

**Law No. (107) of 1975 AD
on workers' syndicates**

In the name of the People,

The Revolutionary Command Council,

Upon review of:

- The Constitutional Declaration issued on 2 Shawwal 1389 AH, corresponding to 12 December 1969 AD;
- Labour Law No. (58) of 1970 AD and amending laws thereto;
- Based on the submission of the Minister of Labour and Civil Service and the approval of the Cabinet;

has issued the following Law:

Article (1)

Workers engaged in one profession or trade or in similar or related professions or trades or who participate in one production may form a general syndicate at the level of the Republic. Such syndicates may form a general federation of syndicates. Syndicates and their general federations formed in accordance with this Law shall be a legal entity.

Article (2)

No more than one general syndicate for workers engaged in one profession or trade may be formed. The Minister of Labour and Civil Service shall issue a decree identifying similar or linked professions and trades or trades that participate in one production.

Article (3)

Syndicate formations shall seek to achieve the following objectives:

1. Spread awareness and develop the membership of syndicates to reinvigorate syndicate organisations.
2. Improve the educational level of workers through training and educational courses, publication and media to form an aware syndicate base and trained leadership.
3. Improve the professional competence and technical level of workers and encourage productive discussions and a spirit of innovation through all means, with the aim of developing and increasing production and improving services.
4. Contribute to the industrial and social development of society, participate in the discussion and approval of draft economic and social development plans, link workers thereto and mobilise their energies in order to achieve the goals thereof.
5. Safeguard the rights and freedoms provided under law to members, defend their interests and work to improve their working conditions, emphasising social justice and equal opportunity for citizens.

6. Improve the social, health and economic level of members and their families by providing health care services, cooperative consumption services, cooperative housing, spending holidays and organising free time.
7. Contribute to raising awareness of society's principles and values among workers' ranks to form good citizens who can participate faithfully and effectively in building the new society.
8. Mobilize workers nationally and organise their efforts to enable them to perform their leading role in Arab society and deepen concepts of working to achieve comprehensive Arab unity.
9. Support the International Confederation of Arab Trade Unions as the sole representative of the Arab workers movement.
10. Strengthen and develop connections and relations with international workers' organisations to safeguard freedoms, assist national liberation movements and achieve peace and justice in the world.

Article (4)

In establishing a general syndicate, written by-laws must be drafted that include the following information:

1. The name, location and legal representative of the general syndicate.
2. Conditions for the acceptance and withdrawal of members and loss of membership.
3. The value of contributions that may be collected from members and cases and conditions for exemption therefrom.
4. Rules related to the keeping of accounts and the approval of the budget and balance sheet.
5. The rights and duties of members, membership privileges and the conditions related to granting such privileges.
6. Conditions for the amendment of the general syndicate's by-laws, and the manner of integrating or unifying it with others.
7. General assembly meetings, competencies thereof and the rules on its work flow.
8. The formation and competencies of the administrative board and rules on its work flow, the election and resignation of its chairmen and members and the withdrawal of membership therefrom.
9. Rules for dissolving the general syndicate.

The Minister of Labour and Civil Service shall issue a decree with model regulations for the by-laws of general syndicates, to be used as a guide by general syndicates in drafting their by-laws.

Article (5)

Workers must meet the following conditions to be accepted into a general syndicate:

1. A citizen of an Arab country
2. At least eighteen years of age
3. Has spent at least one year working in the profession or industry organised by the general syndicate
4. Is not a member of another general syndicate, even if they engage in more than one profession

5. Is not an owner in any profession or professions

6. Is not legally incompetent

The right of syndicate membership may be granted to foreign non-Arab workers under the terms and conditions set out in a decree issued by the Minister of Labour and Civil Service, by agreement with the general federation of workers' syndicates.

Article (6)

The legal entity of a general union shall only be established and the union may only engage in its activities if its by-laws are registered in accordance with this Law.

Article (7)

Registration of a general syndicate's by-laws shall be by entry into the register prepared for such at the Ministry of Labour and Civil Service. Registration requests shall be submitted on a special form, with three copies of the general syndicate's by-laws and three copies of the lists of the names of the members who have joined the syndicate attached, provided such members not number less than one hundred, including the profession, age, ID number, domicile and signature of each. The members of the administrative board elected in the general syndicate's constituent assembly shall sign the registration request.

After its registration, the general syndicate shall be issued a registration certificate, accompanied by a certified copy of its by-laws. A summary of the registration shall be published in the Official Gazette free of charge.

