

# DECENTWORKCHECK.ORG

Check

DecentWorkCheck Mali is a product of  
WageIndicator.org



National Regulation exists



National Regulation does not exist

## 01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave & Holidays

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

## 04/13 Employment Security

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





## 05/13 Family Responsibilities

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

## 06/13 Maternity & Work





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

\* 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   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

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





## 08/13 Sick Leave & Employment Injury Benefits

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









## 09/13 Social Security

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

## 10/13 Fair Treatment

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

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

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>




## 11/13 Minors & Youth

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41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>





## 12/13 Forced Labour

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

## 13/13 Trade Union Rights

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

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Mali scored 40 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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## 01/13 Work &amp; Wages

**Regulations on work and wages:**

Labour Code, 1992

**Minimum Wage**

In accordance with the Labour Code, the wage zones and guaranteed interprofessional minimum wages are set by a decree. Wages can be established through collective agreement. In case absence of collective agreement, wages are fixed by professional categories. Minimum wage is specified on hourly and monthly basis. Minimum wage is announced by decree of the Council of Ministers after consultation with Superior Labour Council, which is tasked with studying the elements as a basis for determining the minimum wage

Every worker has a seniority bonus when he has at least three years of continuous service with the same enterprise. The seniority bonus is calculated as a percentage of the minimum wage of worker's classification category. This percentage is fixed as follows:

- 3% after three years of service;
- 5% after five years of service; and
- plus 1% per year of service in addition, within the maximum limit of 15%.

The remuneration of piece-rate work or task-work is calculated in a way that the worker, with average capacity, and working normally, has a salary at least equal to that of a regular time worker, performing an analogous work.

Law prohibits practicing this type of payment, once a collective agreement does not attribute such faculty to the employer. The minimum wages, as well as the remuneration conditions for piece-rate and task-worker, must be displayed in the employer's office and in pay-places of the staff.

The labour inspectors ensure compliance with labour laws including minimum wage regulations /decrees. In the event of violation of decree on minimum wage, the Labour Code provides for a fine of 10,000 to 18,000 CFA Francs. For repeat offenders, the penalty is 20,000 to 50,000 CFA Francs and imprisonment of six to ten days or either of these penalties.

Source: §96-99, 284, 296 & 319 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## Regular Pay

Labour Code states that Decrees establish the cases when the employer has to provide accommodation and daily subsistence ration, the conditions for providing them, their composition and their maximum reimbursement amount; and the cases in which other in-kind payments should be done and their modalities of payment.

The salary must be paid in legal tender at the place of work or at the employer's office when it is near the workplace. It may not be made either in a pub or in a sales outlet, except for workers normally employed therein, or on the day on which the worker is entitled to rest. Employees who are absent on pay day may withdraw their salary at the normal opening hours and in accordance with the company's internal regulations. Payment of all or part of the salary in kind is prohibited except as specified in a decree.

The salary must be paid at regular intervals not exceeding:

- 15 days for workers engaged on a day or week basis, exceptionally extendable to one month after written authorization from the labor inspector, because of the particular operating conditions of certain establishments; and
- one month for workers hired on a fortnightly or monthly basis.

The monthly payments must be made within eight days after they become due.

For piece or task based work, which is expected to last more than a fortnight, the payment dates may be fixed by mutual agreement, however the worker must receive fortnightly installments corresponding to at least 90% of the salary and the full amount must be paid in a fortnight following the delivery of the work. Commissions earned during a quarter (a period of three months) must be paid within 45 days of the end of the quarter.

Participations in profits made during a financial year must be paid in the following year at the latest within six months.

In the event of termination or breach of contract, salary and allowances must be paid as soon as the service is terminated.

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The employer is obliged to issue to the worker, at the time of payment, an individual pay slip, the particulars of which must be reproduced in a so-called "payment register". The pay slip must contain:

- the name and address of the employer, or the stamp of the company;
- the name, address and serial number of the worker in the register of employers;
- the payment date and the corresponding period;
- employment and occupational category;
- gross remuneration with all components, including base salary, bonuses, allowances, overtime, benefits in kind;
- Individual deductions, such as assignments in legal forms, refunds of deposits, taxes, pension contributions; and
- net remuneration.

When wages are paid by the hour, the number of hours worked must be mentioned. The pay slip is drawn up in ink or by means of a process enabling indelible writing to be made. No formality of signature is required. The particulars given on the pay slip issued to each worker are reproduced on the occasion of each payment in the payment register. It is kept for a period of five years following the last mention and kept at the disposal of the labor inspectors.

No deduction may be made from the remuneration of the worker other than those provided by the law.

Source: §96, 102-109 & 121 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## 02/13 Compensation

**Regulations on compensation:**

Labour Code, 1992

Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

**Overtime Compensation**

Normal working hours are 40 hours per week. The daily working hours are not clearly specified. However, on farms, working hours are set at 2352 hours per year. A decree of the Minister of Labour fixes the legal weekly length, within this limit, according to the seasons. In agricultural enterprises, the statutory working time may not exceed 48 hours per week.

Decisions of the Minister of Labor determines the procedure for the application of the preceding paragraphs for all branches of industry or professions or for a particular branch or profession. The decrees lay down, inter alia, the organization and distribution of working hours in a given cycle, the permanent or temporary derogations applicable in certain cases and for certain jobs, the methods for recovering lost working hours and the control measures. Agreements relating to the organization and distribution of working hours within the week may be concluded within the company or establishment.

In case of collective interruption of work due to accidents or force majeure (including accidents to equipment or shortage of raw material), daily hours of work may be prolonged in order to recover the lost hours of work, which will be paid at normal rate.

Work that may be extended beyond the normal hour-limits is specified, including:

1. Mechanics and electricians who handle certain machinery (1.5 hours);
2. specialised team leaders whose presence is indispensable (1.5 hours);
3. guarding and surveillance staff (4 hours, within a maximum of 56 hours per week).

The regular working time can be extended beyond the legal limits established in the following conditions:

- 1) Urgent work which requires a necessary and immediate execution in order to prevent the inevitable loss of a good or imminent accidents; to organise rescue measures or repair accidents that happened with certain materials, either facilities, or establishment buildings. The limit on overtime in this case is of 2 hours;
- 2) Urgent and exceptional work in cases of extraordinary increase of the workload. The limit of overtime in this case is of 75 hours per year.

Overtime work can be practiced in order to maintain or increase production to the limit of 18 hours per week. The Labour Inspectorate can authorize certain companies to go beyond the limit. However, in any case, the maximum working time limit of 60 hours per week cannot be exceeded.

