DECENT WORK CHECK
CENTRAL AFRICAN REPUBLIC 2023

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Iftikhar Ahmad
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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Bibliographical information


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

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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 rights at the workplace while simultaneously 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 analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

2. Law No. 09-004 of 29 January 2009 on the Labour Code
3. Law No. 06.035 of 28 December 2006, on the Social Security Code, 2006
4. Decree No. 09.116 establishing the modalities of application of Law No. 06.035 of 28 December 2006, establishing the social security code of the Central African Republic
5. Order No. 10/MFPTSS of 30 October 1982 establishing the conditions and duration of notice periods in the absence of collective labour agreements
6. Decree No. 07.177 of 18 June 2007 on the organisation and functioning of the National Permanent Labour Council
7. Order No. 6/MFPTSS of 21 May 1986 establishing the conditions of employment of young workers and the nature of the work and categories of enterprises prohibited to young people and the age limit to which the prohibition applies
8. Ordinance No. 70-64 of 30 September 1970 establishing a health insurance scheme in the Central African Republic.
9. Order No. 004/MFPTSSFP/CAB/DGTE FP/DERE/SER of 24 September 1991 determining the general conditions of work and fixing the classifications and basic wages of workers in the absence of collective agreements
11. Order No. 49-MFPT-DT of 1 January 1970 determining the general conditions of employment and fixing the wages of domestic workers in the Central African Republic

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Central African Republic in French, please refer to: https://votresalaire.org/centrafricaine/
01/13 WORK & WAGES

ILO Conventions

Convention No. 26 (1928) on Methods of Determining Minimum Wages, ratified on 20/09/1960;
Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

The Central African Republic has ratified all four Conventions mentioned above.

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:


Minimum Wage

The minimum wage in the Central African Republic is governed by the Labour Code.

Under the Labour Code, there are two minimum wages in the Central African Republic: the SMIG (Salaires Minima Interprofessionnels Garantis) and the SMAG (Salaires Minima Agricoles Garantis). No adjustment has yet taken place since 1991.

The level of the SMIG and the SMAG is set by orders of the Minister of Labour, issued after consultation of the National Permanent Labour Council.

In addition, in the absence of collective agreements or in the absence of such agreements, decrees of the Minister in charge of Labour, issued after the opinion of the Permanent National Labour Council, set - the corresponding minimum wages by professional category - the minimum rates for overtime and night work or work on non-working days - the methods for awarding seniority and attendance bonuses.

With a view to setting the minimum wage, the National Permanent Labour Council, at the request of the Minister in charge of labour, assesses the elements that may serve as a basis for determining the minimum wage, the study of the subsistence minimum and economic conditions.

The law also provides for financial penalties of between 100,000 and 1,000,000 CFA francs for those who violate the provisions relating to minimum wages, as well as for those who violate the provisions of the order of the Minister in charge of Labour fixing the level of guaranteed inter-professional minimum wages and guaranteed agricultural minimum wages (SMIG-SMAG).


Regular Pay

According to the Labour Code, wages are the consideration for the work done. It is composed of basic salary and all other benefits paid directly or indirectly in cash or in kind by the employer to the workers.

As for the method of payment, the law requires the payment of wages in legal tender notwithstanding any stipulation to the contrary and prohibits the payment of all or part of the wages in alcohol or alcoholic beverages.

The prohibition also applies to the payment of all or part of the wage in kind.

In principle, except in cases of force majeure, wages are paid at the place and during working hours. In no case may it be paid in a drinking establishment or sales shop, except for workers who are normally employed there.

Thus, except for occupations for which established practices provide for a different payment period and which are determined by an order issued by the Minister in charge of labour, after the opinion of the National...
Permanent Labour Council, wages must be paid at regular intervals which may not exceed fifteen (15) days for workers hired on a daily or weekly basis and thirty (30) days for workers hired on a fortnightly or monthly basis. Monthly payments shall be made no later than five (5) days after the end of the working month which gives rise to the right to wages.

In the case of workers whose remuneration is calculated on the basis of piecework or on the basis of performance, and whose work is to be carried out over more than a fortnight, the worker shall receive fortnightly instalments corresponding to at least thirty per cent (30%) of the minimum wage, and shall be paid in full within the fortnight following the delivery of the work.

With regard to deductions from wages, no deductions may be made from the worker’s wages or salary except by garnishment or voluntary assignment before the magistrate of the place of residence or the labour and social security inspector of the area of jurisdiction for the repayment of an advance granted by the employer to the worker.

The determination of the portions of wages subject to progressive deductions and the related rates is provided for by decrees issued on the proposal of the Minister in charge of Labour after the opinion of the Permanent National Labour Council. The deduction thus referred to may not, for each pay, exceed the rates fixed by decrees. For the calculation of the deduction, account must be taken not only of the salary itself but also of all the accessories to the salary, with the exception of allowances declared non-seizable by the regulations in force, sums allocated by way of reimbursement of expenses incurred by the worker and allowances or indemnities for family responsibilities.

ILO Conventions

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

The Central African Republic 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 fare 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:**

- National Collective Bargaining Agreement for Commerce, 1975
- Order n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.

**Overtime Compensation**

The weekly working time of employees or workers working by time, task or piecework may not exceed forty (40) hours per week for all non-agricultural public or private establishments subject to the Labour Code. Thus, the hours worked beyond the fixed weekly duration or the duration considered as equivalent, give rise to an increase in real wages calculated as follows:

- **20% increase for hours worked beyond the 40th hour,**
- **40% increase for hours worked beyond the 48th hour,**
- **60% increase for hours worked at night.**

For overtime worked during the weekly rest day or on public holidays, the salary is increased by 60% of the hourly rate during the day and 100% of the hourly rate during the night.

However, the weekly working time for agricultural and similar establishments is forty-eight (48) hours. Work performed beyond the forty-eighth (48) hour shall give rise to an increase in pay calculated as follows:

- **20% increase for hours worked from the 49th hour to the 56th hour,**
- **40% increase for hours worked beyond the 56th hour.**

Overtime worked during the weekly rest day or on public holidays will be increased at the rate of 60%.

