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Cameroon

Labor Code

Law n°92-007 of August 14, 1992

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Title 1 - General provisions

Art.1.- 1) This law governs labor relations between workers and employers as well as between the latter and apprentices placed under their authority.

2) Is considered a "worker" within the meaning of this law, regardless of their sex and nationality, any person who has undertaken to place their professional activity for remuneration, under the direction and authority of a natural or legal person, public or private, the latter being considered an "employer". When determining the status of worker, neither the legal status of the employer nor that of the employee must be taken into account.

3) Personnel governed by: • the general statute of the civil service are excluded from the scope of this law; • the status of the judiciary; • the general status of the military; • the special status of national security;

• the special status of the penitentiary administration tiary;

• the special provisions applicable to administrative assistants.

Art.2.- 1) The right to work is recognized for every citizen as a fundamental right. The State must do everything possible to help him find a job and keep it once he has obtained it.

2) Work is a national right for every adult and able-bodied citizen.

3) Forced or compulsory labor is prohibited.

4) Forced or compulsory labor means any work or service required from an individual under the threat of any penalty and for which the said individual has not offered himself of his own free will.

5) However, the term "forced or compulsory labor" does not include: • a) any work or service required under the laws and regulations on military service and assigned to work of a purely military nature;
• b) any work or service of general interest forming part of the civic obligations of the above

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toyens, as defined by laws and regulations; • c) any work or service required of an individual as a consequence of a conviction handed down by a judicial decision; • d) any work or service required in cases of force majeure, in particular in cases of war, disasters or threats of disasters such as fires, floods, epidemics and violent epi-zooties, invasions of animals, in -sects or harmful plant parasites and, in general, any circumstances endangering or likely to endanger the life or normal conditions of existence of the whole or part of the population.

Title 2 - Professional unions

Chapter 1 - The purpose of professional unions and their constitution

Art.3.- The law recognizes workers and employers, without restriction of any kind and without prior authorization, the right to freely create professional unions whose purpose is the study, defense, development and protection -tion of their interests, particularly economic, industrial, commercial and agricultural, as well as the social, economic, cultural and moral progress of their members.

Any activity which is not likely to promote these objectives remains prohibited for professional unions.

Art.4.- 1) Workers and employers have the right to join a union of their choice within the framework of their profession or branch of activity.

2) The following are prohibited with regard to workers: • a) any act of discrimination tending to undermine freedom of association in matters of employment; • b) any practice tending to: - subordinate their employment to their affiliation or non-affiliation to a union; dismiss them or cause them
- any harm because of their affiliation or non-affiliation with a union or their participation in union activities.

3) Any act contrary to the provisions of this article is null and void.

Art.5.- 1) Workers' and employers' organizations have the right to draw up their statutes and administrative regulations, to freely elect their representatives and to organize their management, provided they comply with the legislation and the regulations in force.

2) All acts of interference by these organizations with respect to each other are prohibited.

Art.6.- 1) A professional union has legal existence only from the day on which a registration certificate is issued to it by the union registrar.

2) Promoters of a union not yet registered who behave as if the said union had been registered are liable to legal action.

3) The union clerk is an official appointed by decree.

Art.7.- 1) No one may be a member of a workers' union if he or she does not actually exercise a salaried profession at the time of joining.

2) However, persons who have left the exercise of their functions or profession may continue to be part of a professional union, on the double condition: • a) of having exercised this for at least six month ;
• b) to devote oneself to union functions or to be called, in a professional capacity, to functions provided for by laws and regulations.

Art.8.- Any application for registration must bear the signature of at least twenty people in the case of a workers' union or at least five people in the case of an employers' union. The statutes of the union must comply with the provisions of this law.

Art.9.- The form in which unions must be constituted to be admitted to the registration procedure is set by decree taken after advice from the National Labor Advisory Commission.

Art.10.- 1) The promoters of a union as well as the members responsible for its administration or direction must enjoy their civil rights and not

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not have incurred a conviction carrying the disqualifications provided for in Article 30 paragraphs 1, 2 and 3 of the Penal Code.

2) Foreigners must, in addition, have resided for at least five years in the territory of the Republic of Cameroon.

Art.11.- 1) The registration of a union is carried out as follows: • a) an application to register the union and its statutes is presented to the union registrar.
This request is accompanied by two copies of the union's statutes and a list of names of the officers, with an indication of the functions they perform; • b) the registrar acknowledges receipt of the application and proceeds to examine and register the union and its statutes within one month. After this period, the registration is deemed effective; • c) the registrar does not register any union already registered under a name identical or similar to that of another union already registered and likely to mislead the members of these unions or third parties.

2) The form of the registration certificate is determined by regulation.

Art.12.- 1) If the application for registration does not meet the required conditions, the registrar shall make his observations known, in writing, to those who submitted it, inviting them to resubmit their request.

2) Upon receipt of the new application, the registrar must either proceed with the registration of the union, or, if he refuses to do so, notify the applicants in writing within thirty days, giving reasons his refusal.

Art.13.- 1) The registrar may cancel the registration of a union if it is established: • a) that the registration certificate was obtained by fraud; • b) that a registered trade union has willfully contravened any provision of this Act or carried out non-statutory activities; • c) that a registered trade union has ceased to exist.

2) Before canceling the registration, the registrar gives the union concerned two months' notice, indicating the reason for his decision.

3) When the registrar has canceled the registration of a union, he must give this measure all the necessary publicity, in particular by having it published in the Official Journal.

Art.14.- Any union, any member of a union or any person who considers himself aggrieved by a decision of the registrar canceling or refusing registration of a union may, within thirty days following notification of this decision, bring the dispute before the administrative court whose judgment is subject to appeal. The registrar has the right to be heard at all stages of the procedure.

Chapter 2 - Union statutes

Art.15.- The statutes of any union must include the following provisions: • a) the name of the union and the address of its headquarters; • b) the purposes for which the union is created;
• c) the destination of its resources, the proportion of contributions reserved for its social works;

• d) the method by which the statutes are established, modified or repealed;
• e) the method of designating and dismissing its managing members as well as the sanctions which its members may be subject to; • f) the prohibition of election to the position of president, secretary or treasurer or other similar functions, of a person who cannot read or write in French or English;

• g) the establishment of a nominative list of members indicating their trade, profession or normal activity and, where applicable, the name of their employer; • h) provisions concerning the investment of funds or their deposit in banks, the frequent and, in any case, at least annual verification of accounts; • i) the keeping of complete and correct accounts by the treasurer, the regular verification of the accounts by persons authorized for this purpose and the communication to members who request it of a balance sheet prepared at least once a year by a qualified accountant; • j) the method of dissolution of the union and the method of devolution of its property, which cannot under any circumstances be distributed among the members.

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Chapter 3 - Various provisions relating to unions

Art.16.- 1) Every registered union must have premises to which all communications and notices can be addressed to it. The registrar must receive notification of the address of this premises within thirty days from its opening and any change of address must also be notified to him within thirty days following this change.

2) Any registered union which has operated for three months without having such premises is liable to the penalty provided for in article 166 below.

Art.17.- Professional unions enjoy civil status. They have the right to take legal action and acquire without authorization, free of charge or for consideration, movable or immovable property.

Art.18.- 1) Professional unions may: • a) before all courts, exercise all the rights reserved to the civil party, relating to facts causing direct or indirect harm to the collective interest of the profession that 'they represent ; • b) allocate part of their resources to the creation of workers' housing, to the acquisition of agricultural or sports land, for the use of their members; • c) create, administer or subsidize professional works such as: welfare institutions, solidarity funds, laboratories, experimental fields, scientific, agricultural or social education works, courses and publications of interest to the profession.

The buildings and movable objects necessary for their meetings, their libraries and their professional instruction courses are elusive; • d) subsidize cooperative production or consumption societies; • e) enter into contracts or agreements with any other unions, companies, companies or individuals

sounds.

2) If they are authorized to do so by their statutes and on condition of not distributing profits even in the form of discounts to their members, they may also: • a) buy to rent, lend or distribute among their members any what is necessary for the exercise of their profession, in particular raw materials, tools, instruments, machines, fertilizers, seeds, plants, animals and livestock feed; • b) lend their free agency for the sale of products coming exclusively from the personal work or exploitations of union members; facilitate this sale through exhibitions, announcements, publications, groupings of orders and shipments, without being able to operate it under their name and under their responsibility.

Art.19.- Any action carried out by a person duly authorized by a union and aimed at bringing about a labor dispute may only result in proceedings against this person if such action incites another person to break a labor dispute. employment contract or constitutes an interference with the right of others to dispose of their capital or labor as they wish.

Art.20.- 1) The representative nature of a professional union is established, where necessary, by order of the Minister responsible for Labor, taking into account • a) for workers' unions, the number of members; • b) for employer unions, the number of employed workers.

2) Any dispute raised by unions against a decision taken in this area falls within the jurisdiction of the administrative jurisdiction.

Art.21.- 1) It is accepted that an employer deducts directly from the salary acquired by a worker under his authority, the amount of ordinary union contributions owed by the latter, on condition of making the immediate payment to the the trade union organization designated by the person concerned.

2) This deduction of contributions at source is only possible: • a) if an agreement to this effect has been concluded between the employer concerned and the union for whose benefit the deduction of contributions will be made;
• b) if the worker has expressed his agreement to this subject by signing an approved form of agreement between the employer and the union or, if he cannot read or write, by affixing his fingerprints.

3) Furthermore: • a) the agreement given by the worker may be denounced by him at any time; the effect of this denunciation being, however, only taken into consideration for the month following its date of intervention;

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• b) this agreement may be extended by tacit agreement unless the amount of the contribution is modified; • c) the costs incurred by the employer by the collection of union dues may be reimbursed by the beneficiary union following the terms established by agreement on this subject between the latter and the employer.

Chapter 4 - Unions of unions

Art.22.- 1) Regularly constituted professional unions may freely consult together for the same purposes as those provided for in article 3 above.

2) They can form unions, in whatever form and whatever name, and these unions must comply with the provisions of the preceding chapters.

3) Their statutes must, in addition, determine the rules according to which the member unions are represented at the level of all bodies of the union.

4) These unions enjoy all the rights and benefit from all the protection measures attributed to professional unions.

Title 3 - The employment contract

Chapter 1 - Individual employment contract

Section 1 - General provisions

Art.23.- 1) The employment contract is an agreement by which a worker undertakes to place his professional activity under the authority and direction of an employer, in return for remuneration.

