

Protection Of Workers Against Workplace Discrimination In Cameroonian Labour Law

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Abstract—This manuscript critically explores the contractual protection available to workers in Cameroon against workplace discrimination within the framework of national labour law. It examines the constitutional, statutory, and contractual provisions that govern non-discrimination, identifying significant normative and institutional gaps in enforcement. Drawing on international legal instruments and comparative jurisprudence, the analysis reveals that Cameroonian labour law provides only fragmented protection against discrimination, often lacking specificity, enforceability, and procedural clarity. Particular attention is given to the roles of the judiciary, labour inspectorate, and collective bargaining mechanisms, with a focus on gender, ethnicity, disability, and political affiliation as axes of discrimination. The study advocates for a comprehensive anti-discrimination statute, the strengthening of enforcement institutions, and enhanced access to justice through legal aid and public education. It concludes that substantive workplace equality in Cameroon requires not only legislative reform but also cultural transformation and structural realignment.

Keywords—Cameroonian labour law; workplace discrimination; employment contracts; gender equality; legal reform.

Résumé

Ce manuscrit explore de manière critique la protection contractuelle dont bénéficient les travailleurs camerounais contre la discrimination sur le lieu de travail dans le cadre du droit national du travail. Il examine les dispositions constitutionnelles, statutaires et contractuelles qui régissent la non-discrimination, en identifiant d'importantes lacunes normatives et institutionnelles en matière d'application. S'appuyant sur les instruments juridiques internationaux et la jurisprudence comparative, l'analyse révèle que le droit du travail camerounais n'offre qu'une protection fragmentaire contre la discrimination, manquant souvent de spécificité, de force exécutoire et de clarté procédurale. Une attention particulière est accordée aux rôles du système judiciaire, de l'inspection du travail et des mécanismes de négociation collective, en mettant l'accent sur le sexe, l'appartenance

ethnique, le handicap et l'affiliation politique en tant qu'axes de discrimination. L'étude préconise l'adoption d'une loi anti-discrimination complète, le renforcement des institutions chargées de l'application de la loi et l'amélioration de l'accès à la justice par le biais de l'aide juridique et de l'éducation du public. Elle conclut que l'égalité réelle sur le lieu de travail au Cameroun nécessite non seulement une réforme législative, mais aussi une transformation culturelle et un réaligement structurel.

Mots-clés : Droit du travail camerounais ; discrimination sur le lieu de travail ; contrats de travail ; égalité des sexes ; réforme juridique.

1.0. Introduction

The protection of workers in employment contract under the Cameroonian law is guaranteed by the Cameroonian labour code.¹ An employment contract or contract of employment is a usually entered into between an employer and an employee. Generally, the contract of employment denotes a relationship of economic dependence and social subordination. An employment contract or an employment relationship is an aspect of social life which is very necessary for the development of a nation.² The Cameroonian labour code defines a contract of employment in section 23 as an agreement by which a worker undertakes to put his services under the authority and management of an employer against remuneration.³ Contracts of employment shall be negotiated freely.⁴ From the definition of employment contract under section 23, it can be understood that an employment contract is negotiated freely between the employer and the employee. The parties are therefore free to enter into the employment contract on the agreed terms. This implies that the employer is free to hire any worker of his choice. The freedom in employment contract promotes economic self-interest as the parties would bargain to obtain the maximum social wealth in the contract. Therefore, the doctrine of freedom and sanctity of contracts of employments is no longer based on religion and social status of the worker but

¹ Law No. 92/007 of 14 August 1992

² NDIMUNGIANG Kevline Teunyui, (2021), Suspension of employment contracts under Cameroonian law, Master's Thesis, faculty of law and Political sciences University of Dschang, P, 1.

³ Section 23(1) of the Cameroonian labour code,

⁴ Ibid, Section 23(2)

on decisions of two free and voluntarily consenting minds. To this extent, once the employer and employee have entered into such employment contracts, each must abide by it unless relieved by the other.⁵ The laissez-faire idealism has been supplanted by social security, which suggests status rather than the contracts so that there is a compulsion to protect the contractual parties against economic and social exploitation in the guise of liberty to contract. The freedom to choose as well as to leave employment is an inalienable right of the worker and so when a person is coerced to perform a contract of employment, it will be absurd to affirm that he has offered himself voluntarily.⁶ Nevertheless, if a worker is not physically compelled but accepted employment, he will be taken to have done so in the exercise of his own freewill, that is, in the exercise of his natural rights as envisioned in section 23(2) of the 1992 Labour Code. The labour code cannot impose a worker on an employer. The labour code permits them as owners of enterprise to hire the person they want and who is competent to exercise the work in question but this must be done in accordance with the laws put in place. In other words, they must not discriminate during the recruitment of the employees based on their sex, religion, ethnicity, political opinion etc. For a better understanding of this article, our discussion has been organised into; an understanding of the protection of workers at work place and the legal frameworks in Cameroon, the sanctions for violation, the challenges faced in the fight against discrimination at work place and ways forward.

1.1. The notion of discrimination in employment contracts in Cameroon

The idea under this heading is to deal with the fight against discrimination in recruitment of workers. That is before the conclusion of the contract of employment itself. The fight against discrimination at work place begins first from the recruitment process in all contracts of employment. The laissez-faire system of employment law permits employers to hire workers of their own choice they find competent but must not discriminate. The inequality in bargaining power between the employer and the employee necessitate the intervention of the Cameroonian law to ensure there should be no form of discrimination at the work place on the workers. The notion of nondiscrimination in employment contracts under the Cameroonian labour code can first be seen from the definition of who is a worker under the provision of article 1(2) of the labour code. According to this provision, "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 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, non-account shall be taken of the legal position of employer or employee.*⁷ This provision is applicable alongside section 2 of the Cameroonian labour code which guarantees the right to work. For example, section 2(1) of the Cameroonian labour code provides that; *the right to work shall be recognized as a basic right of each citizen. The State shall therefore make every effort to help citizens to find and secure their employment.*⁸ The right to work under Cameroonian labour code is given to all Cameroonian citizens of equal sex without any form of discrimination.

