BURKINA FASO
Unity - Progress - Justice

DECREE No. 2008-331/PRES promulgating Law No. 028-2008/AN of May 13, 2008 establishing the Labor Code in Burkina Faso.

THE PRESIDENT OF FASO,
PRESIDENT OF THE COUNCIL OF MINISTERS,

SEEN the Constitution;

SEEN letter No. 2008-037/AN/PRES/SG/DGSL/DSC of May 29, 2008 from the President of the National Assembly transmitting for promulgation Law No. 028-2008/AN of May 8, 2008 establishing the Labor Code Burkina Faso;

DECREED

ARTICLE 1: Labor law No. 028-2008/AN of May 13 in Burkina Faso is promulgated. 2008 bearing Code

ARTICLE 2: This decree will be published in the Official Journal of Faso.

Ouagadougou, June 19, 2008

Blaise COMPAORE

BURKINA FASO IV REPUBLIC

FOURTH LEGISLATURE
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NATIONAL ASSEMBLY

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LAW N° 028-2008/AN

CONTAINING LABOR CODE IN BURKINA FASO

THE NATIONAL ASSEMBLY

Considering the Constitution;

Considering resolution No. 001-2007/AN of June 4, 2007, validating the mandate of the deputies;

deliberated at its meeting of May 13, 2008
and adopted the law whose content follows:

TITLE I: GENERAL PROVISIONS

Article 1:
This law is applicable to workers and employers carrying out their professional activity in Burkina Faso.

Article 2: Is
considered a worker, within the meaning of this law, any person who has undertaken to place his professional activity for remuneration, under the direction and authority of another person, natural or legal, public or private , called employer.

When determining the status of worker, neither the legal status of the employer nor that of the employee is taken into account.

Article 3:

Civil service agents, magistrates, the military, local authority agents as well as any worker governed by a specific law are not subject to the provisions of this law.

Article 4:

Any discrimination in matters of employment and profession is prohibited.

By discrimination we mean:

1) any distinction, exclusion or preference based in particular on race, color, sex, religion, political opinion, disability, pregnancy, national ancestry or social origin, which has the effect of effect of destroying or altering equality of opportunity or treatment in matters of employment or profession;

2) any other distinction, exclusion or preference having the effect of destroying or altering equality of opportunity or treatment in matters of employment or profession.

Article 5:

Forced or compulsory labor is prohibited.

The term “forced” or “compulsory” labor means any work or service demanded of an individual under the threat of any penalty or sanction and for which the said individual has not volunteered.

No one may use it in any form, in particular as:

1) measure of coercion, political education, sanction against people who have expressed their political opinions;

2) method of mobilizing and using labor for political purposes;

3) measure of discipline at work;

4) measure of social, racial, national or religious;

5) punishment for participating in strikes.

Article 6:

Not considered as forced or compulsory labor within the meaning of this law:

1) any work or service required of an individual under military laws and assigned to work for national on the service military character;

2) any work or service arising from civic obligations normal citizens;

3) any work or service required of an individual resulting from a judicial conviction, provided that this work is carried out under the supervision and control of public authorities and that the said individual is neither contracted nor made available to companies or individuals, private to public legal entities; with the exception of utility associations

4) any work or service required in the event of circumstances endangering danger or risk of
the life or normal living conditions of all or part of the community and in the event of force majeure.

The work or services mentioned in points 1 to 4 above may only be required of able-bodied adults whose age is not presumed to be less than eighteen years nor more than forty-five
years.

TITLE II: EMPLOYMENT, TRAINING AND ORIENTATION

PROFESSIONALS, PLACEMENT AND ACTIVITY TEMPORARY EMPLOYMENT

CHAPTER I: EMPLOYMENT, TRAINING AND ORIENTATION PROFESSIONAL

Section 1: Vocational training and guidance

Article 7: A
national employment and training council is created to deal with responsible professional
employment and vocational training issues.

A decree taken by the Council of Ministers establishes its composition, its organization, its responsibilities and its operation.

Article 8:
Vocational training is all activities aimed at ensuring the acquisition of knowledge, qualifications and skills necessary to exercise a profession or a specific function.

When the worker benefits from training or professional development at the expense of the employer, it may be agreed that the worker remains in the service of the latter for a specific time in relation to the cost of the training or development .

A decree taken by the Council of Ministers sets the conditions of the training
professional.

Article 9:

Vocational guidance consists of informing and guiding job seekers, particularly young people, on the range of professions and helping each person choose a path consistent with their abilities through individual and collective advice and consultations.

A decree taken by the Council of Ministers specifies the modalities for implementing professional guidance.

Section 2: Internship contract

Article 10:

An internship contract is hereby established with a view to promoting the promotion of employment and professional training.

Article 11:

The internship contract is an agreement by which an internship supervisor undertakes to give or have given to a person called an intern, practical professional training.

The purpose of the internship contract is to enable the intern to acquire professional experience and skills to facilitate their access to employment and their integration into professional life.

Article 12:

The internship contract must be concluded before entering the company. trainee in
It is recorded in writing in the official language under penalty of nullity.

The internship contract is exempt from all stamp and registration duties.

The other formal and substantive conditions, the obligations of the parties and the effects of the internship contract are regulated by regulation by the Minister responsible for labor after consulting the labor consultative commission.

Section 3: Apprenticeship contract

Article 13:

The apprenticeship contract is the contract by which a person, called a master, undertakes to give or have given methodical and complete professional training to another called an apprentice. It is established taking into account the uses and customs of the profession.

The apprentice must in return comply with the instructions he receives and carry out the work entrusted to him as part of his apprenticeship.

The apprenticeship contract must be established in writing, under penalty of nullity. It is exempt from all stamp and registration duties.

It is written in the official language and if possible in the language of the apprentice.

Article 14:

The minister responsible for labor, after consulting the labor consultative commission, determines by regulation:

1) the formal and substantive conditions, the obligations of the parties, the effects of the apprenticeship contract;

2) the categories of companies in which a ratio to the number percentage of apprentices per of workers is fixed.

Article 15:

The apprentice whose apprenticeship period has ended passes to examination before an approved body which issues him a certificate a professional aptitude test if successful.

The minister responsible for employment, after consulting the labor consultative commission, determines by regulation:

1) the body responsible for organizing the end-of-apprenticeship examination and the conditions of approval;

2) the end-of-learning evaluation conditions.

Article 16:

The hiring of apprentices, students or trainees from schools and vocational training centers linked by an apprenticeship contract gives rise to the right to damages payable by the new employer for the benefit of the master of the apprenticeship. apprentice, notwithstanding the criminal sanctions provided for in Title IX of this law.

However, the new employer is exempt from paying damages if it provides proof of good faith.

Article 17:

Any new apprenticeship contract concluded without the obligations of the previous contract having been completely executed or without the latter having been legally terminated is automatically void.

CHAPTER II: PLACEMENT, WORK ACTIVITY TEMPORARY

Article 18:

The placement activity is the act, for any natural or legal person, of serving as an intermediary to find a job for a worker or a worker for an employer.

The investment activity can be public or private. In the latter case, the operator can benefit from it.

Is considered a private placement activity, the fact for any natural or legal person, of carrying out activities relating to the job search such as the provision of information without having the aim of matching an offer and a demand specific.

Article 19:

The temporary work contractor is any person, natural or legal, whose main activity is to provide users with workers according to a specific qualification.

Article 20:

The public services responsible for employment, training and professional guidance may receive job offers and requests and carry out placement operations at the request of employers, workers and job seekers.

Article 21:

State public establishments, companies with public participation and projects financed with public funds are required to publish vacant job positions and organize recruitment tests.

Article 22:

Collective recruitment of workers for external employment is prohibited without prior authorization from the minister responsible for labor after consultation with the ministers responsible for employment, foreign affairs and territorial administration.

Article 23:

The opening of private and temporary placement offices or of work companies offices is carried out freely, subject to compliance with legal and regulatory provisions.

Article 24:

The activities referred to in Article 18 above may only be carried out by natural or legal persons who have duly obtained approval issued by the Minister responsible for Labor after consultation with the Minister responsible for Employment.

Article 25:

Any natural or legal person who wishes to open an office or private employment office or a temporary employment company must meet the conditions set by regulation by the ministers responsible for labor and security. employment, after the opinion of the labor consultative commission.

Article 26:

Private employment agencies or offices and temporary work companies must not subject workers to any discrimination as provided for in Article 4 above.

Article 27:

Private employment agencies or offices and companies must temporary work charge job seekers, directly or indirectly, in whole or in part, neither fees nor other costs.

Exceptions to the provisions of paragraph 1 above may be granted for certain categories of workers and for services specifically identified by the minister responsible for labor, after consulting the labor consultative commission.

Article 28:
In the event of a strike or lockout initiated in compliance with the procedure for settling collective labor disputes defined by this law, the definitive placement operations relating to the companies concerned by this cessation of work are immediately interrupted.

TITLE III: PROFESSIONAL RELATIONS

CHAPTER I: COMMON PROVISIONS

Section 1: General principles

Article 29:
The employment contract is any written or verbal agreement by which a person called a worker undertakes to place his professional activity, for remuneration, under the direction and authority of another natural or legal person, public or private called employer.

The employment contract is concluded freely and is recorded in forms agreed by the contracting parties subject to this law. provisions of articles 55, 56 and 57 of the

Proof of the existence of the employment contract can be provided by any means.

Article 30:
The written employment contract is exempt from all stamp recording, under duties and subject to the provisions of article 58 below.

Article 31:

The worker can only engage his services on time or for a limited period for the execution of a specific work or undertaking.

Article 32:

The minister responsible for labor, exceptionally and for reasons of an economic or social nature and in particular in the interest of health or public hygiene, may, after consulting the labor consultative commission, limit or prohibit certain hiring in given areas, by regulation.

Article 33:

Any employment contract concluded to be executed in Burkina Faso is subject to the provisions of this law, regardless of the place of conclusion of the contract and the residence of one or the other of the parties.

The same applies to any employment contract concluded to be executed under another legislation and whose partial execution in Burkina Faso exceeds a duration of three months.

Article 34:

Any collective hiring of workers through a single contract or team contract is prohibited.

When a collective of employers hires a worker, a lead employer must be explicitly identified in the employment contract.

Section 2: Obligations of the parties to the contract

Article 35:

The worker owes all his professional activity to the company, unless otherwise agreed.

However, he retains the freedom to carry out, outside of his working hours, any lucrative activity of a professional nature not likely to compete directly with the company or harm the proper execution of the agreed services.
In particular, it must:

1) provide the work for which he was hired, perform it himself and with care;

2) obey one's hierarchical superiors;

3) respect company discipline and comply with schedules and occupational safety and health instructions.

Article 36:

The employer must:

1) procure the agreed work and at the agreed location. It cannot do that require work other than provided for in the contract;

2) pay salaries, allowances and social security contributions due under regulatory, conventional and contractual texts;

3) conform the health and safety conditions to the regulatory standards in provided for by the force;

4) treat the worker with dignity;

5) ensure the maintenance of good morals and the observation of public decency;

6) prohibit any form of physical or moral violence or any other abuse, including sexual harassment;

7) communicate any act of hiring specifying the date, salary and professional qualification of the employee to the local labor inspectorate.

Article 37:
Sexual harassment in the workplace is prohibited.

Sexual harassment between colleagues, suppliers or customers encountered in the course of work is also prohibited.

Sexual harassment consists of obtaining favors of a sexual nature from others by order, word, intimidation, act, gesture, threat or coercion.

Article 38:

The employer must refrain from any discrimination of any nature whatsoever in matters of access to employment, working conditions, professional training, retention in employment or dismissal, particularly in relation to to the serological status of real or apparent HIV infection.

Article 39:
Any clause in an employment contract prohibiting the worker from carrying out any activity at the expiration of the contract is abusive and automatically void except in cases where the termination is the fault of the worker or results from a gross negligence on the part of his boss.

Any clause whose duration or geographical scope is not justified or essential for safeguarding the interests of the employer constitutes an abusive obstacle to the free exercise of the activity professionalism of the worker.

Article 40:

Disabled people, who cannot be employed under normal working conditions, benefit from adapted jobs or, if necessary, from sheltered workshops.
The conditions under which employers are required to reserve certain jobs for disabled people are set by decree taken by the Council of Ministers, after consulting the commission. labor advisory.

CHAPTER II: TRIAL WORK CONTRACT

Article 41:

There is a trial commitment when the employer and the worker, with a view to concluding a definitive employment contract, verbal or written, decide beforehand to assess, in particular, for the first, the quality of the services of the worker and his performance and for the second, the working, living, remuneration, hygiene and social conditions of the security and climate company.

The trial contract must be in writing, otherwise it is deemed to be an employment contract. to undetermined duration.

The trial contract can be included in the body of a contract final.

Article 42:

The trial contract cannot be concluded for a period greater than the time necessary to put the hired personnel to the test, taking into account the technique and customs of the profession.

The duration of the trial is set at:

1) eight days for workers whose salary is fixed by the hour or the day;

2) one month for employees other than executives, assimilated agents; masters, technicians and

3) three months for executives, supervisors, technicians and assimilated.

The trial commitment can be renewed once and for the same duration.

The worker receives at least the minimum wage for the professional category corresponding to the job held during the trial period.

Article 43:

The extension of services after expiration of the trial contract, without there being a written renewal, is equivalent to an employment contract of indefinite duration taking effect on the date of the start of the trial.

Article 44:

The trial commitment may cease at any time, without notice or compensation, by the will of either party, except for specific provisions expressly provided for in the contract.

Article 45:

The provisions of articles 60 to 68, 70 to 74, 78, 93, 96 and 98 to 103 below do not apply to trial employment contracts which may be terminated without notice and without neither party may claim compensation unless otherwise agreed.

Article 46:

The forms and modalities for establishing the employment contract and the trial engagement are set by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

CHAPTER III: PART-TIME EMPLOYMENT CONTRACT

Article 47:

The part-time employment contract is the employment contract whose duration of execution is less than the legal weekly duration.

Part-time work is paid in proportion to the time actually worked.

Article 48:

The part-time employment contract may be for a fixed duration. It is then concluded, executed and terminated under the same conditions as the fixed-term employment contract.

It can be of indefinite duration. In this case, it is concluded, executed and terminated under the same conditions as those set for the indefinite-term employment contract.

CHAPTER IV: EMPLOYMENT CONTRACT

FIXED TERM

Article 49:

The fixed-term employment contract is the contract whose term is specified in advance by the will of both parties.

Are considered as a fixed-term employment contract:

1) the employment contract concluded for the execution of a specific work, the carrying out of a business whose duration cannot be precisely evaluated beforehand;

2) the employment contract whose term is subject to a occurrence of a future and certain event whose date is not exactly known.

Article 50:

The seasonal employment contract is the fixed-term employment contract by which the worker engages his services for the duration of an agricultural, commercial, industrial or artisanal campaign, the term of which is independent of the will of the parties.

Notwithstanding the provisions of article 93 paragraph 18, the seasonal contract ends at the end of the campaign for which it was concluded. When activities resume, the employer takes on as a priority and according to its needs, workers available after the off-season.

The seasonal employment contract which continues beyond the campaign turns into indefinite employment contract.

Article 51:

The seasonal worker is entitled to end-of-contract compensation, calculated on the same bases as the severance pay, when he reaches the duration of presence necessary for his assignment following successive hires in the same business.

Article 52:

The fixed-term employment contract is renewable without abuse, limitation except in cases left to the discretion of the competent court.

