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/guinee/

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INTRODUCTION

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

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

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

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

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

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

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Major Legislation on Employment and Labour

5. Decree 2791/MTASE/DNTLS/96, 1996
7. Decree No. 1392/MASE/DNTLS/90 of 15 May 1990
Regulations on work and wages:

Minimum Wage

According to the Labour Code, all workers are entitled to a guaranteed minimum wage. The guaranteed minimum rate for an hour of work is determined by decree, after consulting the Consultative Commission of Labour and Social Laws.

The minimum wage, statutory or resulting from a collective agreement more favourable, is displayed in the same places as the interior regulations and at the staff payment places.

Wages are normally negotiated between the employer and the worker.

Compliance with labour laws including minimum wage provisions is guaranteed by the labour inspectors working under the labour inspection system. Non-compliance with minimum wage provision is punishable with a fine of GNF100,000 to GNF500,000.


Regular Pay

Remuneration is the basic salary and all other benefits and accessories, bonuses and allowances of any kind paid directly or indirectly, in cash or in kind, by the employer to the worker in view of the employment of the latter.

Wages must be paid regularly and in legal tender.

In accordance with the Labour Code, an employer is obliged to pay wages at least once a month to the workers and beneficiaries of collective labour agreement; or twice a month with interval not exceeding fifteen (15) days for workers who are engaged for a fortnight or less. For workers engaged on piece-work, if the work lasts more than a fortnight, timing of payment can be set by mutual agreement however workers must get fortnightly instalments and should receive full payment within two weeks of the delivery of work.

The payment of the wage, wholly or partially, in the form of alcohol or drugs is forbidden. Salary paid in kind, partially, serves the personal use of the worker and her/his family and it is according to her/his interest; the value attributed to these benefits must be fair and reasonable.

02/13 COMPENSATION
**Regulations on compensation:**

**Overtime Compensation**

In accordance with the Labour Code, the normal working hours are 40 hours per week. Working hours may be reduced by mutual agreement in a part time work contract. Normal working hours may be increased by using the principle of work time equivalence. The following professions are authorized to practice equivalent hours of work as follows:
- i. 42 hours for workers of pharmacies and commerce;
- ii. 42 hours for workers of hospitals, bakeries, hotels, bars, restaurants and clubs;
- iii. 45 hours for workers of hairdressing salons, manicure and pedicure places;
- iv. 45 hours for taxi drivers;
- v. 48 hours for staff transportation drivers; and
- vi. 55 hours for guards and janitors

A worker may be required to work overtime provided that working hours must not exceed 10 hours per day and 48 hours per week. Employer can unilaterally require a worker to work 100 hours of overtime per year. Beyond this limit, a certificate to perform overtime work must be obtained from Labour Inspector. An employer is required to pay overtime premium at following rate:
- 130% of normal hourly rate for the first four (4) overtime hours; and
- 160% of normal hourly rate for five (5) or more overtime hours in a week.

A worker does not have the right to refuse to overtime.

Sources: §221(1-7) of the Labour Code of the Republic of Guinea 2014; §4 of Order No. 1391 on Work Time Equivalence

**Night Work Compensation**

Night work is the work performed between 20:00 and 06:00.

Night work is paid at the premium rate of 120% of the normal hourly salary paid during the day. If the night work is performed as overtime, a worker is entitled to compensation for overtime applied over the already increased rate of night work.


**Compensatory Holidays / Rest Days**

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. Instead of getting higher wages for working on weekly rest day, workers get a compensatory day off, upon mutual agreement between the parties, in lieu of the rest day. There is no provision for compensatory holiday for workers working
on a public holiday.


**Weekend / Public Holiday Work Compensation**

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official holidays, they are entitled to receive wages at a premium rate of 160% of the normal hourly wage rate for the work performed during day time and 200% of the hourly wage rate for the work performed during night hours. Work performed on weekly rest days is considered as overtime and it is paid accordingly.