Thus, companies reserve the right to have employees work overtime in excess of the time allowed by the law and regulations in force, within the limits and under the conditions set by the legislation in force. Such overtime shall only be worked after authorisation by the Labour and Social Affairs Inspector. The rate of increase for this overtime is fixed as follows:

- **during the day:** from the fortieth to the forty-eighth hour: - hourly wage + 20%
- **Daytime:** over 48 hours per week: - Hourly wage + 40%.
- **daytime:** rest day and unpaid public holiday: - Hourly wage + 50
- **daytime:** paid public holiday: - Hourly wage + 50
- **night:** working day: - Hourly wage + 50
- **Night:** Sunday and unpaid public holiday: - Hourly wage + 100
- **Night:** public holiday without pay: - Hourly wage + 150

**Sources:** Articles 248 & 249 of the Labour Code, 2009, Art.18, b) of the National Collective Agreement for Commerce, 1975; Art. 17 of Arrêté n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.
Night Work Compensation

The Labour Code defines night work as work carried out between twenty-two (22) hours and five (5) hours in the morning. Based on this period of work, young workers under the age of eighteen (18) years benefit from a minimum duration of night rest of not less than twelve (12) consecutive hours.

Sources: Articles 250 & 251 of the Labour Code, 2009

Compensatory Holidays/Rest Days

The law has no provision for compensatory leave for work performed on a weekly rest day or public holiday.

Weekend / Public Holiday Work Compensation

Remuneration for hours worked on a weekly rest day or a public holiday is increased by 60% of the hourly rate during the day and 100% of the hourly rate during the night.

Sources: Article 17 of Order n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.
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.

The Central African Republic has only ratified Convention N° 014 only.

Summary of Provisions under ILO Conventions

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

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

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.
Regulations on annual leave and holidays:

- Labour Code, 2009

Paid Vacation / Annual Leave

In accordance with the Labour Code, provision is made for annual paid leave, at the expense of the employer, for any worker, employee or apprentice in industrial, commercial, craft or agricultural establishments, and any employee in the liberal professions, civil companies, associations and groups of any kind.

Thus, unless more favorable provisions of individual contracts or collective agreements, a worker who, during the reference year, proves to have been employed by the same employer for a period equivalent to a minimum of one (01) month of actual work, is entitled to leave, the duration of which is determined at the rate of two (02) working days per month of work, without the total duration of the leave due exceeding thirty (30) working days.

In addition, in consideration of the employee's seniority in the company and his/her family situation, the duration of the current leave is increased as follows:
- after 5 years of effective presence: ..........................2 additional working days
- after 10 years of effective presence: ..........................2 additional working days
- after 15 years of actual presence: ..........................2 additional working days
- after 20 years of effective presence: ..........................2 additional working days
- after 25 years of effective presence: ..........................2 additional working days
- after 30 years of effective presence: ..........................2 additional working days
- for mothers, one additional working day for each child under 14 years of age registered in the Civil Registry.

Workers normally go on leave on the date of expiry of the period of actual service entitling them to paid leave, which is equal to 12 months. They may also accumulate their leave over two years, by agreement between the parties. This entitlement shall lapse after two (2) years and may, by individual contract or collective agreement, be extended to thirty (30) months for workers recruited more than five hundred (500) kilometers from the place of employment.

However, if the employer considers that the needs of the service so require, he may bring forward or delay the employee’s departure on leave, provided that the actual date of departure is not more than three months later than the date initially planned.

If, in case of service necessity, a staff member is recalled during the course of his normal leave, he shall benefit from an increase in leave at the rate of one additional day for each day of unfinished leave.

Furthermore, paid leave may not be cancelled in exchange for compensation, even at the request of the employee, except in the case of the termination of the employment contract before the employee has acquired a normal right to leave or has made use of this right. In this case, a compensatory allowance calculated in...
proportion to the length of actual service shall be granted in lieu of leave.

Apart from this case, any agreement providing for the granting of compensation in lieu of leave is null and void.

Failure to apply this clause will result in double payment of leave to the person concerned by the offending employer.

In addition to paid annual leave, exceptional paid leave, including exceptional leave for family events directly affecting the worker's own household, may be granted to the worker without deduction of salary, up to a limit of 15 days per calendar year, upon presentation of civil status documents or proof of the event. This is notably the case for: the worker's marriage, 3 days; the marriage of a child, brother or sister, 1 day; the death of the spouse, 6 days; the death of an ascendant or descendant, 5 days (2 paid and 3 unpaid); the death of a brother or sister, 3 days (1 paid and 2 unpaid); the birth of the worker's wife, 3 days (2 paid and 1 unpaid); and the baptism of a child, 1 day.

In addition, the worker receives an allowance from the employer during his leave, which may not be less than the remuneration that would have been received during the period of leave if the employee had continued working. This remuneration includes, in addition to the average wage, the various allowances, bonuses and commissions from which the worker benefited during the twelve (12) months preceding his leave.

**Source:** Articles 280-288 of the Labour Code, 2009; Art. 27 of the National Collective Agreement of Commerce, 1975

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**Pay on Public Holidays**

The public holidays or legal holidays are provided for by Law No. 20.001 of 10 January 2020 establishing the legal holidays in the Central African Republic. There are thirteen (13) of them and they are presented chronologically as follows 1 January; 29 March, the anniversary of the death of the founding President of the Central African Republic, Barthélémy Boganda; Ascension Day; Mother's Day; Ramadan, Eid el-Fitr; 1 May, Labour Day; 13 August, National Independence Day; Assumption Day; All Saints' Day; the end of Ramadan; the end of the year; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the end of the year of the war; the feast of the end of Ramadan (Aïd El-Fitr); the feast of sacrifice, Aid al-Adha or Aid el-Kébir, or Tabaski; 1 December, the feast of the proclamation of the Central African Republic; 5 December, the day of Reconciliation, Peace, Social Cohesion and Living Together.

Among these holidays, there are those declared as public holidays, with pay, in particular May 1st, Labour Day; August 13th, National Independence Day; December 1st, Proclamation of the Central African Republic Day; and December 5th, Day of Reconciliation, Peace, Social Cohesion and Living Together.

This period of non-work shall not be a cause for reduction of weekly, fortnightly and monthly salaries, wages and emoluments.
In addition, employees paid by the hour, by the day or as labourers, are entitled to compensation equal to the wages they have lost during this temporary cessation of work.

This compensation, which is payable by the employer, is calculated on the basis of the working hours and the repetition of the weekly working hours usually practiced in the company, establishment or administration.

In accordance with the provisions of the same law, when the public holidays listed above fall on a Sunday, the Monday shall not be a public holiday.

The determination of the conditions under which public holidays may be worked or recuperated shall be made by decree by the Council of Ministers after consultation with the Council of State, the Economic and Social Council, the Authority in charge of Good Governance, the legally recognized workers’ unions and anybody with an interest in this law.

**Sources:** Articles 2, 3-5, 7, 8 of Law 20.001 of 10 January 2020 establishing legal holidays in the Central African Republic

**Weekly Rest Days**

The Labour Code contains the legal provisions on weekly rest. Thus, the law provides that weekly rest is compulsory. It must last at least twenty-four (24) consecutive hours.

