

DECENTWORKCHECK.ORG

Check

Decent Work Check Niger is a product of WageIndicator.org and
www.votresalaire.org/niger



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





07/13 Health & Safety

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









08/13 Sick Leave & Employment Injury Benefits

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













09/13 Social Security

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

10/13 Fair Treatment

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




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

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





11/13 Minors & Youth

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

12/13 Forced Labour

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

13/13 Trade Union Rights

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

DECENTWORKCHECK.ORG

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.

Niger scored 43 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

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

If your score is between 19 - 38

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

If your score is between 39 - 49

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

DECENTWORKCHECK.ORG

01/13 Work & Wages

Regulations on work and wages:

Labour Code, 2012

Minimum Wage

In accordance with the Labour Code, decrees issued by the Council of Ministers, after consulting with the Consultative Commission on Labour and Employment, set the guaranteed minimum wage (SMIG) for each professional category. These decrees also set, in the absence of collective agreements, minimum overtime rate and night work rate or rate for working on non-working days and possibly seniority bonuses and attendance bonus. The minimum rates of wages and conditions of Labor compensation are displayed at the offices of employers and places of staff payroll.

Minimum wage is determined on monthly basis. Enforcement of labour laws, including minimum wage, is ensured by labour inspectors and labour controllers. In the case of violation of Labour Code provisions on minimum wages, a fine of 200,000 to 300,000 CFA Francs. In the case of conviction, double fine is imposed.

Source: §163, 165, 267 & 350 of the Labour Code 2012

Regular Pay

Salary means the basic or minimum wage and any other benefits, paid directly or indirectly in cash or in kind, by the employer to the worker because of employment.

In accordance with the Labour Code, wages must be paid regularly in legal tender at the workplace. Salary may also be transferred to the bank or paid by cheque at the request of a worker. With the exception of occupations for which established practices provide for different payment frequency, wage interval must not exceed 15 days for workers who are engaged on daily or weekly basis. Wages of employees engaged for a fortnight or month must be paid in one-month intervals. Monthly payment must be made no later than 8 days after the end of work, which entitles a worker to a salary.

Payment date for piecework that lasts for more than a fortnight may be set by mutual agreement. However, the worker must receive fortnightly installments of at least 90% of minimum wage and the remainder must be fully paid in the fortnight following the delivery of the work.

DECENTWORKCHECK.ORG

It is obligatory for the employer to safely keep the documents related to the payment of salary. Individual payment slips are also issued to the worker at the time of payment, unless otherwise authorized by the labour inspector. The format of pay slips is determined by the decree of Council of Ministers, issued in consultation with the Consultative Commission of Labour and Employment.

Workers are entitled to the wages without any kind of deduction except in cases prescribed by the law or collective agreement. Council of Ministers must issue a decree, after consultation with the Consultative Commission of Labour and Employment, to determine the portion and rate of wages that can be deducted. The extent of deductions is clearly specified in section 410 of Regulations under Labour Code, issued in 2017.

Source: §168-182 of the Labour Code 2012; §410 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

02/13 Compensation

Regulations on compensation:

Labour Code, 2012

Overtime Compensation

Normal working hours are 40 hours per week and 173.33 hours per month (according to labour code). Normal working hours may exceed the statutory hours limit for some professions as determined in a decree to issue regulations pursuant to the Labour Code. Working hours for farm workers are 2400 hours per year.

The working hours for following types of workers, though greater than the general statutory limit of 40 hours per week, are equivalent of hours of work:

- a) Sales staff in pharmacies and retail trade (42 hours per week)
- b) Staff in hospitals and nursing homes/staff in bakeries/Cooks in restaurants and hotels (45 hours per week)
- c) Transport sector/drivers (48 hours per week)
- d) Those working in beauty salons/ hotel staff other than cooks (50 hours per week)
- e) Taxi drivers (52 hours)
- f) Those engaged in operation of inland navigation of vessels (54 hours per week)
- g) Personnel assigned to guard and surveillance operations (56 hours per week)
- h) Night guards (72 hours per week)

Workers may be required to work beyond normal working hours. Every hour worked above the legal hours limit is considered overtime work. The overtime hours are generally limited to 8 hours per week. If a worker works beyond the stipulated working hours, i.e., 40 hours a week, he is entitled to an overtime pay according to the following schedule.

- 125% of normal hourly rate for the first eight overtime hours;
- 135% of normal hourly rate beyond 48th hour in a week

In line with the 2017 Decree, any additional hour worked during the night hours leads to 150% of the normal pay. Similarly, if workers have to work additional time on weekly rest day or a public holiday, the compensation is 150% of the normal wage (for day time work) and 200% of the normal wage (for night time work).

A Decree issued by Council of Ministers determines the maximum overtime that can be performed in case of urgent work. The above overtime rates are determined under the Inter-professional Collective Agreement of 15 December 1972.

