

**Labour Law**  
**Law No. (58) of 1970 AD on labour**

**Upon review of:**

- Constitutional Declaration No. (1) issued on 2 Shawwal 1389 AH, corresponding to 11 December 1969 AD;
- The Labour Law issued on 25 Jumada al-Thani 1382 AH, corresponding to 22 November 1962 AD;
- Social Insurance Law No. (53) of 1957 AD and the amending laws thereto;
- The Revolutionary Command Council Decree issued on 14 Rajab 1389 AH, corresponding to 26 September 1969 AD prohibiting labour trafficking;
- Based on the submission of the Minister of Justice and Social Affairs and the approval of the Cabinet;

**the following Law has been issued:**

**Part (1)**  
**Introduction**

**Chapter (1)**  
**General Provisions**

**Article (1)**

This Law shall apply to all persons who work under a work contract; however, it shall not apply to the following unless a special provision is made therein:

- a. An employer's family members who work with and are supported by the employer.
- b. Domestic workers and the like, whose terms shall be regulated under a special regulation.
- c. Persons who work on farms or in agriculture, whose terms shall be regulated under a special regulation, with the exception of:
  1. Those who work in agricultural establishments that manufacture their own products in whole or in part.
  2. Those who operate and repair mechanical equipment required for agriculture full time.
- d. Ship staff, engineers, sailors, and others to whom the Libyan Maritime Law or any other special law applies.
- e. Graded and ungraded employees who work for the government and public bodies.

This Law shall apply to government and public body workers unless their affairs are regulated under a special regulation issued by the Cabinet.

**Article (2)**

Any condition contained in work contracts that violate this Law shall be invalid, even if concluded before this Law enters into force, unless the condition is more favourable to the worker.

### **Article (3)**

Cases filed based on this Law by workers, trainee workers, and the beneficiaries thereof, as well as labour syndicates and federations shall be exempted from judicial fees at all stages of litigation, and such cases shall be reviewed as an urgent matter. In all cases, the court may rule for provisional enforcement without a guarantee. If the court dismisses the case it may order the party that filed it to pay the fees, in whole or in part.

## **Chapter (2) Employment Offices**

### **Article (4)**

Anyone who is able to work and wishes to do so may request that their name be registered at the employment office in whose district their residence is located, stating their age, vocation, qualifications, and prior service.

Employment offices shall register such requests immediately upon receipt under a serial number and give the applicant, free of charge, a registration certificate on the date the request was submitted.

The Minister of Justice and Social Affairs shall issue a decree setting out the information contained in the certificate. Said Minister shall also specify each office's area of jurisdiction and workflow in a decree.

### **Article (5)**

All employers shall inform the employment office in whose district their workplace is located of positions and jobs that have been vacated or created, irrespective of type, in writing, stating the type of each, the qualifications required, the wages allocated thereto, and the date set for filling such, within seven days from the date it was vacated or created.

### **Article (6)**

Employment offices shall assist the persons registered therewith in applying for positions and jobs suitable for them, given their age and qualifications, taking into consideration the order of registration. They shall also assist and guide such persons toward vocational training available to facilitate their employment in positions and jobs that have been vacated or created.

### **Article (7)**

Workers may only be hired or employed through employment agencies or if they have obtained a registration certificate from one of these offices, with the exception of the cases on which the Minister of Labour and Social Affairs has issued a decree.

### **Article (8)**

All employers shall notify the competent employment office within seven days from the date they fill a vacant or created position, providing the name of the worker hired, the date they received the job, the wages allocated thereto, and the type of position or job obtained. The employer shall also send their registration certificate to the office that issued it after recording the number and date thereof in the worker's file and in the workers registry.

### **Article (9)**

Employers or representatives thereof may not hire workers through a contractor. Any contract in which one of the contracting parties is limited to merely undertaking to provide workers to the other contracting party to work for them or a representative thereof for compensation that the party for whose account the work is completed undertakes to pay to the party that undertakes to provide such workers shall be invalid; such [contract] must undertake to pay the wage agreed to with such workers to them.

### **Article (10)**

In the cases set out in the preceding Article, an employer shall be deemed to be directly contracting with workers and shall pay them the wage received by those who already work for the employer in a job similar to the one they are performing or those working in similar jobs for another employer and in general shall provide such workers with rights equal to those of similar workers.