In addition, the law prohibits the employer from employing the same employee for more than six (06) days per week.

As a result, the weekly rest period must be given on Sunday and may in no case be replaced by a compensatory allowance.

In no case may apprentices be required by their master to work on Sundays. If the apprentice is obliged, by agreement or in accordance with custom, to tidy up the workshop or maintain the equipment on Sundays, this work may not be extended beyond ten (10) o’clock in the morning.

However, if it is proved that the simultaneous rest of all the staff of an establishment on Sunday would be prejudicial to the public or would compromise the normal functioning of the establishment, the law provides that rest may, exceptionally and for clearly established reasons, be given in rotation or collectively on days other than Sunday. Thus, certain establishments, the list of which is determined by order of the Minister in charge of Labour, are allowed to have weekly rest by rotation as of right.

**Sources:** Articles 273-277 of the Labour Code, 2009
ILO Conventions

Convention 158 (1982) on employment termination

**Central African Republic has 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:**

- Code du Travail, 2009
- Order No. 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.
- National Collective Agreement on Commerce, 1975

**Written Employment Particulars**

The employment contract in the Central African Republic is governed by the Labour Code. Similarly, the provisions relating to the trial period, fixed-term and open-ended employment contracts are also contained in the Labour Code.

According to the Labour Code, an employment contract is an agreement by which a natural person undertakes to place his or her professional activity for remuneration under the direction and authority of another natural or legal person, whether public or private.

The law requires that the contract be in writing and in the official languages. It must also be signed by the employer and the employee.

In accordance with the provisions of the Labour Code, the employment contract must contain the following eight (08) compulsory mentions: the date and place of establishment of the contract; the surname, first names, profession and domicile of the employer; the surname, first names, sex, date and place of birth, parentage, domicile and nationality of the worker, his or her trade or profession; the nature and duration of the work; the worker's classification in the professional hierarchy, his or her salary and the accessories to the salary the job that the worker is to occupy in the company or its establishments in the Central African Republic; the reference to the regulations or collective agreements that govern all relations between workers and employers; the conditions and duration of a trial period and any special clauses agreed between the parties or any document in lieu thereof.

A letter of employment may replace the employment contract. However, it must contain the same information as the employment contract. The law also provides that the fixed-term employment contract must be in writing or recorded in a letter of employment.

**Source:** Articles 3; 96, alinéa 2; 97; 98 alinéa 2 of the Labour Code, 2009

**Fixed Term Contracts**

The legal provisions on fixed-term contracts are laid down in the Labour Code. An employment contract concluded for a fixed term must include a precise term, fixed at the time of its conclusion. It must then indicate either the date of its expiry or the precise duration for which it was concluded. But the fixed-term employment contract must also be in writing or recorded in a letter of employment.

In addition to these conditions, it must also be in writing or concluded for a period not exceeding two (02) years.

Fixed-term employment contracts may be renewed without limitation provided that they do not exceed the maximum duration of two years.
Probation Period

The Labour Code contains provisions on the trial period. The Labour Code provides that the performance of an employment contract of indefinite duration must begin with a trial period which must be stipulated in writing, countersigned by both parties at the time of hiring and whose maximum duration varies according to the worker's professional category. Likewise, the law recognises that a fixed-term employment contract may include a trial clause under the same conditions as those laid down for open-ended contracts.

However, in the absence of a written contract and for locally recruited staff, the trial period is fixed at: eight (8) days for workers paid by the hour, day, week or fortnight; one (1) month for workers paid by the month; two (2) months for supervisors and similar staff; three (3) months for managers.

As regards maximum periods, the trial clause may provide for shorter periods. In the case of a written contract, the trial period must be expressly stipulated. It may not be concluded for a period longer than is necessary to test the personnel hired, taking into account the technique and customs of the profession. The trial period can only be renewed once for the same period.

Source: Articles 103, 106 & 107 of the Labour Code, 2009

Notice Requirement

The legal provisions concerning the requirement of notice prior to the termination of the employment contract can be found in the Labour Code. Thus, according to the Labour Code, the termination of an employment contract of indefinite duration is subject to a notice period given by the party taking the initiative.

With regard to the notice period to be given during the trial period, the law provides that the employment contract during the trial period may be terminated at any time by either party without notice, unless otherwise agreed.

In general, the notice period is as follows:
- eight (8) days for workers paid by the hour, by the job, by the day, by the week or fortnightly;
- one (1) month for workers paid by the month;
- two (2) months for supervisors and similar staff; and
- three (3) months for managers.

Specifically, the period of notice begins one clear day after the date of notification of dismissal or resignation.

There are thus two different ways of terminating the employment contract, including dismissal, which is the termination of the contract at the initiative of the employer, and resignation, which may be either at the worker's initiative or at the employer's initiative. But in the latter case, it gives rise to the payment of all legal indemnities.

In the event of gross misconduct, the party who takes the initiative to terminate the contract is entitled to a shorter notice period.
contract is exempted from the notice period, subject to the assessment of the competent court as to the seriousness of the misconduct.

Compensation for notice is only granted in the event of termination of an open-ended contract without the notice period having been fully observed. This entails an obligation for the party responsible to pay the other party compensation corresponding to the remuneration and benefits of any kind that the worker would have received during the period of notice that was not effectively observed.

**Source:** Articles 139, 142, 145, 148 & 151 of the Labour Code, 2009

**Severance Pay**

Redundancy pay is governed by the Labour Code and the National Collective Bargaining Agreement. In accordance with the Labour Code, any termination of the employment contract shall give rise to the payment of legal rights to the worker. Wages and allowances must be paid upon termination of service or within a maximum of five (05) days.

When an unjustified dismissal occurs, and the cancellation of the dismissal and or the reinstatement of the worker are not possible, the employer is obliged to pay the worker damages in addition to the legal rights.

Thus, in the event of dismissal, except in the case of gross negligence, a permanent worker shall be entitled, after 3 years of continuous presence with the same employer, to a dismissal indemnity separate from the notice period, awarded as follows:

- for a seniority of 3 to 5 years: 1/2 month's salary,
- for seniority of 5 to 7 years: 1 month's salary,
- for seniority of 7 to 10 months: 2 months' salary,
- for seniority of 10 to 15 years: 3 months' pay,
- for seniority of 15 to 20 years: 4 months' pay,
- Over 20 years: 6 months' pay.

However, when the dismissal is solely due to a reduction in staff, the worker is entitled, after one year's presence, to a dismissal indemnity equal to 15% of the average monthly salary for the last twelve consecutive months with the same employer.

