



# WHAT SHOULD YOU KNOW BEFORE ENTRUSTING WORK TO AN EMPLOYEE WHOSE MAJORITY YOU ARE NOT SURE OF ?

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**There are three numbers to remember: 15, 16 and 18 years old.**

## WHAT DOES THE LAW SAY?

The rule is that a person's capacity to contract for services is governed by the law of the country to which he or she belongs, or in the absence of a known nationality, by Congolese law. Congolese law sets the age of capacity to contract at eighteen (18).

However, a person between the ages of 16 and 18 may only be hired or kept in service for the performance of light and sanitary work stipulated by an order of the Minister responsible for labor and social welfare.

Further on, Congolese law allows a person aged 15 to be hired or retained in service, even as an apprentice, subject to express dispensation from the President of the Tribunal de Paix, after receiving the psycho-medical opinion of an expert and the labor inspector.

## PRACTICAL ADVICE

The employment of people who are clearly not yet of legal age is a particularly sensitive issue in DR Congo, as it involves several players, including the Tribunal de Paix, medical experts, the labour inspectorate and, to some extent, the parents of the person employed.

To avoid possible prosecution, it is advisable to always consult your lawyer on the appropriateness of recruitment, so that the worker's age can be checked.