Human Resource Policy

Policy document

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Human Resource Policy

1. INTRODUCTION

PDI instils and reinforces a culture across the Company of acting lawfully, ethically and responsibly. It seeks to operate in line with the values set out in the Statement of Values and ensure directors, senior executives and employees work to reinforce these values.

The Company's senior executives have the responsibility of instilling these values across the Company including ensuring that all employees receive appropriate training on the values and referencing and reinforcing the values in interactions with employees.

2. MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

a) Constitution of the Republic of Guinea, 2010
b) Labour Code of the Republic of Guinea, 1988 (amended in 1991)
c) Penal Code 1998
d) Childhood Code, 2008
e) Decree 2791/MTASE/DNTLS/96, 1996
f) Collective Labour Agreement, 1995
g) Decree No. 1392/MASE/DNTLS/90 of 15 May 1990
h) Social Security Code, 1994

3. WORK AND WAGES

3.1 ILO Conventions

a) Minimum wage: Convention 131 (1970)
b) Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Guinea has ratified the Conventions 95 & 117.

3.2 Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

3.3 Regulations on work and wages:

a) Labour Code of the Republic of Guinea, 2014

3.4 Minimum Wage

According to the Labour Code, all workers are entitled to a guaranteed minimum wage. The guaranteed minimum rate for an hour of work is determined by decree, after consulting the Consultative Commission of Labour and Social Laws.

The minimum wage, statutory or resulting from a collective agreement more favourable, is displayed in the same places as the interior regulations and at the staff payment places.

Wages are normally negotiated between the employer and the worker.

Compliance with labour laws including minimum wage provisions is guaranteed by the labour inspectors working under the labour inspection system. Non-compliance with minimum wage provision is punishable with a fine of GNF100,000 to GNF500,000.

Source: §241(7), 513 & 523(28) of the Labour Code of the Republic of Guinea 2014

3.5 Regular pay

Remuneration is the basic salary and all other benefits and accessories, bonuses and allowances of any kind paid directly or indirectly, in cash or in kind, by the employer to the worker in view of the employment of the latter.

Wages must be paid regularly and in legal tender.

In accordance with the Labour Code, an employer is obliged to pay wages at least once a month to the workers and beneficiaries of collective labour agreement; or twice a month with interval not exceeding fifteen (15) days for workers who are engaged for a fortnight or less. For workers engaged on piece-work, if the work lasts more than a fortnight, timing of payment can be set by mutual agreement however workers must get fortnightly instalments and should receive full payment within two weeks of the delivery of work.

The payment of the wage, wholly or partially, in the form of alcohol or drugs is forbidden. Salary paid in kind, partially, serves the personal use of the worker and her/his family and it is according to her/his interest; the value attributed to these benefits must be fair and reasonable.

Source: §241(2) of the Labour Code of the Republic of Guinea 2014

4. COMPENSATION

ILO Conventions:

a) Compensation overtime: Convention 01 (1919)
b) Night work: Convention 171 (1990)

Guinea has not ratified the Conventions 01 & 171.

4.1 Summary of provisions under ILO conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

4.2 Regulations on compensation

Labour Code of the Republic of Guinea, 2014

4.3 Overtime Compensation

In accordance with the Labour Code, the normal working hours are 40 hours per week. Working hours may be reduced by mutual agreement in a part time work contract. Normal working hours may be increased by using the principle of work time equivalence. The following professions are authorized to practice equivalent hours of work as follows:

a) 42 hours for workers of pharmacies and commerce;
b) 42 hours for workers of hospitals, bakeries, hotels, bars, restaurants and clubs;
c) 45 hours for workers of hairdressing salons, manicure and pedicure places;
d) iv. 45 hours for taxi drivers;
e) 48 hours for staff transportation drivers; and
f) 55 hours for guards and janitors.

A worker may be required to work overtime provided that working hours must not exceed 10 hours per day and 48 hours per week. Employer can unilaterally require a worker to work 100 hours of overtime per year. Beyond this limit, a certificate to perform overtime work must be obtained from Labour Inspector. An employer is required to pay overtime premium at following rate:

a) 130% of normal hourly rate for the first four (4) overtime hours; and
b) 160% of normal hourly rate for five (5) or more overtime hours in a week.

A worker does not have the right to refuse to overtime.

Sources: §221(1-7) of the Labour Code of the Republic of Guinea 2014; §4 of Order No. 1391 on Work Time Equivalence

4.4 Night Work Compensation

Night work is the work performed between 20:00 and 06:00. Night work is paid at the premium rate of 120% of the normal hourly salary paid during the day. If the night work is performed as overtime, a worker is entitled to compensation for overtime applied over the already increased rate of night work.

Source: §221(8 & 9) of the Labour Code of the Republic of Guinea 2014

4.5 Compensatory Holidays / Rest Days

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. Instead of getting higher wages for working on weekly rest day, workers get a compensatory day off, upon mutual agreement between the parties, in lieu of the rest day. There is no provision for compensatory holiday for workers working on a public holiday.

Sources: §222(5) of the Labour Code of the Republic of Guinea 2014, §8 of Order on Weekly Rest Periods 1996

4.6 Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official holidays, they are entitled to receive wages at a premium rate of 160% of the normal hourly wage rate for the work performed during day time and 200% of the hourly wage rate for the work performed during night hours. Work performed on weekly rest days is considered as overtime and it is paid accordingly.

Sources: §222(7) of the Labour Code of the Republic of Guinea 2014; §8 of Order on Weekly Rest Periods 1996

5. ANNUAL LEAVE & HOLIDAYS

ILO Conventions:

a) Convention 132 (1970) on Holidays with Pay Convention
b) Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days (In addition, for several industries, different Conventions apply)

Guinea has ratified the Conventions 14 & 132 only.

5.1 Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays. Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.

5.2 Regulations on annual leave and holidays

a) Labour Code of the Republic of Guinea, 2014
b) Order on Weekly Rest Periods, 1996

5.3 Paid Vacation / Annual Leave

The Labour Code provides 30 working days paid annual leave after completion of 12 months of continuous service. A worker is entitled to 2.5 days of annual leave for one month of service. Labour code does not specify whether paid annual leave increases with the length of service.

Annual leave may be split however its minimum duration at one time must be at least 12 consecutive days. Workers are entitled to receive their full pay and allowance that they would have received while working for the whole term of

paid annual leave. Annual leave is independent of all other kinds of leave provided by the law. The collective agreements branch may determine the timing of annual leave; otherwise, it is set by the employer.

If the employment contract expires before a worker could acquire the right to annual leave, compensation for leave is made. Apart from this provision, any agreement providing compensation in lieu of annual leave is null and void.

Sources: §222(8 & 12-16) of the Labour Code of the Republic of Guinea 2014

5.4 Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays.