Every work performed beyond the legal regular working time, in the absence of collective agreement or enterprise agreement, entitles the worker to the following minimum premium rates depending on the time



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and hours of overtime:

a. Working days:

- 10% of the real salary related to the execution of the work, once it is performed from the 41st hour to the 48th hours included;
- 25% once it is performed beyond the 48th hour;
- 50% once it is overtime performed during the night.

b. Non-working days:

- 50% once performed during the day, 100% once performed during the night.

For agricultural enterprises, the minimum overtime premium is 10% for the overtime work (beyond 48 hours per week) performed during day hours. If such overtime work is performed during the night hours, the overtime premium is 50%. If overtime is performed on non-working days, it leads to a premium of 50% (for work done during the day) and 100% (for work done during the night hours).

Overtime performed during night is compensated with a premium of 50% more. If night work is performed as overtime on non-working days, it leads to a premium of 100%.

Source: §131-140 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §136(1 & 2) & 140(1 & 2) of the Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

### Night Work Compensation

Night work is work performed between 21:00 and 05:00 of the following day. Labour Code does not require compensation for night work except for overtime during night hours.

Overtime performed during night is compensated with a premium of 50% more. If night work is performed as overtime on non-working days, it leads to a premium of 100%.

Source: §137(a)(b) & 141 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Compensatory Holidays / Rest Days

No statutory provision could be located in labour law regarding compensatory rest day for working on weekly rest day and public holiday.

### Weekend / Public Holiday Work Compensation

Working on weekly rest day and public holidays is prohibited.

A decree shall precise the practical modalities of remuneration of workers with regards to the legislation on holidays.

Source: §145 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## 03/13 Annual Leave & Holidays

### Regulations on annual leave and holidays:

Labour Code, 1992

Decree n° 1655/MEFPT-SG regarding special provisions in the application of the Labour Code

Law No. 05-040 of July 22, 2005 relating to legal holidays in the Republic of Mali

Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

### Paid Vacation / Annual Leave

Labour Code provides annual leave to an employee after 12 months of service. For calculation of the duration of the leave, one month of effective service is equivalent to 4 weeks or 24 days of work.

The duration of the annual leave is determined at the rate of two and a half days per month of service during the course of the reference period, that is 30 calendar days per year, including non-working days. Duration of annual leave increases with the length of service in the enterprise (whether continuous or not), as follows:

- 02 additional working days of annual leave is provided after 15 years of service;
- 04 additional working days after 20 years of service; and
- 06 additional working days after 25 years of service.

Young workers and apprentices under 18 years of age on the first day of their leave departure date are entitled, upon their request, to a minimum leave of 24 days (including non-working days) even if the length of their services is less than 12 months.

Young workers and apprentices between 18 and 21 years of age before leave departure date, are entitled, upon their request, to a minimum of 21 leave days even if the length of their services is inferior to 12 months. Additional leave days do not give rise to remuneration. Mothers are entitled to 01 additional leave day per year for each child under 15 years of age. Part-time workers benefit from the legal and conventional provisions regarding maternity protection, termination of employment, annual leave, holidays and sick leave. However, all cash benefits are proportional to the working time and salary of the worker.

The amount of the remuneration to be paid during the annual leave is equivalent to 1/12th of total remuneration received over the 12-month period. The payment for the annual leave is done, at the latest, on the last day preceding the date of departure on leave.

Leave that does not exceed 15 days must be continuous. If the annual leave exceeds 15 days, it can be divided upon agreement between the worker and the employer. One fraction of the leave must amount to at least 15 continuous days.

Domestic workers are entitled to full paid annual leave at the rate of two and a half days per month of effective service in the course of the reference period. The annual leave pay is equal to 1/12 of the total remuneration received during the reference period.

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Every extension of the duration of the legal leave imposed by the employer has to be notified to the worker at least 15 days before his/her return to work. This entitles the worker to compensation proportional to the time of absence of the employer, including eventual in-kind payments. Annual leave, with worker agreement, can be delayed for a period of three months. Under worker's request, annual leave can be carried forward for a maximum period of two years. In such case, at least 8-day must be taken by the worker in the first year.

If the worker gets sick, during his/her annual leave and cannot return to work at the date established, s/he should notify the employer as soon as possible of such state and indicate, through a medical certificate, the probable duration of such indisposition.

In the case of termination of the employment before the worker has acquired the right to leave, s/he is entitled to a proportional compensation with regards to the time of service provided. The annual leave cannot be replaced by a cash compensation in any other case.

Source: §148-162 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §86 (11 & 23) & 133 (6) of the Decree n° 1655/MEFPT-SG regarding special provisions in the application of the Labour Code

### Pay on Public Holidays

Public holidays in Mali are regulated under Labor Law 05-040 formalised on the 22 of July 2005. This law combines all other laws under the Labour Code and establishes these 12 formal public holidays. This law also provides the government with the authority to establish one-time national holidays throughout the year if such occasion arises.

Public holidays in Mali are considered non-working days. A decree is required to provide the practical modalities of remuneration of workers on public holidays however no such decree could be located.

New Year's Day (01 January); Armed Forces Day (20 January); Martyrs' Day/Democracy Day (26 March); Easter Monday (17 April); Labour Day (1 May); Africa Day (25 May); Korité/End of Ramadan; Tabaski/Feast of Sacrifice; Independence Day (22 September); Prophet Muhammad's (PBUH) Birthday/Mawloud (1 December); Baptism of the Prophet Muhammad PBUH; and Christmas Day (25th December).

Holidays that occur on a Sunday are observed on next day, that is, Monday. Holidays that fall on a Saturday remain on that date. Each year the government publishes a list of the official holidays for the following year. Muslim holidays occur on different dates each year because their observance dates are determined by the lunar cycle. The Umm al-Qura calendar of Saudi Arabia is used to determine the celebration dates in accordance to the lunar cycle.

Source: Law No. 05-040 of July 22, 2005 relating to legal holidays in the Republic of Mali

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## Weekly Rest Days

Labour law provides compulsory weekly rest period of 24 consecutive hours for all the employees. The general weekly rest day is Sundays and it cannot be replaced in any case by a compensatory payment.

Exceptionally, weekly rest can be taken on a day other than Sunday in establishments in which activities cannot cease without causing substantial inconvenience. These are specified in the legislation and include medical establishments, hotels and catering, museums, transport undertakings, telecommunications, newspapers etc.

The Labour Inspectorate can authorise that work can be performed in other enterprises, after consultation with employers' and workers' organizations.

Labour Code does not clearly specify rest breaks (during working hours) and daily rest periods (after working hours) except for young workers and women workers. In accordance with the Labour Code, young workers and women are entitled to daily rest period of 12 hours.

