



COUNTRY GUIDE: CONGO/DRC

global@zapeo.net

<https://zapeo.net/democratic-republic-of-the-congo/>

TABLE OF CONTENTS

● About us	Page 1
● Work Permits/VISA	Page 2
● Employment contracts	Page 3
● Paid time off	Page 4
● Employee benefits	Page 5
● Tax	Page 6
● Payroll	Page 7
● Legislation and statutory bodies	Page 8

ABOUT US

ZAPEO is an International PEO co-employer providing Employer of Record (EOR) Services in more than 113 countries around the world.

As an EOR, we provide employment contracts, payroll employees, pay over any taxes and statutory contributions and provide sponsorship for visa applications in order to comply with specific laws and regulations in the country.

We also assist with onboarding and termination of both local or expatriate employees.

BENEFITS

- Legal compliance
- Time and cost savings
- Access to global talent
- Flexibility
- Reduced liability
- Expertise



WORK PERMITS AND VISAS



There are two primary categories of work visas in the DRC:

- **Standard work permit:**

This kind of permit is for foreign workers who have contracts with local businesses. A standard permit will be good for one to two years, depending on the contract.

- **Work-specific visa:**

This one-year visa is available to non-national employees who intend to enter the country temporarily to perform specific work. This option cannot be renewed.

EMPLOYMENT CONTRACTS



Probation period

A probationary period of one month for unskilled work and up to six months for specialized work.

Notice period

The notice period for foremen is one month, plus nine working days for each full year of continuous service, measured from one date to the next. For managers, the notice period is three months, plus an additional 16 working days for each full year of employment, measured from date to date.

Minimum wage

According to DRC law, the minimum wage is set at 7,075 Congolese Francs per worker per day, or 72 euros per worker per month, based on 24.4 working days.

Working hours and overtime

The typical workweek is 45 hours. Every hour that is deemed overtime entitles the employee to the following pay increases:

- a) 30% for the first 6 hours after the legal working time limit;
- b) 60% for additional hours; and
- c) 100% for overtime work done on the worker's scheduled day of rest each week.

Termination

During the probationary period, the employment relationship may be ended with good cause and three days' notice. An employer may lawfully terminate an open-ended contract following a probationary period with good cause and at least 14 working days' notice. This might not be the case, though, if an employee must be summarily fired due to serious misconduct. Fixed-term agreements naturally expire on their respective dates. If an employee chooses to end a fixed-term contract before the end date, the employer must provide compensation.

Severance

Severance pay will be available to all employees with open-ended or fixed-term contracts that are six months or longer in length. This will be determined using a formula based on length of service and salary at the time of severance.

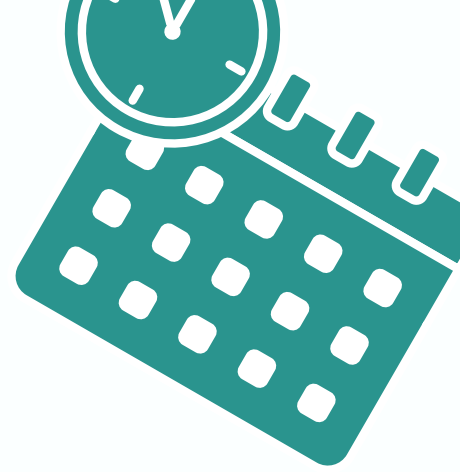
Non-compete clause

In the employment agreement, employers may include a non-competition provision.

Collective bargaining

The principle of free and voluntary collective bargaining in the public sector is subject to some limitations under Congolese law. The law prohibits collective bargaining in some occupations, including that of public employees and civil servants, and it offers insufficient protection against anti-union prejudice.

PAID TIME OFF



Annual Vacation

A worker is entitled to at least 21 days of paid annual leave in a row. Religious and national holidays are not incorporated. For every 17 days an employee worked or had a right to be paid, collective agreements must stipulate at least one day of annual leave with full pay.

Sick

Paid sick leave is provided for by the Labor Code. When an illness or accident prevents the worker from performing his duties, he is still entitled to two-thirds of the cash compensation and the full amount of the family allowances for the duration of the contract's suspension. Sick leave may last for up to six months.

Maternity

Every woman has the right to take 14 consecutive weeks off from work, including up to eight weeks following the conclusion of her delivery and six weeks prior to giving birth. The female employee is entitled to two-thirds of her salary during this time, regardless of whether the child survives, and to the continuation of any contractual benefits in kind. Each birth in a multiple pregnancy is treated as a separate maternity. However, the production of a certificate certifying that the birth occurred under medical supervision is required before the maternity allowance can be paid.