The public holidays are eleven in number and includes the following: Independence Day (October 02), National holiday of the Second Republic (April 03), New Year (January 01), International Labour Day (May 01), Day of the Liberation of African Continent (May 25), Ramadan (Celebration at the end of Ramadan), Tabaski (Abraham's sacrifice/Feast of the Sacrifice), Mauloud (Date of birth of the Prophet Muhammad PBUH), Eastern Monday, Assumption Day (August 15) and Christmas Day (December 25).

Sources: §222(6) of the Labour Code of the Republic of Guinea 2014; §1 of Order No. 1389 on Public Holidays

5.5 Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. The Labour Code and the Order on Weekly Rest Periods require that weekly rest day, in principle, should be Sunday for all workers except the following:

a) Hospital, clinics, nursing homes and pharmacies staff;
b) Lighting companies and water distribution;
c) Hotels, bars, restaurants and show companies;
d) Carriers by water, air, land and rail;
e) In industries where every interruption of work can provoke the loss or deterioration of goods being produced, or in the facilities.

Exceptions to the weekly rest period on Sundays can be also granted by a Ministerial Order once the simultaneous rest period of a company's staff or of an establishment is detrimental to the public or endangers the normal functioning of a company or an establishment.

The workers are also given the choice for the additional rest days, either at the end of a journey, or cumulated with the annual leave. The apprentices and those employed under the age of eighteen are still entitled to Sunday rest, even when employed in a company or institution where the Sunday work is allowed.

Sources: §222(01-05) of the Labour Code of the Republic of Guinea 2014; §08 & 09 of
Order on Weekly Rest Periods 1996

6. EMPLOYMENT SECURITY

ILO Conventions:

a) Convention 158 (1982) on employment termination

Guinea has not ratified the Convention 158.

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6.1 Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.
A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship. Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

6.2 Regulations on employment security:

a) Labour Code of the Republic of Guinea, 2014
b) Collective Labour Agreement, 1995

6.3 Written Employment Particulars

The employment contract is a contract by which a person commits his/her professional activity in subordination of a person for consideration of a fee/remuneration.

Employment contract may be oral or in writing. An indefinite contract known as "term contract undetermined" may be verbal however a fixed term contract must be in writing. Employment contract is provided to the worker with the age of 16 years and above.

The employment contract is subject to common law and can be made in a form that is agreed upon by the contracting parties. When the parties to the contract are opting for the form of a written contract, it is free from stamp duty. The proof of the contract can be established by any means.

Sources: §121 (1-5) of the Labour Code of the Republic of Guinea 2014

6.4 Fixed Term Contracts

Guinean labour Law allows hiring fixed term contract workers for tasks of permanent nature. The employment contract is a fixed term contract if its terms are fixed by the parties at the time of its conclusion. The fixed term employment contract must be written and provided with the letter of employment before commencement of work.

The maximum duration of a fixed term contract including renewals is two years. If a fixed term contract is extended beyond two years or if a worker keeps working after expiry of fixed term, the contract converts to the indefinite duration. The fixed term contract may be concluded in the following situations: when the contract occurs either for a season; or replacing an absent worker; or execution of a project; or task corresponding to occasional extra work; or unusual business activity.

Sources: §122 of the Labour Code of the Republic of Guinea 2014

6.5 Probation Period

In accordance with the Labour Code, maximum duration for the probation/trial period is:

a) 3 months for managerial/executive workers; and
b) 01 month for all other workers.

Written employment contract along with the appointment letter is provided to the worker on probation within two days of commencement of work, unless agreed otherwise.

Sources: §121 (6) of the Labour Code of the Republic of Guinea 2014

6.6 Notice Requirement

The Labour Code requires written termination notice before terminating services of a worker.

A fixed term contract terminates at the end of its term or by cancellation by either of the parties. The cancellation by either of the parties must be by mutual agreement. A fixed term contract can also be cancelled, without agreement of the parties, in the event of force majeure (acts of God) or serious misconduct. The cancellation of contract by agreement must be in writing and it is submitted as a petition to the President of the court responsible for the work (labour issues) in the jurisdiction.

An indefinite term contract may be terminated by either of the parties. A worker may cancel an indefinite term contract for any reason. On the other hand, an employer may cancel an indefinite term contract for valid reasons that make it impossible to keep the contractual relationship. Reasons for dismissal relate to personal disability, incompetence or misconduct (personal reasons) or the requirements of the enterprise (economic reasons). Either party can terminate a contract of indefinite duration by serving a notice or paying in lieu of notice except in case of serious misconduct. Labour Code does require an employer to serve a contract termination notice to the workers except in case of serious misconduct.

Minimum length of notice depends on the professional category of workers as follows:

a) 3 months for middle managers and similar categories;
b) 2 month for supervisors and foremen; and
c) 1 month for operational staff.

Notice period starts on the day the worker receives written termination notice. During notice period, the employer works with same terms and conditions except the worker is provided 8 hours per week to search for a new job.

Sources: §172 (1-8) &172 (23-29) of the Labour Code of the Republic of Guinea 2014

6.7 Severance Pay

Workers on termination of contract, except in the case of serious misconduct, are entitled to severance pay as determined in an Order issued by the Minister of Labour. In accordance with article 50 of the Collective Agreement, severance pay is not payable when a worker is dismissed for gross misconduct. In the case of individual dismissals, the rate of severance pay is as follows:

a) 33% of overall average monthly salary for each completed year of the first five years;
b) 35% of the overall average monthly salary per year from 6th to 10th year inclusive;
c) 40% overall average monthly wage per year beyond the 10th year.

7. FAMILY RESPONSIBILITIES

ILO Conventions:

a) Convention 156: Workers with Family Responsibilities Convention (1981)
b) Recommendation 165: Workers with Family Responsibilities (1981)

Guinea has ratified the Convention 156 only.

7.1 Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration. Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers. Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

a) Labour Code of the Republic of Guinea, 1988 (amended in 1991)

7.2 Paternity Leave

There is no provision in the law on paid or unpaid paternity leave.

7.3 Parental Leave

Once maternity leave has exhausted, women workers may avail unpaid leave for up to 9 months to look after the new-born.

Sources: §153(4) of the Labour Code of the Republic of Guinea 2014

7.4 Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

8. MATERNITY AND WORK

ILO Conventions:

a) An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth

Guinea has not ratified both Conventions 103 & 183.

8.1 Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost. During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby. The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary. During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

a) Labour Code of the Republic of Guinea, 1988 (amended in 1991)
b) Social Security Code, 1994
c) Order N° 1392/MASE/DNTLS/90

8.2 Free Medical Care

Pregnant insured workers or spouses of insured workers receive maternity related care during pregnancy and confinement. A pregnant worker is also entitled to free medical care under the Labour Code.