2) Employment contracts are entered into freely.

Art.24.- 1) Regardless of the place of conclusion of the contract and the residence of one or the other party, any employment contract concluded to be executed cut in Cameroon, is subject to the provisions of this law.

2) The same applies in the event of partial execution in Cameroon of an employment contract initially concluded under other legislation. This last provision is, however, not applicable to workers displaced for a temporary mission not exceeding six months.

(3) The existence of the contract is established, subject to the provisions of article 27, in the forms which it is convenient for the contracting parties to adopt. Proof can be provided by any means.

4) The written contract is exempt from all stamp and registration duties.

Section 2 - Conclusion and execution of the employment contract

Art.25.- 1) The employment contract may be concluded for a fixed or indefinite period.

a) The fixed-term employment contract is one whose term is fixed in advance by the will of both parties. It cannot be concluded for a period exceeding two years and can be renewed for the same period.

Is assimilated to a fixed-term employment contract but cannot be renewed: • the contract whose term is subject to the occurrence of a future and certain event whose realization does not depend exclusively on the will of both parts, but which is indicated with precision; • the contract concluded for a specific work.

b) The contract of indefinite duration is one whose term is not fixed in advance and which may end at any time by the will of one or the other party, subject to the notice provided for in article 34 below.

2) The renewal of the contract of workers of foreign nationality can only take place after approval by the Minister responsible for Labor.

3) The fixed-term contract of workers of Cameroonian nationality cannot be renewed more than once with the same company. At the end of this renewal and if the employment relationship continues, the contract transforms into a contract of indefinite duration.

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4) The above provisions do not apply to workers recruited to carry out exclusively:

• a) temporary work whose purpose is either the replacement of an absent worker or whose contract is suspended, or the completion of a work within a specified period requiring the employment of a workforce additional work;

• b) occasional work intended to absorb a cyclical and unforeseen increase in the company's activities or the execution of urgent work to prevent imminent accidents, organize rescue measures or carry out repairs of equipment, installations or buildings of the company presenting a danger to workers; • c) seasonal work linked to the cyclical or climatic nature of the company's activities.

5) The conditions of employment of workers referred to in the preceding paragraph are set by decree taken after advice from the National Consultative Labor Commission.

Art.26.- 1) The workers referred to in paragraph 4 of Article 25 may be recruited by a temporary employment company.

2) A temporary work contractor is any natural or legal person whose exclusive activity is to temporarily provide users with workers whom they hire and pay.

3) The workers referred to in the preceding paragraph may only be used for non-sustainable tasks and only in the cases defined in Article 25 paragraph 4.

4) The opening of a temporary employment company is subject to prior approval from the Minister responsible for Labor.

5) The employment contract linking the temporary employment company to a worker made available to a user must be in writing.

6) For each worker made available to a user, a provision contract must be concluded in writing between the latter and the temporary employment company. Its duration cannot exceed one year with the same user.

7) The terms of application of this article are established by decree taken after consultation with the National Consultative Labor Commission.

Art.27.- 1) Any employment contract stipulating a fixed duration greater than three months or requiring the installation of a worker outside his usual residence must be recorded in writing. A copy of the contract is sent to the local labor inspector.

2) The employment contract concerning a worker of foreign nationality must, before any start of execution, be endorsed by the Minister responsible for Labor.

3) The visa application is the responsibility of the employer. If the visa is refused, the contract is automatically void.

4) If the Minister responsible for Labor has not made his decision known within two months following receipt of the visa application, the visa application will be deemed to have been granted.

5) The terms of application of this article are established by decree taken after consultation with the National Consultative Labor Commission.

Art.28.- 1) There is a trial engagement when the employer and the worker, with a view to concluding a definitive contract, decide beforehand to assess in particular, the first the quality of the worker's services and his performance , the second, the conditions, with the employer, of work, life, remuneration. hygiene, safety and climate.

2) The commitment to the trial must be stipulated in writing. It cannot be concluded for a period longer than the time necessary to put the staff involved to the test, taking into account the techniques and practices of the profession. In all cases, the probationary appointment can only cover, including renewal, a maximum period of six months, except for executives for whom this period can be extended up to eight months.

3) Recruitment, travel, training and internship times are not included in the duration of the trial.

4) The repatriation of displaced workers is borne by the employer, whatever the reason for the termination.

5) The extension of services beyond the expiration of a trial employment contract,

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without the intervention of a new contract, constitutes a definitive commitment, taking effect from the start of the trial.

6) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, establishes the terms of the trial engagement.

Art.29.- 1) The internal regulations are established by the company manager. Its content is limited exclusively to the rules relating to the technical organization of work, to disciplinary standards and procedure, to the requirements concerning hygiene and safety at work, necessary for the proper functioning of the business.

2) All other clauses which may appear therein, in particular those relating to remuneration, will be considered automatically void, subject to the provisions of article 68-4 of this law.

3) Before putting the internal regulations into force, the company manager must communicate them for opinion to the staff delegates if any exist, and for approval to the local labor inspector who may require the withdrawal or the modification of provisions which would be contrary to laws and regulations.

4) The terms of communication, filing and display of the internal regulations as well as the number of workers of the company above which the existence of the regulations is obligatory, are fixed by order of the Minister responsible for Labor taken after advice of the National Advisory Labor Commission.

Art.30.- 1) The employer is prohibited from imposing fines.

2) The only sanction based on the disciplinary power of the employer which can result in deprivation of salary is that of layoff which results in the absence of work performance.

3) The layoff is null and void if the following conditions are not simultaneously met: • a) be for a maximum duration of eight working days, determined at the time it is pronounced; • b) be notified to the worker in writing with an indication of the reasons for which it was imposed; • c) be communicated within forty-eight hours to the local labor inspector.

4) If the grievance alleged to justify it is recognized as insufficient by the court, the worker against whom it was pronounced receives compensation corresponding to the lost salary and, possibly damages, if he provides proof that As a result, he suffered damage distinct from that of the loss of salary.

Art.31.- 1) The worker owes all his professional activity to the company, unless otherwise stipulated in the contract. However, he is free, unless otherwise agreed, to carry out, outside of his working hours, any activity of a professional nature not likely to compete with the company or harm the proper execution of the agreed services.

2) However, it may be stipulated by agreement between the parties that the worker may not, in the event of termination of the contract, carry out, on his own behalf or that of others, an activity likely to compete with his employer in both cases. below: • a) if the termination of the contract occurred through his fault when his employer had assumed the costs of his travel from the place of residence to the place of employment; • b) if the termination of the contract follows gross negligence on his part.

3) This ban can, however, only apply within a radius of fifty kilometers around the workplace; its duration cannot exceed one year.

Section 3 - Suspension and termination of the employment contract

Art.32.- The contract is suspended:
- a) in the event of closure of the establishment following the departure of the employer under the flags, whatever the reason;
- b) during the duration of the worker's military service or his recall to the flag, whatever the reason;
- c) during the duration of the worker's absence in the case of an illness duly noted by a doctor approved by the employer or covered by a hospital establishment recognized by the State, duration limited to six months; this period is extended until the worker is actually replaced; • d) during the duration of the maternity leave provided for in Article 84; • e) during the period of layoff pronounced under the conditions defined in article 30;

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• f) during the duration of the workers' education leave defined in Article 91;

• g) during the period of unavailability resulting from a work accident or occupational illness; • h) parties agree during the exercise of political or administrative functions of an election or appointment; • i) during the period of police custody or preventive detention of the worker; • j) during the absence of the worker called upon to follow his spouse who has changed habitual residence and in the event of impossibility of transfer. This duration is limited to two years, possibly renewable by agreement of the parties; • k) during the duration of technical unemployment, up to a maximum of six months; technical unemployment being defined as the collective interruption of work, total or partial, of the staff of a company or an establishment resulting either from accidental causes or force majeure, or from economic circumstances unfavorable economic situation.

Art.33.- 1) In each of cases a, b and c referred to in article 32 above, the employer is required to pay the worker, if the contract is of indefinite duration, compensation which is equal either to the notice pay when the duration of the absence is equal to or greater than that of the notice period, or to the remuneration to which the worker could have been entitled during the absence when the duration of this is less than that of the notice provided for in article 34 below.

2) In the same cases, if the contract is for a fixed duration, the compensation is allocated within the limits indicated above, with reference to the notice period set for contracts of indefinite duration, the length of service being assessed based on from the origin of the current contract. In this case, the suspension cannot have the effect of extending the term of the contract initially planned.

3) In the event of technical unemployment and in the absence of a collective agreement, the conditions of compensation are determined by order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission.

Art.34.- 1) The employment contract of indefinite duration can always be terminated by the will of one of the parties. This termination is subject to notice given by the party initiating the termination and must be notified in writing to the other party indicating the reason for the termination.

2) The notice period begins to run from the date of notification. It must not be subject to any suspensive or resolutory condition. It cannot, under any circumstances, be deducted from the worker's leave period.

3) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, determines the conditions and duration of the notice taking into account the seniority of the worker and his professional classification.

Art.35.- 1) During the period of notice, the employer and the worker are required to respect all the reciprocal obligations incumbent on them.

2) With a view to seeking other employment, the worker benefits during the period of notice from one day of leave per week taken, at his choice, overall or hour by hour and paid at full salary.

3) The party with respect to whom these obligations are not respected may not be subject to a notice period, without prejudice to any damages it may deem fit to claim.

Art.36.- 1) Any termination of contract of indefinite duration, without notice or without the notice period having been fully observed, entails an obligation for the responsible party to pay compensation to the other party the amount of which corresponds to the remuneration and benefits of any kind which the worker would have benefited from during the notice period which has not actually been respected.

2) However, termination of contract may occur without notice in the event of gross negligence, subject to the assessment of the competent court with regard to the seriousness of the misconduct.

Art.37.- 1) In the event of termination of an indefinite-term contract due to the employer, except in the case of gross negligence, the worker having completed a period of continuous service in the company at least equal to two years, is entitled to severance pay separate from notice pay, the determination of which takes seniority into account.

2) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, establishes the terms of allocation and calculation of severance pay.

Art.38.- The fixed-term employment contract may only end prematurely in the event of gross negligence,

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force majeure or agreement of the parties established in writing.

Art.39.- 1) Any abusive breach of contract may give rise to damages. In particular, dismissals motivated by the opinions of the worker, their membership or non-membership of a union are considered to be carried out abusively.

2) The competent court may establish the abuse by an investigation into the causes and circumstances of the termination of the contract and the judgment must expressly mention the reason alleged by the party who broke the contract.

3) In all cases of dismissal, it is up to the employer to provide proof of the legitimate nature of the reason he alleges.

4) The amount of damages is fixed taking into account, in general, all the elements which can justify the existence and determine the extent of the damage caused and in particular:

- a) when the responsibility lies with the worker, their level of qualification and the job held;
- b) when the responsibility lies with the employer, the nature of the services engaged, the seniority of the services, the age of the worker and the rights in any capacity whatsoever.

However, the amount of damages, without exceeding one month's salary per year of seniority in the company, cannot be less than three months' salary.

5) In the event of legitimate dismissal of a worker occurring without compliance by the employer with the formalities provided for, the amount of damages cannot exceed one month's salary.

6) The salary to be taken into consideration in the preceding paragraphs is the average gross monthly salary for the last twelve months of the worker's activity.

7) These damages are not to be confused with compensation for non-observance of notice, nor with termination compensation.

Art.40.- 1) The provisions of article 34 paragraph 1 above do not apply in the event of dismissal for economic reasons.

2) Constitutes a dismissal for economic reasons any dismissal carried out by an employer for one or more reasons not inherent to the job. of the worker and resulting from a termination or transformation of employment or a modification of the employment contract, following economic difficulties, technological changes or internal restructuring.

3) To try to avoid a dismissal for economic reasons, the employer who is considering such a dismissal must bring together the staff representatives if there are any and seek with them in the presence of the local labor inspector, all other possibilities such as: reduction of working hours, shift work, part-time work, technical unemployment, rearrangement of bonuses, allowances and benefits of all kinds, or even reduction of salaries.

4) At the end of the negotiations, the duration of which must not exceed thirty clear days and if an agreement has been reached, a report signed by the parties and by the labor inspector specifies the measures adopted and the duration of their validity.

5) In the event that a worker refuses in writing to accept the measures referred to in the preceding paragraph, he is dismissed with payment of notice and, if he meets the conditions for allocation, severance pay. .

6)

- a) When the negotiations provided for above have not been able to lead to an agreement or if, despite the measures envisaged, certain dismissals prove necessary, the employer must establish the order of dismissals taking into account the professional skills, seniority in the company and family responsibilities of workers. In all cases, the order of dismissals must take professional skills into account as a priority.
- b) In order to obtain their opinions and suggestions, the employer must communicate in writing to the staff representatives the list of workers it intends to dismiss, specifying the selection criteria used.
- c) Staff representatives must send their written response within a maximum of eight clear days.
- d) The communication from the employer and the response from the staff delegates are transmitted without delay to the Minister responsible for Labor for arbitration.

7) Staff representatives can only be dismissed if their employment is terminated and after authorization from the local labor inspector.

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8) In the event of a dispute over the reason or order of dismissals, the burden of proof lies with the employer.

9) The dismissed worker benefits, with equal professional aptitude, from priority for two years in the same company.

10) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, establishes the terms of application of this article.

Art.41.- In the event of termination of a contract subject to the provisions of article 27-2, the employer is required to notify the authority which approved the contract within fifteen days.

Art.42.- 1)

• a) If there is a change in the legal situation of the employer, in particular by succession, sale, merger, transformation of funds, formation of a company, all employment contracts in progress on the day of the modification subsists between the new entrepreneur and the company's staff. Their termination can only take place in the forms and under the conditions provided for in this section. • b) The provisions of the preceding paragraph do not apply:

when there is a change in the company's activity; - when workers express,

- before the local labor inspector, their desire to be dismissed

with payment of their rights, before the modification.

• c) The cessation of the business, except in cases of force majeure, does not exempt the employer from respecting the rules

established in this section. Bankruptcy and compulsory liquidation are not considered cases of force majeure.

2) The employment contract may, during its execution, be subject to modification at the initiative of either party. • a) if the proposed

modification from the employer is substantial and it is rejected by the worker, any resulting termination of the employment contract is attributable to the employer. It is only abusive if the proposed modification is not justified by the interest of the company.

• b) if the proposed modification from the worker is substantial and it is refused by the employer, the contract, in this case, does not can only be terminated following an offer of resignation from the worker.

Art.43.- The provisions of Articles 34 to 42 do not apply, unless otherwise agreed, to trial employment contracts which may be terminated without notice and without either party being able to claim compensation.

Art.44.- 1) At the expiration of the employment contract, whatever the reason for its termination, the employer must issue to the worker, at the time of departure, a work certificate indicating exclusively the date of his entry, that of his exit, the nature and dates of the jobs successively held.

2) This certificate is exempt from all stamp and registration duties even if it contains the formula “free from any commitment” or any other formula constituting neither obligation nor receipt.

Chapter 2 - Learning

Art.45.- The apprenticeship contract is one by which the head of an industrial, commercial or agricultural establishment or a craftsman undertakes to give or have given methodical and complete professional training to a person and by which she undertakes, in return, to comply with the instructions she receives and to carry out the work which will be entrusted to her with a view to her learning.

Art.46.- The apprenticeship contract must be recorded in writing, under penalty of absolute nullity. It is exempt from all stamp and registration duties.

Art.47.- The substantive and formal conditions and effects of this contract as well as the cases and consequences of its termination and the measures to control its execution, are set by decree taken after advice of the National Commission labor advisory.

Chapter 3 - Taskwork

Art.48.- The worker is a sub-contractor who recruits the necessary labor himself, who enters into a written contract with a contractor for the execution of a certain work or the provision of certain services in return for a fixed price.

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Art.49.- 1) When the work is carried out in the workshops, stores or construction sites of the contractor, the latter is, in the event of insolvency of the tasker, substituted for the latter with regard to his obligations. -gations towards workers.

2) When the work is carried out in a place other than the contractor's workshops, stores or sites, the latter is, in the event of the worker's insolvency, responsible for payment of wages due to the workers.

3) The injured worker will, in this case, have direct action against the contractor.

4) However, the provisions of paragraphs 1, 2, and 3 above do not apply when the worker is registered in the commercial register and has a valid license.

Art.50.- 1) The worker is required to indicate by means of a poster permanently affixed in each of the workshops, stores and sites where he has work carried out, his name, first name, address, his status as taskmaster, the name and address of the contractor who entrusted him with the work, the working hours.

2) This display is mandatory even if the work is carried out in the contractor's workshops, stores and construction sites.

Art.51.- The contractor must keep the list of taskers with whom he has signed a contract up to date.

Chapter 4 - The collective agreement and establishment agreements

Art.52.- 1) The collective labor agreement is an agreement whose purpose is to regulate professional relations between employers and their workers, either of a company or a group of companies, or of a or several branches of activity. This agreement is concluded between:
• on the one hand, the representatives of one or more unions or a union of workers' unions; • on the other hand, representatives of one or more employers' union organizations or any other group of employers or one or more employers taken individually.

2) The collective agreement may mention provisions more favorable to workers than those of laws and regulations. It cannot deviate from public order provisions.

3) Collective agreements determine their scope of application. This can be national, interdepartmental or local.

4) The text of the collective agreements is published free of charge in the Official Journal at the request of the Minister of Labor as soon as the latter has received notification of the deposit of these instruments at the registry of the competent court.

5) Before carrying out this publication, the Minister responsible for Labor may intervene with the contracting parties to obtain the modification or withdrawal from these texts of provisions which would be in contradiction with the laws and regulations.

Art.53.- 1) At the request of one of the most representative trade union organizations or at the initiative of the Minister responsible for Labor, the provisions of a collective agreement meeting the conditions determined by regulation, may be made obligatory for all employers and workers included in the professional and territorial scope of the said convention, by decree taken after reasoned opinion of the National Consultative Labor Commission.

2) The extension of the effects and sanctions of a collective agreement is done for the duration and under the conditions provided for by the said agreement.

3) However, the extension decree may exclude, after reasoned opinion of the National Consultative Labor Commission, without modifying the structure of the agreement in question, the clauses which did not respond to the situation of the sector of activity in the relevant field of application.

Art.54.- 1) The extension decree ceases to have effect when the collective agreement has ceased to be in force between the parties following its denunciation.

2) At the request of one of the signatory parties or on the own initiative of the Minister responsible for Labor and after reasoned opinion of the National Consultative Labor Commission, this decree may be revoked with a view to putting an end to the extension of the collective agreement or certain of its provisions when it appears that this agreement or the provisions considered no longer respond to the situation of the branch of activity in the field of application considered.

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Art.55.- In the event of the non-existence or deficiency of union organizations of employers or workers resulting in a persistent impossibility of concluding a collective agreement in a branch of activity or for a specific profession , a decree taken after the opinion of the National Labor Commission may either regulate working conditions and fix professional classifications as well as minimum wages for this branch or profession, or make it applicable in full or in part, the provisions of a collective agreement in force in a branch of activity falling within the same economic sector.

Art.56.- 1) Any decree of extension or withdrawal of extension is preceded by a consultation of professional organizations and all interested persons who must make their observations known within thirty days.

2) A decree taken after consulting the National Labor Consultative Commission establishes the terms of this consultation.

Art.57.- 1) Agreements concerning one or more specific establishments may be concluded between, on the one hand, an employer or a group of employers and, on the other hand, representatives of the unions most representative of the staff of the the establishment or establishments concerned.

2) The purpose of the establishment agreements is to adapt to the particular conditions of the establishment or establishments considered the provisions of the collective agreements and, in particular, the conditions of allocation and the method of calculating remuneration performance, individual and collective production bonuses and productivity bonuses.

3) They can provide new provisions and clauses more favorable to workers.

4) In the absence of a collective agreement, establishment agreements can only relate to the fixing of salaries and salary accessories.

Art.58.- When the staff of public and parapublic companies and establishments are not subject to a particular legislative or regulatory status, collective agreements may be concluded in accordance with the provisions of this chapter.

Art.59.- When a collective agreement has been the subject of an extension decree, it is applicable to public and parapublic companies and establishments referred to in the preceding article which, due to their nature and their activity, are placed within its scope of application.

Art.60.- The conclusion and execution of collective agreements and establishment agreements are subject to substantive and formal conditions which are set by decree taken after consultation with the National Consultative Labor Commission.

Title 4 - Salary

Chapter 1 - Determination of salary

Art.61.- 1) For the purposes of this law, the term “salary” means, whatever the denomination and the method of calculation, the remuneration or earnings capable of being evaluated in cash and fixed , either by agreement, or by regulatory or conventional provisions, which are due under an employment contract by an employer to a worker, either for the work carried out or to be carried out, or for the services rendered or -before being returned.

2) Under equal conditions of work and professional aptitude, the salary is equal for all workers, regardless of their origin, sex, age, status and religious confession, under the conditions provided for in this article.

3) Except in the cases provided for by the regulations or the applicable collective agreement, and unless agreed between the interested parties, no salary is due in the event of the worker's absence.

Art.62.- 1) A decree taken after the opinion of the National Advisory Commission of Workers fixes the guaranteed inter-professional minimum wage.

2) The professional categories and the related salaries are fixed by negotiation within the framework of collective agreements or establishment agreements provided for in Title III of this law.

Art.63.- Remuneration for task or piece work must be calculated in such a way that it provides the worker of average capacity and

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normally working, a salary at least equal to that of a worker paid by time and carrying out similar work.

Art.64.- The minimum wage rates as well as the conditions of remuneration for task or piece work are displayed in the pay locations.

Art.65.- 1) When the remuneration for services is constituted, in whole or in part, by commissions or bonuses and various services or compensation representative of these services, to the extent that these do not constitute reimbursement of expenses, it is taken into account for the calculation of the leave allowance, notice pay and damages.

2) The amount to be taken into consideration in this respect is the monthly average of the elements referred to in the preceding paragraph.

3) The period over which this calculation is carried out does not exceed the twelve months of service preceding the cessation of work.

Art.66.- 1) The employer is required to provide accommodation for any worker he has displaced to carry out an employment contract requiring the installation of this worker outside his usual residence. This accommodation must be sufficient and decent, correspond to the worker's family situation and meet the conditions set by order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission.

2) If the employer does not have accommodation, he is required to pay the worker concerned a housing allowance, the minimum rate and the conditions of allocation of which are fixed by the order referred to above.

3) The employer is required to ensure the regular supply of foodstuffs to any worker housed with his family by him, when he cannot obtain them by his own means.
This service is provided for a fee. Its reimbursement value is set by the order referred to above.

4) The benefits provided for in this article are not payable when the salary itself is not due, except in the cases provided for by the regulations in force or if a prior agreement has been concluded on this subject by the interested parties.

Chapter 2 - Payment of salary

Section 1 - Method of payment of salary

Art.67.- Apart from the benefits provided for in Article 66, paragraphs 1 and 3, the salary must be paid in legal tender, any other method of payment being prohibited. Any stipulation to the contrary is null and void.

Art.68.- 1) With the exception of professions for which established practices provide for a different payment periodicity and which will be determined by order of the Minister responsible for Labor, taken after advice of the National Consultative Labor Commission, the Salary must be paid at regular intervals not exceeding one month. However, workers may, upon their request, receive after fifteen days a deposit covering half of the monthly portion of their basic remuneration, their situation being obligatorily cleared during the immediately subsequent payment.

2) Monthly payments must be made no later than eight days after the end of the month of work giving entitlement to salary.

3) In the event of termination or breach of contract, salary and compensation must be paid upon termination of service. However, in the event of a dispute, the employer may obtain the provisional immobilization in his hands of all or part of the seizable portion of the sums due by order of the president of the competent court.

4) Workers absent on payday may withdraw their salaries during normal cash register opening hours and in accordance with the company's internal regulations.

5) Payment of wages must be made on working days only and at or near the place of work; it cannot be done in a drinking establishment or in a sales store, except for workers who are normally employed there.

Art.69.- 1) Payment of wages must be evidenced by a document drawn up or certified by the employer or his representative and signed by each worker or by two witnesses if the latter cannot read or write in French or in English.
These documents are kept by the employer under the same conditions as the accounting documents and

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must be presented at any request from the labor inspectorate.

2) Employers are required to issue to workers at the time of payment, an individual pay slip, the format of which is fixed by order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission.

3) The statement "for balance of any account" or any other equivalent statement subscribed by him, either during the execution or after the termination of his employment contract and by which the The worker waives all or part of the rights he has under his employment contract.

4) Acceptance without protest or reservation by the worker of a pay slip cannot constitute a renunciation on his part of the payment of all or part of the salary, compensation and salary accessories due to him under legislative, regulatory, conventional or contractual provisions. This acceptance does not suspend the prescription as defined in article 74, it does not prevent the revision of the worker's salary account.

Section 2 - Privileges and guarantees of the salary claim

Art.70.- 1) The salary claim benefits from a privilege preferable to all other general or special privileges, with regard to the non-seizable fraction of said salary as defined by legislative or regulatory texts.

2) This privilege extends to compensation linked to termination of the employment contract and to damages provided for in article 39.

Art.71.- Specific legislative texts granting the benefit of direct action or certain special privileges in favor of certain categories of workers apply to the salary claim.

Art.72.- In the event of judicial liquidation or bankruptcy, the sums deducted by the Public Treasury, after the date of cessation of payments, on mandates owed to an employer, are reported to the estate.

Art.73.- 1) In the same case, the worker accommodated by the employer before being put into judicial liquidation or bankrupt, continues to benefit from this benefit, within the limits of article 66.

2) Legal assistance is automatically granted to him for any request for authorization of garnishment that he deems appropriate to present before the competent court.

Section 3 - Prescription of action for payment of salary

Art.74.- 1) The action for payment of salary is prescribed after three years. With regard to the limitation period, compensation linked to the termination of an employment contract is assimilated to salary.

2) The limitation period begins to run on the date on which the wages are due. It ceases to run, either when there is a written complaint made by the worker regarding payment of wages to the local labor inspector, or when there is an account established, schedule or obligation or summons to court. not expired.

Chapter 3 - Salary deductions

Art.75.- 1) Apart from compulsory deductions, reimbursement of services provided for in Article 66 paragraph 3 and deposits which may be provided for by collective agreements and individual contracts, it cannot be made deductions from wages only in the following cases: • a) by garnishment; • b) by application of the provisions provided for in article 21 of this law; • c) by voluntary transfer subscribed by the transferor in person and communicated for verification to the local labor inspector when it concerns the reimbursement of advances made by the employer to the worker and before the president of the competent court in the others case ;
• d) in the event of the establishment, within the framework of the legislative and regulatory provisions in force, of mutual aid societies involving the payment of contributions by their workers.

2) Deposits on work in progress are not considered advances.

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3) The provisions of a collective agreement or an individual contract authorizing any other deductions are null and void.

4) The sums withheld from the worker in violation of the above provisions bear interest in his favor at the legal rate from the date on which they should have been paid and can be claimed by him until prescription, the rate being suspended for the duration of the contract.

Art.76.- 1) A decree, taken after advice from the National Consultative Labor Commission, determines the proportion of salary fractions subject to progressive deductions and the related rates. The withholdings referred to in the preceding article cannot, for each pay, exceed the amount fixed by this decree.

2) When calculating the withholding tax, not only the salary itself must be taken into account, but also all accessories to said salary, with the exception, however, of compensation declared unseizable by legislation or regulations, sums allocated as reimbursement of costs incurred by the worker and any allowances and compensation potentially due under the legislation and regulations on social security.

Art.77.- The employer is prohibited from restricting in any way the freedom of the worker to dispose of his salary as he wishes.

Chapter 4 - Commissaries

Art.- 78.- 1) A “commissary” is considered to be any organization where the employer practices, directly or indirectly, the sale or transfer of goods to the company's workers for their personal and normal needs.

2) The commissaries are allowed to operate under the fourfold condition: • a) that the
workers remain free to use them
to supply or not;
• b) that the sale of goods is carried out exclusively for cash and without profit;

• c) that the accounting of the company's commissary(ies) is entirely autonomous and subject to the control of a supervisory commission elected by the workers; • d) that there is no alcohol or spirits on sale

killer.

Art.79.- 1) The opening of a commissary under the conditions provided for in article 78 must be declared to the local labor inspector.

2) Its operation is monitored by the labor inspector who, in the event of non-compliance with this chapter, may order its closure for a maximum period of one month.

In the event of a repeat offense, definitive closure is ordered by the Minister responsible for Labor on the recommendation of the relevant labor inspector.

Title 5 - Working conditions

Chapter 1 - Working hours

Art.80.- 1) In all public or private non-agricultural establishments, working hours cannot exceed forty hours per week.

2) In all agricultural or similar businesses, working hours are based on 2400 hours per year, with a maximum limit of forty-eight hours per week.

3) The above requirements apply to all workers, regardless of age and gender, and to all methods of remuneration.

4) Decrees, taken after the opinion of the National Consultative Labor Commission, determine the circumstances and limits within which exceptions to working hours are authorized as well as the modalities of execution and remuneration of overtime giving rise to at a mark-up.

Chapter 2 - Night work

Art.81.- Any work carried out between ten in the evening and six in the morning is considered night work.

Art.82.- 1) Rest for women and children must last at least twelve consecutive hours.

2) Night work of women and children is prohibited in the industry.

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3) This prohibition does not apply: • a) to women occupying managerial positions; • b) women employed in services not involving manual work.

4) The terms of application of this article are established by order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission.

Chapter 3 - The work of women, young people and children

Art.83.- An order of the Minister responsible for Labor, taken after consulting the National Commission for Health and Safety at Work provided for in Article 120, establishes the nature of the work respectively prohibited for women and pregnant women.

Art.84.- 1) Any pregnant woman whose condition has been the subject of a medical assessment may terminate her contract without notice and without therefore having to pay the compensation provided for in article 36 above . During this period, the employer cannot terminate the employment contract of the person concerned due to the pregnancy.

2) Every pregnant woman is entitled to fourteen weeks of maternity leave which begins four weeks before the expected date of delivery. This leave may be extended by six weeks in the event of duly documented illness resulting either from pregnancy or childbirth.

During the duration of this leave, the employer cannot terminate the employment contract of the person concerned.

3) When the birth takes place before the expected date, the rest period is extended until the completion of the fourteen weeks of leave to which the employee is entitled.

4) When the delivery takes place after the expected date, the leave previously taken is extended until the date of delivery without the subsequent leave being reduced.

5) In addition to the various benefits provided for by the legislation on social and family protection, the woman is entitled, during maternity leave, at the expense of the National Social Insurance Fund, to a daily allowance equal to the amount of the salary actually received at the time of suspension of the employment contract; she retains the right to benefits in kind.

Art.85.- 1) For a period of fifteen months from the birth of the child, the mother is entitled to time off for breastfeeding.

2) The duration of these rest periods cannot exceed one hour per working day.

3) The mother may, during this period, terminate her contract without notice under the conditions set out in article 84 paragraph 1 above.

Art.86.- 1) Children may not be employed in any company, even as apprentices, before the age of fourteen, unless an exemption is granted by order of the Minister responsible for Labor, taking into account local circumstances and tasks. which may be asked of them.

2) An order from the Minister responsible for Labor establishes the conditions of hiring, employment and control of the employment of young people on board ships.

However: •

a) young people under eighteen years of age may, under no circumstances, be employed on board ships as trimmers or stokers;

• b) when children and young people under the age of eighteen must be embarked on ships with a crew not exclusively composed of members of the same family, they must first undergo a medical examination attesting to their suitability. -study to this work; a medical certificate signed by an approved doctor is established for this purpose.

3) An order from the Minister responsible for Labor establishes the nature of the work and the categories of businesses prohibited to young people and the age limit to which the prohibition applies.

4) The orders provided for in the preceding paragraphs are taken after consulting the National Commission for Health and Safety at Work.

Art.87.- 1) The local labor inspector may require the examination of women and children by an approved doctor, with a view to verifying whether the work with which they are responsible does not exceed their strength. This requisition is by right at the request of the interested parties.

2) The woman or child cannot be kept in a job beyond her strength and must be assigned to suitable employment. If this is not possible

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ble, the contract is terminated without notice at the expense of either party.

Chapter 4 - Weekly rest

Art.88.- 1) Weekly rest is obligatory.
It is a minimum of twenty-four consecutive hours per week. It is taken, in principle, on Sunday and cannot under any circumstances be replaced by compensatory compensation.

2) An order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, establishes the terms of application of the preceding paragraph.

Chapter 5 - Leave and transport

Section 1 - Leave

Art.89.- 1) Unless more favorable provisions of collective agreements or individual employment contracts, the worker acquires the right to paid leave, at the expense of his employer, at the rate of one and a half working days per month of effective service .

2) Periods equivalent to four weeks or twenty-four days of work are considered as one month of effective service.

3) For the determination of the right to leave, the following are considered as periods of effective service: • a) periods of unavailability due to work accident or occupational illness; • b) within the limit of six months, absences due to medically established illnesses under the conditions provided for in Article 32 above; • c) maternity leave provided for in Article 84 above; • d) technical unemployment provided for in Article 32 below above.

4) Within the limit of ten days per year, exceptional permissions for paid absences, not deductible from annual leave, are granted to workers during family events affecting their own household.

A decree taken after consulting the National Labor Advisory Commission establishes the terms of application of this paragraph.

Art.90.- 1) The right to leave is increased from one and a half days to two and a half days per month of service for the benefit of young people under eighteen years of age.

2) The duration of leave is increased in favor of employed mothers, either by two working days per child aged six years on the date of departure on leave, registered in the civil registry and living at home, or by only one day if the main leave does not exceed six days.

3) The duration of the leave is increased taking into consideration the seniority of the worker in the company, at the rate of two working days per entire period, continuous or not, of five years of service. For employed mothers, this increase is in addition to that provided for in the paragraph above.

4) Leave lasting more than twelve working days may be split by agreement between the parties.
In this case, one of the fractions must be at least twelve continuous working days.

Art.91.- 1) Unpaid leave, the duration of which cannot be deducted from that of the annual leave, may be granted, upon their request, to workers and apprentices wishing to participate in courses exclusively devoted to worker education or union training, organized either by centers attached to workers' union organizations recognized as representative on a national level, or by specialized organizations, institutes or bodies approved for this purpose by the Minister responsible for Labor.

2) The duration of this leave which can be split is fixed by agreement between the parties. Within the limit of eighteen working days, this duration is assimilated, for the calculation of paid leave, the right to family benefits and the calculation of the worker's seniority in the company, to a period of actual work.

Art.92.- 1) The right to enjoy leave is acquired after a period of service equal to one year.

2) However, collective agreements or individual contracts granting leave for a duration greater than that fixed in Article 89 may provide for a longer period of actual service giving rise to the right to leave, without the latter being able to exceed two years.

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3) The right to leave expires three years from the day of cessation of work.

4) In the event that the contract has been terminated or has expired before the worker has exercised his rights to leave, the latter benefits in place of the leave from compensation calculated on the basis of the rights acquired in accordance with the articles 89 and 90 above.

5) The leave being allocated to the worker in order to allow him to rest, the granting of compensatory allowance in place of the leave is formally prohibited in all other cases.

Art.93.- The employer must pay the worker, at the latest on the last day preceding the date of departure on leave, an allowance, the calculation methods of which are fixed by decree taken after advice of the National Consultative Labor Commission .

Section 2 - Transportation

Art.94.- 1) When the execution of the employment contract entails or has entailed due to the employer the displacement of the worker from the place of his habitual residence, the travel expenses of the worker, his spouse and minor children usually living with him, as well as the transport costs of their luggage are the responsibility of the employer.

2) Travel and transportation costs constitute compensation in kind. They are only insured in the event of actual displacement of the worker and his family.

3) The terms of application of the above provisions are set by decree taken after advice from the National Consultative Labor Commission.

4) The worker who has ceased his service and who is waiting for the means of transport designated by the employer to return to his place of habitual residence, retains the benefit of benefits in kind and receives from the employer compensation equal to the remuneration he would have received if he had continued to work.

5) The right to travel and transport expires three years from the day of cessation of work.

Title 6 - Safety and health at work

Chapter 1 - Security

Art.95.- 1) Health and safety conditions in the workplace are defined by order of the Ministry of Labor, taken after consulting the National Commission for Health and Safety at Work.

2) These orders aim to provide workers, while taking into consideration local conditions and contingencies, health and safety standards consistent with those recommended by the International Labor Organization and other technically recognized technical organizations. international.

3) They specify in which cases and under what conditions the labor inspector or the labor medical inspector must use the formal notice procedure. However, in the event of imminent danger to the health and safety of workers, the labor inspector or the medical labor inspector orders immediately enforceable measures.

Art.96.- 1) When working conditions not covered by the orders provided for in Article 95 are deemed dangerous for the safety or health of workers, the labor inspector or the labor medical inspector invites the employer to remedy this. In the event of a dispute by the employer, the dispute is submitted to arbitration by the National Commission for Health and Safety at Work.

2) In all cases, the labor inspector or the labor medical inspector sends a report to the said Commission on the conditions deemed dangerous, with a view to the possible development of appropriate regulatory measures.

Art.97.- 1) It is prohibited to bring and consume alcoholic beverages on premises and during working hours.

2) The consumption of these drinks within the premises of the establishment may only be authorized during normal work interruption hours and only in the canteens and refectories made available to workers by the employer.

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3) The distribution of water and non-alcoholic drinks at work locations and during working hours is ensured by the employer. These drinks must be subject to periodic checks by the labor inspector or the labor medical inspector.

4) Orders of the Minister responsible for Labor, taken after consulting the National Commission for Occupational Health and Safety, establish, where necessary, the terms of application of the above provisions.

Chapter 2 - Health

Art.98.- 1) Any company or establishment of any nature whatsoever, public or private, secular or religious, civil or military, including those related to the exercise of liberal professions and those dependent on associations or professional unions, must organize a medical and health service for the benefit of its workers.

2) The role assigned to this service consists in particular of monitoring the hygiene conditions at work, the risks of contagion and the state of health of the worker, their spouse and their children accommodated by the employer and to take appropriate preventive measures at the same time as ensuring the necessary medical care in accordance with the provisions of this chapter.

3) The terms and conditions for benefiting from medical and health coverage for workers and their families are set by order of the Minister responsible for Labor, taken after consulting the National Commission for Health and Safety at Work.

Art.99.- 1) The medical and health service is provided by doctors recruited primarily from among qualified occupational medicine practitioners and who are assisted by qualified paramedical staff.

2) To this end, both must have been the subject of an approval decision from the Minister responsible for Labor, taken after consulting the Minister responsible for Public Health with regard to the personnel. paramedical and after opinion of the Council of the Order of Physicians with regard to doctors. The conditions of approval are set by joint order of the Minister responsible for Labor and the Minister responsible for Public Health.

3) Depending on the size and nature of the businesses, their geographic location, medical infrastructure, existing hold, the medical-sanitary service is

organized: • a) either in the form of an autonomous service specific to a single company or an inter-company service common to several of them;

• b) either, on the basis of an agreement concluded with a private or public hospital establishment.

4) The modalities of constitution, organization and operation of medical-sanitary services, as well as the number and qualification of medical and paramedical personnel to be employed in each company are, taking into account local conditions and the number of workers and members of their family, set by order of the Minister responsible for Labor, taken after advice of the National Commission and Safety at Work.

Art.100.- 1) Without prejudice to the special provisions taken in the context of hygiene and the prevention of certain occupational diseases or in that of the protection of certain categories of workers, all employees must be subject to a medical examination before employment.

2) He must also be subject to medical surveillance throughout his career.

3) Orders of the Minister responsible for Labor, taken after consulting the National Commission for Health and Safety at Work, establish the conditions under which medical examinations are carried out before and during employment.

Art.101.- 1) In the event of illness of the worker, his spouse(s) or his children housed under the conditions provided for in Article 66 above with him by the employer, the latter is required to provide them with care and, within the limits of the means defined by order of the Minister responsible for Labor, taken after advice of the National Commission for Health and Safety at Work, the necessary medications and accessories.

2) The employer is also required to provide food for any sick worker hospitalized in the company infirmary.

Art.102.- 1) The employer must evacuate injured or transportable sick people who cannot be treated by the means at his disposal to the nearest medical facility.

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2) If he is immediately deprived of the appropriate means necessary for this purpose, he urgently notifies the nearest administrative authority which will carry out the evacuation using the means at his disposal.

3) If the injured or sick cannot be transported, the administrative authority, contacted by the employer, arranges for medical intervention on site.

4) All costs incurred as a result of this by the administration must be reimbursed by the employer on the basis of official rates.

Art.103.- An order of the Minister responsible for Labor, taking advice from the National Commission for Health and Safety at Work, establishes the conditions under which employers are required to install and supply medications and accessories for occupational medical services.

Title 7 - Bodies and means of execution

Chapter 1 - Labor administration and social security

Art.104.- 1) The administration of labor and social security is the set of services responsible for all questions concerning the condition of workers, professional relationships, employment, labor movements. work, guidance and vocational training, placement, protection of workers' health as well as social security issues.

2) The organization and operation of these services are determined by decree of the competent authority.

Section 1 - Obligations and prerogatives of labor and social security inspectors

Art.105.- 1) By “labor and social welfare inspector”, designated in this law under the name “labor inspector”, is meant any official of the labor administration body placed at the head of a labor and social welfare inspection district or his delegate.

2) Labor inspectors are necessarily civil servants whose status and conditions of service ensure them stability in employment.

3) In order to ensure their independence, they are prohibited from having any interest in the companies placed under their control.

Art.106.- 1) Labor inspectors take an oath to fulfill their duties well and faithfully and not to reveal, even after leaving their service, manufacturing secrets, and, in general, manufacturing processes. exploitation of which they could have become aware in the exercise of their functions.

2) This oath is taken only once, before the Court of Appeal within the jurisdiction of their first district of assignment.

3) Any violation of this oath is subject to criminal sanctions.

4) Labor inspectors must treat as confidential the source of any complaint notifying them of a defect in the installations or an infringement of legal and regulatory provisions and must refrain from revealing to the employer or his representative that An inspection visit was carried out following a complaint.

Art.107.- 1) Labor inspectors, heads of a district, have the initiative of their tours and their investigations within the framework of labor legislation and regulations.

2) They always have the human, material and logistical resources necessary to carry out their activities.

Art.108.- 1) Labor inspectors, provided with supporting documents of their functions, are authorized: • a) to

enter freely, for the purpose of inspection without prior warning, at any time of the day or night, in any establishment subject to inspection control;

• b) to enter, for inspection purposes, any company infirmary, canteen, sanitary or water supply facility for use by workers;

• c) to carry out all examinations, controls or investigations deemed necessary to ensure that the legal and regulatory provisions in force are effectively observed and in particular:

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- to question, either alone or in the presence of witnesses, the employer or company staff on all matters relating to the application of legal and regulatory provisions; to request communication of all books, registers
- and documents whose keeping is prescribed by legislation relating to working conditions, with a view to verifying their compliance with legal or regulatory provisions and copying them or establishing extracts; to require the display of notices whose affixing is provided for by legal or regulatory
- provisions; to take and take away for the purposes of analysis of materials and substances used or handled, provided
- that the employer or his representative is informed that the materials or substances have been taken and taken away for this purpose.

2) During an inspection visit, the labor inspector must inform the employer or his representative of his presence, unless he considers that such notice risks causing harm to the effectiveness of its control.

Art.109.- 1) Labor inspectors may note, by official report until proven otherwise, violations of the provisions of labor legislation and regulations.

They are authorized to prosecute directly in court, before the competent court, all perpetrators of infringements of the provisions of this law and the texts adopted for its application.

2) The terms and conditions for exercising the supervisory powers of labor inspectors are, where necessary, established by regulation.

Art.110.- 1) In military establishments employing civilian labor, the responsibilities of labor inspectors in terms of monitoring the application of labor legislation and regulations may be entrusted to civil servants or officers specially designated for this purpose, whenever the interest of national defense is opposed to the introduction into these establishments of foreign agents in the service.

2) This designation is made by the President of the Republic on the joint proposal of the Minister responsible for Defense and the Minister responsible for Labor.

3) In all cases, the persons thus vested with these control functions must keep the relevant labor inspector informed as soon as possible of their action.

Art.111.- For the execution of the tasks assigned to the medical labor inspection, medical labor inspectors are vested with the same obligations, rights and prerogatives as those devolved to labor inspectors by articles 106, 107 , 108 and 109 of this law.

Section 2 - Placement

Art.112.- 1) Placement falls under the authority of the Minister responsible for Labor.

2) Placement operations are carried out free of charge for workers: • a) either, by public services or organizations
blics;
• b) either, by offices or offices opened by professional unions or private organizations.

3) The opening of the offices and offices referred to in paragraph b) of the preceding paragraph is subject to the prior approval of the Minister responsible for Labor.

4) A decree, taken after consulting the national consultative labor commission, establishes the conditions of application of this article.

Art.113.- With a view to full employment of the national workforce, decrees taken after advice from the National Labor Advisory Commission limit the hiring of workers of foreign nationality for certain professions or certain qualification levels professional.

Chapter 2 - Means of control

Art.114.- 1) Any person who creates or reactivates a company or establishment of any nature whatsoever must make a declaration to the local labor inspectorate. The same obligation is applicable in the event of a change or cessation of activity and transfer.

2) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, establishes the terms of this declaration.

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Art.115.- Any public or private employer, whatever the nature of its activity, must provide the labor inspectorate and the relevant employment services with detailed information on the labor situation. work that it uses, in the form of a declaration whose frequency and terms are fixed by order of the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission.

Art.116.- 1) The employer must constantly keep up to date, at the place of operation, a register called "employer register" intended to collect all the information allowing the exercise of control of the services of the administration of labor and social security.

2) An order from the Minister responsible for Labor, taken after consulting the National Consultative Labor Commission, sets the model and content of this register and the conditions under which it must be kept available to control officials.

This decree also specifies the conditions under which certain companies or categories of companies may be exempt from keeping the said register.

Title 8 - Professional institutions

Chapter 1 - Of the national consultative labor commission

Art.117.- 1) A labor advisory commission, hereinafter referred to as the "Commission", is established under the Minister responsible for Labor.

2) Its mission is: • a)
to study problems concerning working conditions, employment, professional guidance and training, placement, labor movements, migration, improvement of the material condition of workers, social security, professional unions; • b) to issue opinions and make proposals on
legislation and regulations to be implemented in matters where this opinion is provided for by this law.

Art.118.- 1) A permanent committee is created within the National Consultative Labor Commission. to whom the commission can delegate to formulate all opinions and proposals, to examine and study all problems falling within its competence.

2) Ad hoc committees may, as necessary, be formed within the commission.

Art.119.- 1) Chaired by the Minister responsible for Labor or his representative, the commission is composed as follows: •
a) a full member and an alternate member representing the National Assembly;
• b) one full member and one alternate member representing the Economic and Social
Council; • c) a full member and a substitute member representing the Supreme
Court; • d) an equal number of full and alternate representatives of workers and employers, appointed by order of the Minister responsible for Labor, on proposals from the most representative trade union
organizations; • e) possibly, experts and technicians with an advisory voice and designated by order of the Minister responsible for Labor according to the agenda of each session;

2) The terms of organization and operation of the commission, the standing committee and the ad hoc committees formed within it are established by regulation.

Chapter 2 - From the national commission for health and safety at work

Art.120.- 1) A National Commission for Health and Safety at Work, hereinafter referred to as the "National Commission", is established under the Minister responsible for Labor.

2) Its role is to study problems relating to occupational medicine, hygiene and safety of workers. As such, it is responsible for: • a)
issuing all suggestions and opinions on the legislation and regulations to be implemented in these matters;
• b) to formulate all recommendations for the use of employers and workers, insurance organizations and the various ministerial departments, concerning the protection of workers' health;
• c) to make all proposals concerning the approval of dangerous machines and manufacturing processes likely to

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involve risks for the health of workers;

• d) to carry out or participate in all work of a scientific nature falling within its field of activity.

Art.121.- 1) Chaired by the Minister responsible for Labor or his representative, the national commission is made up of technicians and specialists with certain competence in occupational medicine, industrial hygiene and safety of labor, including, in equal numbers, representatives of employers and representatives of workers.

2) The National Commission may call on experts whenever it considers it necessary.

3) The terms of organization and operation of the National Commission are established by regulation.

Chapter 3 - Staff delegates

Art.122.- 1) Staff delegates are obligatorily elected in establishments established on the national territory, whatever their nature and whatever the employer, public or private, secular or religious, civil or military, where at least twenty workers falling within the scope of this law are usually employed.

2) When the head of establishment has the status of worker, he is part of the workforce to be taken into consideration.

3) The term of office of staff representatives is two years; they are re-electable.

Art.123.- 1) The voters, with the exception of the head of establishment, are workers of both sexes, aged eighteen and having worked at least six months in the company.

2) Voters aged over twenty years, able to speak French or English, and having worked continuously in the company for at least twelve months are eligible.

3) Are not eligible: the head of the establishment, his spouse, his ascendants, as well as his allies to the same degree.

Art.124.- 1) The head of the establishment is required to allow staff delegates within the limits for a duration which, except in exceptional circumstances or otherwise agreed, cannot exceed fifteen hours per month, the time necessary for the exercise of their functions.

This time is paid to them as working time. It must be used exclusively for tasks relating to the activity of the staff representative as defined by the texts in force.

2) Unused time cannot be carried over to a following month, nor be subject to any compensation.

Art.125.- An order from the Minister responsible for Labor, taken after consulting the National Labor Advisory Commission,

fixes: • a) the number of staff delegates to be elected and their distribution into colleges; • b) the terms of the election which must take place by secret ballot; • c) the model of the election report that the employer is required to send to the local labor inspector; • d) the conditions under which staff delegates are received by the employer or its representative as well as the means made available to them; • e) the conditions for dismissal of a delegate by the college of workers who elected him.

Art.126.- 1) Disputes relating to the electorate, the eligibility of staff delegates as well as the regularity of electoral operations are within the jurisdiction of the territorially competent court of first instance which rules urgently. .

2) To be admissible, the challenge must be introduced within three days following the publication of the electoral list if it relates to the electorate or eligibility, within fifteen days following the proclamation of the results, if it concerns the regularity of electoral operations.

Art.127.- Each delegate has a substitute elected under the same conditions, who replaces him in the event of justified absence, death, resignation, revocation, change of professional category leading to a change of college, termination of the employment contract or loss of the conditions required for eligibility.

Art.128.- Staff delegates have the mission: • a) to

present to employers all individual or collective complaints which

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would not have been directly satisfied, concerning working conditions and the protection of workers, the application of collective agreements, professional classifications and wage rates. • b) to refer to the labor inspectorate any complaint or claim concerning the application of legal requirements and regulations over which it is responsible for ensuring control; • c) to ensure the application of requirements relating to the health and safety of workers and social security and to propose all useful measures in this regard; • d) to communicate to the employer all useful suggestions aimed at improving the organization and performance of the company.

Art.129.- Notwithstanding the above provisions, workers have the right to present their complaints and suggestions to the employer themselves.

Art.130.- 1) Any dismissal of a staff representative, permanent or substitute, considered by the employer is subject to authorization from the local labor inspector.

2) The labor inspector must, after contradictory investigation, ensure that the envisaged dismissal is not motivated by the activities of the staff delegate in the exercise of his mandate,

3) Any dismissal carried out without the above authorization having been requested and granted is null and void.

4) However, in the event of serious misconduct, the employer may, pending the decision of the labor inspector, take a provisional suspension measure. If authorization is not granted, the delegate is reinstated with payment of compensation equal to the salaries relating to the period of suspension.

5) The response from the labor inspector must come within one month. After this period, the authorization is deemed granted, unless the labor inspector notifies the employer that an additional period of one month is necessary to complete the investigation.

6) The above provisions are applicable: • a) to staff representatives for whom a transfer is envisaged making it impossible for them to exercise their mandate in their original establishments, unless the interested parties agree with the inspector of the spring work;

• b) to former staff representatives, for a period of six months from the expiry of the mandate;

• c) to candidates for the position of staff delegate for a period of six months from the date of submission of applications.

7) Notwithstanding the authorization of dismissal from the labor inspector, the staff delegate retains the right to refer the matter to the competent court in accordance with the procedure provided for in article 139 of this law.

Title 9 - Labor disputes

Chapter 1 - Individual dispute

Art.131.- Individual disputes that may arise in connection with the employment contract between workers and employers and the apprenticeship contract, fall within the jurisdiction of the courts ruling on social matters in accordance with the legislation governing judicial organization.

Art.132.- The competent court is in principle that of the place of work. However, it remains open to a worker who no longer resides in the place where he executed an employment contract, to bring any dispute arising from the termination of said contract, either before the court of the place of work, or before that of his residence, on the condition that both are located in Cameroon.

Section 1 - Composition of the court

Art.133.- 1) The courts in social matters are composed of: • a magistrate, president: • an employer assessor and a worker assessor chosen from those appearing on the lists established in accordance with article 134 above -below; • a clerk.

2) The president designates, for each case, the assessors called to sit.

3) In the event that one or two assessors duly summoned do not appear, the president sends them a second summons. In case of new

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If there is a failure of one or both assessors, the president decides alone.

4) In the case referred to in the preceding paragraph, he shall mention in the judgment the duly justified failure of one or both assessors.

5) Except in cases of force majeure, any assessor whose deficiency has been noted three times during a mandate is forfeited from his functions.

He will be replaced for the duration of the remaining term of office by the appointment of another assessor taken from the list established for the sector of activity concerned.

Art.134.- The assessors are appointed by order of the Minister responsible for Justice on the proposal of the Minister responsible for Labor. They are chosen from lists containing at least three names for each position to be filled, presented by the most representative trade union organizations. In the event of a deficiency or non-existence of these, the Minister responsible for Labor formulates his proposal directly.

2) The mandate of the assessors extends over two judicial years. It can be renewed. The current assessors, however, continue to sit until the appointment of new assessors has taken place.

3) The list of assessors may, if necessary, be supplemented during the year in the manner provided for in paragraph 1. The mandate of the assessors thus designated expires at the same time as that of those appearing on the lists established every every two years.

Art.135.- 1) The conditions to be fulfilled to be an assessor are those required of members responsible for the administration or management of a union, as they appear in article 10 of this law, to which are added the following: • a) have been carrying out a professional activity for at least three years, excluding apprenticeship;

• b) have carried out this activity in the jurisdiction of the court for at least three months; • c) know how to read and write French or English.

2) Assessors who are subject to one of the convictions referred to in Article 10 of this law or who lose their civil rights are automatically deprived of their mandate.

Art.136.- The assessors take the following oath before the jurisdiction where they are to serve: "I swear to fulfill my duties with zeal and integrity and to keep the secrecy of the deliberations."

Art.137.- 1) The functions of assessors represent a civic and social duty; they are free.

2) However, travel and living expenses and the amount of salaries and allowances lost due to their participation in the functioning of the courts are reimbursed to the assessors.

3) A joint order of the Minister responsible for Justice and the Minister responsible for Labor establishes the terms of allocation and the quantum of these compensations.

Section 2 - Procedure

Art.138.- 1) The procedure for settling individual labor disputes is free both at first instance and before the court of appeal.

2) The decisions and documents produced are recorded as a debit and all procedural expenses are assimilated to criminal justice costs with regard to their payment and imputation. their liquidation and their method of recovery.

Art.139.- 1) Any worker or employer must ask the labor inspectorate of the workplace to settle the dispute amicably.

2) The terms of summoning and appearance of the parties are established by order of the Minister responsible for Labor, taken after advice of the National Consultative Labor Commission.

3) In the event of agreement, a conciliation report drawn up and signed by the labor inspector and by the parties, establishes the amicable settlement of the dispute; it becomes applicable as soon as it has been verified by the president of the competent court and given the enforceable formula.

4) In the event of partial conciliation, the minutes mention the points on which agreement was reached and those on which disagreement persists.

5) in the event of failure of the conciliation attempt, the labor inspector draws up a report of non-conciliation.

6) In all cases referred to above, a copy of the report signed by the labor inspector and the parties is sent to the president of the competent court and given to the parties.

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Art.140.- In the event of total or partial failure of the conciliation attempt defined in the preceding article, the action is initiated by oral or written declaration made to the registry of the competent court, by the most diligent party .

2) The declaration must, under penalty of inadmissibility, be accompanied by a copy of the report of non-conciliation or partial conciliation.

3) The declaration initiating the action is entered in a register kept specially for this purpose. An extract of this registration is delivered to the party who initiated the action.

Art.141.- Within two days of receipt of the request, Sundays and public holidays not included, the president of the court seized summons the parties to appear within a period which cannot exceed twelve days, increased if necessary distance deadlines.

2) The summons must contain the name and profession of the applicant, an indication of the subject of the request, the place, time and day of the appearance.

3) The summons is made in person or at home in accordance with common law. It can validly be made by registered letter with acknowledgment of receipt.

Art.142.- 1) The parties are required to appear before the court, at the place, day and time fixed. They may be assisted or represented, either in accordance with common law, or by an employer or a worker belonging to the same branch of activity, or by a representative of the trade union organizations to which they are affiliated. Employers may, in addition, be represented by a director or employee of the company or establishment.

2) The agent of the parties must be constituted in writing, except in the case of a lawyer.

Art.143.- 1) If on the day fixed by the summons, the applicant does not appear and does not justify a case of force majeure, the case is removed from the list; it can only be repeated once and according to the forms prescribed for the original request under penalty of forfeiture. The same will apply if, after dismissal, he does not appear.

2) If the defendant does not appear or is not validly represented, the court, after examining the dispute, pronounces a judgment of default.

3) If the defendant, although not appearing, has presented his arguments in the form of a brief, the case is judged by a decision deemed to be contradictory.

4) The defendant who has appeared in the proceedings can no longer default. The decision rendered against him is deemed contradictory.

5) In all cases, the judgment must be notified in the manner prescribed in article 151 below to allow the appeal period to begin.

Art.144.- 1) Assessors may be challenged: • a) when they have a personal interest in the dispute;

• b) when they are relatives or allies of one of the parties up to the sixth degree; • c) if there has been a criminal or civil trial between them and one of the parties or their spouse or direct ally; • d) if they have given written or oral notice of the dispute; • e) if they are employers or workers of one of the parties involved.

2) The challenge is formed before any debate.

The president rules immediately. If the request is rejected, it is overridden; if admitted, the case is postponed to the next hearing.

Art.145.- 1) The court shall immediately examine the case. By agreement of the parties or on the initiative of the president, referral may be pronounced within a maximum of two weeks. The court may also, by reasoned judgment, prescribe all investigations, site visits and all information measures that it deems useful.

2) Once the proceedings are closed, the court immediately deliberates in secret. Unless there is a deliberation, the maximum period of which is eight days, the judgment is rendered at the bench and must be reasoned.

3) The minute of the judgment is signed by the president and the court clerk.

Art.146.- The judgment may order immediate execution notwithstanding opposition or appeal, and provisionally with exemption from security up to a sum which is fixed by regulation. For the remainder, provisional execution may be ordered on condition of providing security; it will however be able to play without limit notwithstanding any recourse and without payment of deposit when it comes to

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wages and salary accessories not contested and recognized as due.

Art.147.- The dispatches of rulings, judgments, as well as the bulk and dispatches of contracts and all acts likely to be enforced, will be covered by the enforceable formula introduced as follows: "Republic of Cameroon", "In the name of the Cameroonian people"; and ended with the following statement: "Consequently, the President of the Republic of Cameroon orders and orders all bailiffs and enforcement agents upon this request to put this judgment (or judgment, etc.) into execution, to the attorneys general, to the prosecutors of the Republic and all magistrates or civil servants responsible for public action to lend a hand when legally required to do so.

In witness whereof this judgment (or judgment, etc.) has been signed by the President and the Registrar.

Art.148.- Judgments and judgments are executed at the discretion of the parties by the bailiffs and enforcement agents.

Art.149.- Workers benefit as of right from legal assistance for the execution of judgments and rulings rendered for their benefit. The president of the court designates for this purpose the bailiff who will lend his services to the worker.

Art.150.- Third parties who claim to be owners of all or part of the seized property may, before the sale, contact the president of the court of the place of seizure by oral or written request. In view of the justifications produced, the president suspends the sale of the claimed objects and effects, then summons the parties within a week and, after hearing them, issues an order prescribing or not the diversion of the seized property. .

Art.151.- 1) In the event of a default judgment, notification is made in the manner of article 141, above, free of charge to the defaulting party, by the court registrar.

2) If within ten days after notification in addition to the distance deadlines, the defaulter does not object to the judgment in the manner prescribed in article 140 above, the judgment is enforceable.
Upon opposition, the court summons the parties again as stated in article 141 above, the new judgment is enforceable notwithstanding any defect.

Art.152.- Except for the head of jurisdiction, the judgments of the courts ruling in social matters are final and without appeal when they relate to requests for the issuance of a work certificate or pay slip.

Art.153.- The courts ruling in social matters hear all counterclaims or claims for compensation which, by their nature, fall within their jurisdiction.

Art.154.- 1) Within fifteen days of the delivery of the judgment if it is contradictory, or of its notification if it is by default or deemed contradictory, appeal may be lodged in the forms provided for in article 140 above.

2) The appeal is transmitted, within a week of the declaration of appeal to the registry of the competent appeal court, with a copy of the judgment and the letters, briefs or documents filed by the parties.

3) The appeal shall be judged on the documents within two months of the notice of appeal. However, the parties are allowed to appear at their request in which case their representation obeys the rules set by article 142 above. They are informed by the registrar and at the address given by them of the date of the hearing, the name of the opponent and the contested judgment.

4) The court must rule on the character of the appeal. The abusive or dilatory appeal may result in the appellant being fined a fine of between 20,000 and 100,000 FCFA.

5) The court appoints a bailiff at whose request the execution will be continued.

Art.155.- 1) The court may, in the interests of justice and at the request of one of the parties, extend the time limits provided for in this section for reasons which will be specified in its judgment.

2) Any extension taken pursuant to this article may not exceed thirty days.

Art.156.- In all procedural matters not regulated by this section, the provisions of common law are only applicable in the absence of the specific provisions provided for by this law.

2) The terms of application of this chapter, in particular with regard to the structure of the registers, are established by regulation.

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Chapter 2 - Collective dispute

Art.157.- 1) Any conflict characterized by both: • a) the intervention of a community of employees organized or not in professional groups;

• b) the collective nature of the interest at stake.

2) The settlement of any collective labor dispute is subject to the conciliation and arbitration procedures provided for in articles 158 to 164 below.

3) A strike or lockout initiated after exhaustion and failure of these procedures are legitimate.

4) The strike is the collective and concerted refusal by all or part of the workers of an establishment to respect the normal working rules in order to get the employer to satisfy their complaints or demands.

5) Lockout is the closure of an establishment by the employer to put pressure on workers who are on strike or who are threatening to strike.

Section 1 - Conciliation

Art.158.- 1) Any collective dispute must immediately be notified by the most diligent party to the local labor inspector.

In the absence of a conciliation procedure provided for by the collective agreement or in the event of failure of said procedure, the local labor inspector will immediately summon the parties and attempt an amicable settlement.

2) The parties may substitute a representative qualified to conciliate. If a party does not appear or is not validly represented, the labor inspector draws up a report in the light of which the defaulting party may be sentenced to a fine of 50,000 to 500,000 FCFA.

3) The labor inspector summons the parties again within a period which cannot exceed forty-eight hours.

Art.159.- 1) At the end of the conciliation attempt, the labor inspector draws up a report noting either the agreement or the partial or total disagreement of the parties who countersign the report and receive each amplification.

The conciliation agreement is enforceable under the conditions set out in article 139 above.

Art.160.- In the event of failure of conciliation, the dispute must be submitted, within eight clear days, by the labor inspector to the arbitration procedure below.

Section 2 - Arbitration

Art.161.- 1) The arbitration of collective labor disputes not settled by conciliation is ensured by an arbitration council established within the jurisdiction of each Court of Appeal and composed as follows: • President:

- a magistrate of the Court of Appeal of the spell ;

• Members: a)
- an employer assessor; - b) a worker assessor.

The latter two are designated by the president of the arbitration council from among the assessors appointed to the high court of the jurisdiction ruling on social matters.

2) A clerk of the Court of Appeal provides secretarial assistance.

Art.162.- 1) The arbitration council cannot rule on objects other than those determined by the report of non-conciliation or those which, resulting from events subsequent to the establishment of said minutes, are the direct consequence of the ongoing dispute.

2) It rules in law on disputes relating to the interpretation and execution of laws, regulations, collective agreements and establishment agreements in force.

3) It rules fairly on other disputes, in particular when these relate to wages or working conditions, when these are not fixed by the provisions of laws, regulations, collective agreements and labor agreements. establishment in force, as well as on disputes relating to the negotiation and revision of the clauses of collective agreements.

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4) It has the broadest powers to inquire about the economic situation of companies and the situation of workers involved in the conflict.

It may carry out any inquiries with companies and unions and require the parties to produce any document or information of an economic, accounting, financial, statistical or administrative nature likely to be useful to it in carrying out its mission.

He may resort to the services of experts and all qualified persons likely to enlighten him.

Art.163.- 1) The arbitration award is notified without delay to the parties by the labor inspector of the jurisdiction.

2) At the expiration of a period of eight clear days from notification and if none of the parties has expressed opposition, the award becomes enforceable under the conditions set out in article 164 below. The same applies if an opposition having been filed, it was lifted before the expiry of the said period.

3) The opposition is made, under penalty of absolute nullity, by registered letter with acknowledgment of receipt to the local labor inspector.

Art.164.- 1) The execution of the conciliation agreement and the unopposed arbitral award is obligatory. In their silence on the effective date, the conciliation agreement and the arbitral award take effect from the day of the conciliation attempt.

2) Professional unions regularly constituted may exercise all actions arising from a conciliation agreement or an arbitration award, not subject to opposition.

3) Conciliation agreements and arbitration awards are immediately posted in the premises of the labor inspectorate and published in the Official Journal.

4) The minutes of the conciliation agreements and the arbitral awards are filed with the registry of the high court of the place of the dispute.

5) Conciliation and arbitration procedures are free.

Art.165.- The lockout or strike engaged in contravention of the preceding provisions may result in:

a) for employers: • payment to workers of days of wages lost as a result;

• for at least two years, ineligibility for the functions of member of a consular chamber and the ban on participating in any way in a works company or in a supply contract on behalf of the State, a local public authority or a public establishment. Ineligibility is pronounced by the common law judge at the request of the Minister responsible for Labor;

b) for workers: • termination of the employment contract for gross negligence; • conviction of a fine of 20,000 to 100,000 FCFA.

Title 10 - Penalties

Art.166.- Are punished with a fine of 50,000 to 500,000 FCFA, members responsible for the administration or management of a union, perpetrators of infringements of the provisions of articles 3, 6, 10, 16 and 19 above.

Art.167.- The following are punished with a fine of 100,000 to 1,000,000 francs: 64, 86, 87, paragraph 2, 88, 89, 90, 92, 93, 97, 98 paragraph 1, 99, 100, 101, 112 paragraphs 2 and 3, 114 paragraph 1, 115 and 116 above. • authors of false declarations relating to the statuses and names and qualities of members responsible for the administration or management of a union; • the usurper of the title of member responsible for the administration or management of a union;

• perpetrators of violations of the provisions of the decree provided for in article 62 paragraph 1 above. • perpetrators of violations of the provisions of collective agreements which have been the subject of an extension decree in terms of salary, bonuses, allowances and all benefits evaluable in cash.

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Art.168.- The following are punished with a fine of 20,000 to

1,500,000 FCFA: • perpetrators of violations of the provisions of articles 26, 27 paragraph 2, 67, 68, 75 paragraph 1, 82 and 84

paragraphs 1, 2 , 3 and 4 above. • any person who commits an act of discrimination against a worker affiliated to a union tending to undermine freedom of association in matters of

employment. • any person who is guilty of one of the practices referred to in article 4 paragraph 2 above.

• any person who interferes with the regular exercise of the functions of staff representative. • any

person who forces a worker to be hired against their will or who prevents them from being hired, from going to work and, in general, from fulfilling the obligations imposed by their contract. • any person who, by using a fictitious

contract or one containing inaccurate information, is hired or voluntarily replaces another worker. • any employer, authorized representative or employee, who knowingly makes false

statements in the employer register or any other document relating to the duration and conditions of the work accomplished by their worker, as well as any worker who does knowingly use these certificates. • any person who demands or accepts from a worker any remuneration as an intermediary in the settlement

or payment of salaries, allowances, allowances and costs of any kind or for obtaining employment or the resolution of a labor dispute whatever the subject.

Art.169.- Any person who opposes the execution of obligations or the exercise of powers incumbent on labor inspectors and labor inspectors.

Art.170.- 1) Prison sentences of six days to six months may, in addition, be required in the event of repeat offenses in cases of violation of the provisions of articles 26, 27 paragraph 2, 30 paragraph 1 , 67, 68, 75 paragraph 1, 82, 84 paragraphs 2, 3 and 4, 86, 88, 89, 90, 92, 93, 98 paragraph 1 and in the cases provided for in articles 167 paragraph 3, 168 paragraphs 2 to 8 and 169 above.

2) Imprisonment is obligatory in the event of double recidivism and each time the author of the offenses referred to in article 168 paragraph 8 above is one of the members responsible for the administration or management of a union or belongs to the staff of the labor and social security administration.

Art.171.- The provisions of the Penal Code are applicable:

• to those who are guilty of acts of resistance, contempt and violence against labor inspectors and medical labor inspectors; • to perpetrators of violations of the requirements of

article 2 paragraph 3 above; • to people who usurp the functions of labor inspector or

labor medical inspector.

Art.172.- The financial sanctions provided for in articles 167, 168, 169 and 170 with regard to infringements of the provisions of articles 29, 40, 62, 64, 67, 68, 82, 86, 87, 88, 97, 98 and 100 above are multiplied by the number of workers affected by the offense punished.

Art.173.- Company directors are civilly liable for convictions pronounced against their authorized representatives and employees.

Title 11 - Special, transitional and final provisions

Art.174.- For matters where no specific provision has been made, companies benefiting from the industrial free zone regime are required to apply the provisions of this law and its implementing texts. .

Art.175.- Vocational training, vocational rehabilitation and employment of disabled people are governed by laws.

Art.176.- 1) All previous provisions contrary to those of this law are repealed, in particular those of law no. 74/14 of November 27, 1974 on the Labor Code and law no. 68/LF/ 20 of November 18, 1968 establishing the form in which professional unions must be constituted to be admitted to the registration procedure.

2) The regulatory acts taken pursuant to the aforementioned Law No. 74/14 of November 27, 1974 or those applicable to the said law not contrary to this law remain in force until they have been repealed and replaced.

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Art.177.- This law will be registered, published following the emergency procedure then inserted in the Official Journal in French and English.