

GLOBAL G.A.P. Risk Assessment on Social Practice (GRASP)

NATIONAL INTERPRETATION GUIDELINE
FOR MADAGASCAR

GRASP V2

ENGLISH **VERSION**

VALID FROM: 30 NOVEMBER 2024

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General concept

The GRASP national interpretation guidelines (GRASP NIGs) provide guidance to producers and assessors on the implementation of the GRASP principles and criteria (P&Cs) based on the respective legal framework of the country and, in certain cases, regions. In countries where a GRASP NIG exists, the NIG is a normative document and shall be used by producers and certification bodies (CBs).

Assessors shall assess producers against the GRASP P&Cs taking into account the legislation in the country that is relevant to the respective P&Cs. The country's GRASP NIG *does not replace* the original P&Cs and does not release the respective assessor from their obligation to assess producers against the applicable/relevant legislation, but it may provide supplementary guidance on the respective legal framework. The GRASP NIG shall be seen as supplementary information to the GRASP P&Cs and the GRASP general rules but it shall not be understood as a modification of the contents of those documents.

If there is no applicable/relevant legislation or if the legislation provides *less protection to workers* than the GRASP P&Cs, the P&Cs apply. If there is applicable/relevant legislation in the country, which provides *more protection to workers*, this legislation shall be used as the basis for the assessment, i.e., the producer shall comply with such legislation to conform with the GRASP P&Cs.

For guidance on how to develop a GRASP NIG and the approval process, please consult the document “Rules for the development of GRASP national interpretation guidelines”. For any queries about GRASP NIGs, please contact the GLOBALG.A.P. Secretariat at graspnig@globalgap.org.

Disclaimer and condition of valuation

The approval process for NIGs includes a review by the GLOBALG.A.P. Secretariat to prevent unacceptable deviations from the GRASP P&Cs. However, the GLOBALG.A.P. Secretariat is not responsible for the contents of the GRASP NIGs, their accuracy, completeness, and currency with other regulations or applicable documents during its lifetime.

Users of the GRASP NIG, e.g., producers using it to implement GRASP and conduct self-assessments and CBs and accreditation bodies using it for their certification activities, are therefore responsible for such use and the consideration of the NIG's accuracy, completeness, and currency with the relevant requirements and local legislation prior to any assessment (see also the GLOBALG.A.P. general regulations – rules for certification bodies, section 12.3.4 e)). When a CB, accreditation body, or producer becomes aware that any part of a GRASP NIG is not correct, not complete, or not up to date, they shall notify the responsible stakeholder in text form (providing a copy of this information to the GLOBALG.A.P. Secretariat) so that the GRASP NIG can be updated.

What to consider when writing a GRASP NIG

The GRASP NIG shall *not* give examples for implementation, but rather *compile and reference applicable regulations* or collective bargaining agreements in the country.

Legal regulations regarding the P&Cs differ from country to country (e.g., minimum wage, legal minimum age of employment, working hours, etc.).

If several regulations apply, the rule that provides *more protection to the workers* shall be used.

GRASP NIGs (available on the GLOBALG.A.P. website) make requirements transparent to producers and assessors.

If GRASP NIGs are found to challenge the global integrity of the standard, GLOBALG.A.P. reserves the right to withdraw or revise the GRASP NIGs in consultation with the developing stakeholder group.

Instructions on how to use this GRASP NIG template

Each page covers a separate section/topic of the GRASP P&Cs. Under each principle section, you will find guiding questions for the NIG for a specific country. Please answer them in the second column and provide the relevant labor law weblinks, mainly in English if possible. A line for further comments is also included.

- To facilitate the verification of the GRASP principles, labor law weblinks and short extracts of labor law texts shall always be provided in *English*, if possible.
- Please do not copy and paste the complete legal text of the regulation into the NIG:*
Please do not quote the full legal texts, but rather *compile and reference applicable regulations and provide sources (weblinks)* or collective bargaining agreements (e.g., minimum wage, weblinks to resources) that are relevant to the respective P&Cs by answering the questions provided under each section.
- When asked to answer *Yes or No*, please only choose one.
- When asked to provide a *source*, please include the name of the labor law, the year, and the specific article, chapter, or section of the law. (i.e., Labor Law of 1992, section 3, article 5). Please see a few examples here:

LABOR ACT OF TURKEY¶

Law No: 4857¶

Date of enactment: 22.05.2003 → ¶

Published in the Official Gazette on 10.06.2003 No: 25134¶

Latest amendment date: 28/07/2020¶

¶

Definition and form¶

Article: 8¶

Employment contracts in permanent and non-continuous jobs: ¶

Article: 10¶

Part-time and full-time employment contract: ¶

Article: 13¶

NATIONAL EDUCATION BASIC LAW OF TURKEY¶

Law No: 1739¶

Date of enactment: 14/6/1973 → ¶

Published in the Official Gazette on 24.06.1973 No: 14574¶

Latest amendment date: 17/04/2020¶

¶

Primary education¶

¶

Article: 22¶

(Change: 27/6/2019-7180-I-4-art.)¶

Compulsory primary education includes children aged 6-14.¶

- Weblinks* to the law or a place where the law can be found shall be included (in addition to the above information, if available).
- When asked to provide *contact details*, please include the name of the organization, office, or institution, as well as a method of contacting them (e.g., telephone, email, etc.). Weblinks to the organization shall be included, if available.