Sources: §153(3) of the Labour Code of the Republic of Guinea 2014; §107 of the Social Security Code 1994; Order N° 1392/MASE/DNTLS/90

8.3 No Harmful Work

A decree by Minister for Labour determines the type of work that is prohibited to women and pregnant women. The decree also determines the special conditions of protection that are needed to perform certain tasks. Women are prohibited to work under conditions that undermine the women's reproductive capacity and in case of pregnant women, work that have hazardous effect on mother and child is prohibited.

Source: 231(5) of the Labour Code of the Republic of Guinea 2014; §6-11 of the Order N° 1392/MASE/DNTLS/90 respecting the employment of women and pregnant women

8.4 Maternity Leave

Female workers are entitled to fourteen weeks of fully paid maternity leave. In the case of multiple births, maternity leave can be extended by two weeks. Six weeks leave has to be taken before the birth of the child while 08 weeks leave

is taken after birth. When child is born before the expected date, the period of interruption of employment contract is extended up to the period of 14 weeks to which the worker is entitled. Prenatal and postnatal leave is extended each by 2 weeks (8 weeks and 10 weeks respectively) because of incapacity to work resulting from pregnancy and confinement. Post-natal illness must be medically certified by the doctor.

Sources: §153(1-2) of the Labour Code of the Republic of Guinea 2014

8.5 Income

Maternity leave is fully paid leave. Half of the wages are paid by employer and remainder is paid by Social Security Fund.

Sources: §153(3) of the Labour Code of the Republic of Guinea 2014

8.6 Protection from Dismissals

A women worker may not be dismissed during the period of her maternity leave and unpaid optional parental leave. A pregnant woman worker may be terminated for reasons unrelated to her pregnancy, child birth or maternity. The employer has to reinstate an unfairly terminated worker or pay compensation equal to two years' salary.

Sources: §153(5) of the Labour Code of the Republic of Guinea 2014

8.7 Right to Return to Same Position

There is no specific provision in the law which gives a female worker the right to return to same position after availing her maternity leave however it could be implied from the Art. 153(2) of Labour Code that a woman can return to her job after availing this leave.

Sources: §153(5) of the Labour Code of the Republic of Guinea 2014

8.8 Breastfeeding

Female workers are entitled to paid nursing breaks, of one-hour duration, for new mothers to breastfeed their child(ren) until a child is nine (09) months old. The breastfeeding/nursing breaks are in addition to the normal breaks an employee receives during the working day and may be taken into one, two or three breaks. Exact timing of breast-feeding/nursing breaks and division of rest breaks into one, two or three short breaks are determined by the mother and brought to the prior knowledge of the employer.

Sources: §153(4) of the Labour Code of the Republic of Guinea 2014

9. HEALTH AND SAFETY

ILO Conventions:

a) Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals
b) Convention 155 (1981) is the relevant general convention here
c) Labour Inspection Convention: 81 (1947)

Guinea has ratified the Convention 81 only.

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9.1 Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.
Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits. In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

a) Labour Code of the Republic of Guinea, 2014

9.2 Employer Cares

An employer is required to take all necessary steps that are appropriate to business's operating conditions, to protect the workers from accidents and diseases. Labour Code requires an employer to benefit workers with medical examination once a year to ensure their good health and judge their ability in doing their work.

Establishments with 25 or more workers must establish a safety and health committee to study, develop and ensure the implementation of preventive and protective measures for health and safety at work.

Employer must ensure the compliance with the general provisions determined by the Ministerial order, related to lighting; ventilation; drinking water; sanitation; removal of dust and vapors; precautions to be taken against fire; radiation; noise and vibration; temperature; and the cleanliness of establishments. Minister's order also determines the provisions related to specific needs and safety requirements of certain occupations to improve the hygienic conditions and health and safety protection of workers at workplace.

Workers are also required to use safety devices and security properly. They must not make any amendment without employer's prior permission.

Sources: §231 (1-5) of the Labour Code of the Republic of Guinea 2014

9.3 Free Protection

The Labour Code requires employers to provide protective equipment (PPE) to workers involved in hazardous work. Provision of free of cost protective equipment must be ensured by the employer when collective technical preventive measures are inadequate.

Sources: § 231 (14) of the Labour Code of the Republic of Guinea 2014

9.4 Training

An employer is obliged to organize practical training on safety, hygiene and health at workplace for the benefit of newly hired workers, those who have changed job or technique and those returning to work after a work stoppage for a period of more than six months. This training must also be updated accordingly with changes in the regulation/legislation.

Sources: §231(6) of the Labour Code of the Republic of Guinea 2014

9.5 Labour Inspection System

Labour Inspection System is provided under the Labour Code. However, it is not as efficient as is required under ILO Convention on labour inspection.

Labour inspectorate is the specialized body that advises, reconciles and monitors the implementation of legislation, regulations and collective agreement related to remuneration, work conditions, hygiene, health, safety, collective bargaining and the right to organize in the company.

The national legislation provides inspectors the power to enter, inspect and examine the work premises at any time during day or night without prior notice; take samples, collect and remove materials and substances, and make recordings for the purpose of examination and investigation; ask for registers, documents, certificates and notices to inspect, examine and copy them; and interview anyone. The labour inspector may take consultation from doctors and technicians regarding hygiene and safety requirements; and may accompany with shop stewards and representatives of health committee to inspect health and safety at workplace.

Labour inspectors have the power to take and request measures to eliminate the defects observed in an installation, planning, working methods they consider to be a threat to the health or safety of workers. To take such measures, labour inspectors may order that all necessary modifications to the facilities shall be taken within a period of time in compliance with the legal and regulatory provisions with regard to the health and safety of workers. Labour inspector is obliged to maintain the confidentiality.

Sources: §513(1-13) of the Labour Code of the Republic of Guinea 2014

10. SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions:

a) Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning
b) Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Guinea has ratified the Conventions 121 only.

10.1 Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year).

A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

a) Labour Code of the Republic of Guinea, 2014
b) Collective Labour Agreement, 1995
c) Social Security Code, 1994

10.2 Income

Collective Agreement provides for the paid sick leave. The maximum duration of sick leave is 6 months. Initially, the duration of sick leave is 13 weeks but it may be extended up to 26 weeks if a worker had at least 300 days of employment in the last year.

As for the compensation for sick leave, it is equal to 50% of the wages a worker received during the 3-month period before disability began. Compensation is paid starting from the 9th day of sickness.

Sources: §36-37 & 41 of Collective Labour Agreement, §119-120 of the Social Security Code

10.3 Medical Care

In accordance with the Labour Code, employment of a worker is secure during the period of sick leave, i.e., six months. An employer may dismiss the worker who is on sick leave for more than 6 months. The employment contract is suspended for absence due to illness. This absence is limited to six months, but can, however, be extended until there is a replacement.