Source: §142-143 & 186 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §144(1 & 2) of the Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

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## 04/13 Employment Security

### Regulations on employment security:

Labour Code, 1992

### Written Employment Particulars

According to labour law, the individual contract of employment is the agreement under which a person undertakes to put his professional activity for remuneration under the direction and authority of another person called employer. Employment contract can be in written or verbal form. A fixed term contract must be concluded in writing otherwise it is treated as contract of indefinite duration. A contract with an expatriate worker must also be concluded in writing.

An employment contract with a minor is valid only if his undertaking has been authorized in writing by his father or, in their absence, the person holding the paternal power and if he is not subject to the Compulsory education.

The written contract is exempt from all stamp duties and registration. The worker owes all his professional activity to the company, except derogation stipulated in the contract. However, unless otherwise agreed, worker is free to work outside his working time, any activity of a professional nature, which is not likely to compete with the undertaking or to impede the proper performance of the agreed services.

Any clause of a contract prohibiting the worker from carrying out any activity at the expiration of the contract is void. However, it may be stipulated that, in the event of contract termination by reason of breach of the contract by worker, or dismissal for gross negligence, the worker may not, for a period of up to six months and within a radius of 15 kilometers around the place of employment, to engage in an activity that is likely to compete with the employer on the basis of methods or by using any information acquired in the establishment.

Source: §13-17 & 21 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Fixed Term Contracts

Labour Code provides for contracts of fixed term and indefinite term contracts. The fixed-term contract is a contract where the length of the contract is specified in advance, following the agreement of both parties. A contract for doing a determined work or for setting up an enterprise whereby the term depends on a certain event in the future, yet the date of that event is not exactly known, is also considered a Fixed-Term Work Contract. (Article L.18)

A Fixed-Term Work Contract must be a written document. If it is not written, the contract is considered to be concluded for an indeterminate length. A fixed-term contract cannot exceed a period of two years. If it is created in order to engage in construction is not subject to the time limit of two years, but the contract cannot

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be renewed. If a contract is for more than three months, it must be provided to the Labor Inspector by the employer before engaging in the execution of the contract.

A Fixed-Term Work Contract cannot have as objective to fill, for a long term, a post linked with the normal and permanent operations of an enterprise. A worker cannot renew a fixed term contract more than two times. The continuation of services beyond those renewals constitutes the engagement in an indefinite term contract. Maximum length of single fixed term contract including renewals is 24 months.

A Fixed-Term Work Contract cannot be cancelled before the term of the contract is completed unless there is major misconduct, written mutual agreement or due to a “force majeure” (war, strike, riot, crime or act of God are examples). The failure on the part of the employer to observe above termination provisions requires penalties (damages) to be paid in an amount equal to the pay the employee would have received through the remaining period of the contract.

Source: §18-25 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Probation Period

In accordance with the Labour Code, a trial period must be expressly stated in writing. This contract must include:

- The employment and the professional category of the employee; and
- The length of time of the trial period.

Normally the duration of a trial period is equal to the notification required to terminate a contract, but can be specified to be a maximum of six months (including the period of renewal).

An employee undergoes trial period in order to take account of the technique and practice of the profession.

In the event of termination of the contract during the probationary period or at the end of the probationary period, the return journey of the worker moved by the employer is borne by the employer.

Work performed during the probationary period is paid at the rate of the professional category corresponding to the employment for which the worker was engaged. In the event of a definitive contract, the trial period, including renewal, is taken into account for the determination of the rights attached to the duration of the services in the undertaking.

Source: §30-33 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## Notice Requirement

A fixed term contract may not be terminated by either party except in cases specified under the contract. An unjustified cancelling of a contract by one party entitles the other party to receive payment of penalties.

An indefinite term contract may be cancelled by either of the parties. The party wishing to terminate the contract must give a written notice to the other party. An employer who wishes to release a worker who has worked for more than three months in an enterprise is required to inform the Labour Inspector, preferably by letter, and including information related to the worker and the employer and the reason for the dismissal. The Labour Inspector must respond within 15 days to the letter. In the case of the contesting of the separation or the motives of the dismissal, the employee can present the case to the Labour Tribunal. The proceeding before the Labour Tribunal suspends the decision of the employer.

There are two types of dismissal: for personal reasons and for economic reasons. Personal reasons include disciplinary reasons (violation of rules, disclosure of company secrets, theft or misappropriation of funds, etc.), professional inadequacy (lack of required skills), inadequate results, and physical fitness issues (illness of non-occupational origin). Economic reasons include abolition of employment (due to financial or technological changes or cessation of business), job transformation (work automation), or substantial amendment in the contract.

In the absence of collective agreements or decrees, the duration of notice period is:

- 8 days for staff paid by the day or week;
- 1 month for the worker whose monthly salary is paid;
- 2 months for supervisors and assimilated employees;
- 3 months for executives and management.

The contract may be terminated without notice in the event of gross negligence and subject to the discretion of the competent court. During the period of notice, the employer and the worker are obliged to respect all the reciprocal obligations incumbent upon them.

Failure to observe the notice period creates an obligation for the party responsible to pay to the other party an indemnity in lieu of notice period equal to the remuneration and benefits of any kind, which the worker would have received during the period of notice if observed.

The notice must be provided in writing and the period begins from the date of provision of such notification. In the case of dismissal, the letter of notice must state the reason for the dismissal.

During notice period, whether dismissal or resignation, the worker is authorized, after notifying his employer, to be absent one day a week, taken together Or hour by hour, to search for a new job. These days of absence, which are taken at the discretion of the worker and which, at his request, may be blocked at the end of the period of notice, would not entail any reduction in his remuneration.

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In the event of termination of employment, and after half of the notice has been given, a worker who has found a new job may, after notifying his employer, leave the establishment before the expiry of the notice without having to pay the allowance for failure to observe that time limit.

Disciplinary dismissal however should not be based on the following reasons:

- participation in a lawful strike;
- trade union membership or exercise of trade union activity;
- political opinions or religious beliefs; and
- pregnancy

There are specific categories of workers or situations where employment cannot be terminated and these include dismissal for occupational accident or diseases, dismissal of staff representatives, or dismissal of the pregnant women.

Source: §39-45 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Severance Pay

In the event of dismissal or breach of contract in case of force majeure, a worker who has completed a continuous service period of one year in the undertaking is entitled to an indemnity separate from the notice period. This allowance is calculated by taking the monthly average of the remuneration received during the last twelve months preceding the dismissal and applying the following, percentages to this average remuneration:

- 20% for each of the first five years of work,
- 25% for each year from the 6th to the 10th inclusive,
- 30% for each year beyond the 10th.

Severance pay is not payable if the dismissal is based on gross negligence on the part of the worker.

In case of resignation, a worker who has at least ten years of continuous service in the undertaking, is entitled to a "rendered service" allowance, calculated on the same basis and under the same conditions as the compensation above.

