

## Assessing the Implementation of Labour Regulations in Public Organizations of Cameroon

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### Abstract

The respect of employment contracts had always been a measure concern in both public and private organizations. That's why, this research sought to find out the level of employees' awareness of labour regulations, to investigate its level of implementation and respect and to examine the challenges hindering its effective implementation. A descriptive survey design was adopted, with the use of a multi-stage sampling techniques (purposive, stratified and convenient) to select participants. Structured questionnaire, interviews and documentary review were employed to obtain primary and secondary data. A sample size of 320 respondents was used. Data analysis was done using descriptive statistics with simple percentages and frequencies. The findings showed that, employees are aware of Labour laws and regulations, while the level of effectiveness of employment contracts is low, and lastly, there are some challenge hindering the effective implementing of Labour regulations, amongst which the most prominent was the absence of labour control. The study concluded that, labour laws are a roadmap for employees and employers within a work place, and its understanding to both players is a necessary priority. The study recommended that, the policy makers should monitor the effective implementation of Labour regulations and that more trade unions should get involved in creating employees' awareness.

**Keywords:** Implementation; Public organization; Labour regulations; Employment contracts

### Introduction

Global Labour regulation continues to be a topic for extensive discourse among scholars, political and economic actors alike. While the nation state has served as the classic point of reference for a long time, in the course of globalization the focus of Labour regulation has increasingly shifted towards the supranational level. Efforts to regulate labour universally date back to World War I when the International Labour Organisation [1] was brought to life by the League of Nations in the Treaty of Versailles. This institutionalization of international Labour regulation established a foundation eventually leading to the Declaration of Philadelphia which United ILO into the United Nations UN-system in 1944. The academic debate on global labour is much newer and originated in the 1960s and 1970s as a result of the liberalization of profession and growth in cross-border savings [1].

Labour conditions and the labour rights we enjoy today are a far cry from what used to exist in the previous years. It should be noted that in time past and even now, people work in very deplorable conditions and are improperly exploited in the course of work by their employers [1]. Some employees worked and continue to work under very harsh conditions accompanied by long working hours without any payment of overtime [1]. Forced labour existed and still exists in varying forms. In the past employers of labour were not fair enough to give employees their dues especially as the latter had no say in what could benefit him/her in their labour and the situation is not different today. It is important to note that, the first labour legislation particularly the much bruited ordinance of labourers Act (1349) in England were principally aimed at imposing discipline on workers, punishing any protest movement and guaranteeing obedience and loyalty to employers. This Act was unfair and it did not respect Human Rights as the rights of the worker were not taken into consideration. These provisions were designed following the labour market as employees had to work in accordance to the demands of their product. As per this provision, the employee was greatly disadvantage to the advantage of the employer. The employer was seen as the king in the labour market whereas the employee was the servant; however this has significantly changed, with

the coming of new labour laws whereby both parties have duties and rights to be upheld by each other in the contract of employment [1].

The idea of protecting workers from the dangers of the labour environment(s) dates all the way back to the 14<sup>th</sup> century in Europe when harsh working conditions started the onset of the industrial revolution. Subsequently, in 1802 the English parliament passed the English Factory Act which tried to regulate the work day of apprentice(s) and moderate working hours to 12 hours/day. Marginal rules similar to those found in English law consequently became progressively common around 19<sup>th</sup> century developing nations, nevertheless these were limited in scope because they concentrated mainly on improving working conditions in relation to hours of work, women and child labour and the use of dangerous materials while it was obvious that support for employees' rights was largely inconsistent across international confines. It was not until the later part of the 19<sup>th</sup> century that efforts were made to implement uniform standards on an international scale.

After the end of the First World War in 1919, the agenda on labour standards reached a new level of importance as a consequence of the formation of the International Labour Organization [2]. The ILO was created as a branch of the League of Nations, to discourse all possible aspects of labour rights. Initial efforts of this organization concentrated on the abolition of slavery and all forms of compulsory labour, but the agenda quickly expanded to comprise the right to freedom of association and collective bargaining, non-discrimination

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in employment, and the eradication of child labour [2]. The ILO's creation marked the first occasion of various key international players coming together in an attempt to reach an accord on universal workers' rights and notwithstanding a lack of any formal means of compulsion, the ILO then advised its 44 original member countries to adopt and ratify conventions restricting unfair labour market practices. As well as agree on international labour standards [3].

