

# Remuneration in Congolese Labor Law

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**Abstract:** *Remuneration refers to all forms of financial return, tangible service and social misery that employees receive in an employment relationship. By showing its importance through the basic salary, the counter-value of housing and family allowances, the article raises the danger of its insufficiency and advocates the policy of remuneration, through the aforementioned headings, equitable.*

**Keywords:** remuneration, basic salary, equivalent value of housing, family allowance.

## 1. Introduction

Law No. 16/010 of July 15, 2016 amending and supplementing Act No. 0015-2002 on the Congolese Labor Code (2016), defines remuneration as a sum representative of all gains likely to be valued in cash and fixed by an agreement or by the legal or regulatory provisions which are due under an employment contract, by an employer to a worker.

Congolese labor law, in terms of remuneration, specifies the time and place of payment, the currency, the bulletin, the pay book. It determines how to pay for night work, pay in case of illness or accident. Payroll takes into account actual working time. It takes advantage of benefits, overtime, annual leave, housing, transportation, family allowances, gratuity, miscellaneous bonuses, medical care...

Of all these items, we retain the basic salary, the equivalent value of housing and family allowances. They interest us in that they are the main concerns or sources of concern related to the daily life of the professional population. If one is missing, the resulting difficulties, for the employee, can lead him to switch to precariousness and exclusion. All the three can help the remuneration to cover the basic needs of the employee as well as those of his family. They value, if they are respected, the employee and the trade he carries out. They create quality work. They reduce absences and departures and, as Van Denberghe says, quoted by C. Lemoine (2003), retain the staff. Compensation mobilizes the psychological dimensions of the employee to increase the performance of the company. It facilitates collaboration; the good understanding goes hand in hand with the level of cohesion of the company.

We have observed, because of non-compliance with these sections or one of them, that the Congolese employee, as well of the civil service as of the commercial or industrial companies, complains. He growls. His self-esteem is tainted, employment relations are deteriorating, the working climate is less secure, the desire to progress professionally suffers ... so much so that the social order is virtually compromised. Employment is less advantageous. The quality of work is deteriorating. Creativity and innovation are neglected. Relationship problems follow. The employee does not identify, psychologically, with his work and, even less, with his company. In the employee, we observe rudeness, hostility, aggression, rudeness and even incivility. He does

not cooperate so much, does not feel part of the company. C. Levy - Leboyer et al. (2003) talk about dissatisfactions, disagreements and loss of control over one's own work. His thoughts become twisted, harmful emotions; emotional instability sets in with overflowing risks. He does not take a liking to work. Therefore, J.R. Schermerhorn et al. (2010) cite the high rate of staff turnover, delays, absenteeism, physical and mental health problems, the inability to fix one's attention and the feeling of emptiness in the head.

It is not excluded that these disconcerting behaviors, with serious consequences for the employee and the company, are due, in part, to unfair compensation. In other words, we say that it is very likely that the employee, based on the conditions of obstruction and more or less chaotic practices of remuneration which, through the basic salary, the equivalent value housing and family allowances, is not enough, shows inappropriate or atypical actions and gestures.

That is why, for this drafting, we ask the following question: what is the situation of the remuneration through the base salary, the equivalent value of housing and the family allowances on the ground under Congolese labor law?

## 2. Compensation through basic salary

Basic wages, say A. Beitone et al. (2007), are work incomes that form the bulk of households' gross primary income. This definition suggests the political and socio-economic dimension of the basic wage. Indeed, it constitutes a fundamental instrument in the integration of the person in the city. The nature of the basic salary is often related to its purpose that of meeting the food needs of the employee and members of his family. For this purpose, the basic salary must therefore have purchasing power; that is, goods and services that an economic agent can obtain in the market through its base salary. This explanation goes with what J.-M. Peretti (2008) thinks of the salary when he says that it is the essential element of the remuneration, since it serves as reference for the calculation of the other services.