	GENERAL
G1	The producer informs the workers of the GRASP assessment and its scope at least two working days before the date of assessment.
G2	The producer provides a register of any/all workers hired and those present on the date of the assessment.
G3	The producer/producer group completes a minimum of one self-assessment/internal GRASP assessment annually.
G4	Effective corrective actions are taken to address all non-compliant Major Musts and at least a percentage of Minor Musts detected during the self-assessment/internal GRASP assessment.

Provide the requested weblinks to relevant local labor laws and complete the following definitions:

Definition of “family farm” in the local regulations:

Établissement agricole où ne sont employés que les membres de la famille sous l'autorité soit du père, soit de la mère, soit du tuteur. La définition de ferme familiale telle que GRASP l'établis devrait être suivie.

Definition of “worker” in the local regulations:

Toute personne qui s'est engagée à mettre son activité professionnelle, moyennant rémunération, sous la direction et l'autorité d'une autre personne physique ou morale, publique ou privée

Name and article of the local regulation that is being referenced:

«exploitation familiale » : - Code du travail malagasy - Loi 2003-044
- Date de Publication : 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar n° 2056 du 21 février 2005

Further comments:

Lien pour le Code du travail de Madagascar / Link for malagasy labor code
<https://assemblee-nationale.mg/wp-content/uploads/2024/07/Loi-n%C2%B0-2024-014-Cod-e-de-travail.doc.pdf>

1	RIGHT OF ASSOCIATION AND REPRESENTATION
1.1	The producer respects the right of workers to join and/or form trade unions or other worker organizations of their choice (as well as the right to refrain from joining/forming such organizations) in accordance with applicable national legal requirements.
1.2	If the right to freedom of association and collective bargaining is absent, restricted, or denied under local law, the producer allows alternative forms of independent worker representation and negotiation that is free of employer control.
1.3	The producer does not discriminate or otherwise penalize worker representation, members of trade unions, or other worker organizations because of their membership in or affiliation with legally registered worker organizations.
1.4	The producer allows any worker representation duly registered and duly recognized by the local law access to the workplace to carry out their representative functions in accordance with applicable national legal requirements.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is freedom of association restricted? Yes/No. If yes, indicate the specific local law:

Non

Loi locale spécifique :

1) Constitution de la IV^e république de Madagascar, en date du 11 décembre 2010,

* - Titre II: Des libertés, des droits et des devoirs des citoyens

Sous titre 1er : des droits et des devoirs civils et politiques

List the type of agricultural worker organizations that are legally recognized, including name and contact:

Organisations paysannes:

1- Coalition Paysanne de Madagascar(CPM)-(Firaisankinan'ny Tantsaha eto

Madagasikara) : +261 34 41 963 48, cpm@moov.mg. Président du Conseil

d'Administration: RAKOTOMANDIMBY Hajasoanirina- contact: +261 34 11 442 84 ·

Requirements for joining or forming worker organizations are indicated in this local regulation (include name and article of the regulation):

L'adhésion à un syndicat est libre. Les travailleurs ont le droit sans autorisation, de constituer des organisations de leur choix ou de s'affilier à la seule condition de se conformer aux statuts de ces dernières.

Code du travail malagasy - Loi 2003-044

Indicate the government organization with which the worker representation is registered including names and contacts:

La préfecture, la sous-préfecture ou le chef de district sur le territoire duquel le syndicat est établi, à charge pour eux de transmettre le double du récépissé relatif au dépôt légal à l'Inspection du travail, au Procureur de la République du ressort, à la Greffe du Tribunal du Travail

Liens government contact list:

Indicate the type of proof of registration that is available (i.e., certification, ID, or letter):

Preuve d'enregistrement: récépissé de dépôt légal

Proof of registration: receipt of legal deposit

Further comments:

Procédure de déclaration et d'enregistrement des organisations syndicales :dans le Décret n°2011-490 du 27 décembre 2011 sur les organisations syndicales et la représentativité, les articles 1, 2 et 3.
liens:

2	GRASP WORKER REPRESENTATION
2.1	Current workers have decided on appropriate representation to help assess, communicate, and monitor their interests before the producer.
2.2	After the workers reach a decision on the representation, the composition and type of the worker representation is communicated by management to the current workers.
2.3	The producer ensures that worker representation is decided during the time with the highest presence of workers at the farm.
2.4	The worker representation/management liaison has been instructed on their role, duties, and rights within GRASP.
2.5	Workers, their representation, and the producer hold monthly gatherings on issues related to GRASP during the time with the highest presence of workers.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