03/13 ANNUAL LEAVE & HOLIDAYS
Regulations on annual leave and holidays:
- Order on Weekly Rest Periods, 1996

Paid Vacation / Annual Leave

The Labour Code provides 30 working days paid annual leave after completion of 12 months of continuous service. A worker is entitled to 2.5 days of annual leave for one month of service. Labour code does not specify whether paid annual leave increases with the length of service.

Annual leave may be split however its minimum duration at one time must be at least 12 consecutive days. Workers are entitled to receive their full pay and allowance that they would have received while working for the whole term of paid annual leave. Annual leave is independent of all other kinds of leave provided by the law. The collective agreements branch may determine the timing of annual leave; otherwise, it is set by the employer.

If the employment contract expires before a worker could acquire the right to annual leave, compensation for leave is made. Apart from this provision, any agreement providing compensation in lieu of annual leave is null and void.


Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays.

The public holidays are eleven in number and includes the following: Independence Day (October 02), National holiday of the Second Republic (April 03), New Year (January 01), International Labour Day (May 01), Day of the Liberation of African Continent (May 25), Ramadan (Celebration at the end of Ramadan), Tabaski (Abraham’s sacrifice/Feast of the Sacrifice), Mauloud (Date of birth of the Prophet Muhammad PBUH), Eastern Monday, Assumption Day (August 15) and Christmas Day (December 25).

Sources: §222(6) of the Labour Code of the Republic of Guinea 2014; §1 of Order No. 1389 on Public Holidays

Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. The Labour Code and the Order on Weekly Rest Periods require that weekly rest day, in principle, should be Sunday for all workers except the following:

1. Hospital, clinics, nursing homes and pharmacies staff;
2. Lighting companies and water distribution;

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3. Hotels, bars, restaurants and show companies;
4. Carriers by water, air, land and rail;
5. In industries where every interruption of work can provoke the loss or deterioration of goods being produced, or in the facilities.

Exceptions to the weekly rest period on Sundays can be also granted by a Ministerial Order once the simultaneous rest period of a company’s staff or of an establishment is detrimental to the public or endangers the normal functioning of a company or an establishment.

The workers are also given the choice for the additional rest days, either at the end of a journey, or cumulated with the annual leave.

The apprentices and those employed under the age of eighteen are still entitled to Sunday rest, even when employed in a company or institution where the Sunday work is allowed.

EMPLOYMENT SECURITY

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Regulations on employment security:
- Collective Labour Agreement, 1995

Written Employment Particulars

The employment contract is a contract by which a person commits his/her professional activity in subordination of a person for consideration of a fee/remuneration.

Employment contract may be oral or in writing. An indefinite contract known as "term contract undetermined" may be verbal however a fixed term contract must be in writing. Employment contract is provided to the worker with the age of 16 years and above.

The employment contract is subject to common law and can be made in a form that is agreed upon by the contracting parties. When the parties to the contract are opting for the form of a written contract, it is free from stamp duty. The proof of the contract can be established by any means.

Sources: §121 (1-5) of the Labour Code of the Republic of Guinea 2014

Fixed Term Contracts

Guinean labour Law allows hiring fixed term contract workers for tasks of permanent nature. The employment contract is a fixed term contract if its terms are fixed by the parties at the time of its conclusion. The fixed term employment contract must be written and provided with the letter of employment before commencement of work.

The maximum duration of a fixed term contract including renewals is two years. If a fixed term contract is extended beyond two years or if a worker keeps working after expiry of fixed term, the contract converts to the indefinite duration. The fixed term contract may be concluded in the following situations: when the contract occurs either for a season; or replacing an absent worker; or execution of a project; or task corresponding to occasional extra work; or unusual business activity.


Probation Period

In accordance with the Labour Code, maximum duration for the probation/trial period is:
- 3 months for managerial/executive workers; and
- 01 month for all other workers

Written employment contract along with the appointment letter is provided to the worker on probation within two days of commencement of work, unless agreed otherwise.


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Notice Requirement

The Labour Code requires written termination notice before terminating services of a worker.