The fight against non-discrimination in employment contracts in Cameroon is not limited under the Cameroonian labour code. The prohibition of any form of discrimination in employment contracts is guaranteed under the Cameroonian constitution.⁹ Therefore, every person shall have the right and the obligation to work in Cameroon. This position in the preamble means that no one should be deprived of the right to work in Cameroon or discriminated in any means whatsoever. The Universal Declaration of Human Rights (UDHR) of 1948 recognizes the right to work as a fundamental human right. It should be noted that; the UDHR is part of the Cameroonian constitution and therefore, is applicable to everyone who is capable of working. Article 23 of the UDHR states: *"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social."* The provision of this UDHR compliments the Cameroonian position both under the labour code and under the Cameroonian constitution in the fight against any form of discrimination in employment contracts. Furthermore, The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Convention) prohibits discrimination in employment contracts based on migrant status. Article 25 of the Migrant Convention states: *"Migrant workers and members of their families shall enjoy treatment not less favourable than that accorded to nationals of the State of employment in respect of remuneration and:(a) Other conditions of work, that is to say: hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any*

⁵ Nda Aubin Tamboli, (2021), "IS THE PRINCIPLE OF CONSENSUS AD IDEM IN THE NEGOTIATION OF EMPLOYMENT CONTRACTS TENABLE UNDER THE 1992 CAMEROON LABOUR CODE?", *ASIA PACIFIC LAW & POLICY REVIEW*, P. 207. (APLPR)

⁶ Ibid, P. 207.

⁷ Section 1(2) of the Cameroonian labour code.

⁸ Section 2: (1) of the labour code.

⁹ Law no 96/06 of 18 January 1996 as amended by law no 2008/001 of 14 April 2008 amended the 1972 Cameroonian constitution.

*other conditions of work.*¹⁰ Cameroon has ratified several key international instruments, including ILO Convention No. 111 on Discrimination (Employment and Occupation) and Convention No. 100 on Equal Remuneration¹¹. These impose a duty to promote equality of opportunity and eliminate discrimination. Despite ratification, these conventions have not been fully domesticated. There is no national policy implementing Convention No. 111, and courts rarely invoke international treaties in labour adjudication¹². Regionally, the African Charter on Human and Peoples' Rights, to which Cameroon is a party, guarantees the right to work under equitable and satisfactory conditions¹³. However, enforcement at the national level remains weak due to judicial conservatism and limited access to regional mechanisms like the African Court on Human and Peoples' Rights¹⁴.

1.2. The fight against nondiscrimination at work place in employment contracts

The notion of nondiscrimination is not limited only to instances when the contract is to be concluded. It extends even when the contract in question has been concluded and the worker is at the work place. At the work place makes it very much different from the fight against the principle of nondiscrimination when it comes to conclusion of employment like the sub heading we have just discussed above. At work place, the work should benefit from all the right as any other worker be it equal pay, equal hours of work, paid leave, health benefits, non-discrimination as to national or foreigner and more. The followings points below better elaborate the mechanisms put in place in the fight against discrimination at work place.

1.2.1. Nondiscrimination as to wage rate

Salary is a financial compensation which is given to the employee for services rendered or service to be rendered.¹⁵ This provision can be seen in article 61(1) of the Labor Code. According to this provision, "*wages*" means remuneration or earnings, however designated or calculated, capable of being evaluated in terms of money and fixed by mutual agreement or by the provisions or regulations or collective agreements which are payable by virtue of a contract or employment by an employer to a worker for work done or to be done or for services rendered or to be rendered.¹⁶ At work place, everyone who fall within the same category or have the same level of proficiency should be paid equally. This is provided for

in article 61(2) of the Cameroonian labour code.¹⁷ Therefore, 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. Therefore at work place, there should no discrimination as to wage rate between the workers as a result of their religion, sex, social origin etc. This provision is in line with the convention of equal pay. The International Labour Organization Convention No. 100 (C100) on Equal Remuneration provides in article 2 that; "*Equal remuneration for men and women workers for work of equal value should be applied without distinction based on sex*". Therefore, Employers shall not discriminate between men and women as regards the amount of remuneration, fringe benefits, and hours of work, working conditions, training, and classification of jobs or in any other employment matters. The minimum wage in Cameroon has been revised from 21 March 2023. Therefore, the same minimum wage rate should be paid to every worker who are in the same category without any form of discrimination. The national minimum wage has increased from FCFA36, 270.00 to FCFA41, 875.00 per month. This is the first time the government has formalized three separate minimum wages in the country. For employees in the agricultural and related sectors, the minimum wage has increased to 45,000 FCFA per month. The minimum wage for government employees covered by the Labour Code will be 41,875 FCFA per month.¹⁸ Despite this obligation, some employers in Cameroon continue discriminate on the right of equal pay because of lack of proper mechanisms to follow up or some employees because of the very need for a job will accept a lesser pay despite having the same qualification.

It should be noted that, certain categories of workers might have a higher pay more than the same workers who with the same qualification maybe because of their longitivity in services or they occupy a post of control. Such differences in payment do not amount to discrimination.

1.2.2. Nondiscrimination as to nationality

In many countries, foreigners are usually discriminated at job sites when compared to nationals. Normally under the Cameroonian labour code, the conditions for the recruitment of nationals and foreigners is not the same. The Cameroonian labour code demands the authorization of the minister in charge of labour to authorize the recruitment of a

¹⁰ Article 25 of the Migrant Convention.

¹¹ ILO Convention No. 111, 1958; ILO Convention No. 100, 1951.

¹² Ibid.

¹³ African Charter on Human and Peoples' Rights, Art. 15.

¹⁴ E. Tangwa, supra note 9, p. 130.

¹⁵ Benjamin Fomba Kamga (2011), "Labour Contracts and Performance of Cameroonian Firms", *Discussion Paper No. 6211*, P. 1.

¹⁶ article 61(1) of the Labor Code

¹⁷ This section 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 provisions of this section

¹⁸ <https://wageindicator.org/salary/minimum-wage/minimum-wages-news/2023/minimum-wage-updated-in-cameroon-from-21-march-2023-july-03-2023>.

foreigner to work in Cameroon. This is in with the provision of section 27(2) of the labour code.¹⁹ But once the foreigner worker has been recruited, he must have the same rights like nationals in Cameroon. This includes hours of work, wage, resting periods and more. The notion of nondiscrimination here is because some countries discriminate at work place due to the nationality of the person in question. But the problem with foreign workers in Cameroon is on the fact that most of them enter the country illegally and some employers take advantage of their vulnerability to discriminate among them.

1.2.3. Contractual Protection in Employment Contracts in Collective Agreements and trade union against discrimination at work place.

Trade Unions and Employers' Associations is provided for in Part II of the Cameroonian labour code. Section 3 is to the effect that; *The law recognizes the right of workers and employers, without distinction whatsoever, to set up freely and without prior authorization (trade unions or employers' associations), associations for the study, defence, 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. All activity by such unions and associations which is not connected with the furtherance of the above objectives shall be prohibited.* 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.²⁰ The prohibition of discrimination in trade union activities has further been elaborated in section 4(2) and 3.²¹

¹⁹ Section 27(2) provides that; A contract of employment concerning a worker of foreign nationality must be endorsed by the Minister in charge of Labour previously to commencement thereof. (3) The application of endorsement shall be made by the employer. Where such endorsement is refused, the contract shall be null and void. (4) Where the Minister in charge of Labour fails to announce a decision within the two months immediately following reception of the application for endorsement, the contract shall be deemed to have been endorsed.

²⁰ Section 4 of the labour code.

²¹ Section 4: (1) 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. (2) Workers shall be protected from : • (a) any acts of anti-union discrimination in respect of their employment; • (b) any practice tending : o - to make their employment subject to their membership or non-membership in a trade union ; o - to cause their dismissal or other prejudice by reason of union membership or non-membership or participation in union activities. (3) Any act contrary to the provisions of this section shall be null and void.

Collective bargaining agreements (CBAs) also present an avenue for embedding anti-discrimination norms. In sectors such as telecommunications and the public service, some CBAs contain clauses guaranteeing equal pay and non-discriminatory treatment²². However, trade unions in Cameroon often lack the legal and financial capacity to negotiate and enforce these provisions effectively.

1.2.4. Equal hours of work

At work, every worker must work the same number of hours of work without any form of discrimination. In principle the number of working hours per week is 40 hours (A) but in some situations, it is possible to go beyond the normal working hour and execute supplementary hours.²³ By virtue of article 80(1) of the labor code, in all public and private enterprises which are nonagricultural enterprise, the normal working duration must not exceed 40 hours per week. In agricultural and assimilated enterprises, the normal working duration is fixed at 48 hours per week and a total of 48 hours per week. This provision can be seen in article 80(2)²⁴ of the labor code. However, these working durations can be deviated following the procedure given by decree no.95/677 of 18 December 1995 relating to the derogation of normal working hours. The 40 hours is applicable only to none agricultural enterprises. To identify these enterprises, one must know the agricultural and the assimilated enterprises. These enterprises are listed in article 15 of decree no. 95/677 which has been cited above. The enterprises which are not listed in this article are considered to be agricultural enterprises. The 40 hours is applicable to all employees irrespective of their age, sex, religion, race, ethnic group. From this statement, it should be understood that at the work place, everyone should be given equal hours of work without any form of discrimination either as to race, religion, sex, gender etc. The 40 hours of work as provided in the Cameroonian labour code means 40 hours of effective work. But if the employee is in the enterprise and there is no work as a result of a fault of the employer, then the employee is still considered to have put in 40 hours of effective work. However, the hours of work are at times reduced for workers who are sick, pregnant women and even children who act as exceptions.

1.2.5. Other areas of nondiscrimination provided for under the Cameroonian labour code.

These additional rights extended to all workers at work without any form of discrimination. This includes the rights to strike which is extended to all workers

²² F. N. Teke, "Human Rights and Employment Law in Cameroon," (2021) African Journal of Comparative Law, Vol. 18, No. 2, p. 212.

²³ Section 80 of the labour code.

²⁴ In all agricultural and allied undertakings, the hours of work shall be based on a total of two thousand four hundred hours per year, within the maximum limits of forty-eight hours per week.

irrespective of their nationality. A particular worker should not be punished for partaking in a strike while the other worker failed to do same. The right to a payable leave is also extended to all workers without any form of discrimination. This is in line with the provision of section 89 of the labour code.²⁵ This right is given to all workers. Therefore, not the right to paid leave should not be for a particular category of worker at the detriment of others. Workers are also entitled to weekly rest in accordance with the provision of section 88 of the labour code without any form of discrimination.²⁶ Any worker can also hold any position in the enterprise even that of workers representatives. Thus it is prohibited for anyone to be deprived of the right to hold any post in the enterprise in question. Thus it has always been the wish of the cameroonian legislators to avoid any form of discrimination at work place as such practices are not only detrimental to the worker but also affects the state in enforcing the principle of equality for all. This explains why the states has further put in place authorities to control and supervise work related complaints like the labour inspectors.

1.3. The Role of Labour Courts and Dispute Resolution Mechanisms

Labour courts (Tribunaux de Travail) have exclusive jurisdiction over employment disputes in Cameroon²⁷. If a worker has been discriminated

against at the job site, he or she has the right to seize the labour inspector for redress. Sometimes, the employer can decide to discriminately terminate employment contracts of workers which is contrary to the laws put in place. Though conciliation through labour inspectors is provided for in the Labour Code²⁸, these processes are underutilized. Labour officers often lack training on discrimination law and are poorly resourced. Moreover, victims of discrimination bear the full burden of proof, which makes litigation difficult, especially in cases involving implicit bias or systemic inequality²⁹. In contrast, systems in the UK and Canada employ burden-shifting frameworks, requiring employers to justify differential treatment once a prima facie case is made³⁰. Cameroon's evidentiary rules in labour law have yet to evolve to this level.

In individual disputes settlement before the labour inspector, may arise from a variety of reasons including the nonpayment for work done by the employee, wrongful dismissals, and late payment of wages. When this occurs, section 139 (1)³¹ of the Labour Code, 1992, mandatorily requires the disputants (employer or employee) to request for settlement by the competent labour inspector,³² who does so through conciliation. The competent labour inspector for this purpose is one in the division in which the employee was working before the labour dispute. If one of the disputant is an international organisation which has a convention with the Cameroonian government, the Ministry of Labour will take the place of the labour inspector.³³ The labour inspector may after conciliation issue a statement of conciliation, partial conciliation, or non-conciliation. As a rule of practice, the disputants together with the Labour Inspector must sign this statement so as to prevent any of the parties from introducing new claims not discussed during the conciliation process with the Labour Inspector. As provided in section 139(4) of the Labour Code, these resolutions, however, become enforceable only after the endorsement of the resolution by the court with competent jurisdiction. If a court fails to endorse, or endorses only after a long time, the aggrieved worker will continue to suffer grave injustice and hardship especially if the settlement included payment of money. Statements of

²⁵ Section 89 : (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.

(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.

²⁶ Section 88 : Weekly rest shall be compulsory. It shall consist of at least 24 (twenty-four) consecutive hours each week. Such rest shall fall as a rule on Sundays and may under no circumstances be replaced by a compensatory allowance.

²⁷ Labour Code, Art. 152.

²⁸ Labour Code, Art. 155.

²⁹ K. Mbua, supra note 7, p. 100.

³⁰ Equality Act 2010 (UK), s.136; Canadian Human Rights Act, RSC 1985, c H-6, s. 7.

³¹ Section 139 : (1) Any worker or employer shall request the competent Labour Inspector to settle the dispute out of court.

³² This is sometimes mistaken for mediation. It could be defined as alternative to dispute resolution where the third party makes proposals for settlement to the disputants and helps them to reach a resolution. In the civil system, this is seen as conciliation while in common law this is sometimes taken for mediation.

³³ *CARFOPv. Kan Elroy Moses Payne.Suit No. BCA/7.L/1998 (unreported)*

conciliation or non-conciliation by default are issued by the labour inspectors where one of the parties fails to appear at the labour inspectorate after service. This power is to be applauded because it strengthens security of service in that it prevents unscrupulous employers from frustrating the workers quest for justice,³⁴ as was held in the case of **Njoko Jean Claude v. Societe SOFIDEX & Njoh Francois Maurice**.³⁵ However, being a trained labour (civil) administrator and not a judicial officer trained in labour justice, the labour inspector may lack the requisite knowledge and experience to discharge this serious responsibility. This affects the quality of service offered by the labour inspector and thus impacts negatively on the security of service in private employment.

The case of **Simon Tamanjong & 6 others v. Cameroon Tea Estate**³⁶ illustrates this point. Here, workers of the Cameroon Development Corporation (CDC) who were transferred from Ndu and Djutissa to Tole were terminated on the 17/04/2004 and 26/2/06 respectively. They were paid off in September 2006 without repatriation dues as required by section 94 of the Labour Code. The terminated workers continued to stay in the accommodation at their CTE camps in Tole since their employers had not put the usual lorry to transport them back to Ndu at their disposal. They complained about this to the employers but never received any reply. After they were driven out of the camps where they do not pay rents, electricity and water, these destitute workers complained to the local labour inspector. The matter went to the arbitration board which awarded the complainants 200,000 FRS each for their transportation. Rather strangely and contrary to section 94(4) of the Labour Code, the inspector failed to award them their remuneration up to when the transport was to be provided. The facts of **Abakem v.**

Labour Inspector Meme Division³⁷ shows clearly that the labour inspector's role could be used against the worker. Here, the Labour inspector refused to issue the dismissed worker partial conciliation to commence his action in court. The worker had to compel him to issue it by a mandamus from the court.³⁸

Therefore, anyone whose employment relation has been terminated without any justification or discriminated at work is given the right to bring an action before the labour inspector for dispute settlement between the employer and the employee. It is a good step because it is less expensive and does not waste time.

1.4. Sanctions for violation of the obligation of nondiscrimination against workers at work place.

These are the sanctions provided for under the labour code which will fall on anyone who go against the principle of nondiscrimination at work place. Sanction for violation of the provision of the Cameroonian labour code is clearly provided for in Part X of the labour code. Thus anyone violates the principle of equality of work or right to work as provided under the provision of article 3 shall be punished with fine of from 50,000 to 500,000 francs.³⁹ Again, anyone who violates the principle of equal pay as provided for by the labour code, shall be punished with fine of from 100,000 to 1,000,000 francs.⁴⁰ Again, any person committing an infringement of the provisions of collective agreements which have been the subject of a decree of extension, in matters of wages, bonuses, allowances or any other benefits in cash, shall be punished with the same fine. Again, any one who violates the provision of article 4(2) on any acts of anti-union decimation in respect of their employment; (b) any practice tending : to make their employment subject to their membership or non-membership in a trade union ; to cause their dismissal or other prejudice by reason of union membership or non-membership or participation in union activities shall be punished with fine of from 200,000 to 1,500,000 francs.⁴¹ A further reading of the provision of section 169, 170, 171, 172 and 173 sanctions any act of discrimination alongside other labour related offenses.

1.5. Specific cases of crimination at work place under the labour code.

This deals specifically with the case of minor children and women at the work place especially when they are pregnant and also on their vulnerability. Special treatment has been given to women and children under the labour code. By article 83 to 87 of the Labor Code, minors and women cannot work in

³⁴ It is trite law that all parties to a suit be given fair hearing and equal opportunity whether it a court or a quasi-legal body like that operated by the Labour Inspector. Although **Mbuagbaw JCA in Chungong Christopher v Pecten Cameroon Company Suit No. CASWP/L.2/1992** (unreported) held that the right to fair hearing included the right of the person to be affected to be present all through the proceedings and to hear all the evidence against him, by not hearing from the other party who willfully and intentionally abstain from the proceedings when an opportunity to hear his side has been given does not necessarily go against one of the twin pillars of natural justice-audi alteram partem was held in the unanimous judgment of the Court of Appeal South West delivered by Bawak JCA (as he then was) in Cameroon **Lonestar Fishing v. Cali Guisepepe Suit No. CASWP/60/1997, 127 at p. 133.**

³⁵ **Irene Fokum Sama-Lang**, (2014), "The Role of A Labour Inspector In Labour Dispute Resolution I In The Private Sector Of Cameroon: A Critique", *Labour Law Review Njlir Vol. 8 NO. 4, P,*

³⁶ Suit No. CASWP/L.8/2007 (unreported)

³⁷ Suit No. HCK/L.9/1984 (unreported)

³⁸ Ibid.

³⁹ Section 166 of the labour code.

⁴⁰ Section 167(4) of the labour code.

⁴¹ Section 168 of the Cameroonian labour code.

the mining sector. This is however discriminatory because the law in general requires equal treatment for all workers at the work. Again article 82(2) of the labor code, minors and women are prohibited from night duties in industries. By virtue of article 84 of the labor code, all pregnant women (*femme enceinte*) are given the right to a maternity leave of 14 weeks. This will start to run four weeks before the date presumed for the birth of the child. By article 90 of the labor code, the number of days per annual leave is increased for a woman who is living with children below the age of 6 years. By article 32 of the labor code, the employment contract of a woman is suspended during the period of maternity leave. By article 84(1) and (2) of the labor code, it is prohibited for the employment contract of a woman to be terminated by her employer because the woman is pregnant.

As to challenges in the fight against discrimination at work place in Cameroon, Cameroonian labour law faces several challenges in effectively combating workplace discrimination including; Legislative inadequacy⁴²; Institutional weakness⁴³; Limited judicial activism: Courts rarely provide robust interpretations of equality provisions. Low public awareness⁴⁴

1.6. General conclusion and recommendation

While Cameroon's constitutional and statutory framework nominally prohibits workplace discrimination, the absence of effective enforcement mechanisms undermines real-world protection. Employment contracts and collective bargaining agreements can be vehicles for advancing equality but remain underdeveloped and poorly enforced. True equality in the Cameroonian workplace requires a holistic approach combining legislative reform, institutional strengthening, judicial modernization, and societal transformation. Only then can the right to non-discrimination in employment become a reality rather than a rhetorical promise. We therefore recommend that; the state of Cameroon should enact comprehensive anti-discrimination legislation covering all protected grounds and employment sectors. Furthermore, the state should mandate anti-discrimination clauses in all employment contracts and CBAs. Additionally, introduce burden-shifting procedures and interim relief measures in cases of discrimination of workers at work place. The state should strengthen the institutional capacity of labour inspectors and courts and Launch public legal education campaigns to empower workers.

⁴² The Labour Code lacks specificity on forms of discrimination and procedural remedies.

⁴³ Labour inspection lacks independence, funding, and expertise.

⁴⁴ Most workers are unaware of their rights, and few can afford legal representation.

Abstract

This manuscript critically explores the contractual protection available to workers in Cameroon against workplace discrimination within the framework of national labour law. It examines the constitutional, statutory, and contractual provisions that govern non-discrimination, identifying significant normative and institutional gaps in enforcement. Drawing on international legal instruments and comparative jurisprudence, the analysis reveals that Cameroonian labour law provides only fragmented protection against discrimination, often lacking specificity, enforceability, and procedural clarity. Particular attention is given to the roles of the judiciary, labour inspectorate, and collective bargaining mechanisms, with a focus on gender, ethnicity, disability, and political affiliation as axes of discrimination. The study advocates for a comprehensive anti-discrimination statute, the strengthening of enforcement institutions, and enhanced access to justice through legal aid and public education. It concludes that substantive workplace equality in Cameroon requires not only legislative reform but also cultural transformation and structural realignment.

Keywords: *Cameroonian labour law; workplace discrimination; employment contracts; gender equality; legal reform.*

2.0. Introduction

The protection of workers in employment contract under the Cameroonian law is guaranteed by the Cameroonian labour code.⁴⁵ An employment contract or contract of employment is a usually entered into between an employer and an employee. Generally, the contract of employment denotes a relationship of economic dependence and social subordination. An employment contract or an employment relationship is an aspect of social life which is very necessary for the development of a nation.⁴⁶ The Cameroonian labour code defines a contract of employment in section 23 as an agreement by which a worker undertakes to put his services under the authority and management of an employer against remuneration.⁴⁷ Contracts of employment shall be negotiated freely.⁴⁸ From the definition of employment contract under section 23, it can be understood that an employment contract is negotiated freely between the employer and the employee. The parties are therefore free to enter into the employment contract on the agreed terms. This implies that the employer is free to hire any worker of his choice. The freedom in employment contract promotes economic self-interest as the parties would bargain to obtain the maximum social wealth in the

⁴⁵ Law No. 92/007 of 14 August 1992

⁴⁶ NDIMUNGIANG Kevline Teunyui, (2021), Suspension of employment contracts under Cameroonian law, Master's Thesis, faculty of law and Political sciences University of Dschang, P, 1.

⁴⁷ Section 23(1) of the Cameroonian labour code,

⁴⁸ Ibid, Section 23(2)

contract. Therefore, the doctrine of freedom and sanctity of contracts of employments is no longer based on religion and social status of the worker but on decisions of two free and voluntarily consenting minds. To this extent, once the employer and employee have entered into such employment contracts, each must abide by it unless relieved by the other.⁴⁹ The laissez-faire idealism has been supplanted by social security, which suggests status rather than the contracts so that there is a compulsion to protect the contractual parties against economic and social exploitation in the guise of liberty to contract. The freedom to choose as well as to leave employment is an inalienable right of the worker and so when a person is coerced to perform a contract of employment, it will be absurd to affirm that he has offered himself voluntarily.⁵⁰ Nevertheless, if a worker is not physically compelled but accepted employment, he will be taken to have done so in the exercise of his own freewill, that is, in the exercise of his natural rights as envisioned in section 23(2) of the 1992 Labour Code. The labour code cannot impose a worker on an employer. The labour code permits them as owners of enterprise to hire the person they want and who is competent to exercise the work in question but this must be done in accordance with the laws put in place. In other words, they must not discriminate during the recruitment of the employees based on their sex, religion, ethnicity, political opinion etc. For a better understanding of this article, our discussion has been organised into; an understanding of the protection of workers at work place and the legal frameworks in Cameroon, the sanctions for violation, the challenges faced in the fight against discrimination at work place and ways forward.

2.1. The notion of discrimination in employment contracts in Cameroon

The idea under this heading is to deal with the fight against discrimination in recruitment of workers. That is before the conclusion of the contract of employment itself. The fight against discrimination at work place begins first from the recruitment process in all contracts of employment. The laissez-faire system of employment law permits employers to hire workers of their own choice they find competent but must not discriminate. The inequality in bargaining power between the employer and the employee necessitate the intervention of the Cameroonian law to ensure there should be no form of discrimination at the work place on the workers. The notion of nondiscrimination in employment contracts under the Cameroonian labour code can first be seen from the definition of who is a worker under the provision of article 1(2) of the labour code. According to this provision, "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 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, non-account shall be taken of the legal position of employer or employee.*⁵¹ This provision is applicable alongside section 2 of the Cameroonian labour code which guarantees the right to work. For example, section 2(1) of the Cameroonian labour code provides that; *the right to work shall be recognized as a basic right of each citizen. The State shall therefore make every effort to help citizens to find and secure their employment.*⁵² The right to work under Cameroonian labour code is given to all Cameroonian citizens of equal sex without any form of discrimination.

The fight against non-discrimination in employment contracts in Cameroon is not limited under the Cameroonian labour code. The prohibition of any form of discrimination in employment contracts is guaranteed under the Cameroonian constitution.⁵³ Therefore, every person shall have the right and the obligation to work in Cameroon. This position in the preamble means that no one should be deprived of the right to work in Cameroon or discriminated in any means whatsoever. The Universal Declaration of Human Rights (UDHR) of 1948 recognizes the right to work as a fundamental human right. It should be noted that; the UDHR is part of the Cameroonian constitution and therefore, is applicable to everyone who is capable of working. Article 23 of the UDHR states: *"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social."* The provision of this UDHR compliments the Cameroonian position both under the labour code and under the Cameroonian constitution in the fight against any form of discrimination in employment contracts. Furthermore, The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Convention) prohibits discrimination in employment contracts based on migrant status. Article 25 of the Migrant Convention states: *"Migrant workers and members of their families shall enjoy treatment not less favourable than that accorded to nationals of the State of employment in respect of remuneration and:(a) Other conditions of work, that is to say: hours*

⁴⁹ Nda Aubin Tamboli, (2021), "IS THE PRINCIPLE OF CONSENSUS AD IDEM IN THE NEGOTIATION OF EMPLOYMENT CONTRACTS TENABLE UNDER THE 1992 CAMEROON LABOUR CODE?", *ASIA PACIFIC LAW & POLICY REVIEW*, P. 207. (APLPR)

⁵⁰ Ibid, P. 207.

⁵¹ Section 1(2) of the Cameroonian labour code.

⁵² Section 2: (1) of the labour code.

⁵³ Law no 96/06 of 18 January 1996 as amended by law no 2008/001 of 14 April 2008 amended the 1972 Cameroonian constitution.

of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work.⁵⁴ Cameroon has ratified several key international instruments, including ILO Convention No. 111 on Discrimination (Employment and Occupation) and Convention No. 100 on Equal Remuneration⁵⁵. These impose a duty to promote equality of opportunity and eliminate discrimination. Despite ratification, these conventions have not been fully domesticated. There is no national policy implementing Convention No. 111, and courts rarely invoke international treaties in labour adjudication⁵⁶. Regionally, the African Charter on Human and Peoples' Rights, to which Cameroon is a party, guarantees the right to work under equitable and satisfactory conditions⁵⁷. However, enforcement at the national level remains weak due to judicial conservatism and limited access to regional mechanisms like the African Court on Human and Peoples' Rights⁵⁸.

2.2. The fight against nondiscrimination at work place in employment contracts

The notion of nondiscrimination is not limited only to instances when the contract is to be concluded. It extends even when the contract in question has been concluded and the worker is at the work place. At the work place makes it very much different from the fight against the principle of nondiscrimination when it comes to conclusion of employment like the sub heading we have just discussed above. At work place, the work should benefit from all the right as any other worker be it equal pay, equal hours of work, paid leave, health benefits, non-discrimination as to national or foreigner and more. The followings points below better elaborate the mechanisms put in place in the fight against discrimination at work place.

2.2.1. Nondiscrimination as to wage rate

Salary is a financial compensation which is given to the employee for services rendered or service to be rendered.⁵⁹ This provision can be seen in article 61(1) of the Labor Code. According to this provision, "wages" means remuneration or earnings, however designated or calculated, capable of being evaluated in terms of money and fixed by mutual agreement or by the provisions or regulations or collective agreements which are payable by virtue of a contract or employment by an employer to a worker for work done or to be done or for services rendered or to be rendered.⁶⁰ At work place, everyone who fall within

⁵⁴ Article 25 of the Migrant Convention.

⁵⁵ ILO Convention No. 111, 1958; ILO Convention No. 100, 1951.

⁵⁶ Ibid.

⁵⁷ African Charter on Human and Peoples' Rights, Art. 15.

⁵⁸ E. Tangwa, supra note 9, p. 130.

⁵⁹ Benjamin Fomba Kamga (2011), "Labour Contracts and Performance of Cameroonian Firms", *Discussion Paper No. 6211*, P. 1.

⁶⁰ article 61(1) of the Labor Code

the same category or have the same level of proficiency should be paid equally. This is provided for in article 61(2) of the Cameroonian labour code.⁶¹ Therefore, 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. Therefore at work place, there should no discrimination as to wage rate between the workers as a result of their religion, sex, social origin etc. This provision is in line with the convention of equal pay. The International Labour Organization Convention No. 100 (C100) on Equal Remuneration provides in article 2 that; "*Equal remuneration for men and women workers for work of equal value should be applied without distinction based on sex*". Therefore, Employers shall not discriminate between men and women as regards the amount of remuneration, fringe benefits, and hours of work, working conditions, training, and classification of jobs or in any other employment matters. The minimum wage in Cameroon has been revised from 21 March 2023. Therefore, the same minimum wage rate should be paid to every worker who are in the same category without any form of discrimination. The national minimum wage has increased from FCFA36, 270.00 to FCFA41, 875.00 per month. This is the first time the government has formalized three separate minimum wages in the country. For employees in the agricultural and related sectors, the minimum wage has increased to 45,000 FCFA per month. The minimum wage for government employees covered by the Labour Code will be 41,875 FCFA per month.⁶² Despite this obligation, some employers in Cameroon continue discriminate on the right of equal pay because of lack of proper mechanisms to follow up or some employees because of the very need for a job will accept a lesser pay despite having the same qualification.

It should be noted that, certain categories of workers might have a higher pay more than the same workers who with the same qualification maybe because of their longitivity in services or they occupy a post of control. Such differences in payment do not amount to discrimination.

1.2.2. Nondiscrimination as to nationality

In many countries, foreigners are usually discriminated at job sites when compared to nationals. Normally under the Cameroonian labour code, the conditions for the recruitment of nationals and foreigners is not the same. The Cameroonian labour

⁶¹ This section 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 provisions of this section

⁶² <https://wageindicator.org/salary/minimum-wage/minimum-wages-news/2023/minimum-wage-updated-in-cameroon-from-21-march-2023-july-03-2023>.

code demands the authorization of the minister in charge of labour to authorize the recruitment of a foreigner to work in Cameroon. This is in with the provision of section 27(2) of the labour code.⁶³ But once the foreigner worker has been recruited, he must have the same rights like nationals in Cameroon. This includes hours of work, wage, resting periods and more. The notion of nondiscrimination here is because some countries discriminate at work place due to the nationality of the person in question. But the problem with foreign workers in Cameroon is on the fact that most of them enter the country illegally and some employers take advantage of their vulnerability to discriminate among them.

1.2.3. Contractual Protection in Employment Contracts in Collective Agreements and trade union against discrimination at work place.

Trade Unions and Employers' Associations is provided for in Part II of the Cameroonian labour code. Section 3 is to the effect that; *The law recognizes the right of workers and employers, without distinction whatsoever, to set up freely and without prior authorization (trade unions or employers' associations), associations for the study, defence, 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. All activity by such unions and associations which is not connected with the furtherance of the above objectives shall be prohibited.* 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.⁶⁴ The prohibition of discrimination in trade union activities has further been elaborated in section 4(2) and 3.⁶⁵

⁶³ Section 27(2) provides that; A contract of employment concerning a worker of foreign nationality must be endorsed by the Minister in charge of Labour previously to commencement thereof. (3) The application of endorsement shall be made by the employer. Where such endorsement is refused, the contract shall be null and void. (4) Where the Minister in charge of Labour fails to announce a decision within the two months immediately following reception of the application for endorsement, the contract shall be deemed to have been endorsed.

⁶⁴ Section 4 of the labour code.

⁶⁵ Section 4: (1) 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. (2) Workers shall be protected from : • (a) any acts of anti-union discrimination in respect of their employment; • (b) any practice tending : o - to make their employment subject to their membership or non-membership in a trade union ; o - to cause their dismissal or other prejudice by reason of union membership or non-membership or participation in

Collective bargaining agreements (CBAs) also present an avenue for embedding anti-discrimination norms. In sectors such as telecommunications and the public service, some CBAs contain clauses guaranteeing equal pay and non-discriminatory treatment⁶⁶. However, trade unions in Cameroon often lack the legal and financial capacity to negotiate and enforce these provisions effectively.

1.2.4. Equal hours of work

At work, every worker must work the same number of hours of work without any form of discrimination. In principle the number of working hours per week is 40 hours (A) but in some situations, it is possible to go beyond the normal working hour and execute supplementary hours.⁶⁷ By virtue of article 80(1) of the labor code, in all public and private enterprises which are nonagricultural enterprise, the normal working duration must not exceed 40 hours per week. In agricultural and assimilated enterprises, the normal working duration is fixed at 48 hours per week and a total of 48 hours per week. This provision can be seen in article 80(2)⁶⁸ of the labor code. However, these working durations can be deviated following the procedure given by decree no.95/677 of 18 December 1995 relating to the derogation of normal working hours. The 40 hours is applicable only to none agricultural enterprises. To identify these enterprises, one must know the agricultural and the assimilated enterprises. These enterprises are listed in article 15 of decree no. 95/677 which has been cited above. The enterprises which are not listed in this article are considered to be agricultural enterprises. The 40 hours is applicable to all employees irrespective of their age, sex, religion, race, ethnic group. From this statement, it should be understood that at the work place, everyone should be given equal hours of work without any form of discrimination either as to race, religion, sex, gender etc. The 40 hours of work as provided in the Cameroonian labour code means 40 hours of effective work. But if the employee is in the enterprise and there is no work as a result of a fault of the employer, then the employee is still considered to have put in 40 hours of effective work. However, the hours of work are at times reduced for workers who are sick, pregnant women and even children who act as exceptions.

1.2.5. Other areas of nondiscrimination provided for under the Cameroonian labour code.

union activities. (3) Any act contrary to the provisions of this section shall be null and void.

⁶⁶ F. N. Teke, "Human Rights and Employment Law in Cameroon," (2021) African Journal of Comparative Law, Vol. 18, No. 2, p. 212.

⁶⁷ Section 80 of the labour code.

⁶⁸ In all agricultural and allied undertakings, the hours of work shall be based on a total of two thousand four hundred hours per year, within the maximum limits of forty-eight hours per week.

These additional rights extended to all workers at work without any form of discrimination. This includes the rights to strike which is extended to all workers irrespective of their nationality. A particular worker should not be punished for partaking in a strike while the other worker failed to do same. The right to a payable leave is also extended to all workers without any form of discrimination. This is in line with the provision of section 89 of the labour code.⁶⁹ This right is given to all workers. Therefore, not the right to paid leave should not be for a particular category of worker at the detriment of others. Workers are also entitled to weekly rest in accordance with the provision of section 88 of the labour code without any form of discrimination.⁷⁰ Any worker can also hold any position in the enterprise even that of workers representatives. Thus it is prohibited for anyone to be deprived of the right to hold any post in the enterprise in question. Thus it has always been the wish of the cameroonian legislators to avoid any form of discrimination at work place as such practices are not only detrimental to the worker but also affects the state in enforcing the principle of equality for all. This explains why the states has further put in place authorities to control and supervise work related complaints like the labour inspectors.

2.3. The Role of Labour Courts and Dispute Resolution Mechanisms

⁶⁹ Section 89 : (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.

(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.

⁷⁰ Section 88 : Weekly rest shall be compulsory. It shall consist of at least 24 (twenty-four) consecutive hours each week. Such rest shall fall as a rule on Sundays and may under no circumstances be replaced by a compensatory allowance.

Labour courts (Tribunaux de Travail) have exclusive jurisdiction over employment disputes in Cameroon⁷¹. If a worker has been discriminated against at the job site, he or she has the right to seize the labour inspector for redress. Sometimes, the employer can decide to discriminately terminate employment contracts of workers which is contrary to the laws put in place. Though conciliation through labour inspectors is provided for in the Labour Code⁷², these processes are underutilized. Labour officers often lack training on discrimination law and are poorly resourced. Moreover, victims of discrimination bear the full burden of proof, which makes litigation difficult, especially in cases involving implicit bias or systemic inequality⁷³. In contrast, systems in the UK and Canada employ burden-shifting frameworks, requiring employers to justify differential treatment once a prima facie case is made⁷⁴. Cameroon's evidentiary rules in labour law have yet to evolve to this level.

In individual disputes settlement before the labour inspector, may arise from a variety of reasons including the nonpayment for work done by the employee, wrongful dismissals, and late payment of wages. When this occurs, section 139 (1)⁷⁵ of the Labour Code, 1992, mandatorily requires the disputants (employer or employee) to request for settlement by the competent labour inspector,⁷⁶ who does so through conciliation. The competent labour inspector for this purpose is one in the division in which the employee was working before the labour dispute. If one of the disputant is an international organisation which has a convention with the Cameroonian government, the Ministry of Labour will take the place of the labour inspector.⁷⁷ The labour inspector may after conciliation issue a statement of conciliation, partial conciliation, or non-conciliation. As a rule of practice, the disputants together with the Labour Inspector must sign this statement so as to prevent any of the parties from introducing new claims not discussed during the conciliation process with the Labour Inspector. As provided in section 139(4) of the Labour Code, these resolutions, however, become enforceable only after the endorsement of the resolution by the court with competent jurisdiction. If a

⁷¹ Labour Code, Art. 152.

⁷² Labour Code, Art. 155.

⁷³ K. Mbua, supra note 7, p. 100.

⁷⁴ Equality Act 2010 (UK), s.136; Canadian Human Rights Act, RSC 1985, c H-6, s. 7.

⁷⁵ Section 139 : (1) Any worker or employer shall request the competent Labour Inspector to settle the dispute out of court.

⁷⁶ This is sometimes mistaken for mediation. It could be defined as alternative to dispute resolution where the third party makes proposals for settlement to the disputants and helps them to reach a resolution. In the civil system, this is seen as conciliation while in common law this is sometimes taken for mediation.

⁷⁷ *CARFOPv. Kan Elroy Moses Payne.Suit No. BCA/7.L/1998 (unreported)*

court fails to endorse, or endorses only after a long time, the aggrieved worker will continue to suffer grave injustice and hardship especially if the settlement included payment of money. Statements of conciliation or non-conciliation by default are issued by the labour inspectors where one of the parties fails to appear at the labour inspectorate after service. This power is to be applauded because it strengthens security of service in that it prevents unscrupulous employers from frustrating the workers quest for justice,⁷⁸ as was held in the case of **Njoko Jean Claude v. Societe SOFIDEX & Njoh Francois Maurice.**⁷⁹ However, being a trained labour (civil) administrator and not a judicial officer trained in labour justice, the labour inspector may lack the requisite knowledge and experience to discharge this serious responsibility. This affects the quality of service offered by the labour inspector and thus impacts negatively on the security of service in private employment.

The case of **Simon Tamanjong & 6 others v. Cameroon Tea Estate**⁸⁰ illustrates this point. Here, workers of the Cameroon Development Corporation (CDC) who were transferred from Ndu and Djutissa to Tole were terminated on the 17/04/2004 and 26/2/06 respectively. They were paid off in September 2006 without repatriation dues as required by section 94 of the Labour Code. The terminated workers continued to stay in the accommodation at their CTE camps in Tole since their employers had not put the usual lorry to transport them back to Ndu at their disposal. They complained about this to the employers but never received any reply. After they were driven out of the camps where they do not pay rents, electricity and water, these destitute workers complained to the local labour inspector. The matter went to the arbitration board which awarded the complainants 200,000 FRS each for their transportation. Rather strangely and contrary to

⁷⁸ It is trite law that all parties to a suit be given fair hearing and equal opportunity whether it a court or a quasi-legal body like that operated by the Labour Inspector.

Although **Mbuagbaw JCA in Chungong Christopher v Pecten Cameroon Company Suit No. CASWP/L.2/1992** (unreported) held that the right to fair hearing included the right of the person to be affected to be present all through the proceedings and to hear all the evidence against him, by not hearing from the other party who willfully and intentionally abstain from the proceedings when an opportunity to hear his side has been given does not necessarily go against one of the twin pillars of natural justice—audi alteram partem was held in the unanimous judgment of the Court of Appeal South West delivered by Bawak JCA (as he then was) in Cameroon **Lonestar Fishing v. Cali Guiseppe Suit No. CASWP/60/1997, 127 at p. 133.**

⁷⁹ **Irene Fokum Sama-Lang**, (2014), "The Role of A Labour Inspector In Labour Dispute Resolution I In The Private Sector Of Cameroon: A Critique", *Labour Law Review Njilir Vol. 8 NO. 4, P,*

⁸⁰ Suit No. CASWP/L.8/2007 (unreported)

section 94(4) of the Labour Code, the inspector failed to award them their remuneration up to when the transport was to be provided. The facts of **Abakem v. Labour Inspector Meme Division**⁸¹ shows clearly that the labour inspector's role could be used against the worker. Here, the Labour inspector refused to issue the dismissed worker partial conciliation to commence his action in court. The worker had to compel him to issue it by a mandamus from the court.⁸²

Therefore, anyone whose employment relation has been terminated without any justification or discriminated at work is given the right to bring an action before the labour inspector for dispute settlement between the employer and the employee. It is a good step because it is less expensive and does not waste time.

2.4. Sanctions for violation of the obligation of nondiscrimination against workers at work place.

These are the sanctions provided for under the labour code which will fall on anyone who go against the principle of nondiscrimination at work place. Sanction for violation of the provision of the Cameroonian labour code is clearly provided for in Part X of the labour code. Thus anyone violates the principle of equality of work or right to work as provided under the provision of article 3 shall be punished with fine of from 50,000 to 500,000 francs.⁸³ Again, anyone who violates the principle of equal pay as provided for by the labour code, shall be punished with fine of from 100,000 to 1,000,000 francs.⁸⁴ Again, any person committing an infringement of the provisions of collective agreements which have been the subject of a decree of extension, in matters of wages, bonuses, allowances or any other benefits in cash, shall be punished with the same fine. Again, any one who violates the provision of article 4(2) on any acts of anti-union decimation in respect of their employment; (b) any practice tending : to make their employment subject to their membership or non-membership in a trade union ; to cause their dismissal or other prejudice by reason of union membership or non-membership or participation in union activities shall be punished with fine of from 200,000 to 1,500,000 francs.⁸⁵ A further reading of the provision of section 169, 170, 171, 172 and 173 sanctions any act of discrimination alongside other labour related offenses.

2.5. Specific cases of crimination at work place under the labour code.

This deals specifically with the case of minor children and women at the work place especially when they are pregnant and also on their vulnerability.

⁸¹ Suit No. HCK/L.9/1984 (unreported)

⁸² Ibid.

⁸³ Section 166 of the labour code.

⁸⁴ Section 167(4) of the labour code.

⁸⁵ Section 168 of the Cameroonian labour code.

Special treatment has been given to women and children under the labour code. By article 83 to 87 of the Labor Code, minors and women cannot work in the mining sector. This is however discriminatory because the law in general requires equal treatment for all workers at the work. Again article 82(2) of the labor code, minors and women are prohibited from night duties in industries. By virtue of article 84 of the labor code, all pregnant women (*femme enceinte*) are given the right to a maternity leave of 14 weeks. This will start to run four weeks before the date presumed for the birth of the child. By article 90 of the labor code, the number of days per annual leave is increased for a woman who is living with children below the age of 6 years. By article 32 of the labor code, the employment contract of a woman is suspended during the period of maternity leave. By article 84(1) and (2) of the labor code, it is prohibited for the employment contract of a woman to be terminated by her employer because the woman is pregnant.

As to challenges in the fight against discrimination at work place in Cameroon, Cameroonian labour law faces several challenges in effectively combating workplace discrimination including; Legislative inadequacy⁸⁶: Institutional weakness⁸⁷: Limited judicial activism: Courts rarely provide robust interpretations of equality provisions. Low public awareness⁸⁸

2.6. General conclusion and recommendation

While Cameroon's constitutional and statutory framework nominally prohibits workplace discrimination, the absence of effective enforcement mechanisms undermines real-world protection. Employment contracts and collective bargaining agreements can be vehicles for advancing equality but remain underdeveloped and poorly enforced. True equality in the Cameroonian workplace requires a holistic approach combining legislative reform, institutional strengthening, judicial modernization, and societal transformation. Only then can the right to non-discrimination in employment become a reality rather than a rhetorical promise. We therefore recommend that; the state of Cameroon should enact comprehensive anti-discrimination legislation covering all protected grounds and employment sectors. Furthermore, the state should mandate anti-discrimination clauses in all employment contracts and CBAs. Additionally, introduce burden-shifting procedures and interim relief measures in cases of discrimination of workers at work place. The state should strengthen the institutional capacity of labour inspectors and courts and Launch public legal education campaigns to empower workers.

⁸⁶ The Labour Code lacks specificity on forms of discrimination and procedural remedies.

⁸⁷ Labour inspection lacks independence, funding, and expertise.

⁸⁸ Most workers are unaware of their rights, and few can afford legal representation.