Sources: §152(5) of the Labour Code of the Republic of Guinea 2014

10.4 Job Security

Medical benefits are available for insured workers and these include general medical care, specialist care, medicine, hospitalization, maternity care, and transportation.

The Labour Code requires the employer to provide medical care and necessary drugs to the extent possible. The employer is then reimbursed later by the body responsible for Social Security.

Sources: §12 of the Labour Code of the Republic of Guinea 2014; §113 of the Social Security Code 1994

10.5 Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, permanent disability benefit is 70% of a worker's average earnings in the year before the disability began.

In the case of permanent partial disability (when assessed degree of disability is 15% or above), amount of compensation depends on the assessed degree of disability and a percentage of full pension is accordingly paid. For assessed degree of disability between 1% to 14%, a lump-sum is paid.

In the case of temporary disability, 50% of worker's average wages (in the last month) are paid for the first 28 days. Thereafter, 66.7% of average daily is wage is paid until full recovery or certification of permanent disability.

In the case of fatal injury, dependents receive survivors' pension. 30% of a worker's average earnings in the last 12 months are paid to a spouse (widow/widower). This pension ceases on remarriage and a lump-sum amount is paid. 15% of a deceased worker's earnings are paid to each orphan, younger than 17 years, as survivor's pension. If there are full orphans, 20% of the pension is paid to each full orphan. Other dependents get only get 10%. Total survivors' benefits can't exceed 100% of the total disability benefit the deceased worker would have been or was entitled to.

Sources: §73-80 of the Social Security Code 1994

11. SOCIAL SECURITY

ILO Conventions:

a) Social Security (minimum standards): Convention 102 (1952). (For several benefits somewhat, higher standards have been set in subsequent Conventions Employment Injury Benefits)
b) Conventions 121 (1964), Invalidity, Old age and survivors' benefits
c) Convention 128(1967) Medical Care and Sickness Benefits
d) Convention 130 (1969) Unemployment Benefits: Convention 168 (1988)

Guinea has ratified the Convention 121 only.

11.1 Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage. For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

a) Social Security Code, 1994

11.2 Pension Rights

Law provides for both full and early pension. For full pension, a worker must have attained 55, 60 or 65 years of age (depending on profession) with at least 180 months (15 years) of contributions. Minimum pensionable age is 50 years.

The pension is 2% of a worker's average earnings in the last 10 years multiplied by the number of years of contributions, up to 30 years. So, old-age pension can't exceed 60% of a worker's average earnings in the last 10 years. As for the early pension, full pension is reduced by 5% to 10% for each year that the pension is received before age 55. Pensions are paid quarterly.

Sources: § 49-50, 54 & 59 of the Social Security Code 1994

11.3 Dependents' / Survivors' Benefit

Social Security Code provides for survivor benefit (these include dependents including widow, widower, children). Survivors' benefit is paid only if the deceased worker was a pensioner or was in the covered employment with at least 15 years of coverage at the time of death. 50% of the deceased worker's pension is paid to a widow/widower as survivors' benefit. 10% of the deceased worker's pension is paid to each orphan. If there are full orphans, 20% of the pension is paid to each full orphan. Total survivors' benefits can't exceed 100% of a deceased worker's pension.

Sources: § 55 of the Social Security Code 1994

11.4 Unemployment Benefits

There is no provision for unemployment benefit under Guinean labour laws

11.5 Invalidity Benefits

The Social Security Code provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If a worker is assessed with total disability, 100% of the insured worker's average annual earnings are paid. Partial disability pension is 40% of the insured worker's average annual earnings. Disability pension ceases at age 55 with the start of old-age pension.

Sources: §45 of the Social Security Code 1994

12. FAIR TREATMENT

ILO Conventions:

a) Convention 111 (1958) lists the discrimination grounds which are forbidden
b) Convention 100 (1952) is about Equal Remuneration for Work of Equal Value

Guinea has ratified both Conventions 100 & 111.

12.1 Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/ harassment is gender discrimination. An employer can’t discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national

extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

a) Constitution of the Republic of Guinea, 2010
b) Labour Code of the Republic of Guinea, 2014
c) Collective Labour Agreement, 1995
d) Decree No. 1392/MASE/DNTLS/90 of 15 May 1990

12.2 Equal Pay

In accordance with the Labour Code, the principle of equal remuneration for work of equal value between workers applies without any discrimination on the basis of origin, sex and age. The Labour Code also requires that various components of remuneration, criteria for career advancement and methods of job evaluation should be common to workers of both sexes.

Source: §241 (2 & 3) of the Labour Code of the Republic of Guinea 2014

12.3 Sexual Harassment

In accordance with the Labour Code, sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

The employer or his representative or any other authority must not dismiss a worker on the basis of refusing any kind of sexual favour. They must not impose constraints or exert any kind of pressure on a worker to obtain sexual favours for his benefit or the benefit of a third party.

Sexual harassment is considered as a form of discrimination. Discriminatory behaviour against victim or witness on the basis of hiring, paying compensation, training, assignment, promotion, transfer or renewal of employment contract is prohibited. A worker may not be punished or dismissed or penalized for having been denounced, reported or witnessed such behaviour.

The Constitution of Guinea requires that no one may be discriminated on the ground of gender/sex, race, ethnicity, opinions or any other cause of discrimination.

Source: §08 & 09 of the Labour Code of the Republic of Guinea 2014, §20 of the Constitution of the Republic of Guinea 2010

12.4 Non-Discrimination

In accordance with the Constitution of Guinea, a person may not be prejudiced [lésé] in their work by virtue of their gender, race, ethnicity, opinions or of any other cause of discrimination (Art. 20). The Constitution assures that all the citizens are equal before law without distinction of origin, of race, of ethnicity, of gender [sexe], of religion and of opinion (Art. 01). The Constitution further states that men and women have the same rights. No one may be privileged or disadvantaged by virtue of [en raison de] their sex, of their birth, of their race, of their ethnicity, of their language, of their beliefs and of their political, philosophical or religious opinions (Art. 08).

The Labour Code also prohibits discrimination on the basis of sex, age, national origin, race, religion, colour, political and religious opinion, social origin, union membership and union activity, disability and HIV status (real or perceived). Discrimination on aforementioned basis is prohibited while taking decisions particularly regarding hiring, performance and distribution of work, vocational training, promotion, remuneration, granting of social benefits, discipline or termination of employment contract. Any distinction, exclusion or preferences based on qualifications required for a particular job are not deemed to be discrimination.

The worker may appeal directly to the court dealing with work to denounce acts of discrimination he suffered. However, it may refer the competent labour inspector for conciliation.

In accordance with collective agreement, there can't be any discrimination on the ground of race, colour, sex, age, religion, political opinion, national or social origin, union activity.