**Source:** Articles 144 paragraph 2, 153 paragraph 1 of the Labour Code, 2009; Article 12 of Order n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Central African Republic in French, please refer to: https://votresalaire.org/centrafricaine/
05/13 FAMILY RESPONSIBILITIES

ILO Conventions


Central African Republic 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:

- Labour Code, 2009

**Paternity Leave**

The Labour Code provides for 02 working days of paid paternity leave in the event of the birth of an employee's child. Paternity leave is paid by the employer.

**Source:** Article 12 of Order n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic salaries of workers in the absence of collective agreements.

**Parental Leave**

No applicable provisions could be located within the law.

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

Labour legislation does not contain any provisions on work-life balance for parents or workers with family responsibilities.
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.

**Central African Republic has not ratified the above-mentioned Conventions.**

**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, 2009
- Law n° 06.035 of 28 December 2006, on the Social Security Code
- Decree No. 09.116 establishing the modalities of application of law No. 06.035 of 28 December 2006, establishing the social security code of the Central African Republic
- Law n° 06.034 of 28 December 2008, establishing the National Social Security Fund

Free Medical Care

The Labour Code provides that a pregnant woman is entitled during the fourteen (14) week period to free health care and half the salary she was receiving at the time of suspension of the employment contract; she retains the right to benefits in kind. In addition, health care is provided free of charge to the insured woman during her maternity leave.


No Harmful Work

In accordance with the provisions of the Labour Code, a joint order of the Minister of Labour and the Minister of Public Health, issued after consultation with the Permanent National Labour Council, determines the type of work prohibited to women. In addition, the same Code provides that women may not be kept in a job that is recognized as being beyond their strength and must be assigned to a suitable job.

Moreover, if the state of health of a pregnant woman so requires, the law recognizes her right to be temporarily assigned to another job.

In the event of disagreement between the employer and the employee or when the change occurs at the employer's initiative, the medical necessity of the change of job and the employee's aptitude to occupy the new job envisaged can only be established by the occupational physician. The assignment to another establishment is subject to the agreement of the employee concerned.

This temporary assignment may not have any effect exceeding the duration of the pregnancy and ends as soon as the woman's state of health allows her to return to her initial job.

In addition, at the request of the Labour Inspector, an approved doctor examines women to check that the work they are assigned to does not exceed their strength.

In general, the law requires that the head of a company or establishment must take the necessary steps to ensure satisfactory health and safety conditions for his workers.


Maternity Leave

In accordance with the Labour Code, a pregnant woman whose current condition has been medically confirmed or whose pregnancy is apparent may leave work without notice and without having to pay compensation for breach of contract.
In addition, the female employee is entitled to 14 consecutive weeks of paid maternity leave, six weeks before the expected date of delivery and eight weeks after the date of delivery. Thus, the eight-week post-natal period is increased by two weeks in the case of a multiple birth. The three-week extension also applies in the event of an illness duly certified by a doctor and resulting from the pregnancy or childbirth. In no case is the woman allowed to work during the period of six (06) weeks before or eight (08) weeks after childbirth.

Source: Articles 253 of the Labour Code, 2009

Income

Maternity benefits during maternity leave are governed by the Labour Code and the Social Security Code. Maternity benefits thus include prenatal allowances and daily maternity allowances for female employees following childbirth. The daily allowance in question is intended to compensate for loss of pay during maternity leave. It is granted for a period of rest fixed by the Central African Labour Code, provided that the insured person ceases all salaried activity.

In accordance with the provisions of the Labour Code, a pregnant woman is entitled during the fourteen (14) week period to free medical care and half the salary she was receiving at the time of suspension of the employment contract; she retains the right to benefits in kind. In addition, in the case of additional rest justified by illness resulting from pregnancy or childbirth, the daily allowance may be paid for up to an additional three (3) weeks.

The daily allowance is equal to half the average daily pay subject to contributions. This daily pay is obtained by dividing by ninety (90) the total pay subject to contributions received by the insured person during the three (3) calendar months preceding the month in which the work stoppage occurs.


Protection from Dismissals

Protection against dismissal during pregnancy and maternity leave is guaranteed by the Labour Code. Thus, Article 133 of this Code provides that the employment contract is suspended in case of absence of the female employee during the period of maternity leave. In addition, for a period of fifteen months from the date of resumption of maternity leave, the mother is entitled to rest for breastfeeding, paid as working time.

During this period, the mother may leave her job without notice and without having to pay compensation for breach of contract.

In addition, the said Code guarantees the rights of workers, including seniority, mobilization indemnity and reinstatement in their jobs as of right.

Sources: Articles 133, 135 & 256 of the Labour Code, 2009

Right to Return to Same Position

The provisions of the Labour Code do not explicitly provide for the right of a worker to return to the same job upon her return from maternity leave, but they do specify that for
a period of fifteen months from the date of return, the mother is entitled to breastfeeding breaks paid as working time.

**Sources:** Article 256, paragraph 1 of the Labour Code, 2009

**Breastfeeding/Nursing Breaks**

The female employee, for a period of fifteen (15) months from the date of resumption, is entitled to rest for breastfeeding paid as working time.

Thus, the total duration of this rest may not exceed one hour (01) per working day.

In principle, the time when work is stopped for breastfeeding is determined by agreement between the women concerned and their employers. In the absence of an agreement, it shall be in the middle of each half working day.

**Source:** Article 256 of the Labour Code, 2009
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)

Central African Republic has ratified both Conventions 81 & 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, 2009

Employer Cares

Labour legislation requires the employer, the head of the company or establishment, to take the necessary measures to ensure satisfactory health and safety conditions for its workers. In order to implement measures relating to health and safety at work, a Health and Safety Committee is set up for this purpose.

In accordance with the Labour Code, joint decrees of the Minister of Labour and the Minister of Public Health, issued after consultation with the Higher Council for the Prevention of Occupational Risks, set the conditions for hygiene, safety and health in the workplace. However, none of the implementing decrees provided for in the Labour Code has yet been adopted.

An obligation to provide a medical and health service for the benefit of its workers and their families is also imposed on enterprises or establishments of any kind, public or private, secular or religious, civil or military, including those connected with the exercise of the liberal professions and those dependent on professional associations or unions. However, each of the companies or establishments involved in the operation of the above-mentioned services is still required to have an infirmary with an isolation room for emergency cases.

Sources: Articles 298, 300 & 305 of the Labour Code, 2009

Free Protection

No legislative or regulatory provisions on the requirement to provide workers with free protective equipment could be found.