### **Article (11)**

Any contract or act that takes place with the intent of circumventing or avoiding the application of the two preceding Articles shall be deemed invalid, as shall the concealment of any violation thereof, irrespective of the manner or form such takes, and in particular the forms that the Minister of Justice and Social Affairs deems under a decree issued thereby to be surrounding circumstances and conditions that leave no doubt that the objective thereof is to violate the two preceding Articles or to conceal such violations.

### **Article (12)**

No fees may be collected from unemployed individuals in exchange for employing them or facilitating their hiring in any job.

## **Chapter (3) Employment of Foreigners**

### **Article (13)**

Foreigners may not perform work until a licence for such is obtained from the Ministry of Labour and Social Affairs. Work shall mean any industrial, commercial, agricultural, or financial job as well as any vocation including domestic work.

### **Article (14)**

The Minister of Labour and Social Affairs shall issue a decree setting out the conditions for obtaining the license referred to in the preceding Article, the information contained therein, and the fee therefor, provided it not exceed ten pounds. Such decree shall also set out the exemptions from obtaining a license, the cancellation thereof, and exemptions from fees, in whole or in part.

### **Article (15)**

Under the terms and conditions set out in a decree issued by the Cabinet, a minimum percentage may be set for Libyan workers and for the total wages collected thereby in certain industries or establishments.

## **Chapter (4)**

### **Vocational Training**

#### **Article (16)**

Workers may enter into the service of an employer to undertake training in a specific vocation or job for a specified period in accordance with the terms and conditions set out in a decree issued by the Minister of Labour and Social Affairs.

#### **Article (17)**

Vocational training contracts must be in writing in the Arabic language and state the training period, stages thereof, and wages for each stage, provided such is not less at the last stage than the minimum wages set for the vocation for which the worker is undergoing training. If the worker is a minor, the contract shall be concluded with their legal guardian or custodian.

#### **Article (18)**

According to the requirements of each vocation or trade, the Minister of Labour and Social Affairs may issue a decree stating the minimum and maximum training period, theoretical and practical study programs, the system of selection, the certificates given in this regard, and the information written therein.

#### **Article (19)**

Employers may rescind the contract of a trainee worker if they establish their lack of eligibility or readiness to learn the vocation well and trainee workers may also terminate the contract, on condition that the party wishing to rescind or terminate the contract notifies the other party of such at least five days prior thereto.

#### **Article (20)**

The Ministry of Labour and Social Affairs may establish and organise the institutes required for vocational training. Acceptance to such institutes shall be in accordance with the terms and conditions set out in the internal regulations of each institute, which shall be issued by the Minister of Labour and Social Affairs.

#### **Article (21)**

Under a decree from the Minister of Labour and Social Affairs, the industrial and commercial establishments that he deems necessary may be required to train Libyan workers. Such institutions shall accept a number of workers for training or graduates and students of vocational schools for training and practice under the terms set out in the decree. The number of workers to whom this Article applies may not exceed 20% of the institution's workers.

**Part (2)**  
**Work Contracts**

**Chapter (1)**  
**Individual Work Contracts**

**Article (22)**

An individual work contract is an agreement between an employer and a worker pursuant to which the worker undertakes to work under the management and supervision of the employer for a wage.

**Article (23)**

The work contract must be in writing and drawn up in the Arabic language in two copies, with each party having a copy. If there is no written contract, the worker alone may establish his rights through all means.

Workers who have reached eighteen years of age may enter into a contract directly, whereupon they shall comply with the duties imposed and rights arising therefrom in accordance with this Law, including the worker's right to receive wages directly.

Work contracts must include the essential information and conditions, in particular the following:

1. Employer's name and place of work.
2. Worker's name, qualifications, trade, and place of residence.
3. The specific type of work required.
4. The agreed wage and payment manner and times, as well as all agreed monetary and in-kind benefits.

Employers shall give the worker a receipt for the papers and certificates given thereto.

**Article (24)**

The probationary period shall be set out in the work contract. Workers may not be assigned to a probationary period that exceeds one month or hired with a probationary period more than once for one employer.

**Article (25)**

A work contract may be concluded for a specified period or specific job and may also be for an unspecified period. If the work contract is for a specified period and the parties thereto continue to implement it after the end of the contract term without agreeing to renew it, such shall be deemed a renewal of the contract for an unspecified period. If the contract is concluded for the performance of a specific job and the job by its nature is subject to renewal and the implementation of the contract continues after completion of the work agreed to, the contract shall be deemed renewed for the period necessary to perform the same job again.

