



DECENT WORK CHECK  
**CAPE VERDE** 2025

## **WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)**

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

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The Minimum Wages Database and Labour Law Database are maintained by the global labour law office of the WageIndicator Foundation, i.e., the Centre for Labour Research, Pakistan (Labour Law Research team), together with the country and regional teams. The Labour Law Research team is headed by Iftikhar Ahmad, Global Lead – Labour Law.

## **Bibliographical information**

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# INTRODUCTION

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

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

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

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their workplace rights while enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

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

*The text in this document was last updated in January 2025. For the most recent and updated text on Employment & Labour Legislation in Cape Verde in French, please refer to: <https://meusalario.org/caboverde>*



# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Cape Verde 1980 (revised in 1992)
2. Labour Code 2007, last amended in 2016
3. Law on Gender Based Violence of 2011
4. Penal Code 2003
5. Education Law 2010
6. Law n.º 113/VIII/2016, of March 10th. It approves the National List of Dangerous Child Labour (TIP portuguese acronym) and rules about its implementation

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

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

**Cape Verde has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016

## Minimum Wage

The Constitution states that the State will set national standards regarding limiting the duration of work and shall create conditions for establishing a national minimum wage for various occupations.

The process for determining the minimum wage has been established neither by law nor by collective agreements. The Country's first national minimum wage set by the Cape Verde's Commission for Social Dialogue and came into force on 1st January 2014. It did amount to 11,000 escudos for public sector workers and 12,000 for entry level-workers.

Compliance with minimum wage regulations along with other Labour Code provisions is the responsibility of the General Labour Inspectorate which works directly under the Ministry of Labour. Labour Inspectors have the right to impose fines.

Source: Article 60 of The Constitution of Cape Verde 1980; §394-397 of the Labour Code 2007

## Regular Pay

Wages means “basic remuneration and all other regular and periodic benefits provided, directly or indirectly, in cash or in kind, to the worker as counterpart to the work.”

Remuneration is due for determined and

equal periods, which cannot exceed 31 days and must be paid on the last working day of the reference period. Except for collective agreement or employer's regulation to which the worker agrees, remuneration should always be paid in national currency. Whenever part of remuneration is done in kind, this portion cannot be bigger than the part paid in cash, except if the opposite is established in a collective agreement. Remuneration must be paid at the place of work. It is forbidden to perform the payment of remuneration in premises dedicated to gambling and the sale of liquor, except for the workers of these businesses.

The parties may agree on other forms of remuneration aimed at increasing production and productivity, enhancing the quality of the products and promoting better uses and conservation of the employer's assets.

The employer cannot make deductions from the wage except for those established by law for the funding of the social security; deductions determined by a final decision of the court; compensation payable by the employee to the employer because of damage caused by him/her to the company which is determined by the court; fines imposed as a disciplinary sanction; meal price at the workplace, the use of telephones, supplies or services of the company that the employee expressly requests; and the allowances or advances provided because of the written document signed by the worker. However, all these deductions (fines imposed, compensation for damages and deductions set by the decision of a court) except for those set by law cannot exceed one third (33%) of the employees' wages.

Source: §199-203 of the Labour Code 2007

# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Cape Verde has not ratified any of the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

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

## Regulations on compensation:

- Labour Code 2007, last amended in 2016

## Overtime Compensation

Overtime work is the work performed outside the regular working time.

The regular working time cannot exceed 8 hours per day and 44 hours per week. The normal working hours can be increased by 01 hour per day however the worker gets additional half day of rest per week. A worker cannot perform more than 2 hours of overtime per day, and no more than 160 hours of overtime per year. If the worker consents in writing, the annual limit can be increased to 300 hours per year. However, the 8-hour limit does not apply to certain groups, such as upper management and highly qualified personnel who are indispensable for the running of the enterprise. In exceptional circumstances, the competent government authority can permit these limits to be exceeded. These workers are entitled to a pay premium at the rate of 20-35% of the ordinary wage. In accordance with a 2016 reform in the Labour Code, the average weekly working time, inclusive of overtime hours, may not exceed 48 hours in a reference period (which may range between four months to twelve months). The normal daily working hours can be increased by four hours per day by agreement between the parties or through a collective agreement however the average weekly working hours must be respected in a reference period of 45 days.

The regular working time for young workers is limited to 38 hours per week and 7 hours per day. Overtime work for young workers

can follow the same rule applied to regular workers whenever the tasks executed are of simple presence, the work is intermittent or for the specific purpose of training of the young worker.

The circumstances that justify an employer's request of overtime work are:

- a) When the employers face an increase of workload that does not justify recruiting more workers;
- b) In cases of force majeure or when there are reasons to prevent or repair serious damages. Overtime is compulsory unless a worker can justify on account of certain personal reasons. These include, among others, care for sick or breastfeeding children and workers going through professional training. Workers with disabilities may choose to do overtime work and inform their employer of this choice. If they choose so, the overtime work may be performed but be compatible with the nature and degree of their disability. A pregnant or breastfeeding working woman (with a child under 10 months of age) is not required to work overtime on a weekly rest day or a holiday.

Overtime work shall be paid with compensation not less than 50% than the regular remuneration. Government in Cape Verde is contemplating on decreasing this percentage.

Source: §149-161, 207 & 266 of Labour Code 2007

## Night Work Compensation

Night work is work performed between

22:00 and 06:00 of the following day. Each employer will define for each type of facility, establishment or workplace, what functions can be performed during the night work period. Overtime work for those who perform night work cannot exceed 7 hours a week.

The employer must inform the worker about the consequences of night work on the health and wellbeing, as well as the protective measures taken to ensure physical and mental health of the worker. Thus, the worker still willing to work during night hours should give written consent.

Those performing night work are entitled to a compensation of 25% of the basic salary. This increased amount is also due during annual leave, sick or accident leave, or in periods of temporary change to a day time work decided by the employer. Workers who stop performing night work, or shift work after one year in such a regime, shall continue to receive the compensation, as remaining pay up to one month for each year of service provided in one of the regimes, after being transferred to a regular daytime, unless the change of regime was due to an objective or subjective cause linked to the worker.

There are two situations in which night work is compulsorily changed into daytime work. The first occurs when the worker reaches the age for retirement. The second happens when a female worker is pregnant, starting from 180 days of the presumed date of delivery. In this case, they must remain at least one year under daytime work regimen. Exception is made for employers that only operate during the night period.

Source: §162-175 of Labour Code 2007

## Compensatory Holidays / Rest Days

Workers are entitled to 24 hours of rest per week, on Sundays as a general rule, unless a different work schedule is duly approved in a collective agreement, setting rules to which the employee has agreed freely or the law say otherwise. Another exception for the Sunday as a rest day rule are the following workers: those that work in essential services that cannot be interrupted; works of complementary and preparatory nature, such as cleaning and maintenance that must necessarily be performed during the rest day of the other workers; the works of guards and security personnel; shift workers.