List types of worker labor organization legally active in agriculture:

[Association de travailleurs ou syndicat](#)

[Workers' association or union](#)

Can these organizations have a representation at farm level? Yes/No.
If yes, include name and article:

[Oui](#)

[1\)Code du travail malagasy - Loi 2003-044](#)

[- Date de Publication : 28 Juillet 2004](#)

[- parution au Journal officiel de la République de Madagascar no](#)

List the type of documents required to verify the registration of worker organizations:

[Récépissé de dépôt légal](#)

[receipt of legal deposit](#)

Indicate the legal government entity that oversees this registration:

- La préfecture,
- La sous-préfecture
- Le district du ressort où l'organisation est établie
- L'Inspection du travail

Indicate the regulation that supports this:

Décret n°2011-490 du 27 décembre 2011, qui fixe les structures des organisations syndicales et les critères de représentativité

- Chapitre 1er: des organisations syndicales
- Section 2 : de la procédure de déclaration

Indicate regulations that grant workers the right to participate in meetings regarding representation without having their wages reduced:

Les représentants des travailleurs disposent de 15 heures par mois pour participer à des réunions, heures rémunérées et considérées comme temps de travail normal.

- *Code du travail malagasy - Loi 2003-044
- Date de Publication: 28 Juillet 2004

Indicate the labor authorities that are available for agriculture workers (include name and contact):

- L'Inspection du Travail
- contact: Antsahavola Antananarivo
- Pour les régions: Le chef de la circonscription administrative locale dans les endroits éloignés, ou il n'y a pas d'Inspecteur de travail

Provide approximate times of harvesting seasons for the main GLOBALG.A.P. produce audit.

A partir du mois de novembre jusqu'en janvier

From november to january

Further comments:

Remarque: Le bureau de l'Inspection de Travail à Antsahavola/Antananarivo ne dispose ni de numéro de téléphone professionnel, ni d'adresse électronique.

Note: The Labour Inspectorate office in Antsahavola/Antananarivo has no business

3	COMPLAINT PROCESS
3.1	A confidential complaint process is available to be used by all workers free of any retaliation or penalty.
3.2	The complaint process is implemented and appropriate to the number and type of workers for filing complaints in person, anonymously, or through the worker representation.
3.3	The worker representation has been instructed on how to use the process on behalf of other workers on the rights included in the producer's human rights policies.
3.4	Easy-to-understand instructions are provided to all workers about the complaint process.
3.5	There are one or more well publicized places to file complaints, at least one of which should be independent of the supervisory staff.
3.6	The producer shall endeavor to resolve a complaint while the worker is under their employment, in a timely manner and proportionately to the nature of the complaint made.
3.7	A summary record of any complaint over the past 24 months is kept to show that they have been received and addressed.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are there organizations (other than a court or government) that resolve conflicts between employers and workers? Yes/No. If yes, include name and contact:

NON

No

Are there government offices that mediate conflict between employers and workers? Yes/No. If yes, include name and contact:

Oui

C'est l'Inspection du travail ou, en cas d'absence d'Inspection de travail, le Chef de la Circonscription administrative locale qui se charge de la médiation des conflits entre employeurs et travailleurs.

Are complaint procedures regulated in the local regulation? Yes/No.
Provide source:

Oui

Source:

1) Code du travail malagasy - Loi 2003-044

- Date de Publication: 28 Juillet 2004

- parution au Journal officiel de la République de Madagascar no 2956 du 21 février

Does the national regulation specify how to handle complaints?
Yes/No. Provide source:

Oui

Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

- parution au Journal officiel de la République de Madagascar

no 2956 du 21 février 2005

Is there a local regulation that specifies how workers can file a
complaint with the local court? Yes/No. If yes, include name and
articles:

Oui

Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

- parution au Journal officiel de la République de Madagascar

no 2956 du 21 février 2005

Can any worker file a complaint with the local court? Yes/No.
Provide source:

Oui

Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet

2004

- parution au Journal officiel de la République de

Can a worker representation file a complaint with a court on behalf of
workers? Yes/No. If yes, include the name of the court and a contact:

Non

no

Is there any reference in the local regulation for internal rules about
complaints? Yes/No. If yes, provide source:

Oui

C'est le règlement intérieur qui indique toutes les procédures à suivre concernant
l'organisation de la société ou de l'établissement, y compris les plaintes.

Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

Further comments:

Remarques:

- Le syndicat peut représenter le travailleur devant le tribunal(article 146 du Code de
travail) mais pas le délégué du personnel.

- Les articles 220 et suivants prévoient aussi une procédure d'arbitrage.