A fixed term contract terminates at the end of its term or by cancellation by either of the parties. The cancellation by either of the parties must be by mutual agreement. A fixed term contract can also be cancelled, without agreement of the parties, in the event of force majeure (acts of God) or serious misconduct. The cancellation of contract by agreement must be in writing and it is submitted as a petition to the President of the court responsible for the work (labour issues) in the jurisdiction.

An indefinite term contract may be terminated by either of the parties. A worker may cancel an indefinite term contract for any reason. On the other hand, an employer may cancel an indefinite term contract for valid reasons that make it impossible to keep the contractual relationship. Reasons for dismissal relate to personal disability, incompetence or misconduct (personal reasons) or the requirements of the enterprise (economic reasons). Either party can terminate a contract of indefinite duration by serving a notice or paying in lieu of notice except in case of serious misconduct. Labour Code does require an employer to serve a contract termination notice to the workers except in case of serious misconduct.

Minimum length of notice depends on the professional category of workers as follows:
- 3 months for middle managers and similar categories;
- 2 month for supervisors and foremen; and
- 1 month for operational staff

Notice period starts on the day the worker receives written termination notice. During notice period, the employer works with same terms and conditions except the worker is provided 8 hours per week to search for a new job.


Severance Pay

Workers on termination of contract, except in the case of serious misconduct, are entitled to severance pay as determined in an Order issued by the Minister of Labour. In accordance with article 50 of the Collective Agreement, severance pay is not payable when a worker is dismissed for gross misconduct. In the case of individual dismissals, the rate of severance pay is as follows:
- 33% of overall average monthly salary for each completed year of the first five years;
- 35% of the overall average monthly salary per year from 6th to 10th year inclusive;
- 40% overall average monthly wage per year beyond the 10th year.

05/13 FAMILY RESPONSIBILITIES
Regulations on family responsibilities:

Paternity Leave

There is no provision in the law on paid or unpaid paternity leave.

Parental Leave

Once maternity leave has exhausted, women workers may avail unpaid leave for up to 9 months to look after the new-born.


Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.
Regulations on maternity and work:
- Social Security Code, 1994
- Order N° 1392/MASE/DNTLS/90

Free Medical Care

Pregnant insured workers or spouses of insured workers receive maternity related care during pregnancy and confinement. A pregnant worker is also entitled to free medical care under the Labour Code.


No Harmful Work

A decree by Minister for Labour determines the type of work that is prohibited to women and pregnant women. The decree also determines the special conditions of protection that are needed to perform certain tasks. Women are prohibited to work under conditions that undermine the women's reproductive capacity and in case of pregnant women, work that have hazardous effect on mother and child is prohibited.


Maternity Leave

Female workers are entitled to fourteen weeks of fully paid maternity leave. In the case of multiple births, maternity leave can be extended by two weeks. Six weeks leave has to be taken before the birth of the child while 08 weeks leave is taken after birth. When child is born before the expected date, the period of interruption of employment contract is extended up to the period of 14 weeks to which the worker is entitled. Prenatal and postnatal leave is extended each by 2 weeks (8 weeks and 10 weeks respectively) because of incapacity to work resulting from pregnancy and confinement. Post-natal illness must be medically certified by the doctor.


Income

Maternity leave is fully paid leave. Half of the wages are paid by employer and remainder is paid by Social Security Fund.


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**Protection from Dismissals**

A women worker may not be dismissed during the period of her maternity leave and unpaid optional parental leave. A pregnant woman worker may be terminated for reasons unrelated to her pregnancy, child birth or maternity. The employer has to reinstate an unfairly terminated worker or pay compensation equal to two years’ salary.


**Right to Return to Same Position**

There is no specific provision in the law which gives a female worker the right to return to same position after availing her maternity leave however it could be implied from the Art. 153(2) of Labour Code that a woman can return to her job after availing this leave.


**Breastfeeding**

Female workers are entitled to paid nursing breaks, of one-hour duration, for new mothers to breastfeed their child(ren) until a child is nine (09) months old. The breastfeeding/nursing breaks are in addition to the normal breaks an employee receives during the working day and may be taken into one, two or three breaks. Exact timing of breastfeeding/nursing breaks and division of rest breaks into one, two or three short breaks are determined by the mother and brought to the prior knowledge of the employer.