Employers may opt to offer their employees a supplementary rest period of up to 24 hours a week. This supplementary rest period should be offered according to the employer's possibilities and may be set to be valid during the whole year or only part of it and be taken by the worker in the day immediately before or after the mandatory weekly rest day.

Work is not allowed for the mandatory weekly rest period unless circumstances related to force majeure justify the need for work, and where such work has been performed, the compensatory rest may be awarded to the worker within the next three days without having any deduction in remuneration.

Source: §64-65 of Labour Code 2007

## Weekend / Public Holiday Work Compensation

The work performed during a weekly rest period entitles the worker to a

compensation of 100% of the salary due for the work performed. Similar provisions exist for working on public holidays as law considers working on public holiday equal to the working on a weekly rest day.

Source: §208 of the Labour Code 2007

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

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

**Cape Verde has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

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

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

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



## Regulations on annual leave and holidays:

- Labour Code 2007, last amended in 2016

### Paid Vacation / Annual Leave

Every worker in an employment contract for a definite or indefinite period is entitled to 22 days of annual leave. For contracts of less than one year, the annual leave shall be proportional to the duration of the employment contract. Unused leave may be transferred to the next year and add up to a maximum of 44 days, provided that the parties agree or if the non-transfer would endanger the worker or the enterprise. The collective agreement or employment contract can establish a progressive increase of one day of vacation for each additional year of service performed during the night.

A worker's entitlement to annual leave is achieved by the completion of six months' work, no matter if the contract term is definite or not. For workers bound by contracts referring less than a year, entitlement is accomplished with work for half of its term. The date of the leave must be agreed between the worker and employer. If there is no such agreement, the employer consults with the Trade Union delegates to establish the company leave calendar.

The annual leave has to be taken within one year after it is acquired. Leave is to be taken consecutively, but may be taken in two periods provided the parties agree to it. Annual leave can be accumulated to a maximum of 44 working days upon agreement between the employee and the

employer or whenever the taking of full leave by worker results in serious damage to the company or to the worker and the worker gives his/her consent.

The employer is allowed to offer collective holidays to the workers in the interest of the trade's best functioning, ceasing its activities either completely or partially during the holiday period. Those workers who are entitled to a holiday period that is longer than that of the collective holidays may opt for the payment of the corresponding share of their holiday period or agree with the employer for a date to enjoy their remaining holiday period.

The payment for the leave period must be the same as the work period. The additional remuneration in kind can be exchanged by the equivalent in cash during the annual leave. If the contract is terminated before workers get entitled to annual leave, they may receive compensation instead of leave days. Employee is also entitled to receive compensation corresponding to the proportionate time of the year he/she spent in service. A worker who is not permitted to exercise his right to annual leave may file a complaint with the General Labour Inspectorate to this effect.

Source: §52-63 & 170 of Labour Code 2007, last amended in 2016

### Pay on Public Holidays

There are ten public holidays in Cape Verde, which are as follows: New Year's Day (1 January); Democracy Day (13 January); Heroes' Day (20 January); February Carnival; Ash Wednesday; Labour Day (1 May); Children's Day (1 June); Independence Day (5 July); Assumption Day/Day of Our Lady of Grace (15 August);

National Day (12 September); All Saints' Day (1 November); and Christmas Day (25 December)

No provisions could be found which could state whether the holidays are paid or not.

## Weekly Rest Days

Labour Code regulates weekly rest days in Article 64, which establishes that every worker is entitled to 24 hours of weekly rest. Usually, this rest day will be taken on a Sunday, unless the law, the employment contract or the collective agreement determines otherwise.

Source: §64 of Labour Code 2007

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Cape Verde has not ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

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

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

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

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

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

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

## Regulations on employment security:

- Labour Code 2007, last amended in 2016

## Written Employment Particulars

The legal provision on employment contract is contained within the Labour Code. It is defined as an agreement by which a person undertakes to provide his intellectual activity or manual labour to the other person under the control and direction of that person for consideration.

For the effects of the Labour Code, conventions signed that imply economic dependence of one person to another, even if there is some personal dependence equal employment contract, so does work done at the employee home or remote work. Situations, where the labour activity is not organized by those who benefit from the final result of the labour, such as when a person or company hires the performance of a service whose execution is planned and managed by the worker that is carrying out the activity, do not constitute an employment contract.

The capacity to be part in an employment contract is ruled by general law in which does not violate the Labour Code. The minimum age to sign an employment contract is 15 years, otherwise, the contract is null. If the prospective employer is younger than 18 years of age, the contract can be cancelled by demand of the minor's parents or legal representatives, if they do not agree with the contract.

There is no requirement that the contract must be subject to any formality by law unless stated otherwise. The parties are

free to ask each other, by the means of a registered letter, that their agreement is put in writing. Written employment instrument, in this case, must include the date of its celebration, the location and the description of the work to be done, to which professional category the worker belongs, as well as the remuneration to be paid to the employee, together with any other elements that the parties deem worthy of interest. As it happens with any other contract, any agreement by the parties on clauses that go against legal prescriptions, such as terms that can bring about the suspension of the employment contract or a probation period different than that determined by law, this agreement is deemed illegal, therefore, invalid. The lack of writing does not affect the worker's rights arising from the contract and such worker is free to seek the enforcement of such rights in court. The general rule is that employment will be for an indefinite term. The essential elements of an employment contract include the professional category of worker, place of work, compensation and the date of commencement of employment.

It is possible to have an employment contract with undetermined term when the new employee is replacing an absent employee, an employee who is on unpaid leave, an employee who after being dismissed has taken his case to the court to determine whether the dismissal was unlawful. Apart from this such contracts are also concluded for any occasional task or service precisely defined and which is not lasting and similarly a work project or defined temporary activities. The contract can last for as long as it is necessary to replace an absent employee or to complete the activity, task, job or project.

A fixed-term contract turns into an

indefinite term contract when the referred workers remain in employment after the day of termination takes effect or after 15 days of completion of the activity, service, work or project.

Employment contracts can be either proved or presumed. It can be proved by all legal means, but mainly through confession, testimonials, documents such as service orders, work instructions, receipts of remunerations, parts of a legal suit - even if the parties of the employment contract are not of the same of the referred legal suit, documents in it can be used as evidence of employment. The Labour Code sets a list of examples of evidence that make grounds for presuming an employment relation. An employment contract is presumed by evidence like the continuous regular presence of the worker at the premises, exercising activities that indicate that the person is at work. Second evidence is obtained where the worker carries out activities that entail contact with clients to offer goods and services for the employer, as well as activities in favour of the employer's interests. Third evidence is where the worker has information or know facts that depend on the existence of an employment relationship.

### Reforms Related to COVID-19

According to the new Law that regulates the simplified regime for the suspension of the employment contract this fourth period - the third one ended on December 31st, 2020 - keeps the payment of 70% of the workers' reference remuneration, reducing, however, the payment for Social Security, which is now reduced to 25% (previously it was incumbent, in equal parts, to the employers and to the National Institute of Social Security).