Source: §01, 8 & 20 of the Constitution of the Republic of Guinea 2010; § 8 of the Labour Code of the Republic of Guinea 2014

12.5 Equal Choice of Profession

According to the Constitution, it is the duty of the state to take measures to exercise the right to work which is equally recognized for all. The law determines the fundamental principles of the right to work.

In accordance with Décret No. 1392/MASE/DNTLS/90 du 15 Mai 1990, women can't work in the same industries as men. Night work is prohibited for young workers (under the age of 18 years) and women workers.
Labour code also recognizes the right to work for all. The state ensures equal opportunity and treatment of citizens regarding access to vocational training and employment, without distinction of origin, race, sex, religion and philosophy.

Sources: §20 & 72 of the Constitution of the Republic of Guinea 2010; §2, 136(1) & 137(2) of the Labour Code of the Republic of Guinea 2014; Décret No. 1392/MASE/DNTLS/90 du 15 Mai 1990

13. MINORS AND YOUTH

ILO Conventions:

a) Minimum Age: Convention 138 (1973)
b) Worst Forms of Child labour: Convention 182 (1999)

Guinea has ratified both Conventions 138 & 182.

13.1 Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances Children should

not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

a) Constitution of the Republic of Guinea, 2010
b) Labour Code of the Republic of Guinea, 2014
c) Childhood Code, 2008
d) Decree 2791/MTASE/DNTLS/96, 1996

13.2 Minimum Age for Employment

Minimum age for employment is 16 years. The Child Code allows children under 16 to work after written parental permission. Children may work as apprentices from age 14, or from age 12 for apprenticeships involving light work in domestic service and other non-industrial sectors, with the approval of labour inspectors.

An Order of the Minister in charge of Labour shall determine the nature of the work and categories of enterprises prohibited for young persons under eighteen years of age and the age limit to which the prohibition applies.

Free public education is guaranteed under the Constitution. Under a 1997 decree, the compulsory education age is 16 years.

Sources: §23 of the Constitution of the Republic of Guinea 2010; §137(5) of the Labour Code of the Republic of Guinea 2014; §411-422 of the Child Code; §6 of the Education Decree 97/196-/PRG/SGG, 1997

13.3 Minimum Age for Hazardous Work

Minimum age for hazardous work is set as 18 years. The Child Code includes a list of hazardous occupations from which children are prohibited. Order 2791/MTASE/DNTLS/96 Working Conditions for Workers Aged Under 18 Years excludes children younger than age 18 from working in hazardous conditions including work in mines, tanneries, handling of explosive materials, working at night and work affecting the morals of a child. Labour Code also prohibits hazardous work which exposes children to physical, psychological or sexual abuse; and the work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or hazardous processes or conditions, temperature, noise or vibrations damaging to their health.

Night work is also prohibited for child less than eighteen years of age and they must be examined medically on regular basis to check if their assigned work is according to their physical strength. If the assigned work is not according to the child's physical strength, the employment contract is terminated with the payment in lieu of notice and severance pay.

Sources: §137(1-8) of the Labour Code of the Republic of Guinea 2014; Decree 2791/MTASE/DNTLS/96 Working Conditions for Workers Aged under 18 Years

14. FORCED LABOUR

ILO Conventions:

a) Forced labour: Conventions 29 (1930)
b) Abolition of Forced labour: Conventions 105 (1957)
c) Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights

Guinea has ratified both Conventions 29 & 105.

14.1 Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour). If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

a) Constitution of the Republic of Guinea, 2010
b) Labour Code of the Republic of Guinea, 2014
c) Penal Code 1998

14.2 Prohibition on Forced and Compulsory Labour

Forced or compulsory labour is prohibited under the Labour Code. Forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Penal code also prohibits individuals from entering into agreements that deprive others in vulnerable conditions of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any proceeds from the crime. If a person is exploited due to his/her state of vulnerability or dependence by making him/her provide unpaid services, or in exchange of payment clearly unrelated to the importance of his/her work, the exploiters are to be punished with a sentence of 6 months to 5 years and a fine of 50,000 to 300,00 Guinean Francs. If a person is subjected to inhuman working conditions and accommodation due to his/her state of dependency or vulnerability, the exploiters are to be punished with a sentence of 1 month to 5 years and fine of 50,000 to 500,000 Guinean Francs.

Sources: §03 of the Labour Code of the Republic of Guinea 2014; §337 of the Penal Code 1998

14.3 Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Sources: §172 (23-29) of the Labour Code of the Republic of Guinea 2014

14.4 Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week. However, total hours of work inclusive of overtime must not exceed ten hours a day and forty-eight hours a week.

For more information on this, please refer to the section on compensation.

Sources: §221 (1-7) of the Labour Code of the Republic of Guinea 2014

15. TRADE UNION

ILO Conventions:

a) Freedom of association and protection of the right to organize: Convention 87 (1948)
b) Right to Organize and Collective Bargaining: Convention 98 (1949)

Guinea has ratified both Conventions 87 & 98.

15.1 Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

a) Constitution of the Republic of Guinea, 2010
b) Labour Code of the Republic of Guinea, 1988 (amended in 1991)

15.2 Freedom to Join and Form a Union

Constitution and Labour Code provide for freedom of association and allow workers and employers to join and form unions. In accordance with the Constitution, "every citizen has the right to affiliate [adhérer] with the union of their choice and to defend their rights through union action. Each worker has the right to participate, by the intermediate of their delegates, to the determination of the conditions of work".

This right is regulated by the Labour Code. In accordance with the Labour Code, the state and employers are committed to promote freedom of association among workers at all levels of social dialogue in the private, formal, informal and public sectors by recognizing their choice to join a union or not and to exercise the union responsibilities or not. Workers can freely, without prior authorization, group to form a union in the geographical constituency of their choice to defend and ensure the development of their individual and collective rights. They can join a union in a company, a community, a prefecture in the same area if there are already one or more unions representing workers doing the same job or working in the same industry.

The unions must get registered for at least six months by filing their statutes. The trade union must be independent of employers, employer's organizations, political parties and religious organizations. A union must have obtained at least 20% of the votes in votes cast for steward elections.

Sources: §321-323 of the Constitution of the Republic of Guinea 2010: §2, 136 (1) & 137 (2) of the Labour Code of the Republic of Guinea 2014

15.3 Freedom of Collective Bargaining

Right to collective bargaining is recognized by the Constitution and the labour code. In accordance with the Constitution of Guinea, "Each worker has the right to participate, by the intermediate of their delegates, to the determination of the conditions of work".

According to the Labour Code, collective bargaining agreement (CBA) is to determine the conditions of work and employment of workers and regulating relations between employers and workers. It may also extend the powers to legally recognized trade unions and improve safeguards protecting workers against social risks. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions which are less favourable than those provided under the law, it cannot be enforced.

