

THE PROTECTION OF CAMEROON FEMALE WORKERS UNDER THE CAMEROON LABOUR CODE

Ayuk Nkwa Pascal¹

Abstract: Women have in the past being victims of discrimination. This discrimination equally existed in the employment sector in almost all States. In the wake of gender equality and non-discrimination, States began to adopt and established legislations which protected gender equality in all aspects of life. Cameroon as a State committed to the protection of human rights has ratified several human rights treaties protecting equality towards the enjoyment of the right to work. She has equally put in place laws guaranteeing equality in the enjoyment of the right to work; the main legislation is the Labour Code which came as a result of Law N^o. 92/007 of 14th August 1992. Section 2 of this code provides that *“The right to work shall be recognized as a basic right of each citizen”*. This code protects female workers as common workers and equally as special workers. Female workers as common workers enjoy the same rights as male workers some of which include the right to be paid damages for wrongful termination of the employment contract or specific reinstatement, the right to annual leave, the right to weekly rest, the right to join a trade union and so on. And as special workers they enjoy rights more than their male counterparts some of which include the right to maternity leave and nursing breaks. These special protection provided to female workers in reality is not always respected by employers as most female workers always waive their rights like the right to maternity in order to secure their employment and the prohibition of women from night work stands more as a limitation to the employment of women in certain establishments and thus this work recommends that instead of prohibiting female workers generally from night work, the legislation should instead prohibit night work just from expectant mothers and breastfeeding mothers.

Keywords: protection, worker, female worker.

1. INTRODUCTION

Women in the workforce earning wages or a salary are part of a modern phenomenon, one that developed at the same time as the growth of paid employment for men, but women have been challenged by inequality in the workforce. Until modern times, legal and cultural practices, combined with the inertia of longstanding religious and educational conventions, restricted women's entry and participation in the workforce. Economic dependency upon men, and consequently the poor socio-economic status of women, has had the same impact, particularly as occupations have become professionalized over the 19th and 20th centuries². Entry of women into higher professions like Law and Medicine was delayed in most countries due to women being denied entry to universities and qualification for Degrees. Women were largely limited to low-paid and poor status occupations for most of the 19th and 20th centuries³, or earned less pay than men for doing the same work. The increasing rates of women contributing in the work force has led to a more equal disbursement of hours worked across the regions of the world.

¹Holder of an LL.M in International Law in the Department of English Law of the Faculty of Laws and Political Science of the University of Buea and a Masters Research Student in Public Administration in the same institution. Contact email: ankwapas982@gmail.com

²Prof. Pat Hudson, *Women's Work*, 2011, p.03-29.

³Leonora O'Reilly c/o Schlesinger Library, Radcliffe Institute, Harvard University.

In Cameroon, women and men have equal rights to work. This is in line with Article 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966⁴ which provides that “*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.*” The Cameroon Labour Code which came as a result of Law N°.92/007 of 14th August 1992 appears to have drawn a lot of inspirations from international human rights instruments ratified by the State of Cameroon protecting equal right to work. The Labour Code therefore protects female workers as common workers and as special workers.

2. THE PROTECTION OF FEMALE WORKERS AS COMMON EMPLOYEES UNDER THE CAMEROON LABOUR LEGISLATION

A worker has been defined in the Cameroon Labour Code in Section 1 (2) as “... *any person irrespective of sex, or nationality, who has undertaken to place his services in return for remuneration, under the direction and control of another person, whether an individual or a public or private corporation, considered as the ‘employer’.* For the purpose of determining whether a person is a worker no account shall be taken of the legal position of employer or employee”⁵. This means that a worker can be any person of the required age, whether a male or female or whether he or she is a foreigner or not. Section 86(I) of the Labour Code states that “*No child shall be employed in an enterprise even as an apprentice before the age of 14 (fourteen) years except as authorized by order of the Minister in Charge of Labour taking account of local conditions and the jobs which the children may be asked to do*”. This means that normally a person below 14 years cannot enter into any valid employment contract. The Labour Code does not apply to staff governed by: the General Rules and Regulations of the public services; the Rules and Regulations governing the judicial and legal service; the General Rules and Regulations governing servicemen; the special Rules and Regulations of the national security; the special provisions applicable to auxiliary staff.⁶

A contract of employment has been defined in Section 23 of the Labour Code as an agreement by which a worker undertakes to put his services under the authority and management of an employer against remuneration. This is freely negotiated and the worker has rights which are protected by this Labour Code. The contract of employment can be in the form of specified duration, unspecified duration; other types include temporally contracts, occasional contracts and seasonal contracts. In all these forms of contracts of employment, the worker’s right is highly protected. Female workers like other workers enjoy the following protection of their rights under the Labour Code.