However, if the contract is for a specific period, whether set out in the contract or as a result of the nature of the job, such period may not exceed five years, renewable one time, after which the contract shall be deemed to be for an unspecified period.

## Article (26)

Workers shall:

1. Perform the job directly and exert the efforts of an ordinary person in doing so.
2. Observe the employer's instructions on performing the work agreed to and abide by his orders if they are not in violation of the contract, the law, or morals and do not expose them to danger.
3. Take care to preserve the items given to them to perform the job.
4. Protect job secrets even after the contract ends.
5. Adhere to good conduct while working.
6. Provide all help and assistance in cases of disasters and risks that threaten the workplace and the persons working therein, without requiring compensation for their work.
7. Not refrain from undergoing medical examinations when requested to confirm they are free from occupational illnesses or communicable diseases.

## Article (27)

Employers shall keep a file for each worker stating their name, trade or vocation, marital status, personal ID number, work start date, wage received, developments occurring, penalties imposed, their annual and sick leaves, and reasons for ending their service and the date thereof. Employers shall keep said file for a period of at least a year from the date the worker's service ends.

## Article (28)

Workers may not work for more than one employer and employers may not hire a worker they know is bound to a work contract with another employer except in the cases and under the conditions set out in a decree issued by the Minister of Labour and Social Affairs.

## Article (29)

Employers may not exceed the terms or assign a worker to a job not agreed to unless necessary to prevent an accident or to repair anything resulting therefrom, or in the event of *force majeure*, provided such is temporary.

Employers may assign a worker to a job other than the one agreed to if it is not substantially different.

## Article (30)

If one employer entrusts to another the performance of one of their jobs or a portion thereof and such is in one work zone, the latter must provide equal rights to their workers and the other employer's workers, and the employers shall be jointly liable for such.

This provision shall not apply to jobs that are not of an ongoing nature such as emergency or periodical jobs, even if linked or supplementary to the original job.

## Article (31)

Employers may not hire a worker for a wage less than the minimum set out under this Law and may not discriminate between the wages of men and women if the conditions and nature of the work are the same.

Wages shall mean all monetary and in-kind compensation that can be valued in currency that is given to a worker for their work plus all allowances regardless of type, in particular the following:

1. Commission given for itinerant workers, travelling representatives, and commercial representatives.
2. In-kind benefits and the allowances disbursed for cost of living and family responsibilities.
3. Each allowance given to a worker in addition to the wage and amounts disbursed thereto for their safety or efficiency and the like if such amounts are set out in the individual or joint work contract, the work by-laws, or if they are customarily granted and workers have come to deem them a portion of the wage and not voluntary.

Amounts given as a gift shall not be attached to wages unless they are customarily paid and there are rules allowing for the control thereof.

Without prejudice to the first paragraph of this Article, in certain jobs such as those in hotels, restaurants, and cafés, the worker may not have a wage other than what they receive in gratuity and the food they eat, provided the work contract set out the rules governing such.

### **Article (32)**

Employers shall pay wages and other amounts due to workers in Libyan currency. Payment shall be made on a workday and at the workplace on a date not more than seven days from the date such becomes due, taking into consideration the following:

1. Workers hired with a monthly salary shall be paid at least once a month.
2. If the wage is by piece and the job requires a period of more than two weeks, the worker must receive a weekly payment of their wage corresponding to the work completed, and shall be paid the remaining wage in full within the week following completion of the job.
3. Wages due for annual leave must be paid to workers before such leave begins.
4. If a worker's service ends, they shall be paid their wage and all amounts due thereto immediately, unless the worker left work on their own accord. In this case, the employer must pay the worker's wage and all amounts due thereto within not more than seven days from the date they left work.

In no case may an agreement be made to pay all or a portion of a worker's wage or any amounts due thereto under the work contract outside Libya.

### **Article (33)**

Employers may not transfer a worker with a monthly salary to a category of day labourers or workers with a salary paid weekly, by piece, or by hour without the worker's written agreement. In this case, the worker shall have all the rights set out for monthly salaries for the period prior to their transfer.

### **Article (34)**

No more than a quarter of the wages due to a worker may be garnished or relinquished in satisfaction of a maintenance debt, to pay amounts due for food or clothing supplied thereto or to their dependants, or to settle amounts due from the worker in accordance with this Law.

