DECENTWORKCHECK.ORG

Check

Decent Work Check Republic of Congo is a product of WageIndicator.org and www.votresalaire.org/congobrazzaville/

National Regulation exists

National Regulation does not exist

01/13 Work & Wages

		NR	Yes	No
1.	I earn at least the minimum wage announced by the Government			
2.	I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)			

02/13 Compensation

		NR	Yes	No
3.	Whenever I work overtime, I always get compensation *(Overtime rate is fixed at a higher rate)*			
4.	Whenever I work at night, I get higher compensation for night work			
5.	I get compensatory holiday when I have to work on a public holiday or weekly rest day			
6.	Whenever I work on a weekly rest day or public holiday, I get due compensation for it			

03/13 Annual Leave & Holidays

		NR	Yes	No
7.	How many weeks of paid annual leave are you entitled to?*		1 2	3 4+
8.	I get paid during public (national and religious) holidays			
9.	I get a weekly rest period of at least one day (i.e. 24 hours) in a week			

04/13 Employment Security

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

05/13 Family Responsibilities

		NR	Yes	No
15.	My employer provides paid paternity leave *This leave is for new fathers/partners and is given at the time of child birth*			
16.	My employer provides (paid or unpaid) parental leave *This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.*			
17.	My work schedule is flexible enough to combine work with family responsibilities *Through part-time work or other flex time options*			

06/13 Maternity & Work

		NR	Yes	No
18.	I get free ante and post natal medical care			
19.	During pregnancy, I am exempted from nightshifts (night work) or hazardous work			
20.	My maternity leave lasts at least 14 weeks			

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

21. During my maternity leave, I get at least 2/3rd of my former salary

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

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

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

07/13 Health & Safety

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

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

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

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

08/13 Sick Leave & Employment Injury Benefits

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

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

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

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

09/13 Social Security

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

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

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

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

10/13 Fair Treatment

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

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

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

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

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

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

11/13 Minors & Youth

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

12/13 Forced Labour

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

13/13 Trade Union Rights

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

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.

Congo 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.

WageIndicator.org

DECENT WORK CHECK
REPUBLIC OF CONGO 2023

Liberat Bigirimana
Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

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

The Authors

Liberat Bigirimana is a team member from francophone Africa and a lawyer from Burundi.

Corresponding author: Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research which is the global labour law office of the WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Republic of Congo. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

Bibliographical information

Ahmad I, Bigirimana L (2023) *Republic of Congo Decent Work Check 2023*. Amsterdam, WageIndicator Foundation, December.

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

Copyright 2023 by WageIndicator Foundation. All rights reserved.

WageIndicator Foundation, 2023

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email office@wageindicator.org

TABLE OF CONTENTS

INTRODUCTION 1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR 2
01/13 WORK & WAGES 4
02/13 COMPENSATION 7
03/13 ANNUAL LEAVE & HOLIDAYS 10
04/13 EMPLOYMENT SECURITY 13
05/13 FAMILY RESPONSIBILITIES 17
06/13 MATERNITY & WORK 19
07/13 HEALTH & SAFETY 23
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT 26
09/13 SOCIAL SECURITY 29
10/13 FAIR TREATMENT 33
11/13 MINORS & YOUTH 37
12/13 FORCED LABOUR 39
13/13 TRADE UNION 42
QUESTIONNAIRE 46

INTRODUCTION

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

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

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

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

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

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

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Republic of Congo in French, please refer to: https://votresalaire.org/congobrazzaville/

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of the Republic of Congo, adopted by referendum on 25 October 2015
2. Law n°1975-45 of 15 March 1975 on the Labour Code, amended by Law n°1988-22 of 17 September 1988 and Law n°1996-06 of 6 March 1996
3. Law n°004-86 of 25 February 1986 on the Social Security Code
4. Law n°1994-02 of 1st March 1994 fixing the public holidays, non-working days and paid days
5. Law No. 4-2010 of 14 June 2010 on the protection of children in the Republic of Congo
6. Law No. 37-2014 of 27 June 2014 instituting the universal health insurance scheme
7. Law No. 22-2010 of 30 December 2010 setting the retirement age for workers covered by the Labour Code
8. Law No. 22-2019 of 17 June 2019 on combating trafficking in persons
9. Law No. 18-2012 of 22 August 2012 on the institution of the occupational risks and pensions scheme for private sector workers
10. Decree No. 78/364/MDT.SGFPT.DTPS. ST.3/8 of 12 May 1978 determining the modalities of application of weekly rest
11. Decree No. 2006-89 fixing the hourly and monthly rates of hierarchical wages
12. Decree No. 2008-942 of 31 December 2008 fixing the amount of the guaranteed interprofessional minimum wage (SMIG)
13. Decree No. 2006-89 fixing the hourly rates and minimum hierarchical wages
14. Decree No. 78-359/MJT.SGFPT.DTPS.ST of 12 May 1978 deciding on the exemptions provided for in Article 105 of the Labour Code
15. Decree No. 78-360/MJT.SGFPT.DTPS.ST of 12 May 1978 laying down, for establishments not covered by the agricultural system, the duration of work, the regulation of overtime and the terms and conditions of its payment
16. Decree n°78-361/MJT.SGFPT.DTPS.ST of 12 May 1978 fixing the regulation of overtime and the modalities of its remuneration for agricultural and similar enterprises
17. Decree No. 99-284 of 31 December 1999 setting the ceilings for remuneration subject to contributions under the social security scheme managed by the National Social Security Fund
18. Order No 1108/MTFPSS-DGT of 24 June 1996 laying down the procedure for individual or collective dismissal for economic or structural reasons

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Republic of Congo in French, please refer to: https://votresalaire.org/congobrazzaville/

and for termination of contract by mutual consent

19. General Order No. 5254 I.G.T.L.S.-A.O.F of 19 July 1954 on the work of women and pregnant women
20. Corrigendum No. 2318 to Order No. 571 of 11 February 2004, granting an allowance for paid leave
21. Order No. 1860/MTFPSS-D of 5 October 1995 establishing the conditions of employment of domestic staff

01/13 WORK & WAGES

ILO Conventions

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

The Republic of Congo has ratified the Conventions 26 & 95 only.

Summary of Provisions under ILO Conventions

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

Regulations on work and wages:

- Labour Code of the Congo Republic, 1975

Minimum Wage

The legal and regulatory provisions relating to the minimum wage in the Republic of Congo are set out in the Labour Code and Decree No. 2006-89 of 9 March 2006 setting the hourly and monthly rates of minimum hierarchical wages.

There are two types of minimum wages in the Republic of Congo, the SMIG (Guaranteed Interprofessional Minimum Wage) and the SMAG (Guaranteed Agricultural Minimum Wage). The SMIG is set at 50,400 CFA francs per month of work and is valid throughout the country and in all sectors of activity.

It is also provided that the readjustment by raising the wages defined by collective agreements and statutes is
collective agreements and the special statutes of public bodies is automatic when the said wages are less than 50,400 CFA francs.

In accordance with the Labour Code, the hourly and monthly minimum wage rates are set by decrees issued after consultation with the National Labour Advisory Commission, and, in the absence of collective agreements or in the absence of such agreements, they also determine the minimum wages for each professional category, as well as the minimum rates for overtime and night work or work on non-working days, and, where applicable, seniority and attendance bonuses.