4	PRODUCER'S HUMAN RIGHTS POLICIES
4.1	The producer has and complies with a policy on the protection of human rights, acknowledging the rights in the ILO Core Labour Conventions and against any form of forced labor, corruption, corporal punishment, harassment or abuse, and discrimination and supporting good labor conditions, social practices, and human rights for all workers.
4.2	All workers are communicated the contents of the producer's Human Rights policy.
4.3	All supervisory staff is informed about the contents of the producer's Human Rights policy.
4.4	The producer communicates the producer's Human Rights policy to any labor subcontractor. Other subcontractors and visitors are communicated when visiting the farm.
4.5	The Human Rights policy is reviewed every three years, or when there is a change to labor legislation, or a change in GRASP, whichever occurs soonest.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is there a government office in charge of workers' rights? Yes/No. If yes, include names and contact:

Oui
[L'Inspection du Travail](#)
 Contact: Bureau Antsahavola: Antananarivo 101
 Pour les régions éloignées: le chef de la circonscription administrative locale

Is there an office, organization, or any NGOs that work with human rights protection? Yes/No. If yes, include names and contact:

Oui
[CNIDH \(Commission Nationale Indépendante des Droits de l'Homme\)](#), 18 rue Rainitovo Antsahavola, Ex-ambassade américaine, 2ème étage (Face ETP)
 Adresse e-mail : service.protection@cnidh-madagascar.org

Is there a producer association or group that provides information on labor rights? Yes/No. If yes, include name and contact:

Oui
[Tranoben'Ny Tantsaha – Association agricole à but non-lucratif](#)
 Contact : Monsieur Fidy, Secrétaire Executif-
 Contact: +261 38 41 351 04

Are any of the human rights listed in the principles above reflected in the laws of the country? Yes/No. If yes, provide source, (i.e. list laws against corruption, harassment, discrimination, etc. and provide weblinks)

Oui

*Sur le travail forcé :

Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar
no 2956 du 21 février 2005

Are there any government offices that provide support/information on these topics? Yes/No. If yes, please list them and include contacts:

Oui

- L'Inspection du travail
- Le Ministère du Travail, de l'emploi et de la Fonction publique
lien: <http://mtefpls.gov.mg/>

Are there any organizations (government or NGOs) that support migrants and their rights? Yes/No. If yes, please list them and include contacts:

Oui / Yes

-IOM Madagascar ou International Organization for Migration- Immeuble SONAPAR, zone Galaxy Andraharo, 101 Antananarivo (porte 108)
Contact: +261 20 23 308 09

Further comments:

5	ACCESS TO LABOR REGULATION INFORMATION
5.1	The workers and the worker representation are provided with easy-to-understand and up-to-date information on minimum wage, working hours, breaks, maternity and sick leave, harassment and discrimination, freedom of association, holidays, labor unions, and local labor authorities contacts.
5.2	Taking into consideration any differences between national and local legislation and GRASP, the producer always applies the higher level of protection to workers.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are essential labor laws publicly accessible (in the local language)?
Yes/No. If yes, please indicate the organization and the form in which the laws are available (please include weblinks, if available):

Oui

Le Code du Travail malgache est rédigé en deux langues: locale, c'est à dire en malgache et en français, soit sous forme de livre(dans les librairies, édition société CREONS) soit visible sur Internet, avec les réseaux sociaux.

Lien;

Further comments:

Remarque: L'accès à l'information sur la réglementation du travail n'est pas manifeste surtout en milieu rural à Madagascar, du fait d'un manque évident de moyen de communication dans les régions éloignées, et du niveau faible de l'alphabétisation.

6	TERMS OF EMPLOYMENT DOCUMENTS AND FORCED LABOR INDICATORS
6.1	All workers are legally eligible to work at the producer site and on the activities assigned.
6.2	All workers have entered work voluntarily and freely: - Without being pressured, forced, or intimidated - Without being required to pay (directly or indirectly) a fee or related cost for being recruited, or making monetary deposits, financial guarantees, or deposits of personal possessions to be employed - Understanding and freely agreeing to the employment terms and conditions document
6.3	All contracted employment agencies and labor subcontractors are legally authorized to operate and/or registered with labor authorities when such registration exists.
6.4	For each worker, a document with the employment terms and conditions is available and has existed from the moment the employment relationship started.
6.5	Information on the worker's full name, nationality, and date of birth is verified by the employer before hiring and has been correctly included in the worker's terms and conditions documents.
6.6	The employment terms and conditions documents include up-to-date information on the period of employment, contract type, a basic job description, wages, payments, working hours, breaks, holidays, and information on maternity or sick leave applicable by law.
6.7	The employment terms and conditions in the document comply with national legislation and collective bargaining agreements.
6.8	Changes to the employment terms document have been recorded, communicated, and accepted by the worker.
6.9	The employment terms and conditions document together with other relevant documents of the workers hired during the previous and current production cycles are accessible to workers.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is a national identification document required in the country? Yes/No: [Oui : yes](#)

If yes, indicate the legal or accepted documents that are required to work in the country. Provide source:

