

ORDER No. 000365 /MINTSS of 12 MARS 2020  
TO LAY DOWN TERMS AND CONDITIONS FOR THE ELECTION AND THE  
PERFORMANCE OF THE DUTIES OF STAFF REPRESENTATIVES

**THE MINISTER OF LABOUR AND SOCIAL SECURITY,**

**MINDFUL** of the Constitution;

**MINDFUL** of law no.92/007 of 14 August 1992 on the Labour Code and its implementing regulations;

**MINDFUL** of decree no.1993/084/PM of 26 January 1993 on the organisation and functioning of the National Labour Advisory Board;

**MINDFUL** of Decree no.2011/408 of 9 December 2011 to organise the Government, amended and supplemented by decree no.2018/190 of 2 March 2018;

**MINDFUL** of decree no.2012/558 of 26 November 2012 to organise the Ministry of Labour and Social Security;

**MINDFUL** of decree no.2019/002 of 4 January 2019 to reshuffle the Government;

**After** opinion from the National Labour Advisory Board in its 21st Session held on 11 november 2019,

**HEREBY ORDERS AS FOLLOWS:**

**CHAPTER I**  
**GENERAL PROVISIONS**

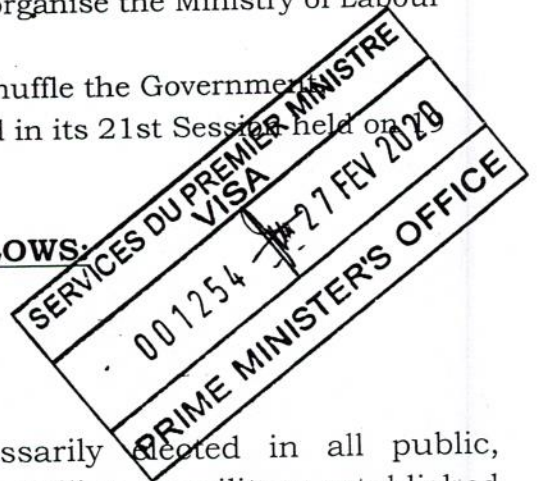
**ARTICLE 1:** Staff Representatives shall be necessarily elected in all public, parastatal or private establishments, lay or religious, civilian or military established in the national territory where at least twenty (20) workers, under the Labour Code, are being usually employed.

**ARTICLE 2: (1)** Within the meaning of this Order, the establishment means a group of persons working together in a specific place under the leadership of an authority. It is therefore characterised by the exercise of an occupational activity in the factory or in a given premise.

**(2)** The enterprise is an economic undertaking of a legal nature determined either individually or collectively, consisting in the production of goods intended for sale or the supply of paid or unpaid services.

**(3)** An enterprise may be composed of one or many establishments. A single and independent establishment is both an enterprise and an establishment.

**(4)** Within the meaning of this Order, trade unions of workers shall mean basic unions excluding unions of trade unions, federations of trade unions and



**ARTICLE 3: (1)** The number of workers to be considered is the number usually employed in the establishment, whether registered or not in the Employer's Register. The following shall be considered as usually employed by the establishment:

- (a) Apprentices and workers hired on probation;
- (b) Temporary, casual and seasonal workers when they have worked the equivalent of six (06) months preceding the publication of the voters' list.

**(2)** Workers working with several establishments whether under the same enterprise or not shall be considered to be part of the staff of the establishment to which they offer the major part of their activity and, alternatively, to the one where they are being paid the highest salary.

**(3)** Where the head of the establishment has the status of a worker he/she shall be part of the enrolment to be considered for election.

**ARTICLE 4:** Where several establishments of the same company belonging to the same line of business situated in the same locality or within a radius of ten (10) kilometers one from another, and do not each fulfil the requirement of a minimum number of workers required as set out in Article 5 below to carry out elections of staff representatives, the enrolment of these establishments shall be added up to make up the required number.