Decree No. 2006-89 of 9 March 2006 sets the hourly minimum wage rates for workers in the professional categories and levels defined by regulation for activities not governed by collective agreements.

Specifically, the hourly rates of the guaranteed interprofessional minimum wage are those applied in the branches of activity covered by the 40-hour working week regime, while the hourly rates of wages in the agricultural sector and similar sectors are those of the 46-hour working week regime.

Violators of the provisions relating to wages, minimum wages, bonuses and allowances of any kind are punished by a fine of CFAF 40,000 to CFAF 150,000 and in the event of a repeat offence by a fine of CFAF 100,000 to CFAF 250,000.

Sources: Articles 83, 1st paragraph & 255, points a) & b) of the Labour Code 1975, modified by law n°1988-22 and law n°1996-06; Articles 1 & 2 of Decree n° 2008 - 942 of 31 December 2008 fixing the amount of the guaranteed interprofessional minimum wage (SMIG); Art.1, 2, 3 & 9 of Decree n° 2006-89 of 09 March 2006 fixing the hourly and monthly rates of the minimum hierarchical wages.

Regular Pay

Under the Congolese Labour Code, it is stipulated that wages are paid in legal tender, notwithstanding any stipulation to the contrary. In addition, the law formally prohibits the payment of all or part of the salary in alcohol or alcoholic beverages, as well as the payment of all or part of the salary in kind.

In principle, except in cases of force majeure, payment is made at the place of

work or at the employer's office when it is close to the place of work. It is also stipulated that payment may be made during working hours when these coincide with the normal opening hours of the cash office. However, in no case may it be made either in a drinking establishment or in a sales shop, except for workers normally employed there, or on the day when the worker is entitled to rest.

Thus, with the exception of professions for which established practices provide for a different periodicity of payment, and which shall be determined by order of the Minister of Labour and Social Security after consultation of the National Labour Advisory Commission, wages shall be paid at regular intervals not exceeding fifteen days for workers employed on a daily or weekly basis, and one month for workers employed on a fortnightly or monthly basis. However, a daily worker, engaged by the hour or by the day, for a short-term occupation, shall be paid each day after the end of the work.

Monthly payments must be made no later than eight days after the end of the month of work that gives entitlement to the wage, and fortnightly or weekly payments four days after the fortnight or week that gives entitlement to the wage.

As for deductions from wages, only compulsory levies and deposits which may be provided for in collective agreements and individual employment contracts may be withheld from wages.

However, the repayment of advances of money granted by the employer to the worker may only be subject to deductions from wages or salaries by garnishment or voluntary assignment before the magistrate of the place of residence or before the labour inspector.

The determination of the portions of wages subject to progressive deductions and the rates relating thereto shall be provided for by decrees issued after the opinion of the National Labour Advisory Commission. The deduction referred to in the preceding article may not, for each pay, exceed the rates fixed by decree.

Consequently, for the calculation of the deduction, account must be taken not only of the salary itself but also of all the accessories to the salary, with the exception of allowances declared non-seizable by the regulations in force, sums allocated by way of reimbursement of expenses incurred by the worker and family allowances or dependents.

Source: Articles 87-88; 100&101 of Law n°1975-45 of 15 March 1975 on the Labour Code, amended by Law n°1988-22 of 17 September 1988 and Law n°1996-06 of 6 March 1996

02/13 COMPENSATION

ILO Conventions

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

The Republic of Congo has not ratified any of the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

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

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

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

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

Regulations on compensation:

- Labour Code of the Congo Republic, 1975
- Law n°1975-45 of 15 March 1975 on the Labour Code, amended by Law n°1988-22 of 17 September 1988 and Law n°1996-06 of 6 March 1996
- Decree n°78/360 of 12 May 1978

Overtime Compensation

The regulations on overtime are set out in Decree No. 78/360 of 12 May 1978.
In accordance with the Labour Code, the legal working hours of employees or workers of either sex, of any age, working on a time basis, by task or by piecework, in all public or private non-agricultural establishments, including educational and charitable establishments, may not exceed 40 hours per week.

However, the hours of work in all agricultural enterprises are fixed at 2400 hours for the year. Within this limit, the weekly working hours according to the seasons and regions shall be fixed by decree after consulting the National Labour Advisory Commission.

Article 2 of the above-mentioned decree lays down a firm principle according to which the duration of work may not exceed 40 hours per week. Thus, in order to maintain or increase production or to deal with urgent and exceptional work justified by an extraordinary increase in workload, overtime may be authorised, but only up to a maximum of twenty hours per week.

As for the remuneration of overtime, it is provided that the hours worked beyond the legal working time give rise to an increase in salary. This remuneration is governed by the provisions of article 20 of the decree of 12 May 1978 according to the following percentage

- 10% of the hourly wage for the first five hours beyond the duration considered as equivalent ;
- 25% of the hourly wage for the following hours;
- 50% of the hourly wage for overtime worked at night on the weekly rest day or on public holidays;
- 100% of the hourly wage for night hours worked on the weekly rest day or on public holidays.

Sources: Article 105 of Law n°1975-45 of 15 March 1975 on the Labour Code, amended by Law n°1988-22 of 17 September 1988 and Law n°1996-06 of 6 March 1996; Art. 2, 16 & 20 of Decree n°78-360-MJT.SGFPT.DTPS.ST of 12 May 1978 fixing, for establishments not covered by the agricultural regime, the duration of work, the regulation of overtime and the modalities of their remuneration.

Night Work Compensation

The Labour Code defines night work as work performed between 8 p.m. and 5 a.m. Thus, the duration of night work may not exceed eight consecutive hours.

Sources: Articles 106 & 107 of the Labour Code, 1975

Compensatory Holidays/Rest Days

The law does not provide for compensatory leave for work performed on the weekly rest day or on a public holiday. However, the law provides that weekly rest is compulsory and that it must be at least 24 consecutive hours per week and preferably on Sunday.

Weekend / Public Holiday Work Compensation

Remuneration for hours worked on a weekly rest day or a public holiday is increased by 50% of the hourly wage for overtime worked at night on the weekly rest day or on public holidays and 100% of the hourly wage for night hours worked on the weekly rest day or on public holidays.

Sources: Article 20 of Decree No. 78-360-MJT.SGFPT.DTPS.ST of 12 May 1978 laying down, for establishments not covered by the agricultural system, the duration of work, the regulation of overtime and the terms of its payment.

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

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

The Republic of Congo has ratified Convention N° 014 only.

Summary of Provisions under ILO Conventions

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

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

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

Regulations on annual leave and holidays:

- Labour Code, 1975

Paid Vacation / Annual Leave

Except in cases where collective agreements or individual employment contracts provide for more favourable provisions, the law provides that the worker acquires the right to paid leave at the expense of the employer at the rate of a minimum of 26 working days per year of actual service.

Thus, the period of actual service that gives entitlement to leave is equivalent to 12 months of continuous service.

In addition, the increase in the length of leave takes into account the seniority of workers in the company in accordance with the regulations in force or the provisions of collective agreements.

As regards the splitting or accumulation of annual leave, the regulation on the organisation of working time does not seem to contain any specific provision to this effect.