1. The Right to Wages

All workers without any discrimination as to sex or nationality have the right to be paid for work done. This right is protected in such a way that the worker would still be entitled to his/her pay if he/she is ready to work and the employer did not make available any work and he/she must not be underpaid, that is his/her pay must not be below the minimum wage rate provided by legislation. Section 61(2) of the Labour Code⁷ provides that “*For the same type of work and level of proficiency, workers shall be entitled to the same remuneration, irrespective of their origin, sex, age, status and religion, subject to the provision of this section*”. This provision is equally the same as Article 7(a) (i) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)1966 which provides that the States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: “*Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work*”.

Section 68(1) of the Labour Code further explains that workers shall be paid at regular intervals not exceeding one month even though workers at their request, can receive at the end of fifteen days a payment on account equal to half the monthly amount of their basic remuneration and in such case the balance due to them shall be settled at the time following

⁴Cameroon ratified the International Covenant on Economic, Social and Cultural Rights on the 27th of June 1984.

⁵Section 23(1) of the Labour Code defines the employment contract and this was constructed by the Supreme Court in Yaoundé in the case of *Nanga Emile Honore v. SCTA* that employment is evidenced by control by the employer and pay. Arret No.48/S of 01/04/82.

In the case of *Cameroon Development Corporation v. Akem Ben Bella Bisong*, the Court of Appeal of Buea held that members of an unincorporated vigilante group were workers.

⁶Section 1 (3) of the Cameroon Labour Code, Law No.92/007 of 14th August 1992.

⁷Cameroon Labour Code, Law No.92/007 of 14th August 1992.

payment. Monthly payment shall be made not later than eight (8) days following the end of the month of employment in respect of which the wages are dues.

The worker is highly protected here in an extent that upon termination of the contract of employment, a final settlement of all wages and allowances shall be affected as soon as the employment ceases. Workers who were absent on the pay day⁴ shall be entitled to draw their wages during the normal hours of opening of the pay office in accordance with the internal regulations of the enterprise. And wages shall be paid on working days only at or near the work-place and the pay place must not be a public house or a shop except the workers works there and payment must be evidenced by a document made out or certified by the employer or his representative and initialed by each worker or by two witnesses if the worker can neither read nor write English or French. The employer at the time of payment shall give the worker an individual pay voucher in the form prescribed by Order of the Minister in Charge of Labour issued after consultation with the National Labour Advisory Board. Protection here is extensive in that acceptance of the pay voucher by the worker without protest or reservation shall not be considered as remuneration by him of payment of all or any part of any wages, allowances or supplementary payments which are due him by virtue of Laws, regulations, agreements or contractual provisions. Such acceptance shall not suspend the barring of an action of recovery as laid down in Section 74⁸, nor shall it prevent review of the worker's wage account.

The worker must not be underpaid and thus following the signing of the Decree of Wednesday 25th June 2008, the government raised the minimum wage from 23,514CF AF to 28,216CF AF, which means that an employer must not employ a worker for a remuneration below 28, 216 FCFA; the worker must receive at least that or above it.

2. Right to join any Trade Union

Section 3 of The Labour Code provides that *“The law recognized the right of workers and employers, without distinction whatsoever, to set up freely and without prior authorization (trade unions or employers' association), associations for the study, defense, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural nature, and for the social, economic, cultural and moral advancement of their members”*.

Section 4(1) of the Labour Code goes further to protect the worker's right to join a trade union by stating *“Every worker and employer shall have the right to join a trade union or employers' association of his own choice in his occupation or kind of business”*. It further states in sub-two that *“workers shall be protected from; any acts of anti-union discrimination in respect of their employment; any practice tending, to make their employment subject to their membership or non-membership or participation in union activities. This provision draws inspiration from Article 8(1) (a) of the ICESCR which states that the States Parties to the present Covenant undertake to ensure: “The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others”*.