The employer may suspend the employment contract of all or some workers, on the basis of cyclical difficulties in the market or economic reasons derived from the epidemiological situation caused by covid-19, provided that it has had an abrupt and sharp break of at least 70% of the revenue.

Employers can still use the mechanism that was introduced by the previous legislation, which consists of a partial suspension of the employment contract, with companies being able to demand the employees to carry out their activities, even if in a reduced time compared to his normal working period (up to the limit maximum of 40% of normal working hours).

Sources: §27-33, 35 & 366-368 of Labour Code 2007; Law no. 113 / IX / 2021, of 8 January - extends the simplified regime for suspension of employment contract instituted by Law No. 97 / IX / 2020, of July 23

### Fixed Term Contracts

Ruled as an exception, as explained above, fixed-term employment contracts have their duration established by the parties but cannot exceed five years, including renewals and extensions. A fixed-term contract that does not establish its own duration is deemed to be a contract for an indefinite term. Upon expiry of a fixed-term contract, the employer can end the employment by giving ten days' notice to the employee, in the absence of which the contract is deemed extended for the same period as the preceding contract unless indicated otherwise by the parties. A 2016 reform in the Labour Code allows for temporary contracts with the maximum length (including renewals) of three years.

A comprehensive list of reasons in which the fixed-term employment contracts may be concluded is provided under Article 361. This includes reasons such as where the work is for a short duration, where a replacement worker is needed as the original worker cannot do work due to illness, military service, holiday enjoyment or any other justified reason, the carrying out of work or service-specific functions or tasks of a temporary nature, in particular, in seasonal activities or in those in which, objectively, there are periodic fluctuations in the number of workers, the replacement of a worker who had been performing functions in the company and who has left his post without notice or with short notice (less than six months). The 2016 Labour Code Reform added another reason, which is a temporary need of the company. In every situation, the employer must provide a deadline and the reasons justifying the need for a fixed-term contract, and can be penalised in case of non-compliance.

The law also stated that new companies incorporated during the Labour Code validity can enter into fixed-term contracts with its employees during the first five years of its incorporation which shall be converted into contracts of indefinite term upon the completion of five years. In addition, the fixed-term contracts executed by a new company under the Code will be valid for no less than three months. The second renewal will be after six months and the subsequent renewals will be after one year each.

Source: §360-365 of Labour Code 2007

## Probation Period

Length of probation periods vary according

to the type of contract, as well as employee's job title and functions. For non-fixed term employment contracts, probation is usually two months, but it may be extended up to six months if the functions to be performed imply technical complexity and responsibility and if such larger period of time is deemed necessary to evaluate the employee's capacity to carry out the job.

In management and/or senior functions, probation may reach up to twelve months, upon agreement between the parties. In fixed-term contracts, a two-month probation may be reduced, as it cannot be larger than one-fourth of the duration of the contract. The parties may expressly waive the right to probation or reduce its length by agreement. Probation can also be reduced or extended by means of applicable collective agreement. The length of probation cannot exceed the length provided as a general rule in such a case. Lastly, employees may be dismissed or leave the job during probation without giving any notice or reason.

For the purposes of a domestic employment contract, the parties are not required to agree on a probationary period longer than 15 days, after which the contract will be completed. In accordance with a 2016 reform in the Labour Code, the probation period for domestic workers has been raised from 15 days to 30 days. The probation period cannot be extended beyond 30 days.

Sources: §144-147 & 287 of Labour Code 2007

## Notice Requirement

The Labour Code has relevant provisions on



termination of an employment contract and necessary advance notice periods.

As a general rule, employers cannot terminate employment agreements unless there is just cause, either objective, due to economic or market reasons, or subjective. The latter generally relates to serious misconduct for a serious incident that destroys the ongoing employment relationship.

Subjective 'just cause' has to be grounded on a disciplinary proceeding, which might be used not only to apply a dismissal but also warnings and other sanctions for minor offences or misconduct. This procedure implies a formal accusation and allows employees to present their case before the employers make the final decision to dismiss. The reasons leading to dismissal for just cause are exhaustive and can include:

- The illegitimate disobedience to orders given by higher-ranking officials;
- Practice of acts at work premises that are wrong and harmful to the national economy or moral interests or property of the company itself or its workers or others;
- the employee repeatedly causes or is involved in conflicts with other employees or third parties;
- The employee goes to work drunk or intoxicated, particularly when repeated;
- Lack of compliance with rules on hygiene and safety at work;
- Gross negligence in performing work well and the repeated lack of zeal and diligence standards in providing the service;
- The unexcused absence from work when determining damage or

serious risk to the company or the conduct manifestly undisciplined;

- Ten consecutive or twenty interpolated unjustified absences during a twelve-month period, regardless of the damage caused.
- The worker's unfitness for functions repeatedly exercised
- The unsuitability for worker for the tasks he was hired for;

Notice of dismissal is given by the employer to the employee in a period no shorter than 40 days of termination of the contract, and the employee has the right to reply in 5 days of receipt. If the employer insists on terminating the contract, it is necessary to explain on which grounds and then give the employee a 30-day notice.

Collective dismissals are admissible on grounds of diminished activity or permanent closure of the operation unit, of the business, or part of the structure of the company or for other reasons related to economic circumstances or technological as where the economic or technological circumstances change so as to make the employees redundant. The process for achieving such redundancy involves informing the Directorate of Labour about the proposed lay-off 60 days before its due date. The directorate will then listen to the employees and the relevant trade unions and make a proposal to a member of the cabinet, who may or may not allow the redundancy. Where a decision of collective dismissal is made, the employer serves the workers notice of 45 days before the dismissal date. In the event of collective dismissals, the following types of workers are given preference in maintaining employment: more qualified and professional workers; workers with greater seniority; elder workers; workers who received employment injury at the

workplace reducing their earning capacity; and workers with increased family responsibilities.

Work contracts can also be terminated by force majeure, bankruptcy or transfer of worker. In addition, where the employee behaved or acted in such a way that the consequences of the act are so severe and the employee's degree of responsibility or recklessness in relation to the deed are such that the labour relationship becomes too difficult this employee will be dismissed for a just cause. Lastly, the contract may also be terminated where a worker reaches the retirement age and by mutual agreement between the employer and the employee. In all such cases, no notice is required.

In both cases, if the employer fails to provide the notice within the specified time, the employer will have to pay compensation to the employee for the number of days by which the notice is delayed.

Where the contract is terminated by the employee, the notice period depends on the length of service. The minimum notice period is 15 days and will add 15 days per year of seniority, to a maximum of 2 months. An employee may terminate the employment contract for just cause on the following grounds: Non-payment of wages/compensation by the employer; damage to the worker's honour and dignity; lack of safety and hygiene conditions at work; substantial modification of the worker's position; conflicts of provocation with the employee or other employees of the company; and application of abusive sanctions by the employer.

Sources: §220-243 of Labour Code 2007

## Severance Pay

Labour Code provides for severance pay equivalent to one month's pay for each year of service in the events of individual just cause dismissal or under collective redundancy. The amount of severance payment can be increased through a collective agreement. The amount of severance pay in the event of collective redundancy and just-cause dismissal has been reduced from 30 days to 20 days per year of service under a 2016 reform in the Labour Code.

