning of learning and vocational training in the framework of the relevant industry;
- l) The review procedure, modification and termination of all or part of the agreement collective.

DECENTWORKCHECK.ORG

It may also contain, but are not limited to, provisions concerning:

- a) the attendance bonus;
- b) compensation for professional and related costs;
- c) the basket premium for workers to take their meals at the work place;
- d) increases for heavy, dangerous, unhealthy, and in general, all provisions aiming to solve or improve the working relationship between employers and workers not covered by laws and regulations

Source: §52-60 of the Labour Code 1992; §5-7 of the Decree No. 93/578 of 15 July 1993 laying down the substantive and form applicable to collective labour agreements

Right to Strike

The Constitution guarantees the right to strike under the conditions fixed by law.

Under the Labour Code, any dispute which is characterized by the intervention of a group of wage-earning workers, whether or not the said workers are organized in trade unions and the collective nature of the interests at stake is deemed to be a collective labour dispute.

Initially, the settlement of any collective labour dispute is subject to the conciliation and arbitration procedures. However, if these procedures have been exhausted and they have failed to affect a settlement, any party may proceed to initiate a strike or a lock-out.

A strike is collective or concerted refusal by all or part of the workers of an establishment to comply with the normal labour rules, in order to bring the employer to meet their demands or claims. A lock-out is the locking of an establishment by the employer in order to bring pressure to bear on workers on strike or threatening to go in strike.

A lock-out or strike undertaken in contravention of the above provisions may have the following consequences:

- In case of a lock-out, the employer may:
 - be required to pay workers' wages for the days so lost;
 - Be declared, for a period of not less than two years, ineligible for membership of a chamber of commerce and prohibited from participating in any way whatsoever in any works or in any supplies contract involving the state or a local council. Such ineligibility will be pronounced by an ordinary court on the application of the Minister in charge of Labour.
- In case of a strike, the workers may:
 - see their contracts terminated on grounds of serious misconduct;
 - be punished with fine of from 20,000 to 100,000 CFA francs

Source: Preamble of the Constitution of the Republic of Cameroon 1972; §157-165 of the Labour Code 1992

01/13 Work & Wages

ILO Conventions on Work and Wages:

Minimum wage: Convention 131 (1970)

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

Cameroon has ratified the Convention 95 & 131 only.

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)

Cameroon has not ratified both the Conventions 01 & 171.

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.

DECENTWORKCHECK.ORG

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.

Cameroon has ratified the Convention 14, 106 & 132 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

Cameroon has 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).

DECENTWORKCHECK.ORG

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

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Cameroon 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.

Cameroon has not ratified both 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.

DECENTWORKCHECK.ORG

07/13 Health & 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)

Cameroon 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 & 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

Cameroon 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.

DECENTWORKCHECK.ORG

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).

Cameroon 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.

Cameroon has ratified both 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.

DECENTWORKCHECK.ORG

11/13 Minors & Youth**ILO Conventions on Minors & Youth:**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Cameroon has ratified both 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.

Cameroon has ratified both the Conventions 29 and 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)

Cameroon has ratified both 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.

DECENTWORKCHECK.ORG

About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Cameroon. 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 employers 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

04 December, 2017.