Training

The labour legislation provides for the responsibilities of the Ministry of Labour, which has the task of dealing with all matters concerning the conditions of workers, the movement of labour, guidance, vocational training and further training of the workforce, occupational health and social security. However, no legal provision concerning training could be found.

Source: Article 317 of the Labour Code, 2009

Labour Inspection System

The Labour and Social Security Inspectorate, composed of labour and social security inspectors and labour inspectors, is responsible for ensuring the enforcement of all legislative and regulatory provisions concerning working conditions and the protection of workers in the exercise of their profession.

Labour and social law inspectors have the power to enter freely and without prior warning, at any time of the day or night, establishments subject to inspection where they may have reasonable grounds to suppose that persons enjoying legal protection are employed and to inspect them. In addition, they shall, if necessary, request the opinions and consultations of doctors and technicians, particularly with regard to health and safety requirements. They shall also have the power to carry out
or cause to be carried out any examinations, checks or investigations deemed necessary to ensure that the applicable provisions are effectively observed and in particular

1. to question, with or without witnesses, the employer or the personnel of the undertaking, to check their identity, to request information from any other person whose testimony seems necessary;

2. require the production of any register or document required to be kept by this law and the texts adopted for its application

3. take and carry away for analysis in the presence of the head of the undertaking, the head of the establishment or his deputy and against receipt samples of materials and substances used or handled.

The Labour and Social Affairs Inspectors shall draw up a report which shall be deemed authentic the contrary, infringements of the provisions of the labour laws and regulations in force in the field of work. They may also, in order to put an end to infringements, serve formal notices.

With regard to the CEACR's comments on the functions of labour inspectors, the Commission notes that one third of labour inspectors are responsible for control functions and that, under the terms of the Labour Code, the conciliation of collective and individual labour disputes is the responsibility of labour inspectors. Therefore, it recalls that sufficient time must be devoted to the main functions in relation to the other functions of the labour inspectorate. In other words, conciliation in labour disputes, whether individual or collective, constitutes the major part of the inspectors' activity.

Furthermore, labour and social inspectors cannot have any interest, direct or indirect, in the companies under their control.

Finally, the law does not expressly provide for an independent central inspection authority for which local inspection offices are required to submit periodic reports.

**Sources:** Articles 318, 321, 322, 324 & 328 of the Labour Code, 2009
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

Central African Republic 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:**

- Law n° 06.035 of 28 December 2006 on the Social Security Code
- ISSA|Central African Republic Country Profile, 2017

**Income**

In accordance with the Labour Code, the employment contract shall be suspended for the duration of the worker's absence, limited to six (6) months, in the event of non-occupational accident or illness.

During maternity leave, the female employee is entitled to half (50%) of the salary she was receiving at the time of the suspension of the employment contract. Thus, in the event of non-occupational illnesses or accidents of workers duly certified by an approved doctor, the employer is obliged to pay, within the normal limit of the notice period, compensation equal to the amount of her remuneration during the period of absence.

In the event that the worker has been hired under a fixed-term contract that does not include any clause relating to notice, reference shall be made, for the calculation of sick pay, to the provisions of a decree of the Minister of Labour issued after the opinion of the Permanent National Labour Council.

**Source:** Articles 133, 134 & 255 of the Labour Code, 2009

**Job Security**

The employer may not terminate an employment contract suspended due to the absence of the sick worker for a period limited to six months. Thus, the Labour Code guarantees workers' rights in the event of suspension due to illness, including seniority, mobilisation allowance and reinstatement in their jobs as of right.

**Medical Care**

The law contains provisions on medical care for pregnant women. They are contained in the 2009 Labour Code and Decree No. 09.116 setting out the terms of application of Law No. 06.035 of 28 December 2006 on the Social Security Code. Thus, the Code provides that any pregnant woman is entitled to free health care during the fourteen (14) week period and to half of the salary she was receiving at the time of the suspension of the work contract.

In the event of illness resulting from pregnancy or the aftermath of childbirth, the woman employee or the worker's wife shall receive care within the limits of the rates set by order of the Minister of Public Health.

Hospitalization, medical and pharmaceutical expenses resulting from childbirth are covered by the National Social Security Fund according to the rates set by the Minister of Public Health.

If these expenses are paid by the woman employee herself, they shall be reimbursed on production of supporting documents on the basis of the rates in force in the Central African Republic.
Sources: Article 255, paragraph 1 of the Labour Code, 2009; Art. 75 & 78 of the Decree n°09.116 fixing the modalities of application of the Law n°06.035 of 28 December 2006 on the Social Security Code of the Central African Republic

Disability / Work Injury Benefit

The legal provisions on work accident benefits are set out in the 2006 Social Security Code.

Thus, in the event of partial or total permanent incapacity duly established by the medical officer of the National Social Security Fund, the victim is entitled to permanent incapacity benefit when the degree of incapacity is greater than fifteen per cent (15%), and to a one-off incapacity benefit paid after a period of two (2) years from the date of consolidation when the amount of the annual pension is less than the minimum annual salary multiplied by one point twenty eight (1.28) or when the degree of permanent partial incapacity is less than or equal to fifteen per cent (15%).

The maximum monthly salary used to calculate the pension is 33.3% of the portion of the salary that exceeds the legal minimum monthly salary multiplied by 18.73, up to 75 times the legal minimum monthly salary.

For benefits for permanent partial incapacity, if the degree of incapacity is more than 15% but less than 100%, the amount of the incapacity pension is equal to the annual salary subject to contributions multiplied by the degree of incapacity previously reduced by half for the part of this degree not exceeding fifty per cent (50%) and increased by half for the part exceeding fifty per cent (50%).

In the event of temporary incapacity for work duly established by the competent medical authority, the victim is entitled to a daily allowance for each day of incapacity, whether or not it is a working day, following the day of cessation of work following the accident. The daily allowance is equal to half the victim's average daily wage for the first twenty-eight (28) days following the work stoppage; 66.7% of the average daily wage thereafter.

The benefit is payable throughout the period of incapacity for work prior to the recovery, consolidation of the injury or death of the worker.

With regard to survivors' pensions, the widow or widower receives 30% of the permanent disability pension which the deceased was receiving or to which he or she was entitled. If there are several widows, the amount is divided equally between them.

The widow must have been married to the deceased insured for at least one year before his death, be pregnant by the deceased insured or have children of the deceased.

For the victim's dependent children, the permanent incapacity pension is fifteen per cent (15) of the victim's annual pension if she has only one child; thirty per cent (30%) if she has two; forty per cent (40%) if she has three; the pension is increased by ten per cent (10%) for each dependent child. The pension is increased to 20% for each child who has lost both parents.