A CBA may be concluded for definite or indefinite time period. The duration of a CBA signed for definite time period may not exceed 3 years. A CBA of indefinite term must be revised after every five years and may be cancelled by giving a cancellation notice of three months unless stated otherwise.

The collective agreements must indicate their professional and territorial jurisdiction, place and date of conclusion, the name and status of the signatories with the mentioned unions and professional organizations they represent.

The CBA must be concluded in writing and filed with the registry of the court responsible for the work of the place of conclusion. To extend a CBA into ministerial order, it must be negotiated in a commission chaired by the Minister for labour or his representative, with an equal number of representatives of representative employers' organizations and representatives of representative trade unions.

The Economic and Social Council (ESC) of the Republic of Guinea is a constitutional, non-political institution of consultative nature, legally representing organised civil society, in accordance with the organic law N° 91/04/CTRN, 1991.

The Economic and Social Council is a consultative assembly charged with issuing opinions, suggestions or recommendations on matters (especially of economic and social nature) submitted to it by the President of the Republic or the National Assembly. By its composition, it encourages the collaboration of the various professional categories among themselves and by its opinions, ensures their participation in the conception of the economic and social policy of the Government. The ESC of Guinea, operational since July 1997, has 45 members representing the producers of the sectors of agriculture, Industry and transport (20), trade unions (12), civil society organizations (3) and personalities designated by the President of the Republic (10), based on their competence and experience, including at least a personality from universities or Research Centres. The term of the Commission is five years.

Labour Code provides for the Consultative Commission of Labour and Social Laws with the mandate to study the problems concerning work, employment, social security, health and safety, and improving working conditions. Its mandate further includes the following: strengthen the mechanism of social dialogue on collective bargaining; train the worker and employer organizations on collective bargaining, social legislation and international labour standards; and set up a permanent mechanism of tripartite consultations and promote implementation and reporting on international labour standards. The Commission must be consulted with in preparing all legislation on labour and employment. It is represented by eight members each from government, employer and worker groups.

The Labour Code further provides for a National Council of Social Dialogue which is also of tripartite nature. The main responsibilities of the Council are to promote social dialogue; promote amicable settlement of labour disputes; reflection on social legislation; and issue opinions on broad economic guidelines with strong social impact.

Sources: §20 of the Constitution of the Republic of Guinea 2010; §410-423 & 515 of the Labour Code of the Republic of Guinea 2014; Organic Law N° 91/04/CTRN, 1991

15.4 Right to Strike

Right to strike is enshrined in the Constitution and regulated by the Labour Code. The right to strike is recognized by the Constitution. It must be exercised within the framework of the laws that govern [régisents] it. It may not in any case infringe the freedom of work.

In accordance with the labour code, strike is a partial or complete stoppage of work decided by employees for enforcing professional demands. However, this provision does not prohibit the exercise of certain forms of strike that does not necessarily mean an outright cessation of work but its slowdown, and provided that the strike is peaceful.

Members of union must notify, in writing, the competent authority of labour administration at least 10 days prior to the proposed date of strike. The written notice must include the reasons and claims made by the union or collective organisation filing the notice. The notice period allows negotiation between the parties. Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail.

The employment contract is suspended during the strike if it was started in violation of the procedure of the settlement of collective labour disputes. A worker's job is secure during the term of a legal strike and he/she cannot be punished for his participation in a legal strike. The employer is not obliged to pay the worker remuneration for the strike period.

Strikers must not threaten non-strikers. Strikers cannot stop other workers who want to go to work during a strike from doing so. Labour law maintains a list of essential services where minimum service must be maintained if strike action is initiated.

In case, the strike does not comply with the provisions of labour law, it may be subjected to disciplinary action by the employer.

Sources: §20 of the Constitution of the Republic of Guinea 2010, §431 of the Labour Code of the Republic of Guinea 2014

16. REGLEMENT INTERIEUR - GUINEA

REPUBLIQUE DE GUINEE
Travail – Justice – Solidarité

SOCIETE : KINDIA RESOURCES SARLU

MAMOU RESOURCES SARLU

REGLEMENT INTERIEUR

Kouroussa, le 21 Février 2022

REGLEMENT INTERIEUR

I- PREAMBULE

ARTICLE 1 : OBJET ET CHAMP D'APPLICATION

Le présent Règlement Intérieur, inspiré du Code du Travail de la République de Guinée, institué par le **Décret N°L/2014/072/CNT**, du 10 janvier 2014 et les textes pris pour son application.

Parce qu'il est destiné à organiser la vie dans l'entreprise dans l'intérêt de tous, ce règlement s'impose à chacun en quelque endroit qu'il se trouve.

La hiérarchie est fondée à veiller à son application et à accorder les dérogations justifiées.

Il s'applique à toute personne liée à KINDIA RESOURCES SARLU par un contrat de travail, quelles qu'en soient la nature et la durée.

Des dispositions spéciales sont prévues en raison des nécessités de service pour fixer les conditions particulières à certaines catégories de salariés (ou à certains services) ; elles font l'objet de notes de service ou de circulaires ayant la même autorité que le présent règlement dans la mesure où elles portent des prescriptions générales et permanentes dans les matières traitées par celui-ci.

Les dispositions du présent règlement intérieur constituent la loi des parties pour toutes les questions non réglées par le code du travail ou les textes pris pour son application ou éventuellement par une convention collective minière.

Pour qu'il soit connu de tous, un exemplaire est remis à chaque membre du personnel.

II. HYGIENE ET SECURITE

ARTICLE 2 : SURVEILLANCE MEDICALE

En application des dispositions légales en vigueur, tout agent subit un examen médical au moins une fois par an, en vue de s'assurer de leur bon état de santé et du maintien de leur aptitude au poste de travail occupé.

Ces visites médicales sont obligatoires, au même titre que les visites médicales d'embauche et de reprise après accident, arrêt de travail de plus de 3 semaines ou absences répétées.

ARTICLE 3 : ACCIDENTS DE TRAVAIL

Tout accident, même léger, survenu au cours du travail ou du trajet doit être signalé sans tarder à la hiérarchie qui en informe le service du personnel/Administration.

ARTICLE 4 : PRINCIPE D'HYGIENE ET SECURITE DES PERSONNES

Le personnel doit se conformer aux principes d'hygiène ; il doit notamment se présenter au travail en bonne propreté corporelle et vestimentaire et doit adopter la tenue vestimentaire convenable pour le poste de travail qui lui est confié.

Les locaux et les sites de la société doivent être laissés, après usage, en bon état de propreté.

Le personnel doit s'abstenir de tout acte susceptible de nuire à la sécurité au sein de la société KINDIA RESOURCES SARLU.

