

Some Reflections on the Regulatory Constraints to Labour Malpractices in Cameroon

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Abstract

The rapid drop in the standard of Fair Labour Practices in the private sector of Cameroon is so disturbing. Generally, the recognition of the basic right of each citizen such as the right to work and the security of employment is of paramount importance to a worker because work brings wages by which workers and their families depend on, work gives dignity and meaning to the life of a worker and make the world economy run accordingly. That is why the Cameroonian labour legislator has made much effort in addressing the situation of workers who have been unlawfully dismissed from work by malicious employers or workers whose basic rights to work and security of employment may be threatened. The aim of this study therefore, is to ascertain the regulatory Constraints to labour malpractices in Cameroon. These Labour malpractices mostly committed by profit conscious employers of Labour in Cameroon are characterized amongst others by; the imposition of standard form contracts on their workers, discrimination in the private sector employment, subjecting workers under unsafe working environment and deplorable conditions of work, wrongful discharge of employment, the practice of divide and conquer style of management, gross violations of workers fundamental human rights, arbitrary variation of substantial terms of employment contracts, the questionable practices of labour inspectors, unreasonable restraint clauses in the private sector employment contracts, non-respect of government-mandated minimum guarantee wage, non-conformity of internal rules and regulations to national standard, wrongful suspension of contract of employment etc. These deviant dispositions of employers of Labour, although contrary to deontology, are so embedded in the Cameroonian Labour market causing private sector workers to remain at the same level from January to December every year of their life. In a bid to attain the overall purpose of this study, this research adopts the qualitative research methodology which involve an in-depth content analysis of both primary and secondary data. Findings, therefore, reveal that despite the regulatory, institutional and policy framework put in place to protect private sector employees against any form of labour malpractices, private sector employees are not adequately protected because of gaps in the labour legislation, conflicting interests, economic impact, low Scholarisation of workers, political impact, ineffective implementation of prevailing regulations, the introduction of powerless staff representatives, laxity on the part of some Labour Inspectors to ensure the respect of labour legislation etc constitutes the basis for the multiplication of gross violation of employment rights in the private sector within the country. This research conclude theoretically that the Cameroon Labour Legislation to an extent, guarantees the protection of private sector employees but practically it effective implementation and enforcement leaves much to be desired. This has necessitated the suggestion of some policy recommendations for the way forward. In this regard, in order to attain an effective regulatory, institutional and policy framework which guarantees the protection of workers against any form of labour malpractices in the private sector, we recommends a review of the 1992 Labour Code to better handle any form of labour malpractices affecting private sector employment in today's era and the Labour Inspectorate being the central state institution charged with the enforcement of employment rights should not only be found seating at the regional and divisional headquarters, they should equally be established in each sub-division in other to take justice nearer to workers who are mostly employed by employers of unskilled labour in the country.

Keywords: Reflections, Regulation, Constraints, Labour Malpractices, Private Sector Workers and Cameroon.

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INTRODUCTION

An employment relationship whether individual or collective is highly dynamic and demands that the employers of Labour in the world of work exercise a high degree of caution. Generally, the concept of an employment relationship in the world of work in today's era is fairly a topical one, which is born from economic realities [1]. By extension, an employment relationship is based on contracts. However, in reality beyond the rights and obligations defined by the state, employment relationships are largely regulated by contract of employment which is the birth certificate of every professional relationship [2].

Employment relationship in the private sector of Cameroon is regulated by Labour law. Labour law can be defined as the body of rules which governs individual and collective relationship between the employers and the employees. For a very long time scholars have regarded a labour relationship as a contract between the worker and the employer whereby the former renders services to the latter and his consideration being his remuneration (cash or kind) paid by the latter. However with the advent of industrialization and rapid growth in population thus causing a large movement of people to the big cities; the supply of labour became excess in demand.

However, the consequence was that the employers became so powerful with the latitude to dismiss workers at any time and to bargain in a superior position leaving the worker with no choice. Job stability was virtually inexistent. This therefore accounts for the reason why the state had to intervene and protect workers' rights. Since the middle of the 19th century, the state through legislative enactments has played a dominant role in labour law by fixing salary scales, regulation of the employment of children and women, conditions of service, hours of work, paid leave, insurance against occupational diseases etc.

