

Jordanian Labour Law No. (8) Of 1996 and its Amendments*

CHAPTER ONE

Scope of Application of this Law and Interpretation of Terms

Article (1): Title and Effective Date

This Law shall be cited as the "The labour code for the year 1996" and shall come into effect after sixty days of its publication in the Official Gazette.

Article (2): Definitions Wherever used in this Law, and unless the context otherwise provides, the following terms and expressions, shall have the meaning hereunder assigned to them:

The Ministry: The Ministry of Labour.

The Minister: The Minister of Labour.

Secretary General: Secretary General of the Ministry.

The Employer: Every natural or corporate person engaging, in any capacity, a person or more in return for a wage.

The Employers Association: The committee representing Employers.

The Employee: Every person, whether male or female, who performs work in return for a wage, and is a subordinate to the Employer and subject to his control. Such shall include Juveniles and any person undergoing probation or rehabilitation.

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Work: Each intellectual or physical endeavour put forth by the Employee against a wage whether in a permanent, casual, temporary or seasonal manner.

Casual Work: Work required by emergency necessities and whose completion does not exceed three months.

Temporary Work: Work whose nature of completion requires a limited period.

Seasonal Work: Work in specific seasons of every year, the term of which does not exceed six months.

Collective Labour Contract: A written agreement that regulates the Work conditions between the Employer or the Employers Association, of one part, and a group of Employees or the Union on the other.

Employment Contract: An explicit or implicit verbal or written agreement by which an Employee undertakes to work for the Employer under his supervision or management against a wage. The Employment Contract may be for a limited or unlimited period, or for a specific or unspecific Work.

Wage: All cash or in-kind entitlements of the Employee against his Work, to which is added the remaining entitlements whatever their type in case same shall be provided for in the Law, Employment Contract, or internal regulation, or which has become the custom to pay same except for wages due for overtime.

Juvenile: Any person male or female, who has reached seven years of age and is not yet eighteen.

The Establishment: The entity that provides services, produces, or distributes merchandise.

Medical Authority: The physician or committee of physicians, appointed by the Minister.

Occupational Disease: Sustaining one of the industrial diseases listed in Table No. (1) Or any of the occupational injuries listed in Table No. (2) Which are annexed to this Law.

Work Injury: Injury sustained by the Employee as a result of an accident during the performance of Work or due thereof, including those sustained by the Employee while going to or returning from work.

The Beneficiary: The beneficiary or beneficiaries of the family of the Employee provided for in the Social Security Law in force.

The Union: A labour occupational organization formed in accordance with the provisions of this Law.

The Administrative Committee: The administrative committee of the Union.

The Collective Labour Dispute: Every dispute that arises between the union on the one hand and an employer or employer association on the other hand over the application or interpretation of a collective labour contract, or that pertains to the circumstances and conditions of work.

Three parties committee: three parties committee for labour affaires that is composed under the provisions of article (43) of this law.

Flexible Work: Every mental or physical effort exerted by the worker in return for a wage within one of the forms of the flexible work contract specified in accordance with a regulation to be issued for this purpose.

Discrimination in Wages: Inequality between workers in the wage for work that has an equal value without any discrimination based on sex.

Partial Work: Work which the nature of requires working hours that do not reach the number of working hours stipulated in Article 56 of this Law.

Article (3): Persons not subject to the Provisions of this Law

a) Notwithstanding the provisions of paragraph (b) of this Article of this Law the provisions of this Law shall apply to all Employees and Employers with the exception of Civil servants and municipality Employees.

b) The provisions that agriculture workers, domestic employee, gardeners and cooks are subjected to determine under a regulation issued for this purpose, such regulation must contain the organization of their employment contracts, workings time and rest, inspection and any other things.

Article (4): Scope of Implementing of this Law

a) The provisions of this Law shall not influence any right of the rights granted to the Employee in any other Law, Employment Contract, agreement or decision should any of the aforementioned grant the Employee preferable rights than those stipulated in accordance with the provisions of this Law.

b) Every condition in a contract or agreement, whether concluded before or after this Law, by which any Employee relinquishes any of the rights granted to same by this Law, shall be considered null and void.

CHAPTER TWO

Labour Inspection

Article (5): Inspection Duties

The Ministry shall be responsible for inspection duties, pursuant to the provisions of this Law.

Article (6): Duties of the Labour Inspector

Whoever undertakes inspection duties shall sign an affidavit that same shall perform his duty honestly and in good faith, and that he shall not disclose secrets which shall come to his knowledge on account of his work.

Article (7): Inspection Regulations

Qualifications of the Labour inspectors, their duties, powers, wages and responsibilities of the Employer towards them shall be set in pursuance to regulations issued for this purpose.

Article (8): Responsibilities of Employer towards Inspection

The Employer or whomever acts on his behalf shall:

- a) Dispatch, in the first month of every year, a notice to the Ministry, or any of its directorates located in the work area, which shall include the number of Employees, the location and nature of the work of each of them, the date of his work commencement and wage.
- b) Maintain in his Establishment registers, which he is obligated to keep, including registers of Employees and trainees thereof.

Article (9): The Powers of Labour Inspector

- a) The Labour inspector shall exercise, when realizing his duty, the powers entrusted to members of the Judicial Police in pursuance to the Criminal Procedures Law in force, and shall enforce the seizure organised by him within his job's framework until the contrary is proven.

b) The inspector may request the Employer to remove the violation within a period that does not exceed seven days as of the date of the latter's notification in writing therewith. In the case of the Employer failing to do so the Minister, or the person delegated by same, may decide upon the closure of the Establishment until the violation is removed or the Court issues a decision thereon.

c) The Court shall obligate the violator to rectify the violation, and with a fine of not less than fifty Dinars, and not more than five hundred Dinars. The fine may not be reduced below its minimum limit for any extenuating discretionary reason.

CHAPTER THREE

Employment & Occupational Guidance

Article (10): Organization of Labour Market

a) The Ministry shall, through cooperation and coordination with the competent authorities, undertake the duties of regulating the labour market, vocational guidance, and the provision of job and employment opportunities for Jordanians inside and outside the Kingdom. Toward this end, it may establish offices for the employment of Jordanians or license the establishment of private offices for this purpose.

b) Taking into consideration the provisions of any other legislation, the Minister may license the establishment of private offices to regulate the employment and recruitment of non-Jordanians in the following sectors:

1. The sector of domestic workers, gardeners, cooks and the like.

2. Any other sector that the Council of Ministers approves in a manner that does not conflict with the Ministry's objectives and policy of providing job opportunities and the employment of Jordanians.

c) The provisions and terms of establishing private offices indicated in Paragraphs (A) and (B) of this Article, including the rules and terms for renewing the annual licensing of these offices, the cases of revoking the license, the method of their management, the Ministry's supervision of these offices, and the fees for the services provided by such offices, shall be determined in accordance with regulations to be issued for this purpose.

D) The Minister may allow the trade unions, employer associations, professional associations, universities, municipalities, chambers of industry and commerce, and other public entities to undertake mediation to employ Jordanians, provided that no fee is charged for this.

Article (11): Protection of the Labour Market

Taking into consideration the provisions of Paragraph D of Article 10 of this Law, no one except the public employment directorates and the licensed private employment offices may carry out mediation to employ or facilitate the employment of workers inside and outside the Kingdom. The Minister may close the establishment contravening the provisions of this article and refer it to court. Anyone who violates the provisions of this article shall be punishable by a fine of not less than five hundred dinars and not exceeding one thousand and five hundred dinars or by imprisonment for a period of not less than thirty days and not exceeding six months or by the two penalties. Any establishment used for this purpose shall be closed and the assets related to the purpose of employment shall be seized.

Article (12): Non-Jordanian Employees

a) No non-Jordanian worker may be employed except with the approval of the Minister or someone whom he authorizes provided that the work must require experience and competence that Jordanian workers do not have, or if the number of qualified Jordanian workers does not meet the need. The Minister may issue any instructions that he deems necessary to regulate the recruitment and employment of non-Jordanian workers for the purposes of this article.

b) The non-Jordanian worker shall obtain a work permit from the Minister or someone whom he authorizes before his recruitment or employment. The validity of the permit shall not exceed one year, subject to renewal. Upon renewal, the validity of the work permit shall be calculated from the expiry date of the last work permit he has obtained.

c) 1. The Ministry shall collect a fee from the employer in return for the work permit that it issues or renews for each non-Jordanian worker, including the workers who are subject to the provisions of Paragraph B of Article 3 of this Law. This fee shall be considered as revenue for the treasury. The amount of this fee shall be determined in accordance with a regulation to be issued for this purpose.

2. The Ministry shall collect an additional amount for each work permit issued or renewed by the Ministry from the employer for the workers indicated in (1) of this paragraph and in accordance with the regulation issued thereof. This amount shall be allocated to the Employment, Technical and Vocational Education Training (E-TVET) Fund established in accordance with the effective E-TVET Council Law, provided that 5% of these amounts shall be allocated for the remuneration and incentives of the employees working at the Ministry and any other entity that it calls on for assistance to be paid in accordance with relevant legislation.

3. If the employers do not abide by the provisions (1) of this Paragraph, the fines stipulated in accordance with the regulation on fees for work permits, issued based on the provisions of this Law, shall be imposed on them.

d) The employer or the establishment manager shall be punishable by a fine of not less than five hundred dinars and not exceeding one thousand dinars for each non-Jordanian worker who is employed in violation of the provisions of this Law. This fine shall be doubled in the case of a repeat and may not be reduced to become less than the minimum in any case or for any reason.

e) 1. The children of Jordanian women who are married to non-Jordanians residing in the Kingdom shall be exempted from obtaining the work permits that are stipulated in Paragraphs (A) and (B) of this Article.

2. The Council of Ministers may issue the necessary regulations to regulate the work of non-Jordanians residing in the Kingdom.

f) Based on a recommendation by the Ministry of Social Development, the Minister or someone whom he authorizes may exempt those who have severe disabilities or their guardians from paying the fees and amounts stipulated in Paragraph (C) of this Article for one non-Jordanian worker if the disabled person was in dire need for assistance from others to meet his daily life requirements and the level of his income or that of his guardian required this exemption, provided that the duties of the non-Jordanian worker shall be limited to providing assistance to the disabled. The conditions for this recommendation and the procedures of its issuance shall be determined in accordance with instructions issued by the Minister of Social Development for this purpose.

g) Employing a non-Jordanian worker shall be considered as a violation of the provisions of this Law in any of the following cases:

1. Employing a non-Jordanian worker without obtaining a work permit.

2. Employing a non-Jordanian worker for an employer other than the one specified in the permit unless he has obtained permission from the competent authority at the Ministry.