Article 53:

The provisions of article 52 above apply:

1) to a worker hired by the hour or by the day for a period not short-term occupation exceeding one day;

2) to the worker hired as additional staff to carry out work linked to additional activities of the company;

3) to the worker hired as a temporary replacement for a legal worker of the company in work suspension of employment contract as defined by article 93 below;

4) to the seasonal worker;

5) to workers hired by companies in sectors of activity in which it is customary not to use a permanent employment contract.
The list of these sectors of activity is established by regulation by the Minister responsible for labor after consulting the labor consultative commission.

Article 54:

Except when its term is imprecise, the fixed-term employment contract cannot be concluded for a period exceeding two years for national workers and three years for non-national workers.

The fixed-term employment contract wrongfully renewed becomes an indefinite-term contract, except in the cases provided for in article 53 above.

Article 55:

The fixed-term employment contract must be established in writing. Otherwise, it is deemed to be an employment contract of indefinite duration.

Article 56:
The employment contract of national workers requiring their national installation outside the territory as well as the contracts of and registered non-national workers must be targeted by the labor inspectorate of the jurisdiction.

Article 57:
The visa application is the responsibility of the employer. It must be submitted no later than thirty days after the start of execution of the employment contract.

The visa is deemed to have been granted if the competent authority contacted for this purpose has not made its decision known within fifteen days of receipt of the visa application.

The omission or refusal of the visa from the employment contract of non-nationals renders it void.

If the employer fails to apply for the visa, the worker has the right to have the employment contract declared null and void and claim damages. The repatriation of the worker is the responsibility of the employer.

Failure to submit the employment contract by the employer to the visa formality exposes the latter to the sanctions provided for by this law.

Article 58:
The visa of the employment contract of non-national workers is subject to the payment of fees, notwithstanding the provisions of article 30 above.

The amount and terms of payment of these fees are determined by joint order of the ministers responsible for labor and finance.

Article 59:
A fixed-term employment contract cannot under any circumstances be concluded:

1) to permanently replace a worker whose contract is subject to a collective suspended as a result labor dispute;

2) to carry out particularly dangerous work, unless expressly authorized by the labor inspector within whose jurisdiction this work must be carried out.

Article 60: A
fixed-term employment contract may only be terminated prematurely in the event of agreement of the parties noted in writing, force majeure or gross negligence. In the event of a dispute, the competent court assesses.

Failure by one of the parties to comply with the provisions set out in the preceding paragraph gives rise to the right to damages corresponding to the damage suffered by the other party.

Article 61:

The arrival of the end of the fixed-term employment contract entitles the worker to the benefit of end-of-contract compensation calculated on the same bases as severance pay as defined by collective labor agreements.

CHAPTER V: EMPLOYMENT CONTRACT OF INDETERMINED DURATION

Section 62:

The employment contract of indefinite duration is the employment contract concluded without specifying term.

It is not subject to a visa, except in the cases provided for in article 56 above.

Article 63:

The indefinite-term employment contract of national workers whose execution requires their installation outside the national territory and that of non-national workers are obligatorily subject to the visa of the competent services of the ministry responsible for labor, notwithstanding the provisions of the Article 62 above.

Article 64:

The employment contract of indefinite duration can always end at the will of one of the parties, subject to the provisions relating to dismissals for economic reasons, to staff representatives, union representatives and any other protected worker.

Article 65:

Termination of an employment contract of indefinite duration is subject to notice given in writing by the party initiating the termination.

This notice, which is not subject to any suspensive or resolutory condition, begins to run from the date of delivery of the notification.

The reason for the termination must appear in the notification.

Article 66:

The duration of the notice period is set at:

1) eight days for workers whose salary is fixed by the hour or the day;

2) one month for employees other than managers, technicians and the like; mastery, the

3) three months for executives, supervisors, technicians and the like.

Article 67:

During the period of notice, the employer and the worker are required to respect all the reciprocal obligations incumbent upon them.

The party with respect to whom these obligations are not respected is exempt from observing the remaining notice period, without prejudice to any damages that it deems useful to request from the competent court.

During the notice period, the worker benefits from two working days of freedom per week at full pay to look for another job.

However, in the event of dismissal and when the dismissed worker is obliged to immediately take up a new job, he may, after having informed the employer, leave the establishment before the expiry of the notice period without having to this fact to pay compensatory compensation.

Article 68:

Any termination of the employment contract of indefinite duration, without notice or without the notice period having been fully observed, entails an obligation, for the party who took the initiative, to pay compensation to the other party. compensation for notice subject to the provisions of article 67 above.

The amount of this compensation corresponds to the remuneration and benefits of any kind that the worker would have benefited from during the notice period which was not actually respected.

Article 69:

The termination of the employment contract of indefinite duration may occur without notice in the event of gross negligence subject to the assessment of the competent court with regard to the seriousness of the misconduct.

Article 70:

The employer is required to provide proof of the legitimacy of the reasons alleged to justify the termination, before the competent court, in the event of a dispute over the reason for dismissal.

Any unfair dismissal gives rise to the reinstatement of the worker and in the event of opposition or refusal to reinstatement, to the payment of damages.

Any abusive resignation entitles you to damages.

Article 71:

For the purposes of this law, dismissal carried out without legitimate reason is unfair.

In particular, dismissals carried out in the following cases are unfair:

1) when the reason given is inaccurate;

2) when the dismissal is motivated by the opinions of the worker, his activity union member, their membership or not in a union, their real or supposed HIV serological status;

3) when the dismissal is motivated by pregnancy or the birth of worker or the child;

4) when the dismissal is motivated by the fact that the worker requests, exercises or has exercised a mandate to represent workers;

5) when the dismissal is motivated by the filing of a complaint by the worker or any recourse against the employer and/or administrative authorities;

6) when the dismissal is based on the discrimination provided for in Article 4 and/or motivated by the marital status, family responsibilities of the worker.

Section 72:

For the purposes of this law, the termination of the employment contract occurring without observing the procedure is irregular, in particular:

1) when the dismissal was not notified in writing or when the reason is not included in the dismissal letter;

2) when the worker's resignation has not been notified in writing.

Article 73: In

the event of dismissal deemed unfair or irregular termination of the employment contract, the party who considers himself injured may refer the matter to the labor court to request compensation for the damage suffered.

The competent court establishes the abuse through an investigation into the causes and circumstances of the termination of the contract.

The judgment rendered to this effect must expressly mention the reason alleged by the party who terminated the employment contract.

Article 74:

The amount of damages is fixed taking into account generally all the elements which can justify the existence of the particular: harm caused and determine its extent,

1) when the responsibility lies with the worker, for the damage suffered by the employer due to non-performance of the contract, up to a maximum limit of six months' salary;

2) when the responsibility lies with the employer, the practices, the nature of the services engaged, the length of service, the age of the worker and the rights acquired.

In all cases, the amount of damages awarded cannot exceed eighteen months' salary.

These damages are not to be confused with compensation for non-observance of notice, nor with termination compensation.

Article 75:

Action for payment of severance pay, end-of-contract compensation and damages expires five years after the termination of employment relations.

Article 76:

If the dismissal of a worker is legitimate in substance, but occurs without observing the prescribed procedure, in particular the written notification of the termination or the indication of its reason, the court grants the worker compensation which cannot be greater than three months' salary.

If the worker's resignation has not been notified in writing, the court grants the employer compensation equal to one month's salary.

For the calculation of damages, the targeted salary is calculated on the basis of the average monthly overall salary received during the last six months or the average monthly overall salary received since joining the company, if the worker is less than six years old. months of service.

Article 77: If
one of the parties wishes to terminate the employment contract before the worker's departure on leave, notification must be made to the other party, fifteen days before the departure date.

In the event of non-compliance with this obligation, the compensation in lieu of notice is increased by eight days for workers paid by the hour, day or week and by one month for workers paid by the month. .

The same applies if the employment contract is terminated by the worker. during the leave of

Section 78:
When a worker wrongfully terminates his employment contract and offers his services to a new employer, the latter is jointly and severally liable for the damage caused to the previous employer in the following cases:

when it is demonstrated that he intervened in the poaching of the worker;

when he has hired the worker whom he knows is already bound by an employment contract;

when he continued to employ the worker after learning that the latter is still bound by an employment contract with another employer.

In the third case, the liability of the new employer is released if at the time he was warned, the employment contract wrongfully terminated by the worker expires by:

the end of the fixed-term employment contract; the expiry of the notice
period or if a period of fifteen days has elapsed since the termination of the indefinite-term contract.

CHAPTER VI: TACHERONNAT

Section 79:

The worker is a natural or legal person who recruits a workforce responsible for carrying out work or providing a service in return for payment of a lump sum within the framework of the execution of a written contract called a labor contract. contract concluded with a contractor.

The employment contract is submitted at the initiative of the entrepreneur to the local labor inspectorate and to the institution responsible for social security.

Article 80:

When the work is carried out in the contractor's workshops, stores or construction sites, the latter is, in the event of the worker's insolvency, substituted for the latter with regard to his obligations towards the workers. competition of the amount of the tasking contract.

The injured worker can, in this case, take direct action against the contractor.

Section 81:

The worker is required to indicate his status as a worker, the name, first names and address of the contractor, by means of a poster affixed in a visible manner in each of the workshops, stores or construction sites. used.

It must display, under the same conditions, the dates of payment of salaries to its workers for the period of work.

Article 82:

The contractor must display in his offices and keep up to date the list of taskers with whom he has concluded a contract.

The worker must communicate to the contractor the poster of pay days for the period of work.

Article 83:

A worker who does not apply legislative, regulatory or conventional provisions may be prohibited from practicing his profession:

1) temporarily, by decision of the minister responsible for labor;

2) definitively, by judicial decision, upon referral to the Minister responsible for labor.

Article 84:

Decisions of suspension or prohibition are subject to appeal before the competent courts.

The terms of application of articles 79 to 83 are established by regulation by the minister responsible for labor, after consulting the labor consultative commission.

CHAPTER VII: MODIFICATION

OF THE EMPLOYMENT CONTRACT

Article 85:

The employer cannot impose on the worker a transfer not provided for in the initial employment contract.

Any proposal for a substantial modification of the employment contract must be in writing and approved by the worker. In the event of refusal, the contract is considered terminated by the employer.

Article 86:

When a worker agrees to temporarily take on, at the request of his employer, out of operational necessity or to avoid unemployment, a job in a category lower than that in which he is classified, his previous salary and classification must be maintained for the corresponding period which cannot exceed six months.

Article 87:

When an employer, for reasons relating to the economic situation leading to the reorganization of the company, asks a worker to definitively accept a job in a category lower than that in which he is classified, the worker has the right not to accept this classification. If the worker refuses, the contract is considered terminated by the employer. If the worker accepts, he is paid under the conditions corresponding to his new job.

Article 88:

The fact that the worker temporarily or temporarily takes up a job with a higher classification in the professional hierarchy does not automatically confer on him the right to financial or other benefits attached to said job.

The temporary position is notified to the worker in writing, mentioning the duration which cannot exceed:

1) one month for workers and employees;

2) three months for executives, supervisors, technicians and assimilated;

except in the case of illness, accident occurring to the job holder or replacement of the latter for the duration of a leave or internship.

After this period and except in the cases referred to above, the employer must definitively resolve the situation of the worker in question, that is to say either reclassify him in the category corresponding to the new job held until then, or return him his former functions.

Section 89:

In the event of illness, accident, leave or internship of the holder, the temporary worker receives:

- after one month for workers and employees; - after
three months for executives, supervisors, technicians and the like;

compensation equal to the difference between his salary and the minimum salary for the category of the new job he occupies in addition to the compensation attached to the position.

Article 90: A
female employee who is pregnant and transferred to another position due to her condition, retains her previous salary for the duration of her transfer.

Article 91: If
there is a change in the legal situation of the employer, in particular by succession, resumption under a new name, sale, merger, transformation of funds, formation of a company, all employment contracts in progress on the day of the modification remains between the new employer and the company's staff.

The termination of these contracts can only take place in the forms and conditions provided for by this title as if the modification in the legal situation of the employer had not occurred.

Article 92:
The new employer is required to respect the obligations incumbent on the former employer with regard to workers whose employment contracts continue, from the date of modification of the legal situation of the latter.

However, the new employer is not subject to this obligation when this modification occurs as part of a legal settlement procedure or liquidation of the employer's assets.

CHAPTER VIII: SUSPENSION

OF THE EMPLOYMENT CONTRACT

Section 93:
The employment contract is suspended during:

1) the closure of the establishment linked to the employer's departure under the flag or for a compulsory period of military training;

2) the worker's military service and the compulsory periods to which military training
he is subject;

3) the absence of the worker due to illness or non-occupational accident established by a medical certificate, within the limit of one year. This period may be extended until the worker is replaced;

4) the period of unavailability of the worker resulting from a work accident or occupational disease;

5) rest for the employee benefiting from the provisions of articles 144 and 145 below;

6) unpaid leave of the employee benefiting from the provisions of; article 160 below

7) the strike or lockout initiated in compliance with collective settlement procedure labor disputes;

8) the absence of the worker authorized by the employer, under regulations, collective agreements or agreements individual;

9) the period of layoff;

10) the layoff period;

11) paid leave, possibly increased by travel times and the worker's waiting and departure periods;

12) the exercise of a political or union mandate of the worker and when authorization for absence without pay cannot be granted;

13) the detention of the worker for political reasons;

14) detention of the worker who has not committed a fault for a professional and in the maximum of six months;

15) the detention of the worker, for the purposes of investigation and judicial for fault presumed professional instruction, within a limit of six months;

16) the occurrence of force majeure and within the limit of five months, renewable only once.

Force majeure is defined as an unforeseeable, irresistible and insurmountable event preventing one or other of the parties to the employment contract from performing their obligations. The employer may terminate employment contracts with payment of legal rights if at the end of the renewal of the suspension force majeure persists;

17) the absence of the worker in order to assist his sick spouse, within the limit of three months;

18) the off-season for seasonal workers;

19) the period of total technical unemployment.

Only the periods of suspension of employment contracts referred to in points 1, 6, 12, 13, 14, 15, 16, 17 and 18 above are not considered as service time for the determining the seniority of the worker in the company.

For the determination of the right to paid leave, points 1, 6, 11, 12, 13, 14, 15, 16, 17 and 18 are excluded. periods referred to in above.

Article 94:

Technical unemployment is the cessation of activity of an establishment linked to an insurmountable event. It can be total or partial.

Layoff is subject to consultation with staff representatives.

In the event of technical unemployment and in the absence of a collective labor agreement, the conditions of workers' compensation are determined by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

Article 95:

In the case of article 93 point 1 above, the employer is required to pay the worker, within the normal limit of notice, compensation equal to the amount of his remuneration during the period of absence.

If the contract is of fixed duration, the notice limit to be taken into consideration is that set in the conditions provided for contracts of indefinite duration. In the latter case, the suspension cannot have the effect of extending the term of the contract initially planned.

Section 96:

In the case of article 93 point 3 above, compensation for absence is established as follows, taking into account his seniority in the company: worker during his

1) less than one year of seniority

- full salary for one month, - half salary the following month.

2) from one to five years of seniority

- full salary for one month, - half salary for the following three months.

3) six to ten years of seniority

- full salary for two months, - half salary for the following three months.

4) eleven to fifteen years of seniority

- full salary for three months, - half salary for the following three months.

5) beyond fifteen years of seniority

- full salary for four months,

- half salary for the following four months.

The total compensation provided for in the paragraph above represents the maximum sums to which the worker can claim during a calendar year, regardless of the number and duration of his absences for non-professional illness or accident during said year.