La diversité des situations, les caractères particuliers de certains locaux ou sites peut conduire à prendre des mesures particulières. Les consignes généralement écrites et alors apposées aux accès, s'imposent à tous.

L'utilisation des moyens réglementaires de protection contre les accidents ou les nuisances, mis à la disposition du personnel, est obligatoire.

Tout agent qui a un motif raisonnable de penser qu'une situation de travail présente un danger matériel significatif ou grave pour sa vie ou sa santé ou celle d'autrui doit immédiatement en avertir son supérieur hiérarchique et confirmer par écrit sa déclaration, celui-ci doit prendre les dispositions nécessaires immédiatement.

ARTICLE 5 : SECURITE DE BIENS

La préservation des locaux ou sites de la société KINDIA RESOURCES SARLU, conçus pour être un cadre fonctionnel de travail, est de la responsabilité de chacun pour ce qui le concerne dans leur aspect et leur équipement technique.

Chaque agent doit se conformer aux consignes préconisées en cas d'incendie.

La protection de certaines parties sensibles des bâtiments ou sites nécessite que soient respectées des consignes particulières. Celles qui régissent, notamment, les locaux informatiques, les chambres fortes, les caisses locales, les ateliers de travail sur les sites, s'imposent non seulement au personnel qui y travaille habituellement. Elles sont affichées à l'entrée desdits locaux.

L'agent est tenu de conserver les outils et matériels de travail mis à sa disposition par l'entreprise (machines, voitures, motos, groupes électrogènes, matériels et équipements de bureau…) et leur emplacement en constant état de propreté et de veiller à leur bon état de marche.

En cas de disparition, de dégradation de matériel, d'usage abusif ou de dommages consécutifs dûs à la négligence ou à des manipulations intempestives par le personnel non habilité, la responsabilité des utilisateurs est engagée.

La prévention des vols et larcins portant sur les objets personnels, repose sur le sens de responsabilité de chacun et les précautions de bon sens prises individuellement. En cas de disparition, le responsable hiérarchique doit être informé immédiatement pour que puissent être mises en œuvre les mesures appropriées.

Lors de la cessation de son contrat de travail, tout salarié doit, avant de quitter KINDIA RESOURCES SARLU, restituer, en général tous matériels, clefs et documents en sa possession et appartenant à la société.

III. DISCIPLINE

ARTICLE 6 : HORAIRES DE TRAVAIL

Sauf stipulations contraires ou complémentaires dans le contrat de travail, la durée du travail est de 8 heures par jour étalées sur les jours ouvrables de la semaine. Elle se traduit en horaires de travail, comme suit :

Pour les villes de Conakry et Kouroussa :

- De 8h 00 mn à 16 h 00 – du lundi au vendredi, avec une pause d'une heure par jour
- De 9h 00 mn à 13 h – le Samedi

Pour les Sites :

- De 7h 00 mn à 16 h 00 – du lundi au vendredi, avec une pause cumulée d'une heure par jour.
- De 7h 00 mn à 14 h – le Samedi, avec une pause cumulée d'une heure.

Il faut noter que les temps de travail sont organisés suivants les postes et les périodes. Une compensation est faite en temps de repos (Break) en cas d'activé dépassant les heures normale de travail.

Les jours et les horaires de travail sont à fixer et à adapter localement en étroite concertation avec les Responsables d'équipes.

Il appartient aux responsables hiérarchiques et d'équipe, de veiller au respect de l'horaire de travail des collaborateurs.

Le personnel du siège ne peut pour des raisons de sécurité revenir à KINDIA RESOURCES SARLU ou y rester au-delà des heures régulières, sauf raisons de service et autorisation du responsable hiérarchique et/ou du Directeur Projets.

Lorsqu'un agent doit s'absenter de son travail, pour quelque raison que ce soit, il en demande l'autorisation à son supérieur hiérarchique qui est tenu d'en informer l'Administration. Une fiche d'autorisation d'absence préparée à cet effet doit être obligatoirement remplie et soumise à l'approbation requise.

ARTICLE 7 : RETARDS ET ABSENCES

Tout retard doit être justifié auprès du responsable hiérarchique ou d'équipe et notifié par ce dernier au service du personnel/Administration.

Les retards répétés et non valablement justifiés peuvent être sanctionnés, nonobstant des sanctions disciplinaires prévues par le présent règlement intérieur.

Les absences doivent être justifiées auprès du supérieur hiérarchique direct dès que possible. L'agent empêché de se présenter au travail doit immédiatement prévenir ou faire prévenir la Direction ou son chef hiérarchique par tout moyen disponible et, notamment par téléphone.

La confirmation écrite doit parvenir dans les deux (02) jours maximums sous peine de sanction. Il en est de même pour toute sortie anticipée sans motif légitime ou sans autorisation.

L'absence pour maladie ou accident devra être justifiée dans les 48 heures par l'envoi d'un certificat médical indiquant la durée probable de l'absence ; l'agent ne doit pas refuser de recevoir éventuellement la visite de contrôle d'un médecin désigné par KINDIA RESOURCES SARLU.

ARTICLE 8 : SITUATIONS INDIVIDUELLES

Une connaissance complète et à jour des éléments des situations individuelles est nécessaire pour sauvegarder les droits de chacun.

Toutes modifications susceptibles d'affecter ces éléments est à signaler, en temps utile, au service du personnel/Administration, par voie hiérarchique.

ARTICLE 9 : PRESCRIPTIONS DIVERSES

Les badges d'identification qui pourraient être remis au personnel doivent être portés en permanence et de façon apparente avant tout accès aux locaux de KINDIA RESOURCES SARLU. Il y a donc lieu d'en prendre soin.

Chaque agent doit être conscient que sa qualité de membre du personnel l'oblige à un respect scrupuleux du caractère confidentiel de certaines informations qu'il peut détenir sur KINDIA RESOURCES SARLU ou ses Associés, du fait ou à l'occasion du service.