These allowances are not payable when the worker ceases his activity in order to benefit from his retirement pension or the solidarity allowance. Instead, the worker receives a retirement indemnity calculated on the same basis and under the same conditions as those for allowance.

Source: §53-55 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)



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## 05/13 Family Responsibilities

### Regulations on family responsibilities:

Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

Act n° 99-041 on Social Welfare Code of 12 August 1999

### Paternity Leave

Insured employees are entitled to 03 days of fully paid paternity leave on the birth of a child. This leave can be taken consecutively or separately, after agreement between the employer and the worker, but it should be taken within 15 days of the childbirth. The benefit is not paid for a stillborn child. Paternity benefits are paid by the government.

Additionally, labour law also provides ten days Special Leave per year. These leaves are granted in addition to Annual Leave for events affecting the immediate family including births, deaths, and marriages. Immediate family member includes spouse, children, parent(s) of the employee or spouse, and sisters and brothers of the employee or spouse.

Source: §L146 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §33-35 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

### Parental Leave

No applicable provision could be located in law regarding paid or unpaid parental leave.

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

No applicable provision could be located in law that provides flexible work option for parents or work-life balance. However, part time work is allowed under the Labour Code and Arrêté n°1566/MEFPT-SG du 7 octobre 1996.

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## 06/13 Maternity & Work

### Regulations on maternity and work:

Labour Code, 1992

Social Security Code, 1999

### Free Medical Care

Insured women are entitled to free health care for six weeks before the expected childbirth and eight weeks afterwards. Healthcare may be extended for up to three weeks if there are complications arising from childbirth.

In order to get entitled to the medical benefits (social insurance), the pregnant women must be in insured employment or voluntarily insured and she must undergo three prescribed medical examinations. The mandatory health insurance covers 100% of maternity costs.

Source: §182 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992); §14-17 & 28 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

### No Harmful Work

Labour Code prohibits the employment of women, pregnant women and children in work exceeding their strength, presenting potential causes of danger to their health or, due to the nature of the work, susceptible to harm their morality. They must be moved to work that is more appropriate to them. If that is not possible, the contract is terminated and the termination is deemed to have been at the initiative of the employer.

Night work is also forbidden for women and children in industries.

Source: §185-188 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992)

### Maternity Leave

Female employees are entitled to 14 weeks of maternity leave, upon properly documented request, after nine months of continuous service with an employer. It includes six-week prenatal and eight-week post-natal leave. Of the 14 weeks, seven weeks (3 weeks prenatal and 4 weeks postnatal) are compulsory. If birth happens before the expected date, the leave is extended until it reaches 14 weeks.

Law does not allow for any extension in maternity leave except in case of complication. Maternity leave can be extended for additional three weeks in case of medical complications, once certified by medical certificate, during which INPS continues salary payments. No salary or allowances are paid by the employer. However, maternity leave is considered creditable service, and the contract employee continues to accrue annual leave.

Source: §179-181 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992)

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## Income

A pregnant woman worker is entitled to cash maternity benefits (social insurance) if she resides in Mali and has at least nine consecutive months of insured employment based on at least 18 days or 120 hours of work a month. Voluntarily insured self-employed women must have at least two six-month periods of insured employment.

Insured women are entitled to 100% of the last earnings for six weeks before the expected childbirth and eight weeks afterwards. The maternity benefit may be extended for up to three weeks if there are complications arising from childbirth. Woman worker also retains the right to benefits in kind.

Source: §L179, 182 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992); §28-32 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

## Protection from Dismissals

Employment of a female worker is secured during maternity leave. In accordance with the Labour Code, employment contract can be suspended during maternity leave. A pregnant or breastfeeding worker with medical condition may terminate an employment contract on 24-hour notice and without having to pay compensation in lieu of notice.

Source: §34(11), 178 & 184 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992)

## Right to Return to Same Position

Right to return to same position is not explicitly provided under the labour law. However, it could be inferred from labour law that she has a right to return, as her job is secure during the maternity leave.

## Breastfeeding

Labour Code provides nursing break at workplace to the mothers of newborn for a period of up to fifteen months.

After the birth of a child, a nursing worker has a right to a one-hour pause at the workplace to nurse her child.

Under a decree implementing section 189 of Labour Code, every establishment employing more than 25 women is obliged to set up a special room for breast-feeding.

Source: §184 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992)

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## 07/13 Health & Safety

### Regulations on health and safety:

Labour Code, 1992

### Employer Cares

Labour law stipulates that Decrees determine in particular:

- 1) general and specific measures of protection, prevention and sanitation applicable to all establishments and occupations;
- 2) measures relating to the organization and functioning of bodies whose task it is to assist in the observance of health and safety requirements and to contribute to the improvement of working conditions and the protection workers' health;
- 3) measures relating to the exhibition, sale or transfer, in any capacity, of machinery, apparatus and installations presenting hazards to workers;
- 4) measures relating to the distribution and use of substances or preparations for industrial use, presenting hazards to workers. A decree may lay down specific requirements for certain professions or certain types of equipment, agents substances, work processes or installations, or certain categories of workers.

It is obligatory for the employer to apply of the measures prescribed by the provisions of this chapter and by the texts adopted for their application. The labor inspector monitors compliance by the employer with health and safety provisions.

Source: §171-173 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Free Protection

When means of collective protection cannot be implemented in a satisfactory way, means of individual protection must be used. The employers must ensure the effective use of the personal protective equipment and protective products. A 2007 Decree details special measures on safety and health requirements applicable to establishments whose personnel carry out the construction or demolition work and other public works.

Source: §D12 of the Decree No. 07-375 / P-RM of 26 September 2007 laying down the procedures for the application of the provisions of Act No. 92-020 of 23 September 1992 establishing the Labor Code in the Republic of Mali as regards special measures Protection and hygiene measures applicable to establishments whose personnel carry out the work of the building, public works and other works relating to immovable

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## Training

Labour Code recognize the right to training for every citizen.

The contract of employment, or subsequently an amendment to this contract may provide for vocational training on a work-study or continuing education or training course. The objectives and duration of the training or training and the remuneration must be expressly stated in writing. At the end of the term of the training, the employment contract continues, unless this training has not been conclusive.

Unpaid leave of union education or training may be granted to workers at their request. Such periods of leave is assimilated to periods of actual work for the calculation of holidays with pay, the right to family benefits and the calculation of seniority of the worker in the undertaking.

Training leave is granted to designated workers for training or further training courses included in the training plan of the undertaking in which they work. The duration of such leave may not be counted against the duration of the annual leave and it is treated as a period of work for the determination of the rights of the persons concerned in respect of annual leave. It is also taken into consideration for the calculation of the employee's seniority in the company.