CHAPTER IX: TERMINATION

WORK RELATIONS

Section 97:
The causes of termination of employment relations are:

1) termination of party agreement;
2) the cessation of activities of the company;
3) the legal cancellation and judicial resolution of the contract; work ;
4) the arrival of the end of the fixed-term contract; 5)
resignation; 6)
dismissal; 7)
retirement; 8)
permanent total incapacity for work as defined by 9) death. regulation ;

Article 98:
Dismissal for economic reasons is dismissal carried out by an employer for one or more reasons not inherent to the person of the worker and resulting from a suppression, a transformation of employment or a substantial modification of the employment contract. work resulting from economic difficulties, technological changes or internal restructuring.

Article 99:
The employer who is considering dismissal for economic reasons of more than one employee must consult the staff representatives and seek with them all solutions allowing the

maintaining jobs. These solutions can be: reduction of working hours, shift work, part-time work, technical unemployment, redeployment of staff, rearrangement of bonuses, allowances and benefits of all kinds, or even reduction of salaries.

The employer is required to communicate to staff representatives the information and documents necessary for the conduct of internal negotiations, the duration of which must not exceed eight days.

At the end of internal negotiations, if an agreement has been reached, a memorandum of understanding specifying the measures adopted and the duration of their validity is signed by the parties and sent to the labor inspector for information.

Article 100:

In the event that a worker refuses in writing to accept the measures referred to in the preceding article, he is dismissed with payment of his legal rights.

Article 101:

When the negotiations provided for in Article 99 above cannot lead to an agreement, or if despite the measures envisaged, certain dismissals prove necessary, the employer establishes the list of workers to be dismissed as well as the criteria selected and communicates them in writing to the staff representatives. The latter have a maximum of eight clear days to make their observations known.

Article 102:

The employer's communication and the response of the staff representatives are transmitted without delay by the employer to the labor inspector for any action he deems useful to take within eight days, from the date of receipt; After this period and unless otherwise agreed between the parties, the employer is no longer required to postpone the implementation of its dismissal decision.

Dismissal for economic reasons carried out in violation of the provisions of articles 99 et seq. above or for false reasons is abusive and gives rise to the right to damages.

In the event of a dispute over the reason for dismissal, the burden of proof falls on the employer.

Article 103:

Staff representatives and union representatives can only be dismissed if their job is eliminated and after authorization prior notice from the local labor inspector.

Article 104:

In the event of dismissal for economic reasons, the parties may request the assistance of public services in the context of the development of social plans for support, reintegration or retraining of deflated workers.

* If the company returns to better fortunes, laid-off workers can be rehired as long as their skills meet the vacancies. enable the requirements to be met

Article 105:

The procedure for dismissal for economic reasons is waived in the event of an amicable protocol of voluntary departure freely and fairly negotiated between the parties.
The employer sends the protocol entered into to the local labor inspector for information.

Article 106: At

the expiration of any employment contract, the employer is required to issue to the worker a work certificate indicating exclusively the date of his entry, that of his exit, the nature and dates of the jobs successively occupied, under penalty of damages and penalties.

The employment certificate is exempt from all stamp duties and recording.

CHAPTER X: COLLECTIVE WORK AGREEMENT AND ESTABLISHMENT AGREEMENTS

Section 1: Nature and validity of the collective agreement work

Article 107:

The collective employment agreement is an agreement relating to working conditions.

It is concluded between the representatives of one or more professional unions or groups workers on the one hand and one or more trade union organizations of employers or any other groups of employers or one or more employers taken individually on the other hand.

The agreement may contain clauses more favorable to workers than those in the laws and regulations in force. It cannot deviate from the public order provisions defined by these laws and regulations.

Collective work agreements determine their national or local scope. of application. This one can

Article 108:

Representatives of trade union organizations or any other professional groups referred to in Article 107 above may conclude an agreement in the name of the organization they represent, by virtue of the statutory stipulations of this organization, of a special deliberation of this organization or special mandates given to them individually by all the members.

Failing this, the collective labor agreement, to be valid, must be ratified by a special deliberation of the professional group(s) concerned.

Article 109:

The duration of the collective labor agreement is fixed by agreement between the parties.

When a collective employment agreement expires, it continues to determined, this produce its effects until a new agreement is concluded.

Article 110:

The collective labor agreement must provide for the terms of its renewal, revision or termination.

Article 111:

Any professional union of workers or any employer who is not a party to the collective labor agreement may subsequently join it.

Contracting parties or adherents to a collective labor agreement may freely withdraw from it subject to prior notice.

Article 112:

The collective labor agreement must be written under penalty of nullity.

A decree taken by the Council of Ministers, after consulting the labor consultative commission, determines the conditions under which collective labor agreements are filed, published and translated as well as the conditions under which memberships or withdrawals provided for in the previous article.

Collective labor agreements are applicable from the day following filing in accordance with the provisions of the aforementioned regulatory act, unless otherwise stipulated.

Section 113:

All persons who have signed it or who are members of the collective labor agreement are subject to the obligations of the collective labor agreement. signatory organizations.

The collective labor agreement also binds the organizations which adhere to it as well as all those who subsequently become members of these organizations.

When the employer is bound by the clauses of the collective labor agreement, the provisions of this agreement apply to relationships arising from individual contracts, unless provisions are more favorable for workers.

Section 2: Conclusion of the collective agreement

Article 114:

The minister responsible for labor, on his initiative or at the request of one of the most representative trade union organizations of employers or workers in the sector of activity concerned, convenes a joint commission with a view to concluding a collective labor agreement.

This joint commission includes, in equal numbers, representatives of the most representative trade union organizations of the sector of activity concerned and representatives of the most representative employer organizations or, failing these, employers.

Article 115:

Additional agreements can be concluded for each of the main professional categories or in the event of an agreement common to several branches of activity, each of the branches.

They contain the working conditions specific to these categories or to these branches of activity and are negotiated by the union organizations most representative of the categories or branches concerned as defined in article 302 below.

Article 116:
The collective labor agreements covered by this section contain the provisions relating to:

1) the free exercise of the right to organize and freedom of opinion of workers ;

2) the salaries applicable by professional category;

3) the principle of non-discrimination referred to in Article 4 of the this law;

4) the execution and rates of overtime worked day or night during working days, Sundays and public holidays;

5) the duration of the probationary appointment and that of the notice period;

6) to staff representatives;

7) the procedure for revising, modifying and denouncing all or part of the collective labor agreement;

8) the principles of equal remuneration between female masculine and the hand workers for work of equal value;

9) paid leave;

10) travel allowances;

11) expatriation allowances where applicable;

12) the class of passage and the weight of baggage in the case worker movement of and his family;

13) seniority bonuses or advancement by step;

14) technical unemployment compensation;

15) continuing education.

Article 117:

Collective employment agreements may also contain, without this list being exhaustive:

1) attendance and performance bonuses;

2) basket bonuses for workers who have to take their meals at the workplace;

3) compensation for professional and similar expenses;

4) transport allowances;

5) compensation for difficult, dangerous, unhealthy work, messy;

6) the general conditions of performance-based or commission-based remuneration;

7) the conditions of hiring and dismissal of workers, without the provisions provided for affecting the worker's free choice of union;

8) the special working conditions of women in certain companies falling within the scope of the collective labor agreement;

9) the specific working conditions of adolescents in certain companies falling within the scope of the collective labor agreement;

10) special working conditions: shift work, weekly rest and public holidays; work during the

11) where applicable, the organization and operation of internships and learning, professional training in the context of the branch of activity considered;

12) where applicable, the terms of constitution of Chapter IV of security referred to in Title IV;

13) reduced-time employment of certain categories of staff and their remuneration conditions;

14) the organization, management and financing of social and medico-social services;

15) conciliation procedures relating to work regulations. collective disputes

Optional provisions recognized as useful in the collective agreement may be made obligatory by regulation.

Section 3: Procedure for extending the collective agreement

Article 118:

The collective labor agreement may be extended to one or more sectors of activity determined at the national or local level according to the procedure described in the provisions below.

Article 119: In
the event that a collective labor agreement concerning a specific branch of activity has been concluded at the national or local level, the collective labor agreements concluded at the lower level adapt this agreement or certain of its provisions to their conditions particular work.

They may provide for new provisions and clauses more favorable to workers.

Article 120:
At the request of one of the most initiative union organizations of representative or the Minister responsible for labor, the provisions of collective labor agreements meeting the conditions determined by this section may be made obligatory.

This obligation is extended to all employers and all workers included in the professional and territorial scope of the agreement by regulation, following the opinion of the labor consultative commission.

This extension of the effects and sanctions of the agreement is for collective work the duration and under the conditions provided for by the said agreement.

Article 121:
The Minister responsible for labor may by regulation exclude from the extension, after reasoned opinion of the labor consultative commission, the provisions which are in contradiction with the legislative or regulatory texts in force.

It may, in addition, under the same conditions, extract from the collective labor agreement, without modifying its spirit, the clauses which do not respond to the situation of the branch(es) of activity in the field of application considered. .

Article 122:
The regulatory act provided for in Article 121 above ceases to produce its effects when the collective labor agreement has been denounced or renewed.

The minister responsible for labor may, after consulting the labor consultative commission, at the request of one of the signatory parties or on his initiative, revoke the regulatory act with a view to putting an end to the extension of the collective agreement of work or certain of its provisions.

This measure is taken when the agreement or the provisions no longer respond to the situation of the branch(es) of activity in the territorial field considered.

Article 123: A
regulatory act of the Minister responsible for labor may, in the absence or pending the establishment of a collective labor agreement, regulate the working conditions for a specific profession, after consulting the labor consultative commission. .

This act can be taken for a specific profession or, where applicable, for a group of professions in which the employment conditions are comparable. It may repeal collective labor agreements concluded prior to this law whose provisions are contrary to the law and have remained in force pending the establishment of new agreements.

Article 124:

Any regulatory act of extension or withdrawal of extension must be preceded by a consultation of professional organizations and all interested persons who must make their observations known within thirty days.

The terms of this consultation are determined by the Minister regulatory by the responsible for labor after advice from the labor consultative commission.

Section 4: Collective establishment agreements

Article 125:

Collective establishment agreements are collective agreements concluded between, on the one hand, an employer or a group of employers and, on the other hand, professional worker organizations.

They may concern one or more establishments and the professional organizations of workers present in the establishment(s) concerned.

The purpose of collective establishment agreements is to adapt the provisions of national or local collective labor agreements to the specific conditions of the establishment(s) in question.

They can provide new provisions and clauses more favorable to workers.

In the absence of national or local collective labor agreements, collective establishment agreements can only relate to the fixing of salaries and salary accessories, unless exceptions are granted by the Minister responsible for labor.
The provisions of articles 109 to 113 above apply to the agreements provided for in this article.

Article 126:

The establishment is a production unit bringing together employees working under the authority of one or more representatives of the same employer.

Section 5: Collective labor agreement in services, businesses and public establishments

Article 127:

The company is an individual or collective economic unit having legal personality whose object is to produce goods or services. The business may include one or more establishments.

Section 128:

When the staff of public services, businesses and establishments are not subject to a particular legislative or regulatory status, collective work agreements may be concluded in accordance with the provisions of this chapter.

The statuses of the personnel of public services, companies and establishments are approved by the labor services before their implementation.

Article 129:

When a collective labor agreement is the subject of an extension by regulation in accordance with Article 120 above, it is applicable to the services, companies and public establishments covered by this section which, due to of their nature and their activity, are placed within its scope of application, in the absence of contrary provisions.

Section 6: Execution of the collective labor agreement and establishment agreements

Article 130:

Groups of workers or employers bound by a collective labor agreement or one of the agreements provided for in Article 125 above are required to ensure its proper execution.

Article 131:

Groups bound by a collective labor agreement or by one of the agreements provided for in Article 125 above may take legal action in the event of violation of their obligations by one or the other party to the collective employment agreement or the collective establishment agreement.

Article 132:

Persons bound by a collective work agreement or by one of the collective establishment agreements provided for in Article 125 above may bring an action for damages against other persons or groups bound by the convention or agreement which violate respect the commitments entered into.

Article 133:

Groups which are bound by the collective work agreement or by one of the collective establishment agreements provided for in article 125 above may exercise all actions which arise from this agreement or this agreement in favor of one of their members.

They do not have to provide proof of a mandate from the person concerned, provided that the person concerned has been informed and has not declared his or her opposition. The interested party can always intervene in the proceedings initiated by the group.

When an action is brought by a person or a group, any group whose members are bound by the convention or the agreement can always intervene in the proceedings initiated because of the collective interest that the solution to the dispute may present. for its members.

CHAPTER XI: INTERNAL RULES

Article 134:

The internal regulations are established by the company manager and subject to approval by the local labor inspector.

The internal regulations must contain only the provisions relating to the technical organization of work, discipline and requirements relating to safety and health at work.

Any other clauses which may appear therein, in particular those relating to remuneration, are automatically void, subject to the provisions of article 193 below.

Article 135:

The company manager must communicate the internal regulations to the staff representatives and the labor inspectorate before putting them into force.

Article 136:

The terms of communication, filing and display of the internal internal regulations, thus regulations that the number of the company above which the existence of the workers is mandatory are set by regulation by the Minister responsible for labor, after advice from the labor consultative commission.

TITLE IV: GENERAL WORKING CONDITIONS

CHAPTER I: DURATION OF WORK

Section 1: Legal duration

Article 137:

The legal working hours of employees or workers of either sex, of any age, working time, task or piece rate, is forty hours per week in all public establishments or private.

On farms, working hours are set at two thousand four hundred hours per year, the weekly duration being fixed by regulation by the Minister responsible for labor after consulting the labor consultative commission.

Section 138:

Hours worked beyond the legal weekly duration are considered overtime and give rise to an increase in pay.

The terms of execution and the rate of overtime worked during the day or night, during working days, Sundays and public holidays are set by collective agreements and failing that, by regulation by the Minister responsible for labor, after opinion of the labor advisory commission.

However, exemptions may be granted by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

Article 139:

Regulatory acts of the Minister responsible for labor taken after consulting the labor consultative commission, determine by branch of activity and by professional category, if applicable, the modalities of application of the legal working time and exemptions.

They also set the maximum duration of overtime that can be worked in the event of urgent or exceptional work and seasonal work.

Section 2: Night work and shift work

Article 140:

The hours during which work is considered night work are fixed by regulation.

Article 141:

Shift work is the organizational system in which an employee carries out his daily work in one go.

The continuity of the position and the work organization system are determined by regulation by the minister responsible for labor, after consulting the labor consultative commission.

Section 3: Women's work

Article 142:

A working woman may not be assigned to work likely to harm her reproductive capacity or, in the case of a pregnant woman, her health or that of the child.

The nature of this work is determined by decree taken by the Council of Ministers after advice from the national technical advisory committee for safety and health at work.

Article 143:

A woman habitually employed in a job recognized by the competent authority as dangerous to health has the right, when she is pregnant, to be transferred without reduction of salary to another job not detrimental to her health. its state.

This right is also granted, in individual cases, to any woman who produces a medical certificate indicating that a change in the nature of her work is necessary in the interests of her health and that of her child.

Article 144:

Any pregnant woman whose condition has been duly noted has the right to suspend her work on medical prescription without this interruption of service being considered as a cause of breach of contract.

Article 145: A

pregnant woman benefits from maternity leave of fourteen weeks, including at the earliest eight weeks and at the latest four weeks before the expected date of delivery, whether the child is born alive or not.

The woman cannot benefit from maternity leave of more than ten weeks from the actual date of childbirth, except in the case of childbirth before the expected date.

Maternity leave may be extended by three weeks in the event of duly documented illness resulting from pregnancy or layers.

Article 146:

During the fourteen weeks, the woman is entitled, at the expense of the social security institution, to childbirth costs and medical care in a public health facility or approved by the State.

She also benefits from the salary subject to contribution to the social security system which she received at the time of the suspension of the contract, the portion of the salary not subject to contribution being the responsibility of the employer.