Throughout the period of leave, the employer is obliged to pay the worker an allowance which will be at least equal to the remuneration and the various elements of remuneration from which the worker benefited during the 12 months preceding the date of departure on leave, excluding, where applicable, the expatriation allowance.

The employer must also ensure that the worker receives the full amount of the said allowance on the day he goes on leave.

However, any agreement providing for the granting of an allowance in lieu of leave is null and void, except in the event of breach or expiry of the contract before the worker has acquired the right to leave. Therefore, an indemnity calculated on the basis of the acquired rights must be granted in lieu of leave.

Source: Articles 119-122 of the Labour Code, 1975

Pay on Public Holidays

The legislation applicable to public holidays in the Republic of Congo is provided for in Law No. 1994-02 of 1 March 1994 establishing public holidays, days off and paid holidays. There are nine such days, distributed as follows

The first of January (New Year's Day), Easter Monday, Ascension Thursday, the first of May (Labour Day), Pentecost Monday, the 10th of June (National Remembrance Day), the 15th of August (National Day), the first of November (All Saints' Day), the 25th of December (Christmas).

Sources: Article 1 of Law n°1994-02 of 1 March 1994 fixing public holidays,

Weekly Rest Days

The Labour Code contains the legal provisions on weekly rest. The law stipulates that weekly rest is compulsory and must last at least twenty-four (24) consecutive hours per week, preferably on Sunday.

In addition, it is provided that a decree issued after consultation with the National Consultative Labour Commission, and determining the modalities of application

of the weekly rest, shall specify the exceptions to the principles of Sunday rest and weekly rest, in particular the occupations for which and the conditions under which the rest may exceptionally and for clearly established reasons, either be given in rotation or collectively on days other than Sunday, or be suspended to compensate for ritual or local festivals, or be spread over a period longer than the week.

The decree also specifies that apprentices cannot be required to work on Sundays and public holidays. However, the content of the decree could not be found.

Sources: Article 118 of the Labour Code, 1975; Decree No. 78/364/MDT.SGFPT. DTPS.ST.3/8 of 12 May 1978 determining the modalities of application of weekly rest

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Republic of Congo has not ratified the Convention 158.

Summary of Provisions under ILO Convention

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

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

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

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

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

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

Regulations on employment security:

- Labour Code, 1975

Written Employment Particulars

The employment contract in Congo is governed by the Labour Code. According to the Labour Code, the employment contract is an agreement of will by which a person undertakes to perform material acts of a professional nature under the direction and authority of another person who undertakes to pay him, in return, a remuneration called salary.

The law thus requires that the fixed-term contract be stipulated in writing, failing which it is presumed to be concluded for an indefinite period.

In addition, it must include the following information, namely the precise definition of its purpose; when it is concluded for cases of temporary absence or suspension of the employment contract of an employee not resulting from a collective labour dispute, the identity and qualification of the employee replaced; when it includes a precise term, the expiry date of the term and, where applicable, a clause providing for the postponement of the term, without this postponement having the effect of extending the contract beyond two years; when it does not have a precise term, the duration for which it is concluded; the designation of the position or job held; the duration of any trial period provided for; the terms of payment and the elements of remuneration.

Source: Articles 26 & 32-3 of the Labour Code, 1975

Fixed Term Contracts

The legal provisions on fixed-term employment contracts are set out in Law No. 45-75 of 15 March 1975 establishing the Labour Code of the People's Republic of the Congo.

The conditions that must be met for the conclusion of a fixed-term employment contract to be valid are as follows: the fixed-term employment contract must include a precise term, fixed at the time of its conclusion. It must then indicate either the date of its expiry or the precise duration for which it was concluded. However, the fixed-term employment contract must be in writing and may only be renewed once.
The maximum duration for a fixed-term contract is 12 months and this duration cannot exceed two years (24 months), including renewals.

Source: Articles 32-2 & 32-5 of the Labour Code, 1975

Probation Period

The provisions on the trial period are to be found in the Labour Code. Thus, the contract of employment on probation must be recorded in writing. Similarly, the law recognises that a fixed-term employment contract may include a trial clause under the same conditions as those laid down for open-ended contracts.

However, in the absence of usage or contractual provisions providing for shorter periods, this trial period is determined as follows:

- 15 days maximum for contracts of less than or equal to 6 months ;
- 1 month for other cases.

In general, the probationary employment contract cannot be concluded for a period longer than that necessary to test the personnel hired, taking into account the technique and customs of the profession. In any case, it may not be for a period of more than six months, including renewals.

Source: Articles 32-4, 34 and 35 of the Labour Code, 1975

Notice Requirement

The labour law provisions on the requirement of notice before termination of the employment contract are found in the Labour Code. Thus, the termination of a fixed-term employment contract can only be effected before the expiry of the term in the case of gross negligence or force majeure.
In the event of early termination by the employer, the employee will receive, subject to the assessment of the competent court, by way of compensation, the remuneration and benefits of any kind that he or she would have received if the contract had been performed until the date agreed by the parties. Whereas the termination of the contract by the employee entitles the employer to damages corresponding to the loss suffered.

According to the Labour Code, the termination of an open-ended employment contract is subject to a notice period given by the party taking the initiative.
With regard to the notice period to be given, the law provides that in the absence of a collective agreement, a decree of the Minister of Labour, issued after consulting the National Labour Advisory Commission, determines the conditions and duration of the notice period, taking into account, in particular, the duration of the contract and the professional categories. However, no such order has been found.

Thus, the duration of the notice period to be given is equal to that of the trial period:

- One month for employees in the 1st to 4th categories;
- Two months for employees in the 5th to 7th categories;
- Three months for employees in the 8th category and above

During the period of notice, the employee shall have two days of freedom per week, taken at his or her own discretion and paid at full salary, to look for a new job.

In the event of gross misconduct, the party who takes the initiative to terminate the contract shall benefit from a waiver of the notice period, subject to the assessment of the competent court as to the seriousness of the misconduct.

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

Thus, there are cases of termination of the employment contract with exemption from the notice period, i.e., except for specific provisions expressly provided for in the contract, the trial employment may be terminated at any time without notice by the will of one of the parties. The other case is the termination of the contract without notice in case of gross misconduct.

Source: Articles 37-3, 37-4, 37-5, 38, al.1 & 41 of the Labour Code, 1975; Art. 20 of the Collective Bargaining Agreement, 2011

Severance Pay

The redundancy payment is governed by the Labour Code. The law provides that in the case of termination by mutual consent only the lawful consent of the employee is required. This must be expressed in writing or by other means. In this case, the employee benefits from a severance bonus, the amount of which is left to the discretion of the parties and determined taking into account the customs and practices in the matter, in addition to the legal indemnities. A worker who has been made economically or technically unemployed shall receive from his employer a monthly indemnity equal to one third (1/3) of his category salary plus all wage accessories not linked to the actual performance of work.

He shall also receive medical and pharmaceutical expenses and the other social security benefits provided for in the collective agreement in force.

With regard to the calculation of severance pay in the event that the economic or technical unemployment measure results in dismissal, it is stipulated that the basis for calculating the compensation due by the employer shall be the worker's salary before the economic or technical unemployment measure. The same applies to the calculation of bonuses due during the period of the measure.

