

Mali

Implementing Decree of the Labour Code

Decree No.96-178/P-RM of 13 June 1996

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Art.1.- The decree spells out the modalities for implementing various provisions of Law No.92-020 of 23 September 1992 on the Labour Code of the Republic of Mali.

Art.2.- This decree shall repeal all previous provisions to the contrary.

Art.3.- The Minister of Employment, Public Service and Labour, the Minister of Health, Solidarity and the Elderly and the Minister of Justice shall be tasked, each in their respective capacities, with the implementation of this decree, which will be registered and published in the Official Gazette.

Apprenticeship (Pursuant to Article L.7)

Art.D.7-1.- An apprenticeship contract shall refer to a special employment contract through which an employer undertakes, besides the payment of

an apprenticeship allowance, to provide methodical and comprehensive professional training, within the framework of a company and eventually in a training centre for apprentices, to a young worker who in return is obliged to work for this employer for the contract duration.

Art.D.7-2.- Apprenticeship contracts shall be regulated by the statutes and agreements that apply to labour relations between employers and employees in the relevant branch or company in as much as these laws and regulations do not contradict the provisions of the labour code and the regulations decreed for their implementation.

Art.D.7-3.- The minimum and maximum percentage of apprentices as compared to the total number of workers shall be the following :

- 1° for construction and public works companies: between 1 % and 3 %.

- 2° for mining companies, processing and manufacturing industries: between 1 % and 4 %.
- 3° for other companies: between 1 % and 5 %.

This percentage shall be established with regards to the monthly average number of workers employed in the company in the twelve months prior to the reference year.

Art.D.7-4.- Company shall have to submit to the labour inspectorate, before 31 January each year, a statement spelling out as of 31 December the previous year:

- 1° the monthly average number of workers used as a base for the percentage.
- 2° the actual number of apprentices.
- 3° in case there are not enough apprentices as meant in this decree, the conditions and time limits in which this number will be completed.

To this end, a form prepared by the National Labour Market Board shall be made available to employers. Employers shall have to fill out two copies of this form for submission to the competent labour inspector.

Art.D.7-5.- Persons less than 14 and older than 21 at the start of the apprenticeship shall not be taken on as apprentices. However, persons who are at least 13 may enter into an apprenticeship contract if they show proof that they have completed the first cycle of basic education.

Only persons who are majors or emancipated may take on apprentices.

Art.D.7-6.- The employer shall have to teach the apprentice methodically, progressively and comprehensively, the art, trade or special profession referred to in the agreement. He/she shall have to use the apprentice only for work and services related to this purpose.

Employers shall have to enrol apprentices in a training centre for apprentices that provides the education consistent with the training provided for in the contract, in as much as such a centre exists in the area where the apprentices work site is found. In such a case, employers shall have to ensure that the apprentices receives the education and takes part in the activities organised in the centre where he/she would have enrolled him/her. The time the apprentice devotes to the teachings at the centre shall be included in the working hours.

Art.D.7-7.- The apprenticeship contract must, under pain of nullity, be evidenced in a written legal document prepared in 4 copies. Each of these 4 copies must bear the signature of the employer, apprentice or his/her legal representative, if he/she is a minor. One of the copies must be given to the apprentice, another copy must be sent, upon its signature, to the competent labour inspectorate where the apprenticeship site is found. It shall be registered in a special register known as “register for apprenticeship contracts.”

A medical certificate, attesting to the fact that the apprentice is physically able to meet the obligations related to the nature and location of the employment stated in the contract, shall be attached to the contract.

In case the apprenticeship contract is not evidenced in writing or was not registered as required above, it shall be considered a long-term employment contract under ordinary law.

An apprenticeship contract must contain the following information:

- 1° full names, age, residence and profession of the employer;
- 2° full names, age, residence and profession of the apprentice;
- 3° full names, age, residence and profession of the father and mother of the apprentice or his/her legal guardian;
- 4° date and duration of the contract, which cannot be longer than three years;
- 5° conditions for remuneration and, eventually feeding and accommodation;
- 6° the profession that will be taught to the apprentice;
- 7° eventually the professional courses that the employer promises to ensure that the apprentice takes.

Art.D.7-8.- The apprentice shall be entitled to an apprenticeship allowance. This monthly allowance shall be equal to a percentage of the minimum guaranteed inter-professional wage (S.M.I.G.). This percentage shall be:

- 25 % at least of the S.M.I.G. in the first year;
- 50 % of the S.M.I.G. during the second year;
- the S.M.I.G. in the third year.

Art.D.7-9.- The employer shall have to inform the parents or legal representatives in case the under-age apprentice is sick or absent or for another incident that could warrant their intervention.

Art.D.7-10.- It may be stated in the apprenticeship contract that the apprentice commits, with regards to the employer and after completing the apprenticeship, to continue performing his/her professional activity with this employer for at most two years. Non-compliance with this commitment may result in the payment of damages to the employer.

Art.D.7-11.- The employer shall have to register the apprentice, at the end of the apprenticeship, for the exam organised for the issuance, eventually, of the professional proficiency diploma.

Art.D.7-12.- The apprenticeship contract may be terminated without any compensation paid by any of the parties during the first two months of apprenticeship. This agreement shall have to be attested to in writing. Beyond this time limit, the contract may not be terminated without the express and bilateral approval of the joint signatories or based on a legal decision handed down by the labour court at the request of any one of the parties.

Art.D.7-13.- Legal and agreement-based social insurance contributions due as salaries shall be calculated using a flat-rate on the amount of the legal basic salary. The State shall bear, based on a rate set through a decision from the minister in charge of labour and social security, the cost of employer and employee social insurance contributions warranted by the law or statute.

Trainings and Internships (Pursuant to Article L.9)

Art.D.9-1.- Professional training shall include initial training and subsequent trainings intended for adults and youths who have already joined the work force or are about to. These subsequent trainings shall account for in-service training.

In-service training shall be part of lifelong learning. It shall be intended to enable workers adapt to changing techniques and working conditions, to promote their social promotion through access to various levels of the professional culture and qualification as well as their contribution to cultural, economic and social development. It may be given to employers with an employment contract that provides for work-study schemes.

Art.D.9-2.- The various types of training actions that fall under the provisions relating to in-service training shall be the following :

- 1° actions for pre--training and the preparation for professional life. They shall be intended to enable everyone, with no professional qualification and no employment contract, to reach the required level to get a proper professional training internship or starting working right away.
- 2° actions for adaptation. They shall be intended to ease the access of workers with an employment contract to a first job or a new job,
- 3° actions for promotion. They shall be intended to enable workers acquire the highest qualification.
- 4° actions for prevention. They shall be intended to reduce risks that qualifications do not adapt to changing techniques and company structures, by preparing workers whose jobs are threatened by a change in their milieu, either within the framework or outside their company.
- 5° actions for career change. They shall be intended to enable employees whose employment contract is terminated to get jobs that require a different qualification or self-employed workers to engage in new professional activities.

Art.D.9-3.- The professional training and social promotion activities stated in article D.9-1 herein-above can be attested to in an agreement. Such agreements shall either be bilateral or multilateral. They shall determine notably:

- the nature, purpose, duration and number of internship positions that they provide for;
- the educational and technical tools implemented;
- the conditions for the reimbursement of the educational training expenses of trainers and their remuneration;
- when they have to do with workers, the facilities granted, accordingly, to the latter, to continue the internships that they provide for, notably leave, adjustments or reduction of the working hours that they get in accordance with statutory, regulatory or contractual provisions;
- modalities for assessing knowledge and the method for approving the training provided;

- modalities for out-of-court settlement of difficulties that may arise from the performance of the agreement.

Art.D.9-4.- Companies, groups of companies, associations, private institutions and organisations, professional organisations, trade unions or family organisations, local governments, and state institutions shall be involved in these agreements, either as applicants for training, or in order to provide their support, whether technical or financial, for the realisation of programmes, or as training providers.

Art.D.9-5.- Any young person between the ages of sixteen and twenty-five may complete initial training within the framework of alternance training.

They shall be intended to enable youths acquire a professional qualification, to adapt to a job or a type of job or ease their professional insertion or orientation.

They shall associate general professional and technological education provided during working hours, in public and private training institutions, and the acquisition of know-how through involvement in a company milieu in one or several activities related to the education received.

They shall be organised as part of:

- special-type employment contracts;
- training periods provided for in a standard employment contract;
- various professional training internships.

Art.D.9-6.- Trainings that target the acquisition of a professional qualification shall be provided within the framework of an employment contract known as “

training-employment contract”. It shall last between six months and two years.

It shall have to be attested to in writing. It shall be filed at the regional labour office.

The employer shall promise, for the planned duration, to give the young person a job and provide this youth with training that will enable him/her to obtain a professional qualification recognised in the rankings of a sector labour agreement or found in the list prepared by the minister of labour.

Subject to more advantageous contractual provisions, workers who have a training-employment contract

shall receive remuneration determined in accordance with the national minimum wage guaranteed yearly through a ministerial decision and whose amount is fixed and may vary depending on the beneficiary's age

Art.D.9-7.- The Higher Labour Council shall

- 1° give its opinion on the orientations of the policy on profession training and social advancement depending on the needs of the economy and job prospects;
- 2° examine and suggest the appropriate measures to ensure improved cooperation between administrations and professional as well as trade union organisations in order to ensure the full use of public or private resources for professional training and social advancement;
- 3° make any useful proposal for programmes and methods to be more adapted to the needs of the various categories that have to receive professional training and social advancement.

Art.D.9-8.- Other training modalities shall be defined through agreements and company-level agreements, or otherwise through an agreement between the parties.

Fixed-term Contract (Pursuant to articles L.20 and L.24)

Art.D.20-1.- The employment contract entered into pursuant to article L.20 shall have to include, besides the precise definition of its purpose as provided for in this article, the following information :

- when it has been concluded to temporarily replace a company worker whose employment contract was suspended legally, the name and qualification of the worker replaced ;
- when it has a specific duration, the maturity date of the duration and, where applicable, a clause that provides for the postponement of the duration ;
- when it does not include a clear duration, the minimum duration for which it was concluded ;
- the name of the work station or position occupied;
- the duration of the probationary period ultimately provided for.

Art.D.24-1.- Absent the specification through an agreement or a company-wide agreement, the minimum compensation for the end of the contract provided for in accordance with the conditions spelt out in article L.24 shall be equal to 2.5 % of the amount of the total gross remuneration owed the worker

during the duration of the contract. This percentage shall be added to this remuneration.