By virtue of Section 22(1) of the Labour Code, *“Trade Unions and employers' associations which have been duly established shall be free to act in union for the purpose set out in section 3 of this law”*⁹. Subsection-four further states that *“Such federations shall enjoy all the rights and have the benefit of all the protective measures granted to trade unions and employers' associations”*.

These workers' trade unions have the right to strike for better working conditions, increase in wage and to ensure security at work places. Section 8 of the Labour Code provides that for a trade union to be established or form there must be at least 20 members and 5 members for an employer's association to be formed. Female workers like any other worker are

⁸Cameroon Labour Code, Section 74(1), states *“Action for the recovery of wages shall be barred by limitation after three years. As regards limitation, any compensation due for breach of contract of employment shall be deemed to be wages”*. 74(2); *“Limitation shall start to run from the date on which wages fall due. It shall cease to run either in case of a written claim by the worker to the Inspector of Labour concerning payment of wages or in case of making up of account, private acknowledgement of debt, authentic deed of acknowledgement of debt or unexpired summons”*.

⁹*Ibid*, Section 3, states *“The law recognizes the right of workers and employers, without distinction whatsoever, to set up freely and without prior authorization (trade unions or employers' association), associations for the study, defense, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural nature, and for the social, economic, cultural and moral advancement of their members”*.

protected by the Labour legislation by giving them the right to belong to trade unions when gainfully employed so as to have the opportunity to collectively discuss on ways to better their employment contracts by demanding of higher wages in some cases, better working conditions, security at job sites and so on and cannot be dismissed by the employer because of their membership or activities in that trade union.

3. Protection of Workers Regarding Suspension and Termination of the Employment Contract

A worker's employment contract can be suspended or terminated by the employer, but in either case, the Labour Legislation has given the worker protection. A contract of employment can be suspended according to Section 32 of the Labour Code for the following reasons; if the establishment is closed by reason of the departure of the employer to undertake military service for any reason¹⁰, equally during the worker's military or any period of recall for unitary service for any reason¹¹, also, during the worker's absence in the case of illness duly certified by a medical practitioner approved by the employer or one belonging to a hospital establishment recognized by the state, for a period not exceeding six months; this period shall be extended until such time as the workers is replaced¹², it may also be suspended, during the period of maternity leave provided for by section 84¹³, also, during any period of disciplinary suspension of the worker¹⁴ decided in accordance with section 30¹⁵. The worker's employment may also be suspended, during any period of leave for worker's education as defined in section 91¹⁶, during the period of unavailability following an industrial accident or occupation disease¹⁷, or by mutual consent, during the exercise of political or administrative duties following an election or appointment¹⁸, furthermore, it may be suspended during the period when the worker is under police custody or in preventive detention¹⁹, during the absence of a worker who has to follow his or her spouse who has changed his or her usual place of residence if such work cannot be transferred. The duration shall be limited to two years, which may be renewed by mutual agreement between two parties²⁰ and also during a period of lay-off not exceeding six months. Lay-off shall mean the collective interruption of all or part of the work by the personnel of an undertaking due to accidents or force majeure or an unfavorable economic situation²¹.

The employer shall be bound to pay the worker in each of the cases in (a), (b) and (c) by virtue of Section 33 of the Labour Code²². For contracts of unspecified duration, compensation equal either to the compensation in lieu of notice when the period of absence is equal to or exceeds the period of notice, or to the remuneration to which the worker would have been paid during his absence when the period of absence is shorter than the notice period provided for in section 34. In contracts of specified duration, the compensation shall be granted above the limits, by reference to the notice provided for contracts of unspecified duration. This means that here, compensation paid would be more than compensation in lieu

¹⁰Cameroon Labour Code, Section 32(a).

¹¹*Ibid*, Section 32(b).

¹²*Ibid*, Section 32(c).

¹³*Ibid*, Section 32(d).

¹⁴*Ibid*, Section 32(e).

¹⁵*Ibid*, Section 30, states (1) Employers shall be prohibited from imposing fines.

(2)The only disciplinary penalty entailing loss of wages which an employer may inflict shall be suspension from work with loss of benefits.

(3)Suspension from work shall be null and void unless the following conditions have been met simultaneously ;

(a) that it shall be for a maximum period of eight working days as from the time the penalty is inflicted ;

(b)that the worker shall be notified in writing of the suspension and the reasons therefor.(c) that the Labour Inspector of the area shall be informed of the suspension within forty-eight hours. Where the reasons for the suspension are found to be insufficient by the court, the worker against whom the suspension was pronounced shall be paid a compensatory allowance corresponding to the lost wages, and where applicable, damages, if he adduces proof that as a result of the suspension, he suffered further damages, in addition to his lost wages.