07/13 HEALTH & SAFETY
Regulations on health and safety:


**Employer Cares**

An employer is required to take all necessary steps that are appropriate to business’s operating conditions, to protect the workers from accidents and diseases. Labour Code requires an employer to benefit workers with medical examination once a year to ensure their good health and judge their ability in doing their work.

Establishments with 25 or more workers must establish a safety and health committee to study, develop and ensure the implementation of preventive and protective measures for health and safety at work.

Employer must ensure the compliance with the general provisions determined by the Ministerial order, related to lighting; ventilation; drinking water; sanitation; removal of dust and vapors; precautions to be taken against fire; radiation; noise and vibration; temperature; and the cleanliness of establishments. Minister's order also determines the provisions related to specific needs and safety requirements of certain occupations to improve the hygienic conditions and health and safety protection of workers at workplace.

Workers are also required to use safety devices and security properly. They must not make any amendment without employer's prior permission.

Sources: §231 (1-5) of the Labour Code of the Republic of Guinea 2014

**Free Protection**

The Labour Code requires employers to provide protective equipment (PPE) to workers involved in hazardous work. Provision of free of cost protective equipment must be ensured by the employer when collective technical preventive measures are inadequate.


**Training**

An employer is obliged to organize practical training on safety, hygiene and health at workplace for the benefit of newly hired workers, those who have changed job or technique and those returning to work after a work stoppage for a period of more than six months. This training must also be updated accordingly with changes in the regulation/legislation.

Labour Inspection System

Labour Inspection System is provided under the Labour Code. However, it is not as efficient as is required under ILO Convention on labour inspection.

Labour inspectorate is the specialized body that advises, reconciles and monitors the implementation of legislation, regulations and collective agreement related to remuneration, work conditions, hygiene, health, safety, collective bargaining and the right to organize in the company.

The national legislation provides inspectors the power to enter, inspect and examine the work premises at any time during day or night without prior notice; take samples, collect and remove materials and substances, and make recordings for the purpose of examination and investigation; ask for registers, documents, certificates and notices to inspect, examine and copy them; and interview anyone. The labour inspector may take consultation from doctors and technicians regarding hygiene and safety requirements; and may accompany with shop stewards and representatives of health committee to inspect health and safety at workplace.

Labour inspectors have the power to take and request measures to eliminate the defects observed in an installation, planning, working methods they consider to be a threat to the health or safety of workers. To take such measures, labour inspectors may order that all necessary modifications to the facilities shall be taken within a period of time in compliance with the legal and regulatory provisions with regard to the health and safety of workers. Labour inspector is obliged to maintain the confidentiality.

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT
Regulations on sick leave & Employment Injury Benefits:
- Collective Labour Agreement, 1995
- Social Security Code, 1994

**Income**

Collective Agreement provides for the paid sick leave. The maximum duration of sick leave is 6 months. Initially, the duration of sick leave is 13 weeks but it may be extended up to 26 weeks if a worker had at least 300 days of employment in the last year.

As for the compensation for sick leave, it is equal to 50% of the wages a worker received during the 3-month period before disability began. Compensation is paid starting from the 9th day of sickness.

Sources: §36-37 & 41 of Collective Labour Agreement, §119-120 of the Social Security Code

**Medical Care**

In accordance with the Labour Code, employment of a worker is secure during the period of sick leave, i.e., six months. An employer may dismiss the worker who is on sick leave for more than 6 months. The employment contract is suspended for absence due to illness. This absence is limited to six months, but can, however, be extended until there is a replacement.


**Job Security**

Medical benefits are available for insured workers and these include general medical care, specialist care, medicine, hospitalization, maternity care, and transportation.

The Labour Code requires the employer to provide medical care and necessary drugs to the extent possible. The employer is then reimbursed later by the body responsible for Social Security.

Disability / Work Injury Benefit

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

In the case of permanent total incapacity/disability, permanent disability benefit is 70% of a worker's average earnings in the year before the disability began.

