

# D.R CONGO

Sub-Saharan Africa

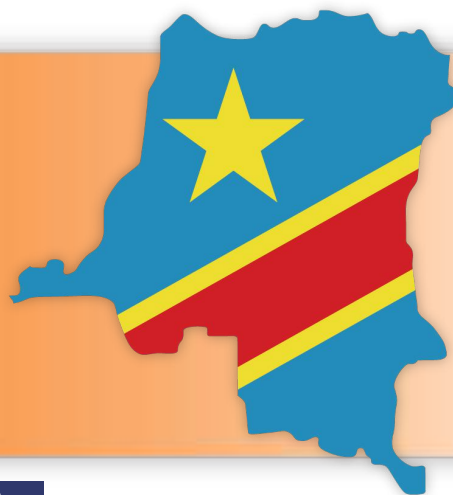
Low-income country

Overall Score  
64 64.5 67  
2020 2022 2024



Score improved

LRI RATING Limited Access to Decent Work



0 - 50	50.5 - 60	60.5 - 70	70.5 - 80	80.5 - 90	90.5 - 100
TOTAL LACK OF ACCESS TO DECENT WORK	BASIC ACCESS TO DECENT WORK	LIMITED ACCESS TO DECENT WORK	REASONABLE ACCESS TO DECENT WORK	APPROACHING ACCESS TO DECENT WORK	ACCESS TO DECENT WORK

The country rating is based on the overall score of 0-100, with the following coding: The overall score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest possible score. The score indicates "access to decent work" by law.

## Contextual Indicators

Population (2022)	99.01 M	Total Fertility (rate) (2022)	6.11	Female Labour Force <sup>4</sup> (2024)	A : 18.00 M	B : 63% (participation rate)
Labour Force (2024)	37.17 M	Trade Union (density) (2012)	14%	Non-Standard Employment <sup>5</sup>	A : 46% (part-time employment) (2020)	B : 35% (temporary employment) (2020)
GDP per Capita (2022)	\$654	Collective Bargaining (coverage)	No Data	Work Injuries <sup>6</sup> (per 100,000 workers)	A : No Data (fatal)	B : No Data (non-fatal)
Poverty Headcount <sup>1</sup> (2012)	64%	Social Protection <sup>3</sup> (coverage) (2021)	6%	Minimum Wage <sup>7</sup> (April 2024)	CDF	183,936
Informal Employment <sup>2</sup>	No Data	Workers per Labour Inspector <sup>8</sup> (2023)	33,273	Living Wage <sup>9</sup> (April 2024)	CDF	924,106

Sources: World Bank | International Labour Organization | WageIndicator Minimum Wages and Living Wages Database | M = Million  
GDP per Capita in USD (\$) | wages shown in local currency and per month

## At a glance

For Democratic Republic of the Congo, the labour legislation applicable at the national level is analysed and scored. Different rules may apply in other jurisdictions, necessitating review of other sources.

Following this approach, Democratic Republic of the Congo's overall score is 67 out of 100. The overall score for Democratic Republic of the Congo is greater than the regional average observed across Sub-Saharan Africa (66). Within the Sub-Saharan Africa region, the highest score is observed for Côte d'Ivoire (84.5).

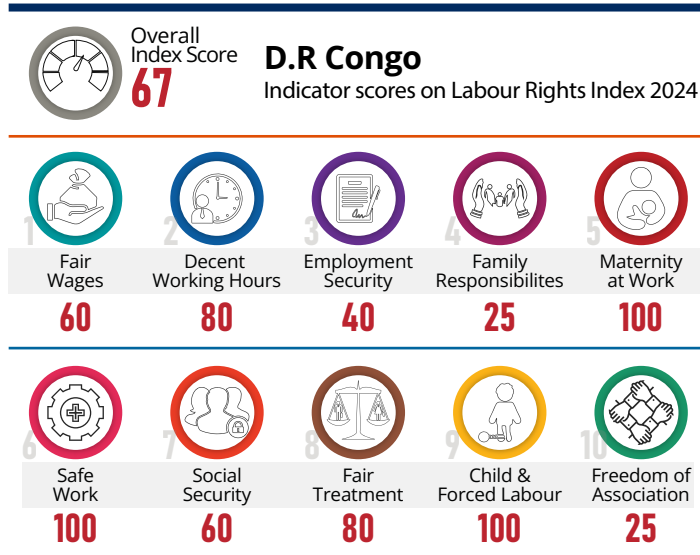
The Democratic Republic of Congo's overall score remained constant from January 2022 to January 2024, indicating that no significant reforms were implemented that would have impacted the score.