¹⁶*Ibid*, Section 32(f).

¹⁷*Ibid*, Section 32(g).

¹⁸*Ibid*, Section 32(h).

¹⁹*Ibid*, Section 32(i).

²⁰Section 32(j), Cameroon Labour Code, Law No.92/007 of 14th August 1992.

²¹*Ibid*, Section 32(k), Cameroon Labour Code, Law No.92/007 of 14th August 1992.

²²*Ibid*, Section 33, Cameroon Labour Code, Law No.92/007 of 14th August 1992 states (1) In each of the cases (a), (b) and (c) referred to in Section 32 above, the employer shall be bound to pay to the worker, if the contract is of unspecified duration, compensation equal either to the compensation in lieu of notice when the period of absence is equal to or exceeds the period of notice, or to the remuneration to which the worker would have been entitled during his absence when the period of absence is shorter than the notice period provided for in Section 34.

of notice when the period of absence is equal to or exceeds the period of notice and the amount paid shall be more than the remuneration which the worker would have been entitled during his absence when the period of absence is shorter than the notice period.

In case of lay-off the worker shall be paid according to the conditions laid down by order of the Minister in Charge of Labour. In case of wrongful termination of contract of employment, the worker shall be entitled to damages.

A contract of employment of unspecified duration may be by virtue of Section 34 of Labour Code terminated at any time at the will of either party but either party must notify the other party in writing stating the reasons for such termination and if necessary a trial period could follow²³. The worker is protected here again in that during the period of notification of the termination of the employment contract, the worker is allowed during each week one day off (with full wages) which may be taken all at once or one hour at a time as he may desire.

In a contract of employment of unspecified duration, the worker is protected in an extent that whenever the duration is terminated without notice or without the full period of notice being observed, the worker would receive compensation corresponding to the remuneration including any bonuses and allowances which the worker would have received for the period of notice not observed.

Section 39 (1) Of The Labour Code²⁴ protects workers in that if a worker's contract of employment is wrongfully terminated by the employer, such a worker would be entitled to damages as it states "*Every wrongful termination of a contract may entail damages. In particular dismissals effected because of the opinions of the worker or his membership or non-membership of a particular, trade union shall be considered to be wrongful*". In some cases, the worker may be reinstated by the employer²⁵.

The worker in a contract of employment of unspecified duration who has had his contract terminated by the employer shall be entitled to severance pay distinct from pay in lieu of notice where the worker has worked in the enterprise for not less than two years.

4. The Right to Be Housed By His/her Employer

This right is given to every worker and is protected in Section 66 of the Labour Code²⁶. It states that "*An employer shall be bound to provide housing for any worker he has transferred in order to perform a contract of employment necessitating the installation of such worker outside his normal place of residence*". The house shall be adequate and must correspond to the family status of the worker.

If no housing is provided, the employer shall be bound to pay the worker concerned a housing allowance. Where the employer is accommodating the worker, he shall be bound to supply foodstuffs regularly to the worker and his family where such a worker cannot produce such foodstuffs himself.

5. Right to Weekly Rest

Every worker is entitled to weekly rest. Section 88 of Labour Code explains that the weekly rest shall be compulsory and shall consist of at least 24(twenty-four) consecutive hours each week. This means the worker has at least a day to rest every week which may be Sundays and may not under any circumstances be replaced by a compulsory allowance.

6. The Right to Paid Leave

Each worker shall be entitled to annual leave. This can be determined by the collective agreement or individual employment contract. For the calculation of leave, periods of effective service shall be; where a worker is unavailable due to industrial accident or occupational disease, absences, not exceeding 6(six) months, stemming from illness duly certified as provided for under Section 32, in cases of maternity leave and layoffs²⁷, paid leave at the employer's expense shall

²³ The country's Supreme Court had in *Ngo Minyemeck Catherine v. COMACIC* construed this provision literally as giving both the employer and worker the right to terminate employments at will subject only to notice.

²⁴Section 34 of Labour Code dealing with the termination of employment in the country provides that either party to a contract of employment may terminate the contract at will after service on the other of proper notice.