In fact the enactment of Law no. 67/LF/6 of June 1967 on the labour code of the Federal Republic of Cameroon and Law no. 74/14 of 27 September 1974 instituting a labour code that harmonized our two systems of laws following the birth of the United Republic of Cameroon was geared mainly towards the protection of the worker. Due to the shortcomings of the 1974 code, Law no. 92/007 of 14 August 1992 on the Labour Code was enacted. This is the main text that governs labour relations alongside many other regulations and ministerial orders established to supplement the provisions of the said Labour Code.

Notwithstanding the above historical consideration for the protection of workers' rights, Labour law in today's era is widely considered to be in crisis, at least by scholars of the field. Labour law is attacked for impeding efficiency, flexibility [3], and development; vilified for reducing employment and for

favouring already well-placed employees over less fortunate ones; and discredited for failing to cover the most common workers and special workers in the private sector [4]. That is, Cameroon has been going through a serious crisis since the early eighties up till date with very disturbing consequences on the right to work and security of employment [5], evidenced by high decline in the job offer in the world of work or labour market and inadequate protection of workers in an employment contracts.

Therefore, acts of labour malpractices against workers in the private sector are to be condemned by states because it is considered to be barbaric and evil. This explains why regulatory, institutional and policy frameworks are tailored to the protection of the rights of workers. In normal times workers protection is very relative [6], and with poor working conditions and strikes being endemic in Cameroon. However, the persistent exploitation of workers and its devastating effects make one to question the protection of the rights of workers under the Cameroonian Labour law.

The Research Problem

The domestic [7], and universal [8], recognition of the basic right of each citizen such as the right to work, the security of employment and social security is of paramount importance to a worker because work brings wages by which workers and their families depend on, work gives dignity and meaning to the life of a worker and make the world economy accordingly. That is, why the Cameroonian labour legislator has made much effort in addressing the situation of workers who have been unlawfully dismissed from work by malicious employers or workers whose basic rights to work and security of employment may be threatened.

However, unjust dismissal and dismissal on economic grounds are problems plaguing employees in the developing countries, especially Cameroon. Unjust dismissal practices on the one hand have put employees in the private sector of Cameroon in a "beggar has no choice" [9], situation as the Labour Code is employer-friendly giving superior powers to the employer. Although section 34 of the Labour Code specifically requires termination to be for cause, the fact that the remedies for unfair dismissal specifically provide only for damages, leaves much to be desired. Redundancy or dismissal on economic grounds on the other hand has been a common reason usually advanced by most employers of labour for terminating the service of their workers. Its subtle nature has pushed employers of labour in the private sector more often than not to raise it as justification for throwing out an unwanted worker, especially in time of difficulties. In reality, the list of circumstances that may lead to redundancy is very elastic. A worker for example has been declared redundant owing to the closure of the employer's office [10].

This argument is further supported by the fact that there exist a number of mechanisms in Cameroon which are in place to ensure the protection of employees against wrongful discharge of contracts of employment, the most eminent of which is the 1992 Labour Code which is the main legislative document regulating employments relations in Cameroon. In addition to the above, Cameroon is a signatory to the ILO Convention on Termination of Employment Contracts [11], which is the main law regulating Termination of employment contracts at the International level.

Furthermore, in spite Government efforts both at the national and international level, unfair dismissal and dismissal base on economic grounds is still on the rise in the private sector of Cameroon. Several reasons account for this prominent of which is the fact that the labour code is employer friendly leaving much to be desired in issues of determination of contracts of employment as it runs in contradictions with ratified treaties. For example, section 34 of the Code gives an upper hand for determination of an employment contract for no cause provided notice is issued contrary to the specification of the ILO Convention No 158 on determination based on valid reasons as stipulated in Article 4.

The right to work which is the foundation of the rights at work [12], has been discussed in only one ILO legal framework [13], Reading from the report of the University of Minnesota on Socio-economic rights [14], one will hold the opinion that the limited recognition of the right to work under ILO legal frameworks is due to its recognition as the main socio-economic right, which is extensively provided for in fundamental human rights instruments such as the UDHR [15], and ICESCR [16].