Where the worker is in receipt of vocational training or upgrading resulting in costs borne by the employer, the worker is required to remain in employment of the employer for a minimum period specified in relation to the cost of vocational training or professional development, but in no case may exceed four years. This agreement is established in writing and it is deposited immediately with the labour inspectorate. A worker who fails to comply with this obligation must reimburse incurred by the employer for training and retraining in proportion to the period not worked in relation to the total minimum working time agreed to in the agreement.

Source: §4, 9-12 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## Labour Inspection System

Labour inspectors monitor the compliance with the law by the employer. Inspectors are appointed by the labour inspectorate. Their powers and the conditions of appointment and remuneration are determined by a decree.

Labour inspectors have the power to enter workplaces at any time of the day and night, in establishments subject to inspection control. Before visit, they must inform the employer or his representative of their presence, unless they consider that such an opinion might prejudice the effectiveness of the inspection.

The inspector is authorized to enter the premises where they have every reason to assume that collective work is being carried out. He may request the advice and consultation of doctors and technicians, in particular with regard to health and safety requirements. Doctors and technicians are bound by professional secrecy under the same conditions and under the same sanctions as labor inspectors.

The inspector carry out any examinations, inspections or investigations deemed necessary to ensure compliance with the applicable provisions. The inspector examine, with or without witnesses, the employer or employees of the company, monitor their activity, request information from any other person whose testimony may appear necessary; require the production of any register or document prescribed by the law and the regulations made for its application; take samples of substances and substances used or handled for analysis, in the presence of the head of the undertaking or the head of establishment or his substitute and, against receipt, proceed with the direct collection of monetary fines.

Labour inspectors can directly refer the matter to the competent authorities. The law provides for fines between 10,000 and 200,000 CFA francs according to the nature of the offense.

Source: §295-297 & 326 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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

**Regulations on sick leave& employment injury benefits:**

Labour Code, 1992

Social Security Code, 1999

**Income**

An employee is entitled to sick leave upon presentation of medical certification (stressing the necessity of leave) by a doctor approved by the employer. Sick leave may also be granted for medical, dental and optical exams or because of contact with a contagious disease where employee's presence endangers the health of other colleagues. A doctor, approved by the employer, must certify sick leave.

Until a health insurance plan is established in accordance with the provisions of Social Security Code, Labour Code provisions are applicable. During sick leave, 100% of the employee's earnings is paid during the first year of employment for a period of eight days to three months depending on the collective agreements or the type of employment; 50% of employee's earnings for up to an additional month is paid from the second year of employment thereafter.

Source: §34 & 37 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §60 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

**Medical Care**

Medical benefits (social insurance) must be paid in insured employment or if the employee is voluntarily insured. Medical benefits include hospitalization, medicines, maternity care, and outpatient care including laboratory analysis, dental care, medical imaging, and general and specialist consultations.

The mandatory health insurance covers 100% of maternity costs, 80% of hospitalization costs and 70% of outpatient care costs. Some medicines are covered by the insurance.

Source: ISSA Country Profile Mali 2015

**Job Security**

Employment of an employee is secure during sick leave. According to Labour Code, work contract can be suspended during the length of the absence of a worker due to an illness or an accident, which occurred outside the workplace and certified by a medical doctor. The length is limited to six months, but can be extended until the worker is replaced.

Source: §34(3) of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## Disability / Work Injury Benefit

Work injuries may be classified on the basis of their consequences as those resulting in: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

Accidents that occur while commuting to and from work are covered under work-injury benefit.

In case of temporary disability, 100% of the insured worker's last earnings are paid monthly from the day after the disability began until full recovery or certification of permanent disability. The minimum earnings used to calculate benefits are the legal minimum wage. The benefits are adjusted by decree according to changes in the average salary and the legal minimum wage, depending on the financial resources of the system.

In case of permanent disability, 100% of the insured worker's average earnings, in the year before the disability began, are paid as permanent disability benefit.

Disability pension of 40% is paid if the insured worker requires the constant attendance of others to perform daily functions. The maximum pension is 20 times the legal minimum wage.

In case of permanent partial disability, if an assessed degree of disability of at least 10%, the benefit is the insurable annual earnings in the year before the disability began multiplied by 0.5 for each degree of assessed disability from 1% to 50% and by 1.5 for the assessed degree of disability greater than 50%.

For an assessed degree of disability of at least 10%, the minimum earnings used to calculate benefits are 1.3 times the legal minimum wage. Only 33.3% of earnings exceeding 10 times the legal minimum wage are taken into account to calculate benefits. The maximum earnings used to calculate benefits are 28 times the legal minimum wage.

If the assessed degree of disability is 100%, pensions are paid monthly; if the assessed degree of disability is 75% to 99%, monthly or quarterly; otherwise, quarterly or annually. If the assessed degree of disability is greater than 20%, the pension may be partially paid as a lump sum after receiving the pension for five years; if the assessed degree of disability is 20% or less, the total remaining pension may be paid as a lump sum after receiving the pension for five years.

In case of fatal injury, 30% of the deceased worker's average earnings in the year before the disability began are paid to the widow(er) if the marriage occurred before the deceased worker's accident. If there is more than one widow, the pension is split equally. The widow(er)'s pension ceases on remarriage, and a lump sum of three years of pension is paid unless the widow(er) has a child receiving an orphan's pension.

The amount of orphan's pension is 15% of the deceased's average earnings in the year before the disability began. It is paid for each of the first two orphans and 10% for each additional orphan; 20% for each full orphan. Eligible orphans must be older than 12 months but younger than age 14 (18 years for apprentices and 21 years for students and disabled)



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Dependent parent's and grandparent's pension is 10% of the deceased person's average earnings in the year before the disability began and is paid to each dependent parent or grandparent, up to 30%.

All survivor benefits combined must not exceed 85% of the deceased's average earnings in the year before the disability began.

The cost of the burial is also paid as a funeral grant, up to 25% of the legal annual minimum wage.

These benefits are adjusted according to changes in the average salary and the legal minimum wage, depending on the financial resources of the system.

Source: ISSA Country Profile Mali 2015; §103-134 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

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## 09/13 Social Security

**Regulations on social security:**

Labour Code, 1992

Social Security Code, 1999

**Pension Rights**

An employee is entitled to pension rights at the age of 58 years with at least 13 years of contribution. Those insured under the National Social Insurance Institute/INPS (Malian social security) request the liquidation of their pension beginning at 53 years. For each born child, a woman's retirement age is reduced by one year. The contract employee and the employer can extend the age of retirement to 60 years (with at least 15 years of contribution) through an agreement between the two parties. Each contract employee is given a written notice of six months in advance of the effective date of separation. Pensions are funded by contribution from workers (3.6% of gross earnings) and employers (5.4% of the gross payroll) to the INPS. The contribution rate of self employed voluntarily registered persons is 9% of earnings.