²⁵Michael A. YANOU, *Labour Law; Principles and Practice in Cameroon*, Langaa RPCIG, Cameroon, 2011, p.93.

²⁶Cameroon Labour Law, Law No.92/007 of 14th August 1992.

²⁷Cameroon Labour Code Section 89, states (1) In the absence of more favourable in the collective agreement or individual employment contract, paid leave at the employer's expense shall accrue to the worker at the rate of one and a half working days for each month of actual service.

accrue to the worker at the rate of *one and a half* working days for each month of actual service. Also, a worker can be entitled to a maximum of *10 (ten) days per year* of paid special leave of absence, not deductible from annual leave on the occasion of family events directly concerning their own home. Leave shall have accrued after a period of actual service of *1 (one) year*.

7. The Right to Medical Care and Health Services

Every worker shall be entitled to medical and health services. Section 98 of The Labour Code²⁸ explains that every enterprise and establishment of any kind, public or private, lay or religious, civilian or military, including those where persons are employed in connection with work in the profession and those belonging to trade unions or professional associations shall provide medical and health services for their employees. All workers shall undergo medical examination prior to engagement and shall also be subject to medical supervision throughout their career. Where a worker or worker's spouse(s) or child (children) housed by the employer under the conditions in Section 66²⁹ above falls ill, the employer shall provide medical care and the necessary medicaments and accessories, within the pecuniary limits determined by Order of the Minister in Charge of Labour, issued after consultation with The National Commission For Industrial Hygiene And Safety.

Where the worker moves or is required to move from his usual residence in the performance of the contract of employment because of the employer, the employer shall be responsible for the travelling expenses of the worker, his spouse and minor children normally residing with him as well as for the transport of their luggage.

3. THE PROTECTION OF FEMALE WORKERS AS SPECIAL EMPLOYEES

Female workers are highly protected under the Cameroon Labour Legislation. They do enjoy special rights as workers. These rights include;

1. The Right to Maternity Leave

Women are given special protection under the Labour Code especially when they are pregnant. Section 84 of the Labour Code³⁰ explains that any pregnant woman shall be entitled to *14 (fourteen) weeks* of maternity leave starting *4 (four) weeks* before the due date of confinement and *10 (ten) weeks* after confinement. In case of a duly certified illness resulting either from the pregnancy or confinement, such leave may be extended by *6 (six) weeks*. It means in this case the period of leave

(2) Any period equivalent to 4 (four) weeks or 24 (twenty-four) days of work shall be deemed to be 1 (one) month of effective service.

(3) For the calculation of leave, periods of effective service shall be :

- (a) Periods of unavailability due to industrial accident or occupational disease;
- (b) Absences, not exceeding 6 (six) months, stemming from illness duly certified as provided for under Section 32 above ;
- (c) Maternity leave provided for under Section 84 above;
- (d) Lay-offs as provided for under Section 32 above.

(4) A maximum of 10 (ten) days per year of paid special leave of absence, not deductible from annual leave, shall be granted to workers on the occasion of family events directly concerning their own home. A decree issued after consultation with the National Labour Advisory Board shall determine the procedure for implementing this sub-section.

²⁸Cameroon Labour Code, Law No.92/007 of 14th August 1992.

²⁹ Section 66, Cameroon Labour Code, Law No.92/007 of 14th August 1992, stipulates “(1) An employer shall be bound to provide housing for any worker he has transferred in order to perform a contract of employment necessitating the installation of such worker outside his normal place of residence. Such accommodation shall be adequate and correspond to the family status of the worker, and shall satisfy the conditions to be determined by order of the minister in charge of Labour issued after consultation with the National Labour Advisory Board.

(2) If no housing is provided, the employer shall be bound to pay the worker concerned a housing allowance. The minimum rate and methods of payment shall be fixed by the above-mentioned order.

(3) The employer shall be bound to ensure a regular supply of foodstuffs for any worker and his family to whom he provided accommodation where such a worker cannot produce such foodstuffs himself. Such supply of foodstuffs shall be subject to payment at a value to be determined by the order referred to above.

(4) The facilities provided for in this section shall not be claimable when wages are not due, except as may be provided in the regulations in force, or stipulated by mutual agreement between the parties concerned.