The overall objective of regulating labour relations is centered on four objectives namely the protection of workers, a guarantee of social peace, the search for a political stability and the search for a balance between workers' protection and the safeguard of the company.

Labour regulatory authorities induce employers of labour to put up their best practices and consider workers protection as one of their top priority [17]. Regulating labour malpractices also ensures that willful labour practices are discouraged. The labour regulator, especially the labour inspector does this by punishing willful labour malpractices. Also, the mechanisms put in place in Cameroon to see to the protection of employees, especially unfair policies of termination lack the adequate instruments and a supervisory body to ensure that they carry out their duties as stipulated by the laws. To this effect, unfair dismissal and dismissal on economic grounds have been a continuous issue affecting the Cameroonian workers as the structures put in place such as the Labour Inspectorate and the Courts to ensure

their protection has failed to effectively take up their responsibilities.

Also, the multiplication of gross violation of the rights of workers in the private sector both at the macro and micro level rests on the fact that the principle of freedom to negotiate employment contracts is violated by most employers of labour in Cameroon. This can be supported by the fact that the nature of employment contract in the private sector is absolutely in the form of a pre-drafted form of contract (standard for contract) or a "take it or leave" situation where the employment relationship is synonymous to that of master-servant relationship where the master is capable of dictating the terms of employment to his servant. This is further compounded by the high rate of unemployment within the country [19].

However, to ensure that the Labour Inspectors carry out their duties effectively, they must be independent and have no interest in the enterprise controlled. The control mission of the Labour Inspector is reinforced by the fact that he can take legal actions against any person who violate Labour legislation, especially when such violations constitute offences punishable by law. Practically, the activity of the Labour Inspector is mostly limited only to registered companies in the private sector of Cameroon. To the effect that unregistered companies in the private sector, especially in private homes hosting most workers are always never inspected. This therefore justifies the maltreatment of workers in the private sector, especially vulnerable workers like women and children who are subjected to forced labour. Furthermore, there seems to be a lot of laxity on the part of some labour inspectors to play their respective roles in order to ensure the respect of labour legislation by employers of labour in the private sector in Cameroon.

The Cameroon labour market is characterized by poor treatment of workers, corruption, *the imposition of standard form contracts on workers, discriminatory practices, subjection of workers under unsafe working environment and deplorable conditions of work, wrongful discharge of employment, practice of divide and conquer style of management, breach of workers' pecuniary rights, arbitrary variation of substantial terms of employment contracts, the questionable practices of labour inspectors, unreasonable restraint clauses in the private sector employment contracts, non-respect of government-mandated minimum guarantee wage, non-conformity of internal rules and regulations to national standard, wrongful suspension of contract of employment etc.*, amongst others.

As a result, employers of labour in the private sector are very much aware of the numerous jobless Cameroonian citizens in the country and as such, will not hesitate to replace workers who do not conform to dictated employment terms or who constantly press on

the employer to respect their fundamental rights at work. Where employers of labour are aware that they can abuse workers fundamental human rights and get away with it, they become unsympathetic and less vigilant in the running of their businesses; this partly explains the repeated cases of gross violations of workers fundamental human rights on an everyday basis across the national territory.

In this regard, the private sector employee is left at the mercy of the employer and these accounts for the multiplication of gross violation of the rights of workers by some employers of labour in the private sector of Cameroon. To further support the above point, gaps in the labour legislation, conflicting interests, economic impact, low Scholarisation of workers, political impact, ineffective implementation of prevailing regulations, the introduction of powerless staff representatives, laxity on the part of some Labour Inspectors to ensure the respect of labour legislation etc, constitutes the basis for the multiplication of gross violation of employment rights in the private sector within the country.

Challenges to the Effective Regulation of Labour Malpractices in Cameroon

Law is only law when it serves as a defense on the side of justice and equity to the society. Notwithstanding, a law can only achieve its goals if it is properly implemented. However, in Cameroon certain statutory reforms are always difficult to implement. That is, one of the major problems in Cameroon has always been and still remains till date the problem of effective implementation and enforcement of their laws at all level.