Source: Articles 39, paragraph 9; 47-13, 47-15 of the Labour Code, 1975

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

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

Republic of Congo has not ratified the Convention 156 and 165.

Summary of Provisions under ILO Convention

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

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

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

Regulations on family responsibilities:

- Labour Code, 1975

Paternity Leave

There is no provision for paternity leave in the Labour Code.

Parental Leave

No applicable provisions could be located within the law.

Flexible Work Option for Parents / Work-Life Balance

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

06/13 MATERNITY & WORK

ILO Conventions

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

Republic of Congo has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Convention

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

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

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income sh
preceding salary.

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

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

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

Regulations on maternity and work:

- Labour Code, 1975
- Law n° 004/86 of 25/02/86 establishing the Social Security Code in the Republic of Congo

Free Medical Care

The Labour Code provides that a pregnant woman is entitled, during the fifteen (15) week period, to free health care at the expense of the national social security fund and to half of the salary she was receiving at the time of the suspension of the employment contract, the other half of her salary being paid by the employer. She also retains the right to benefits in kind.

In addition, in accordance with the Social Security Code, the costs of delivery of the woman employee in a health facility and, where appropriate, medical care during maternity leave caused by illness resulting from pregnancy or childbirth, are paid by the Fund.

Sources: Article 113, paragraphs 2 and 3 of the Labour Code, 1975; Article 54 of the Social Security Code, 1986

No Harmful Work

In accordance with the provisions of the Labour Code, decrees issued after consultation with the National Advisory Commission on Labour shall determine the type of work prohibited for women and pregnant women.

In addition, the same Code provides that in factories, plants, mines, mines, construction sites, workshops and their outbuildings, women may not be employed in night work.

Moreover, the law prohibits the employment of a woman during the 15 weeks of maternity leave provided for this purpose.

Similarly, if there are serious complications of the pregnancy or a pre-existing morbid condition that may be aggravated by the pregnancy or when the working or environmental conditions are considered harmful to the health of the mother and child, the labour inspector may decide, on the basis of a medical certificate, to prohibit any pregnant woman from working, before the period of interruption of work, for one or more periods whose duration will be determined by the labour inspector.

Thus, the law provides that any pregnant woman whose condition has been medically established may leave work without notice without having to pay compensation for breach of contract.

Source: Art. 108, § 1; 112, 114 of the Labour Code, 1975

Maternity Leave

According to the Labour Code, every pregnant employee is entitled to 15 weeks of maternity leave, 6 weeks before and 9 weeks after childbirth, even if the child is not born viable. As a result, any pregnant woman whose condition has been medically confirmed may leave work without notice without having to pay compensation for breach of contract.

The compensation paid by the fund is equal to 50% of the salary received at the end of the month preceding the cessation of work. If the employer has maintained all or part of the salary during the maternity leave, the

allowance is paid back to him.

The payment of this benefit may be extended by three weeks in the event of pregnancy or the aftermath of pathological childbirth.

Source: Article 113 of the Labour Code, 1975

Income

The maternity benefits provided during maternity leave are governed by the Labour Code and the Social Security Code. Thus, the provisions of the Labour Code stipulate that every employed woman receives a daily maternity allowance during her maternity leave, which is paid for the entire duration of the leave.

The daily allowance in question is intended to compensate for the loss of wages during maternity leave. It is granted for a rest period set by the Labour Code, provided that the insured person ceases all paid employment.

In accordance with the provisions of the Labour Code, a pregnant woman is entitled during the 15-week period to free medical care and half the salary she was receiving at the time of suspension of the employment contract; she retains the right to benefits in kind. In addition, if the female employee needs additional rest due to illness resulting from pregnancy or childbirth, the daily allowance may be paid up to an additional period of three (3) weeks.

Thus, the daily allowance is equal to half the daily wage actually received at the time of the suspension of work, including any allowances other than those for reimbursement of expenses.

Sources: Article 113 of the Labour Code, 1975; Article 54-55 of the Social Security Code

Protection from Dismissals

The legal provisions on protection against dismissal during pregnancy and maternity leave are provided for in the Labour Code. Article 113 of the Labour Code stipulates that the employment contract of a woman employee is interrupted in order to rest for childbirth, without breaking her contract. Thus, on the occasion of childbirth, and without this interruption of service being considered as a cause for breach of contract, every woman has the right to suspend her work for fifteen consecutive weeks, nine of which are after delivery; this suspension may be extended by three weeks in the event of a duly established illness resulting from pregnancy or childbirth. During this period, the employer may not terminate the contract; she is entitled, on the one hand, at the expense of the employer, to half of her salary and, on the other hand, at the expense of the national social security fund, to free care and to the other half of the salary she was receiving at the time of the suspension of work.

In addition, protection against dismissal also covers the 15-month period from the birth of the child, during which the mother is entitled to rest for breastfeeding. Furthermore, the mother can leave her job during this period without notice and without having to pay compensation for breach of contract.

Sources: Articles 113&115 of the Labour Code, 1975

Right to Return to Same Position

The provisions of the Labour Code do not explicitly provide for the right of a worker to return to the same job upon her return from maternity leave, but they do specify that for a period of 15 months from the date of return to work, the employee is entitled to breastfeeding breaks, the duration of which may not exceed one hour per working day

Sources: Article 115 of the Labour Code, 1975

Breastfeeding/Nursing Breaks

The female employee is entitled to breastfeeding breaks for a period of 15 months from the birth of the child. Consequently, the duration of these rests may not exceed one hour per working day, and this hour may be split into two half-hours at the mother's request.

Source: Article 115 of the Labour Code, 1975

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.
Convention 155 (1981) is the relevant general convention here.
Labour Inspection Convention: 81 (1947)

Republic of Congo has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

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

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

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

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

Regulations on health and safety:

- Labour Code, 1975

Employer Cares

The provisions of the Labour Code stipulate that any company or establishment must provide a medical or health service for its workers and members of their families recognised by the National Social Security Fund.

In addition, the law stipulates that the company must be kept in a constant state of cleanliness and present the hygiene and safety conditions necessary for the health of the staff; it must be arranged in such a way as to guarantee the safety of the workers.

In addition, the employer must take all necessary or useful measures to ensure the prevention of occupational risks. To this end, a national technical committee on health, safety and prevention of occupational risks is set up under the Ministry of Labour to study issues relating to health, safety of workers and prevention of occupational risks.

Sources: Articles 131, 132-3, 132, 142 of the Labour Code, 1975

Free Protection

No legal provision on the requirement to provide workers with free protective equipment could be found in the Labour Code. However, the Collective Agreement on Commerce provides for the protection of the employee but also stipulates that employees must respect the measures taken for the prevention of occupational risks and in particular those concerning the wearing of personal protective equipment. The protective equipment necessary for the performance of dangerous work shall be provided by the employer.

Source: Article 49, § 2 of the Collective Bargaining Agreement, 2011

Training

The labour legislation provides that the employer is obliged to ensure the information and education of workers and members of the health and safety and prevention committees on the occupational risks inherent in the profession or activity of the company.

He also has a duty to inform any worker on recruitment of the instruction on the prevention of occupational risks.