In the case of permanent partial disability (when assessed degree of disability is 15% or above), amount of compensation depends on the assessed degree of disability and a percentage of full pension is accordingly paid. For assessed degree of disability between 1% to 14%, a lump-sum is paid.

In the case of temporary disability, 50% of worker's average wages (in the last month) are paid for the first 28 days. Thereafter, 66.7% of average daily is wage is paid until full recovery or certification of permanent disability.

In the case of fatal injury, dependents receive survivors' pension. 30% of a worker's average earnings in the last 12 months are paid to a spouse (widow/widower). This pension ceases on remarriage and a lump-sum amount is paid. 15% of a deceased worker's earnings are paid to each orphan, younger than 17 years, as survivor's pension. If there are full orphans, 20% of the pension is paid to each full orphan. Other dependents get only get 10%. Total survivors' benefits can't exceed 100% of the total disability benefit the deceased worker would have been or was entitled to.

Sources: §73-80 of the Social Security Code 1994
**Regulations on social security:**
- Social Security Code, 1994

**Pension Rights**

Law provides for both full and early pension. For full pension, a worker must have attained 55, 60 or 65 years of age (depending on profession) with at least 180 months (15 years) of contributions. Minimum pensionable age is 50 years. The pension is 2% of a worker's average earnings in the last 10 years multiplied by the number of years of contributions, up to 30 years. So, old-age pension can't exceed 60% of a worker's average earnings in the last 10 years. As for the early pension, full pension is reduced by 5% to 10% for each year that the pension is received before age 55. Pensions are paid quarterly.

Sources: § 49-50, 54 & 59 of the Social Security Code 1994

**Dependants' / Survivors' Benefit**

Social Security Code provides for survivor benefit (these include dependents including widow, widower, children). Survivors' benefit is paid only if the deceased worker was a pensioner or was in the covered employment with at least 15 years of coverage at the time of death. 50% of the deceased worker's pension is paid to a widow/widower as survivors' benefit. 10% of the deceased worker's pension is paid to each orphan. If there are full orphans, 20% of the pension is paid to each full orphan. Total survivors' benefits can't exceed 100% of a deceased worker's pension.

Sources: § 55 of the Social Security Code 1994

**Unemployment Benefits**

There is no provision for unemployment benefit under Guinean labour laws

**Invalidity Benefits**

The Social Security Code provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If a worker is assessed with total disability, 100% of the insured worker's average annual earnings are paid. Partial disability pension is 40% of the insured worker's average annual earnings. Disability pension ceases at age 55 with the start of old-age pension.

Sources: §45 of the Social Security Code 1994
Regulations on fair treatment:
- Constitution of the Republic of Guinea, 2010
- Collective Labour Agreement, 1995
- Decree No. 1392/MASE/DNTLS/90 of 15 May 1990

**Equal Pay**

In accordance with the Labour Code, the principle of equal remuneration for work of equal value between workers applies without any discrimination on the basis of origin, sex and age. The Labour Code also requires that various components of remuneration, criteria for career advancement and methods of job evaluation should be common to workers of both sexes.


**Sexual Harassment**

In accordance with the Labour Code, sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

The employer or his representative or any other authority must not dismiss a worker on the basis of refusing any kind of sexual favour. They must not impose constraints or exert any kind of pressure on a worker to obtain sexual favours for his benefit or the benefit of a third party.

Sexual harassment is considered as a form of discrimination. Discriminatory behaviour against victim or witness on the basis of hiring, paying compensation, training, assignment, promotion, transfer or renewal of employment contract is prohibited. A worker may not be punished or dismissed or penalized for having been denounced, reported or witnessed such behaviour.

The Constitution of Guinea requires that no one may be discriminated on the ground of gender/sex, race, ethnicity, opinions or any other cause of discrimination.