The amount of pension is 26% of the insured's average monthly earnings in the last eight years plus 2% of average monthly earnings for each 12-month period of coverage exceeding 120 months, up to 80%; 30% of the insured's average quarterly earnings plus 2% for each year of coverage exceeding 60 quarters for the voluntarily insured. The minimum earnings used to calculate benefits are twice the legal minimum wage.

Law provides early pension at the age of 53 years with at least 13 years of contributions and age 55 with at least 15 years of contributions if voluntarily insured. The amount of early pension is reduced by 5% for each year the pension is taken before age 58; age 60 if voluntarily insured. The pension is paid quarterly.

Law also provides old-age allowance at the age of 53 years with at least six years of coverage; and age 60 with at least 10 years of coverage if voluntarily insured. Amount of allowance is 52% of the legal monthly minimum wage payable each month. The pension is payable abroad only under reciprocal agreement; if there is no reciprocal agreement, the insured worker's contributions are refunded at retirement age or if permanently leaving the country.

These benefits are adjusted by decree according to changes in the average salary and the legal minimum wage, depending on the financial resources of the system.

Source: §60 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §142-162 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

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### Dependents' / Survivors' Benefit

Survivors of the deceased employee are entitled to pension if the deceased received or was entitled to receive an old-age or disability pension at the time of death. Eligible survivors include a widow(er) who was married to the deceased for at least two years and dependent orphans younger than age 14 (18 years for apprentices and 21 years for students and disabled).

Spouse of the deceased is entitled to 50% of the old-age or disability pension the deceased received or was entitled to receive. If there is more than one widow, the pension is split equally.

Orphan's pension is 10% of the old-age or disability pension the deceased received or was entitled to receive is paid for each dependent orphan, up to 50%. The value of the orphan's pension must not be less than the value of family allowances.

If the insured had less than 13 years of coverage (less than 15 years of coverage for self-employed), the survivor allowance is paid to a widow(er) as a lump sum of one month of the old-age pension for each six-month period of coverage. If there is more than one widow, the allowance is split equally.

These benefits are adjusted by decree according to changes in the average salary and the legal minimum wage, depending on the financial resources of the system.

Source: ISSA Country Profile Mali 2015

### Unemployment Benefits

There is no provision for unemployment benefits under Labour Code or Social Security Code. Severance payment is provided to workers where an indefinite term contract is terminated for no fault of worker. For more information on this, please refer to the section on employment security.

### Invalidity Benefits

An employee is entitled to disability pension if he/she is assessed with at least a 66.66% of permanent loss of earning capacity and has at least eight years of coverage (10 years of coverage for self-employed voluntarily insured).

The invalidity pension is calculated in the similar way as old age pension. The minimum earnings used to calculate benefits are twice the legal minimum wage. The disability pension ceases at age 53 (55 years for voluntarily insured) and is replaced by the old-age pension. These benefits are adjusted by decree according to changes in the average salary and the legal minimum wage, depending on the financial resources of the system.

Source: ISSA Country Profile Mali 2015; §142-162 of the Social Security Code, 1999 (Act N° 99-041 of 12 August 1999)

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## 10/13 Fair Treatment

**Regulations on fair treatment:**

Labour Code, 1992

Malian Constitution, 1992

Law No. 06-028 of 29 June 2006 laying down rules for the prevention, care and control of HIV / AIDS

Arrêté n°1566/MEFPT-SG du 7 octobre 1996

Decree No. 96-178 / P-RM of 13 June 1996 implementing various provisions of Labour Code, 1992

**Equal Pay**

Labour Code ensures equal wages for the work of equal value regardless of workers' origin, gender, age and status.

Source: §95 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992)

**Sexual Harassment**

No provision could be located in labour law that prohibits sexual harassment at workplace.

**Non-Discrimination**

The constitution of Mali prohibits discrimination. It states, "every Malian shall be born and remain free and equal in rights and obligations. All discrimination founded on social origin, color, language, race, sex, religion and political opinion shall be prohibited."

The laws of the Republic of Mali do not contain any provision that discriminates between men and women in regard to their inalienable right to work. Article 19 of the Constitution provides that everyone have an equal right to work and to rest. Labour Code also defines a worker in a neutral way without making any distinction between men and women or on any other grounds.

Part time workers have all the rights as full time workers and they cannot be discriminated in respect of employment and occupation.

Law No. 06-028 laying down rules for the prevention, care and control of HIV / AIDS prohibits discrimination, in any form whatsoever, against a person whose HIV-positive status is real or presumed, in particular as regards the application for employment, hiring, promotion and retirement.

Source: §02 & 19 of the Malian Constitution, 1992; §133 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992); Law No. 06-028 of 29 June 2006 laying down rules for the prevention, care and control of HIV / AIDS; Arrêté n°1566/MEFPT-SG du 7 octobre 1996

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## Equal Choice of Profession

In accordance with the Constitution, everyone has the right to free choice of profession in the following words: “Work shall be an obligation for every citizen but no one shall be forced into specific occupation except in the case of accomplishment of an exceptional service of a general (public) interest, equal for all within the conditions determined by law.”

However, in accordance with the Labour Code, Women cannot do same job or job related tasks as men. Many restrictions could be located in law related to employment of women.

In industrial and commercial establishments, women may not be employed for more than ten hours per day, cut off by one or more rest periods, the duration of which cannot be less than one hour. Women cannot be employed for night work in factories, mines, underground mines and quarries, construction sites, especially roads and buildings and workshops and their outbuildings.

It is forbidden to use women to visit, lubricate, clean or repair machines or mechanisms in operation or in rooms where there are machines operated by hand or by a mechanical engine whose dangerous parts are not covered with a suitable protective device.

It is forbidden to employ women for transport on tricycles carrying pedals.

Source: §17 of the Malian Constitution, 1992; §189 of the Labour Code, 1992 (Law No. 92–020 of the 23 September 1992); §189(01-14) of the Decree No. 96-178 / P-RM of 13 June 1996 implementing various provisions of Labour Code, 1992

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## 11/13 Minors & Youth

### Regulations on minors and youth:

Labour Code, 1992

Ordinance No. 02-062 / P-RM of 5 June 2002 on the Child Protection Code

Decree No. 96-178 / P-RM of 13 June 1996 implementing various provisions of the Labor Code

### Minimum Age for Employment

Minimum age for employment is 14. In accordance with the labour law, children may not be employed in any enterprise, even as apprentices, before the age of fourteen, except written dispensation is granted by order of Minister of Labour, taking into account local circumstances and tasks.