Source: §99 of the Labour Code 2012; §44 of Inter-professional Collective Agreement of 15 December 1972; §138 and 145 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

Night Work Compensation

Hours during which the work is considered night work are determined by a Decree of Council of Ministers. The start and end of night hours may vary by region. In accordance with Collective Agreement, workers engaged in 6 hours of night work are entitled to compensation fee for premium basket. The night work is compensated at a rate equal to 3 times the hourly minimum salary. The conditions under which the night work takes place and necessary protections related to it are determined under a decree. Work performed between 10 pm and 5 am (of the next day) is considered night work.

Source: §102-105 of the Labour Code 2012; §46 of Inter-professional Collective Agreement of 15 December 1972); §156 of the Decree No. 2017-682

Compensatory Holidays / Rest Days

There is no provision in the law, which requires an employer to provide compensatory rest day to a worker who performs work on a weekly rest day or public holiday.

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. There is a premium pay for working on Weekly Rest Day and Public Holiday. Hours worked on weekly rest day are considered overtime work and are paid accordingly. If work is performed during the daytime on a weekly rest day (Sunday) and/or a public holiday, compensation is 150% of the normal hourly wage rate and in the case of night work; compensation is 200% of the normal hourly wage rate.

Source: §44 of the Inter-Professional Collective Agreement

DECENTWORKCHECK.ORG

03/13 Annual Leave & Holidays**Regulations on annual leave and holidays:**

Labour Code, 2012

Paid Vacation / Annual Leave

The Labour Law provides for annual leave to all workers on completion of one year of service. A worker is entitled to 30 calendar days of paid annual leave at the rate of two and a half calendar days per month. Annual leave increases with the length of service at the following rate:

- 2 additional days after 20 years of service
- 4 additional days after 25 years of service
- 6 additional days after 30 years of service

Young workers, 21 years or below on first January of the year, are entitled to 30 calendar days holiday per year. Mothers under 21 years are entitled to 2 additional days of leave for each child of below 15 years while mothers over 21 years are entitled to 2 additional days of leave for each child after their third child. A worker acquires the right to leave after 12 months of effective service and worker has to use this acquired leave within a period of 12 months. This period, however, can be extended to 24 months after mutual agreement between the parties.

Compensation in lieu of annual leave is not acceptable except in the case that the employment contract is terminated before the worker is granted his/her acquired leave. Annual leave is a fully paid leave and workers receive full wages on a 12-month average. A worker has to be paid full wages for the duration of annual leave before he/she departs for holidays. The right to annual leave conditions is different for foreigner workers/expatriates.

Schedule of annual leave is determined by mutual agreement between worker and employer. However, holidays cannot be taken 3 months before or after the regular date, unless the Labour Inspector authorizes it. A worker has to notify the employer at least 15 days prior to availing annual leave. Annual leave may be split however the minimum duration of annual leave, to be taken at one time, is 12 working days. Leave of more than 12 working days' duration may be split by the employer with employee's consent.

Source: §111-126 of Labour Code 2012; §54-56 of Inter-Professional Collective Agreement; §201-210 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Buddhist origin).

Public holidays are usually 13 in number including New Year's Day (January 01), Monday after Easter, National Concord Day (April 24), Labour Day (May 01), Anniversary of the Proclamation of Independence (August 03), Ramadan/Aid el Fitr, Feast of Sacrifice (Aid-el-Kebir/Tabaski), Maouloud (Prophet Muhammad PBUH birthday), National Holiday (December 18) and Christmas (25 December). The public holidays determined under the Inter-Professional Collective agreement are Ascension Day, Pentecost, Assumption Day (August 15) and All Saints' day (November 01).

If a public holiday falls on a weekly rest day (Sunday), the holiday is provided on the following day (Monday).

Source: Act No. 97-020 of 20 June 1997 to Establish Public Holidays, as amended to Act No. 98-05 of 29 April 1998; §51 of the Inter-Professional collective Agreement

Weekly Rest Days

In accordance with the Labour Code, it is obligatory to provide weekly rest day. Workers are entitled to 24 consecutive hours of rest per week. Labour Law requires that weekly rest day, in principle, should be Sunday for all employees. Working on weekly rest day and related issues are determined by a Decree of Council of Ministers. These issues have been dealt in the 2017 Decree (No. 2017-682).

Source: § 114-115 of the Labour Code 2012

DECENTWORKCHECK.ORG

04/13 Employment Security

Regulations on employment security:

Labour Code, 2012

Inter-professional Collective Labour Agreement, 1972

Written Employment Particulars

The individual labor contract is the agreement by which an individual agrees for compensation to put all or part of his professional activity under the direction of another person or corporation, called employer.