Paternity

There are no legal provisions for paternity leave.

Family

N/A

National Holidays

DRC has a total of 8 public holidays which are paid.

Other Paid Time Off

N/A

EMPLOYEE BENEFITS



Statutory

Unemployment

There are no unemployment statutory benefits offered.

Workers compensation

The amount of temporary disability benefits is therefore equal to 66.7% (33.3 % if hospitalized and without dependents) of the insured's average daily wage earned over the previous three months, paid from the first day after the work accident or the onset of the occupational disease until recovery or the establishment of the permanent incapacity.

Social Security

Person insured: 5% of monthly earnings; 10% of the voluntary insured's average yearly declared earnings.

10% of the average annual declared earnings of the voluntarily insured self-employed.

Employer: 5% of gross monthly income.

Retirement

Covered by Social Security.

Health

Private option and is based on an employee voluntary basis to sign up or for the employer to offer it.

Private

Workers compensation

Private workers compensation is available in the DRC.

Retirement

Private retirement/pension funds are available as options in the DRC.

Health

Private healthcare is available in the DRC.

Life

There is private life insurance available in DRC.

TAX



Personal Income Tax (PIT)

- **Tax year** : Tax year runs from January 1st to December 31st.
- **Tax rate** : When a business hires foreign workers, it is required to pay the Impôt Exceptionnel sur la Rémunération des Expatriés (IERE). Income tax rates range between 3-40%.
- **Tax method** : The taxation method is a progressive tax system in DRC.
- **Tax residency requirements** : A person is deemed to effectively reside in the Democratic Republic of the Congo if:
 - They have access to a real, functional, and permanent residence, or their domus, family, focal point for important interests, or place of business, is in the Democratic Republic of the Congo.
 - The tax authorities will investigate to see if the foreigner:
 - Spends more than 183 days a year in the DRC, is listed in the organizational chart, has business cards with the name and address of a local business, or has signed a lease agreement.
- **Double taxation agreements (DTA's)** : The DRC has multiple double taxation agreements.

Investment Income Tax

The DRC Tax Law does not contain a specific tax regime that applies to capital gains. The local entity receiving the capital gain must pay the 30% CIT because capital gains are included in the corporate taxable basis of the entity.

Taxable Income

IPR is limited to 30 percent of taxable wages. The specific rate of 10 percent IPR is applied to the indemnities and allowances given to an employee in connection with the termination of their employment contract. Additionally, IPR is applicable to sums paid to casual employees (those hired on a day-to-day basis), but at a preferential rate of 15%. In practice, incomes other than salaries are not covered by IPR. Furthermore, the Democratic Republic of the Congo does not tax income derived from foreign sources (DRC).

When a business hires foreign workers, it is required to pay the Impôt Exceptionnel sur la Rémunération des Expatriés (IERE).

PAYROLL



Payroll Elements

- **Income:** Salary, earnings, bonuses, overtime pay, taxable benefits, allowances, and certain lump sum perks are examples of remuneration (revenue from employment). Profits or losses made by a company or trade. Income or profits derived from an individual's status as a trust beneficiary.
- **Deductions:** The employee's portion of the INSS contribution is deducted from the IPR taxable basis. IPR may be reduced by two percent for each dependent (up to a maximum of nine dependents).
- **Benefits in Kind:** Benefits in kind at actual cost, excluding:
 - Legal family allowances (only extra-legal amount is taxable).
 - Housing, which is exempt from taxes as long as the amount is no more than 30% of the gross salary.
 - Transport that is exempt from taxation as long as the expenditure is capped at four taxi rides (for executives) or four bus tickets (for other employees) per day.
 - Medical protection.
- **Employer contributions:** Workers compensation and social security.

Payroll Taxes

Payroll taxes and social contributions are due on any compensation given by a third party, whether it be public or private, so long as it isn't in exchange for a service, as well as compensation given to executive shareholders who aren't part of joint stock companies.

Payroll Calendar

Payroll is done monthly in the DRC.

LEGISLATION AND STATUTORY BODIES



LEGISLATION

- Constitution of the Democratic Republic of the Congo
- Labor Code, 2002

STATUTORY BODIES

- Constitutional Court
- National Institute for Social Security (INSS)



Contact us today for further
information or a **FREE**
simulation.



LinkedIn



Simulation request



global@zapeo.net