With certain exceptions a law pertaining to child protection sets the minimum employment age at 15. The law, however, permits children between 12 to 14 years of age to engage in domestic or light seasonal work and limits the number of hours they may work.

It is prohibited to involve or involve a child in an armed conflict before the age of 18. All forms of discrimination in employment, harassment at work and, in particular, sexual harassment at work and at school are prohibited. Any employee under the age of 18 is also entitled to equal treatment with respect to membership in a trade union or trade or professional association without discrimination

Education is compulsory for a minimum period of 9 years.

Source: §187 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §17, 20 & 30-34 of the Ordinance No. 02-062 / P-RM of 5 June 2002 on the Child Protection Code; Country Reports on Human Rights Practices for Mali, 2015

### Minimum Age for Hazardous Work

Minimum age for hazardous work is 18 years.

Labour Inspector may require medical examination of a child to verify whether the work they are responsible does not exceed their strengths. This requisition is right at the request of interested parties.

The child cannot be kept in a job that is above their strengths and must be assigned to suitable employment. If this is not possible, the contract is terminated because of the employer.

Decrees fix the nature of work and categories of enterprises prohibited to young people and the age limit to which the prohibition applies.

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No child may work more than eight hours per day under any circumstance. Night work is also prohibited for them.

Although the country in Hazardous Occupations List prohibits activities for children under age 18, Decree 96-178 from June 1996, which is still in force, permits children ages 16 to 17 to perform certain hazardous activities, as long as they receive adequate specific instruction or vocational training in the relevant field of activity. The decree conflicts with the protections provided in the Hazardous Occupations List, leaving the possibility for children to work in hazardous activities. Girls ages 16 to 18 may not work more than six hours per day. The law applies to all children, including those who work in the informal economy and those who are self-employed.

A new Order (2017-4388) describes in detail the hazardous occupations prohibited for children under 18 years.

Source: §185-189 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §§189(15-37) of the Decree No. 96-178 / P-RM of 13 June 1996 implementing various provisions of Act No. 92-20 of 23 September 1992 establishing the Labor Code in the Republic of Mali; Arrêté n° 2017-4388 MTFP-SG du 29 décembre 2017 complétant la liste des travaux dangereux interdits aux enfants de moins de 18 ans.

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## 12/13 Forced Labour

**Regulations on forced labour:**

Malian Constitution, 1992

Labour Code, 1992

Trafficking in Persons Law No. 23 of 2012

Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

**Prohibition on Forced and Compulsory Labor**

The Constitution of Mali prohibits forced and compulsory labour. In accordance with the Constitution, "Work shall be an obligation for every citizen but no one shall be forced into specific occupation except in the case of accomplishment of an exceptional service of a general (public) interest, equal for all within the conditions determined by law."

Forced and compulsory labour are also forbidden in Labour Code. Law defines forced or compulsory labor as any work or service exacted from an individual under the threat of any penalty and for which the individual has not voluntarily offered himself.

However, the term "forced" or "compulsory" does not include:

- 1) any work or service required under the laws on compulsory military service and carried out in an exclusively military framework;
- 2) any work of public interest required under the legislative provisions relating to the organization of defense, the creation of a national service or participation in development;
- 3) any work, service or assistance required in cases of force majeure, that is to say in the event of wars, disasters or threats of disasters such as fire, floods, earthquakes, cyclones, epidemics, epizootics, Famines, invasions of animals, insects or harmful parasites and, in general, any circumstance endangering or threatening to endanger the life or normal conditions of existence of all or part of population;
- 4) any work decided by a local authority as a whole for tasks of direct interest to that community and which may be considered as normal civic obligations for the members of the community provided that the population itself or its direct representatives Have expressed their opinion on the merits of this work;
- 5) any work or service required of an individual as a result of a conviction pronounced by a court decision, provided that such work or service is carried out under the supervision of the public authorities, and that the said individual is not placed at the disposal of private individuals or private companies or corporations.



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Forced labour is also prohibited under Trafficking in Persons Law. It prohibits all forms of trafficking of adults and children for all kinds of exploitation. The law prescribes penalties of five to 10 years' imprisonment, and a maximum of 20 years' imprisonment for cases involving aggravating circumstances. The penalty is ten to twenty years of imprisonment if the victim is a minor or is vulnerable because of old age or if the victim is exposed to hazardous or laborious work or the worst forms of child labour.

Source: §17 of the Malian Constitution, 1992; §06 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); Trafficking in Persons Law, 2012 (No. 2012-23)

### Freedom to Change Jobs and Right to Quit

The constitution of Mali ensures right to work for every citizen. The constitution says, "work shall be an obligation for every citizen but no one shall be forced into specific occupation except in the case of accomplishment of an exceptional service of a general (public) interest, equal for all within the conditions determined by law."

The employee has a right to terminate the employment by providing notice period. In the absence of collective agreements or decrees in lieu thereof, the duration of notice period is:

- 8 days for staff paid by the day or week;
- 1 month for the worker whose monthly salary is paid;
- 2 months for supervisors and assimilated employees;
- 3 months for executives and management.

Failure to observe the notice period creates an obligation for the party responsible to pay to the other party an indemnity in lieu of notice period equal to the remuneration and benefits of any kind which the worker would have received during the period of notice if observed.

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

Source: §17 of the Malian Constitution, 1992; §39-45 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

### Inhumane Working Conditions

Normal working hours are 40 hours per week. Overtime work can be practiced in order to maintain or increase production to the limit of 18 hours per week. The Labour Inspectorate can authorize certain companies to go beyond the limit above. However, in any case, the maximum working hours including overtime hours cannot exceed 60 hours per week.

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

Source: §131-140 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); §140(2) of the Order n°1566/MEFPT-SG regarding special provisions in the application of the Labour Code

**Regulations on trade unions:**

Malian Constitution, 1992

Labour Code, 1992

Act No. 04-038 / AN-RM of 5 August 2004 on associations

Law N° 88-20, 1988

**Freedom to Join and Form a Union**

The Constitution of Mali guarantees the freedom to join and form a union. The Constitution states, “The freedom of syndication shall be guaranteed. The syndicates exercise their activities without interference and without limits except those preordained by law.”

Law define trade union as the convention by which several people are permanently sharing their knowledge or activities for a purpose other than sharing profits. It is governed, as to its validity, by the general principles of law applicable to contracts and obligations.

Any association based on a cause or for an illegal object, contrary to laws, morals, or whose purpose would be to undermine the integrity of the national territory and the republican form of the State, is null and void.

The associations of people can freely form without prior authorization or declaration. To achieve legal capacity, the association is made public by its founders.