General Conditions for Employment and Remuneration of Domestic Workers (Pursuant to Article L.86)

Art.D.86-1.- A domestic worker shall refer to any worker employed in the private household of the employer to perform therein all or some family or household tasks.

Domestic workers shall have the right to freedom of opinion and to fully exercise the right to be part of a trade union in accordance with the provisions of the labour code.

Art.D.86-2.- Daily domestic workers shall refer to those employed for a short period, on an hourly or weekly basis and whose salary is in fact paid when the job is over or at end of the day and comes along with a payslip.

The employment shall be subject to the provisions that regulate short-term contracts.

Daily domestic workers whose work continues after the specified period shall be considered as having been employed for an indefinite period.

Art.D.86-3.- A permanent domestic worker shall refer to a person employed at the home of the employer to carry out on a regular basis his/her occupation either full time or part time.

Art.D.86-4.- Any employment of a domestic worker, excluding a daily or casual worker, shall be attested to in a declaration prepared by the employer within 15 days and sent in 3 copies to the agency that placed the worker in accordance with the conditions provided for in article L.309 of the labour code.

The contract may be concluded, in accordance with legal provisions, for a fixed or long duration.

Art.D.86-5.- A fixed-term contract shall compulsorily be evidenced in a written document prepared in three copies. Should its duration be higher than three months, one of the copies of the contract shall be filed at the labour inspection office.

When the parties continue executing the contract beyond the agreed period, without any opposition from any one of them, the contract shall become a long-term contract.

After two renewals, subject to the exceptions provided for in article L.20, the contract shall be considered as having an undetermined total duration. Upon the expiry of one of the stated periods, the contract shall be terminated only in accordance with the rules relating to the termination of a long-term contract.

Art.D.86-6.- When the contract has been concluded for a long period, the employer shall give the worker, when he/she is being employed or no later than the expiry of the probation period, an employment letter, spelling out the special employment conditions, notably those relating to working hours, weekly rest, remuneration and, where appropriate, benefits in kind.

This employment letter shall be drafted in three copies and signed by the employer who keeps the original copy. A copy shall be handed to the worker and a third to the competent labour inspector.

Art.D.86-7.- The employer shall have the employer undergo a medical exam before final employment and have him/her be examined periodically by the occupational health doctor.

Art.D.86-8.- Domestic workers may be subjected to a probationary period whose duration is set at one month, renewable once.

The duration of the probationary period shall have to be set in writing when the worker is about to be employed.

The renewal of the probationary period shall also have to be evidenced in writing.

When upon the expiry of the probationary period, the workers continues working without any opposition from the employer, the employment shall be considered final and contract termination may take place only in compliance with legal provisions regarding dismissal.

Art.D.86-9.- Domestic workers shall be ranked as follows:

Category I: workers who do not have any special professional qualification tasked with some maintenance or surveillance works (maintenance labour, lawn labour, security guard, babysitting).

Category II: domestic worker tasked with the all routine interior works that can require two years practical experience:

- assistant cook;
- household gardener;

Category III: domestic worker tasked with the all routine interior works and who has practical experience of over two years:

- a cook who knows how to cook common dishes

Category IV : domestic worker who does all internal household work including daily cooking or a qualified household cook tasked with preparing menus, preparing dishes, including baking.

Category V: a qualified cook who corresponds to the definition of the 4th category, also tasked with all internal household work.

Category VI: head cook who has people under his/her orders.

Category VII: butler with reference

Art.D.86-10.- An employer and an employee may not agree, for work done, on a salary lower than the rates spelt out herein after and which correspond to the categories defined in the previous article :

Categories / Monthly Rate (special allowances, cost-of-living allowances and legal increases included)

- Category I:
21,936
- Category II:
23,338
- Category III:
25,641
- Category IV:
28,947
- Category V:
32,346
- Category VI:
33,646
- Category VII:
35,049

The salaries of part time workers and daily workers shall be calculated, considering the category in the ranking, depending on the time of work done as part of the time provided under the contract.

Art.D.86-11.- A seniority bonus calculated on the base salary of the worker category shall be paid to domestic workers within the conditions provided for in article I.97 of the labour code.

Employees shall also be entitled to the seniority bonus if after having been employed several times by the same employer, he/she reaches the duration of presence necessary for its attribution, on the condition that he/she did not collect the severance pay upon leaving his/her former employment.

Contract suspension periods shall not interrupt seniority as they are considered to be periods of effective work.

Art.D.86-12.-When housing and feeding are routinely given in kind to the domestic worker, the employment contract or letter shall have to specify whether or not these benefits are free.

Should they be given for a fee, the employer may not make, on the worker's pay, a deduction that is higher than a sum equivalent to:

- 2 and 1/2 half hours of the national minimum wage per day of work for food,
- 1/2 hour of the same salary per day of work for housing.

Unless the employee continues getting benefits in kind during his/her paid leave period, their value shall be considered to calculate the leave allowance. It shall eventually be considered to calculate compensation for notice and severance pay.

Art.D.86-13.- In case, the worker travels on a regular basis for professional purposes outside the usual place of work, he/she shall be given a travel allowance calculated as follows :

- 3 times the hourly rate of the national minimum wage, when he/she has to eat a main course meal outside the place of work during the trip;
- 6 times the hourly rate of the national minimum wage, when he/she has to eat two main course meals outside the place of work during the trip;
- 9 times the hourly rate of the national minimum wage, when he/she has to eat two main course meals and spend the night outside the place of work during the trip.

The travel allowance shall not be due when the employer provides these services in kind.

Art.D.86-14.- Excluding daily or occasional workers paid when the work is over or

at the end of the day, domestic workers shall be paid monthly, on a specific date, generally the last day of the month. However, at the employee's request, the employee may be paid every fortnight. The employee may be paid advances from his/her salary. In this case, the employer shall have the right to deduct the amount of these advances from the salary of the month during which they were paid.

Art.D.86-15.- A payslip taken from a receipt book shall compulsorily have to be given to domestic workers when salaries are paid.

This payslip shall contain the information spelt out in article L.105 of the Labour Code. The period and number of hours of work shall have to be stated by mentioning, where necessary, the hours based on the normal rates and extra hours.

The copy of the payslip, signed by the employee, shall have to be kept by the employer for a period of five years.

Art.D.86-16.- Working hours shall be specified and defined by the employment contract, in accordance with the provisions of the Labour Contract. In principle, working hours shall be divided between 7 a.m. and 9 p.m.

Considering stoppages and breaks inherent to the profession of domestic worker, the duration of the services of these workers shall be fixed, by applying the principle of equivalences and compliance with the provisions of article L.136 of the Labour Code, at 260 hours maximum monthly, corresponding to monthly work done of 173 hours 33.

Art.D.86-17.- When the weekly duration of the presence of domestic workers is below 40 hours per week, notably in the event of part-time employment, the hours of presence shall be considered hours of effective work and paid as such.

Art.D.86-18.- A permanent private household security guard living in the dwelling or nearby shall compulsorily have to be present uninterruptedly subject to rest of 24 hours per week and an annual leave of 15 calendar days in addition to the legal leave.

Art.D.86-19.- As concerns full time workers, overtime shall in principle be calculated within the framework of the working week. Any hour worked past the sixty hours

in the week pursuant to the principle spelt out in article D.86-16 sub 2 herein above shall be considered overtime and give rise to the following remuneration:

a) working days :

- from the 61th to the 68th hour : 1/173.33 of the monthly salary plus 25 % for each hour;
- above the 68th hour : 1/173.33 of the monthly salary plus 40 %;
- 50 % when it takes place at night. Night work shall refer to any work done between 9 p.m. and 5 a.m. b) non

working days:

- 50 % when it is done during the day,
- 100 % when it takes place at night.

For part-time workers and daily or occasional workers, who are not subject to the principle of equivalences, the number of hours for overtime shall be determined as part of the working day. Any hour of work done outside the daily duration, meaning after 6 hours 40 minutes of work, shall result in the following increments:

- 25 % for the first two hours completed as such.
- 50 % for the following hours.

Flexible adjustments may be applied to the rules stated herein above within the framework of articles L.131 to L.140 and their implementing laws.

Art.D.86-20.- Weekly rest shall in principle take place on Sunday. However as agreed by the parties, another day may be chosen or 2 half days may be granted within the week.

Art.D.86-21.- Official holidays observed by domestic workers shall not result in any salary deduction. Working hours effectively worked during official holidays with the approval of the employer shall be paid for through an allowance equal to the salary, which corresponds to the number of hours of work done on this occasion or shall result, at the employee's request, in equivalent compensatory rest, compulsorily taken within the week or the following two weeks, in accordance with the agreement reached between the parties.

Overtime work done during an official holiday, in addition to the weekly schedule, shall be paid for as stated in article 86-19 herein above.

Art.D.86-22.- Full-time domestic workers shall be entitled to paid leave within the following conditions

spelt out in articles L.148 et seq. of the Labour Code, on the basis of 2 days and a 1/2 of leave per month of effective work during the reference period. The leave allowance shall be equal to the one twelfth of the total remuneration received during this period.

Any extension of the duration of the legal leave imposed by the employer shall have to be made known to the worker at least 15 days beforehand and result in the payment of an allowance proportional to the employer's period of absence, including where applicable, benefits in kind.

Should the domestic worker fall sick during his/her annual leave and cannot resume work on the stated date, he/she shall inform as soon as possible the employer about his/her illness by stating, alongside a medical certificate, the probable duration of his/her unavailability.

In case the contract is terminated or comes to an end, before the worker is entitled to leave, an allowance proportional to the time served shall be granted instead of leave.

Excluding this case, leave may not be replaced with a compensatory allowance.

Art.D.86-23.- The duration of the leave shall be increased by :

- 2 working days after 15 years of service, whether continuous or not, with the same employer,
- 4 working days after 20 years of service, whether continuous or not, with the same employer,
- 6 working days after 25 years of service, whether continuous or not, with the same employer,

Art.D.86-24.- Domestic workers may not be absent from work without authorisation or justification.

Unauthorised absences shall have to be justified within 3 days, except in the event of force majeure.

Two absences, which are neither authorised nor justified, during the same month shall be considered withdrawal from work, justifying contract termination without any severance pay or compensation for notice.

Art.D.86-25.- Special permissions, not deductible from the leave duration, which do not lead to any salary deduction, shall be granted to domestic workers at a fixed rate of 10 days yearly, on the occasion of the following family events herein after :

- the worker's marriage :
3 days

- marriage of one of the worker's children, of a brother or sister : 1 day,

- death of the spouse or direct descendant: 3 days,
- death of an ascendant : 2 days,
- death of a father-in-law or mother-in-law, a brother or sister : 2 days,
- birth of a child : 3 days.