³⁰Cameroon Labour Code; Law N° 92 /007 of 14th August 1992.

would be 20(*twenty*) weeks. During this period of leave, the pregnant female worker stays at home and is being paid by her employer. She equally has the right to terminate her contract of employment without notice and without being entitled to pay any compensation to the employer. Once a worker is pregnant, the employer cannot terminate her contract of employment because of the pregnancy.

Where the woman gives birth before the due date, the rest period shall be extended so that the female worker receives the full 14 (fourteen) weeks of leave she is entitled and where the confinement occurs after the due date, leave taken before may be extended to the date of confinement without such extension leading to the reduction of the post-natal leave.

During the maternity leave, a woman shall be entitled to a daily allowance, payable by the National Social Insurance Fund and equal to the amount of the wages, actually received at the time of suspension of the employment contract; she shall retain the right to benefits in kind.

Employment protection here refers to the right of a female to not lose her job during pregnancy or maternity leave as well as during a period following her return to work the duration specified by laws. The second dimension of this protection is the right of a woman employee to return after maternity leave to the same equivalent position she held prior to maternity leave and to be paid at the same rate.

The female workers are equally protected to the extent that they can terminate the contract of unspecified duration without prior notice and would not be liable to pay compensation to the employer when pregnant and women who are pregnant must not be placed at a disadvantage relative to other workers.

2. The Right to Nursing Breaks

All female workers who just gave birth shall be entitled to nursing breaks. The duration is one hour per day taken during working days until the child is 15 months old. Section 85 of the Labour Code explains that for a period of 15 (fifteen) months following the birth of the child, the mother shall be entitled to nursing breaks. This means that the mother shall be given one hour per working day until the child is one year three months (15 months old). If one were to consider her weekly rest to be Sundays, then she would be entitled to six hours per week, twenty-four hours per month and 360 hours for the 15 months equivalent to 15 days. During this period, the mother may terminate her contract of employment without notice.

3. The Special Protection as to the Right to Leave

Section 89 of the Labour Code³¹ has established the leave period for workers but Section 90(2)³² of the same Labour Code further protects female workers as it explains that for mothers, the leave shall be increased by either 2(*two*) working days for each child under 6(*six*) years of age on the date of the departure on leave who is officially registered and lives in the home, or 1(*one*) day only if the mothers accrued leave does not exceed 6(*six*) days.

4. Protection from Night Work

Any work done between 10 (*ten*) p.m. and 6 (*six*) a.m shall be considered as night work as stipulated by Section 81 of the Labour Code. In industrial establishment, the hours of work for women shall not exceed 8*hours a day*. This period must be broken up by one or several breaks, the total duration of which shall not be less than one hour. The rest period for women and children shall be not less than 12 (*twelve*) consecutive hours³³. Women shall not be employed for any work between 10 p.m. and 6 am in an industrial establishment. This restriction shall not apply to; women with executive duties; women working in services not involving manual labour.

This means that there is a general prohibition against night work of women, without distinction of age in all industrial undertakings. Here, the term “*night*” refers to the period from 10 p.m. to 6 a.m. A female worker cannot be employed in

³¹ Cameroon Labour Code; Law N° 92 /007 of 14th August 1992.

³²Section 90(2), Cameroon Labour Code, Law No.92/007 of 14th August 1992, stipulates “(2) For mothers, the leave shall be increased by either 2 (two) working days for each child under 6 (six) years of age on the date of the departure on leave who is officially registered and lives in the home, or 1 (one) day only if the mother's accrued leave does not exceed 6 (six) days.

³³Cameroon Labour Code, Sections 81, 82, the rest period for women must not be less than 12 consecutive hours including the night period between 10 pm and 6 am.

an establishment where she works and closes at a time after 10 pm or where she starts work before 6 a.m. She can only be employed in an establishment where work start from or after 6 a.m. and ends before or at 10 p.m.

5. Protection Regarding Their Physical Capabilities

It is generally forbidden to employ women for work beyond their physical capabilities³⁴. It is forbidden both within and outside the establishment to allow women to carry, pull or push, loads with weights above the following; carrying loads 25kg; carrying by rail-tip wagon 400kg (vehicles including); carrying by wheel barrow 40kgs (vehicles included); carrying by three or four wheeled, 60kg (vehicles included); carry by two-wheeled vehicles such as hand-carts, barrows, 100kgs; carrying by hand trucks, railway porter's barrow and all similar vehicles shall be forbidden for women of all ages.