In the event of termination of an employment contract, compensation is granted as follows: 1.75 days' basic pay per month if the duration of the contract is less than 1 year; 21 days basic pay if the contract lasts one year; 15 days of basic pay for each year beyond the first year. If the contract lasts more than five years, the employee is entitled to compensation worth 10 days of basic remuneration per year after the first five years.

When dismissed without just cause, domestic workers are entitled to severance pay of 30 days of wages for every completed year of service till the date of dismissal. If dismissal is deemed unfair, the worker has the right to reinstatement in the same job category and seniority. Employers that prevent reinstatement of the worker are obliged to pay 40 days of wages for each full year of services, as well as the proportion due to part of an incomplete year.

Source: §224, 238 and 369 of Labour Code 2007



# 05/13 FAMILY RESPONSIBILITIES

## ILO Conventions

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

**Cape Verde has not ratified the Convention 156 and 165.**

### *Summary of Provisions under ILO Convention*

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

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

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016

## Paternity Leave

Paternity leave is deemed to be rather an exception than the rule by Cape Verde Labour Law, given that a father is only entitled to paternity leave in situations specified by the Labour Code, such as those described below.

The father is entitled to paternity leave, for a period equal to that of the maternity leave or to the number of remaining days that were not enjoyed by the mother in her maternity leave, if one of the two cases came to fact: death or physical or mental incapacity of the mother during the 120 days immediately following the birth and while the incapacity lasts; in case of death of the mother, when the father is entitled to 30 days of leave. There are no provisions as to whether the paternity is paid or not.

Source: §271 of Labour Code 2007

## Parental Leave

No provisions related to parental leave and any subsequent compensation could be identified from the Law.

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

Labour Law makes no provisions about flexible work options for parents. The

Constitution of Cape Verde states that “*law shall establish special protection for minors, for the handicapped, and for women during pregnancy and after childbirth, and shall guarantee to women working conditions which permit them to carry out their family and maternal duties*” Still, this rule was not enacted into ordinary law, with no other legal provisions about the matter.

Source: §59(6) of the Constitution of Cape Verde 1980 (revised in 1992)

# 06/13 MATERNITY & WORK

## **ILO Conventions**

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

**Cape Verde has not ratified the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

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

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

The total maternity leave should last at least 14 weeks.

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

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

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

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Labour Code 2007, last amended in 2016

## Free Medical Care

There is no legal provision on medical care for pregnant women. However, where workers become sick or unwell, they are entitled to medical care. See Section 8/13 on Sick Leave for further information.

## No Harmful Work

There are provisions for protection of health and safety of pregnant workers in the Labour Code, to ensure that a pregnant worker carries out her functions in conditions that do not harm the pregnancy.

During pregnancy and after recent birth, workers are not obliged to perform overtime work or night work. Pregnant women, or women with children under the age of 10, are not obliged to perform overtime work during the weekly rest period or holidays.

The pregnant worker may, whenever possible, attend to pre-natal medical consultations outside the regular working time of the company. If medical assistance is possible only during the working time of the company, the employer may require evidence of such circumstance.

Pregnant workers who perform night work or shift work must be transferred to day work 180 days (6-months) before the presumed date of birth. They have the right to remain in daytime work for a period not less than one year after the birth unless the employer works exclusively during the

night work regime or in a shift work regime. There are no other provisions specifying the nature of work that pregnant women or recent mothers may not be required to do.

Source: §160, 162, 270 & 272 of Labour Code 2007

## Maternity Leave

In the event of birth, women are entitled to 60 days of maternity leave.

If the work poses risk to the health of a pregnant worker or the baby and the place of work and functions are not assured as appropriate and compatible with her state, the worker has the right to enjoy a special leave for the time necessary to prevent the risk.

Source: §271 & 273 of Labour Code 2007

## Income

During maternity leave, the worker is entitled to payment, by the employer, of the value of the difference between her normal salary and the benefits paid by social security. The benefit paid by social security is either 90% of the insured worker's last monthly earnings or the average of earnings in the last 4 months whichever is higher.

If the female worker has not paid contributions to the social security system, the employer must pay the full amount of the maternity leave benefits for the 60 days period of the leave.

Source: §212 of Labour Code 2007

## Protection from Dismissals

The employer who denies access to work to a pregnant worker, uses any kind of means or strategies to create instability in the workplace, seeking to force the pregnant woman to quit the work, is subject to a fine equivalent to one year of salaries that would be due to the worker, together with other sanctions the conduct may give rise to.

Unless proven otherwise, the dismissal of a pregnant or nursing woman is deemed to be unlawful.

The Cape Verde Labour Code makes no other provisions on employment security for pregnant women.

Source: §275 & 409 of Labour Code 2007

## Right to Return to Same Position

There are no provisions in law safeguarding a woman's right to return to the same position after delivery.

## Breastfeeding/ Nursing Breaks

Breastfeeding/nursing breaks are provided under the law. A worker is entitled to 45 minutes of break in each work period during the first six months after birth.

Source: §274 of Labour Code 2007

# 07/13 HEALTH & SAFETY

## ILO Conventions

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

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Cape Verde has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

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

## Regulations on health and safety:

- Labour Code 2007, last amended in 2016

## Employer Cares

Employers are responsible for ensuring hygiene and safety conditions in the workplace, abiding by and ensuring compliance with relevant laws and rules as well as instructions issued by the authorities in charge of the matter. In addition, employers are also responsible for training and capacity building activities aimed at achieving better compliance with security, health and safety standards at the workplace.

The duties of employers to promote health and safety in the workplace include: to make sure that the workplace, the tools, products and work processes present no risk to the workers' safety and health. This duty entails: to provide trainings for the workers about the functioning and maintenance of the equipment used in the execution of their activities; to ensure the repair of malfunctioning appliances and equipment, especially those that constitute a risk to the safety and health of workers; to ensure that containers of hazardous products are properly identified, clearly state their levels of toxicity or capacity to cause injury, and present the necessary instructions for their proper use; to provide if necessary, clothing and suitable protective equipment in order to prevent as far as possible the risks of accident and the adverse health effects on workers; and to provide, when appropriate, accommodation and power under conditions safeguarding hygiene and health of workers.

The employer must also ensure that all workers are trained for giving first aid treatment and is obligated to hire the required people in order to achieve the necessary result.

Source: §136, 166, 167 & 293 of Labour Code 2007

## Free Protection

The Labour Code contains a general provision, not a specific one, that imposes on the employer a duty to provide protective equipment if and when necessary to prevent any accidents or adverse health effects. There is no provision about who and how the need is determined.

Source: §293 of Labour Code 2007

## Training

The Labour Code imposes on employers the duty to offer and cover the cost of training its employees on the provision of first aid services. There are no legal provisions as to what type of training for safety is required.