She retains the right to benefits in kind.

Article 147:

The employer cannot dismiss a woman on maternity leave. Furthermore, he cannot, even with his consent, give birth. use it within six weeks following its

Any agreement to the contrary is automatically void.

Article 148:

The mother is entitled to rest for breastfeeding for a period of fourteen months from the return to work.

The total duration of these rest periods cannot exceed one and a half hours per working day.
Breastfeeding breaks are paid and counted as working hours.
Section 4: Child and adolescent labor

Article 149:

Children and adolescents cannot be assigned to work likely to harm their development and their reproductive capacity.

The nature of work prohibited for children and adolescents as well as the categories of businesses prohibited for persons under the age of eighteen are determined by

decree taken by the Council of Ministers after advice from the national technical advisory committee for safety and health at work.

Article 150:

Under the provisions of this law:

1) the term child means any person under eighteen years of age;

2) the term adolescent refers to any person aged eighteen to twenty years inclusive.

Article 151:

The duration of nighttime rest for children must be at least twelve consecutive hours per day.

Night work by children is prohibited.

This ban may be waived for persons over the age of sixteen in the event of force majeure.

Article 152:

The minimum age for access to any type of employment or work must not be less than sixteen years.

However, this minimum age may be waived when it comes to light work.

A regulatory act from the Minister responsible for Labor sets the conditions and procedures for carrying out this work after consulting the national technical advisory committee for safety and health at work.

Article 153:

The worst forms of child labor are prohibited. This audience. arrangement is order

Under this law, the worst forms of child labor include:

1) all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including
including forced or compulsory recruitment of children for use in armed conflict;

2) the use, procuring or offering of a child for prostitution, pornographic production or pornographic performances;

3) the use, recruitment or offering of a child for the purposes of illicit activities, in particular for the production and trafficking of drugs, as defined by international conventions

4) work which, by its nature or conditions, is likely to harm the which they practice,
health, safety or morals of the child.

The list of this work is determined by decree taken by the Council of Ministers after consultation with the most representative worker and employer organizations by professional sector and the opinion of the national technical advisory committee for safety and health at work.

Article 154:

Children and adolescents cannot be kept in a job recognized as beyond their strength.

Otherwise, the employment contract is terminated with payment of legal rights.

The labor inspector may require the examination of adolescents by an approved doctor, in order to verify that the work with which they are responsible does not exceed their strength.
This requisition is by right at the request of the adolescent, his father and mother or his guardian.

CHAPTER II: WORKER'S REST

Section 1: Weekly rest

Article 155:

Weekly rest is obligatory. It is a minimum of twenty-four hours per week and takes place in principle on Sundays unless an exemption is granted by regulation by the minister responsible for labor.

Section 2: Leave

Article 156:

The worker is entitled to paid leave at the expense of the employer, at the rate of two and a half calendar days per month of effective service, unless more favorable provisions of collective agreements or individual contracts.

Workers under the age of eighteen are entitled to thirty calendar days of unpaid leave if they request it, regardless of the length of their service.

This leave is in addition to the paid leave acquired due to the work accomplished at the time of their departure.

For the calculation of the duration of acquired leave, absences for work accidents or occupational illnesses, rest periods for women in childbirth provided for in Article 145 above, within the limit of one year, absences for illnesses duly noted by a registered doctor are not deducted.

Article 157:

The duration of leave fixed in Article 156 above is increased by two working days after twenty years of continuous service or not in the same company, by four days after twenty-five years and by six days after thirty years.

Article 158:

Female employees or apprentices under the age of twenty-two are entitled to two days of additional leave for each dependent child.
The leave increase gives rise to the increase in the paid leave allowance.

Also deducted, on the bases indicated above, are services performed, without corresponding leave, on behalf of the same employer, regardless of the place of employment.

Article 159:

Exceptional permissions which have been granted to the worker on the occasion of family events directly affecting his household are not deducted from the duration of paid leave within the annual limit of ten working days.

Article 160:

Any salaried worker may obtain unpaid leave from his employer for a period of six months, renewable once, for the care of his child.

The employer is required to grant it provided that the person concerned has submitted their request at least one month before the date of departure on leave.
In the event of serious illness of the child, the period provided for in paragraph 1 above may be extended to one year, renewable once.

Under these conditions, the deadline for filing the request provided paragraph 2 above does not for does not apply.

Article 161:

To facilitate the representation of workers at assemblies of trade status of their union organizations or regional or international trade union organizations to which they are affiliated, authorizations of absence are granted to them upon presentation of a written and nominative summons from the organization concerned, a at least week before the scheduled meeting.

These absences are paid for up to twenty working days per year and are not deducted from the duration of paid leave.

Article 162:

Unpaid absence authorizations are granted to the worker, up to fifteen working days not deductible from the duration of paid leave, in order to allow him to:

1) follow an official training course, education cultural or sporting;

2) represent a recognized association of public utility, its activities; participate or attend the

3) represent Burkina Faso in a sporting or international competition. cultural

Contract suspensions resulting from paid leave and 1 to 3 cited applying points above cannot exceed three times in the same calendar year.

Absence authorizations are granted upon request from the authorized competent ministry or body.

Article 163:

Special leave, other than that defined in articles 160 to 162 above, granted in addition to public holidays, may be deducted from the duration of the paid leave if it has not been the subject of a compensation or recovery of the days thus granted.

Article 164:

The minister responsible for labor, after consulting the commission, labor advisory determines by regulation the terms and conditions relating to the paid leave system, particularly with regard to the adjustment of the leave, the calculation of the leave allowance and the enjoyment of the leave. leave.

Article 165:

The right to enjoy leave is acquired after an effective period of twelve minimum service months.

However, collective agreements or individual contracts granting leave for a duration greater than that fixed in Article 156 above, may provide for a longer period of effective service giving entitlement to leave without this duration being able to be greater than three years.

In this case, a minimum of six deductible calendar days must be granted to the worker each year.

Article 166:

Compensation for leave must be granted upon termination or expiration worker in the event of of the contract before the employee has acquired the right to leave.

This compensation is calculated on the basis of acquired rights, in accordance with article 156 above or the provisions of the collective agreement or individual contract.

Article 167:

The worker hired by the hour or by the day for a short-term occupation not exceeding one day, receives his leave allowance at the same time as the acquired salary, at the latest at the end of the day, in the form compensation for his paid leave.

Article 168:

The compensation for paid leave of the daily worker is equal to one twelfth of the remuneration acquired by the worker during the day.

It must appear on the pay slip in the form of a separate entry from the salary.

Article 169:
The worker is free to take his leave in the country of his choice.

Article 170:
The employer must pay the worker, before going on leave and for the entire duration of the leave, an allowance which is at least equal to the average salary and the various elements of remuneration defined in Article 191 below. below, from which the worker benefited during the twelve months preceding the date of departure on leave.

Article 171:
Collective agreements or the individual contract may exclude the compensation provided for in Article 185 below from the remuneration taken into consideration for the calculation of the leave allowance.

For workers benefiting from this compensation, the duration of leave is increased by travel times.

In the absence of a contrary agreement, travel times cannot be greater than the time necessary for the worker to go on leave to the place of his usual residence and return if necessary.

Section 3: Travel and transportation

Article 172:
The employer is responsible for the travel expenses of the worker, his or her spouse and dependent children usually living with him or her, as well as the transportation costs of their luggage:

1) from the place of habitual residence to the place of employment;

2) from the place of employment to the place of habitual residence in the following cases: - the expiration of the fixed-term contract; - termination of the contract, when the worker has acquired the right to leave under the conditions provided for in article 156 above; - termination of the contract due to the employer or following gross negligence on the part of the employer;

- termination of the contract due to force majeure; - termination of the trial contract attributable to the employer;

3) from the place of employment to the place of habitual residence and vice versa, in the event of normal leave.

Return to the place of employment is only due if the contract has not expired before the end date of leave and if, on that date, the worker is able to return to work.

However, the employment contract or collective agreement may provide for a minimum duration of stay for the worker, below which the transport of families is not the responsibility of the employer.

This duration does not exceed twelve months.

Article 173:

When a contract is terminated for reasons other than those referred to in Article 172 or for gross negligence on the part of the worker, the amount of return transport costs payable by the company is proportional to the worker's service time.

Article 174:

The class of passage and the weight of baggage are the same for all workers.

However, family expenses are taken into account when calculating the weight of baggage.

Article 175:

The routes and means of transport are chosen by the employer, unless the parties agree otherwise.

The worker who uses a route or means of transport more expensive than those regularly chosen or approved by the employer is only covered by the company up to the costs incurred by the route and means. regularly chosen. If he uses a more economical route or means of transport, he can only claim reimbursement of the costs incurred.

Travel times are not included in the maximum duration of the contract as provided for in Article 54 above of this law.

Article 176:

In the absence of a contrary agreement, the worker who uses a route or means of transport slower than those regularly chosen by the employer cannot therefore claim longer travel times than those provided for. the normal way and means.

If he uses a faster route or means of transport, he continues to benefit, in addition to the duration of the leave itself, from the delays which would have been necessary with the use of the route and means chosen by the employer.

Article 177:

The worker who has ceased his service may demand from his former employer, the provision of the transport tickets to which he is entitled, within two years from the cessation of work with said employer.
The latter provides the worker with a certificate establishing the exact calculation of the worker's transport rights on the day of termination of the contract.

Articles 178:

The worker who has ceased his service and who is waiting for the means of transport designated by his employer to return to his habitual residence, is entitled to compensation.

This compensation corresponds to the salary and any benefits he would have received if he had continued to work until he boarded.

Article 179:

The worker whose contract is signed or whose leave has expired and who remains at the employer's disposal while awaiting the means of transport enabling him to leave his habitual residence to reach his place of employment, receives the employer, during this period, compensation calculated on the basis of leave allowance.

Article 180: In

the event of the death of an expatriate or displaced worker, or of a member of his family whose travel was the responsibility of the employer, the repatriation of the body of the deceased to the place of habitual residence is the responsibility of the 'employer.

Section 4: Public holidays

Article 181:

Public holidays are those established by law.

CHAPTER III: SALARIES

Section 1: Determination of salary

Article 182:

Under equal conditions of work, professional qualification and performance, pay is equal for all workers regardless of their origin, sex, age and status.

In the absence of collective agreements or in their silence, the salary is fixed by agreement between the employer and the worker.

The determination of wages and the fixing of remuneration rates must respect the principle of equal remuneration between male and female workers for work of equal value.

Article 183:

The worker displaced from his habitual residence for the execution of an employment contract who cannot, by his own means, obtain decent housing for himself and his family has the right to housing from the employer.

The conditions for granting and the terms of reimbursement are set by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

The regulatory text also sets out the terms of reimbursement of this benefit to the employer and the conditions to which the accommodation must meet, particularly in terms of safety and health at work.

Section 184:

In the event that the worker cannot, by his own means, obtain for himself and his family, a regular supply of essential foodstuffs, the employer is required to provide them under the conditions established by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

The regulatory text also sets out the terms of reimbursement of this benefit to the employer.

Article 185:

Collective employment agreements or, failing that, the individual employment contract, may provide for compensation intended to compensate the worker for additional expenses and risks linked to their stay at the place of employment:

1) when the climatic conditions of the region of the place of employment the differ from those of habitual residence of the worker;

2) if this results, for the latter, in particular burdens due to his distance from the place of his habitual residence.

Article 186:

Compensation is allocated to the worker if he is required by professional obligation to occasionally and temporarily travel outside his usual place of employment.

The applicable compensation is set by the collective agreement or, failing that, by the individual employment contract.

Article 187:

Decrees taken by the Council of Ministers, after advice from the advisory commission Labor Ministry, establish:

1) inter-professional minimum wages guaranteed based generally on in particular, the level wages in the country and the cost of living and taking into account economic factors;

2) the composition, attributions and operation of a national commission for guaranteed interprofessional minimum wages;

3) the cases in which supplies other than those referred to must be granted in articles 183 and 184, the terms of their allocation and the reimbursement rates;

4) possibly the terms and conditions for granting benefits in kind, in particular agricultural land.

In the absence of collective agreements or in their silence, a decree taken by the Council of Ministers also fixes:

1) professional categories and minimum salaries 2) bonuses for correspondents; seniority and possibly performance.

Section 188:

The remuneration for piecework or piecework must be calculated in such a way that it provides the worker with a salary at least equal to that of a time-paid worker carrying out similar work.

Article 189: No salary is due in the event of the worker's absence, except in cases provided for by regulations and unless agreed between the parties.

Article 190: A joint joint commission is created (Employers/Centrals for salary unions) responsible for negotiations and working conditions in the private sector.

The composition, organization and operation of the joint body are joint commission set by a regulatory act by the ministers responsible for labor and the private sector after consulting the labor consultative commission.

Article 191:

When the remuneration for services is constituted, in whole or in part, by commissions, bonuses and various services or compensation representative of these services, to the extent that these do not constitute a reimbursement of expenses, it this is taken into account for the calculation of remuneration during the period of leave, notice pay, damages and interest.

The amount to be taken into consideration in this respect is the monthly average, calculated over the last twelve months of activity, of elements referred to in the previous paragraph.

Article 192:

Salary must be paid in legal tender in Burkina Faso. Any stipulation to the contrary is automatically void.

The payment of all or part of the salary in alcohol or alcoholic beverages is strictly prohibited.

The payment of all or part of the salary in kind is also prohibited, subject to the provisions of articles 183, 184 and 187 above.

Article 193:

Pay is made at the workplace, except in cases of force majeure.

Under no circumstances may it be carried out in a drinking establishment or in a sales store, except for workers who are normally employed there, nor on the day on which the worker is entitled to rest.

Article 194:

Salary must be paid at regular intervals not exceeding fifteen days for workers hired by the hour or day and one month for workers hired by the month.

However, the daily worker, hired by the hour or by the day, is paid every day immediately after the end of his work.

Monthly payments must be made no later than eight days after the end of the month of work giving entitlement to salary. Fortnightly payments must be made no later than four days after the end of the fortnight giving entitlement to salary. This period is reduced to two days in the event of weekly payment.

The minister responsible for labor determines the professions for which practices provide for a different payment frequency, by regulation, after consulting the labor consultative commission.

Article 195:

For any piecework or performance work whose execution must last more than a fortnight, the payment dates can be fixed by mutual agreement, but the worker must receive every fortnight, installments corresponding to the less than 90% of the minimum wage and be paid in full within two weeks following delivery of the work.

Commissions earned during a quarter must be paid within three months following the end of that quarter.

Shares in profits made during a financial year must be paid within nine months following the end of the financial year.

Article 196:

Salary and salary accessories, bonuses and compensation of all kinds due to the worker must be paid at the end of the contract, in the event of termination or breach of the employment contract.

However, in the event of a dispute, the employer may obtain from the president of the labor court the temporary immobilization at the labor court registry of all or part of the seizable portion of the sums due.

The employer submits an application to the president of the written or oral statement labor court at the court registry, no later than the day of termination of services.

The request is immediately transmitted to the president of the labor court who sets the earliest hearing date, even from hour to hour.

The parties are immediately convened as stated in articles 345 and 346 below.

They are required to appear in person on the day and time fixed by the president of the court. They may be assisted or represented in accordance with the provisions of article 347 below.

The decision is immediately enforceable notwithstanding opposition or appeal.

Article 197:

Whatever the nature, duration of work, amount of remuneration acquired, any payment of salary must, unless an exemption is granted on an individual basis by the labor inspector of the jurisdiction, be the subject of a document proof called pay slip drawn up by the certified employer and given to the worker.

All information made on the pay slip must be reproduced in a register known as the payment register or recorded in a computerized file or listing.