The worker shall inform the employer about the event no later than within 24 hours following work cessation, except in the case of force majeure.

The document attesting to the event may be demanded by the employer, within a period of eight days following the event.

In case the event occurred outside the place of work and requires that the worker should travel, the time limits stated herein above may be extended through an agreement between the parties. This extension shall not be paid for.

Art.D.86-26.- The contract shall be suspended, within the conditions provided for in article L.34 of the labour code, when the domestic worker is sick or is involved in a work-related accident.

In the event of sickness, the employee shall have to inform his/her employer within 48 hours, except in case of force majeure. A medical certificate issued by a certified doctor may be demanded following 3 days of absence.

During the stoppage of work resulting from sickness or accident, the employer shall compensate the worker following the modalities provided for in article L.37 of the labour code. Where applicable, the employer shall pay the employee an allowance, which corresponds to the value of the services in kind.

Art.D.86-27.-The employment contract shall also be suspended when an employer is unavailable because of a work-related accident and during the resting period of an employee who is on maternity leave pursuant to the conditions provided for in existing regulations.

Art.D.86-28.- A fixed-term contract may be terminated in the event of serious wrongdoing, force majeure, or mutual agreement between both parties.

When a fixed-termed contract is performed beyond its planned duration without any opposition from any of the parties, it shall be replaced by a long-term contract: this contract may be terminated only in compliance with the obligations relating to long-term contracts.

Art.D.86-29.- When the hire is concluded for a long term period, each of the parties

may put an end to it by notifying the other party about its decision in writing.

This notification must be done either through registered mail, or handed directly to the addressee against a receipt.

Art.D.86-30.- The date when the letter is presented shall serve as the starting point for the notice.

In the event of dismissal, the notice letter must clearly state the reason for the termination.

The minimum duration of the notice shall be set at:

- 1 week for employees who have worked for the same employer for a period shorter or equal to 6 months.
- 15 days for employees who have worked for the same employee for more than 6 months.

During the notice period, the parties shall have to fulfil their respective obligations to one another.

However, the domestic worker, whether he/she has been fired or resigned, shall be authorised to be absent each day for 2 hours to enable him/her easily look for a new job. The employee shall not suffer any salary deduction on account of his/her use of these hours of freedom. Their distribution, within the framework of the work schedule, shall be set through mutual agreement, outside hours for rest. In the absence of an agreement, these hours of freedom shall be chosen alternatively on one day chosen by the employer, and one day chosen by the employee. These hours of absence may be stopped at the end of the notice period, at the worker's request.

Art.D.86-31.- The employer's waiver of work during the notice period shall not result, till the expiry of this period, in any reduction in the salary and other benefits that the employee would have enjoyed during this period.

The notice period may not interrupted or extended even in the event of force majeure, unless the parties so agree mutually.

Art.D.86-32.- However, when the notice has been made known before the worker goes on leave, the period shall be suspended during the period of paid leave and restart upon the expiry of the said leave.

When the notice has been made known during the leave period, the notice period shall be postponed until upon the expiry of the said leave when it starts to be counted.

Art.D.86-33.- In case the notice is not respected, the party responsible for termination shall have to pay the other party compensation equal to the sum of stipends in cash and in kind that correspond to the duration of this notice.

A sacked domestic worker who finds a new job may, after informing his/her employer, stop working for the latter immediately half of the notice period has been respected and this, without having to pay compensation for not observing the period.

Serious wrongdoing shall lead to the loss of the right to notice subject to the appraisal of the competent court as concerns the seriousness of the wrongdoing.

Art.D.86-34.- When a worker has been ill for over 6 months, an employer who feels the need to replace the worker definitively may duly take note of the termination of the contract on account of the prolonged absence of the domestic worker by complying with the relevant legal procedure. The employer shall have to inform the worker about this fact through registered mail, pay him/her a compensation for paid leave and if the conditions of seniority are met, the severance pay that he/she would have gotten in the event of dismissal.

Art.D.86-35.- A domestic worker, after having worked for a period of one year, shall be entitled to severance pay, calculated based on an average gross salary of the past 12 months completed before the end of the service in the conditions spelt out in articles L.53 to 55 of the Labour Code.

The period of service shall refer to the period that passes between the date when the worker stated working for the employer and the date when he/she stops working, including contract suspension, considered as period of work.

A sacked employee who fulfils, following several successive hires working for the same employer, the conditions required for the attribution of severance pay shall also be entitled to the said pay.

Serious wrongdoing, which justifies immediate termination of the contract, shall relieve the employer of the obligation to give a domestic worker severance pay and notice.

Art.D.86-36.- In the event of the worker's demise, the reporting wage, accessory benefits and compensations

acquired on the date of demise, shall fully pass to his/her beneficiaries.

If upon his/her demise, this worker had worked for at least one year, the employer shall have to pay his/her beneficiaries compensation that is equivalent to the severance pay that would have accrued to the worker in case the contract was terminated by the employer's doing.

Art.D.86-37.- Upon the expiry of a worker's employment contract, the worker shall issue the worker an employment certificate, which states the dates of employment, departure, nature of the position or various positions successively occupied, the category of the ranking as well as the periods during which the positions were occupied. This certificate shall not contain any information that is prejudicial to the worker.

Art.D.86-38.- Provisions related to trips by workers and members of their family, as well as the transportation of their luggage shall be those provided for in articles L.157 et seq. of the Labour Code.

As concerns the transportation of the luggage of the employee and his/her family carried out during the first trip from the place of work to the place of ordinary residence, as well as in the case of transfer from one place of work to another, the employer shall be responsible for the cost of transporting these luggages for up to:

- 200 Kg in excess of the exemption given by the transporter itself,
- 200 Kg in excess of the exemption for his/her spouse or spouses.
- 100 Kg in excess of the exemption for each of his/her under-age children legally under his/her care and living normally with him/her.

Art.D.86-39.- Disputes that arise during the performance or termination of the employment contract may be submitted either to labour inspectors for an out-of-court settlement or to the competent labour court.

Art.D.86-40.- The provisions of the Labour Code, Social Security Code and existing statutory instruments shall apply to cases that are not expressly provided for by articles D.86-1 to D.86-39.

General Conditions of Employment (Application of Article L.96)

Art.D.96-2-1.- Generally speaking, the premises meant to house workers shall have to

be built with lasting materials and comply with the conditions spelt out in article D.96-2-3, which will follow.

Art.D.96-2-2.- Premises meant to house personnel must:

- 1) have roofs and external walls that shelter its occupants from bad weather;
- 2) have windows or any other openings with moveable frames leading directly to the exterior and in sufficient number to provide suitable lighting and ventilation;
- 3) have a cube foot per minute dimension of 14 cubic metres per person;
- 4) have lighting at night according to practices commonly used in residential premises in the region;
- 5) have kitchens;
- 6) be kept in a good habitable condition.

Art.D.96-2-3.- Dormitories must be allocated only to six persons of the same sex at most. Dormitories with people of different sexes must be located in separate buildings.

Each worker shall have, for their personal use, a bed separated by at least 80 centimetres from the bed of his/her neighbour. Each household shall have separate housing. There must be complete separation between two households.

Art.D.96-2-4.- Personnel must have water at a rate of 20 litres per day and per person and the containers needed for their cleaning.

When workers are housed in dormitories, a separate clean premises shall have to be made available to them to clean themselves and wash their cloths.

There must be a system to drain waste water.

Art.D.96-2-5.- Toilet facilities shall be made available to workers and must fulfil the required general hygiene conditions. They shall be disinfected once every day.

Household waste and rubbish shall be disposed of through incineration or burial.

Art.D.96-2-6.- The water supplied by the employer must be potable. It must, in principle, come from wells protected from contamination through run-off or infiltration or the network for public water distribution.

If it is not possible to use water from wells, from the public distribution network, drinking water fetched from a stream must be chlorinated, in suitable proportions, or sterilised chemically. The material needed to prepare and distribute potable water shall be provided by the employer.

Art.D.96-2-7.- In institutions or businesses whose business operations entail moving from one place to another, housing premises must fulfil the general conditions herein below. They shall be built using local materials.

The workers' camp must be built on a safe terrain, cleared within a radius of 100 metres on the edges. The location of the camp must be approved, before any construction, by the competent labour inspector, on in his/her absence his/her alternate, after the local public health official gives his/her opinion. The camp must not be set up more than 10 kilometres from the place of work.

Dwelling houses that serve as a camp shall be separated by at least 10 metres from one another. Gutters shall be used to keep river and runoff water away.

Kitchens shall be made available to workers. They shall be largely ventilated and completely protected from the rain. They shall be located at a distance of at least 25 metres from the camp dwelling houses.

Latrines shall be placed at least 100 metres from the workers' camp and out of sight. They shall be disinfected once everyday and moved every time this is necessary.

Art.D.96-2-8.- When housing has been provided within the framework of the provisions of this decree, only the sum equivalent to the guaranteed minimum wage which corresponds to half an hour of effective work may be deducted per day of work from the salary of workers, as reimbursement in kind of this benefit.

Art.D.96-2-9.- These provisions shall not be an impediment to the definition of better conditions for the supply of housing or furniture through individual contractual or collective labour agreements, which will spell out the redemption value for these benefits in kind.

Art.D.96-2-10.- In plantations, construction sites or plants that are not located in a centre with a regular basic commodity market

or just close to such a centre, in regions which often have regular supply problems, it shall be obligatory to supply all the workers with food rations.

In impoverished regions, the employer shall have to ensure that all workers have potable water.

Art.D.96-2-11.- The daily food ration must include the following items :

1) a ration of carbohydrates made up of one of the items herein after (or vegetable food) :

- rice: 0.5

Kg

- maize: 1

Kg

- millet:

1 Kg

- cassava: 2

Kg

- beans: 150

g

- cassava flour: 1.25

Kg

- sweet

potatoes : 2.25

Kg

- wheat:

1 Kg

- yam: 2. 85

Kg

- fonio: 1

Kg

- sugar: 50

g

2) a ration of albuminoids of one of the items herein after (or food of animal origin) :

- fresh meat : 250

g

- fresh fish : 400

g

- dried or smoked fish

: 300 g

- 1 can of sweetened condensed milk (250g) per week

- fresh eggs : 2

units

3) a ration of fat made up of one of the following items herein after :

- groundnut oil,

50 g

- palm oil, 50 g

- peanut kernels, 100 g.

4) a ration of 20 grammes of salt and 10 grammes of pepper or 20 grammes of similar spices.

The items in the ration must be safe, of good quality, and suited to the feeding habits of workers.

