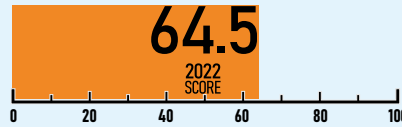




Democratic Republic of the Congo



64 2020 SCORE

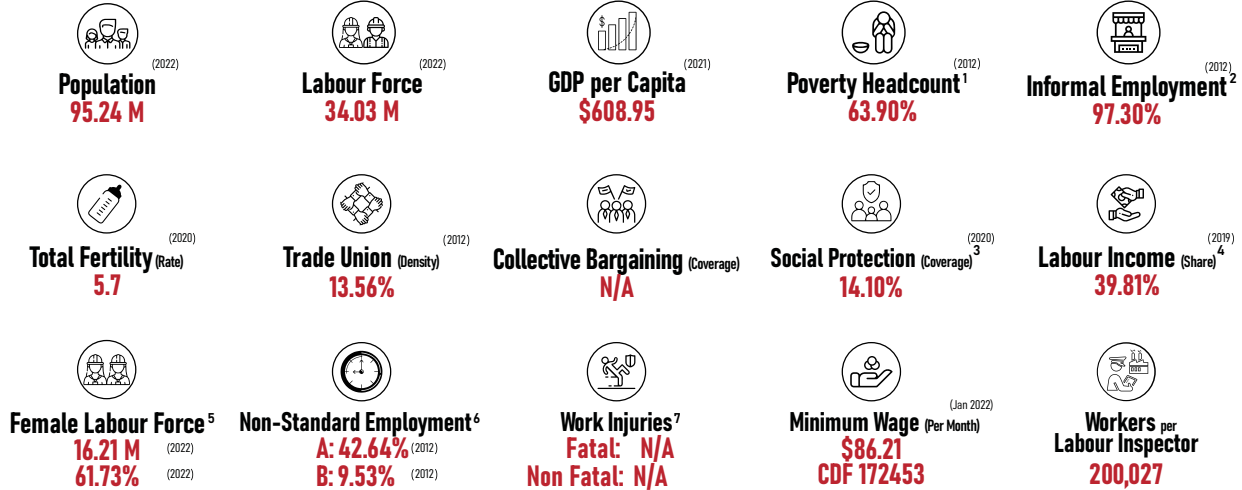
Sub-Saharan Africa

Low income

Limited Access to Decent Work

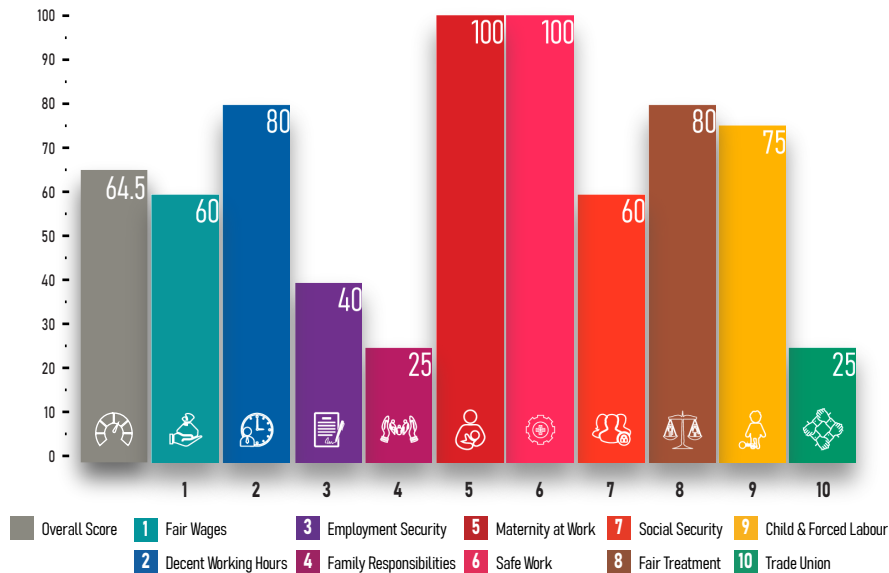


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Democratic Republic of the Congo's overall score is 64.5 out of 100. The overall score for the Democratic Republic of the Congo is higher than the regional average observed across Sub-Saharan Africa (64.4). Within the Sub-Saharan Africa region, the highest score is observed for Guinea (80.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	No	§87-97 & 321 of the Labour Code, 2002	●
	Does the law require regular payment of wages?	Yes	§98-103 and 110-112 of the Labour Code, 2002; §2 of Ministerial Order No. 12/CAB.MIN/ETPS/ 042 of 2008	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§119 of Labour Code 2002; §4, 14, & 18-21 of Ministerial Order 68/11 of May 17, 1968 on the remuneration of overtime	●
	Does the law require additional compensation for working on a weekly rest day?	No	§ 21 of Ministerial Order 68/11 of May 17, 1968 on overtime pay	●
	Does the law require additional compensation for night work?	Yes	Labour Code, 2002; §4-10 of Ministerial Order 68-12 of May 17, 1968 on Weekly Rest - Labour Regulations	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§119 of the Labour Code, 2002; §4, 14, 18, 19, 20 and 21 of Ministerial Order 68/11 of May 17, 1968	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§119 of Labour Code, 2002; §4, 14, 18, 19, 20 and 21 of Ministerial Order 68/11 of May 17, 1968	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§02 & 07 of the Order no. 1244/FP.1/DGTL5,1976; §55 of the Decree no. 2010-812/PRES/PM/MTSS 2010	●
	Does the law require paid public holidays?	Yes	Order No. 14/010 of May 14, 2014 establishing the list of legal holidays in Democratic Republic of Congo	●
	Does the law require at least three working weeks of paid annual leave?	No	§140, 141, 142, 144, 145 and 146 of the Labour Code, 2002	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§7, 37, 39, 41, 44-46 and 212 of the Labour Code, 2002	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§41-42 of the Labour Code, 2002; §2 of Ministerial Order No. 063/CAB/PVPM/ETPS/2011	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§43 & 71 of the Labour Code, 2002	●
	Does the law require a 30-day notice before contract termination?	No	§60, 63, 64, 69, 71-72 of the Labour Code, 2002; §6 - 8 of Ministerial Order No. 12/CAB.MIN/TPS/117/2005	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	No	§63 & 72 of the Labour Code, 2002	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	No	§146 of the Labour Code, 2002	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	Yes	§132 of the Labour Code, 2002	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§62 of the Labour Code, 2002	●
5. Maternity at Work	Does the law require paid maternity leave of at least 14 weeks?	Yes	§130 of the Labour Code, 2002	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§130 of the Labour Code, 2002; §43, 46, 48 and 63 of Law No. 16/009; §56 & 63 of Ministerial Order No. 146 of 2018	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§130 of the Labour Code, 2002; §43, 46, 48 and 63 of Law No. 16/009 of July 15, 2016	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§129 & 130 of the Labour Code, 2002; §20 of Law No. 15/013 of August 1, 2015	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§34 of the National Interprofessional Collective Labour Agreement of September 30, 1995	●