Source: Article 132-4, 141-3 of the Labour Code, 1975

Labour Inspection System

The Labour and Social Security Inspectorate is made up of Administrators, Inspectors, Senior Controllers and Labour Controllers who are responsible for ensuring the application of laws and regulations.

In the course of their investigations, labour and social security inspectors have the power to enter freely and without prior warning, at any time of the day, establishments subject to inspection where they may have reasonable cause to suppose that persons enjoying protection are employed and to inspect them; to enter at night premises where there is evidence that collective night work is being performed. In addition, they shall, if

necessary, seek the advice and consultation of doctors and technicians, particularly with regard to health and safety requirements. They shall also have the power to carry out or have carried out all examinations, checks or investigations deemed necessary to ensure that the applicable provisions are effectively observed and in particular

1. interviewing, with or without witnesses, the employer or the personnel of the undertaking, checking their identity, requesting information from any other person whose testimony seems necessary
2. request the production of any register or document required to be kept by this law and the texts adopted for its application
3. take samples of materials and substances used or handled for analysis in the presence of the head of the undertaking, the head of the establishment or his deputy and against receipt; etc.

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

In addition, the officials of the Labour and Social Affairs Inspectorate may not have any direct or indirect interest in the companies under their control.

Finally, the Labour and Social Security Inspectorate is placed under the supervision and control of a central authority, the Directorate General of Labour and Social Security.

Sources: Articles 149 b), 151, 153, 155 of the Labour Code, 1975

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

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

Republic of Congo has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

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

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

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

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

Regulations on sick leave & Employment Injury Benefits:

- Labour Code, 1975
- Law n° 004/86 of 25/02/86 instituting the Social Security Code in the Republic of Congo
- ISSA|Country Profile of the Republic of Congo, 2017

Income

In accordance with the Labour Code, the employment contract shall be suspended for the duration of the worker's absence, in the event of illness duly certified by an approved physician, for a period limited to six (6) months. This period may be extended until the worker is replaced.

In addition, the employer shall be obliged to pay the absent worker, within the normal limit of the notice period, compensation equal to the amount of his/her remuneration for the duration of the absence.

A female employee on maternity leave is entitled, on the one hand, to half of her salary at the expense of the employer and, on the other hand, to free medical care at the expense of the national social security fund and to the other half of the salary she was receiving at the time of the suspension of work.

This monthly salary is paid for 15 consecutive weeks, including at least nine weeks after the birth, which may be extended by three weeks in the event of medically proven complications related to the pregnancy or birth.

Source: Articles 47 c); 48, Paragraph 1 & 113 of the Labour Code, 1975; Art. 54 of the Social Security Code, 1986

Job Security

The Labour Code guarantees the rights of workers in the event of suspension due to illness. Thus, the employer may not terminate an employment contract suspended due to the absence of the sick worker for a period limited to six months.

Source: Article 47 c) of the Labour Code, 1975

Medical Care

The Labour Code provides that a pregnant woman is entitled to free medical care and half the salary she was receiving at the time of suspension of her employment contract for a period of 15 weeks.

In addition, it is stipulated that the cost of delivering a woman employee in a health facility and, where appropriate, medical care during maternity leave caused by illness resulting from pregnancy or childbirth, shall be borne by the Fund. They are reimbursed in accordance with the rates of public health facilities.

Sources: Article 113 of the Labour Code, 1975; Article 57 of the Social Security Code, 1986

Disability / Work Injury Benefit

The legal provisions on disability and work accident benefits are set out in the Social Security Code of 1986.

According to this code, the employment contract of any victim of an accident at work or occupational disease is suspended from the day of the accident until the day of

recovery or consolidation of the injury.

Thus, in the event of partial or total permanent incapacity duly established by the doctor appointed or approved by the Fund, the victim is entitled to a permanent incapacity pension when the degree of incapacity is at least equal to ten per cent (10%) or to a redemption capital paid in a single instalment when the degree of incapacity is less than ten per cent. Thus, the benefit is equal to the last monthly salary multiplied by 0.5% for each degree of incapacity from 1% to 50% plus the average monthly salary multiplied by 1.5 for each degree of incapacity of the part exceeding 50%.

In the case of temporary incapacity for work duly established by the competent medical authority, the victim is entitled to a daily allowance for each day of incapacity, whether working or not, following the day on which he or she stopped working as a result of the accident. The daily allowance is equal to 100% of the average daily wage for the last 30 days from the 1st to the 29th day of sick leave, 2/3 (66.7%) of the average wage from the 30th to the 90th day of sick leave, 33.3% of the average wage from the 91st day of sick leave.

The daily wage used to calculate this benefit may not, however, exceed 1% of the maximum annual remuneration used to calculate social security contributions. The benefit is paid from the first day following the accident until recovery or permanent incapacity is established.

The surviving spouse's pension (neither divorced nor legally separated, provided that the marriage was contracted before the accident) is equal to 15% of the annual salary used to calculate the victim's pension; for dependent children, it is equal to 35% of the annual salary used to calculate the victim's pension. This amount is to be shared equally between the children. If the surviving spouse remarries, payment of the pension ceases.

The total amount of survivors' pensions may not exceed 50% of the deceased insured's pension.

In the event of death, funeral expenses are covered up to the limit of the costs incurred and without exceeding a maximum amount set by ministerial order.

Sources: Articles 83, 85, 86 paragraph 6, 100 of the Social Security Code, 1986; ISSA Country Profiles of the People's Republic of Congo, 2017

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Employment Injury Benefits: Conventions 121 (1964),
Invalidity, Old age and survivors' benefits:
Medical Care and Sickness Benefits: Convention 130 (1969)
Unemployment Benefits: Convention 168 (1988).

Republic of Congo has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age.
If retirement age is fixed above 65 years, i
elderly persons" and "social criteria, which shall be demonstrated mic
statistically". Pension can be set as a perce
earned wage.

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

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

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

Regulations on social security:

- Law n° 004/86 of 25/02/86 instituting the Social Security Code in the Republic of Congo
- Law n° 22 - 2010 of 30 December 2010 fixing the age of admission to retirement for workers covered by the Labour Code
- Law n° 18 - 2012 of 22 August 2012 establishing the occupational risks and pensions scheme for private sector workers
- ISSA| Country Profiles of the Congo Republic, 2017

Pension Rights

The legal provisions on pension rights are contained in Law No. 22 - 2010 of 30 December 2010 fixing the age of admission to retirement for workers covered by the Labour Code and Law No. 18 - 2012 of 22 August 2012 on the institution of the occupational risks and pensions scheme for workers in the private sector. Thus, the law sets the retirement age for workers covered by the Labour Code as follows: 57 years for labourers, workers and other similar workers; 60 years for supervisors and managers; and 65 years for managers in other categories.

As for the conditions for receiving the normal retirement pension, the law stipulates that the insured person must have permanently ceased all salaried activity; be 57 years old and have at least 264 months of contributions for manual workers; be 60 years old and have at least 300 months of contributions for clerical workers; and be 65 years old and have at least 360 months of contributions for senior managers.

In addition, if the insured person suffers from premature wear and tear of his physical or mental capacities rendering him unfit for paid employment and meets the age conditions, i.e. 52 years for manual workers, blue-collar workers and other similar workers, 55 years for supervisors and managers, and 60 years for managers in other categories, he may apply for an early retirement pension.

The percentage of the monthly amount of the normal retirement pension is set according to average monthly pay and is equal to 44% of the average monthly pay for the highest 36 months of pay during the ten years preceding retirement, for manual workers; 50% for clerical workers; and 60% for senior managers.

The percentage is increased by 2% for each 12-month period of insurance or equivalent exceeding the minimum contribution period according to the socio-professional category.

The monthly amount of the old-age pension may not be less than 60% of the minimum wage or more than 80% of the insured person's average earnings over the best 36 months of earnings in the last 10 years.

An insured person with fewer than 60 months' contributions receive an old-age allowance equal to one month's average monthly pay for the 3 or 5 highest-paid years in the last 10 years for each 12-month period.

Source: Articles 99, 100, 115 of Law No. 18 - 2012 of 22 August 2012 on the institution of the occupational risk and pension scheme for private sector workers; Article 1 of Law No. 22 - 2010 of 30 December 2010 setting the retirement age for workers covered by

the Labour Code; ISSA|Country Profiles of the Republic of Congo, 2017

Dependents' / Survivors' Benefits

The legal provisions on survivors' pensions are taken from Act No 004-86 of 25 February 1986 on the 1986 Social Security Code and the Act of 22 August 2012 on the occupational risks and pensions scheme for private sector workers.
The right to a survivor's pension can be acquired only if the deceased insured person was the holder of an old-age pension, a disability pension or an early retirement pension and, at the time of death, met the conditions for receiving an old-age or disability pension and had at least 264 months of insurance (300 or 360 depending on the socio-professional category).

Survivors' pensions are calculated as a percentage of the pension to which the insured person was or would have been entitled at the date of death, i.e. 15% of the pension for the surviving spouse and 35% of the pension for dependent children. This amount is divided equally between the children. However, the total amount of survivors' pensions may not exceed 50% of the deceased insured's pension.

Thus, the right to a pension lapses for the surviving spouse in the event of remarriage, and for the children at the age of 16 for a child who is no longer at school, at 17 for a child who is an apprentice, and at 20 for a child who is disabled or in education.

Consequently, if the insured person was not entitled to a pension and had less than 240 months of insurance at the date of death, his survivors receive a lump-sum survivor's allowance equal to as many monthly instalments of the pension to which the insured person would have been entitled (30% of the lump sum is paid to the surviving spouse and 70% to the orphans who are eligible).

In the event of death, a lump sum equivalent to three times (3 months) the monthly amount of the old-age or disability pension which the deceased insured person was receiving or to which he/she was entitled is paid to cover funeral expenses.

Source: Articles 151, 152 and 154 of the Social Security Code, 1986; Art. 109-113 of Law No. 18 - 2012 of 22 August 2012 on the institution of the occupational risk and pension scheme for private sector workers AISS| Country Profile of the Republic of Congo, 2017

Unemployment Benefits

The labour legislation does not contain legal provisions on unemployment compensation. However, the Labour Code provides that when a worker is made economically or technically unemployed, he/she shall receive from his/her employer a monthly allowance equal to one third (1/3) of his/her category salary plus all wage accessories not linked to the actual performance of work. He shall also receive medical and pharmaceutical expenses and other social security benefits provided for by the collective agreement in force.

Moreover, when the economic or technical unemployment measure results in dismissal, the basis for calculating the compensation due by the employer is the worker's salary before the economic or technical unemployment measure. The

same applies to the calculation of bonuses due during the period of the measure.

Source: Articles 47-13 & 47-15 of the Labour Code, 1975

Invalidity Benefits

To qualify for the disability pension, the insured person must be younger than the normal retirement age, have a loss of at least 66.7% of the earning capacity of a full-time worker in a similar position, have at least five years' registration with the National Security Fund before the onset of the disability and have at least six months' contributions in the last year before the onset of the disability.

The amount of the pension is calculated in the same way as the old-age pension. Consequently, the insured person is credited with 6 months of coverage for each year from the onset of the disability until the normal old-age pension age.
In addition, a supplement of 30% of the pension may be granted for the assistance of a third party if the holder needs constant help with daily living.

In all cases, the monthly amount of the disability pension may not be less than 60% of the minimum wage or more than 80% of the insured person's average earnings over the best 36 months of earnings in the last 10 years.

At retirement age (which varies according to socio-professional category), the invalidity pension is replaced by an old-age pension of the same amount.

Sources: Articles 149 & 150 of the Social Security Code, 1986; ISSA|Country profiles of the Republic of Congo, 2017

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.
Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.
Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Republic of Congo has ratified the Conventions 100, 111 and 190.

Summary of Provisions under ILO Conventions

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

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

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

People have the right to work and there can' gender.

Regulations on fair treatment:

- Constitution of the Republic of Congo, 2015
- Labour Code of the Congolese Republic, 1975
- Congolese Penal Code, 1998
- MOUEBARA Law n° 19-2022 of 4 May 2022 on combating violence against women in the Republic of Congo
- General Order No. 5254 I.G.T.L.S./A.O.F of 19 July 1954 on the work of women and pregnant women

Equal Pay

In accordance with the Constitution, the law guarantees women the same rights as men. In addition, it guarantees parity and ensures the promotion of women.

In addition, the Labour Code provides that wages are equal for all workers subject to equal conditions of work, professional qualification and performance, regardless of their origin, sex, age and status.

Source: Art. 17 of the Congolese Constitution, 2015; Article 80 of the Labour Code, 1975

Sexual Harassment

The Labour Code, like the Penal Code, does not contain any specific provision prohibiting sexual harassment. However, the law on combating violence against women provides a definition of sexual harassment as well as the penalties for it. Thus, sexual harassment is defined as any repeated and unreciprocated sexual advance, unsolicited sexual attention, request for sexual access or favours, any sexual innuendo or other verbal or physical attitude of a sexual nature, any exhibition of pornographic material when it interferes with work or is presented as a condition of employment or creates an intimidating, hostile or offensive work environment.

Thus, the above-mentioned law provides that any perpetrator of sexual assault and/or sexual harassment in a professional, religious, school or academic environment shall be punished by five to ten years' imprisonment and a fine of 500,000 to 5,000,000 CFA francs.

In addition, it adds the same penalties for anyone acting as a perpetrator or accomplice, even if not repeatedly, who exerts on a minor, a woman, or a fellow employee, whose particular vulnerability is apparent or known to the perpetrator, any form of serious pressure with the real or apparent aim of obtaining an act of a sexual nature, whether this is sought for the perpetrator himself or for a third party.

In addition, penalties of two to five years' imprisonment and a fine of 500,000 to 5,000,000 CFA francs, or one of these penalties, are provided for anyone who persists in assaulting or harassing a minor or a woman in public spaces, places of education, religious or other settings, by means of acts, abuse, words, gestures of a sexual nature or for sexual purposes by written, telephone or electronic messages, recordings or images of a sexual or pornographic nature or for sexual purposes.

The law also provides that the penalty is doubled if the perpetrator is the victim's supervisor, teacher, religious leader, or a person in charge of maintaining order and security in public or other spaces.

Finally, the penalty consists of imprisonment for five to ten years and a fine of 1,000,000 to 10,000,000 CFA francs, if the sexual assault and/or sexual harassment is committed by an ascendant, a relative who is prevented from marrying the victim, a guardian, a person with authority over the victim or who is dependent on the victim or if the victim is a minor.

In order to prevent sexual harassment in the workplace, the employer must take measures not to discriminate against or employ a woman in working conditions that are degrading or harmful to her health, safety and dignity.

Source: Art. 14; 22, paragraph 1; 61, 62 & 63 of the MOUEBARA Law n° 19-2022 of 4 May 2022 on combating violence against women in the Republic of Congo

Non-Discrimination

The law defines discrimination against women as any distinction, exclusion or restriction which has the effect or purpose of impairing the recognition of their fundamental human rights and freedoms, on a basis of full and effective equality, in the civil, political, economic, social and cultural fields, economic, social and cultural fields, or to interfere with the recognition, enjoyment or exercise by women, irrespective of colour, race, religion, creed, age, nationality, economic and social condition, marital status, health status, language or disability.

Under the Constitution, the law provides that all Congolese citizens are equal before the law and are entitled to the protection of the State. In addition, it protects all individuals from favouritism or disadvantage because of their family origin, ethnicity, social status, political, religious, philosophical or other beliefs.

Moreover, the law guarantees parity and ensures the promotion and representation of women in all political, elective and administrative functions.

In accordance with the provisions of the Labour Code, all workers have the right, without any discrimination, to equal pay for work of equal condition, professional qualification and performance.

Sources: Articles 80 of the Labour Code, 1975; Art. 15 & 17 of the Constitution of the Congolese Republic, 2015; Art.11 of the MOUEBARA law n° 19-2022 of 4 May 2022 on combating violence against women in the Republic of Congo

Equal Choice of Profession

The Constitution of the Congolese Republic provides that women enjoy the same rights as men. The law also guarantees parity and ensures the promotion and representation of women in all spheres of the State. However, even though the law recognizes the right of women to choose their profession on the same basis as men, they are prohibited from performing certain work that is likely to be harmful to their health or that is superior to their strength.
Thus, decrees establishing the nature of the work prohibited for women and pregnant women are issued after the National Advisory Commission on Labour has given its opinion.

The Labour Code clearly states that women may not be employed in night work in factories, plants, mines, mines, construction sites, workshops and their outbuildings. Even during the day, in

industrial and commercial establishments, women may not be employed in actual work for more than ten hours per day, interrupted by one or more rest periods of not less than one hour.

Sources: Article 17 of the Constitution of the Congolese Republic, 2015; Art. 108, paragraph 1, 112 of the Labour Code, 1975; Arts. 2, 3 and following of the General Order No. 5254 I.G.T.L.S./A.O.F of 19 July 1954, relating to the work of women and pregnant women

11/13 MINORS & YOUTH

ILO Conventions

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

Republic of Congo has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

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

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

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

Regulations on minors and youth:

- Labour Code of the Congolese Republic, 1975

Minimum Age for Employment

The seat of the minimum age for employment is in the Constitution and the Labour Code.

Thus, under the Constitution, the State has the obligation to protect children and adolescents from economic or social exploitation. In addition, the law prohibits the employment of children under the age of sixteen.

In accordance with the Labour Code, children may not be employed in any enterprise, even as apprentices, before the age of 16, unless an exemption is granted by the Minister of National Education after a period of three years.

Furthermore, the Constitution guarantees the right to education, equal access to education and training, and states that compulsory schooling extends to the age of sixteen.

Sources: Article 29 of the Constitution of the Congolese Republic, 2015; Art.116 of the Labour Code, 1975

Minimum Age for Hazardous Work

In accordance with the provisions of the Labour Code, article 116 stipulates that children may not be employed in any enterprise, even as apprentices, before the age of 16, unless an exemption is granted by the Minister of National Education after consulting the labour inspector of the place of employment or his legal deputy. It also provides that a decree issued after the opinion of the National Labour Advisory Commission shall determine the list and nature of the work and the categories of enterprises prohibited to children and the age limit to which this prohibition applies. However, such a decree could not be found in the national labour legislation.

In addition, Article 68 d) of Law No. 4 - 2010 of 14 June 2010 on the protection of the child provides that work which, by its nature or the conditions in which it is carried out, is likely to harm the health, safety or morals of the child is prohibited.

Sources: Art.116 of the Labour Code, 1975; Article 68 d) of Law No. 4 - 2010 of 14 June 2010 on the protection of the child in the Republic of Congo

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)
Abolition of Forced labour: Conventions 105 (1957)
Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Republic of Congo has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

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

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

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

Regulations on forced labour:

- Constitution of the Congolese Republic, 2015
- Labour Code, 1975
- Law no. 4-2010 of 14 June 2010 on child protection in the Republic of Congo

Prohibition on Forced and Compulsory Labour

Under the Constitution, no one may be compelled to perform forced labour, except in the case of a custodial sentence imposed by a legally established court. In addition, it provides that slavery in all its forms is prohibited.

In addition to this, the State has a duty to protect children and adolescents from economic or social exploitation. Accordingly, the employment of children under the age of sixteen is prohibited.

According to the Labour Code, forced or compulsory labour is absolutely prohibited. It is defined as any work required of an individual under threat of any penalty or for which the individual has not offered himself or herself voluntarily.

The provisions of the Child Protection Act prohibit the trafficking, sale, trade and exploitation of children as well as the worst forms of child labour, including forced labour and child prostitution.

These offences are punishable by forced labour for an indefinite period and fines of between 1,000,000 and 10,000,000 CFA francs. But also, Article 122 of the aforementioned law provides for penalties of three months to one year's imprisonment and/or a fine of 50,000 to 500,000 CFA francs for anyone guilty of early employment, the worst forms of labour and any other domestic activities that endanger the physical or mental health of the child,

Sources: Art.33 & 40 of the Congolese Constitution, 2015; Article 4 of the Labour Code, 1975; Art. 60, 68, 115 & 122 of the law n° 4-2010 of 14 June 2010 on the protection of the child in the Republic of Congo

Freedom to Change Jobs and Right to Quit

The Congolese Constitution guarantees everyone the right to work. According to the Labour Code, the termination of an employment contract of indefinite duration is subject, except in cases of gross negligence, to notice being given by the party taking the initiative.

With regard to the notice period to be given, the law provides that in the absence of a collective agreement, a decree of the Minister of Labour, issued after consulting the national consultative labour commission, determines the conditions and duration of the notice period, taking into account the duration of the contract and the professional categories. Thus, the duration of the notice period to be given is equal to that of the trial period:

- One month for employees in the 1st to 4th categories;
- Two months for employees in the 5th to 7th categories;
- Three months for employees in the 8th category and above

During the period of notice, the worker is entitled to two days of freedom per week taken at his own discretion, paid at full salary, to look for a new job.

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

Sources: Art. 30 of the Constitution, 2015; Art.39 & 40, paragraph 2 of the Labour Code, 1975; Art. 20 of the Collective Agreement of Commerce, 2011

Inhumane Working Conditions

The weekly working hours of employees working on a time, piecework or job basis may not exceed forty (40) hours per week for all non-agricultural establishments, public or private. However, the working hours in all agricultural enterprises are fixed at 2400 hours for the year. Within this limit, the length of the working week according to the seasons and regions is fixed by decree after the opinion of the National Labour Advisory Commission.