In the event of multiple debts, priority shall be given to maintenance debt then debt for food and clothing. The percentage referred to in this Article shall be calculated from the worker's wage remaining after deduction of income tax and their contributions set out in the Social Insurance Law.

This Article shall apply to all amounts due to workers under this Law.



### **Article (35)**

Employers may not deduct more than 10% of a worker's wage in fulfilment of money they have borrowed. No interest may be collected from this loan, with the exception of housing loans provided to banks for their workers. Employers may also not oblige workers to purchase food or goods produced thereby or from specific stores.

### **Article (36)**

If, due to a serious error on their part, a worker causes the loss, damage, or destruction of equipment, machinery, or products owned by the employer or entrusted thereto and such was the result of the worker's error, the worker shall be responsible for the necessary amount for such. This amount shall be determined by a committee formed at each employment office under a decree from the Minister of Justice and Social Affairs.

Employers may start deducting the amount determined by the committee from the worker's wage. Both the employer and the worker may file a grievance against the committee's determination before the competent court in whose district the workplace is located. The court's ruling in this case shall be final. If the ruling does not grant the employer the amount determined by the committee or is for a lesser amount, the employer must return amounts deducted unlawfully within seven days from the date of the ruling.

Employers may not fulfil their right in accordance with the provision of the preceding paragraph by deducting from the worker's wage except within the limits of the wages for five days a month. The deduction shall cease if the total amount collected reaches two month's wages. Employers may collect the rest of the amount due thereto in the manners provided to fulfil debts other than by garnishing or deducting wages.

### **Article (37)**

Employers shall not be discharged from a worker's wage unless the worker signs the register prepared for such, the payroll, or a special receipt prepared for such purpose stating their receipt thereof.

### **Article (38)**

Each worker who spends a full year in an employer's service shall have the right to an annual leave of sixteen days with full pay. The leave shall be increased to twenty-four days for minors and workers who have spent five consecutive years in the employer's service or who hold key positions identified under a decree from the Minister of Labour and Social Affairs.

Weekends and official holidays occurring during the leave period shall not be calculated as part of the leave.

The right to leave may not be waived in exchange for any monetary or in-kind allowance.

### **Article (39)**

Employers may choose a date for the annual leave or grant it alternately if the work system requires such. Collective leaves may not be granted to workers until the workers' opinion is sought and the approval of the competent employment office is obtained one month before the date set for such, unless such is provided in the work by-laws.



Six or more consecutive days of leave may be divided or delayed until the following year, at the worker's written request and provided the delay is not for more than two years. This provision shall not apply to leaves due to minors.

Workers are prohibited from working on their leaves for pay, otherwise, with the approval of the competent employment office, they may be denied their wage, in full or in part, for the leave period.

#### **Article (40)**

Workers are entitled to obtain the wages due thereto for the period of leave they did not receive if their contract ends for any reason before they use them.

Leaves due to workers for portions of the year shall be calculated according to the period of that year that they worked, even if they did not spend a full year in the job.

#### **Article (41)**

Workers who spend three consecutive years in the service of an employer shall be entitled to a special leave at full pay of not more than twenty-five days to perform the Hajj. Workers shall only enjoy this leave once in their lives.

Workers shall submit to the employer, when requested, the documents indicating they have performed the Hajj.

#### **Article (42)**

Workers whose illness or disability is established shall have the right to sick leave during which they shall receive 50% of their wage for the first sixty days, increasing to 60% for the following one hundred twenty days in one year. The worker's right to this leave shall lapse at the end of the year.

The leave shall be granted based on a certificate issued by the competent doctor at the National Social Insurance Institution in the work area. If there is none or the worker is not insured, the certificate shall be issued by a government doctor, an establishment doctor, or the doctor that treated the worker. In the last case, the employer may assign another doctor to examine the worker. If the certificates differ, both parties may request that the employment office refer the matter to a government doctor or to a government medical committee to examine the worker free of charge. In this case, the certificate issued shall be final.

#### **Article (43)**

Female workers who have spent six consecutive months in the service of an employer shall be entitled to maternity leave at half pay for a period of fifty days, including the period before and directly after the birth, provided they submit a medical certificate stating the estimated due date.