**Non-Discrimination**

In accordance with the Constitution of Guinea, a person may not be prejudiced [lésé] in their work by virtue of their gender, race, ethnicity, opinions or of any other cause of discrimination (Art. 20). The Constitution assures that all the citizens are equal before law without distinction of origin, of race, of ethnicity, of gender [sexe], of religion and of...
opinion (Art. 01). The Constitution further states that men and women have the same rights. No one may be privileged or disadvantaged by virtue of [en raison de] their sex, of their birth, of their race, of their ethnicity, of their language, of their beliefs and of their political, philosophical or religious opinions (Art. 08).

The Labour Code also prohibits discrimination on the basis of sex, age, national origin, race, religion, colour, political and religious opinion, social origin, union membership and union activity, disability and HIV status (real or perceived). Discrimination on aforementioned basis is prohibited while taking decisions particularly regarding hiring, performance and distribution of work, vocational training, promotion, remuneration, granting of social benefits, discipline or termination of employment contract. Any distinction, exclusion or preferences based on qualifications required for a particular job are not deemed to be discrimination.

The worker may appeal directly to the court dealing with work to denounce acts of discrimination he suffered. However, it may refer the competent labour inspector for conciliation.

In accordance with collective agreement, there can't be any discrimination on the ground of race, colour, sex, age, religion, political opinion, national or social origin, union activity.


**Equal Choice of Profession**

According to the Constitution, it is the duty of the state to take measures to exercise the right to work which is equally recognized for all. The law determines the fundamental principles of the right to work.

In accordance with Décret No. 1392/MASE/DNTLS/90 du 15 Mai 1990, women can't work in the same industries as men. Night work is prohibited for young workers (under the age of 18 years) and women workers.

Labour code also recognizes the right to work for all. The state ensures equal opportunity and treatment of citizens regarding access to vocational training and employment, without distinction of origin, race, sex, religion and philosophy.

Regulations on minors and youth:

- Constitution of the Republic of Guinea, 2010
- Childhood Code, 2008
- Decree 2791/MTASE/DNTLS/96, 1996

Minimum Age for Employment

Minimum age for employment is 16 years. The Child Code allows children under 16 to work after written parental permission. Children may work as apprentices from age 14, or from age 12 for apprenticeships involving light work in domestic service and other non-industrial sectors, with the approval of labour inspectors.

An Order of the Minister in charge of Labour shall determine the nature of the work and categories of enterprises prohibited for young persons under eighteen years of age and the age limit to which the prohibition applies.

Free public education is guaranteed under the Constitution. Under a 1997 decree, the compulsory education age is 16 years.


Minimum Age for Hazardous Work

Minimum age for hazardous work is set as 18 years. The Child Code includes a list of hazardous occupations from which children are prohibited. Order 2791/MTASE/DNTLS/96 Working Conditions for Workers Aged Under 18 Years excludes children younger than age 18 from working in hazardous conditions including work in mines, tanneries, handling of explosive materials, working at night and work affecting the morals of a child. Labour Code also prohibits hazardous work which exposes children to physical, psychological or sexual abuse; and the work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or hazardous processes or conditions, temperature, noise or vibrations damaging to their health.

Night work is also prohibited for child less than eighteen years of age and they must be examined medically on regular basis to check if their assigned work is according to their physical strength. If the assigned work is not according to the child's physical strength, the employment contract is terminated with the payment in lieu of notice and severance pay.

Sources: §137(1-8) of the Labour Code of the Republic of Guinea 2014; Decree 2791/MTASE/DNTLS/96 Working Conditions for Workers Aged under 18 Years
FORCED LABOUR
Regulations on forced labour:
- Constitution of the Republic of Guinea, 2010
- Penal Code 1998

Prohibition on Forced and Compulsory Labour

Forced or compulsory labour is prohibited under the Labour Code. Forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Penal code also prohibits individuals from entering into agreements that deprive others in vulnerable conditions of their liberty, prescribing penalties of five to 10 years’ imprisonment and confiscation of any proceeds from the crime. If a person is exploited due to his/her state of vulnerability or dependence by making him/her provide unpaid services, or in exchange of payment clearly unrelated to the importance of his/her work, the exploiters are to be punished with a sentence of 6 months to 5 years and a fine of 50,000 to 300,000 Guinean Francs. If a person is subjected to inhuman working conditions and accommodation due to his/her state of dependency or vulnerability, the exploiters are to be punished with a sentence of 1 month to 5 years and fine of 50,000 to 500,000 Guinean Francs.


Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer.

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


Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week. However, total hours of work inclusive of overtime must not exceed ten hours a day and forty-eight hours a week.

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

Sources: §221 (1-7) of the Labour Code of the Republic of Guinea 2014
Regulations on trade unions:
- Constitution of the Republic of Guinea, 2010

Freedom to Join and Form a Union

Constitution and Labour Code provide for freedom of association and allow workers and employers to join and form unions. In accordance with the Constitution, "every citizen has the right to affiliate [adhérer] with the union of their choice and to defend their rights through union action. Each worker has the right to participate, by the intermediate of their delegates, to the determination of the conditions of work".

This right is regulated by the Labour Code. In accordance with the Labour Code, the state and employers are committed to promote freedom of association among workers at all levels of social dialogue in the private, formal, informal and public sectors by recognizing their choice to join a union or not and to exercise the union responsibilities or not. Workers can freely, without prior authorization, group to form a union in the geographical constituency of their choice to defend and ensure the development of their individual and collective rights. They can join a union in a company, a community, a prefecture in the same area if there are already one or more unions representing workers doing the same job or working in the same industry.

The unions must get registered for at least six months by filing their statutes. The trade union must be independent of employers, employer's organizations, political parties and religious organizations. A union must have obtained at least 20% of the votes in votes cast for steward elections.


Freedom of Collective Bargaining

Right to collective bargaining is recognized by the Constitution and the labour code. In accordance with the Constitution of Guinea, "Each worker has the right to participate, by the intermediate of their delegates, to the determination of the conditions of work".

According to the Labour Code, collective bargaining agreement (CBA) is to determine the conditions of work and employment of workers and regulating relations between employers and workers. It may also extend the powers to legally recognized trade unions and improve safeguards protecting workers against social risks. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions which are less favourable than those provided under the law, it cannot be enforced.

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Guinea in French, please refer to: https://votresalaire.org/guinee/
A CBA may be concluded for definite or indefinite time period. The duration of a CBA signed for definite time period may not exceed 3 years. A CBA of indefinite term must be revised after every five years and may be cancelled by giving a cancellation notice of three months unless stated otherwise.

The collective agreements must indicate their professional and territorial jurisdiction, place and date of conclusion, the name and status of the signatories with the mentioned unions and professional organizations they represent.

The CBA must be concluded in writing and filed with the registry of the court responsible for the work of the place of conclusion. To extend a CBA into ministerial order, it must be negotiated in a commission chaired by the Minister for labour or his representative, with an equal number of representatives of representative employers' organizations and representatives of representative trade unions.

The Economic and Social Council (ESC) of the Republic of Guinea is a constitutional, non-political institution of consultative nature, legally representing organised civil society, in accordance with the organic law N° 91/04/CTRN, 1991.

The Economic and Social Council is a consultative assembly charged with issuing opinions, suggestions or recommendations on matters (especially of economic and social nature) submitted to it by the President of the Republic or the National Assembly. By its composition, it encourages the collaboration of the various professional categories among themselves and by its opinions, ensures their participation in the conception of the economic and social policy of the Government. The ESC of Guinea, operational since July 1997, has 45 members representing the producers of the sectors of agriculture, Industry and transport (20), trade unions (12), civil society organizations (3) and personalities designated by the President of the Republic (10), based on their competence and experience, including at least a personality from universities or Research Centres. The term of the Commission is five years.