3. Employing a non-Jordanian worker in an occupation other than the one for which he has obtained the permit.

h) The Minister shall issue a decision deporting the worker contravening the provisions of this article at the expense of the employer or the manager of the establishment. This decision shall be implemented by the competent authorities. The non-Jordanian worker who is deported may not be recruited or employed again before the passing of at least three years from the date of implementing the deportation decision.

Article (13): Employment of Workers with Disabilities

The employer shall employ a percentage of workers with disabilities as stipulated in the effective Law on the Rights of Persons With Disability and in accordance with the conditions stated in it. He shall also send to the Ministry a statement in which he shall clarify the jobs that workers with disabilities occupy and the wage of each one of them.

Article (14): Employment of a Partially Disabled Employee

Shall an Employee sustain a work injury resulting in permanent partial disability, which does not prevent same from performing work other than the work which he used to perform then the Employer shall place him in another job suitable for his condition, if such work is available against the wage set thereof, provided that the calculation of his financial rights for the period prior to his injury be based on his last wage before injury.

CHAPTER FOUR

Employment Contract

Article (15): Employment Contract Preparation and Termination - Limited Work Period Expiry - Work per Piece - Subcontracts

a) 1. The work contract shall be drafted in Arabic and in at least two copies. Each one of the two parties shall keep a copy. The worker may establish his rights by all legal means if the contract was not organized in writing.

2. If the worker does not bear an Arab nationality, another copy of the contract shall be drafted in an accredited foreign language in accordance with instructions to be issued by the Minister for this purpose.

b) The worker who is appointed for an indefinite period shall continue to perform his work until his service ends in accordance with the provisions of this Law, while in cases in which the worker is appointed for a definite period, he shall continue to perform his work during that period.

c) If the work contract is for a definite period, it shall expire automatically by the expiry of its period. If the two parties to the contract continue to implement it after its expiry, then this shall be considered as a renewal of the contract for an indefinite period from the beginning of employment.

d) A worker who is employed regularly by piecework in the workplace or who performs a series of piecework jobs shall be considered a worker for an indefinite period.

e) 1. The contractor's workers who work to execute contracting work may file a claim directly against the project's owner to claim their entitlements from the contractor within the limits of the entitlements of the contractor from the project's owner at the time of filing the claim.

2. The workers of the subcontractor may file a claim directly against the principal contractor and the owner of the project within the limits of entitlements that are due by the project's owner to the principal contractor and the entitlements that are due by the principal contractor to the subcontractor at the time of filing the claim.

3. The workers mentioned in the previous two paragraphs may obtain their rights from the amounts due by the principal contractor or the subcontractor. They shall receive their entitlements, each according to what is due to him.

Article (16): Applicability of the Employment Contract on General and Private Successors

The Employment Contract shall remain in force, disregarding a change in the Employer due to the sale of the project, its transfer through inheritance, the merging of the Establishment or any other reason. The original and new Employers shall remain jointly responsible for a period of six months for the implementation of obligations arising out of Employment Contracts which are due prior to the date of the change. However, after the lapse of the said period, the new Employer shall become solely responsible.

Article (17): Obligating an Employee to Perform work other than his Work

An Employee shall not be obligated to perform work distinctly different from the nature of work agreed upon in the Employment Contract, unless necessity so requires, to prevent the occurrence of an accident or to repair what may result thereof, or in the case of force majeure, and in other cases stipulated by the Law, provided that this is within the extent of his capacity, and the conditions which necessitated such work.

Article (18): Change of Work Place

The Employee shall not be obligated to work in a place other than that assigned for his work, shall same lead to changing his residency location, unless an explicit provision permitting same is provided for in the Employment Contract.

Article (19): Duties of the Employee

The Employee shall:

- a) Perform his work personally, and exercise the care of a normal person while performing same, and abide by the instructions of the Employer related to the implementation of the work agreed upon, and that is within the limits which do not expose him to danger, or contravene the provisions of the Laws in force or public morals.
- b) Safeguard the industrial and commercial secrets of the Employer, and not disclose them in any manner even after the termination of the Employment Contract, in accordance with the requisites of the agreement or Custom.

c) Care for maintaining the items handed to him for the performance of his work including work tools, materials and remaining supplies of his work.

d) Undergo required medical check-ups necessitated by the nature of work before commencing work or thereafter to ascertain that he is free of occupational and contagious diseases.

Article (20): Inventions

a) The intellectual property rights shall be determine for the Employer and the employee by a written agreement to what is related to the work of the Employer, or if the Employee utilized the experience of the Employer, his information, tools, equipment or primary materials to arrive at such invention

b) The intellectual property rights shall be for the Employee, shall the intellectual property right invented by him not be related to the work of the Employer, and having not utilized the experience of the Employer, his information, tools or primary material in arriving at such invention, unless agreed otherwise in writing.

Article (21): Employment Contract Termination

An Employment Contract shall be terminated in any of the following cases:

a) If the two parties agree to terminate it.

b) If the term of the work contract has expired or the work has been completed.

c) If the worker dies or becomes unable to perform the work due to illness or incapacity, and this is confirmed by a medical report issued by a medical authority.

d) If the worker meets the conditions of old age retirement as stipulated in the Social Security Law unless the two parties agree otherwise.

Article (22): Death of Employer

The Employment Contract shall not be terminated as a result of the death of the Employer unless the identity of the Employer was observed in the Contract.

Article (23): Employment Termination

a) Shall either party wish to terminate the unlimited Employment Contract, then he shall notify the other party in writing of his intention to terminate the Contract at least a month in advance. The notice may not be withdrawn without both the approval of both parties.

b) The Employment Contract shall remain in effect throughout the duration of the notice, and the period of the notice shall be considered part of the service period.

c) Shall the notice originate from the Employer then he may exempt the Employee from working during its duration and may request him to work except in the last seven days thereof. In all cases, the Employee shall be entitled to his wage for the notice period.

d) Shall the notice originate from the Employee and shall same quit work before the lapse of the notice period then he shall not be entitled to the wage for the period of leaving work and shall compensate the Employer for that period by the equivalent of his wage for such period.

Article (24): Instances in which an Employment Contract may not be terminated

Notwithstanding the provisions of Article (31) of this Law, an Employee may not be discharged and no disciplinary action may be taken against him for reasons related to complaints and claims submitted by the Employee to the competent authorities and which are related to the application of the provisions of this Law upon him.

Article (25): Arbitrary Discharge

Shall it become apparent to the competent Court, in a lawsuit instituted by the Employee within sixty days of the date of his discharge, that the discharge as arbitrary and in violation of the provisions of this Law, then it may issue an order to the Employer to reinstate the Employee to his original work, or to pay a compensation to him in provided that the amount of such compensation is not less than the wage of two months in addition to a lieu of notice, and his other entitlements provided for in Articles (32) and (33) of this Law, the compensation shall be calculated on the basis of the last wage received by the Employee.

Article (26): Termination of a Limited Period Employment Contract

a) Shall the Employer terminate the limited period Employment Contract before the expiry of its term or shall the Employee terminate same for any of the reasons stipulated in Article (29) of this Law, then the Employee shall be entitled to receive all the rights and privileges provided for in the Contract and shall be entitled to the outstanding wages until the conclusion of the remaining term of the Contract, unless the Employment Contract termination was a discharge in pursuance to Article (28) of this Law.

b) Shall the limited period Employment Contract termination originate from the Employee in cases other than those stipulated in Article (29) of this Law, then the Employer may claim from him the damages that may arise as a result of this termination as estimated by the competent Court, provided that the amount ruled for against the Employee does not exceed one-half the wage for every month of the remaining term of the Contract.

Article (27): Exceptions to Employment Termination

a) Notwithstanding the provisions of paragraph (b) of this Article the Employer may not terminate the employment of the Employee or notify same of the termination of his employment in any of the following cases:

1. The pregnant woman as of the sixth month of her pregnancy or during her maternity leave.
2. The Employee commissioned with conscription or reserve service during performing such service.
3. The Employee during his annual leave, sick leave or the leave granted to him for cultural labour purposes, pilgrimage or during his holiday agreed upon between the two parties to serve on a full time basis syndication work or to enrol in a recognized institute, college or university.

b) The Employer shall be absolved from the provisions of paragraph (a) of this Article if the Employee is engaged by another Employer during any of the periods provided for in that paragraph.

Article (28): Discharge without Notice

The Employer may discharge the Employee without notice in any of the following cases:

- a) Shall the Employee impersonate the personality or identity of another or present forged certificates or documents for the purpose of benefiting himself or harming others.
- b) Shall the Employee fail to fulfil his obligations in pursuance to the Employment Contract.
- c) Shall the Employee commit an error resulting in great material loss for the Employer, provided that the Employer notifies the competent authority or authorities of the accident within five days as of his knowledge of the occurrence thereof.
- d) Shall the Employee violate the internal regulation of the Establishment, including the safety conditions of the of work and the Employees, in spite of his warning thereof in writing twice.
- e) Shall the Employee absent himself without a legitimate reason for more than twenty intermittent days during a year or for more than ten consecutive days provided that the discharge is preceded by a written notice sent by registered mail to his address and published in a local newspaper once.
- f) Shall the Employee disclose work-related secrets.
- g) Shall the Employee be convicted by a judicial verdict, which has become final, with a felony or a misdemeanour touching upon honour and public morals.
- h) Shall the Employee be clearly drunk or under the influence of a narcotic or a mental inhibitor during work, or shall he commit an act violating to the public morals at the work place.
- e) Shall the Employee assault the Employer, responsible manager, any of its superiors, any Employee or any other person during work or as a result thereof, by assault or battery.

Article (29): Resignation from Work without Notice

- a) The Employee may leave work without notice, with out prejudice to his legal rights related to the termination of service, as well as compensation of the damage due to him in any of the following cases:

1. His employment in work distinctly different in nature from the work agreed upon in pursuance to the Employment Contract, provided the provisions of Article (17) of this Law are observed.
 2. His employment in a manner that calls for the change of his permanent residency location, unless the Contract stipulates otherwise.
 3. His transfer to another work in a lower grade of the work for which his employment was agreed upon.
 4. The reduction of his wage provided that the provisions of Article (14) of this Law are observed.
 5. Shall it be substantiated by a medical report issued by a Medical Authority that the continuation of the Employee in the work shall threaten his health.
 6. Shall the Employer or his representative commit trespass against him during work or as a result thereof by assault or battery in any kind of sexual abuse under the applicable law.
 7. Shall the Employer fail to perform any provision of the provisions of this Law or any regulation issued in pursuance, provided that he has received a notice from the competent authority at the Ministry requesting same to observe these provisions.
- b) If it is discern to the minister that an employer or his representative attach any employee by beaten or practice any form of sexual abuse n any of the workers, he may decide to close down the establishment for the period that it deems appropriate and taking into account the provisions of any other applicable legislation.