Article 2 of the above-mentioned decree lays down a firm principle according to which the duration of work may not exceed 40 hours per week. Thus, in order to maintain or increase production or to deal with urgent and exceptional work justified by an extraordinary increase in workload, overtime may be authorised, but only up to a maximum of twenty hours per week.

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

Sources: Article 105 of the Labour Code, 1975; Art. 2 & 16 of Decree No. 78-360-MJT.SGFPT.DTPS.ST of 12 May 1978 laying down, for establishments not covered by the agricultural regime, the duration of work, the regulation of overtime and the terms of its payment

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Republic of Congo has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

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

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

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

Regulations on trade unions:

- Constitution of the Congo Republic, 2015
- Labour Code, 1975

Freedom to Join and Form a Union

In accordance with the Constitution, the law guarantees trade union freedoms and the right to strike, with the exception of magistrates and law enforcement officers. Under the provisions of the Labour Code, it is provided that in all enterprises established in the Congo, the exercise of the right to organize is recognized for employees, with due respect for the rights and freedoms guaranteed by the Constitution.

Thus, the Labour Code authorizes persons exercising the same profession, similar trades or related professions contributing to the manufacture of specific products or the same liberal profession to freely form a professional union.

Moreover, any worker or employer may freely join a trade union of his choice within the framework of the profession. The purpose of professional unions is therefore exclusively to study and defend the rights and material and moral interests of their members, both collectively and individually.

The founders of any professional union must deposit the statutes and the list of persons who, in any capacity, are responsible for its administration or management. The deposit shall be made, against simple acknowledgement of receipt, at the labour inspectorate of the jurisdiction.

Amendments to the statutes and changes in the composition of the management or administration of the union shall be brought to the attention of the same authorities under the same conditions and verified under the same conditions.
Minors over the age of 16 may join trade unions.

Sources: Article 32 of the Constitution of the Congolese Republic, 2015; Articles 210-2, 184; 185; 186; 189 of the Labour Code, 1975

Freedom of Collective Bargaining

The provisions of the Labour Code define a collective labour agreement as an agreement on working conditions concluded between, on the one hand, the representatives of one or more trade unions or professional groups of workers and, on the other hand, one or more employers' trade unions or any other group of employers, or one or more individual employers.

Thus, when the personnel of public services, enterprises and establishments are not subject to a particular legislative or regulatory status, collective agreements may be concluded in accordance with the provisions of the Labour Code.

The agreement may contain provisions that are more favourable to workers than those contained in the laws and regulations in force. However, it cannot derogate from the provisions of public order. And to be valid, the collective agreement must be ratified by a special resolution of the grouping.

Furthermore, collective agreements that may be extended must include provisions concerning the free exercise of trade union

rights and freedom of opinion of workers; the salaries applicable by professional category; the methods of execution and the rates of overtime for night work and non-working days; the duration of the trial period and the notice period; the legal regime applicable to staff delegates, trade union delegates, delegates of the health and safety committees and delegates of the works councils; and the procedure for the revision, modification and denunciation of all or part of the collective agreement; the application of the principle of equal pay for equal work for women and children; paid holidays, in particular the fixing of their duration for workers recruited outside the place of employment; seniority bonuses; redundancy pay; travel allowances and, where appropriate, expatriation allowances; the conditions for hiring and firing workers, without the provisions being able to affect the worker's free choice of trade union; the conventional procedures for settling collective labour disputes that may arise between employers and workers bound by the agreement.

The collective agreement is concluded for a fixed term or for an indefinite term and may not exceed 5 years if concluded for a fixed term. At the end of the fixed-term agreement, it continues to have effect as an open-ended agreement. The agreement must stipulate in what form and at what time it may be terminated, renewed or revised.

In addition, a National Labour Advisory Commission has been set up under the Minister of Labour and Social Security, with the general task of studying problems relating to labour, manpower and social security; issuing opinions and formulating proposals and resolutions on the regulations to be adopted in these areas; studying the elements that may serve as a basis for determining the minimum wage; studying the minimum subsistence level; and studying the general economic conditions

The Congolese Constitution provides for an Economic, Social and Environmental Council. The Economic, Social and Environmental Council is a consultative assembly that ensures the representation of the main economic, social and environmental activities. It may, on its own initiative, take up any problem of an economic, social or environmental nature. Similarly, it may also be referred to by the President of the Republic, the President of the National Assembly or the President of the Senate.

The Economic, Social and Environmental Council may also be consulted on draft treaties or international agreements, draft laws or proposals, and draft decrees because of their economic, social or environmental nature.

The Economic, Social and Environmental Council is consulted on all draft programme laws and development plans of an economic, social or environmental nature, with the exception of the State budget. It promotes collaboration between the various socio-professional categories and contributes to the development of the government's economic, social and environmental policy.

The Economic, Social and Environmental Council is composed of an Assembly of 75 members; a Bureau of four (4) members; four standing committees; and a technical working body called the General Secretariat.

The members of the Economic, Social and Environmental Council are appointed by

the Council of Ministers.

Source: Articles 197 of the Congolese Constitution, 2015; Art. 2 of Law No. 2018-27 of 7 August 2018 on the organisation, composition and functioning of the Economic, Social and Environmental Council; Articles 50; 51; 63; 169 of the Labour Code, 1975

Right to Strike

Under the Constitution, the right to strike is guaranteed and is exercised under the conditions laid down by law. However, the right to strike is not absolute in the Republic of Congo because, under the Constitution, magistrates and law enforcement officers are deprived of this right.

The Labour Code also prescribes the right to organise and the right to strike. A strike is therefore any concerted and collective stoppage of work with a view to achieving professional demands already set out in a list of demands and not met by the employer, either through the failure of negotiation, conciliation, arbitration and recommendation procedures, or through the employer's refusal to negotiate.

The effect of a strike is to suspend the employment contract of the striker, who may be replaced by the employer, who is in principle no longer obliged to pay him or her a salary, although collective agreements sometimes grant the benefit of the salary or part of the salary to striking employees. Non-striking workers are in principle obliged to work because their freedom to work must be guaranteed. In reality, striking workers must not violate this freedom to work of non-strikers.

Before resorting to strike action, the concerted cessation of work must be preceded by a notice specifying the reasons for the strike. The notice must reach the management of the establishment, company or organisation concerned seven clear days before the strike is due to begin. as well as the duration, limited or not, of the planned strike.

The Labour Code only provides for a minimum service in the public service to safeguard the general interest. The obligation to provide a minimum service is thus incumbent on public administrative establishments that are subject to the public law regime.

Since the aim of a strike is also to defend the collective and professional interests of employees, it is illegal and abusive when it serves political, religious or cultural interests.

A strike does not breach the employment contract except for gross negligence attributable to the worker.

In this case, the employer is exempt from paying wages to strikers for the duration of the strike. However, this is retained in full if an agreement at the end of the strike stipulates that the strike days will be paid, or if the strike was provoked by a manifest fault of the employer.

Source: Art. 30 & 32 of the Congolese Constitution, 2015; Arts 248-2; 248-4; 248-5; 248-14; 248-15; 284-4 of the Labour Code, 1975

QUESTIONNAIRE