

## **NATIONAL LEGAL AND POLICY FRAMEWORK**

### **1- What about the legal provisions and policy frameworks in your country that reconfigure the right to work and access to the labour market for older people**

- Article 2(2) of the Labour Code states that "Work is a national right for every adult and valid citizen".

- The Constitution of 2 June 1972 as amended by the law of 18 January 1996. Admittedly, it does not contain enough references directly relevant to labour law. However, it may be noted that in its preamble it affirms the right to work in the following terms: "Everyone has the right and duty to work", freedom of association and the right to strike, in addition to other principles such as freedom of opinion and expression and the right to physical integrity, which may also concern the worker

- The African Charter on Human and Peoples' Rights can complement the constitutional arsenal, because it adds to the right to work the right to equal pay for equal work.

- Act No. 92/07 of 14 August 1992 on the Labour Code provides in its preamble

Article 2 (1) "The right to work is recognized as a fundamental right of every citizen. The State must do everything in its power to help him find a job and keep it when he has obtained it. Following the same article al (2) "Work is a national right for every adult and valid citizen".

- The Constitution of Cameroon proclaims that human beings, without distinction of race, religion, sex or creed, have inalienable and sacred rights. It refers to these rights through various principles, including the right to work in the following terms: "Everyone has the right and duty to work".

### **2- What are the challenges faced by older people in realizing their right to work and access to the labour market in your country?**

- Marginalization in society

- As they age, they increasingly experience a weakening of their physiological functions

- They often bear the brunt, from the younger generations who are favoured in the world of work

**3- What statistical data and research is available on older persons working in the informal sector, especially older women, including their working conditions and economic value?**

We observe that the socio-economic situation of older people depends on several factors (environmental, political, legal, institutional, socio-economic and cultural). These factors can interact with each other, and influence the living conditions of older people.

- The informal sector.....

**AVAILABILITY, ACCESSIBILITY, ACCEPTABILITY AND EQUALITY**

**4- What measures have been taken to ensure access to the labour market for older persons, including physical accessibility, access to information on employment opportunities, training and appropriate workplace accommodation?**

Older persons participated in the development of the National Policy for the Protection and Promotion of Older Persons. This involvement has resulted in raids in the ten (10) regions carried out by the Ministry of Social Affairs on the elderly to gather their needs and expectations. Since its establishment in 2004, the National Commission on Human Rights and Freedoms has been raising awareness among the population and public and private organizations of the need to respect human rights, including the rights of older persons.

The Ministry of Social Affairs (MINAS), which includes a whole Department of Social Protection for Disabled and Elderly Persons, is responsible for providing social assistance to the elderly. Public institutions such as the Caisse Nationale de Prévoyance Sociale (CNPS) and the Office National des Anciens Combattants, Anciens Militaires et Victimes de Guerre du Cameroun (ONACAM) also provide them with social benefits.

Finally, structures for the care of the elderly have been set up. They provide shelter, shelter, material, moral and educational assistance to the elderly.

**5- What measures have been taken to ensure the availability of specialized services to help and support older people to identify and find employment?**

We can quote here,

- Social services and local social security centres,
- Geriatric services in public hospitals,
- Opening of training courses for qualified personnel in the fields of geriatrics, gerontology and andragogy.

**6- What good practices are available to guarantee older people the enjoyment of their right to work and their access to the labour market?**

The major step is the implementation of Universal Health Coverage by the Cameroonian government through its Ministry of Public Health. According to the World Health Organization, this strategy is to ensure equitable access for all individuals, according to their needs, to comprehensive health services such as prevention, cure, palliative care, rehabilitation, promotion and quality, without the risk of poverty.

**7- What protections are available to ensure fair and favourable working conditions for older persons, including fair wages and equal remuneration for work of equal value, safe working conditions, in both the formal and informal sectors?**

Cameroonian social law includes a set of texts organizing the social protection of elderly persons entitled to claim their right to retirement, in particular: Act No. 69/LF/18 of 10 November 1969 establishing a system of old-age, disability and death pension insurance, as

amended by Act No. 84 /007 of 4 July 1984 or Decree No. 77/495 of 7 October 1994 on the general status of the civil service, which organizes the State pension scheme for retired public servants. Finally, under Act No. 90/53 of 19 December 1990 on freedom of association in Cameroon and Act No. 99/014 of 22 December 1999 regulating NGOs.

## **EQUALITY AND NON DISCRIMINATION**

**8- In your country, is age one of the prohibited grounds for discrimination in employment and access to the labour market, including at an older age?**

## **REMEDIES AND REDRESS**

**9- What mechanisms are necessary or already in place for older people to file complaints and seek redress in the event of a denial of their right to work and access to the labour market?**

The preamble to Cameroon's constitution instructs us that "The law ensures that all men have the right to justice"

The Labour Code on labour differs from labour in its article 131, which states that "Individual disputes that may arise in connection with the employment contract between workers and employers and the apprenticeship contract shall fall within the jurisdiction of the courts ruling in social matters in accordance with the legislation on judicial organisation. "The competent court is in principle the one of the place of work. However, it shall remain open to a worker who no longer resides in the place where he or she performed an employment contract to bring any dispute arising from the termination of the contract, either before the court for the place of work or before the court for his or her residence, provided that both are located in Cameroon".

Generally speaking, there is not really a legal framework that protects the rights of elderly people in Cameroon, so when they are faced with a dispute they are subject to the same working rules as other employees. Nevertheless, when a person in general is in dispute with his

employer, the problem is first resolved internally with the Staff Representative, and if he does not have conciliation at company level, the labour inspector is called upon to be responsible for conciliation or mediation in the event that conciliation or arbitration does not work, it would be possible to have recourse to the tribunal de Grande instance in social matters.

In particular, to collect the concerns of older people about their rights to social security and social protection, we have:

- the Ministry of Social Affairs (its local social services operating in the districts and other basic units (hospitals, police stations, courts, schools, prisons),
- the Ministry of Public Health,
- the National Commission on Human Rights and Freedoms,
- the National Social Protection Fund (CNPS),
- courts of first instance and courts