The total survivors' pension must not exceed 85% of the permanent incapacity pension which the deceased was receiving or to which he was entitled.
Where the total of the pensions calculated exceeds this limit, each of the pensions will be reduced proportionately.

**Sources:** Articles 70, 71, 74-76 & 79 of Law n° 06.035 of 28 December 2006 on the Social Security Code; ISSA Country Profiles of the Central African Republic, 2017
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)

Central African Republic 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:
- Law n°06.035 of 28 December 2006 on the Social Security Code
- ISSA| Country Profiles of the Central African Republic, 2017

Pension Rights

The legal provisions on pension rights are contained in the 2006 Social Security Code. To qualify for the old-age pension, the insured person must have reached the age of 60 (55 in the case of premature ageing) with at least 15 years of insurance, i.e. at least 180 months of contributions; cease all remunerated activity; and reside on national territory, except in the case of a reciprocal agreement or multilateral convention.

The retirement pension is equal to 40% of the average monthly salary over the last three or five years, whichever is more favourable, plus 1% of the average monthly salary for each 12-month period of contributions from 280 to 350 months. The minimum pension is equal to 60% of the minimum legal monthly salary, given that the minimum legal monthly salary is 35 000 CFA francs. The monthly pension cannot be less than 60% of the national minimum wage.

The maximum pension is equal to 80% of the insured person's average monthly salary.

As for the periodicity of payments, the retirement pension is paid quarterly.

Dependants' / Survivors' Benefits

The benefits for dependants/survivors are found in the Social Security Code Act 2006. The amount of survivors' pensions provided for the surviving spouse is calculated as 50% of the old-age or disability pension that the deceased insured person was receiving or was entitled to. If there are several widows, the pension is divided equally between them. Secondly, for each orphan, 50% of the old-age or invalidity pension which the deceased insured person was receiving or to which he was entitled is divided equally among the eligible orphans; and 100% for orphans of both parents.

However, the total of survivors' pensions must not exceed 100% of the insured's pension.

Unemployment Benefits

The law does not contain any explicit legal provisions on unemployment compensation. However, the labour legislation provides that any termination of the employment contract gives rise to the payment of legal rights to the worker. Wages and allowances must be paid upon termination of service or within a maximum of five (05) days. Consequently, in the event of dismissal, except in the case of gross misconduct, the permanent worker shall be entitled, from the first month of his presence in the company, to the payment of a dismissal indemnity distinct from the notice period. It is attributed as follows: 28% of the average monthly salary of the
last twelve months for each year of presence and for the first four (04) months for each year of consecutive presence with the same employer; 33% of the average monthly salary of the last twelve months for each year of presence for the period between the fifth and tenth year inclusive of consecutive presence with the same employer; and, 38% of the average monthly salary of the last twelve months for each year of consecutive presence for the period extending beyond the tenth year


Invalidity Benefits

The labour legislation relating to the disability pension is contained in the Social Security Code Act of 2006, which provides for a social insurance scheme. Thus, an insured person who becomes disabled before reaching the age of 60 is entitled to a disability pension but must first be assessed as having a loss of at least 66.7% of earning capacity, have at least 5 years' registration with the National Social Security Fund and at least 6 months' contributions in the year preceding the disability. The condition of affiliation is not required in the case of a non-work-related accident.

The amount of the disability pension is equal to 40% of the average monthly wage over the last three or five years (whichever is more favourable) plus 1% for each period of 12 months of contributions over 280 months up to 350 months. The years from the date of application to the age of 60 are taken into account as 6-month periods.

In addition, the law provides that at the normal retirement age, the disability pension lapses and is replaced by an old-age pension of the same amount.

The survivors' allowance includes a lump sum equal to the cost of funeral expenses up to a ceiling.

Sources: Article 104 of Law No. 06.035 of 28 December 2006 on the Social Security Code; ISSA|Country Profiles of the Central African Republic, 2017
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.

Central African Republic has ratified the Conventions 100, 111 and 190.

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:

- Law No. 10.001 of 06 January 2010 on the Central African Penal Code, 2010
- General Order No. 3759 of 25 November 1954, relating to the work of women and pregnant women in E.A.F.

Equal Pay

The national labour legislation contains legal provisions on equal pay. In accordance with the Constitution, the law guarantees equal rights to men and women in all areas and consequently all citizens are equal in employment. Thus, the law provides that no one may be prejudiced in his or her work or employment because of his or her origin, sex, opinions or beliefs.

In addition, the Labour Code provides that all workers are entitled to equal pay regardless of their origin, sex and age, provided that they have equal working conditions, professional qualifications and performance.

Source: Articles 222 of the Labour Code, 2009; Art.5 paragraph 2, 9 paragraph 2 of the Central African Constitution, 2016

Sexual Harassment

The law expressly prohibits sexual harassment in the workplace. Thus, Act No. 06.032 of 27 December 2006 on the protection of women against violence, even though it does not specifically concern the workplace, contains provisions punishing sexual harassment. The penal provisions of this law punish, as does the Penal Code, the fact of harassing a woman by using orders, threats or coercion with the aim of obtaining favours of a sexual nature by a person abusing the authority conferred by his or her functions or position.

In addition, the Penal Code establishes the prohibition of sexual harassment and provides for criminal penalties of one year’s imprisonment and a fine of 50,002 to 500,000 francs for anyone who harasses another person by using orders, threats, constraints or serious pressure, with the aim of obtaining favours of a sexual nature by a person abusing the authority conferred by his or her functions.

Source: Art.25 of Law n°06. 032 of 27 December 2006 on the protection of women against violence in the Central African Republic; Art. 96 of Law no. 10.001 of 06 January 2010 on the Central African Penal Code

Non-Discrimination

Non-discrimination is guaranteed by the Constitution and national labour legislation. Thus, the Constitution provides, inter alia, that all human beings are equal before the law irrespective of race, ethnic origin, region, sex, religion, political affiliation and social position, and that the law guarantees equal rights for men and women in all areas. It also provides that all citizens are equal in employment and that no one may be prejudiced in his or her work or employment because of his or her origins, sex, opinions or beliefs.

Thus, the Labour Code provides that all workers are entitled to equal pay under
equal working conditions. The law ensures that everyone has equal opportunities and treatment in employment and in the workplace without any discrimination, and access to vocational training is guaranteed to all workers without any discrimination. The Labour Code also prohibits discrimination against job applicants or employees on the basis of physical or mental disability and provides that employers' and workers' organizations shall ensure the protection of workers against all forms of stigmatization and discrimination based on HIV status.