Source: §166 of Labour Code 2007

## Labour Inspection System

The Labour Code has established the General Labour Inspectorate, the department with jurisdiction to review compliance with regulations regarding working conditions and the protection system on employed and unemployed workers. It reports directly to the Ministry of Labour. The Inspectorate exercises its action over the whole Cape Verde territory and its scope includes all industry, public,

private, individual, corporate, domestic and foreign employment relationships. The Inspectorate also supervises the employment in the public sector.

The duties of the Inspectorate include:

1. To ensure compliance with the Labour Code and other labour related regulations, collective regulatory instruments, labour and employment contracts;
2. To enforce the rules on protection in employment and unemployment of workers and those relating to vocational training
3. To ensure the application of the rules of hygiene, safety and occupational medicine
4. To provide technical information and advice to workers and employees and their professional associations on compliance with labour law
5. To take in the preparatory study and launching of new or the renewal of labour laws and protection system on employment
6. To alert the relevant departments for any weaknesses, absence or inadequacy of provisions in the labour law.
7. To exercise special vigilance over activities in which accidents or occupational hazards are more frequent and severe

The Inspectorate also holds arbitration powers to hear the complaints of workers who feel they have been dismissed unfairly or who have been sanctioned by their employer. The workers must file their grievances within 15 days of the fact. After hearing the workers, the inspectorate may first try to reconcile the differences between the worker and the employer and in the event that is not possible, to give its

decision on the complaint.

The Labour inspector has technical autonomy, independence and essential power of authority. The labour inspector observes and ensures the applications of the legal provisions for working conditions, workers' rights, and child labour.

The labour inspector has the power to visit the workplace. The labour inspector carries out the investigation, inspection and other related measures for the assurance of the regulation of laws. The labour inspector notifies the employer to adopt the protective measure for avoiding the risk at the workplace.

Source: §140, 386, 387, 395, 396 & 397 of Labour Code 2007; §3, 4, 9, 35 of Decree-Law n° 55/2018, of October 24, which approves the Statute of the General Labor Inspectorate, as well as the rules on the principles, rules and criteria of the organization, structuring and professional development of the respective staff



# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

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

**Cape Verde has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

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

## Regulations on sick leave & Employment Injury Benefits:

- Labour Code 2007, last amended in 2016
- SSPTW country Profile

## Income

The legal provisions on the benefits for sick leave are set in various laws. For self-employed persons the pension regime is governed by the laws of 2003 and 2009, for employed persons, it is the law of 2004, for civil servants and cooperatives, it is the law of 2006, for municipal agents it is the law of 2007 and for household workers, it is the law of 2009. There are also related provisions in the Labour Code.

A variety of workers are entitled to the benefits, such as public and private-sector employees, self-employed persons, and household workers. Special systems provide cash benefits for civil servants and certain business owners and cooperative employees.

Insured employees must pay 4% of their gross monthly earnings as contributions to the social security and pension system. Self-employed workers contribute at a higher rate, paying 8% of their gross monthly earnings, while employers pay 4% of the gross monthly payroll. Entitlement to sickness benefit is accrued after 4 months of contributions. The amount to be received as sickness benefits equals 70% of the insured worker last monthly earnings or average earnings in the last four months (whichever is greater). This is paid from the fourth day of illness up to 1,095 days. The employer pays 100% of earnings for the first three days. If the sickness lasts longer than

30 days, a medical board must evaluate the insured person's health status.

Source: SSPTW country Profile

## Medical Care

Workers are entitled to receive general and specialist care, surgery, hospitalization, laboratory services, doctor's home visits, medicine, prostheses, and dental care. The Ministry of Health provides medical care directly through public clinics and hospitals. Some therapies, not available in public health services are reimbursed by the National Social Insurance Institute.

Insured persons and pensioners have to contribute to sharing the cost of medication. Medicine is free for low-income pensioners. Uninsured workers are entitled to receive, from their employer their full payment during the first three months of illness and  $\frac{2}{3}$  of their full payment until the sixth month of illness.

Insured workers right to medical care are extended to their eligible dependents which include children up to age 18 or receiving family allowances, dependent parents, and dependent grandparents.

Source: SSPTW country Profile

## Job Security

No legal provisions could be found about the security of employment during the term of sick leave.

## Disability / Work Injury Benefit

Provisions for work-related injuries and the subsequent benefits are contained in the Law of 1978, which relates to compulsory

insurance and the Law of 1991 that is administrative in nature.

The entitlement to benefits includes, among others, the employed persons. A special system is in place for civil servants. An employer must contribute the equivalent of 2% of covered monthly payroll for salaried employees or 6% of covered monthly payroll for all other workers. The maximum daily earnings used to calculate contributions are 300 escudos. There is no qualifying period for entitlement to such benefits. Accidents that occur while commuting to and from work are also covered.

Entitlement to temporary or permanent disability benefits is defined by the evaluation of the extension – complete or partial - of the affected person disability. Entitlement to benefits on a temporary basis for an insured person assessed with total disability amounts to 40% of the insured person's earning on the day the injury occurred. This amount is paid for up to 14 days after which the percentage is increased from 40% to 70%. For hospitalization, the benefit is 40% of the insured person's earning and 70% if there are dependents. This benefit is paid for up to 1,095 days. The maximum daily earnings used to calculate benefits are 300 escudos.

Where the insured employee suffers from partial disability, 25% of their earning on the date the injury happened is due (40% of average earnings in the last six months if those earning differ from the insured's normal earnings).

Entitlement to benefits on a permanent basis for total disability amounts to 70% of the insured worker's earnings on the day the injury happened is due from the day after the disability began. The employer

pays the worker's earnings for the day of the work injury, but there is a cap limit amount. If the insured worker requires the constant attendance of others to perform daily functions, 30% of the average earnings are paid. For Permanent Partial disability benefits, if the degree of disability is evaluated between 10% to 99%, a percentage of the full disability pension is paid according to the assessed degree of disability.

As far as the survivors' benefits are concerned, 30% of the deceased worker's earnings on the day the injury happened (or 30% of the average earnings in the last six months, if those earnings differ from normal earnings) are paid. Eligible survivors include a dependent widow, a dependent widower older than age 64 or disabled, and a divorced spouse receiving alimony. If there is more than one eligible divorced spouse, the pension is split equally. The maximum daily earnings used to calculate benefits are 300 escudos. The pension ceases if the widow(er) remarries or cohabits. A Remarriage allowance amounting to a lump sum of one year of the pension is also paid. For orphans, 15% of the deceased worker's earnings are paid for each dependent child up to age 18 (age 24 if a student, no limit if disabled) and 45% for each full orphan. If there are any other eligible survivors such as dependent parents, grandparents and brothers and sisters up to the age of 16, 10% of the deceased worker's earnings are paid to them. The total monthly survivor pension is 30% of the deceased's earnings. Lastly, all survivor benefits combined must not exceed 70% of the deceased's monthly earnings.