The Minister of Labour and Civil Service shall issue a decree on the conditions of the registration request form, the syndicate registry and the registration procedures and conditions.

Article (8)

The Ministry of Labour and Civil Service shall perform the registration procedure within sixty days from the request date. If this period ends without the registration being completed or rejected, the registration shall be deemed completed by rule of law.

The Ministry shall complete the entry into the register and publish such in the Official Gazette upon the approval thereof or the end of the rejection period.

Article (9)

The Ministry of Labour and Civil Service may request the introduction of amendments it deems necessary to the by-laws submitted for registration so they conform with the law, regulations, decrees or public interest requirements.

Article (10)

The above provisions on registration shall apply to every amendment made to the general syndicate's by-laws. Any unregistered amendments shall not be deemed valid.

Article (11)

Each general syndicate must have an administrative board composed of at least fifteen and not more than twenty members elected by the syndicate's general assembly from among its members by secret vote for a term of three years. Anyone whose term has ended may be re-elected. Members of the administrative board must meet the following requirements:

1. Has been a member of the syndicate for at least one year prior to their nomination
2. Is a citizen of the Libyan Arab Republic
3. Enjoys their civil and political rights
4. Is not under the age of 21
5. Is able to read and write
6. Has not been previously convicted of a felony or misdemeanour of moral turpitude, unless rehabilitated in both cases
7. Is not a member of the administrative board of a syndicate dissolved by a court ruling, unless three years have passed since the issuance of such ruling
8. Has engaged in the profession for a period of not less than three years

In all cases, an administrative board may not have honorary members, and members of the administrative board shall not receive a salary or remuneration for their work.

Article (12)

The Minister of Labour and Civil Service shall issue a decree setting out the rules and procedures for holding elections to the administrative boards of workers' general syndicates, branches and the general federations thereof, and the bodies supervising such elections.

Article (13)

Under a decree from the Minister of Labour and Civil Service, one or more members of the administrative board of the general syndicate or syndicate branch may perform syndicate work full-time, based on the recommendation of the administrative board and after obtaining the member's consent.

The Minister of Labour and Civil Service shall set out in such decree the body responsible for the worker's wages while working full-time, whether the employer, syndicate or Ministry of Labour and Civil Service.

In this respect, wages shall mean the worker's basic wage and the appendant cash and real benefits. In calculating this wage, compensation for additional work and the benefits the worker obtains from being at the work site shall be taken into consideration, if the worker has continued to enjoy any such for a period of over six months during the year prior to working full-time.

Employers shall allow workers to return to their job immediately upon completion of their full-time work. In calculating allowances, promotion, retirement or remuneration, the period of full-time syndicate work shall be taken into consideration. The party responsible for the worker's wages shall pay the legal deductions therefor, in accordance with the law.

The period of full-time work shall end with the end of the full-time worker's membership on the administrative board and may also be terminated under a decree from the Minister of Labour and Civil Service, based on a request from the administrative board.

Article (14)

A worker's service may not be terminated due to their engagement in syndicate activities, nor may they be transferred from their job to a job of a different type or location if such transfer was made with the aim of preventing or hindering the worker from engaging in syndicate activities.

In all cases, a worker may not be transferred from their job to another job if this transfer was because of their involvement in syndicate work, even if the transfer entails better benefits, unless the worker's written approval is obtained.

Article (15)

Syndicate branches may be established under a decree from the general syndicate's administrative board. The decree shall be issued based on a request submitted thereto by a number of not less than forty syndicate members who work in the district or facility where the branch is to be established.

The decree of the general syndicate's administrative board to establish a branch shall not enter into force until approved by the Ministry of Labour and Civil Service.

Article (16)

Each syndicate branch shall have an administrative board composed of at least nine and no more than fifteen members elected annually by branch members by secret vote. Article (11) of this Law with the exception of clause (8) thereof shall apply with regard to requirements for membership on the administrative board.

Article (17)

Syndicate branches shall comply with the goals of syndicates referred to in this Law and shall abide by the resolutions of its administrative board and the general assembly of the general syndicate to which it is affiliated.