-Carte d'identité nationale pour les nationaux
-Passeport valide ou carte de résident pour les étrangers avec autorisation d'emploi
Source:
* Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

Are work permits required for foreign workers? Yes/No.
Provide source:

Oui
Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de

Is it legal to make copies of these documents to keep in the workers files? Yes/No. Provide source:

Oui
Source :
*Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar
no 2956 du 21 février 2005

What is the legal minimum age of employment? Provide source:

15 ans
Oui
Source :
*Code du travail malagasy - Loi 2003-044

Is prison labor legal in the country? Yes/No. Provide source:

Oui
Source : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar no 2956 du 21 février 2005

Is the concept of debt bondage regulated in the local regulations?
Yes/No. Provide source:

Oui
Source: Loi 2014-040 du 20 janvier 2015 sur la lutte contre la traite des êtres humains
-Titre II De la repression
- Chapitre V De la servitude pour dette civile
-Article 13

Do the local regulations allow fees to be charged for recruitment or contracting? Yes/No. Provide source:

Non
* Pour le recrutement: 1) - Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar

Are labor agencies regulated in the country? Yes/No. Provide source:

Oui
Source: Loi 2018-034 du 11 décembre 2018 autorisant la ratification de la Convention n°181 de l'OIT de 1997, concernant les agences d'emploi privées

Is there an official/government office with which businesses are required to register? Yes/No. If yes, include contact:

Oui
1) - EDBM (Economic Development Board Madagascar), Avenue General Gabriel RAMANANTSOA Antaninarenina ANTANANARIVO 101 MADAGASCAR
Contact: +261 20 22 681 21/ +261 20 22 670 40

Does this office issue a document as proof of registration? Yes/No. Provide source:

Oui
Sources:
- Loi n°2014-010 du 21 aout 2014 modifiant et complétant certaines dispositions de la loi n° 2003-036 du 30 janvier 2004 sur les Sociétés Commerciales

Are the terms permanent, seasonal, subcontracted, short term workers, etc. defined in local regulations? Yes/No. Provide source and list the definitions:

Oui
Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
-parution au Journal officiel de la République de Madagascar N°2956 du 21 février 2005,

Further comments:

Remarques:
* Concernant les copies des documents des travailleurs qui sont conservées dans les dossiers au sein de la société: on peut interpreter le terme "document" de l'article 238 alinéa 4 de la loi n°2014-010 du 21 aout 2014 modifiant et complétant certaines dispositions de la loi n° 2003-036 du 30 janvier 2004 sur les Sociétés Commerciales

7	PAYMENTS
7.1	Payments to workers are made in accordance with the worker terms and conditions documents.
7.2	The workers are notified about when payments are made.
7.3	The record of payment information is accessible to current workers and kept on file for at least 24 months.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is there a government system for registering payroll information?
Yes/No. If yes, include name:

Oui
[Le registre des paiements](#)

What information do they collect? List the details:

Informations sur le registre des paiements: tout ce qui figure sur le bulletin de paie (nom et raison sociale de l'employeur, nom et prénom du travailleur, matricule si possible, mois du paiement, salaire de base, primes et indemnités, déductions réglementaires, avances sur

Do the workers have access to the information? Yes/No:

Oui

Yes

Does the law require accounting records for agriculture? Yes/No.
Provide source:

Oui
Arrêté 024-2005 du 11 janvier 2005 sur le Guide sectoriel « Agriculture »
Lien: <https://www.mef.gov.mg/csc/ckfinder/userfiles/files/guide-sectoriel-agriculture.pdf>

Further comments:

Sur le contenu du registre des paiements:
-ARRETE N° 128-IGT DU 5 AOUT 1957 fixant les modalités d'application de l'article 101 du Code du travail outre-mer, instituant un bulletin individuel de paye et un registre des

8	WAGES
8.1	Pay slips or registers show the amount of working time (including overtime) or harvest amount and the wages and/or overtime paid.
8.2	Wages, payments, number of hours, government social security/pension contributions, and payroll taxes in the pay slip comply with the employment terms and conditions, with national labor regulations, and/or with collective bargaining agreements.
8.3	All workers earn at least the national minimum wage and/or the collective bargain agreement wage within regular working hours.
8.4	Any deductions from salaries are included in the pay slip and are legally justified in writing, clearly explained, and accepted by the worker in files.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is there a minimum wage in the country? Yes/No:

Oui / yes

Is it applicable to agriculture? Yes/No:

Oui
Yes

What is the minimum wage for agriculture? Please indicate all applicable minimum wages and/or where to find them:

Salaires minimum applicables dans l'agriculture par catégorie:
M1/1A: Embauche 266 500 ariary
Ancienneté 268 000 ariary

Is there a collective bargaining agreement for agriculture? Yes/No. Include name and provide source:

Non

Which wage deductions are allowed by law? Provide source:

Non
Les déductions salariales autorisées par la loi :
1) Les avances sur salaire : Code du travail Code du travail malagasy - Loi 2003-044 -
Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar N°2956

Does the local regulation limit the deduction allowed for the repayment of loans or advances? Yes/No. Provide source:

Oui
Source: Code de Procédure Civile
- Titre V Des saisies arrêts

Is it legal to charge a recruitment fee in the country? Yes/No. Provide source:

Non
Source: * Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar

Are there sources of information regarding the market cost of basic needs? Yes/No. Provide source:

Oui
INSTAT : Institut National de la Statistique, Rue, Jules RANAIVO Lot III R 245, Anosy, Antananarivo 101, Madagascar BP 485 Tana 101

Does the local regulation require evidence of wage payment? Yes/No. Provide source:

Oui
Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar

What type of evidence is required?