6. Protection From Unhealthy Work

Women shall not be employed in underground work in mines and quarries for greasing cleansing, inspecting or repairing machines or machinery in motion; in places where these machines are operated by hand or motor, the dangerous parts of which are not covered by a suitable protective shield, for carrying loads or pedal tricycle carriers or all similar machines, even when fitted with an auxiliary motor. Women shall not regardless of their age be employed in such places as animal quartering handling and packaging of cement, treatment of copper ores and so on.

7. Protection from Work of an Immoral Nature

Women shall not be employed in the manufacture handling or sale of printed matter, posters, drawings, printing paintings, photographs, emblems, pictures and objects, the manufacture which are repressed by the penal laws tending to corrupt morals, and they shall equally not be employed in places where the work listed above take place³⁵.

4. CONCLUSION

The Cameroon Labour legislation protects female workers vis-à-vis male workers as Section 1 of the Cameroon Labour Code which was established by Law N^o.92/007 of 14th August 1992 states that “*Worker*” shall mean any person, irrespective of sex or nationality, who has undertaken to place his services in return for remuneration, under the direction and control of another, whether an individual or a public or private corporation, considered as the “*employer*” Section 2 of the same code states that “*The right to work shall be recognized as a basic right of each citizen*”. Female workers enjoy the same rights as male workers some of which include the right to be paid damages for wrongful termination of the employment contract or specific reinstatement, the right to annual leave, the right to weekly rest, the right to join a trade union and so on. But this same Labour Code has given special protection to female workers more than that enjoyed by the male workers, which include the right to maternity leave, nursing breaks, extra leave, prohibited from doing night work and so on. These special protection provided to female workers in reality is not always respected by employers as most female workers always waive their rights like the right to maternity in order to secure their employment and the prohibition of women from night work stands more as a limitation to the employment of women in certain establishments. The special protection given to female workers somehow under the Cameroon Labour Legislation stands as over protection of women in the society of equality of rights as women enjoy the same rights as men and even enjoy more other rights than male workers and this is discriminatory to male workers and the employers like payment of maternity leave for no work done and in some countries like Japan, China, South Korea, Taiwan and even in Zambia, women enjoy menstrual leave and Italy is about to pass a Law instituting three (3) days of leave for women having painful menstrual periods. We remain tuned to see in the years ahead the trend of Cameroon towards this menstrual leave.

5. RECOMMENDATIONS

The Cameroon Labour Legislation has provided protection to both female and male workers in the Labour market but there are certain issues which the Labour Code has not addressed. The Labour Legislation has not effectively addressed the issue on sexual harassment which affects women mostly in the job markets in our contemporary society and so I recommend that the Cameroon Labour Legislation should address the issue of sexual harassment under the Laws regulating Labour in the country. The Labour Legislation has also prohibited women from doing night work that is; from

³⁴ILO database, *Legislation on maternity protection in countries belonging to Africa*, p.15. Available at <http://www.ilo.org/dyn/travail/travmain.byCountry2>. Accessed on the 15th of July 2020.

³⁵Susan Meiselas, *Decent Work for Domestic Workers: The Case for Global Labor Standards*, Magnum, 2007, p.5.

10p.m to 6a.m thereby limiting the flexibility of women employment in certain establishments and so I recommend that instead of prohibiting female workers generally from night work, the legislation should instead prohibit night work just from expectant mothers and breastfeeding mothers. Also, the Labour Legislation has provided 14 weeks of maternity leave to pregnant women which could be extended by 6 weeks in case of any illness or complication resulting from the pregnancy but gave nothing to the male workers who could be expectant fathers and so I recommend that the Labour Legislation provides at least one (1) day per week within the 14 weeks or 20 weeks as the case may be to the expectant father to be in the house with the expectant mother (wife). I recommend also that the Labour Legislation should consider the protection of female workers and male workers equally in this our society where there is equality of rights.

REFERENCES

- [1] Akomaye M. YANOU, *Labour Law; Principles and Practice in Cameroon*, Langaa RPCIG, Cameroon, 2011.
- [2] Meiselas Susan, *Decent Work for Domestic Workers: The Case for Global Labor Standards*, Magnum, 2007, p.5
- [3] Prof. Hudson P., *Women's Work*, 2011.
- [4] Cameroon Labour Code, Law No.92/007 of 14th August 1992.