Judicial Shortcoming

As far as the enforcement of labour legislation is concern in Cameroon, there are no courts in Cameroon which is specialized in labour cases, so labour cases are being heard by the ordinary law courts where labour litigation benches are created. That is, Judges charged with the task of hearing labour disputes for instance, are generalists who hardly have a mastery of labour law and industrial litigation. The tendency is lack of specialization on the part of the judiciary personnel. That is, why the composition of the court in labour cases always include labour assessors [19]. A serious setback here is that since the procedure is free of charge, most assessors do not attend court. Besides, section 154 of the labour code is silent as regards where to lodge appeals against a labour trial court decisions. This situation creates confusion in the minds of potential appellants, who risks having their appeals dismissed for failure to observe due process.

Furthermore, some of the workers lack the means to go to court, even when the procedure is free. A worker who lives far off from the court may lack a means of transportation. Some judicial personnel become impartial at times because they are influences by the

employers who are economically well placed. Even the worker has to hire a lawyer which is not always easy.

Ineffective Implementation of Prevailing Regulations

There exist several pieces of legislation [20], regulating labour malpractice in Cameroon; however, it is frustrating that these pieces of legislation are not totally implemented. That has been the case with certain provisions of the Cameroon 1992 Labour Code. That is, the gross violations of private sector workers fundamental rights in the country points to this.

The Introduction of Powerless Staff Representatives

Section 128 of the 1992 Labour Code has vested the essential duty of the protection of workers interest on the staff representatives. The functions of the staff representatives amongst others [21], is refer to the employer any individual or collective demands in respect of conditions of employment, workers protection, the application of collective agreements, classification of occupations and wage rates which have not been directly acceded. However, despite these functions of the staff representatives, they act more or less as complaint channels without the necessary capacity to negotiate properly for better employment conditions. This is compounded as they are bankrolled by the employers; as such they are likely to work more in their interest rather than in the interest of workers whom they represent, thereby jeopardizing their independence and weakening the position of workers whom they are supposed to be protecting [22].

To further aggravate the situation of workers in the country, there exist establishments without staff representatives [23], and even in those establishments that they exist; most of them are elected following strong recommendations from the employers [24], knowing that if their favorite candidates are elected their interests rather than those of the workers will be protected. At times failing to defend the employer's interest as workers representative, may even lead to dismissal. A case in point is that of Abubakar Mohao [25], whom after a series of negotiations and recommendations with the management of Source du Pay S.A. on the improvement of workers conditions in the company, he was dismissed for notoriously pressuring the management and attempting to engage his colleagues in an industrial action.

Laxity on the Part of Some Labour Inspectors to Ensure the Respect of Labour Legislation

Generally, the Labour Inspector in Cameroon has a very wide scope, covering almost all aspects of recruitment and employment. Even though a wide coverage of labour inspection is to the advantage of workers, but too wide coverage is not good for effective enforcement of the rights of workers in the private sector. This can be seen from the International Labour Organization's (ILO) Labour Inspection Convention No. 81, which provides that:

The functions of the system of Labour inspection shall be: (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors [26].

In accordance with the above Convention, cases of labour inspection are limited basically to fundamental working conditions and do not include cases such as entering into employment contracts, working rules, termination of employment contracts in the advent of emerging challenges, and the like. Therefore the scope of labour inspection should not be expanded indefinitely, but should be limited mainly to working hours, wages, safety, health, employment of children and young persons, and other matters relating to the basic workers' rights and personal interests of workers in the private sector, especially in the advent of emerging challenges.

Three main reasons explain why the scope of labour inspection in Cameroon should be limited and not too wide. Firstly, because of the limited number of administrative personnel as compared to the number of powerful employers and workers in the private sector in Cameroon, wide coverage of labour inspection is apparently more than administrative organs can cope with. Secondly, laws in many countries have provided for other procedures through which workers can also settle labour disputes with their employers [27]. Thirdly, some cases are beyond the capacity of the labour administrative agency. For example, in cases of employment termination, both employer and the worker are required to produce evidence so as to determine whether termination of a labour contract is justifiable [28].

In addition, these complex cases also involve difficult calculation of economic compensation and damages, which are better dealt with by judicial organs than labour administrative organs. Moreover, cases of employment termination are very large in number, whether in Cameroon or out of the country. Letting labour administrative departments handle these cases would greatly increase their workload [29]. Given that, Cameroon should appropriately reduce the coverage of labour inspection. For example cases of termination of labour contracts should not be handled through labour inspection. Other types of case where it is difficult to judge whether the employer has violated the law or not and the remedy to the injured party is complex should not be handled by labour inspectors. These kinds of cases should be handled by arbitration commissions or courts, which offer more formal procedures for disputants.