In our country, the basic salary exists and comes regularly. However, there were no general increases or categorical adjustments. It does not, therefore, cover the needs to be met according to the mission assigned to it. Because of its inadequacy and lack of fairness, employees believe that it

has been arbitrarily set and does not take into account qualifications or seniority.

It is, in principle, the benchmark of the stable remuneration paid to be used as a basis for the calculation of other headings of the remuneration. In remuneration, the basic salary of the agents, which is essential for the income and fundamental instrument of the integration of the employee, is not real. It does not take into account, as a priority, the purchasing power. It is not able, in itself, to deal with the market.

### 3. Remuneration through the equivalent value of housing

Workers should, in principle, be accommodated or have compensatory allowances taking into account the functions held and the composition of the families.

In the field, we observed that the equivalent value of housing is paid and comes regularly although it does not correspond to the social reality experienced by the employee, because not fair. Most workers are tenants. They occupy homes that lack adequate shower and sanitary facilities. Occupied space does not provide enough comfortable security.

In Likasi, housing prices rose by an average of 20% in 2017, making it difficult for poor families to own property. More than four out of ten dwellings occupied by workers are without running water and electricity. The working class is not generally well housed. Since housing costs are a burden on purchasing power, the ideal is for the partners concerned to help the employees to find accommodation. They must make housing for the working population a protection and a lever to not only support the purchasing power and consumption of their households, but also to be a powerful factor of economic development.

The counter-value of housing is an amount that intends to guarantee a healthy and decent existence and ensures a certain comfort. It is, for most of the workers, a significant burden in the household budget. A significant and significant number of workers are tenants in homes that do not offer a hospitality perspective. They also do not benefit from the protection provided by housing, especially since they live in stigmatized neighborhoods.

Housing has become, indeed, a significant burden in the household budget. It is a reflection of a lack of income and is the deterioration of the relationship to employment. The rental charge represents, in 2017, up to forty percent of income. This cost greatly reduces the purchasing power, even generating essential deprivations of the household. This housing weakens the professional populations and their families. It becomes, therefore, a precarious factor. There is therefore a gap between the housing conditions desired by the households of the employees and the actual ones. Agents do not know how to achieve what they think is a minimum degree of comfort compared to housing.

### 4. Compensation through family allowances

Family allowances are a sum of money paid each month to the working parent to subsidize the needs of their children. They are legal and, says Chr. Van Lierde (Nd), concern children who do not exercise any professional activity (up to 18 years old), who are still at school (up to 25 years old) and who are unable to engage in gainful employment as a result of disability. Law No. 16/009 of 15 July 2016, laying down the rules relating to the general social security system, specifies, in Article 53, the subordination to the right to family allowances.

To benefit from these allowances, Luwenyema (1989) added, the worker must declare to the employer the children in his charge and produce all the supporting documents relating thereto. The children concerned by the family allowances come from a monogamous, civil, customary or religious marriage, that is to say legitimate children and those from an irregular union, children under guardianship and adoptive parents, children in care to the worker by court order. Family allowances also concern monogamous spouses, who are not divorced or separated from the body.

In the field, we discovered that family allowances exist and are paid on a regular basis but are not sufficient because they are not equitable and do not correspond, either, to the realities experienced by those concerned. They do not reduce the financial burden of the family and do not cover the extra expenses of households. As a result, the worker finds, at times, an excuse for leaving his professional activity to take care of the children.

In principle, family allowances are an amount of money received by the working parent for the education of his child for his purchases. As a result, they are intended to offset some of the costs that parents incur for the upkeep of their child. This idea follows Chr. Van Lierde (N.d) who says that family allowances must support the children of workers. In the field, on the other hand, they do not compensate for some of the costs that parents must pay for the maintenance of their children. They are, of course, attributed to the insured for each of the dependent children to support families in their daily lives, but they have no palpable impact on the worker's children. They do not help the employee reconcile family life with professional and social life. They do not support parenting, nor do they facilitate parent-child relationships.

Having a child is an extra expense for the family. In other words, the presence of children in a family is a burden that will have to be subsidized for their maintenance. In the field, we noticed that the employee abandons or reduces his professional activity to take care of his or her children. Family allowances do not reduce or reduce, for the worker who has a family responsibility, the financial burden of the latter. The family allowances paid do not provide any significant assistance to the family budget, so that each child of the worker is entitled to benefits paid according to the consumer price index.

In summary, compensation exists in the public service as well as in companies. However, it is not enough and does

not cover, either, most of the life of the worker and his family. It is neither fair nor adjusted to the socio-economic conditions of the employee. It does not cover the expenses essential to his existence and that of his family. This explanation goes against the idea of B. Reynaud (1994) who speaks of the subsistence remuneration which is the object of negotiation between the "masters" and the slave. The remuneration does not allow the employee to benefit, for his well-being, the reward of his effort and his participation in the progress of the company or our country. The worker feels that he receives the unjust counterpart of his effort and that he is not immune to arbitrariness.

This explanation does not meet the idea shared by J.-M. Peretti (2008) who states that compensation management is becoming more and more important in the strategic management of human resources. Companies, he adds, use this management to achieve results consistent with their strategic objectives. The discrepancy between our explanations and the author cited above is due to the fact that remuneration in companies is not so much a factor that encourages the employee to play his role effectively instead of his job. It does not push him to invest deeply, to be an actor of himself. It is, however, a brake on the development that everyone expects, since it is not adapted to a changing environment.

Yet, pay is one of the most important factors that determine work behavior. It is one of the awards, if not the most prominent. If it is adequate and adapted, remuneration becomes one of the most powerful communication tools. This reflection is supported by the argument put forward by Soumia Mekkioui and Nedja Ziani (2015) who say that remuneration is an essential driving variable. Seen in this angle, it contributes to the development of performance. It conditions the internal social balance. It keeps employees and attracts skills.

## 5. Conclusion

The remuneration policy is made up of the principles that the company sets itself to guide its decisions and pass action messages to the staff. It aims to offer incentive compensation corresponding to the function held and skills implemented, while equitably rewarding performance to enable career progression.

It consists, according to B. Martory (1990), in a set of choices aiming in particular at the realization of three balances proposed by C. Guillot-Soulez and al. (2012). According to these authors, the three outcomes of the remuneration policy, namely financial equilibrium, external equilibrium and internal balance, are the main constraints from which the company must operate sustainably.

The remuneration policy of companies in the Democratic Republic of Congo is not the same. The situation becomes worrying, since the employee is, in a way, sentenced to perform professional tasks without interest. He lives in worry and uncertainty. He considers himself, in the end, as a living relayed in the second zone and resigns himself to live. Yet the actions he should have taken would have been in the direction of his development and the promotion of the

company, to support and strengthen its overall policy. The employee whose work is recognized and rewarded fairly is confident and tends to exceed the expectations of the company. And the basic salary, the equivalent value of housing and the family allowances given by the company would offer and ensure the conditions of life suitable. They would not only be incentives to produce social behaviors at work; but also, would hold a special place in the life of the beneficiary and his entourage. They would be the essential pledge of social justice, if given in all fairness. They would strike a balance in the social relationship between the employer and the employee and guarantee a socially acceptable remuneration for work.

Work in our country is not a livelihood. It does not allow the employee to realize himself according to his values. If work had a face, it would be inhuman and hideous. Employees are only disposable tools at all times, reprehensible subjects. Remuneration, after all, given to the employee is not enough and does not flourish either. It is a compensation for labor without joy and without hope of advancement. Yet an individual spends a third of his life at work. In addition to the painful aspect of the job, he had to enjoy satisfactions, friendships and enjoy fulfilling dailies.

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