Article (30): Service Certificate

The Employer shall furnish the Employee, at the end of his service, upon his request with a service certificate in which the name of the Employee, the nature of his work, date of his enrolment into the service and date of the termination of his service are mentioned. The Employer shall also be obligated with returning papers, certificates and tools deposited by the Employee with him.

Article (31): Unlimited Period Employment Contract Suspension

- a) Shall the economic or technical circumstances of the Employer require the reduction of the size of the work, or the replacement of a production system

with another, or the permanent halting of work which may result in the termination or suspension of all or part of the unlimited period Employment Contracts, then the Employer shall inform the Minister in writing corroborating same with the justifying reasons before taking any action in this regard.

b) The Minister shall form a committee from the three parties of production to verify the suitability of the procedures of the Employer, and to present its recommendations therewith to the Minister within a period that does not exceed fifteen days as of the submittal of the notification.

c) The Minister shall issue a decision regarding the recommendation within seven days as of the date of its submittal, either to approve the procedures of the Employer or to re-examine same.

d) Shall the Minister decide, in light of the recommendations of the committee, that the Employer reinstate a number of Employees to their posts, and that the circumstances of the Employer can withstand this, then the Employer may appeal the decision before the Court of Appeal within ten days as of the date of notification of this decision. The Court shall examine the decision in an expeditious manner so as to settle the appeal within a period that does not exceed a month and its decision shall be final.

e) The Employees whose services have been terminated, in accordance with paragraphs (a) and (b) of this Article, shall enjoy the right to be re-employed within one year from the date of leaving work, in the event the work shall recover its nature, and it was possible to reinstate them with the employer.

f) The employee whose employment contract has been suspended pursuant to paragraph (a) of this Article shall be entitled to leave work without notice, without prejudice to his legal rights related to the termination of service.

Article (32): Compensation for Termination

The employee who is not subjected to the Social Security Law, and whose employment is terminated for any reason whatsoever, shall be entitled to termination compensation based on the wage average of one month for every year of his actual service, and shall be paid for the fractions of any year compensation in proportion thereof. The compensation shall be calculated on the basis of the last wage he received during the period of his employment. However if all or part of his wage is calculated on a commission or per piece basis then the compensation shall be calculated on the monthly average of what the Employee has actually received during the twelve months preceding the termination of his service. In the case of his service not reaching such limit then

the total monthly average of his service (shall be adopted) and the intervals that fall between one job and the other and not more than sixty days for any of them shall be considered a continuous period of service when calculating the compensation.

Article (33): Provident, Saving and Retirement Funds

a) In addition to the termination compensation, the Employee subject to regulations particular to the Establishment in which he works that are related to Provident, Saving and Retirement Funds, or any other similar fund, shall have the right to receive all the entitlements granted to him in pursuance to those regulations, in the event of the termination of his service.

b) The Minister, or the person authorized by him, shall approve the regulations related to the Funds stipulated in paragraph (a) of this Article.

c) The regulation of any of the funds stipulated in paragraph (a) of this Article may provide for the investment of all or part of its assets in the shares or interests of the company in which the fund was established.

d) The funds stipulated in paragraph (a) of this Article shall have an independent corporate identity. The regulation of any of such shall include issues related to the management of the funds including the following:

1. The existence of a general committee comprised of all the working members in the fund, which shall meet at least once a year, to approve the accounts of the fund, discuss managerial and financial matters and elect its representatives in the managing committee of the fund.

2. Manage and invest the assets of the fund by a committee whose members are Establishment Employees who are members in the fund.

Article (34): Rights of the Deceased Employee

In the case of the death of an Employee all his rights stipulated in pursuance to this Law in addition to his rights in any other Funds stipulated in Article (33) of this Law shall devolve to his legitimate heirs.

Article (35): Probation Period

a) The Employer may engage any Employee under probation to ascertain his competence and ability to perform the required work provided that the

probation period not exceed in any case whatsoever three months and that the wage of the Employee under probation not fall below the set minimum wage.

b) The Employer may terminate the employment of an Employee under probation without notification or compensation during the probation period.

c) Shall the Employee continue in his work after the expiry of the probation period then the contract shall be considered an unlimited period Employment Contract and the probation period shall be included in the period of service of the Employee with the Employer.

CHAPTER FIVE

Vocational Training Contract

Article (36): Training Contract Preparation

a) The vocational training contract shall be in writing between the Employee and Employer. The instructor shall possess adequate qualifications and experience in the vocation or trade in which the Employee shall be trained and the Establishment itself shall satisfy the appropriate training requirements.

b) The training contract shall be prepared in accordance with the form and requirements set by the vocational training Establishment in pursuance to instructions issued for this purpose and published in the Official Gazette. The contract shall be exempt from stamp duties.

c) The trainee who has completed eighteen years of age shall conclude the contract independently; however, if same is a Juvenile then his guardian or custodian shall act as his proxy.

Article (37): Training Contract Period

The period of the training contract, its consecutive stages and the wages due to the trainee in each stage shall be set in the training contract. The wage of the last stage shall not be less than the minimum wage given to identical work and that the determination thereof shall not be in any case on a per piece or production basis. The training shall be organized in accordance with the

programs set by the vocational training Establishment, pursuant to instructions issued for this purpose and published in the Official Gazette.

Article (38): Training Contract Termination

The training contract may be terminated upon the request of either party in any of the following cases:

- a) Shall either of them commit a violation to the provisions of this Law, or the regulations issued in pursuance.
- b) Shall either of them fail to fulfil his duties in accordance with the conditions of the contract concluded between them.
- c) Shall the conditions of the contract become impossible to implement for reasons beyond the will of either party.
- d) Shall the Employer transfer the training site set in the contract to another site whereby the move thereto shall constitute a difficulty for the trainee or shall prejudice his interest. The trainee may not object thereon after the lapse of one month as of his transfer to the new training site.
- e) Shall the continuation of the trainee in the job threaten his safety or health and such was substantiated by the work inspector report or by a medical report issued by an approved medical committee.

CHAPTER SIX

Collective Employment Contract

Article (39): Collective Employment Contract Preparation

- a) A Collective Employment Contract shall be organized on at least three original copies. Each party shall keep a copy thereof and the third copy shall be deposited with the Ministry for registration in a special register. The Collective Employment Contract shall be binding as of the date specified therein. In the case of not specifying a date then as of its registration date at the Ministry.
- b) The Minister shall issue instructions for registering collective bargaining and adherence to it and any regulatory matters relating to it, that these contracts

are published in the Official Gazette and announced on the plate at the workplace.

Article (40): Collective Employment Contract Period

a) The collective work contract may be for a limited period or indefinitely, if held for a limited period must not exceed three years and if it is contracted for an indefinite period and went on to implement at least for two years, each of the parties may take any of the following:

1. Request to terminate the contract by notice to the other party at least a month before the date specified for termination.

2. Request modification of the contract in whole or in part under a notice to the other party and that this amendment is through one month of the notification

b) Report notification to the sender, must send a copy to the ministry.

Article (41): Renewal of a Collective Employment Contract

a) Shall a Collective Employment Contract expire upon the lapse of its term or its termination by either party in accordance with the provisions of Article (40) of this Law, and the existence of negotiations for its renewal, extension of its period or amendment then its effect shall remain valid throughout the period of negotiations for a period that does not exceed six months. Shall the negotiations fail to conclude in an agreement within this period then the Contract shall be considered terminated.

b) The termination of the Collective Work Contact shall not permit the Employer to infringe in any manner whatsoever upon the rights acquired by the Employees included in the Contract.

Article (42): Categories Bound by a Collective Employment Contract

a) The collective work contact must include:

1. To identify employers and groups of workers benefiting from.

2. Agreed issues between the parties, including work conditions and organization the labour relations for the workers.

3. Commencement date along with termination date if it is a fixed term.

4. Modifications precedes.

5. Ensure follow-up applied through a committee formatted by representatives of the parties noting that the membership are equally between employers and workers, its role settling disputes arising from implementation

b) The collective work contract is binding for:

1. Employers covered for herein and the legal successor of them, including the heirs and the people who moved to them the institution in any form whatsoever.

2. Employees included in the provisions of this law.

3. Workers in any institution subject to the provisions of the collective work contract, although they are not members in any union.

4. Workers in any institution subject to the provisions of the collective work contract associated with individual work contracts with the institution and their contracts terms are less useful to them of the provisions of the collective contract.

c) Any condition contrary to the collective work contract contained in any individual contract concluded between the persons associated with the collective contract unless such condition is more beneficial to workers.

Article (43): Expanding the Scope of a Collective Employment Contract

a) the ministry compose a committee called (the Tripartite Commission for Labour Affairs) (chaired by the Minister and representatives from the ministry and the workers and employers equally among themselves and determine the terms and procedures on how the formation of the Tripartite Commission and its work and functions and its meetings and determine the number of members And how the appointment and bonuses, and other things related to them under the regulation to be issued for this purpose.

b) The tripartite commission assumes the functions assigned to it under this law in addition to these advisory functions:

1. Express their opinion in matters of working conditions and circumstances.

2. Study and evaluation of issues relating to labour standards Arab and international.

3. A study on the compatibility of policies and legislation to work with the needs of social and economic development and international labour standards.

4. Discussion of labour disputes.

c) 1. Tripartite Commission undertake after making a suitable studying lift the appropriate recommendation to the Minister to expand the scope of any collective labour contract before the implementation period of not less than two months to apply its conditions on the employee and the employers in a particular sector or on a certain class of theme in all or certain regions.

2. The decision issued by the approval of the Minister on the recommendation set forth in section 1 of this paragraph should be published in the Official Gazette.

Article (44): Registration of Collective Employment Contracts Instructions

a) It may be made in collective bargaining between employers and workers and any of their associations on any matters related to improving the terms and conditions of employment and labour productivity is that this negotiation at the request of the employer or the union within a period not exceeding (21) days from the date of written notification directing the party who wishes to conduct the negotiations to the other shelf the price includes the subject of negotiation and its causes and to be sent a copy to the Minister within a period not exceeding (48) hours from the issuance date.

b) Employer along with worker representatives in the organization contracted with twenty five or more workers must regularly meets at least twice a year for organizing and improving working conditions and productivity along with negotiating any related matter.