Article (18)

General syndicates must observe the following:

1. Maintain its documents, correspondence and records at its administrative headquarters.
2. Record the name, surname, age, profession, ID number and signature of every member as well as the date of joining, withdrawal or dismissal from the syndicate in a special register.
3. Keep a file on each member containing the above information, all documentation on the member's relation to the syndicate and any decisions issued with regard to such member.
4. Record in records prepared for such purpose the minutes of general assembly and administrative board sessions, the resolutions adopted thereby, as well as the decrees issued by the syndicate head under authorisation of the administrative board. Each member shall have the right to access such records.
5. Record its accounts in books where all details on expenditures and revenue is placed, including donations and the source thereof.
6. State its name and registration number in all of its books, records, publications and correspondence.

Work inspectors selected by the Minister of Labour and Civil Service under a decree therefrom shall have the capacity of a judicial officer. Such inspectors shall be entitled to access the syndicate's records and documents and syndicate officials shall provide the necessary facilities thereto.

Article (19)

General syndicates may not:

1. Engage in activities beyond the objectives for which the syndicate was established.
2. Have a direct connection or relation with any foreign syndicate unless so authorised by the Ministry of Labour and Civil Service.

3. Establish or purchase real estate necessary for some of its activities, other than by a resolution of the general assembly.
4. Accept gifts or bequests, except with the approval of the Minister of Labour and Civil Service.
5. Waive any portion of its funds through gifting or bequest, except for national objectives and provided the approval of the Minister of Labour and Civil Service is obtained.

Article (20)

Employers shall deduct the value of a worker's contribution to the syndicate they belong to from their wages if the syndicate requests such in writing. This amount shall be submitted to the syndicate or its competent branch within the first half of every month.

Article (21)

A general syndicate's financial year shall begin on 1 January and end at the end of December of each year. Each general syndicate or syndicate branch must have an annual budget presented with the balance sheet and reports of the administrative board at the syndicate premises at least fifteen days before the general assembly holds its annual meeting and these shall remain available until approved.

The budget of general syndicate branches shall be deemed sections of the general syndicate's budget. The administrative expenses of general syndicates and the branches and committees thereof may not exceed 50% of their revenue.

Article (22)

Within two months of the end of the financial year, general syndicates shall submit a copy of its balance sheet to the Ministry of Labour and Civil Service, attaching the minutes of the general assembly wherein the balance sheet was approved.

The Ministry of Labour and Civil Service may request the necessary information from a general syndicate to verify the accuracy of the syndicate's financial position.

With regard to auditing, general syndicates and the general federations thereof shall be subject to the rules on public bodies.

Article (23)

The General Department for Worker Relations and Inspection at the Ministry of Labour and Civil Service must be informed of every meeting of the general assembly and the items on its agenda at least fifteen days prior to such meeting. The general director of said Department shall assign someone to attend this meeting.

A copy of the general assembly meeting minutes must also be provided to said Department within fifteen days from the date of the meeting.

Any resolution adopted by the general assembly that violates the law, the regulations issued pursuant thereto or the syndicate's by-laws shall be deemed null and void.

Article (24)

The head of the general syndicate and members of the administrative board shall be jointly responsible before the general assembly for damages sustained by the syndicate due to their violation of or deviation from the competencies entrusted thereto under the syndicate's by-laws.

In the mentioned cases, the general assembly may issue a resolution by a two-thirds majority of members to dismiss the head of the general syndicate or a member of its administrative board or to dissolve the board and elect a new one within a month from the issue date of such resolution.

The Ministry of Labour and Civil Service must be notified of every change in the formation of the administrative board or re-election of the syndicate head within fifteen days from the date such takes place.

Article (25)

If those in charge of the syndicate's affairs decide to dissolve the syndicate, a general assembly resolution must be issued by a majority of at least two-thirds of the assembly members, as set out in the by-laws.

The Ministry of Labour and Civil Service must be notified of the decision to dissolve the syndicate within a week from the its date of issue.

Article (26)

The Minister of Labour and Civil Service may request that the first instance court in whose jurisdiction the premises of a general syndicate is located issue a ruling to dissolve the syndicate or its administrative board in the following cases:

1. If it is found that its workers are not satisfactorily achieving the objectives for which the syndicate was established or that they have become unable to achieve its intended purpose.
2. If it refuses to be inspected or submits incorrect data on its workers.
3. If it engages in illegal activities or violates public order or morals or its activities go beyond the objective for which it was established.
4. If it violates this Law, the regulations issued pursuant thereto or its by-laws despite prior written notice to remedy the violation.