Source: SSPTW country Profile

# 09/13 SOCIAL SECURITY

## **ILO Conventions**

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

Employment Injury Benefits: Conventions 121 (1964),

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

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Cape Verde has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

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

## Regulations on social security:

- SSPTW country Profile

### Pension Rights

The legal provisions on pension rights are contained in various laws for various categories of workers. The provisions on pensions for employed persons are made in the 2004 law. There are also provisions in the Labour Code with respect to pension.

An insured person has to contribute 3% of his/her gross monthly earnings plus 1% of gross monthly earnings for administrative fees. The insured person's administrative fees also finance sickness benefits. An employer has to contribute 7% of the gross monthly payroll plus 1% of gross monthly payroll for administrative fees.

There is no provision in the laws mentioned about entitlement to early pension. Men are entitled to a pension at 65 of age and women at the age of 60. In addition to the prescribed age, at least 15 years of contributions must be proved to make for pension entitlement.

With regards to the calculation and payment of pension to an entitled person, 2% of the insured's annual average earnings plus an annual coefficient adjusted for changes in the cost of living is paid for each 12-month period of coverage. The annual average earnings used to calculate benefits are the 120 highest paid months in the last 15 years of contributions. The minimum monthly pension is 6,000 escudos. The maximum monthly pension is 80% of the insured's average monthly earnings.

Source: SSPTW country Profile

### Dependents' / Survivors' Benefit

The legal provisions on the survivors' benefits are presented in various laws for different categories of workers, such as the 2004 law and the Labour Code.

An insured person has to contribute 3% of his/her gross monthly earnings plus 1% of gross monthly earnings for administrative fees. The insured person's administrative fees also finance sickness. An employer has to contribute 7% of the gross monthly payroll plus 1% of gross monthly payroll for administrative fees.

If the deceased received or was entitled to receive a pension for old-age, a disability pension or had at least 36 months of contributions, his/her survivors and dependents are entitled to receive that benefit. Eligible survivors include a widow older than age 50 or disabled, a widower older than age 55, and children younger than age 18 (age 25 if a student, no limit if disabled). A temporary survivor pension is due for up to five years to a widow younger than age 50, a widower younger than age 55, and children aged 18 to 25 who are students. The affected survivor stops receiving this benefit when they remarry.

The spouse is entitled to 50% of the old age or disability pension the deceased worker was entitled to receive. As for orphans, each one is entitled to 25% of the old age or disability pension the deceased was entitled to receive. For full orphans, this percentage rises from 25% to 50%. All survivor benefits combined must not exceed 100% of the old age or disability pension the deceased was entitled to receive.

Source: SSPTW country Profile

## Unemployment Benefits

No statutory provisions could be found about unemployment benefits.

## Disability Benefits

The legal provisions on disability benefits are established in various laws for different workers. Those referring to pensions for employed persons are in 2004 law and some are made by the Labour Code.

An insured person has to contribute 3% of his/her gross monthly earnings plus 1% of gross monthly earnings for administrative fees. The insured person's administrative fees also finance sickness benefits. An employer has to contribute 7% of the gross monthly payroll plus 1% of gross monthly payroll for administrative fees.

In order to qualify for receiving a disability pension, the concerned person must be assessed with a disability of at least 66.7% or a loss of earning capacity of at least 33.3% and have at least five years of contributions.

The calculation and entitlement to the disability pension is similar to that of the old-age pension. Accordingly, 2% of the insured worker's annual average earnings plus an annual coefficient adjusted for changes in the cost of living is paid for each 12-month period of coverage. The annual average earnings used to calculate benefits are the highest-paid months in the last 15 years of contributions. The minimum monthly pension is 6,000 escudos and the maximum monthly pension is 80% of the insured worker's average monthly earnings.

# 10/13 FAIR TREATMENT

## ILO Conventions

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

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

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Cape Verde has ratified the Conventions 100 and 111.**

### *Summary of Provisions under ILO Conventions*

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

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

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

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



## Regulations on fair treatment:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016
- Law on Gender Based Violence of 2011
- Penal Code 2003

## Equal Pay

Both the Constitution and the Labour Code provide for Equal Pay without discrimination. The Constitution enshrines equality of payment to men and women, together with the right to compensation in proportion to the quantity and quality of work and to the security of employment. The Labour Code establishes the prohibition to discriminate based on sex, religion, political affiliation, and trade union membership when it comes to the payment of work remuneration.

Source: §59 of the Constitution of Cape Verde 1980 (revised in 1992); §15 of the Labour Code 2007

## Sexual Harassment

Sexual harassment is an issue dealt with under the Labour Code, The Penal Code and the Law on Gender-Based Violence (GBV Law).

GBV Law defines sexual harassment as any conduct practised by any person who has authority or influence on others at work, wherein exchange for hiring, being at work, renewal of contract, on a promotion or acquisition of any other privileges like scholarships, subsidies or other material

benefits, the said person asks for sexual favours in return, either for himself or for a third party.

The Labour Code imposes a fine on employers who either engage in sexual harassment themselves or promote it. This fine can reach up to the equivalent of 2 years of the minimum wage of civil servants. Under the Penal Code, sexual harassment (abuse of authority by a person) is an offence punishable by imprisonment up to 1 year or a fine of 100-250 days of wages.

There are no other legal provisions on the responsibilities of an employer to prevent sexual harassment in the workplace.

Source: §410 of the Labour Code 2007; §154 of the Penal Code 2003; §2, 3, and 25 of the Law on Gender Based Violence of 2011

## Non-Discrimination

Cape Verde Constitution enshrines equality before the law, setting that all people have equal social status and are equal, without privilege, benefit or prejudice, and may not be deprived of any rights or exempt from any duty by reason of race, sex, ancestry, language, origin, religion, social and economic condition, or political or ideological conviction. Everyone has the right to the following: compensation in proportion to the quantity and quality of work; to security of employment, to protection from dismissal on the grounds of political affiliation or ideology. Furthermore, all individuals have the duty to respect their fellow citizens without discrimination of any type and to maintain relations that promote, safeguard and reinforce mutual respect and tolerance.



Under the Labour Code, equality at work means the right not to be passed over, impaired or otherwise discriminated against in access to work, in fixing working conditions, the remuneration of work, suspension or termination the employment relationship or any other labour legal situation on grounds of sex, skin colour, social background, religion, political or ideological convictions, trade union membership or other discriminatory reason. The same principles apply for entitlement to eligibility for compensation and rights and privileges.

The Penal Code has criminalized discrimination on the basis of origin, sex, family status, health status, habits and customs, political opinions, civic activity, membership or non-membership of trade unions or any other organization, on ethnicity, nation, race and religion and has prescribed an imprisonment of up to two years or a fine of 100-300 days (of wages) for anyone who commits such an offence.

Source: §22, 59, and 81 of the Constitution of Cape Verde 1980 (revised in 1992); §15 of the Labour Code 2007; §161 of the Penal Code 2003

## Equal Choice of Profession

Cape Verde Constitution enshrines the right of every citizen to choose freely their work or profession or to have professional training, except for legal restrictions imposed by public interest or inherent in his own capacity or professional qualification.