The core function of the ILO is to formulate international labour standards in the form of Conventions and Recommendations, and to oversee their application in member States. ILO Conventions and Recommendations have a triple and universal character. They are the results of social discussion, which comprise governments, trade unions and employers in the design, implementation, and supervision of the execution at the national level. They have a universal application, meaning that they apply to all people in all States - irrespective of the extent of socio-economic development. Although, similar conventions and recommendations are quite different. These Conventions are international treaties subject to endorsement by ILO member States. Through endorsement, a member State officially accepts the Convention as a lawfully binding instrument, which indicates that it cannot approve national legislation whose standards are below those established by the Convention or if there is a conflict of regulations, that of the international convention takes priority as is most often the case. In contrast, Recommendations are non-binding instruments. They regularly deal with the same themes as Conventions and set out supplementary guidelines for national strategy and action. In addition to Conventions and Recommendations, the ILO also adopts other kinds of instruments such as declarations, codes of practices and resolutions, which, though may not be legally binding, are nevertheless aimed at promoting labour principles and at providing further guidance on how to implement these principles. Therefore, the ILO develops international policies and programs to promote basic human rights improve working and living conditions, and increase employment opportunities; develops wide programs of international technical cooperation; and bring out training, education, research, and publishing activities to help encourage all of these efforts [1].

As a matter of fact, since its formation in 1919, the ILO has adopted 189 Conventions and 202 Recommendations ranging on broad topics related to the work world including employment strategy, human resources development, pay, working time, and occupational safety and health and many more [2]. Amongst the ILO Conventions, eight have been identified as essential to this research project given that they cover topics considered as fundamental principles and implementation. Some of these include: the Forced Labour Convention (No. 29, adopted in 1930); Freedom of Association and Protection of the Right to Organize Convention (No. 87, 1948); the Right to organize and Collective Bargaining Convention (No. 98, 1949); Equal Remuneration Convention (No. 100, 1951); Abolition of Forced Labour Convention (No. 105, 1957); Discrimination (Employment and Occupation) Convention (No. 111, 1958); Minimum Age Convention (No. 138, 1973); and Worst Forms of Child Labour Convention (No. 182, 1999) [3].

The ILO has four strategic objectives: to promote and realize standards and fundamental principles and rights at work; to create greater opportunities for women and men to secure decent employment and income; to enhance the coverage and effectiveness of social protection for all; and to strengthen tripartism and social dialogue.

Notwithstanding the glaring advantages of international labour standards, their benefits have not actually been successfully felt because

the mechanisms for implementing these standards have not been put in place. Besides, the victims of such violations are sometimes not aware of these standards so they tend to suffer due to ignorance.

It is a typical practice across Africa, and Cameroon in particular is the phenomenon of contract employment, whereby companies are not engaging in direct hire rather they contract employment to employment agencies that pay employees' salaries that are below industry standards [4]. To add, contract employees are not regarded as core employees, and they lack access to benefits accruable to permanent and/or full time workers. The over-all effects of these have been lack of motivation for greater productivity among employees and widening of inequality gap in the countries.

With respect to Cameroon, the first presentation that received French labour rule into former East Cameroon was the French Foreign Labour Code of 1952 (Civil Code). The Labour Code of 1992 is the lawful labour document of the Republic of Cameroon which amongst others describes the working relationship that has to exist between employers and workers in the country. Alongside the Labour Code, there are some other laws, Decrees and Ministerial Orders that govern relationship between employees and employers in Cameroon. These decrees and conventions are intended to better labour standards. Section 1 (1) and 23, of the 1992 Code provides the rights of workers or employees. Some examples of the rules contained in the code which go in conformity with the ILO standards comprise among others the duty of the employer and employee to have employment contracts. The code stipulates the minimum wage in Cameroon as 36270 FRS per month as of 2015. This implies that, any wage below this is equivalent to "forced labour and debt bondage" and as well as disrespect of the labour law.

Regardless of the existence of these laws, there are still some challenges faced by the Cameroon government; like payment of low salaries below the minimum wage rate, exploitation, manipulation, corruption and the management of labour market institutions is constituted with incompetence and bribery, result of which is established in inefficacy of rules and regulations. This has also given rise to lack of obedience to employment and Labour regulations among employers likewise; the Cameroonian labour law recognizes the rights of employees to bargain collectively for the protection of the legitimate interest of workers which can be achieved [5]. The protection of the employees and employers' rights at work is protected by legal certainty or how much employees and employers have knowledge of their rights and responsibilities and the extent to which they are pleased to use their rights and carry out their duties.

These laws are still not respected by employers as they are not held responsible most times for labour offences and due to the unemployment in the country, employees often suffer in silence for example an employee can be unlawfully suspended from duty and will remain silent rather than to request for a redress of the situation. This is usually the case for fear of losing his employment or lack of knowledge of labour laws safeguarding his/her rights, thus the reason for not taking the laws seriously is as a result of lack of implementation on the side of the institutions that have been put in place to monitor and ensure compliance [6]. It is against the background of this gap in oversight that, Adewumi and Adenugba [4] pointed out that; employers are taking advantage of the weak institutional and regulatory framework to the detriment of their employees. Still, the extent to which employees are aware of these rules and how this contributes to respect or non-respect for their rights by employers has largely been under-investigated and this Study focuses on implementing labour regulations in public organizations of Cameroon.

For instance in Cameroon, the Ministry of Labour and Social Security through its Regional Delegations of Labour is responsible for implementing Labour Regulations and ensuring the smooth functioning of the labour market. Adewumi and Adenugba [4] strongly declared that, there is no doubt that the Ministry of Labour lacks enough capacity to carry out its mandate. There is shortage of personnel in Cameroon to carry out inspection visits to organizations.

It is against such background that, this study seeks to investigate why there still exist such violations and disregard of labour regulations particularly employment contracts despite the overabundance of labour laws available in Cameroon and to find out if awareness and implementation of labour laws can help to solve these problems. However, there seem to be a lot of laxity on the part of labour inspectors to apply these rules, there is lack of resources available to personnel to enable them go into enterprises and examine to ensure compliance of Labour regulations.

**Research Objectives**

The main objective of this research is to assess the degree of implementation and respect of Labour regulations in Cameroon public organizations, the case of employment contracts in selected organizations.

Specifically, this research seeks to:

- 1. Find out the level of employee awareness of Labour regulations, particularly the case of employment contract in some selected public organizations in Cameroon.
- 2. Investigate the level of implementation and respect of Labour regulations, particularly the case of employment contract in some selected public organizations in Cameroon.
- 3. To examine the challenges faced in implementing Labour regulations, particularly the case of employment contract in some selected public organizations in Cameroon.

**Research Questions**

The main question of this research is; what is the degree of implementation and respect of Labour regulations, particularly the case of employment contract in Cameroon public organisations?

This study is equally guided by the following research questions:

- 1. What is the level of employee awareness of Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?

- 2. What is the level of implementation and respect of Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?
- 3. What are the challenges or barriers faced when implementing Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?

**Methodology**

The research adopted a mixed design using both exploratory and descriptive design because; it involved investigating previous studies, getting information from key informant workers and also analyzes the situation through secondary data. The reason for the mixed research design was to ensure a better understanding of the research problem.

A sample of 300 employees and 20 employers in some selected Cameroon public organizations were selected using at first the purposive sampling technique to select three Cameroon public organisations from different regions of the country (Littoral, Centre and South West), then, the stratified sampling technique, by using the various departments within the selected organizations as strata and finally, the convenient sampling technique to select the respondents. The main instruments for data collection were a well-structured questionnaire and an interview guide. The instruments were validated and its reliability insured using Cronbach Alpha reliability coefficient. The Data gathered was analysed using the Statistical Package for Social Sciences (SPSS), and Microsoft excels. The quantitative data was analysed using descriptive statistics, while the qualitative data was analysed using the narrative analysis.

**Findings**

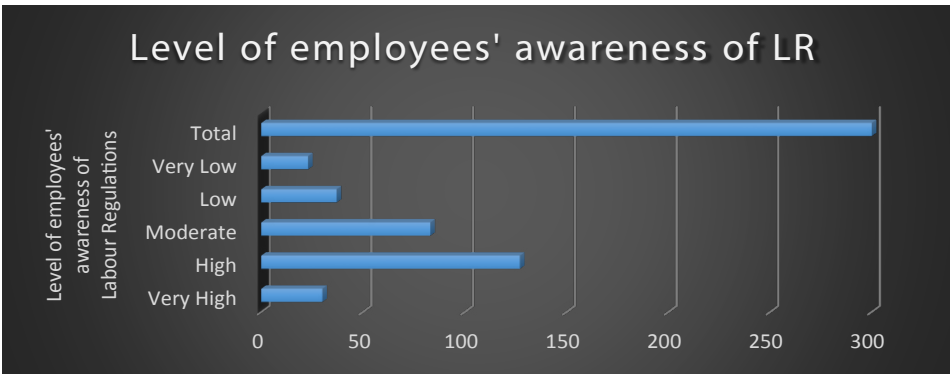
**Findings from research questions**

**Research question 1: What is the level of employees’ awareness of Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?**

Author has explain the answer of this question with the help of Figure 1.

**Research question 2: What is the level of implementation and respect of Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?**

Author has explain the answer of this question with the help of Table 1 and Figure 2.

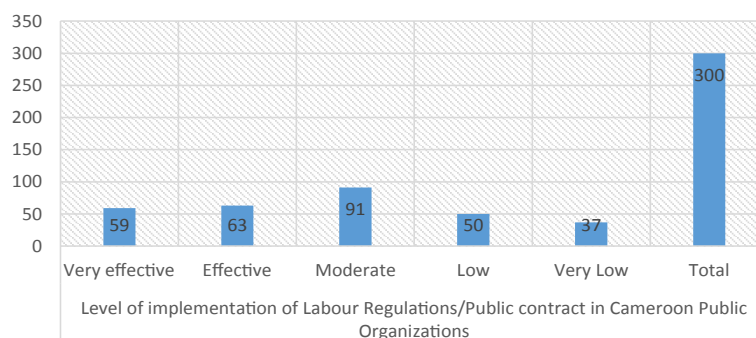


**Figure 1:** Level of employees' awareness of labour regulations in Cameroon's public organizations.

Implementation of Labour Regulations	Frequency	%
Yes	213	71%
No	87	29%
Total	300	100%

**Table 1:** Implementation and respect of labour regulations in Cameroon public organizations.

### Level of respect of Labour regulations in Cameroon Public Organizations



**Figure 2:** Level of implementation/respect of labour regulations (public contracts) in cameroon's public organizations.

Barriers for implementing Labour regulations	SA	%	A	%	N	%	D	%	SD	%
Non Awareness of Labour regulations by employees and employers	89	30%	121	40%	37	12%	30	10%	23	8%
Absence of Labour control	105	35%	115	38%	31	10%	25	8%	24	8%
Management of Cameroon Public Organizations give little or no emphasis to Labour regulations	91	30%	109	36%	40	13%	35	12%	25	8%
Cameroon Public Organizations prefer making more profit and as such sacrifice the law	89	30%	125	42%	36	12%	30	10%	20	7%

**Table 2:** Challenges hindering effective implementation of labour regulations in cameroon public organizations.

**Research question 3: What are the challenges or barriers hindering effective implementation of Labour regulations, particularly the case of employment contract in some selected Cameroon public organizations?**

Author has explain the answer of this question with the help of Table 2.

#### Findings from interview

The interview was conducted with 20 Managers of Cameroon's Public Organizations to get more details about the employees' awareness of Labour regulations, its level of implementation and the challenges facing its effective implementation. The result from that interview revealed that, nearly all the interviewees indicated that, they are aware of the Labour regulations applied in Cameroon but that, sometimes, they are not well aware of these regulations and particularly those related to the employment contract. However, most of them recognized that, all those Labour regulations, even the few they know, are not effectively respected and sometimes despite of their willingness. Also, all the interviewees pointed out the fact that, the factors hindering the implementation of Labour regulations and particularly the employment contract in their organization include: limited or non-awareness of Labour regulations by employers and employees, absence of labour control, management give little or no emphasis to Labour regulations, some of these organizations prefer making more profit and as such sacrifice the respect of the law. Also, most of the interviewees proposed the following measures for solving challenges and barriers to the effective implementation of Labour regulations. Amongst which are:

- The Cameroon government should set aside a committee to check the effective implementation of Labour regulations.
- Sanctions should be put in place by the government on organizations that does not effectively implement Labour regulations.

Also, the result from the interview guide revealed that, most of the interviewee sees Labour regulations as Labour code governing the employees and the employers, which shows that, they know what it's all about. Nearly all of them accepted the fact that, employees are aware of the Labour regulations. Additionally, according to the findings, the management staff of the selected Cameroon's Public Organizations gives little or no emphasis on employment contracts to employees since the organizations give only employment letters to many of its workers and not signed employment contracts.

#### Discussion of Findings

The findings of this research revealed that, most of the respondents were aware of Labour regulations in their workplace as 50% of the workers confirmed that their level of awareness was Eithe (Figure 1). These findings are in agreement with the findings of Meager et al. [7] who investigated the level of awareness and knowledge of individual employment rights and exercise of those rights in Great Britain and observed that, it is of particular importance that individuals have sufficient levels of awareness and understanding of the rights in the labour law because they are required to enforce these aspects of the law themselves. This can only be accomplished if they are aware that their



employer is in breach of the law, and know where to get information and advice if they experience a problem to do with their rights at work. These findings are also in line with the findings of Lisakafu [8] who worked on the assessment of public sector employee's awareness on labour laws in Tanzania. The aim of its study was to assess public sector employee's knowledge on labour laws in Tanzania and found out that, more than half of the respondents who took part in the study were well aware of the employment's rights at their work, while the rest of the interviewees were not aware. The protection of employees and employers is guaranteed by legal certainty, or how much workers and employers know their rights and obligations and the level to which they are obliged to implement their rights and carry out their responsibilities.

The finding of this research also showed that, Labour regulations are implemented in Cameroon's Public Organizations as indicated by 71% of the respondents (Table 1). However, that implementation of the Labour regulations and particularly the employment contract is not effective as indicated by 59% of the respondents. This is in agreement with the conclusion of Sapkal [9] who investigated labour law enforcement and the rise of Temporal Contract worker from Indian Organized Manufacturing Sector. He examined the interactive effect of strict Employment Protection Legislation (EPL) and implementation intensity on the incidence of temporary contract workers and found that, companies prefer to employ an excessive number of contract workers to avoid firing and overall compliance costs of regular employees as stipulated by the Indian labour laws.

The findings of this research lastly revealed that, there are some challenges hindering the effective implementation of Labour regulations and particularly the employment contract in Cameroon's Public Organizations, amongst which ; the non-awareness of Labour regulations by employees and employers(70%), the absence of Labour control (73), the Management of Cameroon's Public Organizations give little of no emphasis to Labour regulations(66%) and the Cameroon's Public Organizations prefer making more profit and as such sacrifice the law mentioned by 72% of the respondents (Table 2). This finding is in corroboration with the results of Satterlund and Travis [10] who indicated that, there were so many challenges associated with enforcing and implementing the law such as an ineffective administrative structure and lack of resources for enforcement [11,12].

## Conclusion

The research concluded that, there has been significant progress in the recognition of the fundamental rights of the worker: non-discriminatory policies as well as protection of workers' privacy and freedom of thought and expression have been put in place in many Public Organizations' workplaces in Cameroon.

Despite of all this enforcement of the law, the dependent work conditions continue to exist and the worker is still vulnerable. All the Labour regulations are useless if there is no mechanism put in place to ensure their effective implementation and respect by the employers. The question we face today is how to render Labour laws and regulations more effective so that it can continue to benefit all workers who need protection.

## Recommendations

In view of the findings above, the researcher was in position to make the following recommendations, which will help in widening the panorama of employees' understanding and applicability of Labour Regulations in Cameroon. These are as shown below:

### To policy makers

Labour laws in Cameroon need to be updated and revised, since 1992, there is an urgent need for labor policies that would ensure that implementation of Labour laws is enhanced, so that employees are more and better protected and, most importantly, well paid.

In addition, more efforts need to be made to ensure that, employees are guaranteed participation in bargaining processes, so that their concerns about wages, working hours and their conciliation of work are taken into account.

More so, allowing government's policy of instituting staff representative in every society particularly in the case of Cameroon act as a channel through which complaints of little or no respect and implantation of Labour regulations can be directed.

Government of Cameroon should make provision for enough resources (vehicles and fuel) and Personnel to the institutions charged with the responsibility to enforce the application of effective implementation of labour law at workplaces so that it will facilitate routine visits to companies to inspect the level of compliance with the laws.

### To collective bargaining and trade unions

In principle, trade unions should provide workers with information on their legal entitlements, creating awareness to the employees on how they covered in the labour laws. This is due to the fact that, an organization does accommodate employees with different academic disciplines and levels of education to the extent that not all can comprehend well the content and implication of Labour code to the extent that many employees are not fully familiar with the contents of the Labour laws and regulations as well as the procedures associated with them.

### To the employees

Individual employees must take personal responsibility to equip themselves with the labour code and their employment rights so that they can identify threats.

Employees should, demand the respect of their employment rights when necessary using all appropriate means and resources available.

Also, capacity building sessions on labour laws and regulations, social dialogue, employment contracts and procedures associated with them should be given more priority at the organization.

### To the employers

The employers through the Human Resource Department should ensure that employees are entitled to signed employment contracts and Labour regulations are instituted in their internal rules and regulations.

They should also encourage private seminars to educate employees on their rights and obligations. Through such seminars, they can be motivated to register in trade union organizations.

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