**ARTICLE 5 :** The number of staff representatives to be elected shall be as follows:

- (a) From twenty (20) to fifty (50) workers, two (02) full staff representatives and two (02) substitutes;
- (b) From fifty one (51) to one hundred (100) workers, three (03) full staff representatives and three (03) substitutes;
- (c) From one hundred and one (101) to two hundred and fifty (250) workers, four (04) full staff representatives and four (04) substitutes;
- (d) From two hundred and fifty (251) to five hundreds (500) workers, five (05) full staff representatives and five (05) substitutes;
- (e) From five hundred and one (501) to one thousand (1,000) workers, six (06) full staff representatives and six (06) substitutes;
- (f) One (01) full staff representative and one (01) substitute shall be added for each additional group of five hundred workers.





**CHAPTER II**  
**TERMS AND CONDITIONS FOR ELECTIONS**

**ARTICLE 6:** (1) The elections of staff representatives shall take place within the national territory, every two years, on a day set by the Minister in charge of labour issues.

(2) The staff representatives in office on the day of the elections shall remain in office until the new staff representatives' term of office becomes effective.

**ARTICLE 7:** In the event of the opening or re-opening of an establishment or its extension in the interval between two periods of general elections, elections of staff representatives may be conducted provided that the following two conditions are met:

(a) The elections cannot take place within a period of six (06) months preceding the beginning of the period of the general elections to come.

(b) Exemptions relating to voting rights and eligibility conditions as provided for by provisions of the Labour Code shall be in this case granted by the Labour Inspector, at the request of either the employer, trade unions or the majority of workers in service in the establishment.

**ARTICLE 8:** (1) The head of the establishment shall draw up the list of workers meeting election conditions thirty (30) days at least before the date set for elections.

(2) Electors shall be distributed in two (02) colleges as follows:

a) unskilled worker, labourers, workers (Category I to VI)

b) First line supervisors, technicians and workers in the similar category, executives (Categories VII to XII)

(3) The distribution of staff representatives' seats between these two colleges shall be made on a prorata basis of the number of staff from each college.

(4) The Head of establishment shall then publish the list of all the workers and communicate it to the trade unions represented in the establishment.

(5) In case of any objection regarding the distribution of staff in electoral colleges and / or of the seats between the colleges, the



Labour Inspector of the area shall examine and rule on this distribution after inquiry.

**ARTICLE 9:** Only workers registered as voters in the specific Electoral College shall be eligible for this Electoral College.

**ARTICLE 10: (1)** When the distribution referred to in Article 8 has become final and this at least twenty (20) days before the polling date, the Head of the establishment shall post the list of voters distributed in college, at places which are usually meant for the communications to staff. A notice shall be attached to this list indicating the day, the place, the vote opening and closing hours. The Head of the establishment shall send a copy of this notice without delay to the Labour Inspector of the area and to the trade unions concerned, so that the lists of candidates they nominate can be disclosed.

**(2)** To be admissible, these lists shall be submitted six (6) clear days before the date set for the ballot, provided that the list referred to in Article 8 above has been duly posted by the employer and received by the candidates whether nominated by trade unions or not. They must be drawn up per electoral college, for full staff representatives and for substitutes separately. They cannot include a number of candidates lower or higher than the number of seats to be filled.

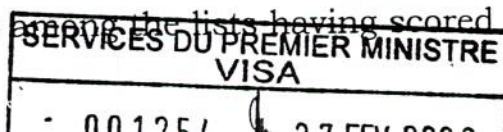
**(3)** The lists of candidates must be posted by the head of the establishment or his representative at least six (06) clear days before the election date, at the same places as the list of voters and the election notice. The names, surnames, age and length of service of candidates and trade unions nominating them shall be indicated on these lists. A candidate may not at the same time be nominated for two or several lists.