The Labour Code guarantees that everyone has the right to work according to their skills, training and professional competence. Furthermore, equality of work

includes the right not to be passed over, impaired or otherwise discriminated against in access to work.

Source: §39 of the Constitution of Cape Verde 1980 (revised in 1992); §12 & 15 of the Labour Code 2007

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Cape Verde has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

## Regulations on minors and youth:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016
- Education Law 2010

## Minimum Age for Employment

Any person of 15 years or older may sign an employment contract. A contract signed by those under 15 years of age is considered null and void. The employment contracts signed by those who are younger than 18 may be annulled at the request of the parents or any legal representatives, if they do not consent to its conclusion. Children under 15 may be hired for performing work related to cinema, ballet, music and other activities of a spiritual nature, provided that they are accompanied by their parents or legal representative and the activity does not threaten their health, schooling, and education or affects their physical, mental or moral development. In addition, an approval will be required from the General Directorate of Labour who may, if they think fit, change the contract if they consider it does not adequately protect the minor. The Compulsory Education Age is 11 years for minors.

The contract of employment must be written or otherwise is deemed to be void. It is an offence to enter into a Labour Contract with a minor without the approval of the Labour Directorate General.

The Cape Verde Constitution rules that, “family, society and State must guarantee the protection of children against any form of discrimination or oppression, as well as abusive authority from family, public or

private institutions to whom they are entrusted, and also against exploitation through child labour.” Constitution also prohibits child labour during the years of compulsory schooling (till 11 years of age).

Source: §87 of the Constitution of Cape Verde 1980 (revised in 1992); §27 & 260-269 of the Labour Code 2007; §20 of the Education Law 2010

## Minimum Age for Hazardous Work

The minimum age for engaging in hazardous work in Cape Verde is 18, though there is no legal definition of "hazardous work" in law. The Labour Code rules that a minor may not engage in activities which do not contribute to their physical and intellectual growth. Any person who becomes aware that a minor is working in conditions that are dangerous or unhealthy or otherwise threatens their physical health may report to the Director General of Labour in order to terminate the illegal circumstances concerned.

Those who employ minors must ensure, prior to the execution of any task, that the minor is physically apt to exercise that specific work. Furthermore, evidence of physical aptitude of the minors must be submitted regularly and periodically (at least once a year) to the relevant authorities. All expenses for the above-mentioned procedures will be born by the employers.

The usual work period for minors is limited to 38 hours per week and 7 hours per day. This period may be the same as other workers where the task to be performed relates to simple presence, where the work is intermittent or where it is for the sole purpose of training. Minors are also entitled

to an uninterrupted daily rest of up to 12 hours.

Minors aged 16-18 are only allowed to work overtime in cases of force majeure. Even then, their overtime work may not exceed 2 hours a day and 30 hours per year. With respect to night work, the law expressly forbids minors to work between 20:00 pm to 07:00 am, unless that work is essential for their vocational training and is authorized by the Council of General Labour.

Law 113 VIII dated March 10, 2016 prohibits the employment of children in activities where they are exposed to physical, psychological or sexual abuse, underground and underwater work, in dangerous heights, in confined places, in activities that demand use of hazardous machines, equipments and tools, or work that imply the use and manipulation of handheld cargo. Other vetoed activities for children are work carried out in insalubrious locations, exposed to contact with hazardous substances; work carried out in difficult conditions including long hours where a child is unjustifiably detained at the employer's premises including night work; work that is likely to undermine the development and reproductive capacity of children.

Source: §260-269 of the Labour Code 2007; Law n.º 113/VIII/2016, of March 10th that approves the National List of Hazardous Child Labour and regulates its implementation

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

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

**Cape Verde has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

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

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

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

## Regulations on forced labour:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016

## Prohibition on Forced and Compulsory Labour

The Constitution and the Labour Code prohibit forced labour.

The Constitution rules that “*no one may be compelled to do certain work except in the accomplishment of public service, common and equal for all, or a judicial decision as provided by law.*” The Labour Code rules that no one may be required to perform forced labour, defined as “*obligation imposed on a person to perform, under the menace of any penalty and which includes a job or a service for which he/she has not offered him/herself voluntarily*”. For the effects of this rule, the following forms of work are NOT considered forced labour. Therefore, labour arising from judicial convictions, works and services for the community, war, disaster, fire, flood, famine, earthquake, epidemics, diseases, etc. or facts that endanger or threaten life or the normal conditions of existence of all or part of the population are not considered as forced labour.

Source: §39 of the Constitution of Cape Verde 1980 (revised in 1992); §14 of the Labour Code 2007

## Freedom to Change Jobs and Right to Quit

The legal provision on the freedom to change jobs is found in the Constitution and

the Labour code.

Under the Cape Verde Constitution, every worker has the right to choose freely their work or profession or to have professional training except for legal restrictions imposed in pursuance of public interest or inherent to their own capacity or professional qualification. Every worker has the right to work according to their skills, training and professional competence and also have the duty of working to raise the means to their livelihood and his family, create personal and family wealth, develop the economy and promote personal and collective well-being.

All individual and collective labour agreements are void if they appear to harm the exercise of the worker's right to work after termination of a contract. Nevertheless, employers may be allowed to set restrictions to this exercise after employment contract termination. It may happen when the employee has caused significant harm or damage to the work premises, or when the employer has spent a substantial amount in that worker training, but these restrictions are conditioned to the payment of the salary to the worker.

In the case a worker has the initiative to terminate an employment contract, a minimum notice period of 15 days is required, which may increase to a maximum of 2 months' notice, based on the level of seniority of the employee. A worker may terminate an employment contract extraordinarily for reasons specified in the law.

Source: §39 of the Constitution of Cape Verde 1980 (revised in 1992); §12, 13 & 243 of the Labour Code 2007

## Inhumane Working Conditions

Legal provisions about inhumane working conditions in Cape Verde Labour Code are restricted to setting limits to maximum number of working hours, not including the conditions in which the work is performed. Thus, its provisions concern the maximum limits to weekly working hours – 44 hours per week – and the legally set limits to overtime work – 2 hours per day, 160 hours per year, or 300 hours a year when there is a worker's written consent.

# 13/13 TRADE UNION

## ILO Conventions

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

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

**Cape Verde has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

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

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

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



## Regulations on trade unions:

- Constitution of Cape Verde 1980 (revised in 1992)
- Labour Code 2007, last amended in 2016

## Freedom to Join and Form a Union

The Cape Verde Constitution guarantees and protects the freedom to establish, operate and join trade union, being this latter subject to the rules set by the Labour Code.

Trade unions acquire legal personality by the deposit of their constitution and other statutes to the relevant government ministry. The application for the deposit is accompanied by a certificate or certified copy of the minutes of constituent assembly, signed by all workers that have taken part in meeting. It is mandatory that a union must be democratic in nature and must adopt democratic policies. Lastly, trade unions and professional associations are independent of interference in its management, either from the State, private sector, political parties, church or religious organizations.