**Sources:** Articles 10, 11, 266 & 313 of the Labour Code, 2009; Art. 5 & 9 of the Constitution, 2016

### Equal Choice of Profession

The current Constitution of the Central African Republic clearly states that all citizens are equal in employment and that no one may be prejudiced in his or her work or employment because of his or her origin, sex, opinions or beliefs.

Similarly, Act No. 16.004 of 24 November 2016, institutes parity between men and women in public, parapublic and private employment. The Labour Code, for its part, ensures that everyone has equal opportunities and treatment in employment and in the workplace without any discrimination.

In addition, the law requires that all employment must be fairly remunerated and must be sufficient to provide the worker and his or her family with a decent standard of living. The law guarantees men and women equal rights in all areas.

However, women cannot work in the same jobs as men, as there are certain jobs that are prohibited for women. Thus, in accordance with General Decree No. 3759 of 25 November 1954, on the work of women and pregnant women in the Federal Republic of Germany, women are not allowed to be employed in work that exceeds their strength, that is dangerous or that, by its nature and the conditions in which it is carried out, is likely to harm morality. Nor are they allowed to do night work in factories, manufactures, mines, quarries, building sites and workshops.

**Sources:** Article 5, 9 of the Constitution of the Central African Republic, 2016; Art. 10, 11, 257 & 258 of the Labour Code, 2009; Arts. 1, 2 and 3 of the General Decree No. 3759 of 25 November 1954, concerning the work of women and pregnant women in the French overseas territories.
11/13 MINORS & YOUTH

ILO Conventions

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

Central African Republic 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:


Minimum Age for Employment

The legal provisions of the labour legislation concerning the minimum age for admission to employment are set out in the Labour Code.

Thus, article 259 of the Labour Code, which sets a minimum working age, states that children who have not reached the minimum age of 14 years may not be employed in any enterprise, even as apprentices, unless an exemption is granted by order of the Minister of Labour, issued after consultation with the Permanent National Labour Council, taking into account local circumstances and the tasks that may be required. In addition, education in the Central African Republic is free and compulsory from the age of 6 to 16.

However, there are exceptions to the 12-year age limit for light work; picking, gathering and sorting work carried out on farms; light work of a non-industrial nature, subject to the express authorisation of the local Inspector of Labour and Social Affairs. In addition, the law prohibits the employment during school periods of children under 15 years of age when they are attending a public or private educational institution.

Sources: Article 259 of the Labour Code, 2009; Art. 2 & 3 of Order No. 006 establishing the conditions of employment of young workers as well as the nature of the work and the categories of enterprises prohibited to young people and the age limit to which the prohibition applies, 1986

Minimum Age for Hazardous Work

The minimum age for performing hazardous work is 18. The law prohibits the employment of children under the age of 18 in certain work, including the transport of any load on hand trucks or similar vehicles; work performed during night hours in industrial, public or private establishments or in their outbuildings; driving engines, vehicles and mechanical equipment; lubrication, cleaning, inspection or repair of machinery; handling or use of explosive, irritating, corrosive or poisonous materials; work in slaughterhouses; extraction of ores, waste rock, materials and spoil in mines, quarries and earthworks; etc.

However, under Article 7 of Order No. 006 of 1986, young workers over the age of 16 may be employed in certain types of dangerous work.

Sources: Art.6 & 7 of Decree No. 006 fixing the conditions of employment of young workers as well as the nature of the work and the categories of enterprises prohibited to young people and the age limit to which the prohibition applies, 1986
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: forfeiture of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Central African Republic 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:

- Labour Code, 2009

Prohibition on Forced and Compulsory Labour

Forced or compulsory labour is a prohibited practice and is punished by law. In accordance with the Labour Code, this practice is absolutely prohibited throughout the Central African Republic. Forced or compulsory labour refers to any work or service required of an individual under threat of any penalty and for which the individual has not offered himself voluntarily. The prohibition of all forms of forced labour is therefore applicable, in particular as a measure of coercion or political education; as a sanction against persons who have expressed certain political, trade union or religious opinions or manifested their ideological opposition to the political, social or economic order; as a method of mobilising and using labour for the purposes of economic development; as a measure of labour discipline; as a measure of racial, social, national or religious discrimination; as a sanction for participating in strikes.

The Penal Code punishes forced or compulsory labour with a penalty of hard labour for time.

Sources: Article 3 & 7 of the Labour Code, 2009; Art. 151 of the Penal Code, 2010

Freedom to Change Jobs and Right to Quit

The Central African Constitution guarantees the right to work to all. Termination of the employment contract is subject to a notice period given by the party initiating the termination. Thus, the Labour Code provides that in the absence of a collective agreement or if the question of notice is not dealt with in the agreement, the notice period is as follows:

- eight (8) days for workers paid by the hour, by the task, by the day, by the week or by the fortnight;
- one (1) month for workers paid by the month;
- two (2) months for supervisors and similar staff;
- three (3) months for managers.

The period of notice shall begin one clear day after the date of notification of dismissal or resignation.

In addition, in order to look for another job, the worker shall benefit, during the period of notice, from one (01) day of freedom per week, taken at his or her own discretion, either as a whole or hour by hour, paid at full salary.

For more information on this subject, please refer to the section on job security.


Inhumane Working Conditions

The weekly working hours of employees working by time, task or piecework may not exceed forty (40) hours per week for all non-agricultural public or private establishments subject to the Labour Code. However, the weekly working time for agricultural and similar establishments is forty-eight (48) hours. The law does not explicitly provide for a maximum weekly working time, as it allows for overtime to be

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Central African Republic in French, please refer to: https://votresalaire.org/centrafricaine/
worked, with a 20% increase in pay for hours worked from the 49th to the 56th hour, and 40% for hours worked beyond the 56th hour.

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

**Sources:** Articles 248 & 249 of the Labour Code, 2009; Art. 17 of Arrêté n° 004-MFPTSSFP-CAB-DGTEFP-DERE-SER of 24 September 1991 determining the general working conditions and fixing the classifications and basic wages of workers in the absence of collective agreements.
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)

Central African Republic 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:**

- Labour Code, 2009

**Freedom to Join and Form a Union**

In accordance with the Constitution, the right to organize is guaranteed and is exercised freely within the framework of the laws governing it. Moreover, any worker may join the trade union of his or her choice and defend his or her rights and interests through trade union action. Thus, the Labour Code allows persons exercising the same profession, similar trades or related professions contributing to the manufacture of specific products or the same liberal profession to freely form a professional union.

Moreover, any worker, whether national or foreign, legally resident, has the right to freely join the trade union of his choice within the framework of his profession and the geographical sectors he determines.