CHAPTER SEVEN

Protection of Wages

Article (45): Wage Determination

The amount of the wage shall be set in the Contract. Shall the Employment Contract fail to state same, then the Employee shall receive the estimated wage for work of a similar nature, if any, otherwise, it shall be estimated in accordance with Custom. Shall there be no Custom, then the Court shall undertake its

determination in accordance with the provisions of this Law as being a labour dispute concerning wages.

Article (46): Wage Entitlement and Receipt

a) The wage shall be paid within a period that does not exceed seven days as of the date of becoming due. The Employer may not deduct any part thereof except in the cases permitted by the Law.

b) The signature of the Employee upon any wage statement or register or receipt for the registered value of the amount therein shall not denote the waiving of his rights to any increase to the received amount in pursuance to the Law, regulation or Contract.

Article (47): Wage Rebate

No rebate to any amount of the wage of the Employee may be realized except in the following cases:

a) Recovery of what the Employer advanced the Employee, whereby each recovered instalment of the advance may not exceed (10%) of the wage.

b) Recovery of any amount paid to the Employee in excess of his entitlements.

c) Social Security subscriptions, its due instalments on the Employee and reductions made in pursuance to other Laws.

d) The subscriptions of the Employee in the Saving Funds.

e) Reductions related to housing facilities provided by the Employer and other benefits or services in accordance with the rates or percentages agreed upon between both parties.

f) Each debt collected in implementation of a judicial ruling.

g) Amounts imposed upon the Employee as a result of violating the provisions of the Bylaws of the Establishment, or Employment Contract, or against materials and tools damaged by him as a result of his negligence or mistakes as per the special provisions stipulated in this Law.

Article (48): Disciplinary Procedures and Fines

The Employer may not realize any disciplinary procedure or impose a fine on the Employee for a violation not stipulated in the list of the penalties approved by the Minister, or the person authorized by him, provided that the following is taken into account:

a) That no penalty be imposed on the Employee which exceeds the wage of three days per month or to suspend same without a wage for a period exceeding three days per month and that the Employee be given an opportunity to present his defence statement before imposing a penalty on him. The Employee shall also be entitled to object to the penalty imposed on same with the Labour Inspector within a week as of the date of his notification therewith.

b) That no disciplinary procedure be taken or penalty imposed upon the Employee for any violation of the violations stipulated in the approved list of penalties after the lapse of fifteen days as of its realization.

c) That the fines imposed in pursuance to this Article be recorded in a special register showing the name of the Employee, amount of his wage and the reasons justifying imposing the fine and that the penalties be allocated for the realization of social services for the Employees in the Establishment as decided by the Minister or his proxy.

Article (49): Wage Deduction

Shall it be substantiated that the Employee caused the loss or destruction of the tools, equipment or products owed or possessed by the Employer, and that same was in the care of the Employee and such was a result of the mistake of the Employee or his violation of the instructions of the Employer, then the Employer may deduct from the wage of the Employee the value of such lost or destroyed effects or the cost of their repair provided that the reduction for such purpose does not exceed the wage of five days per month. The Employer may resort to the competent civil Court to claim compensation for the damages caused by the Employee.

Article (50): Work Suspension

Shall the Employer be forced to temporarily suspend work as a result not attributed to him and which can not be prevented by him then the Employee shall be entitled to the complete wage for a period not exceeding the first ten days of the work suspension within the year. He shall also pay the Employee half

his wage for the period in excess of same, provided that the entire period paid work suspension does not exceed sixty days per year.

Article (51): Privileges of the Employees' Wages and Rights

a) 1. Wages and amounts due to the Employee, his heirs or the persons entitled thereof after his death, in pursuance to the provisions of this Law shall be considered first class lien debts in the legal sense of the word.

2. The Employee shall lose his first class lien stipulated in clause (1) of this paragraph if it becomes evident to the competent Court that the wages and amounts due to him which are included in this lien do not have a legal basis.

b) In the case of the liquidation of the Establishment or the bankruptcy of the Employer, the Liquidator or Bankruptcy Receiver shall pay the Employee or his heirs immediately and upon taking possession of the funds of the Employer the equivalent of the wage of one month from the amounts due to him and before settling any other expenses including judicial, bankruptcy, and liquidation expenses.

Article (52): Minimum Wage

a) Upon the recommendation of the Minister, the Council of Ministries shall form a committee comprising an equal number of representatives of the Ministry, workers, and employers. The Council shall appoint a chairman for the committee from its members.

b) The tripartite committee shall determine the minimum wage in general for a particular region or occupation or certain age group provided that cost of living indicators, which are issued by competent official entities, are taken into consideration. The decisions of the committee shall be published in the official gazette.

c) The tripartite committee shall adopt its decisions on the matters specified in Paragraph (B) of this Article unanimously. Contrary to this, it shall refer the matter to the Minister to submit it to the Council of Ministers to adopt the appropriate decision on it.

Article (53): Protection of Minimum Wage

The employer shall be punishable by a fine of not less than five hundred dinars and not more than one thousand dinars for every case in which he pays a wage to a worker that is less than the minimum wage or for discrimination in wages between the two sexes for work that has an equal value. In addition, the worker shall receive the wage difference. The penalty shall be doubled whenever the violation is repeated.

Article (54): Wages Authority / Conditions of Accepting a Wage Lawsuit / Wage Lawsuit Procedures

a) The Minister may appoint, in a certain region, an authority made up of experts and specialists in labour affairs to be called "authority of wages" and shall comprise one person or more to handle the following:

1. Examine claims related to wages in that region, including not paying the full wage, illegal deductions, delay in paying the wage, or the wages of overtime hours or any discrimination in wages for work of equal value, provided that they shall be decided on an urgent basis. The worker may file such a claim, whether he is actively employed or within six months of leaving work if terminating the contractual relationship was by the worker.

2. Conduct mediation at the request of the worker to resolve a dispute between him and the employer. This mediation must take place within six months of the date of terminating his work. If the employer or the person who represents him fails to attend the mediation session, the authority on wages may impose a fine on him in the amount of 50 dinars. For this purpose, the authority on wages shall apply the provisions of the effective mediation law for settling civil disputes inasmuch as it does not contravene the provisions of this paragraph.

b) The authority on wages shall not be bound to execute the procedures and rules adopted in courts, and shall have the same powers given to the regular courts in the following issues:

1. Summoning any person to hear his testimony after taking the oath, and bringing him by the competent security authorities in case he fails to appear.

2. Asking the parties to the claim to provide documents and evidence that it deems necessary to decide on the case.

c) The worker or the trade union on his behalf shall present the claim in writing. A single claim may be presented by a number of workers if they were working in the same establishment and the reason of their claim was the same. Each of

the disputing parties may appoint a representative to act on its behalf before the competent authority on wages.

The employer shall present, within a period not exceeding ten days from the date of being notified of the claim documents, a detailed answer to the claim for each fact before the competent authority on wages, enclosing the documents and evidence proving his settling the wages claimed by the worker or that the worker is not entitled to them. Before holding its sessions to examine the claim, the authority may request from any of the parties providing it with any exhibits, documents, or evidence it deems necessary to decide on the claim.

d) The authority of wages may ask the employer within a period that it shall specify to pay the worker the illegally deducted wages, the unpaid or due wages or those that he has defaulted on paying in the specified period for this purpose. It may also add compensation that it shall estimate provided that it shall not exceed the deducted or unpaid amount for the period for which the wages are claimed and on the condition that the employer shall not be bound to pay compensation for the incomplete wages or the wages whose payment has been delayed if the authority was convinced that the delay resulted from a mistake with bona fide, a dispute over the amount that shall be paid, a state of emergency, or the failure of the worker to claim the payment of wages or accepting them.

e). The authority on wages shall examine the claim lodged with it in the presence of both parties or their representatives. The claim shall be dismissed if the claimant worker fails to appear. It shall examine the claim in his presence if the defendant employer fails to appear. In this case, it shall issue its decision against the latter in absentia, and its decision shall be appealable at the Court of Appeal within ten days from the date of being notified if the adjudged amount for the worker exceeds one hundred dinars.

f) The decisions of the authority on wages shall be enforced by the competent departments as if they were decisions issued by the regular courts provided that the adjudged amounts shall not be subject to installments.

g) The claim presented by the worker to the authority on wages and its decisions presented for enforcement to the competent departments shall be exempted from fees and stamps.

h) The remuneration decided by the Minister shall be disbursed to the authority and the employees working for it, taking into consideration the number of cases that were filed with it and decided by it, provided that the authority shall perform its duties after official working hours.

CHAPTER EIGHT

Work Regulation and Holidays

Article (55): Bylaw

Each Employer engaging ten Employees or more shall place a Bylaw to regulate work within his Establishment, indicating therein the working hours, daily and weekly rest periods, work violations, penalties and precautions realized in respect thereof, including discharge from work and the manner of implementing same, and any other details necessitated by the nature of work. The Bylaw of the Establishment shall be subject to the approval of the Minister or the person(s) authorized by him and shall come into effect as of the date of its approval.

Article (56): Determination of Working Hours

- a) An Employee may not be engaged at work for more than eight hours per day or forty-eight hours per week, except in the cases stipulated in this Law. The time set for rest and meals shall not be calculated thereof.
- b) The maximum limit of the weekly working hours and the rest periods may be distributed so that the total does not exceed eleven hours per day.

Article (57): Compulsory Overtime

The Employer may put an Employee to work for more than the daily or weekly working hours in any of the following cases, provided that the Employee in any of the cases receive the additional wage stipulated in this Law:

- a) Realization of the annual inventory of the Establishment, preparation of the balance sheet and closing accounts, and arrangement to sell at a discounted price provided that the number of days to which the provisions of this Article apply do not exceed thirty days per year and that the number of actual working hours do not exceed ten hour per day thereof.
- b) For the purpose of avoiding the occurrence of loss in the merchandise or any other material exposed to damage or the dangers of technical work or for receiving, delivering or transporting certain materials providing that the days on which the provision of this article are applicable should not be more than thirty days in any year.

Article (58): Exceptions to Working Hours Determination

The provisions of the previous Articles related to working hours stipulated in this Law shall not apply to persons undertaking the duties of general supervision on the establishment or it is managing, or whose work requires them to travel or move within the Kingdom and abroad.

Article (59): Voluntary Overtime

a) The Employee may be put to work with his consent in excess of the daily or weekly working hours provided that the Employee receive for the additional hour of work a wage not less than (125%) of his ordinary wage.

b) Shall the Employee work during his weekly holiday or religious holiday days or official holidays then he shall receive against his work for that day an additional wage not less than (150%) of his ordinary wage.

Article (60): Weekly Holiday

a) The Friday of every week shall be the weekly holiday unless the nature of the work requires otherwise.

b) The Employee may, with the approval of the Employer combine his weekly holiday and obtain same within a period that does not exceed a month.

c) The weekly holiday of the Employee shall be with full pay, unless he works on a daily or weekly basis whereby, he shall be entitled, in both cases, to the wage of the weekly holiday shall he work for six continuous days prior to the day set for the holiday. He shall also be entitled therefrom, the wage in proportion to the days he worked during the week shall same be three days of more.

Article (61): Annual Leave

a) Each Employee shall be entitled to an annual full pay for a period of fourteen days per year of service, unless agreed on more therefrom provided that the annual leave period becomes twenty-one days, shall he pass five continuous years in the service of the same Employer. Official holidays, religious feasts and weekly holidays shall not be calculated from the annual leave.

b) Shall the service period of the Employee fail to reach a year, then he shall be entitled to a paid holiday in proportion to the period of his service during the year.

c) The worker's leave could be postpone for any year based on an agreement between the worker and the employer to the following year. The worker's right to the delayed leave in this manner shall be forfeited if the year for which the leave was delayed elapsed and he has not requested taking that leave during that year. The employer may not reject the worker's request to take his leave. If he refuses to grant him leave and the two years elapse, he shall be punishable by a fine of one hundred dinars and he shall pay to the worker compensation for his annual leave in cash.

d) The Employer may decide during the first month of the year the date of the annual leave of every Employee and the manner of its utilization by the Employee in his Establishment in accordance with the work requirements therein, provided that the interest of the Employee is taken into account.

Article (62): Annual Leave Division

Shall the annual leave not be taken at one time, then any part thereof may not be less than two-days at any time.

Article (63): Termination of Employees Services Prior to Utilization of Leave

Shall the services of the Employee terminate, for any reason whatsoever, prior to his utilization of the annual leave, then he shall be entitled to receive remuneration for the days that have not been used from such leave.

Article (64): Waiver of Annual leave

Every agreement stipulating the waiver of the Employee of his annual leave or any part thereof shall be considered null and void.

Article (65): Sick Leave

Each worker shall be entitled to a fully paid fourteen-day sick leave per year based on a report by the physician approved by the establishment. The leave may be renewed for another fully paid fourteen days if he is hospitalized based on the report of a physician approved by the establishments whose workers are less than twenty. As for the establishments whose workers is over twenty, a medical committee shall be adopted for the purposes of approving medical reports.

Article (66): Additional Holidays

a) Each Employee shall be entitled to a paid fourteen-day holiday per year in any of the following cases:

1. Shall he enrol in a labour cultural course approved by the Ministry or the general federation of trade unions group upon nomination of the Employer or Establishment manager in coordination with the concerned association.

2. To perform the pilgrimage ordinance. The Employee having worked for a continuous five-year period at least for the Employer, is a condition for granting this leave. This leave shall not be granted except once during the period of service.

b) The Employee shall be entitled to obtain an unpaid four-month leave shall he enrol in an officially recognized university, institute or college.

c) The worker shall be entitled to a paid three-day paternity leave.

Article (67): Leave of a Mother to Care for her Children

A woman working in an Establishment engaging ten Employees or more shall be entitled to obtain an unpaid leave for a period that does not exceed a year to devote herself for the raising of her children. She shall be entitled to return to her work at the end of this leave. She shall lose this right if she works against a wage in any other Establishment during that period.

Article (68): Leave of a Couple Due to the Transfer of One of Them

Each partner in a working couple shall obtain an unpaid leave once for a period that does not exceed two years to accompany his spouse if same is transferred to another work located outside the governorate within the Kingdom in which he works or to a job abroad.

Article (69): Restrictions on the Employment of Women

A decision from the Minister, after consulting with the opinion of the competent official authorities, shall determine:

a) Industries and occupations in which the employment of women is prohibited.

b) Times during which the employment of women is prohibited and exceptional cases thereof.

Article (70): Maternity Leave

The working woman shall be entitled to obtain a fully paid maternity leave totalling ten weeks prior to and following her delivery, provided that the period subsequent to delivery is not less than six weeks. It shall be prohibited to engage her in work prior to the lapse of that period.

Article (71): Newborn Nursing

A working woman shall be entitled to take paid interval (s) for the purpose of nursing her newborn, that does not exceed an hour per day within a year as of the date of delivery, after the expiry of the maternity leave stipulated in Article (70) of this Law.

Article (72): Care for the Children of Working Women

a). The employer who employs a number of workers in one place and who have at least fifteen children whose ages are not over five years shall be committed to preparing a suitable place under the supervision of a qualified caregiver or more to care for them. Employers may jointly prepare this place within one geographic area.

b) The Minister may specify suitable alternatives if the employer is found to be unable to prepare a suitable place in the establishment or its surrounding area within instructions to be issued for this purpose.

Article (73): Prohibition of the Employment of Juveniles below Sixteen Years

Notwithstanding the provisions related to vocational training it shall not be permissible, in any case, to employ a Juvenile who did not complete sixteen years of age in any manner whatsoever.

Article (74): Restrictions on the Employment of Juveniles below Eighteen Years

It shall not be permissible to employ a Juvenile who did not complete the age of eighteen in dangerous, exhausting or health-damaging work. Such work shall be determined through decisions issued by the Minister after considering the opinions of the competent official authorities.

Article (75): Conditions of the Employment of Juveniles

It shall be prohibited to employ Juveniles:

- a) For more than six hours per day provided that they are given a rest period of not less than an hour following four hours of continuous work.
- b) Between eight o'clock in the evening and six in the morning.
- c) During religious feasts, official and weekly holidays.

Article (76): Requirements for the Employment of Juveniles

The Employer shall, prior to employing any Juvenile, request him or his guardian to submit the following documents:

- a) A certified copy of the birth certificate.
- b) A certificate of health competency of the Juvenile for the requested work issued by a specialized physician and certified by the Ministry of Health.
- c) The written approval of the guardian of the Juvenile to work in the Establishment. Such documents shall be kept in the special Juvenile file with sufficient data concerning the place of his residence, date of his employment, the work for which he was employed, his wage and leaves.

Article (77): Penalty for Violating the Provisions of Chapter Eight

- a) Employer or head of the institution will be punished in the case of committing any violation of any provision of this chapter or any regulation or decision issued in accordance with a fine of not less than (300) dinars and not more than 500 and a court may not reduce the penalty for less than the minimum nor applying the estimated mitigating causes.
- b) In addition to any penalty stipulated by the legislation in force the employer shall be punished for any violation committed with any worker under threat or fraud or duress, including the booking of travel document and a fine of not less than 500 dinars and not more than 1000 dinars and punished Partner and the same punishment to the instigator and accomplice in this application.
- c) The fines provided for in paragraphs (a) and (b) of this article will be doubled in the situation of redundancy.

CHAPTER NINE

Safety and Occupational Health

Article (78): Duties of Employer towards the Safety of Employees

a) The Employer shall be obligated with the following:

1. Provide the precautions and measures necessary to protect the Employees from hazards and diseases, which may result from the work and equipment used therein.
2. Provide Employees with means of personal protection and preservation from occupational hazards and diseases such as cloths, eyeglasses, gloves, shoes and the like, and instruct them on the method of using, maintaining and cleaning same.
3. Inform the Employee before commencing his work of the work hazards and protection methods, which he should realize. The instructions and directives showing occupational hazards and means of protection against them in accordance with the regulations and instructions issued in this respect shall also be placed by him in a conspicuous site.
4. Provide means and medical first-aid equipment for the Employees in the Establishment in accordance with the standards set by a decision from the Minister after consulting the opinions of the competent official authorities.

b) It shall not be permissible to burden the Employees with any expenses resulting from the implementation or furnishing of what was stipulated in paragraph (a) of this Article.

Article (79): General Safety Instructions

The Minister shall determine, subsequent to consulting the opinion of the competent official authorities, through instructions issued thereof, the -- following:

- a) Precautions and measures that shall be realized or provided for in all Establishments or in any of them for the protection of Employees and Establishments from occupational hazards and diseases.

b) Equipment and means which shall be provided in Establishments or in any of them for the protection of Employees therein from occupational hazards and diseases and their safeguard therefrom.

c) The basis and standards which shall be present in industrial Establishments to guarantee an environment free from pollution in all its forms and to protect from racket and vibrations and every thing that may harm the health of the Employee within the limit of approved international standards, and to determine the methods of inspection and examination related to controlling such standards.

Article (80): Protection from Hazardous

Materials The Employer shall realize all precautions necessary for the protection of the Establishment and Employees working therein from the hazards of fire, explosions or the storage of dangerous combustible materials, their transfer or circulation and providing means and adequate technical equipment in accordance with the instructions of the competent official authorities.

Article (81): Prohibition of Admitting Mental Inhibitors to the Work Place

The Employer or Employee shall be prohibited form admitting any type of alcohol, drugs, mental inhibitors or dangerous medications to work places or to display them therein. It shall also be prohibited for any person to enter these places or stay therein for any reason whatsoever while under the influence of such beverages or drugs.

Article (82): Compliance of Employees with Protection Instructions

The Employees in any Establishment shall comply with the provisions, instructions and decisions pertaining to protection, safety and occupational health precautions and shall utilize the equipment related thereto, maintain them and desist from any action which may prevent the implementation of such provisions, decisions and instructions and shall desist from tampering with the protection, safety and occupational health equipment or incurring damage thereto or destroying same subject to the disciplinary penalties stipulated in the internal regulation of the Establishment.

Article (83): Health Protection Instructions

The Minister may, subsequent to consulting the opinions of the competent authorities, issue instructions in which he shall determine every work for which any person may not be engaged prior to realizing a medical examination to ascertain the fitness of his health to undertake such work. The instructions, issued in pursuance to this Article, shall be published in two daily newspapers and in the Official Gazette.