**(4)** If none of the trade unions has sent a list of candidates under the conditions and within the deadlines set out above, the head of the establishment shall make this shortcoming noted by the Labour Inspector. The Labour Inspector, after investigation, shall authorise the process to continue, where necessary.

**ARTICLE 11: (1)** Elections of staff representatives shall be conducted by list ballot, with no preferential vote, nor vote splitting.

**(2)** The ballot referred to in (1) above shall be a one-round proportional representation vote, excluding candidates with a score less than 5% of votes.

**(3)** At the end of the ballot, the seats to be filled shall be distributed on a prorata basis of votes among the lists having scored at least 5% of valid vote cast.





**ARTICLE 12:** The election shall take place within the establishment on a working day during working hours.

**ARTICLE 13:** Through a double envelope addressed to the head of the establishment, the following shall be allowed to vote by mail:

- (a) Workers on leave and those whose contracts are suspended for one of the reasons listed in paragraphs c, d, e, f, g, i, and k of Section 32 of the Labour Code, and who cannot reach the polling station;
- (b) Workers whose off-site duties prevent them from taking part in the ballot.

**ARTICLE 14: (1)** The vote shall be carried out by secret ballot in envelope, by placing the ballot paper in the envelope in a polling booth.

**(2)** Ballot papers not chosen by the voter shall remain in the polling booth. They shall not be taken along by the voter.

**(3)** In each college, closed lists votes shall be carried out for staff representatives and substitutes.

**ARTICLE 15: (1)** Shall be valid only votes for lists regularly received.

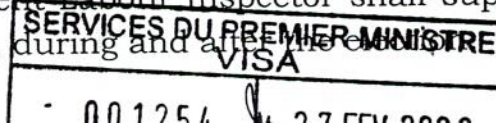
**(2)** In addition to mutilated or multiple ballot papers in a single envelope, the votes with the following characteristics shall be considered invalid:

- (a) One or many names crossed out;
- (b) Names crossed out and replaced by names of non-candidates;
- (c) In general, any sign telling about the identity of the voter whatsoever.

**ARTICLE 16: (1)** The Head of the establishment or his representative shall be responsible for the smooth running of the elections, especially for the setting up of the polling station which he or she chairs. The employer shall be assisted by a non-candidate representative from each list competing at the polling station. These persons shall supervise the vote process, assist in the election process and participate in the counting of votes.

**(2)** At least eight (8) days before the election date, the head of the establishment shall be bound to formally inform the Labour Inspector of the area about all information relating to steps taken for the smooth running of elections.

**(3)** The competent Labour Inspector shall supervise the regularity of the electoral process before, during and after the election.





**ARTICLE 17: (1)** Voting and counting operations shall be recorded in a report in conformity with the specimen attached to this Order, drawn up on the election day. It must be drawn up in at least ten (10) copies by the chairman of the polling station, signed by him and by scrutineers.

(2) Within twenty-four (24) hours following the drawing up of the report, the Head of establishment shall be bound to send two (02) copies to the Labour Inspector of the area by any means in writing, and to issue a copy thereof to candidates and trade unions having participated in the elections and to the representatives of the elected lists within the same time frame and under the same conditions.

**ARTICLE 18:** The chairman of the polling station must proclaim the results of the election immediately after the counting of the votes. Immediately after such results are proclaimed, he shall proceed with the posting in the same places as were the election notice and the candidatures, names and surnames of the elected staff representatives, as well as the name of their trade unions, where appropriate.

**ARTICLE 19: (1)** Mixed divisional, regional and national committees for vote counting shall be established by decision of the Minister in charge of labour issues.

(2) The mixed committees referred to in (1) above shall be in charge of collecting and analysing the results of staff representatives.

### **CHAPITRE III**

#### **THE PERFORMANCE OF THE DUTIES OF A STAFF REPRESENTATIVE**

**ARTICLE 20: (1)** Save in exceptional circumstances or unless otherwise provided for by agreement, staff representatives shall be allowed by the head of the establishment a period of time of not more than 15 (fifteen) hours per month to perform their duties. Such time shall be considered and paid for as working time. It shall be used only for the performance of duties that pertain to the office of staff representative as defined by the laws and regulations in force.

(2) Where the time is not used, it may neither be carried forward to the following month nor be paid for in compensation.

(3) Any substitute shall benefit from the provisions of (1) and (2) above when called to replace a staff representative in the cases provided for by the legislation in force and when they take part with full staff representatives in meetings provided for in Article 23 below.

**ARTICLE 21:** The head of the establishment shall be bound to put at the disposal of staff representatives the facilities needed for the performance of their





duties and, notably, for their meetings. In sites where there are no facilities, the Head of establishment shall, to the extent possible, facilitate meetings of staff representatives.

**ARTICLE 22 :** Staff representatives may post the information they are supposed to provide to workers as part of their mission, in accordance with the legislation in force. Prior authorisation from the Head of the establishment is required before posting such information. This posting must be effectively made at the entrance of workplaces and also at places necessarily intended for communications.

**ARTICLE 23: (1)** Staff representatives and substitutes shall be collectively received by the head of the establishment, at least once a month. They shall also be received at their request in exceptional circumstances as set out in Article 24 below, either collectively or individually, in categories, workshops, sites, departments or trades, depending on the issues to be dealt with.

**(2)** Where the head of the establishment cannot provide answers to complaints and suggestions lodged by staff representatives within three (03) days; he must forward them to the company's executive, or his representative, in case of multiple establishments, so that the decision is made within fifteen (15) days following the submission.

**(3)** In case of a business corporation and where demands and suggestions from staff representatives can only be dealt with after deliberation by the Board of Directors, staff representatives shall be received by the Board of Directors at their request. If no meeting of the Board of Directors is scheduled within forty (40) days following the request of the staff representatives or if the Board of Directors usually meets in a place other than the headquarters of the establishment concerned, the staff representatives may refer their complaints to the Chairman of the Board of Directors, by registered mail with acknowledgement of receipt. The answer from the Chairman of the Board of Directors shall be expected within three (03) weeks upon reception of the registered mail.

**(4)** Meetings with employers or their representatives may be attended by Staff representatives and their substitutes.

**ARTICLE 24:** Exceptional circumstances referred to in Article 23 above shall be construed as:

- (a) either an urgent request to install a safety device after an industrial accident for instance;
- (b) Or circumstances regarding the social climate in the establishment, such as the imminence of a serious work disturbance or the need to reach an agreement between the employer and workers.



**ARTICLE 25:** (1) A special register shall be kept at the head office of the establishment in order to collect complaints and suggestions made by staff representatives and answers given to them by the head of the establishment.

(2) This register must be put every working day of the week at the disposal of workers wishing to collect information needed.

**ARTICLE 26:** (1) Any staff representative may be dismissed during the term of office, either upon proposal from the trade union which nominated them, or on a written petition signed by the majority of the college, to which they belong, addressed to the labour inspector of the area.

(2) This proposal or petition must be confirmed by secret ballot by the majority of the college to which the staff representative belongs.

(3) In the event of dismissal, the said staff representative shall be entitled to legal protection for six (6) months in accordance with the legislation in force.

#### **CHAPTER IV** **FINAL PROVISIONS**

**ARTICLE 27:** Infringements of the provisions of this Order shall be punishable by the penalties provided for in the provisions of the Labour Code and the Penal Code.

**ARTICLE 28:** All previous provisions repugnant to this Order are repealed, notably Order No.000202/MINTS of 22 November 2017 to lay down terms and conditions for the elections and the performance of the duties of staff representatives.

**ARTICLE 29:** This Order shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-



Yaounde, on the

12 MARS 2020

**THE MINISTER OF LABOUR AND  
SOCIAL SECURITY,**



**Grégoire OWONA**