

# LABOUR NEWSLETTER

## // Angola

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### PODCAST

#### EMPLOYMENT MATTERS

Episode 634: The Ratification of the Maritime Labour Convention (MLC) and Its Implications in the Angolan Legal System

## OPINION

### NEW GENERAL LABOUR LAW AND THE WORKING HOURS EXEMPTION REGIME

#### Exemption from Working Hours – its (un)constitutionality

The new General Labor Law (“NLGT”) introduced significant changes, including to the working hours exemption regime. However, these raise substantial concerns as to their constitutionality and impact on employees’ rights. Although the regime sets limits on the average duration of work, the absence of a clear obligation for additional remuneration for workers subject to this regime raises serious concerns.

The central problem lies in the fact that, even with the limits set, the lack of obligatory additional remuneration opens up loopholes for abusive labor practices whereby employers can demand longer working hours than the normal average without offering any compensation. This situation can quickly turn into a form of free labor, disregarding the principle of fair remuneration for work done.

This scenario is particularly worrying in the context of Angola’s constitution, which guarantees employees the right to fair and favorable working conditions. Article 76 of the Angolan Constitution guarantees fair pay, a principle that is clearly violated when an employee works beyond normal hours without receiving additional pay. The use of the working hours exemption scheme, as it stands, can be seen as a way of avoiding the payment of overtime, constituting fraud against the law.

In this context, it is imperative that Article 157(1) of the NLGT is reformulated to reintroduce the obligation to pay additional remuneration as it existed previously. Until this happens, companies

must maintain the practice of remunerating the employees subject to this regime on a suitable basis. In this way, not only will they be acting in accordance with constitutional principles, but they will also be promoting a fairer and more balanced working environment and avoiding possible conflicts.

## LEGAL HIGHLIGHT

### NEW REGULATIONS ON OCCUPATIONAL HEALTH AND SAFETY SERVICES

By Presidential Decree No. 179/24 of 1 August, the Regulations on Health, Environment and Safety (“HSE”) were approved. It regulates HSE services, occupational medical examinations and employment fitness certificates. It is applicable to all companies and organizations covered by the NLGT.

The purpose of the new statute is to establish a set of rules and procedures designed to guarantee implementation of HSE rules in the workplace. To do so, the employer must set up HSE services and adopt the form of either internal, inter-company or external services, by applying for an authorization or registration with the General Inspectorate of Labour.

Medical examinations are compulsory before employees are hired or, in urgent cases, within 15 working days of being hired, to check their physical and mental fitness for the job.

Periodic examinations are also mandatory to monitor workers’ health and detect possible occupational diseases.

There are also additional examinations in specific situations, such as when an employee returns to work, changes job position or resigns. The latter must be carried out within 10 working days of the end of the employment contract.

The employment fitness certificates must be issued by occupational doctors after medical examinations have been carried out and must indicate the employee’s fitness or non-fitness to perform the specific function, as well as indicating any possible restriction or adaptation necessary for the worker to perform his duties safely. The certificates must be issued according to an official form.

The Regulations also provide for fines in the event of non-compliance with the regulations, which can range from 10 to 150 national minimum wages.

The new regime came into force on the day of its gazetting. Companies providing HSE services that have registration and licensing applications still pending have 15 days to adapt their authorization requests to the new legal requirements.

## LEGAL NEWS

- **Law no. 16/24, of 22 October** – On the National Vocational Training System. – Repeals all legislation that contradicts the provisions of this Law.
- **Executive Decree no. 179/24 of October 10** – Approves the Regulation for the Procedure and Requirement for Authorization to Practice Wages Below the Amount of the National Minimum Wage. – Repeals all legislation that contradicts the provisions of this Decree.
- **Resolution no. 108/24, of 23 September** – Approves for Ratification the Adhesion of the Republic of Angola to the Maritime Labor Convention – MLC aimed at promoting the implementation of International Labour Standards.
- **Presidential Decree no. 179/24, of 1 August** – Approves the Regulation on Licensing for the Exercise of Occupational

Safety, Hygiene and Health Services – Repeals all legislation that contradicts the provisions of this Decree.

- **Executive Decree No. 5/24, of 10 June** – Approves the terms and management model of Angola’s National Employment Fund.
- **Presidential Decree No. 112/24, of 17 May** – Establishes the procedures to be observed in the Recruitment and Selection of Candidates in the Public Administration – Repeals Presidential Decree no. 102/11, of May 23, Decree no. 6/08, of April 10, and other legislation that contradicts the provisions of this Decree.
- **Presidential Decree No. 94/24, of 19 April** – Approves the addition of articles 2.º-A, 2.º-B and 2.º-C to Presidential Decree no. 46/24, of February 1, which approves the adjustment of the basic salaries of civil service staff.
- **Law No. 2/24, of 19 March** – Approves the Labour Procedure Code. Repeals all legislation that contradicts the provisions of this Law, namely Law No. 23/91, of 15 June – Strike Law, insofar as it contradicts this Code, Law No. 22-B/92, of 9 September – Law Extinguishing Labour Justice Bodies, Law No. 9/81, of 2 November – Labour Justice Law, Resolution No. 12/81, of 7 November – on Social Security and Accidents at Work, Joint Executive Decree No. 3/82, of 7 November – on Social Security and Accidents at Work, Joint Executive Decree No. 3/82, of 7 November – on Social Security and Accidents at Work. No. 12/81, of 7 November – on Social Security and Accidents at Work, Joint Executive Decree No. 3/82 of 11 January – approving the Regulation of the Labour Justice Law, and Decree-Law No. 45 497 of 30 December 1963 – approving the Labour Procedure Code.

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