The object of professional trade unions is exclusively the study and defence of the rights and material and moral interests, both collective and individual, of the persons or enterprises covered by their statutes.

The founders of any trade union shall deposit the statutes, the rules of procedure and the names of those who, in any capacity whatsoever, are responsible for its administration or management, in triplicate against acknowledgement of receipt, at the Regional Labour Inspectorate of their jurisdiction.

Amendments to the statutes and changes in the composition of the management or administration of the union shall be notified to the same authorities in the same form and under the same conditions as those laid down in this Code.

Minors over the age of 16 may join trade unions, unless their father, mother or guardian objects.

**Sources:** Article 10 of the Constitution of the Central African Republic, 2016; Articles 15, 16, 17, 19, 20, 26, 48 of the Labour Code, 2009

**Freedom of Collective Bargaining**

Under the Labour Code, the collective agreement is an agreement between the social partners which falls under the right of workers to collective bargaining. As a consequence, it has as a corollary the right of employees to organise themselves freely in a trade union for the collective defence of their interests through collective bargaining.

The right to organise is exercised in all companies or establishments, whatever their form (public or private) and their purpose. It is a right that can be exercised anywhere an employee is located, in compliance with the rights and freedoms guaranteed by the law of 29 January 2009 and the 2016 constitution. Thus, when the
personnel of public services, companies and establishments are not subject to a particular statute, collective agreements may be concluded in accordance with the legislative provisions of the Labour Code.

The agreement may contain provisions that are more favourable to workers than those of the laws and regulations in force. However, it may not derogate from the provisions of public policy.

Moreover, collective agreements that may be extended must include provisions concerning the free exercise of trade union rights and the freedom of opinion of workers; the wages applicable by professional category; the methods of execution and the rates of overtime for night work and work on non-working days; the duration of the trial period and that of the notice period; the legal regime applicable to staff delegates, trade union delegates, delegates of the health and safety committee and delegates of the works council; the procedure for revising, amending and terminating all or part of the collective agreement; the procedures for assessing the principle of equal pay for women, children and the disabled; paid leave, in particular the determination of its duration for workers recruited from outside the place of employment; the prohibition of sexual harassment in the workplace, as provided for and punished by the Central African Penal Code.

The collective agreement is concluded for a fixed term or for an indefinite term and may not exceed five years if concluded for a fixed term. At the end of the fixed-term agreement, it continues to produce its effects as an agreement of indefinite duration. The agreement must stipulate in what form and at what time it may be denounced, renewed or revised.

The Permanent National Labour Council, which is attached to the Minister of Labour, is a tripartite social dialogue body bringing together representatives of the public authorities, employers and workers.

It is responsible for issuing opinions on issues relating to work, employment, guidance, vocational training, placement, labour movements, the improvement of workers’ material and moral conditions, social security, health and safety at work; making recommendations on legislation and regulations in the areas of work, employment, vocational training and welfare.

The Central African Constitution provides for an Economic and Social Council. The Council must be consulted on any economic, social or cultural plan or draft law or action program within its remit. On its own initiative, the Economic and Social Council may make recommendations or draw the attention of the President of the Republic or the Government to reforms that it considers appropriate on matters within its competence.

The Economic and Social Council gives its opinion on all proposals and all draft laws, ordinances and decrees as well as on all measures necessary for the economic, social and cultural development of the Republic which are submitted to it. It may be entrusted with any study of an economic, social and cultural nature. An organic law determines the organization and functioning of the Economic and Social Council and the method of appointment of its members.

**Right to Strike**

The right to strike is guaranteed and is exercised within the framework of the laws governing it and may in no case infringe on the freedom to work or the free exercise of the right to property.

A strike is defined as a concerted and collective work stoppage decided by all or some of the workers in order to support professional demands.

Before resorting to a strike, a prerequisite is required, namely the obligation to give notice of a strike. Thus, the strike notice is filed by the representatives of the workers in conflict with the management of the company, the establishment or the employers’ unions of the sector or branch of activity, eight (08) working days before the strike is called. It must specify the reasons for the strike, the demands made, as well as the place, date and time of the beginning and the limited or unlimited duration of the planned strike.

The notice must, on pain of nullity, be notified within the same time limit to the local Labour and Social Affairs Inspector. Moreover, the notice does not prevent negotiations for the settlement of the dispute. Negotiations suspended the notice period.

However, the prohibition on exercising the right to strike extends in particular to strikes for reasons other than those defined by the law in force; strikes called in violation of the notice period; strikes involving violence, assault, threats and intimidating attitudes with the aim of infringing on the exercise of the right to property and freedom of work; strikes during collective bargaining; and strikes called in violation of the minimum service instructions.

Thus, during a strike, a compulsory minimum service is required for certain enterprises because of their social utility or their specificity. A list of the enterprises concerned and the procedures for implementing the minimum service are determined by order of the Minister of Labour, after consulting the Permanent National Labour Council. It should also be noted that hours or days of work lost as a result of an illegal strike do not give rise to remuneration.

A strike does not breach the employment contract, except in the case of gross negligence attributable to the worker.

Its exercise cannot give rise to discriminatory measures on the part of the employer in terms of remuneration and social benefits. Likewise, the law provides that any dismissal pronounced in violation of this article is null and void.

**Source:** Art. 10, para. 3 of the Central African Constitution; Arts 377-383 of the Labour Code, 2009
Decent Work Check Central African Republic is a product of WageIndicator.org and www.votresalaire.org/centrafricaine/

<table>
<thead>
<tr>
<th>01/13 Work &amp; Wages</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I earn at least the minimum wage announced by the Government</td>
<td>☹</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)</td>
<td>☹</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

| 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?* | ☹ | ☐ | ☐ |
| 8. I get paid during public (national and religious) holidays | ☹ | ☐ | ☐ |
| 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 a “YES”.
21. During my maternity leave, I get at least 2/3rd of my former salary

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

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

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

### 07/13 Health & Safety

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

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

27. My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident

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

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

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

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

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

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

### 09/13 Social Security

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

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

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

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

### 10/13 Fair Treatment

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

38. My employer takes 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.
### 11/13 Minors & Youth

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

### 12/13 Forced Labour

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

### 13/13 Trade Union Rights

| 46. | I have a labour union at my workplace | ☹ | ☐ | ☐ |
| 47. | I have the right to join a union at my workplace | ☹ | ☐ | ☐ |
| 48. | My employer allows collective bargaining at my workplace | ☹ | ☐ | ☐ |
| 49. | I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination | ☹ | ☐ | ☐ |
Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:

- **Central Africa** scored 42 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.