Article (84): Penalty Imposed for the Violation of the Provisions of Chapter Nine

a) Shall the Employer violate any provision of this Chapter then the Minister may completely or partially shut the Establishment or work place or suspend any equipment therein shall that violation result in exposing the Employees, Establishment or equipment to danger, and that is until the removal of violation by the Employee.

b) The Minister shall not issue his decision stipulated in paragraph (a) of this Article prior to notifying the Employer with the removal of the violation within the period set for him in the notice in accordance with the extent and danger of the violation.

c) It shall be taken into consideration upon the closure of an Establishment or a work place or the suspension of equipment not to infringe upon the right of the Employee in receiving their full wages for the period of closure or suspension.

d) The Minister may refer the violation to the competent Court and penalize, in such case, with a fine of not less than one hundred Dinars and not more than five hundred Dinars. The penalty shall be doubled in the event of repetition. The adjudged fine may not be reduced below its minimum for any reason whatsoever.

Article (85): Regulations Related to Safety and Occupational Health

The Council of Ministers, upon the recommendation of the Minister, shall issue the requisite regulations in the following matters:

a) Formation of safety and occupational health committees, the appointment of supervisors in public and private institutions, and determining the specialty of those committees, its supervisors, and its duties.

b) Preventive and therapeutic medical care for Employees, the duties of the Employers in their provision, the means for establishing joint medical units

between more than one institute, and the means for its finance, the technical equipment that should be provided in such units, and the periodical medical examinations for Employees.

c) Prevention and safety from machinery, industrial equipment, and work sites.

CHAPTER TEN Work

Injuries and Occupational Diseases

Article (86): Application of the Provisions of Chapter Ten

The provisions of this chapter related to work injuries and occupational diseases, shall be applied to Employees who are not subject to the provisions of the Social Security Law in force.

Article (87): Intimating Injuries that Result in Physical Damage

a) Shall an Employee sustain a work injury that leads to his death, or resulted in physical injury which leads to his inability to continue work, then the Employer shall transport the Employee to a hospital or any medical centre, and notify the concerned security authorities of the accident, and send a notice of same to the Ministry within a period that does not exceed (48) hours as of the occurrence of the accident. The Employer shall bear the costs of transporting the injured party to the hospital or medical centre for his treatment.

b) The Employer or manager of the Establishment, or its representative, shall be punished in the event of his violation of the provisions of paragraph (a) of this Article, with a fine that is not less than one hundred Dinars, and not more than five-hundred Dinars for every violation, and the penalty shall be doubled in the event of recurrence.

Article (88): Responsibility of the Employer for Paying the Compensation

The Employer shall be liable for the payment of the compensation stipulated in this Law to the Employee who suffers an occupational disease as a result of his work, based on a report from the Medical Authority.

Article (89): Compensation for Injury and Occupational Diseases

Notwithstanding the provisions of any Law or other legislation, the injured person or the party entitled thereof shall not be entitled to claim any compensation not stipulated in this Law, and that is in relation to work injuries, unless the injury is a result of the fault of the Employer.

Article (90): Compensation Amount

a) Shall the work injury result in the death of the Employee, or his total disablement, then the Employer shall be liable for compensation that is equivalent to the wage of one-thousand and two-hundred working days, provided that the compensation does not exceed five thousand Dinars, and is not less than two-thousand Dinars.

b) Shall the work injury result in the temporary disablement of the Employee then he shall be entitled to a daily allowance equivalent to (75%) of his average daily wage as of the day on which the injury was sustained, and that is during the period of treatment whose determination shall be based on a report from the Medical Authority, if his treatment was outside the hospital. This daily allowance shall be reduced to (65%) of that wage, if the injured person is being treated at an approved medical centre.

c) Shall the work injury result in permanent partial disability based on a report from the Medical Authority, then the Employee shall be entitled to compensation on the basis of the percentage of that disability to the compensation determined for permanent disability in accordance with Table No. (2) which is annexed to this Law.

d) Shall the single work injury result in more than one physical impairment, then the injured Employee shall be entitled to compensation for each impairment sustained, in accordance with the principles stipulated in this Law, provided that the total amount that should be paid in this event, does not exceed that amount payable in the event of total disability.

Article (91): Calculating Compensation

The compensation stipulated in this Law shall be calculated on the basis of the last wage received by the Employee. If the Employee was working on a per piece basis, then it shall be calculated based on average wage during the last six months of his work.

Article (92): Estimation of Compensation

a) The compensation payable pursuant to this Law shall be estimated upon the request of the Employer, Employee, or person entitled thereof. In the event, an amount of compensation is not agreed upon, then the Secretary General shall estimate the compensation, him being delegated to estimate the compensation, and he shall be a party to a lawsuit related thereto. The Minister may appoint other authorized persons from the staff of the Ministry to carry out the duties of the delegate in any area in the Kingdom. The compensation shall be paid in one installment within thirty days as of the date of notification of the estimation of the delegate to the concerned entity.

b) The payment of the compensation stipulated in this Law shall not prevent the Employee or any party entitled thereof, to receive the end of service compensation, if the conditions for its entitlement are fulfilled.

c) No lawsuit shall be heard before any Court with respect to the compensation stipulated in this Law, if a request in that regard was submitted to the delegate and is still subject to consideration.

Article (93): Prescription of the Request for Compensation

An application for compensation shall not be accepted for any work injury unless submitted to the delegate within two years as of its occurrence, or as of the date of death of the injured Employee. However, the delegate may accept an application after the prescription of two years as of the date of occurrence of the injury or death, if the delay in its submittal is a result of a legitimate cause including the non-arrival to the final findings of the results of the injury

Article (94): Lapse of the Right of an Employee to Compensation

a) Notwithstanding the provisions of paragraph (b) of this Article, the rights of the injured person to the daily allowance and monetary compensation shall prescribe should it become evident as a result of the investigation to be carried out by the specialized entities, after hearing the statements of the Employer, or any person that represents him thereof, and the statements of the injured after his health condition permits him to do so, in any of the following situations:

1. If the injury results from a deliberate act, serious mistake or negligence by the injured person.
2. If the injury is a result of influence of alcohol or drugs or mental inhibitors.

3. If the injured person contravenes the instructions set for his treatment from the injury, or in respect of the announced industrial protection and safety that should be followed, and shall such contravention have an effect on the occurrence of the injury.

b) The provisions of paragraph (b) of this Article shall not apply to any case of injury, including the cases stipulated in that paragraph, if it results in the death of the injured or in his permanent disability therefrom, with a percent not less than (30%). The injured or those entitled thereof, shall be entitled to the daily allowance or monetary compensation, as the case may be.

Article (95): Mortgage or Seizure of the Compensation

The compensation payable under the provisions of this Law, may not be mortgaged under any circumstance, or seized unless it is for an alimony debt, and to a maximum of one third of the amount of the compensation. It shall also be prohibited to transfer same to any other person besides the Employee or persons entitled on his behalf, or to claim the clearance of the due compensation after the death of the Employee.

Article (96): Distribution of Compensation

Notwithstanding the provisions of Article (95) of this Law, the compensation shall be distributed in the event of the death of the Employee to those entitled thereof, in accordance with the quota determined in Table No. (3) which is annexed to this Law.

CHAPTER ELEVEN

Employers and employee associations

Article (97): Joining the Union

a) The Employees of any profession may establish a Union for themselves according to the provisions of this Law. The Employee in such profession shall have the right to belong to it shall he satisfy the membership conditions.

b) The Employer shall be prohibited from making the employment of an Employee conditional upon his non-affiliation to a Union, or the forgoing of such membership therein, or to endeavour on his dismissal from any Union, or the prejudice in any right of his rights to membership, or the participation in its activities outside working hours.

c) Unions and Employers Associations are prohibited from realizing any acts that encompass interference of either with the other, whether in a direct or indirect manner, with regard to its formation, management, or the means of carrying out its acts.

Article (98): Establishment of a Union

a) A trade union shall be established by not less than fifty workers working in the same industry or similar industrial activity or the industries or industrial activities that are similar or related to each other in the same production.

b) Employers in any industry or industrial activity who are not less than twenty five people are entitled to establish a trade union for themselves to care for their professional interests that are related to the provisions of this Law.

c) No association may be established for workers or employers whose aims or objectives include conducting any activities on ethnic, religious, or sectarian grounds. It shall also be prohibited from practicing any of these activities after its establishment.

d) The Minister may, through the association registrar, classify industries and industrial activities in which associations may be established in accordance with the provisions of Paragraphs (A) and (B) of this Article so that no industry or industrial activity may have more than one association to represent them, while taking into consideration Arab and international classifications.

e) The founder of any association or employer association must meet the following conditions:

1. Must be Jordanian.
2. Must not be less than 18 years old.
3. Must not have been sentenced in a felony or misdemeanour violating honour or integrity.

f) The worker affiliated with any association must not be less than 18 years old.

g) If the founder or member of any of the employer associations is a legal person, he must be registered in the Kingdom in accordance with the provisions of effective legislation.

Article (99): Objectives of the Union

The trade union shall conduct its activity to achieve the following goals:

- a) Care for the interests of those working in the occupation and defend their rights in work.
- b) Seek to improve work relations and conditions, including conducting collective bargaining and concluding collective agreements.
- c) Contribute to avoiding collective and individual disputes and seek to resolve them.
- d) Represent workers in establishments that are related to labour, economic and social affairs in accordance with effective legislation.
- e) Work to raise the economic, social, professional, and educational awareness of the workers and promote their participation in making decisions related to them.
- f) Provide health and social services to its members and any facilities to fulfill consumption needs.

Article (100): Internal Regulations for the Union

The General Federation of Trade Unions shall draft a bylaw for associations in a manner that does not conflict with the provisions of effective legislation and shall be endorsed by the association registrar and the employer associations immediately upon its approval provided that it shall include the following:

- a) Name of the association and the address of its head office.
- b) Objectives for which the association is to be established.
- c) The conditions and procedures of affiliation and dismissal of members and conditions that must be met by candidates for the elections of the administrative body or any of its committees.
- d) The conditions for the formation of committees in the trade union and their tasks.

- e) The number of members of the administrative body of the association and its term, the method of their election, the dates of its meetings, and the method of filling vacancies in its membership and competences.
- f) The rights enjoyed by the member of the association and the commitments he bears and the cases in which he faces penalties for misconduct, including fines and dismissal from the association.
- g) The services and financial assistance provided to the member of the association when necessary, including the contribution to the treatment cost and the appointment of lawyers.
- h) The conditions of appointing employees and hiring others in the association, its procedures, and terminating their services.
- i) The method of preserving the funds of the union and keeping its books and financial records.
- j) The procedures for calling the general assembly of the association to its ordinary and extraordinary meetings.