Article (27)

If a general syndicate is dissolved, voluntarily or by judicial order, its liquid funds must be deposited with the bank specified by the Ministry of Labour and Civil Service. The funds and property of the dissolved general syndicate shall devolve to the syndicate formed to replace it. If a new general syndicate is not formed within sixty days from the decision or judicial ruling to dissolve the syndicate, the Minister of Labour and Civil Service may issue a decree on the disposition of such funds and property in a manner that benefits workers in that profession.

Article (28)

Workers' general syndicates shall form a general federation at the Republic level. The federation's general assembly shall be formed from all members of the administrative boards of the general syndicates and other syndicates. Upon approval by the Minister of Labour and Civil Service, the federation may join regional workers' organisations. The provisions on syndicates shall apply to the formation, registration and dissolution of the federation and its activities shall take place in accordance with its by-laws, provided such include the rules on syndicate representation on the administrative board and amount of annual contributions paid to the federation.

Article (29)

The general federation of workers' syndicates shall assume the following responsibilities:

- a. Defend the mutual interests of the syndicate formations included therein.
- b. Establish model regulations on the financial, accounting and administrative system and other regulations that guide syndicate formations.
- c. Organise ceremonies and general conferences, issue publications and supervise syndicate activities.
- d. Supervise the various general syndicates and the organisation of their accounts and ensure their revenue is disposed of according to its by-laws.
- e. Coordinate among the various general syndicates as relates to foreign relations and international and regional workers' conferences.

Article (30)

Anyone who engages in syndicate work or gives an association, collective, body or the like the name of a syndicate or syndicate federation in violation of this Law shall be punishable with imprisonment and a fine of not less than one thousand LYD and not more than three thousand LYD. Additionally, a ruling must be issued to close the premises and confiscate the funds gathered for such purpose.

Article (31)

Anyone who submits or gives incorrect information or data to the Ministry of Labour and Civil Service or to concerned parties that is related to the by-laws, records, books or accounts of a general syndicate or the general federation of workers' syndicates shall be punishable with imprisonment, a fine of not less than five hundred LYD and not more than two thousand LYD or one of the two penalties.

Article (32)

Anyone who engages in an activity for a general syndicate that exceeds the objective for which it was established or spends the funds thereof in a manner that does not achieve this objective or spends the funds thereof in a manner that does not achieve this objective or allows non-members to participate in its administration or the deliberations of the general assembly shall be subject to the penalty set out in Article (30).

This Article shall apply to the general federation of workers' syndicates as well as to general syndicate branches.

Article (33)

Anyone who misappropriates the funds of a general syndicate or the general federation of workers' syndicates shall be subject to the penalty for misappropriation of public funds.

Article (34)

Any employer or person acting in their place who dismisses or penalises a worker to force them to join, to not join or to withdraw from a syndicate or for performing general syndicate work, participating in syndicate elections or implementing a syndicate's legal resolutions

shall be punishable with imprisonment and a fine of not less than one thousand LYD and not more than two thousand LYD.

For multiple persons the penalty shall be multiplied.

In addition to the penalty, the court may rule to return a dismissed worker to their job.

Article (35)

Any members of a general assembly who fail to vote in elections to the administrative boards of general syndicates or the general federation of workers' syndicates shall be subject to a fine of not more than ten LYD.

Illness or travel shall be deemed excuses for failing to vote.

Article (36)

Anyone who commits another violation of this Law shall be subject to a fine of not less than one hundred LYD and not more than five hundred LYD.

Article (37)

Where there are multiple syndicates within each type of profession or trade, the current syndicates shall remain in existence until the general syndicates and branches thereof are formed in accordance with this Law, and shall be deemed a branch of the general syndicate for the relevant profession or trade. The administrative boards of these branches shall also remain in existence in their current formation, and shall form in total the general assembly of the general syndicate, which shall elect its administrative board from the members thereof.

For professions and trades where there is only one syndicate when this Law is issued, such syndicates shall remain in existence, and shall be deemed a general syndicate. The administrative board of such syndicate shall continue in its current formation to act as the administrative board of the general syndicate.

The formation of the general assembly and the administrative board of the general federation of workers' syndicates shall remain in existence until the end of their terms, and the heads of the administrative boards of the general syndicates shall join the members of the federation's general assembly.

Article (38)

Part (4) of Law No. (58) of 1970 AD shall be repealed and any provision that conflicts with those of this Law shall also be repealed.

Article (39)

This Law shall be published in the Official Gazette.

The Revolutionary Command Council – Libya

Abdul-Ati Al-Obeidi

Minister of Labour and Civil Service

Major Abdessalam Ahmed Jalloud
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