The country scores on the Labour Rights Index must be interpreted with caution, considering also the contextual indicators like the size of the population and labour force, informal employment in the country, social protection coverage, level of economic development (as measured by GDP per capita), female labour force participation rate, incidence of non-standard employment in the form of part-time employment and temporary employment as well as work injuries, both fatal and non-fatal. Trade union density and collective bargaining coverage rates are also relevant contextual indicators to assess the state of freedom of association and collective bargaining in the country.

## About Labour Rights Index

The Labour Rights Index 2024 (LRI 2024) is a de-jure index covering 145 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 Access to Decent Work" to "Access 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 SDG 5 (Gender Equality), SDG 8 (Decent Jobs), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Labour Rights Index scores countries based on applicable labour laws only. It does not comment on actual working conditions or labour law compliance in workplaces. The legislation that is used to score the country under the Labour Rights Index is generally national or federal level legislation. In cases where the legislation is enacted at the provincial/regional or state level, the Index analyses the labour legislation applicable to the most populous province/region or state (in federal, confederal or other complex structure states). Scoring for each country is based on labour legislation, as applicable on 1 January 2024.

\*Please check page 4 of the country profile for explanatory end notes.



For each indicator, the score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest score. The overall score is the average of 10 indicators.

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

● Score increase ● Score decrease ● Score adjustment ● Methodological change ○ No change

## 1. FAIR WAGES

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QUESTION	ANSWER	LEGAL BASIS	TREND
Does the legislation or collective negotiation set and determine the minimum wages in the country?	No	§87-97 & 321 of the Labour Code, 2002	○
Does the law require regular and timely 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 to 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 any 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

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Does the law stipulate general weekly 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 paid weekly rest of at least 24 consecutive hours?	Yes	§02 & 07 of the Order no. 1244/FPT/DGTLs,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

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Does the law require a written employment contract or employment particulars to be given to a worker on commencement of employment?	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 the probation period, including renewals, to three months?	No	§43 & 71 of the Labour Code, 2002	○
Does the law require a 30-day notice period before employment 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 two weeks of wages for every year of service?	No	§63 & 72 of the Labour Code, 2002	○

## 4. FAMILY RESPONSIBILITIES

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Does the law require a four-month 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 working 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	○

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

● Score increase ● Score decrease ● Score adjustment ● Methodological change ○ No change

## 5. MATERNITY AT WORK

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QUESTION	ANSWER	LEGAL BASIS	TREND
Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§62 of the Labour Code, 2002	○
Does the law require maternity leave of at least 14 weeks?	Yes	§130 of the Labour Code, 2002	○
Does the law require cash maternity benefits to be at least two-thirds (66.67%) 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 cash maternity benefits to be paid through a contributory social insurance or a universal benefits system or such benefits are an employer's liability?	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	○

## 6. SAFE WORK

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Does the law require employers to provide free personal protective equipment to workers?	Yes	§34 of the National Interprofessional Collective Labour Agreement of September 30, 1995	○
Does the law require employers 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 benefits in the event of an occupational accident or disease?	Yes	§72, 73, 75, 77, 99 and 100 of Law No. 16/009 of July 15, 2016	○

## 7. SOCIAL SECURITY

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Does the law provide for an old age benefit?	Yes	§82, 94 and 95 of Law No. 16/009 of July 15, 2016 on General Social Security System	○
Does the law provide for survivors' benefits?	Yes	§ 97 & 100 of Law No. 16/009 of July 15, 2016 on General Social Security System	○
Does the law provide for unemployment benefits?	No	§36 of the Constitution, 2011	○
Does the law require paid sick leave (and sickness benefits) for the first six months of sickness?	No	§105, 141 and 142 of the Labour Code, 2002	○
Does the law provide for invalidity benefits?	Yes	§88 of Law No. 16/009 of July 15, 2016 on General Social Security System	○

## 8. FAIR TREATMENT

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Does the law require equal remuneration for men and women workers 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	○
Does the law prohibit discrimination in employment matters?	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 job 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 protection to the platform workers?	Yes	Law No. 16/009 of July 15, 2016, establishing the rules for the general social security system; ISSA Country Profile for Democratic Republic of Congo	○

## 9. CHILD AND FORCED LABOUR

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QUESTION	ANSWER	LEGAL BASIS	TREND <sup>12</sup>
Does the law prohibit the employment of children?	Yes	\$6 of the Labour Code, 2002; \$50 of the Child Protection Code, 2009	<input type="radio"/>
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	<input type="radio"/>
Does the law prohibit the employment of young persons 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	<input type="radio"/>
Does the law prohibit forced labour?	Yes	\$16 & 61, Constitution 2005; \$2 & 3, Labour Code, 2002; \$53 & 187, Child Protection Code, 2009; \$68 of the Penal Code 1940 (amended by Loi n° 22-067)	<input checked="" type="radio"/>

## 10. FREEDOM OF ASSOCIATION<sup>11</sup>

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Does the law allow workers to form and join unions of their own choice?	Yes	\$37 & 38, Constitution 2005; \$230-250, Labour Code 2002	<input type="radio"/>
Does the law allow workers to bargain collectively with employers through their representative unions?	No	\$272-296, Labour Code 2002; CEACR, C98, Obs. 2023	<input type="radio"/>
Does the law provide the right to strike?	No	\$39, Constitution 2005; \$303-315, Labour Code 2002; CEACR, C87, Obs. 2023	<input type="radio"/>
Does the law prohibit imposing excessive sanctions against striking workers, including replacement of such workers?	No	\$315 & 326 of the Labour Code, 2002; USDOS CRHRP 2023 (DR Congo)	<input type="radio"/>

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

<sup>2</sup> Share of informal employment in total employment (%), as measured under the SDG 8.3.1

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

<sup>4</sup> The female labour force is shown in absolute number (A) along with the female labour force participation rate (B)

<sup>5</sup> Non-Standard Employment has been defined as part-time employment (A) and temporary employment (B)

<sup>6</sup> Rate of fatal (A) and non-fatal work injuries (B) per 100,000 workers, as measured under the SDG 8.8.1

<sup>7</sup> Minimum Wage and Living Wage amounts are shown in local currency. The amounts are retrieved from the WageIndicator Minimum Wage Database and the WageIndicator Living Wage Database. The minimum wage amounts are those as were applicable on 1 April 2024. The Living Wage amounts are from the April 2024 data release by the WageIndicator. Given the declining share of labour income (a widely used measure of inequality, measuring the proportion of total income in a country that employed people earn by working), the contextual indicators on minimum wage and living wage are relevant.

<sup>8</sup> Robust legislation, backed by effective enforcement, forms the foundation for achieving decent work in practice. In this regard, it is relevant to see if the country has an adequate number of labour inspectors. While the Labour Inspection Convention, 1947 (No. 81) calls for a "sufficient number" of inspectors to do the work required, there is currently no official definition for a sufficient number of inspectors. In its 2006 General Survey on Labour Inspection, the ILO referred to the following benchmarks on the number of labour inspectors in the country in relation to the labour force: 1:10,000 in industrial market economies, 1:15,000 in rapidly industrializing economies, 1:20,000 in transition economies, and 1:40,000 in less developed countries. The latest guidance from the ILO (2022) however emphasizes a more holistic evaluation of national context rather than solely a ratio of labour inspectors to the size of labour force.

<sup>9</sup> The Living Wage estimates shown in this country profile are for a typical family (lower bound) that comprises two adults. The number of children is determined by the country-specific fertility rate, representing the average number of children in a family. One adult is engaged for 100% of normal working hours, while the working hours of the second adult are approximated based on the national labour force participation rate. The combined wage earned by two adults, each receiving a living wage, is designed to meet the requirements for achieving a decent standard of living for the family. For further details on this, please check here: <https://wageindicator.org/salary/living-wage>

<sup>10</sup> 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.

<sup>11</sup> The Freedom of Association indicator of the Labour Rights Index uses Observations/Direct Requests from the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR), the US Department of State's Country Reports on Human Rights Practices (USDOS CRHRP) and the country's legal profiles under the ITUC Global Rights Index 2024 to measure a country's compliance with the right to freedom of association and collective bargaining. A country's score on the LRI's Freedom of Association indicator must also be read together with the 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 for D.R Congo on the latest available data of the SDG 8.8.2 is "3.16" (2022). Other than SDG 8.8.2, we suggest considering the country's score on ITUC's latest Global Rights Index. The score for D.R Congo in 2024 is "4". As explained by the ITUC, "Countries are rated in clusters from 1-5+ depending on their compliance with collective labour rights, with 1 being the best rating and 5+ the worst rating a country could get. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights".

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the legislative table indicates improvement or worsening of de-jure labour rights in country through the following colours.

☒ Score improved due to a positive legislative reform

☐ Score worsened due to a negative legislative reform

☐ Score is adjusted for the country due to a minor revision in the methodology for the Social Security indicator

☐ Score is adjusted for the country due to better access to the country's legal sources, or where the score for the Freedom of Association indicator is adjusted based on the latest reports from ILO, USDOS & ITUC Global Rights Index 2024

☐ No change