

NEW REGULATIONS ON FOREIGN NON-RESIDENT WORKERS

Presidential Decree no. 43/17 of 6 March, establishes the new Regulations on Foreign Non-Resident Workers Engaging in Professional Activities (the "Regulations") and repeals Decrees no. 5/95 of 7 April and no. 6/01 of 19 January.

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The main change introduced by the new legislation is the application of an absolute ratio of 70% - 30%. Employers are now under an obligation to maintain the maximum ratio of 30% in relation to non-resident foreign workers. The new limitation also eliminates the possibility of an exemption from the rule through the Ministry of Public Administration, Employment and Social Security. The 70% - 30% ratio is therefore now absolute.

The legislation also extends the scope of application of the rules to technical cooperation contracts, although it does not include a definition of this type of contract. The Regulations also introduce changes to the rules on (i) remuneration, (ii) equal

treatment, (iii) obligations of the employer in the event of dismissal, and (iv) transfers of the amounts earned by the workers covered by the Regulations. Salaries of these workers must be made in Kwanzas, and salary supplements and/or additional payments are limited to 50% of the base salary.

Any infringement of the Regulations is punishable with a fine, the amount of which varies between five and ten times the average monthly salary paid in the company for each non-resident foreign worker who commits an infringement. The Inspectorate-General of Employment is the body responsible for applying any fines.

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Although the Regulations are new, the rule on paying salaries in Kwanzas is not completely unexpected because many workers were, in fact, already required to accept their salaries in this currency – the requirement was established in the General Employment Law, which also applies to non-resident foreign workers. The most important aspect of the Regulations is seeing how the rules it imposes will be applied in practice, in particular, (i) whether non-resident foreign workers will be able to repatriate 100% of their salaries, (ii) what limits Banco de Angola will establish in relation to point (i), (iii) what the criteria to apply any limits will be, and (iv) what the reaction of those directly and indirectly affected by the Regulations (namely, employers and workers) will be.

Presidential Decree no. 43/17 came into force on 6 March 2017.

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KILUANJI KIA HENDA - ANGOLA (detail)
Un Recuerdo para ti, 2009
Provas cromogéneas (3) 150 x 100 cm
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