Alternate foods with the equivalent nutritional value may be given to workers where necessary.

Art.D.96-2-12.- When the daily ration of foodstuff is provided within the framework of this law, only the sum equivalent at most to two times or half the hourly rate of the minimum guaranteed (S.M.I.G. or S.M.A.G.) interprofessional wage (or agricultural for agricultural and related companies) may be deducted

per day of work from the salary of workers as reimbursement or benefit.

Art.D.96-2-13.- Unless agreed upon beforehand by the parties, the employer shall not be obliged to provide daily food rations when the salary itself is not due or the allowances, provided for by existing legislation in the instances of contract suspension enumerated in article L.34 of the Labour Code, are not due.

Art.D.96-2-14.- When the ration is provided for a fee, the worker can always give it up, on the condition that he/she informs his/her employer in writing at least one month beforehand.

Art.D.96-3-1.- Pursuant to article L.96 paragraph 3 of the Labour Code, employers shall have to provide foodstuff, other than those provided for in the obligatory ration section, for workers whose standard living conditions and feeding habits require basic foodstuff, which they cannot get for themselves using their own resources .

In these conditions, workers of all categories and, when the clauses of the contract provide that workers be accompanied by their family, the families of these workers, shall benefit from the provision of foodstuff.

Art.D.96-3-2.- However, the obligation provided for in the previous article shall not apply to employers who give their workers their own resources to enable them regularly get supplies.

Art.D.96-3-3.- The nature and maximum redemption value for the basic foodstuff referred to in article D.96-3-1 shall be set through mutual agreement or, failing this, by a decision from the competent labour inspector.

Art.D.96-3-4.- In any farm plantation where the available acreage permits it, the employer must, at the request of workers, make available to them, farm land, which will be distributed by it on the basis of one acre at least per worker.

The employer shall also have to give each worker seeds and the instruments necessary for farming.

Workers shall have to put to good use the land that has been given to them, otherwise all the benefits that have been granted for this purpose will be withdrawn on the condition that the employer informs the competent labour inspector about this decision.

Privileges and Guarantees of Wage Claims (Pursuant to article L.117)

Art.D.117-1.- A worker who holds an object wrought by him/her may, pursuant to article L.117 of the Labour Code, exercise retaining rights in the forms and conditions defined herein after

Art.D.117-2.- Objects entrusted to a worker to be worked upon, shaped, repaired or cleaned and which would not have been collected within a period of one year, could be sold, provided the forms and conditions spelt out in this article are complied with. Workers shall have to send to the client, through registered mail or transmission log, a dated and signed notice for payment.

If, within a period of 8 days, the postal stamp or the transmission date being authoritative, the client has not paid the sums owe, the professional, wishing to use the ability to sell the wrought object, shall present to the court of his/her place of residence, a claim that will spell out the facts and state for each of the objects the receipt date, name, the price claimed, the name of the owner and the place where the object was given to the worker.

The judge's ruling, placed below the claim and handed down after the owner would have been heard or called, if no other order is given, shall set the day, time and place of the sale, shall appoint a state official who has to carry out the sale and will contain, where necessary, the appraisal of the claimant's claim.

Art.D.117-3.- The retaining right shall relate only to the object even if the worker has just worked on it and for a sum owed on the basis of the work.

A worker may not in any way retain objects he/she has worked on so that he/she can be paid the balance for past works done on other objects.

Art.D.117-4.- The retaining right may be exercised only by craftwork professionals. Professionals

who work in public or private institutions, construction sites, plants, and State companies cannot claim to exercise retaining rights on objects that they have worked on.

Payroll Deductions (Pursuant to Article L.96)

Art.D.123-1.- The salaries of workers as meant in article L.I of the Labour Code shall be seizable or assignable for up to the sums stated in article D.123-2. herein above.

These sums shall include the salary and wage supplements, excluding unseizable allowances, sums allocated as reimbursement for expenses incurred by the worker and dependency allowances or benefits.

Art.D.123-2.- Salaries shall be assignable or seizable, based on the monthly salary for up to:

- 1° 1/4 for salaries ranging between F20,960 and F62,880 ;
- 2° 1/3 for salaries ranging between F62, 881 and F125, 760;
- 3° 1/2 for salaries ranging between F125,761 and F251,520;
- 4° 3/4 for salaries above F251,521.

When the purpose for which the sums granted by banks or other financial institutions is to help with construction or improve on buildings meant for housing, the assignable or seizable portions provided for in the previous paragraph may, to reimburse debts incurred for this purpose, be increased to 1/3 for salaries lower than F62,880 and to half for salaries lower than F125,760.

To calculate the amount to be deducted, the salary proper, all wage supplements, excluding however additional pay allowances and family-related bonuses and any allowance considered unseizable under existing regulation, and sums allocated as reimbursement for expenses related to travels or hospitalisation shall have to be considered.

Hygiene and Safety (Pursuant to article L.170)

Art.D.170-1.- Premises meant for personnel to work shall be permanently kept clean.

The floor shall be thoroughly cleaned at least once every day. In institutions or sections or institutions where work does not go on uninterruptedly at day and at night, this cleaning shall be done before or after work, but never while work is going on.

Cleaning shall be done through vacuuming, or any other process that does not raise dust, such as washing, brushing or wet clothes.

The walls and ceilings shall be frequently cleaned.

The walls of premises shall be coated or painted, using a light shade or whitewash, which will be redone as often as possible.

Art.D.170-2.- In all the premises where organic materials are handled as well as in those where foam is handled or sorted, the floor shall be made impermeable and levelled; the walls shall be coated in such a way that it can be easily washed off .

Walls and the floor shall be washed as often as necessary as well as leached at least once yearly using an disinfectant solution.

Putrescible residue should not be in premises meant for work and shall be removed progressively unless they are kept in metal containers tightly closed, emptied and washed at least once every day.

Art.D.170-3.- The air in workshops and in all other premises meant for work shall constantly be protected from smells rising from sewers, sewage pits or any other source of infection. Most especially, pipes for draining sewage or wash water, unwatering conduits for sewage pits that go through work premises shall be leak-tight.

In institutions that empty sewage water or wash water into public or private sewers, any connection between the sewer and the institution shall have a hydraulic back pressure valve (siphon system).

This hydraulic back pressure valve shall be frequently cleaned and extensively washed at least once every day.

Sinks shall be built using impervious and properly-joined materials. They shall slope in the direction of the discharge pipe and shall be built such that they do not release any odour.

Works in wells, pipes, sewage pits, tanks or any apparatus whatsoever that can contain poisonous gas shall be carried out only after the air would have been decontaminated through effective ventilation.

Art.D.170-4.- Dust and discomfort-causing, unhealthy or toxic gases shall be directly discharged outside the work premises as they are being produced progressively.

An effective device to eliminate dust shall be installed to deal with dust caused by grinding wheels, grinders, threshing machines and all other mechanical equipment.

Downward ventilation shall be used to deal with heavy gases, such as mercury and disulphide vapours. Tables or working equipment shall be directly connected to the fan.

Spraying irritating or toxic materials or performing other operations such as shifting or packaging these materials shall be done mechanically in closed equipment.

In exceptional cases where the competent labour inspector admits that it would be impossible to discharge, through protective measures, the dust, vapours or irritating or toxic gases, prescribed herein above, masks and appropriate protective devices shall have to be made available to workers.

The company head shall have to take all the necessary measures so that these masks and devices are kept in a good state of operation and disinfected before they are given to a new holder.

Art.D.170-5.- In closed premises kept set aside for work, the cubic foot per minute per person employed may not be lower than 7 cubic metres.

The cubic foot per minute shall be ten metres at least per person employed in laboratories, kitchens, and cellars. The same shall apply to stores, shops and offices open to the public.

Art.D.170-6.- Closed premises meant for work shall be aerated. They shall have windows or any other opening with a moveable frame leading directly to the exterior and ensuring sufficient aeration to prevent an excessive temperature increase.

In premises located underground, measures shall be taken to introduce fresh new air at a rate of 30 cubic metres at least per hour and per person employed and so that the volume of air introduced as such is not in any event lower per hour to two times the volume of the premises.

These measures shall be such that the air introduced underground is, where necessary, purified beforehand through filtration or any other effective method. The used and polluted air shall not be discharged through passages and staircases.

To implement these provisions, a premises located underground shall refer to any premises whose floor is found at a level lower than that of the surrounding ground when it does not have a window or any openings with moveable frames leading directly to the exterior and making it possible to renew the air in sufficient quantity and to keep it in a state of cleanliness necessary to ensure the health of the personnel.

Art.D.170-7.- During interruptions in work, the air in the premises shall be totally renewed.

Art.D.170-8.- Closed premises used for work, their appurtenances and notably passages and staircases shall have lighting.

The lighting shall be sufficient to ensure work and movement safety.

Art.D.170-9.- Workers and employees shall be prohibited from taking their meals in premises meant for work.

Art.D.170-10.- Measures shall be taken by the head of the institution so that workers have good quality water in sufficient quantity for drinking.

Should this water not come from public distribution, which does not guarantee its potability, the labour inspector may notify the employer that it has to ensure that the water is analysed at its expense.

Art.D.170-11.- Heads of institutions shall make washbasins, and when appropriate, dressing rooms available to their personnel.

The washbasins shall have to be installed in special premises located away from work premises, but placed preferably close to them on the passage way where workers exit the premises. Dressing rooms shall be installed in compliance with the same prescriptions as those in institutions that house at least ten workers.

Washbasins shall have running water, on the basis of a tap or an opening for fifteen people.

Soap and clean towels shall be made available to workers.

The floor and the walls of these special premises shall be made using impervious materials.

These premises shall be aerated and lighted. They shall have to be constantly kept clean and cleaned at least once daily.

In institutions with mixed personnel, facilities for men and those for women shall be separate.

Art.D.170-12.-The head of the institution shall be obliged to make dressing rooms available to its personnel when all or some personnel have, notably, to change their outfit to do their work.

Dressing rooms shall have to be equipped with sufficient seats and individual wardrobes closed using keys or padlock. These wardrobes shall have a hangar holder bar and a sufficient number of hangars.

When working attires soiled by dirty, foul-smelling, pulverulent, explosive or flammable matter have to be arranged in a regular manner in a dressing room, the wardrobes of this dressing room shall have to have a compartment, equipped with coat hooks, set aside for this attire.

The wardrobes shall be thoroughly cleaned at least once weekly by the workers, to whom they have been assigned. The employer shall thoroughly clean the wardrobes when ever their respective owners change.

Art.D.170-13.- Irrespective of their number, workers must have privies. These facilities shall not be directly connected to the closed premises where the personnel

is expected to stay. They shall be arranged and ventilated such that they do not produce any odour. A hydraulic back pressure valve shall always be installed between the toilet and the soakage pit. Privies shall be properly lit.

The floor and walls shall be made of impervious materials. There shall be at least one toilet and one urinary for twenty-five men while there shall be one toilet for twenty-five women. In institutions where more than fifty women are employed, toilets with sets shall be installed for use by pregnant women.

Privies and urinaries shall be thoroughly cleaned as often as necessary, at least once every day.

Art.D.170-14.- An appropriate seat shall be made available to each worker or employer at his/her workstation or nearby, in all instances where the nature of the work is compatible with continuous or intermittent sitting. These seats shall be different from those that could be made available to the public.

Art.D.170-15.- Security guards on constructions should have a shelter.

Art.D.170-16.-In case all or part of the provisions of this decree relating to dressing rooms, washbasins, bathroom and privies cannot be applied, the labour inspector may authorise the employer to replace some of the measures provided for with provisions that provide the personnel with sufficient hygiene conditions.

Art.D.170-17.- To apply the provisions of this section, flammable substances shall be classified into three groups :

- The first group is made up of substances that release flammable vapours, substances capable of burning without oxygen, substances in a physical state of great fission capable of forming an explosive mixture with air.
- The second group is made up of other substances capable of catching fire almost immediately upon coming into contact with a flame or a spark and spreading the fire rapidly.
- The third group is made up of combustible substances less flammable than the previous ones. A decision from the minister of labour shall prepare the list of the products considered.

Art.D.170-18.- Premises where the flammable substances in the first group are stored or handled may be lit using only external lamps placed behind framed glass.

They shall not contain any fireplace, no flame, no equipment that can result in the external production of sparks or having parts capable of becoming incandescent.

They must be perfectly ventilated.

It shall be strictly prohibited to smoke in there: a notice in clearly-visible characters or a symbol pointing to this ban shall have to be put up there in.

Art.D.170-19.- In premises where flammable substances in the first or second group are stored or handled, no routine work station should be found more than ten metres from an exit.

The windows of these premises should be easy to open from the inside out.

It shall be prohibited to place and allow inflammable substances in the first or second group in the staircase, passages or corridors or under staircases as well as near the exits of premises and buildings.

Mobile containers of over two litres containing flammable liquids in the first or second group should be leak tight; if they are made of glass, they shall have a metallic envelope, which is also leak tight.

Foam, cotton, paper, steeped in flammable liquids or fatty substances shall, after use, have to be kept in closed and leak-tight metallic containers.

Art.D.170-20.- For lighting and heating, it shall be prohibited to use any liquid that produces flammable vapours above 35° centigrade if the equipment used for this liquid is not placed in a manner as to prevent the personnel from coming into contact with it and if the part of this equipment containing the liquid is not perfectly leak tight.

When the personnel is present, filling heating appliances that use liquid combustibles and lighting appliances either in work premises, passages or staircases used for movement, may be done only

with daylight and on the condition that no fireplace therein is lit.

Pipes taking combustible liquids or gases to fixed lighting and heating appliances should be made of metal completely.

Flames from portable heating or lighting appliances should be placed at least one metre vertically and 0.30 metres laterally from any combustible part of the building, furniture or deposited goods ; these distances may be reduced if a non-combustible screen, which does not touch the wall to be protected, is placed between the said wall and the flame.

Art.D.170-21.- Portable lighting appliances other than electric lighting appliances must have a stable and solid support.

Fixed or portable lighting appliances should be equipped with a glass, a globe, a wire mesh web or any other device meant to prevent the flame from coming into contact with flammable substances.

Lighting appliances found in passages should not soil the walls or should be found at least two metres from the floor.

Fry pans, naked fire-producing appliances, pipes and chimneys shall be installed so as to avoid directly connecting the fire to the building, substances or objects found nearby, or the cloths of personnel.

Art.D.170-22.-Institutions shall have to place exits and open spaces judiciously spread out to ensure the rapid evacuation of personnel and customers in the event of a fire.

The exits of premises and building may not and notably may never be cluttered with goods or any objects whatsoever.

The exits of premises or buildings may never be less than two in number when they have to be used as a passage by more than one hundred people, whether or not these people belong to the institution's workforce. This number shall be increased by a one unit for every five hundred people or a fraction of the first five hundred.

The width of the exits shall never be less than 80 centimetres.

The length of all the exits shall not be less than:

- 1 metre 50 for the evacuation of between twenty-one and one hundred people;
- 2 metres 50 for the evacuation of between one hundred and three hundred people;
- 2 metres for the evacuation of between three hundred and five hundred people, plus fifty centimetres per person or a fraction of one hundred persons in addition to the first five hundred.

Art.D.170-23.- Doors that can be used to evacuate more than twenty people and, in any case, the doors of premises where flammable substances in the first or second group are stored, as well as those in retail stores shall have to open outwards.

Sliding and removing doors cannot be considered when calculating the number and total width of exits.

When the size of an institution or the layout of premises so demand, clearly-visible writings shall have to show the way towards the closest exit.

An indication in clearly legible characters shall show “emergency exits”.

Institutions shall have to have security lighting that can function in case standard lighting is accidentally interrupted.

Art.D.170-24.- Work premises located upstairs or in the ground floor shall always have staircases. The presence of lifts, service lifts, track or moving walkways cannot justify a reduction in the number of the width of staircases.

Staircases shall on both sides be equipped with banisters or hand railings.

The width of staircases shall never be less than 80 centimetres.

The total width of staircases shall not be less than:

- 1.50 metre for the evacuation of between twenty-one and one hundred people;
- 2.50 metres for the evacuation of between one and three hundred people;
- 2.50 metres for the evacuation of between three and five hundred people;

Over 50 cm for every one hundred people or a fraction of one hundred people in addition to the first 500.

Art.D.170-25.- The heads of institutions shall have to take the required measures to rapidly and effectively extinguish any fire outbreak.

Every institution must have a sufficient number of fire extinguishers in good working condition with sufficient power and using a product suitable for the risk.

There shall be at least one fire extinguisher for every floor, store or warehouse.

Tests shall be carried out and the fire extinguishers inspected by a qualified person at least once every year. The name and position of this person, the date of the test as well as the inspection and the remarks that would have been made following these activities shall be recorded on a form pasted on each equipment.

Art.D.170-26.- In institutions where over fifty people can be found working or gathered regularly, as well as in those, irrespective of their size, where the flammable substances in group one are handled or used, a notice containing the instructions to follow in the event of a fire outbreak shall be placed in each work premises.

This notice shall have to indicate notably:

- 1° the extinguishing and rescue equipment found in the premises or its surroundings;
- 2° the worker tasked with activating the equipment;
- 3° those tasked in each premises with heading the evacuation of personnel and, eventually, of the public;
- 4° those tasked with informing fire fighters immediately the fire breaks out;
- 5° in quite visible characters, the address and telephone number of fire fighters.

It shall reiterate the fact that whoever sees a fire outbreak must sound the alarm.

Rescue drills shall have to be performed and equipment tested periodically at least every three months. The date of their realisation and the remarks that would have made in their wake shall be recorded in a registered made available to the labour inspector.

Art.D.170-27.- Scaffolds, gangways, cantilevered floor, elevated platforms, as well as their respective access ways must have strong rigid balustrades placed at a height of 90 centimetres.

The flying bridges or gangways used to load or offload vessels shall have to form a rigid whole and have rigid 90 centimetres high parapets on both sides.

Art.D.170-28.- Wells, hatches, vats, tanks, reservoirs, pits and descending openings shall have to be built, installed or protected in conditions that ensure workers' safety.

Appropriate measures should protect workers from risks of spillage or splashing, as well from risk of pouring over the walls of vats, tanks, reservoirs, carboys or canisters containing products capable of causing thermally-induced burns.

Art.D.170-29.- Maintenance ladders should be placed or fastened such that they cannot slip from below or fall over. Rungs shall have to be rigid, spaced out equally and embedded into the stiles. Considering the weight to be borne and presence of all the rungs, only sufficiently resistant ladders may be used.

It shall be prohibited to use rungs to transport loads weighing over 50kg. The stiles of double ladders must, during their use, be fixed or coupled using a rigid device.

Art.D.170-30.- Workers who are called upon to work in wells, pipes, sewage pits, tanks or any equipment that contains poisonous gases shall have to wear a safety belt.

Art.D.170-31.- Lifting equipment, such as lifts and station lifts, whose booths or platforms move in between guide rails or vertical or sensibly vertical guides shall be installed and built such that workers do not run the risk of falling into the void, being hit by a fixed or moving object, or in the event an object falls, being hit by it.

Art.D.170-32.- The counterweights of lifting equipment should be installed such that there is no risk

of collision with the booth or fall from it.

Art.D.170-33.- The head of the institution shall have to, under his/her responsibility, examine on a daily basis the state of safety devices and the proper functioning of lifting equipment.

He/she shall be obliged to ensure that the equipment is serviced and lubricated, inspect the hoisting ropes and lifting chains every six months and the safety parts once every year.

The name and title of those tasked with this servicing, the inspection dates and the remarks made in the wake of these activities shall be recorded in a register made available to the labour inspector.

Art.D.170-34.- All lifting equipment should visibly bear a statement from the manufacturer on the maximum or standard weight that the equipment can lift.

Art.D.170-35.- Any machine with a defect that could cause an accident should be inspected at least once quarterly.

These inspections shall be conducted by a specialist, appointed for this purpose by the head of the institution and answerable to the latter.

The results of the inspections shall be recorded in a register known as "safety register" opened by the head of the institution and constantly made available to the labour inspector.

Art.D.170-36.- Rooms housing generators and alternators shall be accessible only to workers assigned to operate and service these machines.

In instances where these machines are not found in separate premises, they shall be isolated using rigid protective partitions or barriers, which are at least 90cm high.

Art.D.170-37.- An agreed sign must always be given before machines powered by one command are collectively launched and stopping.

Art.D.170-38.- The apparatus to stop alternators must always be placed outside the dangerous area and such that those operating these machines can easily and immediately start it.

Machines-tool operators, loom operators, foremen or works managers must have within their reach ways to stop engines or ask for engines to be stopped.

Every machine tool and loom must also be installed and serviced such that it can be insulated by its operator from the command that starts it using an appropriate system.

Art.D.170-39.- It shall be prohibited to lubricate running transmissions and mechanisms.

However, when it will be absolutely necessary to do so, the required safety measures must be installed for this purpose.

In the event of the repair of any part whatsoever, the said part shall be stopped by clamping the clutch or the steering.

Art.D.170-40.- It shall be prohibited to allow workers not wearing close-fitting clothing to stand near machines.

The passages between machines shall be at least eight centimetres wide. The floor of the gaps shall be level.

Art.D.170-41.- All appliances, machines or machine parts known to be dangerous must be placed or protected so as to prevent anyone from accidentally coming into contact with them.

The following shall be notably considered dangerous:

- the parts of machines that have command and transmission components such as beads, steering wheels, wheels, shafts, gears, cones or friction cylinders, chains, cams, sliders;
- machine parts meant to complete, with another machine or upon receiving mechanical energy, transmission belts or power cables;
- machine components that include accessible parts projecting from the moving parts of these machines such as fixing bolts, bolts, cotter pins, bumps, ribs;
- all other components capable of causing a harm to personnel operating machines such as machines for beating, crushing, calendaring, cutting, grinding, laminating,

plasticating, mixing, buffing, kneading, pressing, triturating, and sawing.

Art.D.170-42.- For machines - tools equipped with sharp instruments, turning at high speed such as machines for sawing, milling, planing, cutting, chopping shears, rag cutters and other similar machines, the idle parts of the sharp instruments must be protected.

These machines must also be placed or protected such that workers cannot even accidentally touch the idle parts of these sharp instruments from the work stations.

Art.D.170-43.- Woodworking machine known as “surface-planing machines” must have a circular section knife spindle. Crosscut saws must have a device that prevents rotation and the release of the part during sawing. Circular saw benches must have an adjustable riving knife fitted right behind the saw and in its background.

Art.D.170-44.- No worker should be regularly assigned to work in the rotation plane or in the immediate surroundings of a flywheel, grinding wheel or a machine that is heavy and rotating at top speed.

Any grinding wheel rotating at top speed must be encased such that in case it breaks, its fragments shall remain in the casing. A highly-apparent inscription shall state the maximum number of rotations per minute.

Art.D.170-45.- The shuttle presses of all systems, operated mechanically and used for automatic woks must be placed, protected and commanded such that operators cannot from their station, even accidentally, reach the moving working components.

Art.D.170-46.- Employers shall be prohibited from installing dangerous equipments, machines or machine components, for which there are protective devices with recognised effectiveness, without equipping these machines with the said device.

Art.D.170-47.- The effectiveness of protective equipment and devices must be officially recognised. Protective devices approved in a foreign country may be sold and used

in Mali without any prior formalities. The effectiveness of unapproved devices must be recognised by a decision from the minister of labour.

Applications for approval must be sent to the minister, alongside a diagram of the machine, that of its protective device and an entry describing and explaining how this device functions.

Art.D.170-48.- Plans relating to new institutions, new facilities or new manufacturing processes shall be submitted for an opinion, prior to their implementation, to the labour inspectorate, in order to check whether they are consistent with the proper application of the law regarding the workers' hygiene and safety conditions. Otherwise, achieving these plans shall the subject to making the changes ordered by the said departments.

Employment of Women and Children (Pursuant to Article L.189)

Art.D.189-1.- In industrial and commercial establishments, women may not be assigned to work uninterruptedly for over ten hours daily, segmented by one or several breaks whose duration may not be less than one hour.

Art.D.189-2.- Women may not be assigned to any night time work in factories, plants, mines, quarries, constructions sites, notably for road and building construction, workshops and their appurtenances.

Art.D.189-3.- In industries where work involves substances that could very quickly change, a temporary exception may be made to article D.189-2 herein above by informing the competent labour inspector beforehand.

The notice shall be given by sending, before the special work starts, a telegramme or a letter with acknowledgement of receipt.

This exception may be used no more than fifteen nights per year, without the prior special authorisation of the labour inspector.

In any case, women shall have to be given compensatory time-off, for a duration equal to the duration of the work done pursuant to the exception.

Art.D.189-4.- In factories, plants, mines, quarries, constructions sites, workshops and their appurtenances, women may not be assigned to work on recognised or public holidays, even to arrange workshops.

An exception shall however be made to the preceding paragraph in non-stop operations.

Consequently, women shall be given compensatory time-off for the same duration as the work done pursuant to the exception.

Art.D.189-5.- In the institutions referred to in article D.189-1, women may not be compelled to carry, pull or push both inside and outside the regular work premises loads that weigh more than the following:

- 1° load bearing: 25 Kg;
- 2° transportation through small wagons moving on rail tracks: 600 Kg, including the vehicle;
- 3° transportation on a wheelbarrow: 40 Kg, including the vehicle;
- 4° transportation on 3 or 4 wheel vehicles: 60 Kg, including the vehicle;
- 5° transportation on 2-wheel push cart: 130Kg, including the vehicle.

Art.D.189-6.- The employment of women to work in underground mines and quarries shall be prohibited.

It shall be prohibited to employ women to service, lubricate, clean or repair running machines or appliances, or in premises where there are machines activated by hand or by a mechanical engine whose dangerous components have not been covered with an appropriate protective device.

It shall be prohibited to employ women for transportation using pedal carrier tricycles and to transportation using sack trolleys or two -wheel hand trucks.

Art.D.189-7.- In institutions where the work stated in table A, attached to this decree, is done, access to the premises set aside for these operations shall be prohibited to women.

Art.D.189-8.- Women shall not be authorised to work in the premises stated in Table B, attached to this decree, excluding in the conditions specified in the said table.

Art.D.189-9.- Tables A and B, found as an attachment to this decree, may be completed progressively

as required, through decisions from the minister of labour.

Art.D.189-10.- It shall be prohibited to employ women to work in the making, handling and sale of writings, printed material, posters, drawings, engravings, paintings, emblems, images or another objects whose sale, offer, exhibition, posting or distribution are punished by criminal law, as contrary to good morals.

It shall also be prohibited to employ women to do any kind of work in the premises where the works, spelt out in the previous sub paragraph, are carried out.

Art.D.189-11.- The total duration of the time off given to breastfeeding mothers shall be one hour per day during working hours.

This hour shall be completely separate from the rest provided for in article D.189-2. It shall be split into two periods of thirty minutes each, one during working hours in the morning, the other in the afternoon.

These breaks of half an hour may be taken by mothers at specific times set through mutual agreement between the parties, themselves and the employer. Failing an agreement, these breaks shall be taken midway through half a day of work.

Mothers shall always be allowed to breastfeed their children within the premises of the institution.

A special breastfeeding room must, through a formal notice from the labour inspector, be set aside for this purpose in all institutions or near any institutions employing over twenty-five women.

Art.D.189-12.- Women may not be employed for an overall period of eight weeks before and after they give birth.

It shall notably be prohibited to employ expectant women in the six weeks following child birth.

The prohibition aimed at the period which comes before childbirth shall be applicable when the woman or the medical department of the institution would have notified the head of the institutions about the state of the pregnancy and the estimated date of confinement.

Art.D.189-13.-It shall be prohibited to have women carry, push or pull any load whatsoever, in the three weeks following normal resumption of work, after childbirth.

The same prohibition shall apply to pregnant women, subject to the employer being informed about their condition either by the women themselves or the medical department.

Art.D.189-14.- In all institutions, be there agricultural, commercial or industrial, public or private, lay or religious, even when the training offered by these institutions is vocational or charitable, including family companies or with individuals, it shall be prohibited to employ children, irrespective of their sex, who are less than 18 to engage in tasks beyond their strength, posing danger or which, by their nature and the conditions in which they are done, can adversely affect their morality.

Art.D.189-15.- In any case, children may not be employed to work uninterruptedly for more than eight hours daily.

In mines, underground galleries, and quarries, the time for climbing, descending and meals shall not be included in the duration stated in the previous paragraph.

Art.D.189-16.- Children aged less than eighteen, employees, workers and apprentices may not be employed for any night work, between 9 p.m. and 5 a.m., in all industrial institutions and notably in :

- 1° all types of mines, quarries and mineral-extracting industries;
- 2° industries in which products are manufactured, modified, cleaned, repaired, decorated, finalised, prepared for sale or in which materials are transformed; including ship construction, equipment-scraping companies as well the production, transformation and transmission of the prime mover in general and electricity.
- 3° the construction, reconstruction, maintenance, repair, modification or demolition of all buildings and edifices ; railway, tramways, ports, docks, piers, canals, internal navigation facilities, routes, tunnels, bridges, viaducts, drains, wells, electrical installations, gasworks plants, water distribution, or other construction works, as well as preparation and foundation works prior to the works herein above;
- 4° the transportation of people or goods in docks, quays, wharfs and warehouses

as well as loading and offloading companies.

The same prohibition shall apply to business premises, liberal professions, national or ministerial offices, civil society organisations, trade unions and all kinds of associations.

Art.D.189-17.- In industries in which the work involves substances that can very quickly change form, when an instance of unforeseeable or unpreventable force majeure, with no periodic character, impedes the normal functioning of the institution, the provisions of article D.189-17 herein may be temporarily waived for male children over sixteen, in order to prevent imminent accidents or fix accidents that have occurred.

However, heads of institution shall have to inform the labour inspector to use the waiver provided for herein above.

Art.D.189-18.- In the industries enumerated herein after, as concerns male children aged over sixteen and employed in the indispensable works named herein below and before, due to their nature, and which have to go on night and day, the provisions of article D 189- 17 may be waived, with an special authorisation issued by the labour inspector :

- 1° iron and steel plants: works where reverberatory or regenerative furnaces are used and sheet as well as iron wire are galvanised (excluding prickling plants), to help with ancillary work for refining, rolling, peening and wire-drawing, mould preparation for cast objects moulded during initial melting ;
- 2° glassware : to hand tools, help in blowing and moulding, carry into annealing furnaces, withdraw objects from there, subject to compliance with the prescriptions and prohibitions provided for in articles D 189- 28, D 189-32 and in tables A and B attached;
- 3° paper mills: to help machine attendants, cut, sort, and prepare paper subject to compliance with the prescriptions and prohibitions provided for in article D 189-32 and in tables A and B attached;
- 4° sugar bush where unrefined sugar is processed: to wash, sort sugar cane, operate the juice or water valves, wash filters, help with diffusion batteries, saw fabrics, wash appliances and workshops .

Art.D.189-19.- In factories, plants, mines, quarries, constructions sites, workshops and their appurtenances, children may not be assigned to work on recognised or public holidays, even to arrange workshops.

However, the provisions of the sub paragraph may be waived in non-stop operations, as concerns male children who will have to be given a compensatory day of rest.

Art.D.189-20.- Both male and female children in apprenticeship may not be assigned any work in their respective professions.

However, they may be assigned, following agreements or in accordance with standard practice, to take part, on Sundays, in works to arrange the workshop. This work may however extend beyond 10 a.m.

Art.D.189-10.- It shall be prohibited to employ children to work in the making, handling and sale of writings, printed material, posters, drawings, engravings, paintings, emblems, images or another objects whose sale, offer, exhibition, posting or distribution can negatively affect their morality or have a negative influence on them.

It shall also be prohibited to employ children to do any kind of work in premises where the works, spelt out in the precious sub paragraph, are carried out.

Art.D.189-22.- The heads of institutions where children are employed must ensure that proper morals are maintained and public decency complied with.

Art.D.189-23.- Children may not carry, pull or push, both inside and outside their usual place of work, loads that weigh more than the following :

1) load bearing :

- boys aged 14 to 16 yrs : 15 kg
- boys aged 16 to 18 yrs : 20 kg
- girls aged 14 to 16 yrs: 8 kg
- girls aged 16 to 18 yrs: 10 kg

2) transportation using small wagons moving on rail tracks :

- boys aged 14,15, 16 or 17 yrs : 500 kg, vehicle included ;
- girls aged below 16 yrs : 150Kg, including the vehicle.

- girls aged 16 or 17 yrs: 300 kg, vehicle included ;

3) transportation on a wheelbarrow :

- boys aged 14,15, 16 or 17 yrs : 40 kg, vehicle included ;

4) transportation on a wheel :

- boys aged 14,15, 16 or 17 yrs : 60 kg, vehicle included ;
- girls aged below 16 yrs : 35Kg, vehicle included.
- girls aged 17 or 18 yrs: 60 kg, vehicle included ;

5) transportation on 2-wheel push

Cart :

- boys aged 14, 15, 16 or 17 yrs : 130 kg, vehicle included ;

6) transportation on pedal carrier tricycle :

- boys aged 14, or 15 yrs : 50 Kg, vehicle included ;
- boys aged 16, or 17 yrs : 75 Kg, vehicle included ;

The methods of transportation spelled out in no. 3, 5 and 6 shall be prohibited to female children.

Children of both sexes shall be prohibited from performing any transportation using a two-wheeled hand truck.

Art.D.189-24.- Male children aged less than thirteen may not be employed in underground galleries for mines, and quarries.

Children aged 16 to 18 yrs may be employed to work in mining jobs only as aids or apprentices.

Art.D.189-25.- Children shall not be employed as stokers or drivers on board ships.

Art.D.189-26.- It shall be forbidden to employ children to lubricate, clean or repair operational machines or devices.

It shall be forbidden to employ children in premises where there are hand or engine-activated machines with dangerous parts that are not appropriately protected.

Children may not be employed to work where there are sheers and other sharp mechanical blades,

as well as those with any kind of press, besides those hand operated.

However, the provisions of the previous paragraph may be derogated from, on the basis of a written authorisation, after investigation and irrevocably, by the labour inspector:

- for children aged above 15 years, who may be permitted to work on band saw machines;
- for children aged above 16 years, who may be permitted to work on band saw machines.

Art.D.189-27.- In sheet glass factories or other glass ware plants, children aged less than 18 ans may not be employed to pluck, blow or stretch glass.

However, derogations may be granted by the labour inspector, revocably and after an investigation, on the conditions for the hygiene, protection and health of children.

Art.D.189-28.- It shall be prohibited to employ children to use and handle explosives.

Art.D.189-29.- Children aged less than 16 may not be employed to turn vertical wheels, winches or pulleys.

It shall be forbidden to appoint children less than 16 ans to work on steam valves.

It shall be prohibited to employ children aged less than 16 years as doublers, in workshops where rods are rolled and drawn.

However, this provision shall not apply to workshops where the work of doublers is done using protective equipment.

It shall be prohibited to employ children less than 16 to where work is done using suspended scaffolding.

Art.D.189-30.- It shall be provided to employ children aged less than 16 in public performances staged in theatres, film halls, cafés, concerts or circuses, to perform perilous feats of strength or contortionism..

It shall be prohibited to employ female children aged less than 16 yrs to work on pedal-operated sewing machines.

It shall be prohibited to employ young girls less than 16 years to work in the external shelves of stores and shops.

Young girls aged 16 to 18 may not be employed there for more than six hours per day. Furthermore, they shall be assigned to a position for a maximum of two hours, separated by one hour intervals at least.

Art.D.189-31.- In institutions where the work stated in table A, attached to this decree, is done, access to the premises set aside for these operations shall be prohibited to children.

Children shall not be authorised to work in the premises stated in Table B, attached to this decree, excluding in the conditions specified in the said table..

Art.D.189-32.- Before they are hired, children shall have to, at the behest of the employer, be examined by the company doctor, or failing this, a certified doctor.

Art.D.189-33.- Any child who has been newly hired shall, compulsorily no longer than 15 days as from the date he/she is hired, be declared by the employer at the National Labour Office tasked with forwarding this information to the labour inspector.

This declaration shall state the name and address of the employer, all useful information on the civil status and the child's identity, the full names and address of his/her father and mother, or where necessary, of his/her guardian, or of the representative of these people, the child's profession and, eventually, the positions he/she has occupied previously.

An identical declaration shall be made in the same conditions for any modification in the situation of the young worker relating to his/her address, family, profession, social hierarchical classification, and the cessation of work when the concerned part leaves the institution.

When declaring that a child has been hired, a copy of the child's birth certificate or any other document in lieu thereof, the medical certificate provided for in article D.189-33 and pictures of the concerned party shall be attached.

Upon receiving the hire declaration, the National Labour Office shall open the file of the young worker, in which all documents and information

relating to the child that have reached the office shall be filed.

The Labour Office shall issue a work card to the child. This card shall contain the registration number of his/her file, which, established on the basis of the information in his/her file, must state the child's civil status, names and address of his/her parents, guardian or representatives of his/her parents and his/her profession. The work card or picture of the child concerned shall be placed and clearly bear the statement "young worker". A duplicate copy of the work card shall be given to the employer who has to keep it.

Art.D.189-34.- Employers must be able to present whenever the work so demands, for each of the young workers, whether male or female, it employs, not only the duplicate copy of the work card that it holds, but also a copy of the birth certificate or a document in lieu thereof.

Art.D.189-35.- Subject to conditions spelt out in the previous chapter, there shall be exceptions to provisions relating to the age of employment, as concerns children, whether male or female, aged twelve, for household work and light work of a seasonal nature, such as harvesting and sorting work done in plantations.

No derogation may be granted, which could negatively affect existing prescriptions with regards to compulsory education.

In centres where school education is normally provided, the minimum age of employment shall remain at fourteen years, unless an individual authorisation is given on a personal and revocable basis by the labour inspector, at the employer's request.

No child aged twelve to fourteen years may also be employed without the express authorisation of his/her parents or guardian, unless he/she works in the same establishment as the latter and by their side.

Art.D.189-36.- The individual authorisation granted in accordance with the provisions of the 3rd paragraph of D.189-36, for children attending school, may not result in the increase to more than ten hours per day, both during school days and holidays, of the duration of the work referred to in article D.189 -36 and to over seven

hours the daily number of hours devoted to school and these works.

Subject to compliance with the prescriptions of paragraph 2 of article D.189-36, children aged between 12 and 14 years may not be employed for more than four and a half hours daily.

In all instances children aged between 12 to 14 yrs are employed, the works referred to in article D.189-36 paragraph 1, shall be prohibited on Sundays and approved on feasts days. These same works shall also be prohibited at night for an interval of at least twelve straight hours between 8 p.m. and 8 a.m. compulsorily.

Art.D.189-37.- The labour inspector shall have the power to withdraw the employment authorisation granted pursuant to the provisions of this chapter, for any institution where evidence is found that children less than fourteen are assigned work that is not proportionate to their strength.

The authorisation may be withdrawn totally or partially; the withdrawal shall be made known to the head of the relevant institution through registered mail with acknowledgement of receipt.

Employment Disputes (Pursuant to Article L.203)

Art.D.203-1.- When owing to distance, there is an increase in the standard time for executing labour court processes, the deadlines prescribed for all these processes served to individuals directly or at a residence shall be increased using the time limits provided for herein after.

Art.D.203-2.- The time limit shall be :

- 1° six days, if the locality where the relevant party lives is connected to the court headquarters by rail or a air transport route;
- 2° ten days, if the administrative district in which the relevant party lives is that of the court headquarters or if it is connected to the court headquarters by rail or a air transport route;
- 3° twenty days if the relevant party lives in an administrative district that is different from that of the court headquarters, but not related to this headquarters by by rail or a air transport route;

- 4° by one month in all cases.

Art.D.203-3.- No time limit extension shall be granted on grounds of distance if the relevant party lives :

- 1° on the territory of the area where the labour court headquarters is found ;
- 2° in an area found within a radius of forty kilometres of the said headquarters.

Art.D.203-4.- In emergency cases or when the relevant party will be found in the headquarters of the court seized, the president may, upon request, shorten the time limits herein above, unless the court extends the time limits as necessary .

Art.D.203-5.- The time limits set per day shall be counted on a daily basis and those set on a monthly basis from a particular date in one month to the same date in the next month. They shall be extended to the following day if the last day is a public holiday, and to the day after if there are two consecutive public holidays.

Hygiene and Safety Committees (Pursuant to Article L.282)

Art.D.282-1.- The hygiene and safety committed created in each establishment shall include :

- 1° the head of the institution or his/her representative;
- 2° the head of service or worker tasked with safety issues; failing this, the service head competent in social matters or a qualified engineer appointed by the employer;
- 3° the doctor of the institution if the latter has a multi-employer medical department or labour inspector doctor appointed by decree in accordance with the provisions of the labour code;
- 4° staff representatives, including a supervisory staff in institutions that employ up to 500 workers.

This number shall be increased to 6 staff representatives, including 2 supervisory staff for institutions that have more than 500 workers.

The committee shall have to power to enlist any qualified person that it seems useful to include in the committee in order to resolve a special defined case.

Art.D.282-2.- Staff representatives in the committee shall be elected every three years pursuant to the same conditions as personnel delegates taking into account the technical knowledge or capacities

required for hygiene and safety at work. Their terms of office shall be renewable. Committee staff representatives shall receive the legal protection conferred by article L.277 of the labour code on personnel delegates.

Art.D.282-3.- Members of the hygiene and safety committee shall be bound by professional secrecy regarding facts that they become aware of as result of their mission both in relation to medical or any other information concerning a victim and for trade secrets.

Art.D.282-4.- The committee shall be chaired by the company head or his/her representative. The duties of secretary of the committee shall be fulfilled by the worker tasked with safety issues or the department head competent in social matters or the engineer appointed by the employer to be part of the committee.

Art.D.282-5.- The hygiene and safety committee shall meet once every quarter, unless a derogation is granted by the labour inspector and, compulsorily following any accident that would have or could have serious consequences. These meetings shall be initiated by the head of the institution.

The meetings shall take place in the institution and whenever possible, during work hours ; time spent at the meeting and time spent on individual missions assigned by the committee shall be considered working time.

In case workers are members of the hygiene committee also work in the institution as personnel delegates, the time spent at meetings and on missions given by the committee may not be deducted from the hours that they have as personnel delegates, pursuant to article L.271 of the labour code.

After the meeting, the minutes of the session shall be prepared, and recorded in a special register that must always be at the disposal of labour inspectors and controllers, as well as safety controllers of the national social insurance institute.

Since its decisions have pedagogic value for staff, they may be disclosed on posters or any other means.

Art.D.282-6.- The mission of the hygiene and safety committee shall be :

a) to carry out by itself or through one of its members, investigations when an accident occurs or a serious occupational disease breaks out i.e. resulting in death or apparent permanent incapacitation or that would have revealed the existence of serious danger.

In this regard, it may enlist the collaboration of qualified persons. The main purpose of the investigation shall be to determine the causes of the accident or disease, in order to look for ways of preventing any re-occurrence of such.

The findings of this investigation shall be recorded in the committee's register.

b) to assure before any equipment or machine is installed that the latter have the safety mechanisms compliant with the relevant norms and regulations.

c) to regularly inspect the institution to ensure that hygiene and safety laws, regulations as well as guidelines are respected and protective devices are properly maintained.

A report shall be drafted on the findings from these inspections. This report shall be recorded in the committee's register and must be mentioned in the annual report provided for in article D.282-8.

d) to give its opinion on any measure related to the purpose of its mission notably the safety rules and guidelines of the institution when a representative immediately notifies the service head tasked with safety issues, who records this opinion in the committee's register.

e) to organise the training of the teams in charge of the fire fighting and rescue departments as well as ensure compliance with the guidelines of these departments.

f) to strive to develop through all effective safety means (conferences, leaflets, posters, audiovisual methods) notions of safety, hygiene and health.

Art.D.282-7.- The hygiene and safety committee shall be obliged to :

1) fill an information form whenever there is a serious accident that results in death or permanent incapacitation, or that would have revealed the existence of a serious danger, even if the consequences were avoided. This form, duly signed by the committee members who took part in the investigation, shall be prepared in four copies.

One of these copies shall be sent, no later than fifteen days after the accident, to the National Social Insurance Institute. Other copies shall be sent, within the same time frame to the competent regional labour inspector, while the fourth copy shall be kept by the company.

2) to prepare, four copies, of an annual report on the committee's activities and forward two copies of this report to the National Labour Board; a third copy shall be forwarded to the National Social Insurance Institute.

This report, approved by committee members, must be sent no later than, January 30 every year, and include, notably, statistics on work-related accidents in the company, during the reference period.

Art.D.282-8.- The information required in article D.282-8 shall be provided following the templates attached hereto.

Art.D.282-9.- Breaches of the provisions of articles D.282 shall be punishable with the penalties provided for in article L.328 paragraph I of the Labour Code.

Fee-Charging Employment Agencies (Pursuant to articles L.303 and L.305)

Art.D.303-1.- The authorisation to open a fee-charging employment agency shall be issued by the following administrative authorities:

The National Director of Employment, Labour and Social Security when the business of the agency or office is conducted all over the national territory or several regions;

The Regional Director of Labour and Social Security when the business of the agency or office is conducted only all over or part of a region.

The area where the agency operates shall be specified in the act of accreditation.

Art.D.303-2.- Any legal person or legal entity wishing to obtain the authorisation referred to in the previous article shall have to apply to the competent administrative authority, stating the agency's area of operation and include the following documents :

- a copy of a birth certificate or a copy of the by-laws if the applicant is a legal entity ;
- a certificate of Malian nationality;
- a certificate of non conviction;
- a police clearance certificate;
- a certified true copy of the required academic diploma ;
- a receipt of deposit payment.

Art.D.303-3.- The administrative authority shall have to inform the applicant about his/her decision no longer than 15 days following the submission of the application.

Failing this, or when the authorisation is denied, the applicant may enter a hierarchical appeal, as the case may be, before the National Director of Employment, Labour and Social Security or the Minister of Labour.

The administrative authority to whom the hierarchical appeal is tabled shall have to make his/her decision known within 15days.

Failure to formally respond to the appeal upon the expiry of the period shall be considered as dismissal of the appeal.

Art.D.303-4.- The authorisation to operate a fee-charging employment agency shall be issued to persons who meet the following conditions :

1) For natural persons:

- be at least 21 years;
- be a Malian national or the national of a country that grants reciprocal exemption to Malians;
- have good morals;
- have at least a secondary school diploma.

2) For legal entities:

- have in top management someone who has at least a higher education diploma;
- have its head office in Mali.

3) All the entities must:

- have appropriate premises or equipment;
- pay the required deposit.

Art.D.305-1.- Any natural person or legal entity that has been authorised to open a fee-charging employment agency shall have to respect the relevant laws and rules as well as meet the following obligations :

- be registered in the trade and companies register;
- have a licence;
- be registered at the statistical department;
- be registered at the National Social Insurance Institute.

Art.D.305-2.- The accreditation may be withdrawn after notice has been given following failure to fulfil any one of the conditions spelt out herein above.

Temporary Placement (Pursuant to Article L.313 of the code)

Art.D.313-1.- A temporary employment entrepreneur shall refer to any natural person or legal entity whose business entails making temporarily available to users workers that he/she/it hires and pays depending on an agreed qualification.

Art.D.313-2.- A user may hire workers from temporary job placement companies to perform a short-term task known as “mission”.

Art.D.313-3.- The mission must have a duration specifically stated upon the conclusion of the personnel lease contract, except in the cases provided for in article L 20. of the labour code.

Art.D.313-4.- The overall duration of the contract, considering, where necessary, renewals, shall be twenty-four months at most.

Art.D.313-5.- When a temporary employment entrepreneur makes a worker available to a user, the personnel lease agreement, between the user and temporary employment company, must be concluded in writing no later than two working days following the personnel lease.

This agreement, prepared for every worker, must:

- state the reason for hiring the temporary worker;
- state the duration of the mission or one of the instances referred to in article L.20 of the Labour Code.

Any clause aimed at prohibiting the user from hiring the temporary worker after his/her mission shall be considered unwritten.

Art.D.313-6.- The agreement, between the temporary work company and every worker leased out to a user, must be written and sent to the worker no later than two days following the lease of his/her services.

It must include, besides the information provided for in the previous article:

- the worker's qualification;
- the pay, which may not be less than the one received in the user company by a worker with an equal qualification occupying the same position;
- the eventual probationary period;
- the statement that the user may hire the worker when the mission ends.

Art.D.313-7.- Workers bound by a temporary employment contract shall be entitled to a job insecurity allowance, which is also a wage benefit and equal to the one provided for in article L.24 of the Labour Code.

This allowance shall not be due if the contract is terminated by the worker or on account of his/her serious wrongdoing.

Art.D.313-8.- Should the user continue, after the mission ends, keeping a temporary worker working without concluding an employment contract with him/her or without a new personnel lease contract, the said temporary shall be considered bound to the user by a long-term employment contract.

Art.D.313-9.- 1) All temporary work entrepreneurs shall have to proof to the labour inspector that they have a financial guarantee enabling them, in the event of default on its part, to pay :

- salaries and their wage supplements;
- compulsory contributions due to social security institutions.

2) This guarantee shall arise only from a single undertaking taken by a collective- guarantee institution, an insurance company, a bank or a financial institution authorised to give sureties.

3) The financial guarantee shall be calculated as a percentage of the annual turnover excluding taxes, certified by a chartered accountant, of the company under consideration.

The amount of the guarantee, which may be revised at any time, must be reassessed yearly and must not be lower than 8 % of the

turnover, or, in any case, a minimum set yearly by an order from the minister of labour.

4) The undertaking must be evidenced in a written contract, spelling out the conditions and amount of the guarantee given as well as the modalities of the auditing that the guarantor may perform on the temporary work company.

This contract must stipulate that the guarantor waives, in case the temporary work company defaults, the benefit of excussion.

5) The temporary work entrepreneur shall be considered to have defaulted, if upon the expiry of a fifteen-day period following receipt of notice, it has not paid all or part of the debts spelt out in 1) of this article or when it is being wound up.

The notice may be issued by the worker or a welfare institution. It shall be delivered by registered mail with acknowledgement of receipt to the temporary work entrepreneur or guarantor.

6) Temporary work entrepreneurs shall have to state in all their company documents, and notably on contracts for leasing a worker to a user as well as contracts between a worker leased to a user, the name and address of their guarantor as well as the reference of this article.

Art.D.313-10.- Subject to the preceding provisions, there shall be no derogations from ordinary law when it comes to relations that result from the employment contract between a temporary work entrepreneur and workers.

Art.D.313-11.- The business of temporary work entrepreneur may be conducted only after a declaration has been made in three copies to the minister of Labour and the financial guarantee provided for in article D.313 -9 has been obtained.

Temporary work entrepreneurs already operating on the date when this decree becomes enforceable

shall have to comply with the obligations spelt out in the previous paragraph.

Art.D.313-12.- The above mentioned declaration must state :

- the name, head office and legal form of the company, and where necessary, the location of the subsidiary or branch or sub-office;
- the effective date of the planned operation;
- the full names, residence and nationality of the managers of the company or subsidiary, branch or sub-office;
- the geographical area and professional domains in which the companies plans to make workers available to users;
- the number of permanent workers that the company employs or plans to employ to make its services operational.

Art.D.313-13.- The minister of labour, after ensuring that the declaration complies with prescribed laws and rules, shall send back a copy, bearing his/her stamp, to the sender no later than fifteen days after receipt and another copy to the competent labour inspectorate in the locality.

The subsidiary, branch or sub-office may not start operations when it has not received the document stated in the paragraph herein above or when the period provided for by this paragraph has not expired.

Art.D.313-14.- All temporary work companies shall have to inform the minister of labour when they are shutting down.

Art.D.313-15.- When a temporary work entrepreneur starts operating without having done the declaration provided for in article D.313-11 herein above or without having obtained the financial guarantee, the minister of labour, after his/her notice has gone unheeded, may order the closure of the company.