Article (101): Conciliating the Status of Registered Unions and Employers Associations

- a) The Unions registered prior to this Law coming into force shall be considered existing as if registered in pursuance thereto.
- b) The Employers Associations registered prior to this Law coming into force, shall be considered as if registered in pursuance thereto.
- c) The abovementioned Unions and Employers Associations shall conciliate their status and regulations with the provisions of this Law, within a period that does not exceed six months of it coming into force.

Article (102): Registering the Union or Employers Association

- a) An application for registering any trade union or employer association signed by the founders shall be submitted to the registrar of associations and the employer associations at the Ministry enclosing the following:
 - 1. The bylaw of the trade union, which must contain its name, head office and address.

2. A list of the names of the founding members and the identity documents for each one of them.
 3. The names of the members of the first administrative body elected by the founders.
 4. The minutes of the meeting of the constituent body.
- b) The registrar of associations and employer associations may request that the administrative body provide him with any additional documents that he deems necessary to complete the registration.
 - c) The registrar of associations and employer associations shall issue his decision regarding the application for registering any association or employer association within thirty days at the latest from the date of submitting the application to him. If he approves the application, he shall issue a certificate of registering the association or employer association and shall publish the registration decision in the official gazette. If he decides to reject the application, the founders may appeal his decision at the Supreme Court of Justice within thirty days from the date of communicating the decision.
 - d) The persons affected by registering any association or employer association may appeal the registration decision at the Supreme Court of Justice within thirty days from the date of publishing the decision in the official gazette.

Article (103): The Corporate Personality

- a) The association or the employer association shall be considered as existent according to the name in which it was registered, and shall become a legal person. It shall, in this capacity, perform all the actions that it is authorized to conduct in accordance with the provisions of this Law and the regulations issued accordingly and in accordance with its own bylaw as of the date of:
 1. Publishing the decision of the registrar of associations and the employer association of registering the association or the employer association in the official gazette.
 2. Or the issuance of the judgment of the Supreme Court of Justice, which stipulates the cancellation of the decision of the registrar on rejecting the registration of the association or the employer association.
 3. Or the expiry of the appeal deadline stipulated in Article (102) of this Law.
- b) The Generation Federation of Trade Unions, the trade union, or any of the employer associations shall endorse any amendment to the bylaws of the

Federation or the associations or employer associations by the registrar of associations and the employer associations provided that this amendment does not contain anything that conflicts with the provisions of effective legislation and it shall take effect as of the date of its endorsement.

Article (104): Address of the Union or Employers Association

All correspondences and notices sent to the Union or Employers Association shall be sent to its registered address. The registrar of Unions must be notified of any change therein within seven days as of the date of its occurrence. The change shall be entered in the Unions and Employers Associations register with the registrar, otherwise the address originally registered shall be considered valid.

Article (105): Cancelling the Registration of the Union or Employers Association

The Registrar shall cancel the registration certificate of the Union or Employers association, if it is proven that it is no longer in existence due to its voluntary dissolution, or because it was dissolved in accordance with the provisions of this Law or by a judicial decision.

Article (106): Voluntary Dissolution of the Union or Employers Association

The Union or Employers Association shall be voluntarily dissolved upon the approval of two-thirds of its members whose subscription has been paid for, in an extraordinary meeting convened by the general assembly of the Union or Employers Association solely for this purpose. Its assets and rights shall be liquidated, and disposed of in this situation in accordance with the provisions of the internal regulation. The Minister and the General Federation of Trade Unions shall be notified of the decision of dissolution within fifteen days as of the date of its issuance, and shall be published in the Official Gazette.

Article (107): Punishment of the Violations of the Union or Employers Association

The tripartite committee shall set the necessary principles and standards to enable the representatives of associations to carry out their tasks, including the conditions for reducing working hours or devoting all their efforts to union work and providing the necessary material resources for this purpose while taking

into consideration the resources of the establishment and the number of workers in it.

Article (108): Founding the Employers Associations

a) The employer may not take any action against any association representative on account of carrying out union activity, including dismissal from work. Such action shall be considered invalid.

b) If the employer violates the provisions of Paragraph (A) of this Article, the labour inspector shall serve a notice to him of the need to remove the violation within seven days at the latest of receiving the notice. In the event of its continuation, the labour inspector shall write a report of it and refer the matter to the competent court.

c) The worker is entitled to claim damages due to any action taken against him contrary to the provisions of Paragraph (A) of this Article. In the case of his dismissal from work, the court may issue a judgment reinstating him with compensation for all his wages for the duration of his suspension from work until the date of issuing the judgment of reinstating him. If the worker is unable to return to his work for reasons related to the employer, he may claim additional compensation that is not less than the wages of six months and not more than twelve months, besides compensation for the arbitrary dismissal and any other entitlements for him in accordance with the provisions of this Law.

Article (109): The Union Funds

a) The funds of the associations, the General Federation of Trade Unions, the employer associations, and any funds allocated by the government for supporting them may not be spent except to achieve their goals in accordance with the provisions of effective legislation and their bylaws and in line with international accounting standards provided that these funds and allocations shall be subject to the control of the Audit Bureau.

b) The associations shall, at least four months before the beginning of each fiscal year, submit their balance sheets of the following fiscal year to the General Federation of Trade Unions, which shall provide a copy to the Minister, as well as a copy of its own annual balance sheet.

Article (110): Professional Unions and the General Federation of Trade Unions

a) The trade unions shall form the General Federation of Trade Unions, which shall have a legal person and in which each union shall keep its separate rights.

b) The Federation shall be made up of the members of unions that make up the Federation, and shall enjoy all the rights enjoyed by the union.

c) Two unions or more may create a professional federation, with the approval of the General Federation of Trade Unions, provided that each of them shall obtain the approval of the ordinary majority of its general assembly and inform the registrar of this in writing.

d) The General Federation of Trade Unions and the registered professional federations shall be entitled to join any Arab or international labour organization that has legitimate means and goals.

e) The affairs of the General Federation of Trade Unions shall be regulated based on a bylaw that it drafts for this purpose provided that it is endorsed by the registrar of associations upon its approval, and it shall go into effect as of the date of its endorsement.

Article (111): Protection of Union Members

An Employee in any Union, or any member thereof, shall not be punished and no legal or judicial actions may be taken against him, due to an agreement concluded between the members of the Union with respect to any objective of the legitimate objectives of the Unions, provided that the agreement does not infringe the Laws and regulations in force.

Article (112): Protection of the Union

No Union shall be considered an illegitimate entity, merely for the claim that any of its objectives aims at restricting the freedom of trade.

Article (113): Records of the Union or Employers Association

Each trade union or the General Federation of Trade Unions or employer association shall prepare records and books according to the specifications and conditions set by the tripartite committee.

Article (114): Member of the Administrative Committee

No person may be elected as a member on the administrative committee of any Union, unless same is a registered Employee or worker at same, throughout the period on a full time basis. No person may be elected on the committee if a Court decree has been passed against him in a felony or a crime affecting honor and public morals.

Article (115): Union Branches

The association may create committees for it all over the Kingdom. The bylaw of the associations shall determine the provisions and procedures related to the methods of its creation and the relationship between the association and these committees.

Article (116): Judicial Dissolution of the Union

a) If the administrative body of any association or employer association commits a violation of the provisions of this Law or the regulations issued according to it, or if the bylaw of any of them contains a violation of effective legislation, the Minister shall serve a writing notice to it to remove the violation within not more than 30 days of the date of informing it.

b) If the violation continues, the Minister may, based on a recommendation by the registrar of associations, issue a decision to dissolve the administrative body. The decision shall be appealable before the Administrative Court within 30 days of the date of communicating it.

c) The Minister, in consultation with the General Federation of Trade Unions in relation to associations, shall appoint a temporary administrative body to run the association from the general assembly to act as caretaker of the association and hold elections for a new administrative body within a maximum period of 6 months of the date of dissolving it.

Article (117): Funds of the Union Following its Dissolution

If the Union is dissolved in an involuntary manner, for any reason whatsoever, then its funds shall be deposited in the bank decided by the General Federation of Trade Unions, until the establishment of a new Union for the same profession(s). If no such Union is established within one year of dissolving the

first Union, then its movable and immovable property shall inure to the General Federation of Trade Unions.

Article (118): Union or Employers Association Budget

The union or association of employers to prepare financial statements during the final four months following the fiscal year ended on that check from a chartered accountant elected by its General Assembly and the Ministry is to provide a copy of the report of Auditors and the final financial statements upon approval by the plenary.

Article (119): Penalties set for Violations by the Employees of the Union or Employers Association

a) Any person who continues union activity in the name of the association or the employer association or the dissolved administrative body of either of them shall be punishable by imprisonment not exceeding three months and a fine of not less than five hundred dinars and not exceeding one thousand dinars or by one of these two penalties.

b) Any person who intentionally introduces an incorrect statement into the balance sheet of the association or takes part in this or who forges the bylaw of the association or introduces any amendment to it or takes part in this or neglects to introduce any provision to it shall be punishable by a fine of not less than five hundred dinars and not exceeding one thousand dinars or imprisonment for not less than three months and not exceeding one year. The penalty shall be doubled to its maximum limit if the violation is repeated.

CHAPTER TWELVE

Settlement of Collective Labour Disputes

Article (120): Reconciliation Representative

The Minister may appoint a reconciliation representative or more from the staff of the Ministry, to carry out the duty of mediation in the settlement of Collective Labour Disputes, and that is for the area he determines, and the period he sees fit.

Article (121): Reconciliation Council

a) Shall Collective Labour Dispute occur the reconciliation representative must commence mediation proceedings between the two parties to settle such Dispute. Shall an agreement in that respect be reached through a Collective Contract or otherwise, the reconciliation representative shall retain a copy thereof, authenticated by both parties.

b) Shall the holding of negotiations between the parties fail, for any reason whatsoever, or if it becomes apparent that the continuance thereof shall not lead to the settlement of the Dispute, then the reconciliation representative shall present a report to the Minister, indicating the causes of the Dispute, the negotiations held between the two parties, and the conclusion of same within a period that does not exceed twenty-one days as of the date of referring the Dispute to him.

c) Shall the Minister, on his part, fail to settle the Dispute, then he shall refer same to a reconciliation council that he forms in the following manner:

1. A president to be appointed by the Minister provided that he is not party to the Dispute, or the Union or Employers Association.

2. Two members or more representing each of the Employers and Employees, in equal number, each party shall nominate its representatives in the council.