Unions have the right to participate in social dialogue bodies and arbitration agencies, in the formulation of social security policies as well as in other institutions aimed at protecting and defending the interests of workers and in drafting of labour legislation. In addition, they are also in charge of celebrating collective employment contracts. Unions are also entitled to represent their members in court. The collective defense of workers' rights cannot imply the reduction or weakening of these rights.

All workers are free to form associations, unions or professional associations in defence of their collective or individual interests and as well recreational, leisure or cultural associations. No worker or group of workers can be persecuted, threatened or have their rights undermined because of their activities related to the union or association. No worker can be forced to join a union or professional association and to remain associated. Workers cannot be demanded to pay contributions to a union or professional association of which they are not members. Any worker proven to unionize under a threat or duress, moved by any person or organization can, within one year from the date of registration, seek the annulment of the same registration. The worker involved is also entitled to restitution of any sort of contribution they made in result of the referred involuntary association.

Source: §61-63 of the Constitution of Cape Verde 1980 (revised in 1992); §15, 19-21, 68-76, 80-97 of the Labour Code 2007

## Freedom of Collective Bargaining

Collective agreements regulate the labour conditions applicable to individual labour contracts that are set in their geographical and professional scope. Collective agreements may regulate also the relationship between the signing parties, specifically the rules for its own collective negotiation, the interpretation of its deeds and the implementation of the rules agreed. Collective labour regulation instruments include collective labour agreements and its adhesion agreements, operational rules for labour regulation.

The Constitution gives trade unions the ability to celebrate collective labour

agreements on behalf of their members, whereas the ability of the trade unions to do collective bargaining is regulated and governed by the Labour Code. This later provides for the contents of collective agreements, such as the identification of the parties; the agreement's geographical scope and the professional categories entailed; its form and contents, its negotiation process, its period of time in force, its termination, the settlement of collective labour disputes, recording and public publication of collective agreements.

The issues discussed under collective bargaining are related to professional categories, qualifications, levels, compensation elements; staff representation within the company; conditions for hiring and termination; duration of work; holidays and public holidays and social guarantees; vocational training; the geographical area of application and scope of professional application and the date of conclusion; the period of validity and the pro-termination process and the regulation of peaceful settlement of collective labour disputes. The collective agreements may contain provisions that are more favourable to employees than those provided under the law.

A collective agreement must have written form; otherwise, it will be void. A collective agreement will be concluded according to the terms and conditions agreed between the parties, however its term cannot be less than 2 years. The implementation of collective agreements is regulated by the government and the Directorate of Labour.

Source: §63 of the Constitution of Cape Verde 1980 (revised in 1992); §98-111 of the Labour Code 2007

## Right to Strike

The Right to Strike is enshrined in Cape Verde Constitution. Workers have the right to decide on the occasions to strike and the objectives which the strike is intended to achieve. Lockouts are prohibited and the law will regulate the exercise of the right to strike.

There are also provisions under the Labour Code 2007. Strike is defined as a collective, concerted refusal and total suspension of work, aimed at defending and promoting the collective interest of workers. Illegal strikes are those examples referred by law, such as a sit-down strike in the workplace; a strike carried out to support interests whose pursuit through strike is illicit and a strike which seeks to modify collective labour agreements before their expiry date. Trade Unions are mainly responsible for organizing official strike action. Employees organized in an assembly of workers may also organize strikes if the majority of the employees involved are not trade union members and such assembly/meeting is convened for that purpose by at least 20% of the employees. The decision to strike is only valid if the majority of the employees attended the assembly/meeting and the strike is approved by majority of votes. If the majority of employees are trade union members, then it is the union that should organize the strike and any strike organized by the works council would be deemed unlawful.

During the actual strike, employment agreements of participating employees are suspended and employers are prohibited from replacing the striking workers. Employers are also prohibited from offering incentives for workers for not striking, so

any form of cash reward for a worker not to participate in strikes is unlawful. The employer may contract with another company the provision of services or goods provide service or supply of goods that would be infeasible due to the strike. Adherence to strike cannot be used as grounds for discrimination by the employer. Workers who adhere to intermittent or non-continuous strikes or those who adhere to strikes that do not involve all the workers may be liable to be discounted for the periods away from work and for failing to provide services that are necessary for the safety and maintenance of equipment and facilities.

The organization that has decided to strike must communicate its decision in writing to the employers included in the strike entities and the directorate of labour in an advance of 5 working days. This communication must also include the details relating to the date and time of the stoppage, the workplaces and professional categories covered, the duration of the strike, the identification of the workers belonging to the strike committee. Representatives of the workers on strike must ensure contacts with other entities to achieve a solution to the conflict, to advise on the determination of the minimum services required to meet the social needs and also to advise on the determination of the services necessary for the safety and maintenance of equipment and facilities. the parties must attempt to reconcile the differences in order to overcome the conflict.

Where a company is a provider of the essential services described in law, workers must ensure the provision of minimum services during the strike. The essential services are: Post and telecommunications; Health services, meteorology and justice; Funeral services; water and sanitation

supplies; energy and fuel supply; firefighting; transport, ports and airports; loading and unloading of animals and food stuffs; banking and credit and private security. Usually, the issue of provision of minimum services will be decided between the employer and the employees and in the absence of that, the government will be tasked with the responsibility of establishing the services. In accordance with a 2016 Labour Code reform, the minimum services can be determined by an independent tripartite commission composed of one representative of the parties, which are from government, employer and workers. In addition, two other representatives are chosen by the government. Lastly, the strike ends at the end of the period prescribed in the notice, or if the entities who have declared the strike come to a resolution.

Source: §64 of the Constitution of Cape Verde 1980 (revised in 1992); §23-24 & 112-125 of the Labour Code 2007

# QUESTIONNAIRE

*The text in this document was last updated in January 2025. For the most recent and updated text on Employment & Labour Legislation in Cape Verde in French, please refer to: <https://meusalario.org/caboverde>*



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
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation  
*(Overtime rate is fixed at a higher rate)*
4. Whenever I work at night, I get higher compensation for night work
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it

## 03/13 Annual Leave & Holidays

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

## 04/13 Employment Security

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

## 05/13 Family Responsibilities

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

## 06/13 Maternity & Work

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

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

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

## 07/13 Health & Safety

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

## 08/13 Sick Leave & Employment Injury Benefits

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

## 09/13 Social Security

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

## 10/13 Fair Treatment

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- 37. My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination
- 38. My employer take strict action against sexual harassment at workplace
- 39. I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:\*

Sex/Gender

Race

Colour

Religion

Political Opinion

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

Nationality/Place of Birth

Social Origin/Caste

Family responsibilities/family status

Age

Disability/HIV-AIDS

Trade union membership and related activities

Language

Sexual Orientation (homosexual, bisexual or heterosexual orientation)

Marital Status

Physical Appearance

Pregnancy/Maternity

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

## 11/13 Minors & Youth

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41. In my workplace, children under 15 are forbidden
42. In my workplace, children under 18 are forbidden for hazardous work

## 12/13 Forced Labour

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

## 13/13 Trade Union Rights

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

## 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.

scored 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.