

General People's Committee
Decree No. (98) of 1375 FDP 2007 AD
on guidelines and mechanisms organising work and residence in the Great Jamahiriya
and the adoption of some other provisions

The General People's Committee

Upon review of:

- Law No. (1) of 1375 FDP on the work system of People's Congresses and People's Committees;
- Law No. (58) of 1970 on labour and the regulations issued pursuant thereto;
- Law No. (13) of 1980 on social security and the amendments thereof and the regulations issued pursuant thereto;
- Law No. (6) of 1987 on organising the entry, residence, and exit of foreigners in Libya and the executive regulation thereof;
- Law No. (11) of 1372 FDP on income tax;
- Law No. (12) of 1372 FDP on stamp tax;
- General People's Committee Decree No. (49) of 1986 on the treatment of foreigners;
- General People's Committee Decree No. (91) of 1374 FDP on adopting some procedures concerning employment;
- Secretariat of the General People's Committee Decree No. (238) of 1372 FDP on organising the use of foreign labour;
- Secretariat of the General People's Committee Decree No. (241) of 1374 FDP on banning the use of foreign workers in administrative jobs;
- The proposal of the Secretary General of the General People's Committee for Workforce, Training and Employment in Letter No. (68) of 11/02/1375 FDP;
- The proposal of the Secretary of the General People's Committee for education No. (234) of 15/02/1375 FDP;
- The decisions of the Secretariat of the General People's Committee during its 31st regular session of 1374 FDP;
- The decisions of the General People's committee during its 2nd and 3rd regular sessions of 1375 FDP;

has decreed:

Article (1)

Regulations and work mechanisms shall be determined for migrant labourers from countries with which the Great Jamahiriya has bilateral and regional agreements, in accordance with the provisions and procedures stipulated in this decree.

Article (2)

All public and private employers consisting of public and private legal persons in the private and public sectors are required to document labour relations with their employees from countries mentioned in the previous article that are present in the Great Jamahiriya upon the issuance of this decree. They shall sign work contracts in the fields and jobs in which foreign workers are permitted to be employed in conformity with the regulations and procedures stipulated in the legislation in force, and in accordance with the work contract form adopted by

the General People's Committee for Workforce, Training and Employment. They must present the health card certified by the competent bodies in the Great Jamahiriya, and the General Department of Passports and Nationality shall issue a residency permit for the purposes of work for them in accordance with Article (8) of this Decree.

Article (3)

Employers wishing to directly employ foreign workers in the fields and jobs in which non-Libyans are permitted to be employed must submit a request to obtain the required permission from the Workforce, Training, and Employment sector in accordance with the form designated for this purpose, specifying the professions and requested number of employees.

Article (4)

The General Department of Passports and Nationality shall bear responsibility for telegraphing the competent Brotherhood Office or its equivalent regarding the General People's Committee for Workforce, Training and Employment's approval of employing the requested workers.

Article (5)

The employer shall be responsible for holding in-person interviews to choose the workers that are to be employed in the contracting country, or for delegating this to the competent Brotherhood Office or its equivalent.

In conformity with the designated conditions and regulations, the selected workers must prove that they are free from any communicable diseases in accordance with the international health certificate. The selected workers remain obligated to repeat the medical examination upon request following their arrival in the Great Jamahiriya.

Article (6)

Preliminary work contract forms signed by the selected workers shall be certified by the competent Brotherhood Office or its equivalent.

Article (7)

Employers are required to complete final contracting procedures and obtain required residencies after the arrival of the preliminarily contracted workers at their place of work.

Article (8)

The General Directorate of Passports and Nationality shall issue residencies for the purpose of work. The residency period shall depend on the work contract and be certified by the General People's Committee* for Workforce, Training, and Employment, taking into account the conditions and regulations stipulated in the executive regulation of the aforementioned Law No. (6) of 1987.

Article (9)

All employers in the public and private sectors must notify the General Directorate of Passports and Nationality or its branches of any changes to the job, employer, or place of residence of the contracted worker within two weeks, so that necessary amendments may be made to the residency permit and the Workforce, Training, and Employment sector may be notified.

Article (10)

Anyone who wishes to enter the land of the Great Jamahiriya for the purpose of searching for work in the fields in which foreign workers are permitted to be employed from the countries mentioned in Article (1) of this Decree shall observe the following:

- Completion of designated form at the port of entry.
- Proof of physical fitness and freedom from any communicable diseases by virtue of an international health certificate.
- Evidence of the applicant's qualifications and experience in the field he wishes to engage in within the Great Jamahiriya, certified by the competent bodies in his country.
- Agreement to leave the country within three months from date of entry if he fails to obtain work. Upon entry, his passport must be stamped indicating that he has entered for the purpose of searching for work.

Article (11)

The General Directorate of Passports and Nationality shall bear responsibility for issuing residency permits for the purpose of searching for work, valid for a period of three months from date of entry into the country in accordance with the previous article.

If the applicant obtains a work opportunity during this period, he must adjust his status in accordance with the regulations specified by this decree.

If the migrant fails to obtain a work opportunity during the three month period specified in his residency permit for the purpose of searching for work, he must leave the country voluntarily. If he fails to leave the country after the expiration of this period, enforcement bodies shall deport him at his personal expense from the port through which he entered. They must relay this to his country's consular or diplomatic representation delegation in the Great Jamahiriya.

Article (12)

Anyone whose work contract has ended and who is subject to the provisions of this decree must leave the country within one month, unless the employer wishes to renew his work contract or he has obtained work with a different employer, given the approval of the Workforce, Training, and Employment sector and taking into account the provisions stipulated in this decree.

Article (13)

In all cases, work contracts shall be registered with the Tax Authority, and social security registration and participation procedures shall be completed in accordance with the legislation in force.

Article (14)

Without prejudice to the provisions of signed contracts and until the completion of their duration, providing health and educational services to all non-Libyan workers shall be limited to private educational and health facilities and institutions at the designated price, with the exception of educational and health services for workers contracted with public authorities directly funded by the public treasury, who shall have these services included in their work contracts.

Article (15)

The General People’s Committee for Education, the General People’s Committee for Health and Environment, and the General People’s Committee for Higher Education shall all bear responsibility for drafting the principles, regulations, and required circumstances to implement the provisions of Article (14) of this decree.

Article (16)

The Workforce, Training, and Employment sector, Public Security sector, and other related sectors shall provide the General People’s Committee with evaluation reports for the program adopted by virtue of the provisions of this decree, upon the completion of six months from its date of entry into force.

Article (17)

The provisions of the executive regulation of Law No. (6) of 1987 on organizing the entry, residence, and exit of foreigners in Libya shall apply in regards to matters not clearly stipulated in this decree.

Article (18)

Any provision contrary to the provisions of this decree shall be repealed.

Article (19)

This decree shall enter into force from its date of issuance and the competent bodies shall implement it. It shall be published in the Official Gazette.

General People’s Committee – Libya

Issued on: 11/Safar

Corresponding to: 28/02/1375 FDP 2007 AD