Basically, the activity of the Labour Inspector is mostly limited only to registered companies to the effect

that unregistered companies and even private homes hosting most domestic workers are always never inspected. This justifies the maltreatment of workers in the private sector amongst whom, are vulnerable workers such as female, young, disabled, migrant and elderly workers. Evidence abound attesting to the gross violation of labour legislations in the private sector of Cameroon, showing total negligence on the part of Labour Inspector to take actions against some unscrupulous employers. The evidence collected by horizon femmes, indicates that most Labour Inspectors in Cameroon are corrupt and impartial, which remains an impediment to increased effectiveness in anti-labour law enforcement efforts.

Equally, the labour inspectors who are the main state's agent in the enforcement of employment rights in the country, remains ineffective in the execution of their functions. These labour inspectors are based at the regional and divisional levels and mostly visit only those enterprises that are registered, meaning unregistered enterprises are hardly visited and most workplaces at the micro levels are hardly visited. This justifies the constant gross violation of employment rights in the private sector, especially in private homes (the case of workers). This is compounded by the fact that, labour inspectorates are insufficient and lack the necessary human resources and transportation means.

There is usually the problem of insufficient labour inspection personnel for the enforcement of the rights of workers in the private sector in the advent of emerging challenges in Cameroon. It is of new deal that, many do light work, so too the high numbers of working personnel can steadfastly fight for the enforcement of workers' rights in the private sector in the advent of emerging challenges in Cameroon as a whole. The number of labour inspectors is sadly inadequate as compared to the huge numbers of private enterprises, and their workers in Cameroon. With this problems of insufficient inspectors personnel, the task is too cumbersome and cannot be effectively carried out compared on how there would have been so many labour inspector personnel [30].

As a result of the limited numbers of labour inspection organs and personnel, labour inspection in Cameroon mainly takes the form of passive inspection, namely inspections carried out upon receipt of a complaint. The number of labour inspections carried out by labour inspection organs at their own initiative is relatively small, which might affect the effectiveness of labour inspection [31]. As a matter of fact, because of excessive reliance by labour inspection on complaints by workers, some workers whose rights are infringed upon but who are unable or find it difficult to file a complaint for example, workers with a low educational level are often unable to obtain a remedy from the labour administrative organs.

However, with limited human and financial resources, coupled with the lack of adequate means of transportation, most of these Labour Inspectors seldom cover their entire jurisdiction. Some labour inspectors are influenced or corrupted by powerful employers of labour to have a blind eye on the infringement of legislation by the employers. This justifies the conclusion that most violations of workers' rights in the private sector of Cameroon unnoticed.

Weaknesses of Arbitration as a Means of Enforcement of Workers Fundamental Right

The arbitration of collective disputes in Cameroon is a curse to workers rather than a blessing. This is because the procedure for arbitration has debilitating dilatory schemes into them. Admittedly, the procedures alternately seek to achieve an arbitration award pursuant to section 161 (1) of the labour code. Where however this happens, the aggrieved workers may not be in a position to still enjoy the practical benefits of this award because of the possibility of delay that are contained in section 164 (1) of the labour code. In classical arbitration, there is the possibility for appeal against an unsatisfactory award. This possibility is missing in the arbitration of labour disputes in Cameroon. The Labour Code is silent on the issue.

Weaknesses of Conciliation as a Means of Resolving Labour Dispute

The procedure for conciliation in Cameroon is plagued by certain shortcomings which render it an unsuitable route for labour dispute resolution. He or she has to be chosen by the parties' themselves [32]. More so, the practice of appointing persons trained at National School of Administration and Magistracy as labour administrators to the function of labour inspector is a serious threat to the fairness and impartiality of the conciliator in labour actions. This is because in a situation where such a person is faced with a dispute where the executive arm of government that appointed him has interest, his or her impartiality, fairness and neutrality in arriving at a proper settlement will be questionable. Where conciliation attempt fails, the labour inspector is expected to address a statement of non-conciliation to the president of the competent court signed by him and a copy given to the parties so that the most diligent party can commence his case before the labour court. However, practice has shown that labour inspectors do not respect this obligation. The worker had no choice than to compel him by a writ of mandamus to issue it.