Un bulletin de paie papier ou informatisé dressé par l'employeur ou son représentant ou un document bancaire ou informatique ou par un carnet à souche qui est coté et paraphé

Are there regulations in the law regarding wages calculated by piece, unit, or quota? Yes/No. If yes, which? Provide source:

Oui
Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal officiel de la République de Madagascar

Are recruitment agency or labor agency fees regulated by law? Yes/No. Provide source:

Oui
Article 2 suivant Arrêté N° 01.013 /2010 du 19 février 2010 fixant les modalités d'octroi et de retrait d'agrément des Bureaux de Placement Privés

Are there laws in the country regarding debt bondage? Yes/No. Provide source:

Oui
Article 13 de la loi 2014-040 du 20 janvier 2015 sur la lutte contre la traite des êtres humains

Further comments:

Remarque: Selon le Code de Prévoyance Sociale de la CNaPS
Art.126 - Les ressources du régime de compensation des prestations familiales comprennent : 1. Les cotisations visées à l'article 33, ..., ces cotisations étant dues par les

9	WORKING AGE, CHILD LABOR, AND YOUNG WORKERS
9.1	The producer verifies that no worker below the legal minimum age of employment or the age of completion of compulsory education (whichever provides the highest protection) is working at the production sites. The minimum age of employment shall not be less than 15 years and 13 for light work. For countries exempt from ILO Convention 138, the minimum age of employment shall not be less than 14 and 12 for light work.
9.2	The producer checks that no worker under the age of 18 is engaged in night work or tasks that are hazardous in nature in any production site.
9.3	Children on family farms shall be employed only by their core family under conditions that support their protection, right to education, and safety.
9.4	Supervisory staff has been informed of the legal requirements on working age and of the effective remediation plan (when workers under the age 18 are found working in non-compliance).

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

What is the legal minimum age of employment? Provide source:

15 ans

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What is the age of majority in the country? Provide source:

1) majorité civile: 21 ans

Source : Article 15 de l'ordonnance n° 62-041 du 19 septembre 1962 relative aux dispositions générales du Droit interne et du Droit international privé

Do local regulations list activities that are hazardous in agriculture?
Yes/No. Provide source:

Oui

Sources:

*Arrêté n°15898/2013-MSANP du 14 août 2013 du Ministère de la Santé Publique
[Malgache relatif à la politique nationale de gestion rationnelle des pesticides à Madagascar](#)

Is there a legal definition of a family farm? Yes/No. Provide source:

Oui

Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

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What are the maximum hours that a minor can legally work? Provide source:

heures de travail Maximum pour un mineur : 8h maximum par jour et 40 heures par semaine

Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

What government office oversees cases of child labor in the country? Include contacts:

1)-L'Inspection du Travail

Contact: Bureau Antsahavola Antananarivo 101

2)-Comité National de Lutte contre le Travail des Enfants (CNLTE) organe consultatif d'exécution, d'étude, d'orientation et de supervision de toutes les actions concernant le

Are there other recognized organizations?

Oui, il existe d'autres d'organisations reconnues qui aident l'Etat malgache dans ce processus, entre autres:

- ONG Zazakely

1A, Place des Orphelins

Do these organizations provide permits (documents) as evidence of permission for children to work? Yes/No. If yes, what type of document?

Non

No

Are there public documents or a register that provide evidence of guardianship for a child? Yes/No. If yes, what type of documents/register?

Oui

La tutelle d'un enfant est décidée par une Ordonnance délivrée par le Président du Tribunal de céans. (Loi n° 2007- 023 du 20 aout 2007 sur les droits et la protection des enfants)

lien:

<https://www.assemblee-nationale.mg/wp-content/uploads/2020/11/L-2007-023-Droits-et-pro>

Further comments:

*Concernant le travail des enfants, le CNLTE travaille de commun accord avec l'OIT (Organisation Internationale du travail) sur le Projet Entr'Alliance Madagascar- Durée : 2 janvier 2022 au 31 décembre 2024- pour l'élimination du travail des enfants et du travail forcé