Persons in the same occupation or similar trade may freely establish a trade union. Married women exercising a trade or profession may join and form a trade union without previous authorization. Minors over the age of 16 years may join trade unions except opposition from parents or guardian. Workers cannot be discriminated in employment and occupation on account of their trade union membership or participation in trade union activity. Employer must not use any means of pressure in favour of or against a trade union.

Source: §18 of the Malian Constitution, 1992; §2-12 of the Act No. 04-038 / AN-RM of 5 August 2004 on associations; §232-257 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

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## Freedom of Collective Bargaining

Labour law defines collective agreement as an agreement relating to working conditions between one or more trade unions and one or more employers or employers' association. The collective agreement must contain provisions which more favorable to workers from those provided by the laws and regulations in force. It cannot derogate from the public policy provisions laid down by these laws and regulations. Collective agreements also determine their scope.

A collective agreement must be ratified by a special deliberation of workers and employer(s). The groups themselves determine their mode of deliberation.

The collective agreement can be for a fixed period or for an indefinite period. When the agreement is concluded for a fixed period, its duration may not exceed five years. If the fixed-term agreement continues after its expiry, it converts automatically in an agreement of indefinite duration.

The collective agreement of indefinite duration may be terminated by the will of one of the parties. The collective agreement must stipulate in what forms and at what period it may be denounced, renewed or revised. The collective agreement must specify, in particular, the period of notice which must precede the denunciation.

The collective agreement must be written in French. It must be drawn up on paper and signed by each of the Contracting Parties. It is subject to the approval of the Minister of Labor who will require the withdrawal of provisions contrary to the legislation and regulations in force.

The collective agreement is, after approval, filed against acknowledgment in the office of the labor tribunal territorially competent. It shall apply from the next day of its deposit, unless otherwise stipulated. The deposit is made in triplicate and free of charge, to the attention of the most diligent party. Two copies of the collective agreement are sent immediately by the clerk of the Labor Court to the Minister of Labor.

Amendments to the original agreement must be made, filed and notified under the same conditions. The parties who adhere to a collective agreement in force must notify in writing this accession to the office of the court or the deposit of the collective agreement has been made.

The resignation of any group, member or member, as well as the denunciation of the agreement are carried out under the same conditions. However, the right to denounce the collective agreement is reserved for signatory parties only.

Labour Code provides for a Superior Labour Council established under the Minister for Labour. It is a tripartite body of advisory nature and has six members each from worker and employer group. The members of the Council are appointed for a period of two years, which is renewable for an indefinite period. The Council is tasked with studying the problems concerning labour, social security; occupational safety and health as well issue opinions and propose legislation on these matters.

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There is also an Economic & Social Council, which is tripartite, plus institution of advisory nature. It has representatives from trade unions/employees, industries, traders, cooperatives and farmers, NGOs, associations and Malian citizens abroad. The terms of the Council is five years. The Council must give its opinion on financial bill or any other economic, social and cultural plan and on any tax, economic and social legislative measures.

Source: §70-77, 283-284 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992); Law N° 88-20, 1988

### Right to Strike

The right to strike is guaranteed by the Constitution, provided that it is exercised within the limits of the laws and regulations then in force.

The lockout and the strike is illegal during the conciliation procedure and as soon as an arbitral award has become enforceable. The strike does not lead to contract termination except for gross negligence of workers. Employment contract is suspended for the duration of strike and lockout.

Hours of work lost during strike or lockout must be recovered afterwards.

Source: §19 of the Malian Constitution, 1992; §134 & 231 of the Labour Code, 1992 (Law No. 92-020 of the 23 September 1992)

## 01/13 Work & Wages

### ILO Conventions on Work and Wages

Minimum wage: Convention 131 (1970)

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

***Mali has ratified the Convention 95 only.***

### Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups.

### Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## 02/13 Compensation

### ILO Conventions on Compensation

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

***Mali has not ratified the Convention 01 & 171.***

### Overtime Compensation

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

### Night Work Compensation

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

### Compensatory Holidays/Rest Days

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

### Weekend/Public Holiday work Compensation

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

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**03/13 Annual Leave & Holidays****ILO Conventions on weekly rest days and paid annual leave**

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

***Mali has ratified the Convention 14 only.***

**Paid Vacation/Annual Leave**

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

**Pay on Public Holidays**

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

**Weekly Rest Day**

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

**04/13 Employment Security****ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

***Mali has not ratified the Convention 158.***

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

**Written Employment Particulars**

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

**Fixed Term Contracts**

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

**Probation Period**

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

**Notice Requirement**

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

**Severance Pay**

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

## 05/13 Family Responsibilities

### IO Conventions on family responsibilities

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***Mali has not ratified the Convention 156.***

### Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

### Parental Leave

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

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

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

## 06/13 Maternity and Work

### ILO Conventions on maternity and work

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

***Mali has ratified the Convention 183 only.***

### Free medical care

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

### No harmful work

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

### Maternity leave

Your maternity leave should last at least 14 weeks.

### Income

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

### Protection from Dismissals

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

### Right to return to same position

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

### Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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**07/13 Health & Safety****ILO Conventions on Health and Safety**

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

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

***Mali has ratified both Conventions 81 & 155.***

**Employer cares**

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

**Free protection**

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

**Training**

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

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

**08/13 Sick Leave & Employment Injury Benefits****ILO Conventions on Sickness and Employment Injury**

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

***Mali has not ratified the Conventions 102, 121 & 130.***

**Income/Paid Sick Leave**

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

**Medical Care**

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

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

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



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**09/13 Social Security****ILO Conventions on Social Security**

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

Employment Injury Benefits: Conventions 121 (1964),

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

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

***Mali has not ratified the Conventions 102, 121, 128, 130 & 168.***

**Pension Rights**

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

**Dependent's/Survivors' Benefit**

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

**Unemployment Benefit**

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

**Invalidity Benefits**

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

**10/13 Fair Treatment****ILO Conventions on Fair Treatment**

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

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

***Mali has ratified both the Conventions 100 & 111.***

**Equal Pay**

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

**Sexual Harassment**

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

**Non-Discrimination**

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

**Equal Choice of Profession**

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

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

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***Mali has ratified both the Conventions 138 & 182.***

**Minimum Age for Employment**

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

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

**Minimum Age for Hazardous Work**

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

**12/13 Forced Labour****ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

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

***Mali has ratified both the Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

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

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

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

**13/13 Trade Union****ILO Conventions on Trade Union Rights**

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

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

***Mali has ratified both the Conventions 87 & 98.***

**Freedom to join and form a union**

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

**Freedom of Collective Bargaining**

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

**Right to Strike**

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

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## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Mali. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employer's associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

**Decent Work Checks are developed and updated by Iftikhar Ahmad, Labour Law Specialist, and Team**

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