Article (122): Responsibilities of the Reconciliation Council

a) If a Labour Dispute is referred to the reconciliation council, it must exert its efforts to settle it, in the manner that it deems fit. Shall it reach a total or partial settlement, then it shall submit a report to the Minister therewith, accompanying it with the settlement signed by both parties.

b) Shall the reconciliation council fail to reach a settlement of the Dispute, then it must submit to the Minister a report that comprises the reasons of the Dispute, and the procedures taken to settle same, and the reasons for its non completion, and the recommendations it deems fit in this respect.

c) The council must, in all cases, complete the reconciliation procedures, and submit its report with the results concluded, within a period that does not exceed twenty-one days as of the date of referring the Dispute thereto.

Article (123): Retainer in a Labour Dispute

It is not permissible for either party in a Labour Dispute to appoint advocates before the reconciliation representative or reconciliation council.

Article (124): Labour Court, its Constitution, and its Procedures

a) Shall the reconciliation council fail in concluding the Collective Labour Dispute; the Minister shall then refer same to a Labour Court that shall be formed from three civil judges, delegated by the Judicial Council for this purpose, upon the request of the Minister. It shall be presided by the most senior of them in rank. It may be convened in the presence of two of its members, and in the event of their disagreement of opinion, the third judge shall be invited to review the lawsuit, and issue the judgment thereof.

b) The Labour Dispute referred to the Labour Court, shall be given an expeditious status, whereby it shall commence its review within a period that does not exceed seven days as of the date of referral, provided that the Court deliver its decision in the Dispute and notify the Minister of it within thirty days as of that date. This decision shall be final, and may not be contested before any judicial or administrative body.

c) The Labour Court shall review the Labour Dispute submitted thereto, and shall adjudicate it, according to the procedures that it deems fit for the attainment of justice between both parties, provided that any special procedures stipulated in this Law, are given consideration. Each party may appoint an advocate or more before the Court.

Article (125): Powers of the Labour Court and Reconciliation Council

The Labour Court and the reconciliation council, upon reviewing a Labour Dispute, shall enjoy the following powers:

a) To hear the affidavit of any person or ask for his expert opinion with regard to the dispute, under oath.

b) To request any party of the parties of the dispute to submit the documents and data under its disposal, which the Court or council deems necessary for examining or settling the dispute.

Article (126): Labour Court and the Interpretation of its Findings

The Labour Court may interpret any judgment delivered by it upon the request of the Minister or any party to the dispute, to clarify any ambiguities therein, in a manner that is not inconsistent with the findings of the decision that was reached. Furthermore, it shall be entitled at any time to correct at its own accord, or upon the request of the Minister, or one of the parties to the dispute, mistakes or typographical or mathematical errors made, that befalls judgments and decisions through accidental oversight.

Article (127): Venue for Convening the Labour Court and Reconciliation Council

The sessions of the Labour Court and reconciliation council shall be convened at the Ministry. The Ministry shall be responsible for the provision of administrative requirements, facilities, and equipment that enables it to carry out its work.

Article (128): Decisions of the Labour Court and the Report of the Reconciliation Council

a) The report of the reconciliation council and the decision of the Labour Court shall be in writing and signed by all the members of the council or the Court, as the case may be. The decision of the Court shall be passed unanimously or by majority. Any opposing member of the council or Court shall set his opinion in writing in the report or the judgment.

b) The report of the council or the decision of the Labour Court shall be published in one local newspaper or more, at the expense of the parties to the dispute, within thirty days as of the date of the Minister receiving the report or decision.

Article (129): Remuneration of the Labour Court and Reconciliation Council

The president and members of the Labour Court, and the chairman of the reconciliation committee, and the clerk of the sessions, shall be allocated the remuneration determined by the Council of Ministers, upon the recommendation of the Minister.

Article (130): Conclusiveness of Settlements and Decisions

The settlement reached as a result of the reconciliation procedures pursuant to the provisions of this Law, or the decision of the Labour Court shall be binding upon the following categories:

- a) The parties to a Labour Dispute.
- b) The successors of the Employer, including his heirs to whom the Establishment, the subject of the dispute, shall be transferred.
- c) To all the persons who were working in the Establishment, the subject of the dispute, at the date of its occurrence, or in any part thereof, as the case may be. In addition to all the persons employed thereafter at such Establishment, or any part thereof, if it is mentioned in the settlement report or the decision of the Labour Court, requiring same, and nothing in this Law or the regulations issued pursuant thereto prevents same.

Article (131): Implementation of Decisions and Recommendations

- a) The decision of the Labour Court shall be implemented as of the date appointed by same.
- b) The settlement reached as a result of the reconciliation procedures shall be effective as of the date agreed upon by the parties to the Labour Dispute. If no such agreement is concluded, the settlement shall be effective as of the date of signature of the settlement report, which shall be binding over all the parties thereof in accordance with the conditions stipulated therein.

Article (132): Restrictions on an Employer during the Hearing of a Labour Dispute

It shall not be permissible for any Employer during hearing a Labour Dispute, before the reconciliation representative, reconciliation council, or the Labour Court, to realize any of the following acts:

- a) The alteration of the employment conditions in force.
- b) The dismissal of any Employee without obtaining the written approval of the reconciliation representative, the council, or the Labour Court, as the case may be.

Article (133): Penalties Imposed on Violators of the Settlement or Labour Court Decision

a) Shall any Employee breach any condition of the settlement conditions, or the Labour Court decision, that is binding over him by virtue of this Law, he shall be punished by a fine not be less than fifty Dinars and not more than two-hundred Dinars for the first time, and shall be doubled in the event of repetition. The fine may not be decreased below its minimum rate for extenuating discretionary reasons.

b) Shall an Employer breach any condition of the settlement conditions, or the Labour Court decision, that is binding over him by virtue of this Law, he shall be punished by a fine not be less than two-hundred Dinars, and not more than four-hundred Dinars for the first time, ease and shall be doubled in the event of repetition. The fine may not be decreased below its minimum rate for extenuating discretionary reasons.

Article (134): Prohibition of Strikes and Closures

It shall not be permissible for any Employee to go on strike, or for an Employer to close down his Establishment in any of the following situations:

a) If the Dispute has been referred to the reconciliation representative, reconciliation council, or the Labour Court.

b) During the period in which any settlement is effective, or any decision is in force, and the strike or closure relates to the matters inherent in that settlement or in that decision.

Article (135): Notification of Strikes and Closures

a) It shall not be permissible for an Employee to go on strike, without notifying the Employer of same, prior to a period of not less than fourteen days as of the date set for the strike. This period shall be doubled if the work relates to public interest services.

b) It shall not be permissible for an Employer to close his Establishment without giving notice to the Employees of same, prior to a period of not less than fourteen days as of the date set for closure. This period shall be doubled if the work relates to public interest services.

c) The other conditions and procedures for carrying out a strike or closure shall be determined in accordance with a regulation issued for this purpose.

Article (136): The Penalty for Carrying out a Strike or Closure

a) Shall an Employee realize a strike prohibited pursuant to this Law, he shall be punished with a fine not be less than fifty Dinars for the first day and five Dinars for each day the strike continuous thereafter. The Employee shall be deprived of his wages for the days during which he struck.

b) Shall an Employer venture on a closure prohibited pursuant to this Law, he shall be punished with a fine of five hundred Dinars for the first day, and fifty Dinars for each day the closure continues thereafter. He shall be obliged to pay the wages of the Employees for the days during which the closure continues.

Article (137): Lawsuits Arising from Individual Employment Contracts

a) The Magistrate Court shall have the competence to examine claims arising from individual labour disputes, including the claims related to wages in the regions where there is no authority on wages, in accordance with the provisions of Paragraph (B) of this Article, on an urgent basis. The claims shall be decided within three months of the date of receiving them at the court.

b) When examining claims related to wages, including not paying the full wage, illegal deductions, delay in paying the wage, or the wages of overtime hours, the Magistrate Court shall observe the following procedures:

1. The worker or the trade union on his behalf shall present the claim in writing. A single claim may be presented by a number of workers if they were working in the same establishment and the reason of their claim was the same. The employer shall present to the court, within a period not exceeding ten days from the date of being notified of the claim papers, a detailed answer to the claim for each fact, enclosing the documents and evidence proving his settling the wages claimed by the worker or that the worker is not entitled to them.

2. The court may ask the employer within a period that it shall specify to pay the worker the illegally deducted wages, the unpaid or due wages or those that he has defaulted on paying in the specified period for this purpose. It may also add compensation that it shall estimate provided that it shall not exceed the deducted or unpaid amount for the period for which the wages are claimed and on the condition that the employer shall not be bound to pay compensation for the incomplete wages or the wages whose payment has been delayed if the court was convinced that the delay resulted from a bona fide mistake, a dispute

over the amount to be paid, a state of emergency, or the failure of the worker to claim the payment of wages or accept them.

c) The court decision, which is issued in accordance with the provisions of Paragraph (A) of this Article, shall be appealed within ten days from the date of explaining it if it is issued in the presence of the parties and from the date of communicating it if it is considered to have been issued in the presence of the parties. The court shall decide on the appeal within thirty days of the date of its administrative office receiving it.

d)1. The claims submitted to the Magistrate Court shall be exempt from all fees, including the fees of enforcing decisions issued by it.

2. The provisions of (1) of this Paragraph shall not apply if the claim is renewed for more than once after dismissing it or apply to any other claim filed by the worker involving the same labour rights.

Article (138): Limitations Placed on Litigation

a) No lawsuit related to any violation committed contrary to the provisions of this Law, any regulation or instructions issued in pursuance shall be heard, unless the lawsuit is filed within one month as of the date on which it was committed.

b) No lawsuit to claim any rights due pursuant to this Law, including the remuneration for working overtime irrespective of its source or origin, shall be heard after the lapse of two years as of the materialization of the cause for the claim of such rights and wages.

Article (139): Violating the Law and its Regulations

Each breach of the provisions of this Law, or any regulation issued in pursuance, for which no penalty has been set, shall cause its perpetrator to be subject to a fine not less than fifty Dinars and not more than one-hundred Dinars, provided that violator be subject to the penalty stipulated in the Penal Code in force, in the event the penalty set for the violation is severer than one provided for in this Law.

Article (140): The Regulations

The Council of Ministers may, upon the recommendation of the Minister, issue the necessary regulations for the implementation of the provisions of this Law.

Article (141): Cancellations

The “Labour Law” No. (21) of 1960 and its amendments, shall be cancelled, provided that the regulations, instructions and decisions issued in pursuance, that do not violate the provisions of this Law, shall remain in force for a period that does not exceed two years, until they are cancelled or replaced by others pursuant to the provisions of this Law.

Article (142): Persons Responsible for the Implementation of this Law

The Prime Minister and the Ministers are entrusted with the enforcement of the provisions of this Law.