Employment contract may be oral or in writing and it may be concluded for indefinite period or for a fixed term period. However, when an employment contract is verbal, it is considered to be concluded for indefinite duration. For contracts of fixed-term, contract of employment of foreign workers and employment contracts requiring workers to be settled outside their habitual residence, such contract must be in writing.

The written employment contracts must be in French and drawn up in 5 copies. A written employment contract must include the details regarding the employer (name of the enterprise, location of the workplace) and worker (name, profession, sex, date and place of birth, nationality, family status, habitual residence), the nature and duration of the contract, classification of the worker in the professional hierarchy, salary, probation period, conditions for termination of contract including the notice period.

Source: §40, 47- of the Labour Code 2012; Decree No. 2017-682

Fixed Term Contracts

Nigerien Labour Law prohibits hiring fixed term contract workers for tasks of permanent nature. An employment contract may be concluded for an indefinite period or for a fixed term. The fixed term contract is a contract that ends on the completion of a term set by the parties when it is concluded. The Labour Code does not provided reasons for which a fixed term contract worker may be hired however, it clearly prohibits hiring of fixed term contract workers on positions connected with the normal and permanent activity of the enterprise. If such a contract is concluded, it is deemed to be concluded for indefinite period.

Fixed term contracts can also be concluded for unspecified periods and these are permitted in the case of replacement of a temporarily absent worker, for the length of a season, for an occasional increase in workload or for work, which does not form part of the customary activities of the enterprise.

The maximum term of a single fixed term contract is 02 years however it is renewable once. Thus, the maximum term of fixed term contract including renewals is 48 months. However, the contracts of unspecified duration may be renewed unlimited number of times. If the employment continues at the end of a fixed term contract, it is converted into an indefinite contract.

Source: §58-63 of the Labour Code 2012

DECENTWORKCHECK.ORG

Probation Period

The probationary period is optional. It must be established in writing and it is concluded or renewed for a period required to test the worker's skills, given the technology and practice of the profession. The maximum duration of trial period and its renewal is set by collective agreements, or in their absence, by Ministerial orders.

In accordance with the Collective Agreement 1972, probation/trial period is:

- 8 days for non-monthly wage workers;
- 01 month for monthly paid workers;
- 1-3 months for supervisors and technicians;
- 3 months for executives, engineers and equivalent; and
- 6 months for senior executives

Maximum probation period is 6 months in the case of indefinite term contracts. The trial period can be extended to one year for workers hired outside the territory of republic of Niger. The trial period and its possible renewal must be clearly specified in writing.

The fixed term contracts (with specified duration) have a trial period, which cannot exceed a period calculated at the rate of one day per week however not more than a month in total. A renewed contract cannot contain a trial period. The duration of trial period for fixed term contracts (unspecified duration) may be agreed between parties but cannot exceed 15 days.

Source: §52, 60 & 61 of the Labour Code 2012; §11-12 & Annex-I of the Inter-Professional Collective Agreement 1972

Notice Requirement

Either party can terminate a contract of indefinite duration by serving a notice or paying in lieu of notice. A fixed term contract terminates at the end of its term without severance pay or notice. However, payment in lieu of unused leave is due. The cancellation by either of the parties is either by agreement or on account of serious misconduct. A fixed term contract can also be cancelled, without agreement of the parties, in the event of force majeure (acts of God). The fixed term contract of unspecified duration can be terminated unilaterally by the worker after at least 6 months of employment.

Either of the parties may terminate an indefinite term contract. An employee may cancel an indefinite term contract for any reason. On the other hand, an employer may cancel an indefinite term contract for a valid reason related to the capacity or conduct of the worker or based on the mandatory operational requirements of the undertaking, establishment or service. If an employer tends to terminate an employee due to his/her conduct or ability, an employee must be given an opportunity to defend against the accusation or explain the reasons. In case of dismissal due to economical, technological or relating to the organisation of the company, the employer must consult staff representatives and inform labour inspector prior to implementation of its decision.

DECENTWORKCHECK.ORG

Labour Code requires an employer to serve a contract termination notice to the employees except when they are dismissed due to serious misconduct. A pregnant worker may leave employment at any time without having to pay in lieu of notice or any breach of contract. During the trial period, the parties have reciprocal right to terminate the contract without notice or compensation.

Either party can terminate the employment contract by serving a notice or paying in lieu of notice. Minimum length of notice depends on the professional category of workers and is determined under the Collective Agreement. Notice period for different categories of workers is as follows:

- 8 days for non-monthly (hourly, daily or weekly) wage workers;
- 01 month for monthly paid workers;
- 1 month for supervisors and technicians;
- 3 months for executives, engineers and equivalent; and
- 3 months for senior executives

Termination of a worker is prohibited on the grounds of marital status; pregnancy; maternity leave; filing a complaint against the employer; temporary work injury or illness; race; colour; sex; religion; political opinion; social origin; nationality/national origin; age; trade union membership and activities; disabilities; and HIV status. A pregnant worker may terminate her employment contract without giving notice at any time during her pregnancy.