10	COMPULSORY SCHOOL AGE AND SCHOOL ACCESS
10.1	Any children at compulsory school age living or working on any production sites shall have access to school education.
10.2	The producer verifies and keeps records with the full name, name of parents, and date of birth of all children at the production sites who are below the age of completion of compulsory schooling.
10.3	If access to a school is not possible, the producer facilitates transport for children below the age of completion of compulsory schooling.
10.4	If schools are not available for children living and/or employed on the production sites who are below the age of compulsory school completion, the producer facilitates on-site schooling.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is school education compulsory for children by law? Yes/No. Provide source:

Oui

Source: [Constitution de la République de Madagascar](#)

- adoptée le 17 novembre 2010

- Promulguée le 11 décembre 2010

[Article 24](#)

Is there a minimum and/or maximum compulsory school age for children in the local regulations? Yes/No. If yes, what is the minimum/maximum age? Provide source:

Oui

Âge minimum pour la scolarisation obligatoire des enfants : 5 ans

Source : [Loi n°2022-018 du 13 décembre 2022 portant sur l'orientation générale du Système éducatif à Madagascar](#)

Is there a government organization that oversees the school education of children? Yes/No. If yes, indicate which one(s):

Oui

[Le Ministère de l'Education Nationale \(MEN\) en l'occurrence la Direction de l'Encadrement Scolaire et de l'Inspection Pédagogique \(DESIP\)](#)

What is the government organization that oversees education for children? Include name and contact:

-La Direction de l'Encadrement Scolaire et de l'Inspection Pédagogique (DESIP)
Contact: RAKOTONIAINA Roger, Directeur de Encadrement scolaire et inspection
pédagogique (DESIP) au sein du MEN.
Numéro vert: 020 30 807 86
- [La Commission Nationale Malgache pour l'UNESCO \(COMNAT\)](#)

Further comments:

11	TIME RECORDING SYSTEMS
11.1	A time recording system is in place and suitable for the type and the size of the production site.
11.2	The system provides a record of the regular working hours and overtime hours for each worker.
11.3	The system provides a record of the effective daily breaks, weekly breaks, and holidays for each worker.
11.4	All workers are instructed on the time recording system and on checking the system.
11.5	Each worker has access to a summary of the system records before or at the moment of wage payment in at least the worker's working instruction language or in the predominant language(s) of the workforce.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are regular working hours defined by law? Yes/No. Provide source:

Oui

Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

- parution au Journal officiel de la République de

Is overtime defined by law? Yes/No. Provide source:

Oui

Source : *Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
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Are there other systems for calculating total working hours? Yes/No.
Provide source:

Oui

Source : *Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
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If yes, list the types of systems (e.g., average number of hours in a period, flex time, compressed work weeks, etc.):

Is a maximum number of overtime hours specified by law? Yes/No. Provide source:

Are breaks/rest time from work regulated by law? Yes/No. Provide source:

Are there collective bargaining agreements that regulate working hours in agriculture? Yes/No. If yes, indicate which ones:

Further comments:

Exemple de postes où est appliqué le système d'équivalence:

- gardien, personnel de surveillance, porteurs, gardes postes logés : 56 heures/semaine
- Cuisinier et personnel affecté au service direct des malades : 45 heures/semaine
- Personnel à la vente : 46 heures/ semaine

Oui

Source : Décret n° 68 172 du 18 avril 1968 paru au Journal Officiel n° 588 du 4.5.68, p. 886 modifié et complété par décret n°72-226 du 6 juillet 1972 paru au Journal Officiel n°147 du 15.7.72, p.1465 portant réglementation des heures supplémentaires de travail et fixant les

Oui

Source:

* Pour les pauses:

- Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

Non

No

La convention collective régissant le temps de travail dans l'agriculture proprement dite n'existe pas à Madagascar. Toutefois, il existe la notion de "FIHAVANANA", un concept d'antan, un système d'entraide tacite qui prévaut toujours dans le milieu rural malgache. Elle s'apparente à une convention collective ou les communautés rurales adhèrent à une

12	WORKING HOURS
12.1	Working hours (including overtime, night work, and rest days/breaks) with indication of peak/harvesting season are shown in the records.
12.2	All overtime hours are voluntary, if not regulated otherwise in the national law or collective bargain agreement.
12.3	Overtime shall not be requested on regular basis in a production cycle/year and as indicated by law.
12.4	Working time does not exceed 48 hours weekly (excluding overtime) unless indicated by law or collective bargaining agreement. The employer reports the total hours worked, and if they exceed 48 hours, the appropriate safeguards are in place to protect the workers' health and safety. If national legislation and collective bargaining agreements set lower weekly working hours (excluding overtime), these lower limits shall prevail.
12.5	Rest breaks/days as shown in the records indicate compliance with national regulations and/or collective bargaining agreements. If not specifically regulated for agriculture by local laws or collective bargaining agreements, the rest/breaks include, at least: (a) Short breaks during working hours (b) Sufficient breaks for meals (c) Daily or nightly rest of not less than 8 hours within a 24-hour period (d) Rest of at least a full calendar day within a week
12.6	Total weekly working hours (including overtime) as shown in the records indicate compliance with national legislation and collective bargaining agreements. If national legislation sets total weekly working hour limits higher than 60 hours (including overtime) in peak season and/or agricultural workers are exempt from overtime limitations, the employer reports the total weekly hours worked and which appropriate safeguards are in place to protect the workers' health and safety.
12.7	Supervisory staff is instructed about the safeguards in place to protect the workers' health and safety-when working over the regular weekly working time and/or over the peak season weekly working time.
12.8	Workers are communicated to effectively use the rest breaks/days during peak season.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is overtime regulated by law? Yes/No. Provide Source (refer to similar question from principle 11):