Il est formellement interdit :

1. D'utiliser à des fins personnelles le matériel et les fournitures de bureau
2. D'entrer dans les locaux de KINDIA RESOURCES SARLU en état d'ivresse
3. D'introduire des boissons alcoolisées pendant les heures de travail
4. De sortir de la société sans autorisation préalable

5. De s'éloigner de son poste de travail sans motif justifié et sans autorisation, au cours des heures de travail
6. De se servir sans en avoir l'ordre des équipements (machines, ordinateurs...) qui ne lui sont pas normalement attribuées.
7. De s'adonner à toute occupation personnelle pendant les heures de travail
8. De dormir aux heures de travail
9. De flâner entre les bureaux et dans les couloirs, de stationner à l'entrée de la société
10. D'emporter sans autorisation, les documents, objets, matériels de bureau appartement à KINDIA RESOURCES SARLU ou à toute autre société affiliée à KINDIA RESOURCES SARLU.
11. De faire des quêtes, vendre des billets de tombola, de spectacle ou de sport sans autorisation de la Direction
12. D'exercer toute pression sur le personnel pour faire obstacle à la liberté du travail.
13. De faire, de laisser faire ou de susciter tout acte de nature à troubler la bonne marche du travail
14. De causer du désordre d'une façon quelconque ; de tenir des propos injurieux ou violents ou à caractère raciste, ethnique ou politique, à l'égard d'un membre du personnel ou d'un partenaire. Tout comportement injurieux ou violent ou à caractère raciste, ethnique ou politique entraine à titre conservatoire la sanction prévue dans le code du travail, sans préjudice de sanctions graves
15. D'exercer, sans autorisation de la Direction, des responsabilités professionnelles dans une autre société ou structure publique.
16. De tenir des réunions, de se livrer à des discussions politiques, religieuses ou autres, de vendre ou distribuer des journaux, tracts ou documents quelconques, de placarder des affiches sur les lieux de travail.
17. D'introduire des marchandises, soit pour les vendre soit pour les entreposer.
18. De faire pour le compte d'un tiers des opérations commerciales ou financières au lieu du travail
19. D'accepter des pourboires ou de rançonner les partenaires.
20. D'utiliser en dehors des affiches professionnelles d'autres affiches et des collants de publicité à l'intérieur de la société KINDIA RESOURCES SARLU sans l'autorisation de la Direction.

21. D'utiliser les données de la société KINDIA RESOURCES SARLU ou de toute autre entité affiliée à elle, à des fins personnelles ou commerciales.

Exceptionnellement il peut être accepté que du courrier personnel destiné à des agents soit envoyé à l'adresse de KINDIA RESOURCES SARLU.

Dans ce cas, KINDIA RESOURCES SARLU décline toute responsabilité.

Des sanctions peuvent être prises en cas de manquement aux prescriptions d'hygiène et de sécurité ou aux règles de discipline énoncées aux deux précédents chapitres conformément au code du travail.

IV. SANCTIONS, PROCEDURES APPLICABLES EN CAS DE SANCTIONS

Il est possible que des anomalies soient identifiées dans l'exercice des fonctions et des responsabilités des salariés concernant leurs pratiques professionnelles. Ci-dessous les procédures applicables en la matière.

ARTICLE 10 : NATURE ET ECHELLE DES SANCTIONS

En cas d'absence non autorisée et non motivée ou retard injustifié, l'employé sera sanctionné conformément aux dispositions du code du travail (avertissement, blâme, mise à pied).

Tout agissement considéré comme fautif pourra, en fonction de sa gravité faire l'objet de l'une des sanctions classées ci-après ; par ordre de gravité.

Ces sanctions sont, du premier ou du deuxième degré.

a) Sanctions du premier degré

- Rappels à l'ordre.
- Avertissement écrit.
- 1er blâme.

b) Sanctions du deuxième degré

- 2ème blâme
- Mise à pied de 2 à 10 jours sans salaire.
- Rétrogradation,
- Licenciement.

Il est à préciser que les observations, les rappels à l'ordre ne sont pas des sanctions à proprement parler. Tout au contraire, leur emploi à bon escient doit permettre de retarder et si possible d'éviter le recours à la sanction.

Tenant compte des faits et circonstances, la sanction sera prise sans suivre, nécessairement l'ordre de ce classement, mais selon le degré de gravité ou la répétition des fautes commises telles :

- L'absence prolongée et non motivée
- Les retards répétés et injustifiés de l'agent à l'arrivée au travail
- La prolongation non justifiée des congés payés
- Le sabotage
- Le vol et/ou complicité de vol
- L'ivresse
- La rixe dans les locaux de KINDIA RESOURCES SARLU ou de toute autre entité affiliée à elle.

Le licenciement immédiat pourrait être prononcé en cas de fautes graves telles, notamment :

- Le vol et/ou complicité de vol, même au préjudice des autres employés.
- L'insubordination caractérisée, le manque de respect grave envers la hiérarchie.
- Les insultes, grossièretés, menaces ou voies de fait envers le personnel ou les partenaires.
- L'inscription injurieuse sur les immeubles ou sur le matériel de la société.
- Le refus manifeste d'exécuter un travail entrant dans les attributions du salarié.
- L'inaptitude du salarié à exécuter le travail pour lequel il a été engagé après plusieurs formations et appuis techniques.
- La réduction volontaire du rendement.
- L'abandon volontaire et injustifié du travail.
- La fraude, l'abus de confiance commis au préjudice de l'employeur, la divulgation du secret professionnel ou le marchandage des données techniques
- Le détournement de valeur, objet, outils ou instruments de la société et la falsification de documents.
- La soustraction même temporaire des objets, outils, instruments ou documents

- Le fait pour un salarié d'avoir, intentionnellement ou par négligence porté atteinte à la sécurité des autres salariés, ou des locaux de travail ou causé un dommage important aux machines, installations, ouvrages et autres objets de la société.

ARTICLE 11 : PROCEDURES APPLICABLES

Le recours aux sanctions se place dans le cadre des dispositions du code du travail.

Au cours de l'entretien, le responsable hiérarchique, assisté d'un agent de KINDIA RESOURCES SARLU ou d'un membre de l'organisation patronale expose les faits qui sont reprochés à l'agent ainsi que le ou les motifs de la sanction envisagée, recueille les explications de l'agent et les arguments de la personne l'assistant.

Pour toutes les sanctions, la décision est prise par la Direction Générale ou toute personne habilitée par elle sur proposition de la hiérarchie dont relève l'agent.

ARTICLE 12 : RECLAMATIONS

Tout agent qui a une réclamation à faire à la Direction peut la présenter soit par lui-même directement, soit par l'intermédiaire de son chef hiérarchique ou du chef du personnel/Administrateur.

ARTICLE 13 : PUBLICATION

Le présent règlement intérieur établi par la Direction de KINDIA RESOURCES SARLU, soumis à l'approbation de l'inspection Générale du travail, a été déposé au tribunal de travail à Conakry. Il entrera en vigueur dans la société (trente) 30 jours après son affichage.

ARTICLE 14

Tous aménagements ou modifications ultérieurs seront soumis à la même procédure.

Fait à Kouroussa, le 21 Février 2022

KINDIA RESOURCES SARLU

KINDIA RESOURCES Sarlu
RCCM N°GN.KAL.2019.B.007 510
COMMUNE DE KALOUM
QUARTIER ALMANYA-Imm. KALOUM

Inspecteur Général du Travail

RG- Région Administrative de Kankan
INSPECTION REGIONALE
DU TRAVAIL
L'Inspecteur du Travail