



Governing Body

340th Session, Geneva, October–November 2020

Institutional Section

INS

Date: 30 October 2020

Original: English

Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Second report: Representation alleging non-observance by Cameroon of the Right of Association (Agriculture) Convention, 1921 (No. 11), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Termination of Employment Convention, 1982 (No. 158)

1. By a communication dated 3 July 2019, Fon Kum Gilbert Consulting, on behalf of the former CTE/Tole-Tea Estate Workers Association, made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Cameroon of the Right of Association (Agriculture) Convention, 1921 (No. 11), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Termination of Employment Convention, 1982 (No. 158). A summary of the representation is contained in the appendix.
2. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Cameroon accordingly.

3. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body who, according to paragraph 3 of the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in the present case:
- (a) the representation was communicated to the International Labour Office in writing;
 - (b) it does not emanate from an industrial association of workers: the power of attorney delivered to the author of the representation on 7 May 2018 is signed by five individual workers not being qualified to represent any workers' organization. As a result, Fon Kum Gilbert Consulting does not have any status to engage with ILO bodies;
 - (c) it makes specific reference to article 24 of the ILO Constitution;
 - (d) it concerns a Member of the Organization;
 - (e) it refers to Conventions to which the Member against which the representation is made is a party;¹
 - (f) it indicates in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Conventions.
4. Taking into account the above conditions, the Officers of the Governing Body consider that the representation is not receivable in terms of article 2(2) of the Standing Orders. According to article 2(4) of the Standing Orders, the Governing Body, in reaching a decision on the receivability of the representation, on the basis of the report of its Officers, shall not enter into discussion of the substance of the representation.

► Draft decision

5. **In the light of the information contained in document GB.340/INS/19/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.**

¹ Cameroon ratified Conventions Nos 11 and 87 in 1960, Convention No. 98 in 1962, and Conventions Nos 111 and 158 in 1988.

► Appendix

Summary of the representation

In its communication dated 3 July 2019, the complainant alleges that, following a privatization process in 2002, the Government decided to illegally terminate the employment relationship of 735 former Cameroon Tea Estate (CTE)/Tole-Tea Estate Workers without any prior consultation and motivated written dismissal decision, in violation of the Termination of Employment Convention, 1982 (No. 158). The Cameroon Development Corporation (CDC) had originally employed these workers for 35 years.

Despite long strike actions in 2006 and 2011 in order to receive adequate compensation and an agreement reached in 2012 to pay these workers 36 months each of their former salaries, it is alleged that no payment has been made to any of them. The complainant also denounces interference from the Minister of Labour and Social Security who dissuaded the workers involved from seeking redress before the Courts, as well as delaying tactics regarding the registration of the CTE/Tole-Tea Estate Workers Association, in violation of the Right of Association (Agriculture) Convention, 1921 (No. 11) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Additional allegations refer to the lack of genuine collective bargaining mechanisms, which are replaced by “Ad hoc Committees” mostly constituted by members of the ruling political party.

The complainant finally considers that the dramatic situation of the former CTE/Tole-Tea Estate Workers and their families is significant of a discriminatory policy against citizens of Anglophone extraction in the North-West and South-West Regions of Cameroon, in violation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).