6. Safe Work	Does the law require the employer to train workers on health and safety issues?	Yes	§164 of the Labour Code, 2002; §3, points 10&14 of the Ministerial Order No.12/CAB.MIN/ETPS/ 043 /2008	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§18-22 of Ministerial Order 68/13 on working conditions for women and children; §137 of the Labour Code, 2002	●
	Does the law provide for employment injury benefit?	Yes	§72, 73, 75, 77, 99 and 100 of Law No. 16/009 of July 15, 2016	●
	Does the law provide for an old age pension?	Yes	§82, 94 and 95 of Law No. 16/009 of July 15, 2016 on General Social Security System	●
	Does the law provide for a dependants/survivors' pension?	Yes	§ 97 & 100 of Law No. 16/009 of July 15, 2016 on General Social Security System	●
7. Social Security	Does the law provide for unemployment benefit?	No	§36 of the Constitution, 2011	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§105, 141 and 142 of the Labour Code, 2002	●
	Does the law provide for invalidity benefit?	Yes	§88 of Law No. 16/009 of July 15, 2016 on General Social Security System	●
	Does the law require equal remuneration for work of equal value?	Yes	§36 of the Constitution of the Democratic Republic of Congo 2005; §86 of the Labour Code, 2002	●
	Does the law prohibit sexual harassment in employment?	Yes	§2 & 4 of Ministerial Order No. 12/CAB.MIN/TPS/114/2005; §174 d of Law No. 06/018 of July 20, 2006; Labour Code 2002	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§12 & 13 of the Constitution 2005; §3, 20, and 21 of Law No. 15-013, 2015 §128 & 234 of the Labour Code, 2002	●
	Does the law allow women to do the same jobs as men?	No	§13 of the Constitution 2005; §8 of Law No. 15-013 of 1 August 2015; §13, 18-21 of Ministerial Order 68/13 of 1968	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Law No. 16/009 of July 15, 2016, establishing the rules for the general social security system; ISSA Country Profile for DR Congo	●
	Does the law prohibit employment of children?	Yes	§6 of the Labour Code, 2002; §50 of the Child Protection Code, 2009	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§38 of the Child Protection Code, 2009; §7, 21, 12, and 72 of the Law on National Education, 1986	●
9. Child and Forced Labour	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§125, Labour Code, 2002; §8-15, Decree Establishing the Conditions for Children's Work, 2008	●
	Does the law prohibit forced labour?	No	§16 & 61, Constitution 2005; §2 & 3, Labour Code, 2002; §53 & 187, Child Protection Code, 2009	●
	Does the law allow workers to form and join unions of their own choice?	Yes	§37 & 38, Constitution 2005; §230-250, Labour Code 2002	●
10. Trade Union	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§272-296, Labour Code 2002; CEACR, C98, Obs. 2019	●
	Does the law provide for the right to strike?	No	§39, Constitution 2005; §303-315, Labour Code 2002; CEACR, C87, Obs. 2019	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	No	§326, Labour Code 2002; USDOS CRHRP 2021	●

Covid 19 and Labour Market in Democratic Republic of the Congo*

Total Covid Cases	0.09 Million
Total Covid Deaths	1,390
Partial Vaccinated	3.4%
Fully Vaccinated	2.6%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✘
Paid Sick Leave	✘
Add. Unemployment Benefits	✘

Protection from Dismissals	✔
Telework/flexible work	✔
Improved Health Access	✔
Training (activation measures)	✘

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Democratic Republic of the Congo on SDG 8.8.2 is 0.18 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change