When the slip is detached from a stub book whose fixed leaves bear a numbering continues, this stub book serves as a record of payments.

The payment register or any other material means or computer support of proof are kept by the employer in the establishment, under the same conditions as the accounting documents and must be presented immediately if requested by the labor inspectorate, even in the absence of the head of the establishment.

Article 198:

The structure of the pay slip and the payment register is set by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

Article 199:

A statement for the balance of any account or any equivalent statement subscribed by him during the execution or after the termination of his employment contract and by which the worker renounces all or part of the rights resulting from his employment contract.

Article 200:

The acceptance, without protest or reservation, by the worker, of a pay slip cannot constitute a waiver on his part of the payment of all or part of the salary, salary accessories, bonuses and compensation of any nature due to it under the legislative, regulatory and contractual provisions. Nor can it be considered as the balance of any account.

Article 201:

In the event of a dispute over the payment of salary, bonuses and compensation of any kind, non-payment is irrefutably presumed, except in cases of force majeure, if the employer is not able to produce the payment register duly signed by the worker.

Section 2: Privileges and guarantees of the salary claim

Article 202:

The salary is the benefit paid to the worker by the employer in return for his work within the meaning of the provisions of sections 2 and 3 of this chapter.

The salary includes the basic salary, whatever its denomination and the accessories of the salary, in particular, the paid leave allowance, bonuses, allowances and benefits of all kinds.

Article 203:

The salary claim and other claims of the worker resulting from the employment contract benefit from a super privilege to all other general or special privileges including those of the Public Treasury and social security with regard to the unseizable fraction of said salary such as it results from the provisions of article 214 below.

This super privilege is exercised on the debtor's movable and immovable property.

Article 204:

The sums deducted by the Public Treasury after the date of cessation of payments, on the mandates due to the employer are reported to the estate, in the event of judicial liquidation of the company.

Article 205:

The trustee or liquidator pays the workers' debts within ten days following the judicial liquidation and upon simple order of the judge-commissioner.

The judge-commissioner has a period of eight days from the production of workers' claims to issue his prescription.

In the event that he does not have the necessary funds, these claims must be paid from the first receipts of funds before any other claim, as indicated in article 203 above.

Article 206: In

the event that workers' debts are paid thanks to an advance made by the trustee, the liquidator or any other person, the lender is subrogated to the rights of the worker.

The lender must be reimbursed as soon as the necessary funds are received, without any other debt being able to oppose it.

Article 207:

The worker housed by the employer before judicial liquidation continues to be housed until the date of payment of his last debt or, possibly, until his departure date to return to his habitual residence.

Article 208:

The worker holding an object belonging to the company may exercise the right of retention under the conditions provided for by the legislation in force.
Movable objects entrusted to a worker in particular for shaping, repair or cleaning and which have not been removed within the six-month period may be sold under the conditions and forms determined by the legislation in force.

Article 209:

The worker benefits from legal assistance for any seizure-attribution procedure before the common law courts.

Section 3: Prescription of action for payment of salary

Section 210:

The action of workers for payment of salary, salary accessories, bonuses and compensation other than those indicated in article 75 above, of any sum owed by

the employer to the worker and that for the provision of benefits in kind and possibly their reimbursement, are prescribed by two years.

The limitation period runs from the date from which the salary is due. It is suspended when there is a valid account, schedule, obligation or legal summons or in the event of an attempt at conciliation before the labor inspector.

Article 211:

The worker to whom the prescription is opposed may take the oath to the employer or his representative, on the question of whether the salary he claims has been paid.

The oath can be taken by the surviving spouses and heirs or by the guardians of the latter if they are minors, so that they have to declare whether or not they know that the salary claimed is due.

Article 212:

The action for payment of salary is barred by five years if the oath taken is not taken or if it is recognized, even implicitly, that the sums claimed have not been paid.

Section 4: Deductions from wages and retirement pensions

Article 213:

The employer is prohibited from imposing fines on the worker for any reason whatsoever. This provision is of public order.

Article 214:

Deductions from remuneration may only be made by seizure-attribution or voluntary transfer, signed before the court of the place of residence or, failing that, the labor inspectorate.

The same applies to the reimbursement of advances of money granted to the worker by the employer, with the exception of compulsory deductions and deposits provided for by collective agreements.

However, when the court or labor inspectorate is located more than twenty-five kilometers away, an agreement between the parties may be noted in writing before the head of the nearest administrative district.

There can only be compensation between the remuneration and the sums owed by the worker within the limit of the seizable part and only on the immobilized sums.

Article 215:

The portions of salaries and retirement pensions subject to progressive deductions for repayment of debts as well as the related rates are determined by regulation by the Minister responsible for labor after consulting the labor consultative commission.

The withholding referred to in article 214 paragraph 1 above each pay, exceed the cannot, at rates fixed by regulation.

Article 216:

When calculating the withholding, salary or retirement pension, all accessories to the salary or pension are taken into account.

Excluded from seizure, sums allocated as allowances or reimbursement of expenses and compensation for family dependents are excluded.

Article 217:

The clauses of an employment agreement or contract authorizing any other deductions are automatically void.

Article 218:

The sums withheld in violation of the provisions of Article 214 above produce interest for the benefit of the worker at the legal rate from the date on which they should have been paid and can be claimed by him until prescription.

Section 219:

The provisions of this chapter do not exclude the application of the measures provided for by the legal or regulatory regimes of Social Security.

CHAPTER IV: BAILMENT

Article 220:

The guarantee is a contract by which a worker deposits a sum of money in the hands of his employer at the time of the conclusion of the employment contract.

Its purpose is to guarantee the restitution of funds that this worker may lose or dissipate during the exercise of his duties.

Article 221:

Any business manager who is given a cash security by a worker must issue a receipt and mention it in detail in the employer register.

Article 222:

Any security must be deposited within one month of its receipt by the employer. Mention of the security and its deposit is made in the employer register and justified by a certificate of deposit kept at the disposal of the labor inspector.

Article 223:

The terms of this deposit as well as the list of public funds and banks authorized to receive it are fixed by regulation by the minister responsible for labor, after opinion of the minister responsible for justice.

Savings banks and banks must accept this deposit and issue a special booklet, separate from the one the worker owns or subsequently acquires.

Article 224:

The employer may operate, within the limit of the transferable portion and seizable, deductions from the worker's salary and salary accessories with a view to constituting the security, after notice of article 214 above. labor court, notwithstanding the provisions of

Article 225:

The withdrawal of all or part of the deposit can only be made with the dual consent of the employer and the worker or with that of one of them authorized for this purpose by a decision of the competent court.

Article 226:

The employer benefits from a privilege on the worker's security in the event of assignment of the booklet or the deposit of the security with regard to third parties who form seizures-attributions in the hands of the latter.

Article 227:

Any seizure-attribution formed in the hands of the administration of the public fund or the bank is automatically void.

CHAPTER V: SOCIAL WORKS

Section 1: Commissary

Article 228:

The commissary is the mechanism by which the employer transfers goods directly the sale or to the company's workers for their personal needs.

Section 229:

The commissary is admitted under the following conditions:

1) workers must not be forced to obtain supplies there;

2) the sale of goods is made exclusively to cash and without profit;

3) the accounting of the company's commissary is entirely controlled by a autonomous and subject to commission of worker-elected oversight;

4) the prices of the goods must be displayed legibly.

Article 230:

The opening of a commissary, under the conditions provided for in article 229 above, is subject to authorization from the minister responsible for labor, issued after advice from the local labor inspector.

The opening of a commissary may be ordered in a company by the minister responsible for labor, on the recommendation of the relevant labor inspector.

Article 231:

Any business established within the company is subject to the above provisions, with the exception of worker cooperatives.

Article 232:

The sale of alcohol and alcoholic beverages is prohibited in commissaries as well as in the workplace unless an exemption is granted by the local labor inspectorate.

Article 233:

The operation of the commissary is controlled by the labor inspector who can prescribe temporary closure for a maximum period of one month in the event of violation of the requirements.

The definitive closure of the commissaries may be ordered by the minister responsible for labor on the basis of a report from the labor inspector.

Section 2: Other social works

Article 234:

Social works, such as canteens, crèches, cafeterias, leisure spaces, may be created under the conditions set by joint regulatory act of the ministers responsible for labor and social action, after opinion of the commission labor advisory.

TITLE V: SAFETY AND HEALTH AT WORK, SERVICES CORPORATE SOCIAL

Article 235:

The employer is responsible for applying the measures prescribed by the provisions of this title and by the texts taken for their application.

CHAPTER I: SAFETY AND HEALTH AT WORK

Section 1: General

Article 236:

The head of the establishment takes all necessary measures to ensure the safety and protect the physical and mental health of workers in the establishment, including temporary workers, apprentices and interns.

In particular, he must take the necessary measures to ensure that the workplaces, machines, materials, substances and work processes placed under his control do not present risks to the health and safety of workers.

To this end, the employer must, to ensure prevention, take:

1) technical measures applied to new installations or new processes during their design or implementation or by technical additions made to existing installations or processes;
to

2) organizational measures for safety at work;

3) organizational measures for occupational health;

4) work organization measures;

5) training and information measures for workers.

In addition, he is required annually to develop and implement a program to improve working conditions and the working environment.

Article 237:

When workers from several companies are present at the same workplace, their employers must cooperate in the implementation of requirements relating to safety and health at work.

They are required to inform each other and their respective workers of professional risks and the measures taken to prevent them.

Article 238:

When the measures taken under Article 236 above are not sufficient to guarantee the safety or health of workers, individual protection measures against professional risks must be implemented.

When these protective measures require the use of appropriate worker of a equipment, this as well as the necessary instructions for its wearing and optimal maintenance are provided by the employer.
In this case, no worker should be admitted to their station with work that covered with its personal protective equipment.

Article 239:

The use of processes, substances, machines or materials specified by regulations and resulting in the exposure of workers to professional risks in the workplace must be brought to the attention of the labor inspector in writing.

The same applies each time new machines or installations are put into service, have undergone significant modifications or new processes are introduced.

The labor inspectorate, in collaboration with the medical labor inspection services or any other competent structure, may make this use subject to compliance with certain practical provisions or prohibit it when the protection of the worker does not appear to be ensured. .

Article 240:

Any machine, material or equipment whose defect is likely to cause an accident must be checked at least once per quarter.

The results of the checks are recorded in a register called a safety register opened by the employer and kept constantly available to the labor inspector.

The list of equipment subject to periodic inspections is established by regulation by the Minister responsible for labor after consulting the labor consultative commission.

Article 241:

Workplaces must be subject to regular surveillance under the conditions and procedures set by the competent authority with a view in particular to verifying the safety of equipment and installations and monitoring health risks at the workplace. work.

Article 242:

Workers must be informed and instructed in a complete and understandable manner about the professional risks existing in the workplace and receive adequate instructions relating to the means available and the conduct to be taken to prevent them.

As such, the employer must provide them with minimum general training in occupational safety and health.

Article 243:

Every employer must organize practical and appropriate training in occupational safety and health for the benefit of newly hired workers, those who change workstation or work technique and those who return to their activity after a work stoppage lasting more than six months.

This training must be updated for the benefit of all staff in the event of a change in legislation, regulations or work processes.

Specific safety training actions are also carried out in certain establishments depending on the risks observed.

Article 244: In
workshops or construction sites where more than twenty-five people work permanently, two or three people must receive the necessary training to administer first aid care.

Article 245:
Safety and health measures at work as well as training or information actions referred to in Articles 242 and 243 are the responsibility of the employer.

Article 246:
The employer is required to declare to the social security institution and the relevant labor inspectorate, within two working days, any occupational accident or illness.
professionalism observed in the company.

The terms of this declaration are set by the legislation applicable to work accidents and occupational diseases.

Article 247:
Workers are required:

1) strictly apply health and safety instructions in the workplace;

2) to immediately notify their direct superior or the occupational safety and health committee and the relevant labor inspector of any situation presenting a serious and imminent danger to their life or health. In this case, the employer is required to immediately take all useful measures to put an end to the danger in question.

The employer cannot ask the worker to return to his workstation as long as the danger persists;

3) to attend medical visits and examinations prescribed by regulations;

4) to contribute to compliance with obligations relating to safety the employer in terms of and health at work.

Article 248:
Regulatory acts taken after the opinion of the occupational safety and national advisory health technical committee determine:

1) general and specific protection measures, applicable to all prevention and health companies;

2) measures relating to the organization and operation of bodies whose mission is to help observe health and safety requirements and to contribute to the improvement of working conditions and the protection of health of the worker;

3) measures relating to the exposure, sale or transfer of machines, devices and various installations presenting dangers for workers;

4) measures relating to the distribution and use of preparations for substances or industrial use, presenting dangers for workers;

5) specific requirements for certain professions or dangerous substances, certain types of materials, categories of workers. work or installation processes or to certain

Section 2: Occupational safety and health committees

Article 249:

Employers must create a safety and health committee in establishments work in the employing at least thirty workers.

The labor inspector may, however, order the creation of a workplace safety and health committee in an establishment employing fewer than thirty workers, when this measure is essential, in particular because of the nature of the work, the layout or the equipment of the premises.

Article 250:

The occupational safety and health committee assists and advises the employer and, where applicable, the workers or their representatives in the development and implementation of the annual occupational safety and health program.

Article 251:

Staff representatives on the occupational safety and health committee benefit, at the expense of the employer, from training necessary for the exercise of their missions.

This training is renewed when they have exercised their mandate for six consecutive years or not.

Article 252:

The employer presents annually to the occupational safety and health committee as well as to the worker representatives, a report on occupational safety and health in the company, in particular on the provisions adopted and implemented during the last year.

Article 253:

The composition, organization and operation of the occupational safety and health committee are determined by joint regulatory act of the ministers responsible for labor and health after consulting the national technical advisory committee for occupational safety and health.

Article 254:

The employer is required to set up a workplace safety service in industrial companies employing at least fifty workers.

This service is placed, as far as possible, under the responsibility and control of staff who have acquired adequate training in the field of occupational safety and health. He assists the occupational safety and health committee in carrying out its tasks.

Section 3: Occupational health services

Article 255:

Any employer established in Burkina Faso is required to ensure health coverage for its workers, in accordance with the conditions defined by the texts relating to the organization and operation of safety and health at work.

As such, he must in particular affiliate with the health office of other workers or any occupational health structures approved by the minister responsible for health.

Article 256:

The occupational health service is responsible for preventing risks in the workplace.

It is responsible for advising the employer, workers and their representatives on the requirements required to establish and maintain a safe and healthy working environment on the one hand and the adaptation of work to the abilities of the workers on the other hand.

Section 257:

The occupational health service's missions include:

1) to ensure the protection of workers against any harm to health which may result from their work or from conditions in which this is carried out;

2) to contribute to the establishment and maintenance of a safe and healthy work environment, capable of promoting optimal physical and mental health in relation to work;

3) to contribute to the adaptation of positions, techniques and work rhythms to human physiology;

4) to monitor the health of workers in relation to the workstation occupied;

5) to contribute to the health education of workers for behavior consistent with occupational safety and health standards and instructions as well as prevention against HIV;

6) to provide first aid and emergency care.

Article 258:

The occupational health service must be located at or near the workplace. It can be organized either as a service specific to a single company, or as a service shared by several companies.

Article 259:

Expenses relating to the occupational health service are the responsibility of the employer.

In the case of a service shared by several companies, these costs are distributed proportionally to the number of workers.

Article 260:

The employer is responsible for informing the occupational health service about the characteristics of machines and tools, manufacturing processes and procedures,

products used or handled, the characteristics of the populations at work, the working conditions.

Article 261:
The employer must present its workers to medical examinations and examinations prescribed by national legislation and regulations, in particular medical examinations for hiring, periodic, special surveillance, return to work, end of contract.

The time taken to carry out medical visits and additional examinations is considered effective working time.

Under no circumstances should an HIV screening test be required during these various medical visits and prescribed examinations. However, voluntary and anonymous testing is encouraged.

The costs of the above-mentioned medical examinations and additional examinations deemed useful to determine the worker's medical fitness for his or her workstation are the responsibility of the employer.

Article 262:
The terms and conditions for carrying out these visits and examinations are determined by joint regulatory act of the ministers responsible for labor and health after advice from the national technical advisory committee for safety and health at work.

Article 263:
When maintaining a worker in a position is not recommended for medical reasons, all means must be implemented by the employer to assign him to another position compatible with his state of health.

If this is not possible, the worker is dismissed with payment of rights after advice from the local labor inspector.

Article 264:
The organization, operation and means of action of occupational health services are determined by joint regulatory act of the ministers responsible for labor and health following the opinion of the national technical advisory committee for occupational safety and health.

Section 4: Control

Article 265:
The labor inspector monitors the employer's compliance with provisions regarding occupational safety and health standards.

Article 266:
The labor inspector who notes a violation of the standards or requirements laid down, gives notice to the employer to comply.

In addition, when there are working conditions dangerous to the safety and health of workers not covered by article 248 above, the employer is given formal notice by the labor inspector to remedy them as soon as possible. forms and conditions provided for in article 267 below.

The formal notice from the labor inspector is immediately enforceable.
However, the decision of the labor inspector may be appealed according to the rules provided for in administrative matters.

Article 267:

The formal notice must be made in writing, either in the employer register, or by registered letter with acknowledgment of receipt or by any other useful means.

It is dated and signed and specifies the infractions or dangers noted and sets the deadlines. in which they must have disappeared. These deadlines cannot be less than four clear days, except in cases of extreme urgency.

Article 268:

A medical labor inspection is created whose jurisdiction extends over the entire national territory. It is placed under the supervision of the ministry responsible for labor.

Article 269:

The main missions of the medical inspection of work are to:

1) participate in the development of texts relating to safety and health at work;

2) monitor on a technical level, in close collaboration with the competent services of the ministries responsible for labor and health and any other competent public or private institution, the application of legislation and regulations relating to safety and health at work ;

3) monitor and advise occupational health services:

4) note any violation of national occupational safety and health regulations.

Article 270:

Any infraction or failure to comply with the regulations noted by the medical labor inspectorate is subject to formal notice notified and settled according to the procedure provided for in Article 267 above.

Article 271:

The organization and operation of the occupational medical inspection are determined by decree taken by the Council of Ministers, after advice from the national technical advisory committee for safety and health at work.

CHAPTER II: CORPORATE SOCIAL SERVICES

Article 272:

A social service is established in establishments employing more than two hundred workers.

Article 273:
Corporate social service is a service organized within a company, a private or public company for the benefit of workers and their families.

Its mission is to contribute to the improvement of working conditions and the well-being of workers in the company.

Article 274:
The responsibilities, organization, operation and means of action of the social service are fixed by joint regulatory act of the ministers responsible for labor and social action, after opinion of the labor consultative commission.

TITLE VI: PROFESSIONAL INSTITUTIONS

CHAPTER I: PROFESSIONAL UNIONS

Section 1: Purpose and constitution of professional unions

Article 275:
The purpose of professional unions is to promote and defend the material, moral and professional interests of their members.

Article 276:
Workers and employers may freely form professional unions bringing together people exercising the same profession, similar professions or related professions contributing to the establishment of specific products, without prejudice to the provisions of Article 299.

Article 277:
Any worker or employer may freely join a union of their choice within the framework of their profession.

Article 278:

The founders of any professional union must submit the statutes and the names of those who, in any capacity, are responsible for its administration or direction.

This filing takes place at the headquarters of the administrative district where the union is established when the union has local jurisdiction.

It takes place at the ministry responsible for public freedoms, when union has a spring national or international.

A copy of the statutes is sent to the local labor inspector, the general director of labor and the Faso prosecutor.

Article 279:

Modifications made to the statutes and changes occurring in the composition of the management or administration of the union must be brought, under the same conditions, to the attention of the same authorities.

Section 280:

Any declaration must be accompanied by the following documents:

1) a written request signed by at least two founders;

2) three copies of the statutes, internal regulations and constitutive minutes of the meeting documents signed and legalized;

3) three signed and legalized copies of the list of names of persons specifying the quality of responsible for the management of the union.

Article 281:

The members responsible for the management and administration of a union must be of Burkinabe nationality or nationals of a State with which reciprocity agreements have been concluded regarding trade union rights.

All members must enjoy their civil and civic rights.

Non-national workers can access the positions of union leaders after having resided continuously for at least five years in Burkina Faso.

Article 282:

Members responsible for the administration or management of a union benefit from the protection granted to staff representatives against dismissals and arbitrary transfers.

Article 283:

Children aged at least sixteen can join unions unless opposed by their father, mother or guardian.

Article 284:

Workers or employers who have ceased to exercise their function or profession, provided they have exercised it for at least one year, may continue to be part of a trade union.

Article 285:

Any member of a professional union may withdraw from it at any time, notwithstanding any clause to the contrary.

He retains, however, the right to be a member of the relief and old-age insurance societies to whose assets he has contributed through contributions or payments of funds.

Article 286:

It is prohibited for any employer to take into consideration whether or not they belong to a union, the exercise of union activity, in particular, hiring, the conduct and distribution of work, professional training, advancement, remuneration and provision of social benefits, disciplinary measures and worker. dismissal of a

Article 287:

The company manager or his representatives must observe the neutrality with regard to trade union organizations present in the company.

Article 288:

Any measure taken by the employer in violation of the provisions of Articles 276 and 286 is abusive and may give rise to damages.

Section 289:

A union delegate may be designated within the company or establishment by any regularly constituted union organization representing workers in accordance with the provisions of article 276 above.

Section 290:

The union delegates' missions include:

1) to represent the union to the company manager;

2) to participate in collective negotiations within the company.

Article 291:

The provisions of articles 313 and 314 of this trade union apply to delegates law.

Section 292:

The mandate of the union delegate ends in one of the following cases:

- when the condition of representativeness ceases to be met or the union decides to terminate the delegate's functions;

- in the event of termination of the employment contract, resignation of the mandate or loss of the conditions required for appointment.

Article 293:
The provisions of articles 276, 286 and 287 are of public order.

Article 294:
The assets of the union are liquidated in accordance with the statutes or following the rules determined by the general assembly in the event of voluntary dissolution, statutory or pronounced by the courts.

Under no circumstances can they be distributed among members.

Article 295:
The administration cannot order the suspension or dissolution of workers' and employers' unions. Their dissolution can only take place by judicial means.

Section 2: Civil capacity of professional unions

Article 296:
Professional unions, constituted in accordance with this law, provisions of the enjoy legal personality.

They can :

1) exercise all the rights reserved for the civil party before all courts;

2) allocate part of their resources to create the acquisition workers' housing and of real estate;

3) create, administer or subsidize works such as:

- social welfare institutions; - solidarity funds; - Laboratories ; - fields of experience;
- works of scientific, agricultural or social education, courses and publications of interest to the profession;

4) subsidize cooperative production or consumption companies as well as any public or private institutions of interest to workers;

5) enter into contracts or agreements with all other unions, companies, businesses or individuals. Collective labor agreements are concluded under the conditions determined by Chapter X of Title 3 of this Law.

The buildings and movable objects necessary for the unions for their meetings, their libraries and their professional training courses are elusive.

Article 297:
Unions must be consulted on all disputes and all questions relating to their profession or branch of activity.

Article 298: In
contentious matters, the opinions of the union are made available to the parties who can have communication and a copy of them.

Section 3: Unions of unions

Article 299:
Regularly constituted professional unions may freely consult together for the study and defense of their professional interests.

They can form unions at the national or local level.

The rights and obligations of professional unions established by this law are recognized by unions of unions.

Article 300:
The provisions of articles 275 to 296 of this chapter are applicable to unions of unions which must make known the name and head office of the unions which compose them.

Their statutes set the rules for membership and representation in the governing bodies of the union.

Article 301:
The competent authorities may make premises available to unions of trade unions for the exercise of their activities.

Section 4: Union representation

Section 302:
The Minister responsible for Labor publishes the list of the most representative unions every four years.

The elements for assessing the representativeness of the trade union organization are the results of professional elections.

The terms of organization of these elections are set by regulation by the minister responsible for labor.

A decree taken by the Council of Ministers after advice from the labor consultative commission defines the forms of trade union organizations and the criteria for representativeness.

Article 303:
The decision of the Minister responsible for Labor determining the most representative unions is subject to appeal before the competent administrative court, within fifteen days after publication of the list.

In the event of an appeal, the file provided by the Minister responsible for Labor includes all the elements of assessment collected and the opinion of the technical services of the Ministry.

The appeal does not suspend the decision of the Minister responsible for labor.

Section 5: Union marks

Article 304:
Unions may register their brand or label and claim exclusive ownership under the conditions determined by the texts in force.

These brands or labels can be affixed to any product or commercial item to certify its origin and manufacturing conditions.

They can be used by any individual or company selling these products.

Section 305:
The use of union marks or labels cannot have the effect of infringing the provisions of article 276 hereof. chapter.

Article 306:
Any clause in a collective contract, agreement or understanding subjecting the use of the union mark by an employer to the obligation for the said employer not to retain or take from it is null and void. service as the members of the union that owns the brand.

CHAPTER II: STAFF DELEGATES

Article 307:
Staff representatives are representatives of workers within a company responsible for transmitting workers' complaints to the employer and ensuring that working conditions are observed.

Article 308:
Staff representatives are elected for a two-year term. They can be re-elected.

Article 309:
The Minister responsible for Labor, after regulatory advice labor advisory, fixed from the commission:

1) the number of workers from which the institution of staff delegates is compulsory;

2) the number of delegates and their distribution on the plan professional;

3) the terms of the election;

4) the duration and remuneration of the working time available to staff representatives to carry out their duties;

5) the means made available to delegates;

6) the conditions under which they are received by the employer or his representative;

7) the conditions for dismissal of the delegate by the workers who elected him.

Article 310:

Disputes relating to the election, the eligibility of staff delegates as well as the regularity of electoral operations fall within the competence of the president of the labor court who rules urgently and as a last resort.

Article 311:

The decision of the president of the labor court may be referred to the Court of Cassation.

The appeal is filed and judged in the forms and conditions provided for by the organic law governing the said Court.

Article 312:

Each delegate has a substitute elected under the same conditions and who replaces him in the event of justified absence, death, resignation, revocation, termination of the employment contract, loss of conditions required for eligibility.

Article 313:

The function of staff representative must not be an obstacle to improving its remuneration and regular advancement.

The staff representative cannot be transferred against his will during the duration of his mandate, unless assessed by the local labor inspector.

The work schedule of the staff representative is the normal schedule of the establishment.

Article 314:

Any dismissal of a permanent or substitute staff delegate considered by the employer or his representative must be subject to the opinion of the labor inspector.

However, in the event of serious misconduct, the employer may order the temporary dismissal of the person concerned pending this notice.

The response from the labor inspector must be received within fifteen days, except in cases of force majeure. After this period, the authorization is deemed granted.

If authorization is not granted, the staff delegate is reinstated with payment of salaries relating to the period of suspension.

The decision of the labor inspector may be the subject of a hierarchical appeal to the minister responsible for labor.

The Minister's decision is subject to appeal for annulment before the administrative court.

Article 315:

The provisions of article 314 above are applicable:

to candidates for delegate functions during the period between the date of submission of the lists to the head of the establishment and that of the vote;

to delegates during the period between the end of their mandate and the expiration of three months following the new election.

Section 316:

The staff delegates have the following missions:

1) to present to employers all individual or collective complaints relating to working conditions and the protection of workers, to the application of conventions collective agreements, professional classifications and salary rates;

2) to refer any complaint or claims relating to the application of legal and regulatory requirements to the labor inspectorate;

3) to ensure the application of requirements relating to hygiene, worker safety and social security and to propose all useful measures relating thereto;

4) to communicate to the employer any suggestions useful for improving the organization and performance of the company.

Staff representatives can be assisted by a company union representative in carrying out their missions.

Article 317:

Notwithstanding the provisions of Article 316 above, workers may present their complaints and suggestions to the employer themselves.

TITLE VII: LABOR DISPUTES

Section 318:

Labor disputes are subject to the procedure established in this title.

CHAPTER I: INDIVIDUAL DISPUTES

Article 319:

The individual dispute is the conflict between one or more employers workers to their during the execution of the employment contract for the recognition of an individual right.

Section 1: Conciliation procedure

Article 320:

Any employer or worker must ask the labor inspector, his delegate or his legal substitute, to settle amicably the dispute between him and the other party.

The labor inspector seized of an individual labor dispute, summons the parties with a view to an amicable settlement indicating the name, first names, profession, address of the applicant as well as the subject of the request, the place, the time and day of appearance.

The summons is made in person or at home through an administrative agent or by any other useful means.

The parties may be present at the conciliation sessions by an employer or a worker in the same branch of activity or any other person of their choice.

Article 321: In

the event of conciliation, a conciliation report is drawn up and establishes the amicable settlement of the dispute.

The conciliation report contains, in addition to the validity notices: ordinary necessary for its

1) the statement of the different heads of claim;

2) the points on which conciliation took place and each element of the we agreed to claim;

3) the heads of claim abandoned by the plaintiff.

The conciliation report must be drawn up and signed immediately by the labor inspector, his delegate or his legal substitute and by the parties to the dispute.

Article 322: In

the event of failure, a report of non-conciliation is drawn up and signed by the labor inspector, his delegate or his legal substitute and the parties to the dispute.

Express mention is made of the refusal to sign the minutes by one of the parties.

Section 323:

In the event of partial conciliation, two minutes are drawn up:

1) a partial conciliation report signed by the labor inspector, his delegate or his legal substitute and by the parties on the points of agreement;

2) a report of non-conciliation signed by the labor inspector, his delegate or his legal substitute and the parties for the remainder of the request.

Express mention is made of the refusal to sign the minutes by one of the parties, if applicable.

In all cases, a certified copy of the minutes is sent to the president of the labor court and to the parties by the labor inspector.

Article 324:

When one of the parties to the dispute does not appear after two summonses, a report of non-conciliation by default is drawn up and signed by the labor inspector, his delegate or his legal substitute and by the party present.

Article 325:

The labor inspector may draw up an enforceable report when the elements of the dispute are not contested and relate to legal, conventional or contractual salaries, paid leave and seniority bonuses, notwithstanding cases of conciliation cited above.

Article 326:

The total conciliation and partial conciliation reports, the enforceable report drawn up by the labor inspector, in accordance with articles 321, 323 and 325 above, constitute enforceable titles.

Article 327:

In the absence or failure of an amicable settlement, legal action is initiated by written or verbal declaration made to the registry of the territorially competent labor court.

The applicant must produce a certified copy of the non-conciliation report.

Section 2: Composition of the labor court

Article 328:

The labor court is composed of:

a president and judges, all from the judiciary, appointed by decree taken in the Council of Ministers on the proposal of the minister responsible for justice after consulting the Superior Council of the Judiciary;

employer assessors and worker assessors appearing on a list established in accordance with article 332 below;

of a chief registrar appointed by decree taken by the Council of Ministers, of registrars and secretaries of the registries appointed by regulatory by the minister responsible for the courts.

Article 329:

The labor court has a summary panel composed of the president of the court or any judge designated by him and a clerk.

Article 330:

The labor court is composed at the hearing of: - a president, a magistrate; - two assessors including an employer and a worker; - a clerk.

Article 331:

For each hearing, the president designates the employer and worker assessors appearing on the list prescribed by article 332 below.

The titular assessors are replaced, in the event of incapacity, by substitute assessors.

In the event that one or both duly summoned assessors do not not present, the preside over a second summons.

In the event of another absence of one or both assessors, the president rules alone.

Article 332:

The assessors are appointed for a renewable four-year term by the ministers responsible for justice and labor after consulting the labor consultative commission.

They are chosen from a list presented by the most representative union organizations of employers and workers or, in the event of their absence, by the local labor inspectorate.

The list of assessors includes regulars and substitutes in equal numbers. It can be completed, if necessary, during the period of their mandate.

Article 333:

Assessors must meet the following conditions;

1) be of Burkinabè nationality or of one of the States appearing on a list drawn up by decree taken in the Council of Ministers on proposal from the minister responsible for justice;

2) be at least twenty-five years old;

3) know how to read and write in French;

4) have exercised their professional activity for at least three years within the jurisdiction of the labor court;

5) have not suffered any conviction resulting in forfeiture of civil and civil rights.

Article 334:

The assessors take the following oath before the local labor court: “I swear to fulfill my duties with conscience, assiduity and integrity and to always keep the secrecy of the deliberations”.

Article 335:

The functions of assessors give right to compensation, the amount and conditions of allocation of which are fixed by means and regulatory by the ministers responsible for justice finances.

Article 336:

Any assessor who has seriously failed in his duties in the exercise of his functions is summoned to court for the acts with which he is accused.

The initiative for this procedure belongs to the president of the labor court.
The president of the labor court sends the minutes of the appearance session to the minister responsible for labor within thirty days following the date of the summons.

Article 337:

The following sanctions may be taken against the incriminated assessor by the Minister responsible for Justice, upon proposal from the Minister responsible for Labor:

1) suspension for a period which cannot exceed six months; 2)
forfeiture.

Any assessor against whom disqualification has been pronounced cannot be designated again to the same functions.

Section 3: Jurisdiction of the labor court

Article 338:

The labor court is competent to hear individual disputes that may arise between workers, trainees and their employers, apprentices and their masters, during the execution of contracts.

He is also competent to know:

1) disputes arising from the application of the social security system;
2) individual disputes relating to the application of and to the collective labor agreements decrees in place thereof;

3) disputes arising between workers during the employment contract as well as direct actions of workers against the contractor provided for in Article 80 of this law;

4) disputes arising between workers and employers the opportunity of work;

5) disputes arising between social security institutions and those subject to them;

6) recourse actions by entrepreneurs against subcontractors.

Article 339:

Public service personnel, when employed under the conditions of private law, come under the jurisdiction of the labor courts.

Article 340:

The labor courts remain competent when a community or a public establishment is involved in a labor dispute.

Article 341:

The competent court is that of the workplace.

For disputes arising from dismissal, the worker has the choice between the court of his habitual residence in Burkina Faso and that of his place of work, notwithstanding any conventional attribution of jurisdiction.

The worker recruited on the national territory also has the right to appeal to the court of the place of conclusion of the employment contract.

Section 342:

The law establishes, for each court, its seat and its jurisdiction territorial.

Article 343:

The labor court comes under the supervision of the ministry responsible for justice.

Section 4: Litigation procedure

Article 344:

The procedure in social matters is free both before the labor court and before the court of appeal.

Workers also benefit from legal assistance for the execution of judgments rendered for their benefit.

Article 345:

The president of the court, in the month following receipt of a request, summons the parties to appear within a period which cannot exceed two months, increased if necessary, the deadlines for road.

Article 346:

The summons must contain the name, first names, profession of the applicant, an indication of the subject of the request, the place, time and day of the appearance.

The summons is made in person or at home by means of an administrative agent specially appointed for this purpose. It can be validly made by registered letter with acknowledgment of receipt or by any other useful means.

Article 347:

The parties are required to go to the place, day and time fixed by the president of the labor court.

They may be assisted or represented by one of the following people:

1) a worker or an employer belonging to the same sector 2) a lawyer activities; regularly registered with a bar; 3) a representative of the trade union organizations to which they are affiliated.

Employers can also be represented by a director or employee of the company or establishment.

With the exception of lawyers, any agent of the parties must have received a written mandate from the principal and approved by the president of the labor court or the social chamber.

Article 348: If

the applicant does not appear on the appointed day and if it is proven that he received the summons and does not justify a case of force majeure, the case is removed from the list.

The same applies when after referral the applicant does not appear.

In this case, the case can only be taken up once and according to the forms prescribed for the initial request, under penalty of forfeiture.

If the defendant does not appear and does not justify a case of force majeure, default is given against him and the court rules on the merit of the request.

The defendant who has appeared can no longer default.

In this case, the decision is deemed contradictory and, after the meaning in the procedures provided for in article 354 below, only the route of appeal is open.

Article 349:

The hearing is public. The president directs the debates and polices the audience.

He questions and confronts the parties, summons the witnesses cited at the request of the parties or himself, in the forms indicated in articles 345 and 346 above.

He proceeds to hear any person whose testimony he considers useful to the settlement of the dispute. He can carry out or have carried out any findings or expertise, request the intervention of the police.

Article 350:

The court examines the case.

No dismissal can be made unless agreed by the parties.
The court may, however, by reasoned judgment, order all investigations, site visits and all useful information measures.

The costs incurred by the investigative measures ordered are paid by the Public Treasury.

Article 351:

The court deliberates in secret as soon as the proceedings are closed.

The judgments rendered must be reasoned and their hearing public.

The minutes of the judgment are signed by the president and the clerk.

Section 352:

Court assessors may be challenged in the following cases:

1) when they have a personal interest in the dispute;

2) when they are relatives or allies of one of the parties;

3) if, in the year preceding the challenge, there was a civil or criminal trial between them and one of the parties, their spouse or direct ally;

4) whether they gave an opinion on the dispute;

5) if they are employers or workers of one of the parties involved.

The challenge is filed before any debate on the merits. The President If the rule immediately. request is rejected, he has ignored the debate. If it is accepted, the case is postponed to the next hearing of the court otherwise composed.

Article 353:
The judgment may order immediate execution, notwithstanding opposition or appeal and provisionally with exemption from security, up to the sum of two million (2,000,000) CFA francs.

For the remainder, provisional execution may be ordered provided security is provided.

Judgments rendered ordering provisional execution against a defaulting party may only be executed after notification in the manner provided for in articles 345 and 346 above.

Article 354: In
the event of a default judgment, notification is made in the manner of articles 345 and 346 above without costs, to the defaulting party, by the clerk or by an administrative agent specially appointed for this purpose by the president.

If, within ten days after notification, in addition to the travel time, the defaulter does not object to the judgment in the manner prescribed in article 348 above, the judgment is enforceable.

In the event of opposition, the president reconvenes the parties in accordance with the provisions of articles 345 and 346 above.

The new judgment is enforceable notwithstanding any default or appeal.

Article 355:
The judgments of the labor court are final and without appeal, except on the grounds of jurisdiction, when the amount of the request does not exceed two hundred thousand (200,000) CFA francs. Above this sum, judgments may be appealed to the relevant Court of Appeal.

Article 356:
The labor court hears all compensation requests which, by counterclaims or their nature, fall within its jurisdiction.

When each of the main, counterclaim or compensation claims is within the limits of its final jurisdiction, it makes a final decision.

If one of these requests can only be judged on appeal, the labor court will only rule on all of them on appeal. However, it rules as a last resort if only the counterclaim for damages, based exclusively on the main claim, exceeds its final jurisdiction.

It also rules without appeal, in the event of default by the defendant, if only requests exceed counterclaims filed by the latter arise, the rate of his competence last regardless of the nature and amount of this claim.

Article 357:

Within fifteen days of the pronouncement of the contradictory judgment or of the notification, an appeal may be lodged in the forms provided for in Articles 345 and 346 above.
The notice of appeal and the complete file relating thereto are transmitted within one month following the declaration of appeal to the court of appeal.
The appeal is examined according to the rules set out in articles 345, 346 and 347 above.

Article 358:

The execution of judgments is implemented by the diligent party.

Article 359:

Judgments and rulings rendered for the benefit of workers indicate the name of the bailiff who must lend his ministry for their execution.

The appeal in cassation against decisions rendered in final judgment spring is inserted and as in civil matters.

Section 5: Referral

Section 360:

The summary panel composed of the president of the court and the registrar may, within the limits of the jurisdiction vested in the labor courts:

1) order all measures which are not subject to any serious dispute or which justify the existence of a dispute; 2) grant a provision to the
creditor in the event that the obligation is not seriously contestable.

Article 361:

The president of the labor court may, however, even in the presence of a serious dispute, prescribe the necessary precautionary or remedial measures, either to prevent imminent damage or to put an end to a manifestly unlawful disturbance. .

Article 362:

The president of the labor court rules in summary proceedings on difficulties in executing a conciliation report, a judgment or any other enforceable title in social matters.

Article 363:

The request for interim relief is made by simple written request to addressed to the president of the relevant labor court.

The latter immediately fixes by order the day, time and place of the hearing at which the request is examined.

The president can summon from hour to hour, either in his office, at the hearing, or at his home.

Article 364:

The interim order cannot prejudice the merits and is provisional in nature. It does not have the authority of res judicata.

It is enforceable instantaneously and provisionally, without security unless the President orders that one be provided.

It can only be reported or modified in summary proceedings in the event new elements.

The interim order is signed by the president and the registrar.

Article 365:

The interim order cannot be opposed.

It is subject to appeal. The appeal period is six days from the delivery or service of the order when one of the parties has not appeared.

The notice of appeal is sent to the registry of the Court of Appeal at the same time as the contested order or an extract from its operative part. issued by the labor court registry.

Article 366:

The president of the Court of Appeal or any magistrate designated by him is competent to hear appeals filed against summary orders made by the presidents of the labor courts.

CHAPTER II: COLLECTIVE DISPUTES

Article 367:

Collective conflict is a dispute which arises during the execution of an employment contract and which pits one or more employers against an organized or unorganized group of workers for the defense of a collective interest.

Article 368:

The provisions of this chapter are applicable to collective disputes concerning workers defined in article 2 of this law.

They only apply to employees of public services, businesses and establishments in the absence of specific legislative or regulatory provisions.

Section 1: Conciliation

Section 369:

Any collective dispute must be immediately notified by the parts:

1) to the labor inspector, when the conflict is limited to the labor territorial of a inspection jurisdiction;

2) to the labor director, when the conflict extends to the jurisdiction of territorial several labor inspectorates.

Article 370:

The labor inspector or labor director summons the parties and proceeds without delay to attempt conciliation.

When one of the parties does not appear, the conciliator summons them again within a period which cannot exceed seven days without prejudice to their conviction of a fine pronounced by the competent court on a report drawn up by the inspector or the director of the work.

Within fifteen days following the date on which it was referred to, the local labor inspector or the labor director is required to draw up a report noting either the total or partial agreement, or the disagreement of the parties, who countersign the minutes.

The conciliation agreement is immediately enforceable. It is filed with the registry of the labor court in the place of the dispute and a copy is sent to the parties.

Article 371:

In the absence of agreement, the conciliator draws up a report on the state of the dispute accompanied by the documents and information collected by him which he sends to the minister responsible for labor. A copy of the report is sent without delay to each of the parties with mention of the date of transmission to the minister responsible for labor.

Section 2: Arbitration

Article 372:

Within a maximum period of ten days following receipt of the report of non-conciliation transmitted by the labor inspector or by the labor director, the minister responsible for labor refers the dispute to an arbitration council composed of the president of the Court of Appeal and two members designated from the list of arbitrators provided for in article 373 below.

Article 373:

Arbitrators are appointed every four years from a list established by regulation by the Minister responsible for labor after consulting the labor consultative commission.

Arbitrators are chosen based on their moral authority and their competence in economic and social matters, excluding, however, serving civil servants, people who participated in the conciliation attempt and those who have a direct interest in the conflict. .

The mandate of the arbitrators is renewable.

Article 374:

The arbitration council cannot rule on matters other than those determined by the report of non-conciliation or those which are the direct consequence of the dispute in question.

He has the broadest investigative powers. To this end, he can:

1) carry out all surveys of companies and unions and request from the parties the production of any document or information of an economic, accounting, financial, statistical or administrative nature likely to be useful for the accomplishment of its mission;

2) use the services of experts, in particular experts of any accountants and generally qualified person likely to shed light on it.

Article 375:

The award of the arbitration council is notified without delay by the president of the arbitration council to the parties as well as to the labor inspector or the labor director.

The award is immediately enforceable and takes effect from the day of notification of the conflict to the competent authority when it is not refused by the parties or by one of them.

The enforceable sentence is communicated by the labor inspector or the labor director to the registry of the competent labor court under the provisions of paragraph 4 of article 370 above.

The award which has acquired enforceable force may be extended under the same conditions as the provisions of articles 120 et seq. of this law.

Article 376:

The application of the sentence may be refused by the parties or by one of them.

The refusal to apply the sentence is notified by written declaration delivered within forty and eight clear hours following communication of the sentence to the Minister responsible for labor who issues a receipt.

Article 377:

The award of the arbitration council may be appealed before the social chamber of the Court of Cassation.

Article 378:

When a conciliation agreement or an award from the arbitration council concerns the interpretation of the clauses of a collective agreement, on wages or on working conditions, this agreement or this award produces the effects of a collective employment agreement and may be subject to the same extension procedure.

Article 379:

Conciliation agreements and decisions of the arbitration council are inserted in the Official Journal and posted in the offices of the labor directorate and the labor inspectorate as well as at the workplace where the conflict arose.

Article 380:

The conciliation and arbitration procedure is free.

The rate for reimbursement of costs incurred by the procedure, in particular travel costs for arbitrators and assessors, loss of salary or salary, and expert assessment costs, are set by the ministers responsible for labor and finance, after advice from the labor advisory commission.

Article 381:

Arbitrators who are members of the arbitration council are bound by professional secrecy.

Section 3: Strike and lockout

Article 382:

The strike is a concerted and collective cessation of work with a view to supporting professional demands and ensuring the defense of the material or moral interests of workers.

The right to strike does not authorize the worker to carry out their work in conditions other than those provided for in their employment contract or practiced in the profession and does not entail the right to arbitrarily dispose of the company's premises.

Section 383:

The strike does not terminate the employment contract, except gross negligence attributable to the worker.

In particular, it constitutes serious misconduct for the striking worker to oppose the work of others and/or his task to be carried out by other workers, even those who are usually affected. are not there

Any dismissal pronounced in violation of the first paragraph of this article is automatically void and the worker dismissed in this case is reinstated in his job.

Article 384:

In order to ensure a minimum service, the competent administrative authority may, at any time, requisition workers from private companies and public services and establishments who occupy jobs essential to the safety of people and property, the maintenance of public order, the continuity of public service or the satisfaction of the essential needs of the community.

Article 385:

The list of jobs thus defined, the conditions and procedures for requisitioning workers, the notification and the means of publication are fixed by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

Section 386:

The exercise of the right to strike must in no case be accompanied by occupation of workplaces or their immediate surroundings, under penalty of criminal sanctions provided for by the legislation in force.

Article 387:

A lockout is a decision by which an employer prohibits an employee from entering the company during a collective labor dispute.

Article 388:

Any lockout or strike, before exhaustion of the conciliation and arbitration procedures established by this law, is prohibited.

However, these procedures do not apply to strikes called national in scope by trade unions.

Section 389:

The lockout or strike practiced in violation of the provisions of article 388 above results in:

1) for workers, the loss of the right to compensation in lieu of notice and damages for breach of contract;

2) for employers, payment to workers of days lost as a result;

3) for employers, by decision of the labor court at the request of the public prosecutor seized by the minister responsible for labor, for a period of two years:

- ineligibility to serve as members of the chamber of trade ;

- the ban on being part of the economic and social council, the labor consultative commission and a council arbitration;

- non-participation in a market on behalf of the State or its branches.

Article 390:

The strike and/or lockout initiated after notification of the refusal of the award of the arbitration council are deemed legal and do not result in the above consequences.

TITLE VIII: ORGANIZATIONS AND MEANS OF EXECUTION

CHAPTER I: EXECUTING ORGANIZATIONS

Article 391:

The labor inspectorate, placed under the authority of the minister responsible for labor, is responsible for all questions relating to the conditions of workers and professional relationships.

The labor inspector:

1) participates in the development of regulations within its jurisdiction;

2) ensures the application of the provisions enacted in matters of labor and worker protection;

3) provides advice and recommendations to employers and workers;

4) brings to the attention of the competent authority violations and abuses which are not specifically covered by existing legal provisions;

5) participates in the coordination and control of services organizations contributing to and the application of social legislation;

6) carries out all studies and investigations linked to various social problems, excluding those which fall under the technical services with which the labor inspectorate collaborates.

Article 392:

The State must make available to the labor inspectorate the personnel and material resources necessary for its proper functioning.

The in-kind benefits of labor inspectors are set by regulation.

Article 393:

Labor inspectors, before taking office, take the following oath before the Court of Appeal sitting in solemn hearing: “I swear to fulfill my mission well and faithfully and not to reveal, even after having left my service, manufacturing secrets and in general the operating processes of which I could become aware in the exercise of my functions.

Any violation of this oath is punished in accordance with the legislation.

Article 394:

Labor inspectors must, subject to exceptions provided for by legal or regulatory provisions, keep their source of information confidential.

reporting a defect in the installation or a violation of legal and regulatory provisions.

They cannot, subject to the exceptions provided for by legal provisions or regulatory, have any direct or indirect interest in the companies placed under their control.

Article 395:

Labor inspectors can:

1) note by report, infringements of the provisions of labor legislation and regulations. This report is authentic until a forgery is entered;

2) order or have ordered that immediately enforceable measures, which may go as far as stopping work, be taken in cases of imminent danger to the health and safety of workers.

Article 396:

The local labor inspector sets, in accordance with this law, the fines which must be paid by offenders and transferred to the Public Treasury. This provision is applicable for simple police violations.

In the event of refusal of payment, the report is drawn up in four copies, the first of which is given to the offender or his representatives, the second is filed with the public prosecutor's office, the third is sent to the labor department, the fourth is classified in labor inspection archives.

Article 397:

Labor inspectors, provided with supporting documents of their functions, have the power to:

1) freely enter for inspection purposes, without prior warning, at any time of the day or night, into any establishment subject to inspection control;

2) enter during the day the premises where they may have reason to suppose that workers are employed there;

3) request, if necessary, the opinions and consultations of doctors and technicians, particularly with regard to hygiene and safety requirements. Doctors and technicians are bound by professional secrecy under the same conditions and subject to the same sanctions as labor inspectors;

4) carry out all examinations, controls or investigations deemed necessary to ensure that the applicable provisions are effectively observed and in particular:

- question, with or without witnesses, the employer or the company's staff, check their identity, request information from any other person whose testimony may be necessary;

- require the production of any register or document whose keeping is prescribed by this law and by the texts adopted for its application;

- take or have taken and taken away for analysis purposes, substances material samples
used or handled, provided that the employer or his representative is informed.

The costs resulting from these expertises and investigations are the responsibility of the Public Treasury.

The terms and conditions of this support are set by regulation following the opinion of the labor consultative commission.

Article 398:

Labor inspectors may only enter the private home of the operator of an agricultural establishment with his agreement or with a special authorization issued by the establishment authority.
competent except in the case where this domicile is confused with

Article 399:

The labor inspector, during an inspection check, must inform the employer or his representative of his presence unless he considers that such information risks harming the effectiveness of control.

Article 400:

Labor controllers assist labor inspectors in the operation of services. They are authorized to note the provisions of article 395 above. infractions by report in accordance with

Labor inspectors take, before the relevant labor court, the oath referred to in article 393 above.

Any violation of this oath is punished in accordance with the legislation.

Article 401: In

mines and quarries as well as in establishments and are subject to the sites where the technical control of a control service, ensure that the work, the officials responsible for this installations falling under their technical control are designed to guarantee the safety of workers.

They ensure the application of special regulations which may be adopted in this area and have for this purpose and within this limit, the powers of labor inspectors. They inform the local labor inspector of the measures they have prescribed and, where applicable, the formal notices served.

The labor inspector may, at any time, jointly with the officials referred to in the preceding paragraph, visit mines, quarries, establishments and construction sites subject to technical inspection.

Article 402:

In parts of military establishments or establishments employing civilian labor and in which the interest of national defense opposes the introduction of foreign control agents into the service, the control of the provisions applicable in matter of work and

social security is provided by civil servants or officers designated for this purpose by regulation by the Minister responsible for defence.

The nomenclature of these parts of establishments or military establishments is drawn up jointly by the ministers responsible for labor and defense after consulting the labor consultative commission.

Article 403:
In the event of the absence or incapacity of the labor inspector and the labor controller, the head of the administrative district is their legal substitute.

He is empowered to note infractions through written reports in view of which the labor inspector can draw up a report in the manner provided for in article 395 above.

Article 404:
The provisions of articles 393, 394 and 395 to 398 above do not affect the prerogatives of judicial police officers in matters of recording and prosecuting common law offenses.

CHAPTER II: ADVISORY BODIES

Section 1: Labor Advisory Commission

Article 405:
A labor advisory commission is established within the ministry responsible for labor.

The commission, chaired by the minister responsible for labor or his representative, is composed of an equal number of employers and workers.

The latter are designated by the most representative organizations of employers and workers or by the minister responsible for labor in the event of a lack of representative organizations, in application of article 302 paragraph 3 above.

Article 406:
A decree taken by the Council of Ministers sets:

- the operating procedures of the commission;

- the number and conditions of appointment of representatives, employers and workers;

- the duration of their mandate and the amount of sessional allowances allocated to them.

Article 407:

The president of the labor consultative commission may, on his own initiative or by a majority of its members, consult any qualified person, particularly in economic, medical and social matters.

Article 408:

The labor advisory commission may be consulted on all questions relating to work, labor and social security, in addition to the cases for which its opinion is obligatorily required under this law.

It may, at the request of the minister responsible for labor:

1) examine any difficulty arising during the negotiation of collective agreements;

2) rule on all questions relating to the conclusion and application of collective agreements and in particular on their economic impacts.

The consultative labor commission is also responsible for studying the criteria that can serve as a basis for determining and readjusting the minimum wage.

Article 409:

When the consultative labor commission is seized of one of the questions referred to in the preceding article, it adds:

1) a representative of the minister responsible for finance;
2) a representative of the minister responsible for justice;
3) a labor inspector.

It may also call upon any person whose competence is required, in accordance with article 407 above.

Section 2: National technical advisory committee for occupational safety and health

Article 410: A

national technical consultative committee for occupational safety and health responsible for studying the areas of worker safety and health is established within the Ministry of Labor.

Article 411:

The national technical advisory committee for safety and health must work is responsible issue any suggestions and opinions on for safety regulations and occupational health.

It also decides on the direction and implementation of the national policy for the prevention of occupational risks.

A decree taken by the Council of Ministers establishes the composition and functioning of this committee.

CHAPTER III: MEANS OF CONTROL

Article 412:

Any person who intends to open a business of any nature whatsoever must first make a declaration to the local labor inspectorate or to the territorially competent Business Formalities Center.

Closure, transfer, change of destination, transfer and, moreover, establishment must be declared under the same conditions. generally, any change affecting a

The declarations referred to in the preceding paragraphs are made to the organization authorized for this purpose which transfers all the necessary information to the social security organization.

Article 413:

The employer must constantly keep an employer register up to date at the place of operation, the model of which is fixed by regulation by the Minister responsible for labor, after consulting the labor consultative commission.

Article 414:

The employer register must be made available to the labor inspector or his delegate and kept for ten years following the last mention made there.

Article 415:

The minister responsible for labor, after consulting the labor consultative commission, may exempt certain companies or categories of companies from the obligation to keep this register because of their situation, their importance or the nature of their activity.

Article 416:

Any hired worker, including day laborers, must be declared within eight days by the employer to the National Social Security Fund. He is entitled to retirement.

The declaration mentions the name and address of the employer, the nature of the company or establishment, all useful information on the marital status and identity of the worker, his profession, jobs previously held, possibly the place of residence, the date of entry into Burkina Faso and, if applicable, the date of employment and the name of the previous employer.

Copy of the birth certificate must be attached to the declaration.

Any worker leaving an establishment must be the subject of a declaration drawn up under the same conditions and mentioning the date of departure from the establishment.

Article 417:

The minister responsible for labor, after consulting the labor advisory, commission, determines the terms of these declarations, the changes in the worker's situation which must be the subject of an additional declaration and the professional categories for which the employer is provisionally exempt from declaration.

In the latter case, a file must be opened upon request. Article 418: worker. The

employment service issues a work card to everyone who has worker for whom he created a file.

This card, drawn up in accordance with the information contained in the file, must mention the civil status and the profession exercised by the worker.

The photograph of the person concerned or, failing that, any other element of identification must, if possible, appear on the card provided for in this article.

Article 419:

The conditions for issuing the work card are set by regulation by the ministers responsible for labor and employment after consulting the labor consultative commission.

TITLE IX: PENALTIES

CHAPTER I: CIVIL FINES

Article 420:

Any assessor of the labor court who does not appear at the hearing of the labor court on the summons which has been notified to him is punished by a civil fine of five thousand (5,000) CFA francs.

In the event of a repeat offense, during the term of office of the assessor, the fine is doubled.

The court may, in addition, declare him incapable of exercising in the future the functions of assessor of the labor court. The judgment is published at its expense.

Fines are imposed by the local labor court.

CHAPTER II: SIMPLE POLICE OFFENSES

Section 421:

Are punishable by a fine of five thousand (5,000) CFA francs to fifty thousand (50,000) francs CFA and in the event of repeat offense a fine of fifty thousand (50,000) CFA francs to one hundred thousand (100,000) CFA francs:

1) perpetrators of offenses against the provisions of articles 16, 21, 29, 52, 54, 56, 57, 59, 60, 63, 79 paragraph 2, 81, 82, 91, 106 paragraph 1, 134, 144 to 148 , 155, 156, 159, 166, 167, 169, 172, 177, 188, 191, 194, 196, 197, 214, 221, 222, 229, 230 paragraph 1, 235, 238, 240, 241, 247, 249 paragraph 1, 261, 281 paragraph 2, 286, 287, 293, 314, 414, 416 and 428 of this law;

2) perpetrators of violations of the provisions of regulatory acts provided for by Articles 14, 35, 137, 138, 139, 142, 164, 187 and 255 of this Law;

3) any person who, by using a fictitious contract or a work card containing inaccurate information, was hired or voluntarily replaced another worker;

4) any employer who has failed to make the declaration provided for in article 246 above.

The fine is applied as many times as there are omitted or erroneous entries on infringements of the provisions of the regulatory act provided for in articles 413 and 415 above.

Penalties are not incurred if the offense committed during the establishment of the work card in the case of violation of article 149 above results from an error regarding the age of children and adolescents.

CHAPTER III: OFFENSES

Section 422:

Without prejudice to criminal provisions, are punishable by imprisonment of one month to three years, a fine of fifty thousand (50,000) CFA francs to three hundred thousand (300,000) francs. CFA and/or one of these two penalties only and, in the event of a repeat offense, a fine of three hundred thousand (300,000) CFA francs to six
hundred thousand (600,000) CFA francs and imprisonment of two months to five years or one of these two sentences only:

1) perpetrators of violations of the provisions of articles 4, 5, 22, 36, 37, 38, 152, 182, 213, 231 and 232;

2) any person who, by any means or maneuver has forced or attempted to force a worker to be hired, or who has prevented or attempted to prevent him from being hired or performing his obligations imposed by his contract;

3) any employer, authorized representative or employee, who knowingly made false certificates on the worker's card, the employer register or any other document owed to the worker as well as any worker who knowingly made use of these forgeries;

4) any person who has demanded or accepted from the worker any remuneration as an intermediary in the settlement or payment of salaries, allowances, allowances and costs of any kind;

5) any person who knowingly made a false declaration of work accident or occupational disease;

6) any person who has undermined or attempted to undermine either the free appointment of staff delegates or the regular exercise of their functions;

7) the party or parties who refused to attend the summons provided for under the conditions set out in Article 370 of this law relating to the attempt at compulsory conciliation in matters of collective disputes;

8) any employer or worker who has refused to submit to the amicable settlement procedure for individual disputes law; established in articles 320 and 321 hereof

9) the party who, after having signed a conciliation report provided for in article 321 above, does not fulfill all or part of the commitments stipulated in said report;

10) any person who opposed or attempted to oppose the execution of the obligations or the exercise of the powers incumbent on labor inspectors, labor controllers and heads of administrative districts acting as substitutes of the labor inspector.

Article 423:

Is punishable by imprisonment of two months to two years, a fine of three hundred and sixty thousand (360,000) CFA francs to three million six hundred thousand (3,600,000) CFA francs and/or one of these two penalties only, any employer who has misappropriated sums or securities provided as security.

Article 424:

Authors of violations of the provisions of Article 153 of this law are punished with the penalties provided for by the law defining and repressing child trafficking.

CHAPTER IV: PROVISIONS COMMON TO CONTRAVENTIONS AND OFFENSES

Article 425:

The provisions relating to mitigating circumstances and suspension of the penal code are applicable to all offenses provided for and punished in this title.

Section 426:

When a fine is imposed under this title, it is incurred as many times as there have been infractions, without, however, the total amount of the fines imposed exceeding fifty times the minimum rates provided for above.

This rule applies in particular in the case where several workers were employees under conditions contrary to this law.

Article 427:

For all offenses provided for in this law, recidivism is recorded in accordance with the provisions of the legislation in force.

Article 428:

Company directors are civilly liable for judgments for payment of damages pronounced against their authorized representatives or employees.

TITLE X: TRANSITIONAL AND FINAL PROVISIONS

Article 429:

Any clause of a current employment contract which does not comply with the provisions of this law or of a regulatory act taken for its application must be modified within six months from publication of this law or the regulatory act in question.

In the event of refusal by one of the parties to comply, the competent court may order to make, under penalty of a penalty, the modifications which are deemed necessary.

Article 430:

Collective agreements concluded prior to this law remain in force insofar as their provisions are not contrary to it.

These collective agreements are subject to extension by regulation under the conditions provided for by this law.

If they have been the subject of extension previously to this law, these regulations remain in force insofar as they are not contrary to the provisions of this law.

Article 431:

The regulations made pursuant to law n°033-2004/AN of September 14, 2004 establishing the labor code in Burkina Faso remain in force in all matters which are not contrary to this law.

Article 432:

All previous provisions contrary to this one are repealed, in particular Law No. 033-2004/AN of September 14, 2004 establishing the labor code in Burkina Faso.

Article 433:

This law shall be executed as state law.

Thus done and deliberated in a public session
in Ouagadougou, on May 13, 2008.

For the President of the National Assembly, the
Second Vice-President Maria
Goretti B. DICKO/AGALEOUE ADOUA

The session secretary
Sidiki BELEM