Economic Control

Certain provisions of the Cameroon 1992 Labour code relating to the fundamental rights and freedoms of workers do not achieve their goals because of economic impact. Cameroon presently is experiencing serious economic crises and so employers of labour in the private sector willingly fail to observe certain obligations imposed on them. That is, the obligation to

set up a health service in the enterprise, for instance is still consider thing to most employers of labour in the private sector to implement. Proving healthcare to private sector workers is still a myth.

The fact that unemployment is still alarming in Cameroon and most private sector workers submit to certain conditions just to for the sake of making ends meet. Employers of labour in the private sector have been taking advantage of this situation to threaten to sack any worker who attempts to claim his fundamental rights. Thus, there is a policy of "complain and stay". Hence, there can never be equality of treatment of workers in an environment of increasing unemployment. "There is no equality of law before inequality of fact".

Low Scholarisation of most Private Sector Workers

Low Scholarisation of most workers, especially most private sector workers is very high in Cameroon and most workers do not know their rights. The 1992 labour code has given the workers trade unions the opportunity for training their members but this is not often the situation. As a matter of fact, section 18 of the 1992 labour code provides that trade unions can "establish, administer or make grants to institutions serving to trade or occupation such as provident schemes, solidarity funds, laboratories, and experimental farming stations, schemes for scientific, agricultural or social education, courses and publications in matters concerning the trade or occupation". Education and training constitute a fundamental tool in enforcing workers fundamental rights at places of work.

Political Control

Generally, Cameroon is a country with one ruling party called the CPDM and freedom of trade union activities are always very suspicious because any form of gathering in Cameroon even by trade union is perceived as political oppositions. That is, the reason why there is no progress in trade union activities in Cameroon. As a matter of fact, the right to strike which is a fundamental right of the workers under the Cameroon Constitution of 18 January 1996 are restricted. Cases have been rendered worse by the enactment of the 2014 law on the suppression and punishment of terrorism, which indirectly prohibit workers from protesting.

CONCLUSION AND WAY FORWARD

This paper has attempted to examine some of the regulatory constraints to labour malpractices in Cameroon. The paper also argue that employers of labour in the private sector of Cameroon are so powerful that, they are able to abuse workers fundamental rights and get away with it. That is, the Cameroon labour market has become lion dens where only financial expertise can liberate workers. Government assistance to private sector workers is not felt. Findings, therefore, reveal that despite the regulatory, institutional and policy framework put in place to protect private sector employees against any form of labour malpractices,

private sector employees are not adequately protected because of gaps in the labour legislation, conflicting interests, economic control, low Scholarisation of workers, political control, ineffective implementation of prevailing regulations, the introduction of powerless staff representatives, laxity on the part of some Labour Inspectors to ensure the respect of labour legislation etc constitutes the basis for the multiplication of gross violation of employment rights in the private sector within the country.

This research conclude theoretically that the Cameroon Labour Legislation to an extent, guarantees the protection of private sector employees but practically it effective implementation and enforcement leaves much to be desired. This has necessitated the suggestion of some policy recommendations for the way forward. In this regard, in order to attain an effective regulatory, institutional and policy framework which guarantees the protection of workers against any form of labour malpractices in the private sector, we recommends a review of the 1992 Labour Code to better handle any form of labour malpractices affecting private sector employment in today's era and the Labour Inspectorate being the central state institution charged with the enforcement of employment rights should not only be found seating at the regional and divisional headquarters, they should equally be established in each sub-division in other to take justice nearer to workers who are mostly employed by employers of unskilled labour in the country.