Oui
Source : *Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal Officiel de la République de Madagascar N°2956 du 21 février 2005

Is overtime defined as voluntary by law? Yes/No. Provide source (refer to similar question from principle 11):

Oui
Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
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Does the law indicate special circumstances for requesting overtime? Yes/No. If yes, which cases? Provide source:

Oui
Liste des circonstances particulières édictées par la loi :
- surcroît extraordinaire de travail

Is there a *maximum number of overtime* hours specified by law? Yes/No. Provide source (refer to similar question from principle 11):

Oui
source: Décret n° 68 172 du 18 avril 1968 paru au Journal Officiel n° 588 du 4.5.68, p. 886
modifié et complété par décret n°72-226 du 6 juillet 1972 paru au Journal Officiel n°147 du

Does the local law allow *averaging the total number of hours* as a method of calculating the maximum number of working hours? Yes/No. Provide source:

Non
No

The legal maximum number of *total* working hours is: (indicate if per day/week/month/year) Provide source:

Pour le secteur agricole : 2200 heures/ an
Source : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal Officiel de la République de Madagascar N°2956 du 21 février 2005

The legal maximum number of *regular* working hours is: (indicate if per day/week/month/year) Provide source:

Pour le secteur agricole, le nombre maximum légal d'heures de travail est de: 2200 heures/ an
Source : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal Officiel de la République de Madagascar N° 2956 du 21 février 2005

The legal maximum number of *overtime* hours is:
(indicate if per day/week/month/year) Provide source:

20 heures/semaine maximum
source: Décret n° 68 172 du 18 avril 1968 paru au Journal Officiel n° 588 du 4.5.68, p. 886
modifié et complété par décret n°72-226 du 6 juillet 1972 paru au Journal Officiel n°147 du
15.7.72 - n 1465 portant réglementation des heures supplémentaires de travail et fixant les

The legal maximum number of working hours for *night shifts* is:
(indicate if per day/week/month/year) Provide source:

7 heures/ jour: de 22 heures à 5 heures du matin

Source :

Are there any *exceptions* to the legal maximum number of working hours? Yes/No. if yes, which exceptions? Provide source:

Oui
Pour la récupération des heures perdues lors d'une grève afin d'en compenser les
conséquences(soit en heures supplémentaires, soit en heures de récupération).
Source: Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004

The legal maximum number of working hours, *during peak/harvest* or
the busiest season is:
(indicate if per day/week/month/year) Provide source:

On prend comme base les 2200 heures par an, soit :
42,30h/ semaine
+ 20 heures supplémentaires/semaine autorisées comme dépassement, donnent au total :
62.30 h/semaine

List the *minimum number of breaks* per day specified by law. Are
these breaks paid? Yes/No. Provide source:

Il n'y a pas de réglementation précise à ce sujet.
Source: Mais selon l'article 79 du Code du travail, les temps nécessaires à la pause sont
fixées par des dispositions négociées. Par conséquent, l'employeur peut l'insérer dans le
Règlement Intérieur car cela fait partie de l'organisation du travail. Effectivement, les heures

The legal minimum number of *rest days per week* is:
Provide source:

Le nombre minimum légal de jour de repos par semaine est de un jour par semaine au
minimum (24 heures/semaine)
Source : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
- parution au Journal Officiel de la République de Madagascar N
°2956 du 21 février 2005

Further comments:

Remarque: la législation malgache ne précise pas de méthode de calcul basée sur la
moyenne total d'heures travaillées.

Note: Malagasy legislation does not specify a calculation method based on the average

13	DISCIPLINARY PROCEDURES
13.1	A written disciplinary procedure is available.
13.2	Workers are informed about the terms of the disciplinary procedure, including that any deduction from wages as a disciplinary measure is prohibited.
13.3	Records are kept of any disciplinary actions taken during the last 24 months.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are wage deductions regulated by law? Yes/No. Provide source:

Oui

Source : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004
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Which deductions are allowed? Provide source:

Les déductions salariales autorisées par la loi :

1) Les avances sur salaire : Code du travail malagasy - Loi 2003-044 - Date de Publication: 28 Juillet 2004 paru au Journal Officiel de la République de Madagascar N° 2956 du 21 février 2005

Further comments: