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CAMEROON HUMAN
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STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION TO
MARK THE 138TH INTERNATIONAL LABOUR DAY
1 May 2024

Theme.- *Constructive social dialogue, vector of decent work
and social progress*

The Cameroon Human Rights Commission (hereinafter: “the Commission”), established by Law No. 2019/014 of 19 July 2019 and rendered operational on 29 April 2021, following the swearing in of its Commissioners before the Supreme Court sitting in Joint Benches,

Bearing in mind that on 1 May 1886 in the United States of America, over 400,000 workers from various sectors engaged in a strike to advocate for a reduction in the working day to eight hours and that this event, known as the Haymarket Affair, led the socialist parties and trade unions to proclaim this day as Workers' Day in 1889,

Bearing in mind also that some 30 years later, on 23 April 1919, the French Senate ratified the eight-hour working day for all, and established 1 May 1919 as a public holiday,

Considering that; on 24 April 1941, Marshal Pétain, through the Belin Law¹, officially proclaimed 1 May as *Labour and Social Concord Day*, and at the same time he signalled his rejection of both capitalism and socialism and his preference for a third way based on corporatism, the one that led him to change the appellation of “Worker’s Day” because it referred too much to the class struggle in France,

¹ The French law of 12 April 1941, as amended by the law of 26 April 1941, to establish 1 May as a public holiday, *Labour and Social Concord Day*, which states in Articles 1 and 2 that “1 May shall be a public holiday, [and] this day shall be observed as a day of labour and social concord without any reduction in the wages of workers. In cases where work could not be interrupted due to the nature of the work, the worker shall receive a compensatory allowance to be paid by the employer”.

Noting that International Labour Day (ILD) is dedicated worldwide to wage and trade union demands and the improvement of working conditions, and consequently, presents an opportunity to:

- commemorate the actions taken by workers and the trade union movement to improve working conditions and defend the collective and individual interests of workers
- celebrate the achievements and identify the concerns that will be the subject of future negotiations with a view to consolidating peace and social justice while ensuring the sustainable development of enterprises,

Noting also that this year's ILD commemorations are placed under a theme that reflects the importance of "*constructive social dialogue, [as] a factor in the promotion of decent work and social progress*"²,

Bearing in mind that the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of 1977, revised in 2022, addresses the growing role that such actors play in achieving the Sustainable Development Goals (SDG), it holds particular relevance for the promotion of social dialogue,

Emphasising that social dialogue is one of the pillars of decent work and has been at the heart of the International Labour Organisation's (ILO) governance model since its creation in 1919 under the Treaty of Versailles, which ended the First World War³, with the aim of promoting

social justice, fair professional relations, sustainable development and social and political stability [...] in the functioning of its main organs [particularly] International Labour Conference (ILC), the Governing Body and the International Labour Office (ILO)⁴,

Emphasising also that social dialogue may be:

- bipartite, where it takes place between workers and employers (referred to by the ILO as the social partners) in an enterprise or occupational sector, and then takes the form of collective bargaining or other forms of individual or collective negotiation, cooperation or dispute prevention and resolution, or
- tripartite, where workers, employers and government discuss public policy, legislation and other issues affecting the workplace and the interests of workers and employers,

² See Extract from a speech by Mr Grégoire Owona, Minister of Labour and Social Security, published in the *Cameroon Tribune* on 25 April 2024, as recorded by ASSIATOU NGAPOUT M in the Government daily newspaper *Cameroon Tribune*, "Fête internationale du travail : sur fond du dialogue social" (International Labour Day: against the backdrop of social dialogue), <https://www.cameroon-tribune.cm/article.html/64619/fr.html/fete-internationale-du-travail-sur-fond-du-dialogue-social>, accessed on 25 April 2024.

³ The reference to social dialogue as a model for the governance of the ILO was reiterated in the 1944 Declaration of Philadelphia on the aims and objectives of the ILO.

⁴ See Speech by the ILO Representative at the *Workshop on bipartite social dialogue, risk prevention and social conflict management in Cameroon* held at the Hotel Sawa in Douala, from 21 to 23 September 2015.

Considering that several national laws and regulations, as well as African and universal instruments enshrine the right to work as well as the workers' rights in its aspect related to social dialogue, in particular:

- the Preamble to the Constitution of 18 January 1996, which states that "*the freedom [...] of assembly, of association, and of trade unionism, as well as the right to strike shall be guaranteed under the conditions fixed by law*"
- the Universal Declaration of Human Rights (UDHR), which states in Article 23(1) that "[e]veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"
- the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966 and ratified by Cameroon on 27 June 1984, which stipulates in Article 7 that

[t]he States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions, [...] which ensure [in particular] fair wages and equal remuneration for work of equal value without distinction of any kind, [as well as] rest, leisure and reasonable limitation of working hours

- the Constitution of the International Labour Organisation (ILO) which states in its preamble that "*lasting peace can only be established only if it is based upon social justice*"⁵,

Bearing in mind that Cameroon has ratified 51 fundamental ILO conventions governing labour relations worldwide⁶, including a few considered as fundamental ones that are tied to social dialogue, namely:

- Convention No. 87 Freedom of Association and Protection of the Right to Organise Convention, 1948, ratified on 7 June 1960
- Convention No. 98 Right to Organise and Collective Bargaining Convention, 1949, ratified on 3 September 1962
- Convention No. 138 Minimum Age (for Admission to Employment) Convention, 1973, ratified on 13 August 2001
- Convention No. 155 Occupational Safety and Health Convention, 1981, ratified on 1 October 2021,

Bearing in mind also that the State has ratified three of the four priority ILO Conventions, namely:

- Convention No. 81 Labour Inspection Convention, 1947, ratified on 3 September 1962
- Convention No. 122 Employment Policy Convention, 1964, ratified on 25 May 1970

⁵ See Alain SUPIOT, *L'esprit de Philadelphie. La justice sociale face au marché total*, Seuil, 2010, 230 pp., spec. p. 24.

⁶ See OIT, « Ratifications of fundamental instruments by country: Cameroun », https://webapps.ilo.org/dyn/normlex/fr/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103038, accessed on 24 April 2024.

- Convention No. 144 Tripartite Consultation (on International Labour Standards) Convention, 1976, ratified on 1 June 2018,

Recalling that according to United Nations General Assembly Resolution 2542 (XXIV) of 11 December 1969 on the Declaration on Social Progress and Development, "[a]ll peoples and human beings have the right to live in dignity and freedom and to enjoy the fruits of social progress"⁷,

Recalling also the terms of the Preamble to the *ILO Declaration on Social Justice for a Fair Globalisation*, which states that:

[c]onsidering that the present context of globalisation, characterised by the diffusion of new technologies, the flow of ideas, the exchange of goods and services, the increase in capital and financial flows, the internationalisation of business and business processes and dialogue as well as the movement of persons, especially working women and men, [...] achieving an improved and fair outcome [of social economic policies] for all has become even more necessary in these circumstances to meet the universal aspiration for social justice, to reach full employment, to ensure the sustainability of open societies and the global economy, to achieve social cohesion and to combat poverty and rising inequalities⁸,

Considering Law No. 92-007 of 14 August 1992 on the Labour Code, which states in Section 62(2) that "[o]ccupational categories and wages applicable to such categories shall be determined through negotiation within the framework of the collective agreements or company agreements provided for in Part III of this law",

The Commission commends Government efforts to improve working conditions, in particular through:

- Decree No. 2024/0168/PM of 23 February 2024 to set the minimum interprofessional wage (SMIG) for State employees governed by the Labour Code⁹ at the sum of 43,969 CFA francs, i.e. an increase of 5 per cent
- the sum of 196 billion CFA francs allocated in the budget of the Ministry of Finance for the financial year 2024 to settle the social debt of public servants, including 96 billion CFA francs for the payment of salary arrears to 2,876 teachers¹⁰
- Joint Order No. 113/B1/1464 MINEDUB/MINFOPRA of 19 December 2023, opening a competition for the recruitment of 3,000 primary school teachers within the fifth phase of the third programme for the recruitment of new contract teachers

⁷ See ABDOU YERO BA, « Droit au développement », in Joël ANDRIANTSIMBAZOVINA *et al.* (dir.), *Dictionnaire des Droits de l'homme*, Quadrige / Presses universitaires de France, pp. 277-280, spec. p. 278.

⁸ See ILO Declaration on Social Justice for a Fair Globalisation, adopted on 10 June 2008 at the 97th Session of the ILC in Geneva, as amended in June 2022, <https://webapps.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms099767.pdf>, accessed on 24 April 2024.

⁹ See "Legislation finder – Cameroon, Records, Cameroon; Regulation, Decree, Ordinance", https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/results?p2_country_filter=CMR, accessed on 24 April 2024.

¹⁰ See "The Government releases 96 billion FCFA to pay off teachers' debts by October 2024", <https://actucameroun.com/2023/10/05/cameroun-il-reste-encore-environ-100-milliards-pour-effacer-completement-la-dette-due-aux-enseignants/amp/>, accessed on 10 April 2024.

for nursery and public primary schools of the Ministry of Basic Education, for the 2023 session¹¹,

The Commission is pleased with the action it has taken since the last ILD to ensure respect for the right to work and the right to decent working conditions, including the right to social security by handling complaints regarding the situations illustrated below:

- *Ms Mbomezo's complaint against Foyer père Monti d'Ebolowa* concerning the alleged withholding of salary from the complainant, who has a physical disability. The CHRC South Branch, to which this case was referred, accompanied the complainant in the conciliation procedure initiated by the South Regional Labour Inspectorate, which led to a satisfactory outcome, culminating in a full conciliation report and the payment of wages and allowances due
- *Ms Bikom Alice's complaint against Transformation Bois du Sud (TBS) company*, following a road accident suffered by Ms Bikom Alice on her way home from work in January 2024. The employer suspended her salary and intended to dismiss her. Following legal assistance from the CHRC South Branch, a complaint was filed against the employer. A conciliation meeting followed with the aim of reinstating the victim in her job and obtaining the payment of her salary for the months of February and March, which had been wrongfully withheld
- the complaint of *Mr Mouliom Mbouemboue Ibrahim against the NSIF Douala-Ndokoti Agency* in respect of a claim for daily allowances following an industrial accident on 30 October 2021 with the case referred to the CHRC Littoral Branch. These CHRC officials conducted an investigation and held discussions with the head of the agency in question. Ultimately, the head of the agency decided to forward the victim's file to the regional management of the NSIF Douala-Bonanjo for validation and payment. When contacted by telephone on 30 October 2023, Mr Mouliom Mbouemboue confirmed that he had indeed received all of his compensation following the diligence of the CHRC,

The Commission is very pleased with:

- its participation in the meeting on the promotion in Cameroon of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy¹², organised on 3 April 2024 in the ILO meeting room in Yaoundé, with the main purpose of preparing the *Tripartite National Workshop/Dialogue on Sustainable and Responsible Investment and Business Practices for the Achievement of Decent Work and Inclusive Growth for Social Justice in Cameroon*, to be held in Douala on a date to be specified later

¹¹ See "Cameroon Ministry of Basic Education: COMMUNIQUE", <http://www.minedub.cm/index.php?id=294>, accessed on 12 April 2024.

¹² The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the ILO's ILC in 1977 and whose 6th edition in June 2022 dates back to June 2022, aims to provide guidance to multinational enterprises, governments, employers and workers in areas such as employment, training, working and living conditions and industrial relations. These guidelines are essentially based on the principles contained in the International Labour Conventions and Recommendations.

- its participation in the awareness-raising and communication workshop on domestic workers, which was organised in Ebolowa on 15 July 2023 by the Cameroon Confederation of Labour (CCT) and the International Labour Office, in collaboration with the regional authorities, with the aim of enlightening the local population to the importance of domestic workers and the need to respect their dignity and fundamental rights
- its participation in the Regional Crafts Fair organised on 9 and 10 November 2023, at the South-Ebolowa Crafts Centre by the South Regional Delegation for Small and Medium-sized Enterprises and Crafts, in an effort to enhance CHRC's visibility and promote its toll-free number **1523**, but also to record alleged cases of human rights violation from participants in this fair,

Nevertheless, the Commission remains concerned about the prevailing climate of insecurity in the Far North Region as well as in the North-West and South-West Regions, plagued by attacks from Boko Haram terrorist groups and secessionist terrorists respectively, resulting in the closure of numerous businesses, in an international context where

[...] global economic integration has caused many countries [including Cameroon, and within individual countries, many] sectors to face major challenges of income inequality, continuing high levels of unemployment and poverty, vulnerability of economies to external shocks, and the growth of both unprotected work and the informal economy, which impact on the employment relationship and the protections it can offer¹³,

The Commission notes with regret, following the ILO Committee of Experts on the Application of International Conventions and Recommendations (CEACR)¹⁴, that certain provisions of the laws and regulations in force in Cameroon contravene duly ratified International Labour Organisation (ILO) Conventions, including Convention No. 87 on Freedom of Association and Protection of the Right to Organise¹⁵, namely:

- Law No. 68/LF/19 of 18 November 1968, which "*makes the legal existence of a trade union or professional association of civil servants subject to the prior authorisation of the Minister responsible for territorial administration*", in violation of the principle of the recognition and registration of trade unions advocated by the ILO
- Sections 6(2) and 166 of Law No. 92/014 of 14 August 1992 on the Labour Code, on sanctions against promoters of unregistered trade unions who act as if the union had been registered
- Article 19 of Decree No. 69/DF/7 of 6 January 1969, which provides for prior authorisation for the affiliation of public service unions to an international organisation,

¹³ ILO Declaration on Social Justice for a Fair Globalisation, *Up. cit.*

¹⁴ International Labour Office / Committee of Experts on the Application of Conventions and Recommendations (CEACR), "Observation" adopted in 2021, published at the 110th session of the ILC (2022) on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Cameroon in 1960, https://normlex.ilo.org/dyn/normlex/fr/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4117183,103038:NO, accessed 24 April 2024.

¹⁵ See notably Article 2 of Convention No. 87 which states that "[w]orkers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation"

The Commission laments the fact that the State¹⁶ did not provide the CEACR with

comments on the International Trade Union Confederation's (ITUC) 2020 observations on allegations of favouritism by the authorities towards non-representative organisations [and] urges the Government to provide detailed information on all these issues in response to its requests,

The Committee reiterates its recommendations to both the Government, and its national and international partners, to mark the 2023 International Labour Day:

- to strengthen the monitoring of enterprises by sworn labour inspectors through effective and regular inspections
- to raise awareness among the public in general, and particularly among vulnerable groups, of their rights in the workplace
- to extend the social protection that workers should enjoy by encouraging workers to register with the NSIF, which covers occupational risks, and insurance companies, which cover risks outside the employment relationship, for full development in the professional environment,

The Commission recommends to:

the Government for useful measures to be taken:

- to ratify the two fundamental ILO Conventions that have not yet been ratified, namely Convention 187 on the Promotion of Occupational Safety and Health, 2006, and the 2014 Protocol to the Forced Labour Convention, 1930
- to complete the legislative review process to fully implement the provisions of the Freedom of Association Convention by amending:
 - o Law No. 68/LF/19 of 18 November 1968, and Article 19 of Decree No. 69/DF/7 of 6 January 1969, to abolish the need for prior authorisation from authorities as a condition for the formation of a trade union or a trade union federation, and establish the principle of recognition based on a simple declaration
 - o Sections 6(2) and 166 of Law No. 92/014 of 14 August 1992 relating to the Labour Code, on the sanctions against trade unions operating without formal legal existence
- organise experience-sharing and refresher meetings on the implementation of international labour standards to strengthen social dialogue for the sustainable development of enterprises and the protection of workers and jobseekers
- the State's social partners and civil society organisations, with a view to intensify awareness-raising of the parties involved to international labour standards and, particularly, to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,

¹⁶ *Ibid.*

The Commission, for its part, will spare no effort to continue to promote and protect human rights and workers' rights in particular, through training workshops, awareness-raising and information campaigns, advocacy, fact-finding missions, as well as in handling of complaints and conducting self-initiated investigations,

Therefore, the Commission urges anyone who is a victim or witness of human rights violations in general or of violations of workers' rights in particular to contact it, including through its toll-free number **1523** (free, even without telephone credit).


Useful CHRC addresses

Website: www.cdhc.cm

Facebook and Twitter accounts: **Cameroon Human Rights Commission**

WhatsApp account: **691 99 56 90**

Yaoundé, 1st May 2024


James MOUANGUE KOBLEA