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7. See generally the preamble of the 1996 Cameroon constitution and specifically section 2 (2) of the 1992 Cameroon Labour Code.
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9. Izuchukwu, M. A. (2014). "Termination of Contract of Employment: *Applicability of the International Labour Organization Standards on Unfair Dismissal in Nigeria*."
10. See the case of *John Anaglo v. Aglp Cameroon S.A*, Suit No WC/11A/69H.C.
11. Convention No 158 of 1982, on the Termination of Contracts of Employment.
12. Which include all other labour rights such as the right to pay, the right to rest and leisure, the right to health and safety at work etc.
13. ILO Convention 122 on Employment Policy, 1964. This Convention entered into force on the 15th of July 1966.
14. University of Minnesota Circle of rights: Economic, Social and Cultural Rights Activism, *University of Minnesota Human Resource Center*, 2005, 3.
15. See article 23.
16. See article 6(1).
17. This usually goes with saying that if you want your business to be protected you must treat your employees well.
18. A Survey of Employment and the Informal Sector. (2010). (EES) by the National Institute of Statistics revealed an unemployment rate of 3.8% based on International Labour Organization Standards. *The study identified underemployment as a real policy challenge for employment policy makers in Cameroon, with rates of 12.3% and 63.7% respectively for visible and invisible underemployment.*
19. See Law no. 2011/027 of 11 April 2011 on Judicial Organization and section 133 of the 1992, labour code.
20. Law no.92/007 of 14 August 1992 on Cameroon's Labour Code, Law no. 77/11 of 13 July 1977 relating to the compensation for industrial accidents and occupational diseases, Law no. 68/LF/18 of 18 November 1968 to organize the prevention of occupational accidents and diseases, Law no. 96/06 of 18th January 1996, establishing the Cameroonian Constitution etc.
21. (b) to refer to the Labour Inspectorate any complaint or claim in respect of the application of the laws and regulations which the said inspectorate is responsible for enforcing; (c) to ensure that the rules relating to the hygiene and safety of workers and to social insurance are observed, and to recommend any necessary action in these matters; (d) to submit to the employer any useful suggestions for improving the organization and output of the enterprise.
22. The standard permitted in international law is trade unionism.
23. Such as in the STEM Higher Institute of Health and Business, interview with Mr. x an instructor at STEM Higher Institute of Health and Business at Ndobon-Bonaberi Douala (3/8/2020).
24. This is the case of Source du Pays S. A. where prior before the election of the staff delegate, the

management usually communicate it workers on his preference of a certain candidate. Interview with Mr. x a worker with Source du Pays S.A., Mile 29 4/3/2020. With this communication, likely, the workers will normally yield to the aspiration of the management since as they will normally wish to secure their employment which can be unilaterally terminated by the management for want of non-compliance with instructions. With this kind of difficulties, it can be difficult for workers' rights to collective bargaining to be enforced by their representatives since as they themselves are subservient to management.

25. Workers delegate at Source du pays as he then was. He was dismissed in August 2018 for pressuring the management to improve on the degrading working conditions in the company such as increase in salary, the provision of risk allowances, increase leave period from 21 day to 1 month, improvement in industrial hygiene and safety; which to him because of inadequacy in this facility, a filer machine chop off the fingers of Aziah Derrick in June 2018 who was a filer machine operator in the above mentioned company. This is contrary to the provision of section 130 of the Labour code, which out rightly prohibits the dismissal of a staff representative without the prior consent of the labour inspector; as such dismissal will normally lead to a reinstatement,

though to this researcher such a reinstatement is synonymous to forcing a willing servant to an unwilling master.

26. Article 3(1) of the Labour Inspection Convention No. 81
27. Xie, Z. (2010). "Studies on the power of labour administrative organs to order employers to undertake civil responsibilities", *Contemporary Law Review*, 3, 111-117.
28. Article 3(1) of the Labour Inspection Convention No. 81.
29. Termination of Employment Convention, 1982 (Ratified on the 13 May 1988) and Circular letter No.05/MTPS of 1st August 1995 on voluntary termination of employment.
30. For example, among the labour disputes dealt with by the Labour Dispute Arbitration Commission of Beijing in 2012, 31 % were related to employment termination.
31. Ebude, E. (2017). "The protection of the rights of female workers: *Case study of the Divisional Delegation of Labour and Social Security Dschang*", UDS, FSJP, Master's Dissertation, 45.
32. Ginna, V. Y. (2019). "An Appraisal of the Sources of Labour Disputes and the Bodies Responsible for its Resolution in Cameroon", unpublished PHD thesis, FSJP, UDS, 208.