Source: §5, 89-90,110, 111 & 152 of the Labour Code 2012; §29-31 & Annex-I of the Inter-Professional Collective Agreement 1972

Severance Pay

There is no provision for Severance Pay in the Labour Code. In accordance with the Inter-Professional Collective Agreement, a worker with at least one year of service is entitled to severance pay if he/she has not committed a serious misconduct. Severance pay is not payable when a worker is dismissed for gross misconduct.

In the case of individual dismissals, the rate of severance pay is as follows:

- 20% of average monthly salary for the first 5 years of service (6 days salary for one year of service and 1 month salary after 5 years of service)
- 30% of overall average monthly salary for each completed year from the 6th to the 10th year inclusive (9 days for each year of service and 45 days for 5 years);
- 35% of the overall average monthly salary per year beyond 10th year.

For a worker with 5 year of service, the severance pay would be equal 1-month salary. For 10 years of service, it would two and a half months (75 days) salary and for 14 years of service, it would be 4 months and 7 days of severance pay.

Source: §34 of the Inter-Professional Collective Agreement 1972

DECENTWORKCHECK.ORG

05/13 Family Responsibilities**Regulations on family responsibilities:**

Labour Code, 2012

Paternity Leave

There is no provision in the Labour Code on paid or unpaid paternity leave however in accordance with the Inter-Professional Collective Agreement a worker is entitled to one day of paternity leave on the child birth provided that the worker has completed 6 months of service.

Source: §60 of the Labour Code 2012

Parental Leave

No provisions could be located in the law supporting paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

DECENTWORKCHECK.ORG

06/13 Maternity & Work

Regulations on maternity and work:

Labour Code, 2012

Free Medical Care

A women worker is entitled to reimbursement of the health related costs as well as medical care by Social Security Agency. Women worker hospitalised on the ground of caesarian birth are entitled to free medical care.

Source: §112 of the Labour Code 2012; §1 & 2 of the Decree Establishing Free Medical Care for Women Hospitalized on Grounds of Caesarian

No Harmful Work

Labour Code prohibits the employment of pregnant women in work which exceeds their strength or which represents a particular danger to their pregnancy (capacity for reproduction or her health or her child's health). The Council of Ministers, in consultation with the Advisory Committee on Labour and Employment, issues a decree to specify the kind of work that is prohibited to women and pregnant women. However, no such decree could be located. Women are usually not allowed to work in sites that involve risks related to biological, chemical or physical agents.

A labour inspector may also require examination of a women and pregnant women by a licensed physician to determine that their work is not beyond their strength. A women worker should be kept in a job suitable for her strength or otherwise be assigned to a suitable work.

The 2017 Decree prohibits certain works for pregnant workers and new mothers (within 3 weeks after the normal resumption of work at the end of maternity leave).

Source: §108-109 of the Labour Code 2012

Maternity Leave

Female employees are entitled to 98 days (fourteen weeks) of maternity leave, including eight weeks of postnatal leave. The maternity leave can be extended by three (3) additional weeks in case of sickness, resulting from pregnancy or confinement, duly certified by the medical physician. It is forbidden to employ a female worker within two weeks before her presumed date of confinement. Similar prohibition is applicable on engagement of female workers within 6 weeks after delivery.

Source: §111 of the Labour Code 2012

DECENTWORKCHECK.ORG

Income

Maternity leave is fully paid leave. Half of the wages are paid by employer and remainder is paid by Social Security Fund. However, if a worker has worked with an employer for 2 consecutive years, she is entitled to receive her full salary from her employer (and any payment received by the Social Security Fund is deducted).

Source: §112 of the Labour Code 2012; §25 of the Inter-Professional Collective Agreement 1972

Protection from Dismissals

According to the Labour Code, a women worker cannot be dismissed during the period of her maternity leave or pregnancy. Employment contract of a female worker is suspended during pregnancy, delivery and for any post-natal illness.

Source: §78 of the Labour Code 2012

Right to Return to Same Position

There is no specific provision in the labour law regarding a worker's right to return to same position after availing her maternity leave. However, it is mentioned that a worker cannot be dismissed during the term of her maternity leave, which means that right to return to work is implicitly guaranteed under the law.

Source: §78 of the Labour Code 2012

Breastfeeding

Female workers are entitled to paid nursing break of 1-hour duration to breastfeed their child (ren) until a child is twelve (12) months old. The one hour is divided in two periods of 30 minutes each. First rest is given during the morning hours while the second rest is provided during the afternoon hours. The 2017 Decree further requires a nursing room for breastfeeding children in or near all those workplaces employing 25 or more women.

Source: §113 of the Labour Code 2012; §181 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

07/13 Health & Safety

Regulations on health and safety:

Labour Code, 2012

Employer Cares

In order to protect the life and health of employees, the employer is required to take all measures necessary to protect the worker from accidents and diseases. The employer must also organise continuous monitoring of compliance with hygiene and safety requirements.

Council of Ministers must issue a decree after consultation with the Advisory Technical Committee of Health and Safety to determine the measures applicable to all establishments regarding protection and sanitation, particularly work rooms, lighting, ventilation, drinking water, the evacuation of dust and fumes, precautions against fires, radiation, noise and vibration; and when necessary, special requirements for certain professions in certain activities, operations or work patterns.

These decrees contain lists of dangerous substances and advice for workers on substances whose use is limited or regulated, as well as lists of machines or their dangerous parts.

It is obligatory for the employer to provide occupational health services for the benefit of his workers.

Source: §136-139 of the Labour Code 2012

Free Protection

Labour Law requires employers to provide and maintain protective equipment (PPE) and protective clothing to workers involved in hazardous work. The type of PPE needed varies depending on the nature of work being performed.

Source: §136 of the Labour Code 2012

Training

An employer is obliged to organize practical training and appropriate hygiene and safety for the benefit of newly hired employees and those who have changed job or technique. Workers must be informed and educated about the occupational hazards present on the workplace and possible means of prevention. Workers are also required to act in accordance with the training provided by the employer.

Source: § 137 of the Labour Code 2012; §218 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

Labour Inspection System

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

Labour inspectors are authorized to enter workplaces at any time during day and night without previous notice. The labour code provides empowers the inspectors to carry out examination, with or without witnesses; request information from any person whose testimony may seem necessary; require any record or document, which is required under the labour legislation; and take or remove for analysis, in the presence of the employer, samples of materials and substances used or handled.

Labour inspectors have the right to require employers to post at the workplace all notices and information required by law and regulations. When labour inspectors observe serious violations of the requirements set under labour law, they order the employer to take the necessary steps to stop such violations, and in case of refusal, they refer to the Minister of Labour who will decide on the appropriate sanctions. If an employer, by mistake, carelessness, negligence or breach of regulations unintentionally causes injury or disease involving working disability for more than ten days, he is liable to an imprisonment of two months to one year and a fine of 20,000 to 200,000 francs or with either of these penalties.

Source: §272-275 of the Labour Code 2012

DECENTWORKCHECK.ORG

08/13 Sick Leave & Employment Injury Benefits

Regulations on sick leave & employment injury benefit:

Labour Code, 2012

Inter-professional Collective Labour Agreement, 1972

Decree No. 65-117 of 18 August 1965

Income

Labour Code provides for the paid sick leave. The maximum duration of sick leave is 6 months. The monthly income during sick leave depends on length of employment with an employer:

- 1 year or less: full income for a period equal to the notice period; half income for the following month.
- 2-5 years: full income for a period equal to the notice period (minimum 1 month); half income for the following 3 months.
- more than 5 years: full income for a period equal to the notice period (minimum 2 months); half income for the following 4 months.

Source: § 24 of the Inter-professional Collective Labour Agreement 1972

Medical Care

Medical benefits, including medical and surgical care, hospitalization, medicine, appliances, transportation, and rehabilitation are available for insured workers.

Job Security

Employment of a worker is secure during the period of sick leave, i.e., six months. This absence is limited to six months, but can be extended until a replacement worker is hired.

Source: § 24 of the Inter-professional Collective Labour Agreement 1972

DECENTWORKCHECK.ORG

Disability / Work Injury Benefit

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

In the case of permanent total incapacity/disability, amount of benefit is 100% of a worker's Average monthly earnings in the year before the disability began.

In the case of permanent partial disability (when assessed degree of disability is 10% or above), amount of compensation depends on the assessed degree of disability and a percentage of full pension is accordingly paid. For assessed degree of disability between less than 10%, a lump sum is paid.

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

In the case of fatal injury, dependents receive survivors' pension. 30% of a worker's average earnings used to calculate disability pension is paid to a spouse (widow/widower). This pension ceases on remarriage and a lump-sum amount is paid. First two orphans are entitled to 15% of a deceased worker's earnings used to calculate disability pension, younger than 14 years, as survivor's pension. Other orphans get 10% only. Total survivors' benefits cannot exceed 85% of a deceased worker's average earnings in the last 12 months.

DECENTWORKCHECK.ORG

09/13 Social Security

Regulations on social security:

Decree No. 67-25 of 2 February 1967

Pension Rights

Law provides for old-age pension. For full pension, a worker must have attained 60 years of age (same for women), must be registered with National Social Security Fund for at least 20 years with at least 60 months of coverage in the last 10 years. Pensionable age is 58 years for public sector workers and 55 years for prematurely aged workers.

The pension is 30% of a worker's average earnings in the last 3 or 5 years multiplied plus 2% of average covered earnings for 12-month period of coverage exceeding 180 months. Old-age pension may not exceed 80% of a worker's average earnings in the last 3 or 5 years.

Workers receive an old-age settlement if they do not meet coverage requirements. Pensions are paid quarterly.

Source: Decree No. 67-25 of 2 February 1967

Dependents' / Survivors' Benefit

Law provides for old-age pension. For full pension, a worker must have attained 60 years of age (same for women), must be registered with National Social Security Fund for at least 20 years with at least 60 months of coverage in the last 10 years. Pensionable age is 58 years for public sector workers and 55 years for prematurely aged workers.

The pension is 30% of a worker's average earnings in the last 3 or 5 years multiplied plus 2% of average covered earnings for 12-month period of coverage exceeding 180 months. Old-age pension may not exceed 80% of a worker's average earnings in the last 3 or 5 years.

Workers receive an old-age settlement if they do not meet coverage requirements. Pensions are paid quarterly.

Source: Decree No. 67-25 of 2 February 1967

DECENTWORKCHECK.ORG

Unemployment Benefits

There is no provision for unemployment benefit under Nigerian labour laws.

Invalidity Benefits

The above law provide for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If a worker is assessed with total disability, invalidity benefit is 30% of a worker's average earnings in the last 3 or 5 years multiplied plus 1.33% of average covered earnings for 12-month period of coverage exceeding 180 months. Invalidity pension cannot exceed 80% of a worker's average earnings in the last 3 or 5 years. Disability pension ceases at retirement age with the start of old-age pension.

Source: Decree No. 67-25 of 2 February 1967

DECENTWORKCHECK.ORG

10/13 Fair Treatment

Regulations on fair treatment:

Constitution of the VIIth Republic of Niger, 2010

Labour Code, 2012

Equal Pay

The Constitution supports the principle of equal pay for equal work and prohibits all forms of discrimination against women. The work by housewives in the home has the same value as what they can receive when working outside the home.

Labour Code also prohibits discrimination in wages based on sex. Standards to establish various elements related to remuneration must be identical for both men and women. The Labour Code further prohibits discrimination in wages on account of origin, status and age.

Source: §33 of the Constitution of the VIIth Republic of Niger 2010; §158 & 159 of the Labour Code 2012

Sexual Harassment

Labour Code prohibits sexual harassment at workplace. Abuse of authority to obtain favours of sexual nature is also prohibited. Sexual harassment is also prohibited under the 2017 Decree. Employers are required to take all necessary measures to prevent sexual harassment. No worker may be sanctioned or discriminated against for reporting sexual harassment.

Sexual harassment is punishable, imposing penalties of three to six months of imprisonment and fines of 10,000 to 100,000 CFA. If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased (20,000 to 200,000 CFA Francs).

Source: §45 of the Labour Code 2012, § 281(1) of the Penal Code; §122 of the Decree No. 2017-682

Non-Discrimination

In accordance with labour code and collective agreement, discrimination is prohibited on the ground of race, colour, national extraction, social origin, political or religious opinion gender/sex, status, age, HIV status disability, union activity and language.

The Constitution also prohibits discrimination at workplace. All citizens are equal before the law without distinction of sex, or of social, racial, ethnic or religious origin. The Constitution respects and protects all beliefs. No religion, no belief can arrogate the political power or interfere in the affairs of State. All particularist propaganda of a regionalist, racial or ethnic character, all manifestation of racial, social, sexist, ethnic, political or religious discrimination, are punished by the law.

DECENTWORKCHECK.ORG

In line with the Decree No. 2017-682 (Regulations under the Labour Code), 5% quota is fixed for persons with disabilities in all enterprises with 20 or more workers.

Source: §8 & 33 of the Constitution of the VIIth Republic of Niger 2010; §5 of the Labour Code 2012; §281(1) of the Penal Code; §5 of the Decree No. 2017-682

Equal Choice of Profession

In accordance with the Labour Code, women are not allowed to perform work that can affect their procreative capacity, their pregnancy or the health of their unborn children. The Council of Ministers, after consulting with the Consultative Commission on Labour and Employment, issues a decree to set the type of work prohibited to women and pregnant workers.

A labour inspector may also require examination of a women and pregnant women by a licensed physician to determine that their work is not beyond their strength. A women worker should be kept in a job suitable for her strength or otherwise be assigned to suitable employment.

Source: §108 & 109 of the Labour Code 2012

DECENTWORKCHECK.ORG

11/13 Minors & Youth

Regulations on minors and youth:

Constitution of the VIth Republic of Niger, 2010

Labour Code, 2012

Minimum Age for Employment

Minimum age for employment is 14 years unless an exception is granted by a Decree. The 2017 Decree sets the minimum age for light work as 12 years.

The labor inspector may require the examination of children by a licensed physician to determine whether the work they do is not beyond their strength. This is done at the request of interested parties. A child may be kept in a job suitable to his strength or must be assigned to a suitable job. If this is not possible, the contract should be terminated with the payment in lieu of notice.

Free education is guaranteed under the Constitution and compulsory education age is 18 years.

Source: §23 of the Constitution of the VIIIth Republic of Niger 2010; §106-108 of the Labour Code 2012; §2 of the Law focusing on education system in Niger, 1998; §157-176 of the Decree No. 2017-682

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. Night work is prohibited for young workers under the age of eighteen years, unless specific exemptions granted under conditions laid down by decree, because of the particular nature of the professional activity. Workers under eighteen years of age must have a minimum daily rest of twelve consecutive hours. Worst forms of child labour are prohibited. These include;

- i. All forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labor, including forced recruitment or compulsory recruitment of children for use in armed conflict;
- ii. The use, procuring or offering of a child for prostitution, production of pornography or for pornographic performances;
- iii. The use, procuring or offering of a child for illicit activities, in particular for production and trafficking of drugs as defined in the international conventions relating thereto;
- iv. Work, which, by its nature or the circumstances in which it is carried out is likely to harm health, safety or morals of children.

DECENTWORKCHECK.ORG

The 2017 Decree further prohibits employment of children under 18 in many hazardous activities including work involving the use and handling of explosives, driving of dangerous machinery, and the underground work in mines.

Subjecting a child to the worst forms of work is punishable in accordance with article 343 of Labour Code. Violation of the Child Labour related provisions (of article 107) is punished by a fine of five million to ten million CFA Francs and an imprisonment of two to five years or either of these penalties. In case of repetition of offence, fine is doubled and imprisonment term ranges from five to ten years.

Source: § 103-108 & 343 of the Labour Code 2012, Decree No. 67-126/MFP/T of September 1967; §157-176 of the Decree No. 2017-682

DECENTWORKCHECK.ORG

12/13 Forced Labour

Regulations on forced labour:

Labour Code, 2012

Constitution of the VIIth Republic of Niger, 2010

Prohibition on Forced and Compulsory Labour

Forced Labour is prohibited under the Labour Code. Forced or compulsory labor means all work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. Forced labour is punishable fines of 0.5 million to 2 million CFA Francs and/or imprisonment for a term ranging from two to five years. If the offence is repeated, the fine is doubled with imprisonment term ranging from ten to fifteen years.

In accordance with the Constitution of Niger, a person cannot be submitted to torture, to slavery or to cruel, inhuman or degrading abuse or treatments. Forced labour is also prohibited under the Law on Combating Trafficking in Persons.

In accordance with the Penal Code, any person who restricts the freedom of any other person is punished with imprisonment of ten to thirty years. If the victim is under the age of thirteen, the penalty is life imprisonment. If the offender has restricted the freedom of many by, it will be punished with the death penalty.

Source: § 14 of the Constitution of the VIIth Republic of Niger 2010; § 4 & 337 of the Labour Code 2012; §270 of the Penal Code 2003; §2 of the Law on Combating Trafficking in Persons, 2010

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week and eight hours a day. Normal working hours may exceed the statutory hours limit for some professions. The 2017 decree generally sets the limit of 8 hours of overtime work per week.

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

Source: § 92-99 of the Labour Code 2012; § 44 of Inter-professional Collective Agreement of 15 December 1972

Regulations on trade unions:

Labour Code, 2012

Constitution of the VIIth Republic of Niger, 2010

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the labour code.

The trade unions properly constituted according to the requirements of Labour Code may free concert in the study and defense of their economic, industrial, commercial and agricultural interests and for the defense and promotion of material, moral and professional interests of their members.

Workers exercising the same or similar occupation, contributing to the production of specific products or the same liberal professions may freely constitute a professional union. Union members are free to elect their representatives and formulate their work program. They may draw up their own statutes and administrative regulations, as long as these are not contrary to laws in effect and public order.

The unions must get registered by filing their statutes and list of names of those responsible for management and administration. Filing has to be done again in case of any change in statutes and administration.

These unions also have a right to sue and acquire, with or without consideration, of real or personal property. Young workers of 16 or more years of age may also join a union.

An employer is not allowed to interfere in a trade union's affairs and to support a union that is under the control of the employer or an employer's organization. Employer may deduct union dues from the wages of the members only after their written consent. Discriminatory behavior is prohibited for the employer on the basis of union affiliation or participation in union activities.

Source: §32 of the Constitution of the VIIth Republic of Niger 2010; § 183-210 of the Labour Code 2012

DECENTWORKCHECK.ORG

Freedom of Collective Bargaining

Right to collective bargaining is recognized by the labour code.

The collective agreement is an agreement on conditions of employment, work and salary between the workers (through their unions) and employer(s).

A CBA may be concluded for definite or indefinite period. The duration of a CBA signed for definite time period may not exceed 5 years. A CBA of indefinite term may be cancelled by either party. A CBA must provide the notice period of its denunciation and in what form and at what time it may be denounced, renewed or revised.

Collective agreements also specify their scope of application either geographically or professionally. The geographical scope can be national or local and the professional scope includes economic activities. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions, which are less favourable than those provided under the law, it cannot be enforced.

A decree of the Council of Ministers, after consulting the Consultative Commission of Labour and Employment, determines the conditions under which collective agreements, written in French, are registered, published and translated. A CBA binds all the people who have signed personally or who are members of the signatory organizations. The Convention also binds organizations who give it their support, and all those who, at a later time, become members of these organizations.

Consultative Commission on Labour and Employment, provided under the Labour Code, is headed by Minister of Labour (or his representative). The Commission is composed of an equal number of worker and employer representative for a term of three years, renewable once. The Commission may, on the request of the Minister for Labour, examine any difficulties arising in the negotiation of collective agreements and decide on all matters relating to the conclusion and implementation of collective agreements including their social and economic impact.

The Economic Social and Cultural Council (CESOC) is an advisory assembly, created by Law No. 2011-40 of 2011. The Economic, Social and Cultural Council comprises 99 members, including eight (8) members, appointed under a Decree, and 91 advisers from the socio-professional strata and the institutions of the Republic. It has members representing teachers and researchers; different economic groups; representatives of workers and student unions; and representatives of associations. The Council's mission is to assist the President of the Republic and the National Assembly in the economic, social and cultural fields. It gives its opinion on all the questions submitted to it by the President of the Republic and the National Assembly.

Source: § 229-257 & 259-260 of the Labour Code 2012; Law No. 2011-40 of 2011

DECENTWORKCHECK.ORG

Right to Strike

Right to strike is enshrined in the Constitution and regulated by the Labour Code. Conditions for initiating strike action are specified in Labour Code. Once these conditions are fulfilled, workers can start strike action. The list of essential services is quite broad which eventually frustrates the right to strike.

A strike is a concerted stoppage of work by employees who decided to bring professional claims and to defend their material and moral interests. Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail. Members of a union must notify the employer and the Labour Inspector at least 3 days prior to the proposed date of strike.

A worker may not be dismissed for striking in cases of gross negligence. However, the employer is not obliged to pay wages for hours they have not worked, unless otherwise decided by the competent court.

Source: §34 of the Constitution of the VIIth Republic of Niger 2010; §322-326 of the Labour Code 2012

DECENTWORKCHECK.ORG

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)

Niger has ratified the Conventions 95, 117 & 131.

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)

Niger has not ratified the Conventions 01 & 171.

Overtime Compensation

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

Night Work Compensation

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

Compensatory Holidays/Rest Days

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

Weekend/Public Holiday work Compensation

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

DECENTWORKCHECK.ORG

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

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

Niger has ratified the Conventions 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

Niger has ratified the Convention 158.

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

Written Employment Particulars

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

Fixed Term Contracts

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

Probation Period

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

Notice Requirement

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

Severance Pay

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

DECENTWORKCHECK.ORG

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

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Niger has 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.

Niger has not ratified both Conventions 103 & 183.

Free medical care

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

No harmful work

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

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

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

Protection from Dismissals

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

Right to return to same position

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

Breastfeeding/Nursing Breaks

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

DECENTWORKCHECK.ORG

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

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

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

Niger 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

Niger has ratified the Convention 102 only.

Income/Paid Sick Leave

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

Medical Care

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

Job security

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

Disability/Work Injury Benefit

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

DECENTWORKCHECK.ORG

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

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

Employment Injury Benefits: Conventions 121 (1964),

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

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Niger has not ratified the Convention 102 only.

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.

Niger has ratified both Conventions 100 & 111.

Equal Pay

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

Sexual Harassment

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

Non-Discrimination

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

Equal Choice of Profession

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

DECENTWORKCHECK.ORG

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

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Niger has ratified both Conventions 138 & 182.

Minimum Age for Employment

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

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

Minimum Age for Hazardous Work

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

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

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

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

Niger has ratified both 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.

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)

Niger has ratified both Conventions 87 & 98.

Freedom to join and form a union

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

Freedom of Collective Bargaining

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

Right to Strike

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

DECENTWORKCHECK.ORG

About Decent Work and Decent Work Check

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

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

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

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

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

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

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

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

18 October, 2018.