Labour Code provides for the Consultative Commission of Labour and Social Laws with the mandate to study the problems concerning work, employment, social security, health and safety, and improving working conditions. Its mandate further includes the following: strengthen the mechanism of social dialogue on collective bargaining; train the worker and employer organizations on collective bargaining, social legislation and international labour standards; and set up a permanent mechanism of tripartite consultations and promote implementation and reporting on international labour standards. The Commission must be consulted with in preparing all legislation on labour and employment. It is represented by eight members each from government, employer and worker groups.
The Labour Code further provides for a National Council of Social Dialogue which is also of tripartite nature. The main responsibilities of the Council are to promote social dialogue; promote amicable settlement of labour disputes; reflection on social legislation; and issue opinions on broad economic guidelines with strong social impact.


**Right to Strike**

Right to strike is enshrined in the Constitution and regulated by the Labour Code. The right to strike is recognized by the Constitution. It must be exercised within the framework of the laws that govern it. It may not in any case infringe the freedom of work.

In accordance with the labour code, strike is a partial or complete stoppage of work decided by employees for enforcing professional demands. However, this provision does not prohibit the exercise of certain forms of strike that does not necessarily mean an outright cessation of work but its slowdown, and provided that the strike is peaceful.

Members of union must notify, in writing, the competent authority of labour administration at least 10 days prior to the proposed date of strike. The written notice must include the reasons and claims made by the union or collective organisation filing the notice. The notice period allows negotiation between the parties. Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail.

The employment contract is suspended during the strike if it was started in violation of the procedure of the settlement of collective labour disputes. A worker's job is secure during the term of a legal strike and he/she cannot be punished for his participation in a legal strike. The employer is not obliged to pay the worker remuneration for the strike period.

Strikers must not threaten non-strikers. Strikers cannot stop other workers who want to go to work during a strike from doing so. Labour law maintains a list of essential services where minimum service must be maintained if strike action is initiated.

In case, the strike does not comply with the provisions of labour law, it may be subjected to disciplinary action by the employer.


The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Guinea in French, please refer to: [https://votresalaire.org/guinee/](https://votresalaire.org/guinee/)
DECENT WORK QUESTIONNAIRE
### 01/13 Work & Wages

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>I earn at least the minimum wage announced by the Government</td>
<td>😐</td>
<td>☐</td>
</tr>
<tr>
<td>2.</td>
<td>I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)</td>
<td>😐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### 02/13 Compensation

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>
| 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

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>How many weeks of paid annual leave are you entitled to?*</td>
<td>😐</td>
<td>☐</td>
</tr>
<tr>
<td>8.</td>
<td>I get paid during public (national and religious) holidays</td>
<td>😐</td>
<td>☐</td>
</tr>
<tr>
<td>9.</td>
<td>I get a weekly rest period of at least one day (i.e. 24 hours) in a week</td>
<td>😐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### 04/13 Employment Security

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>I was provided a written statement of particulars at the start of my employment</td>
<td>😐</td>
<td>☐</td>
</tr>
</tbody>
</table>
| 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

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>
| 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

<table>
<thead>
<tr>
<th></th>
<th>National Regulation exists</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>I get free ante and post natal medical care</td>
<td>😐</td>
<td>☐</td>
</tr>
<tr>
<td>19.</td>
<td>During pregnancy, I am exempted from nightshifts (night work) or hazardous work</td>
<td>😐</td>
<td>☐</td>
</tr>
<tr>
<td>20.</td>
<td>My maternity leave lasts at least 14 weeks</td>
<td>😐</td>
<td>☐</td>
</tr>
</tbody>
</table>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".
21. During my maternity leave, I get at least 2/3rd of my former salary

22. I am protected from dismissal during the period of pregnancy

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

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

07/13 Health & Safety

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

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

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

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

08/13 Sick Leave & Employment Injury Benefits

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

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

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

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

09/13 Social Security

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

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

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

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

10/13 Fair Treatment

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

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

39. I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:

   - Sex/Gender
   - Race
   - Colour
   - Religion
   - Political Opinion

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

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

11/13 Minors & Youth

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

12/13 Forced Labour

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

13/13 Trade Union Rights

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

<table>
<thead>
<tr>
<th>Guinea</th>
<th>scored</th>
<th>43</th>
<th>times “YES” on 49 questions related to International Labour Standards</th>
</tr>
</thead>
</table>

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.