Women may extend their absence due to illness established under a medical certificate to be the result of the pregnancy or birth and stating that she cannot return to her job, provided the period of absence not exceed a total of three months.

In all cases, women may not work during the thirty days following the birth.

#### **Article (44)**

Article (42) of this Law shall apply to:

- a. Workers who are not insured by the National Social Insurance Institution, even if subject to the Social Insurance Law.
- b. Workers insured with the National Social Insurance Institution in the periods during which they are not entitled to daily financial assistance for being unable to work due to illness or a work injury.
- c. Workers insured with the aforementioned National Social Insurance Institution to whom daily financial assistance is disbursed for being unable to work due to illness or occupational injury shall, during their sick leave and while they receive said assistance, additionally collect from their employer an amount equal to the difference between this assistance and 75% of their wage for the first sixty days of the sick leave and 85% of their wage for the following one hundred twenty days during one year. The percentage shall be 100% of the wage if the sick leave is granted due to an occupational injury.

Such shall be without prejudice to Article (76) (*bis*) of this Law.

#### **Article (44) (*bis*)**

The application of Articles (42), (43), and (44) shall **not** result in prejudice to the rights set out for workers under the Social Insurance Law.

#### **Article (45)**

Employers may not dismiss a worker or rescind their contract during the leaves set out in the preceding Articles, and workers may not leave the employer's service following the leave authorised therein, without the agreement thereof.

#### **Article (46)**

Contracts for a specified period shall end at the end of their term without need for notice or warning. If a contract is for an unspecified period, both parties may rescind it after notifying the other party by registered letter with return receipt. Such letter shall be sent thirty days prior thereto for workers hired with a monthly salary and fifteen days for other workers. If the notice is sent to a worker, the employer must grant them a period of not less than two hours out of the actual working hours throughout the notice period to search for another job. If the contract is terminated without observing the notice period, the party that rescinded the contract shall pay to the other party compensation equivalent to the worker's wage for the notice period or the remaining portion thereof.

#### **Article (47)**

If the contract is for seasonal work or the like and its term ends, if the term of a work contract with a specified term ends, or if a contract with an unspecified term is rescinded by the employer, the employer must pay the worker compensation for the period of their service calculated on the basis of the wages for one half month for each year up to five years and the wages for one month for each of the following years.

### **Article (48)**

The worker's last wage shall be adopted as the basis for assessing the compensation set out in Article (46) and Article (47) for workers who receive their wages monthly, weekly, daily, or hourly. For workers whose wages are set by piece or in any other manner, the assessment shall be made on the basis of the average of what the worker received for actual working days in the three months prior to the end of the contract or for the full work period if it was less than three months.

### **Article (49)**

Without prejudice to Articles (46) and (47), if a contract is rescinded without justification, the party injured thereby shall have the right to compensation assessed by the court, taking into consideration the type of work, extent of the damage, service period, and prevailing customs, after investigating the conditions of the rescission.

### **Article (50)**

Workers dismissed from their job without justification may request suspension of the dismissal. The request shall be submitted by registered letter to the director of the employment office in whose district the workplace is located, within a period of not more than two weeks from the date the employer notified the worker. The director of the employment office shall adopt the procedures necessary to resolve the conflict amicably. If a settlement is not reached, the office director shall refer the request within not more than a week from its submission date to the judge of summary proceedings at the summary court in whose district the workplace is located, accompanied by a report in five copies containing a summary of the dispute and the employment office's observations.

Within three days from the date the request was referred to the court, the court registrar shall set a date for a session to review the suspension request, not more than two weeks from the referral date. The employer, the workers, and the director of the employment office shall be notified thereof by registered letter, with a copy of the employment office's report attached.

The judge shall rule on the suspension request within a period of not more than two weeks from the date of the first session. Such ruling shall be final. If the judge orders to suspend the dismissal, the employer shall be obliged to pay the worker's wages for the dismissal period. The judge shall refer the case to the competent court in whose district the workplace is located. This court shall rule for compensation if there are grounds for such, as an urgent matter within a period of not more than a month from the first session.

If no ruling is issued on the substantive case within the period set out in the preceding paragraph, the employer may, as an alternative to disbursing the wages to the worker, deposit an amount equivalent to this wage with the court treasury until a ruling is issued on the case.

The amounts recovered by the worker in implementation of the ruling of the summary proceedings judge or the amounts deposited with the court's treasury shall be deducted from the compensation ruled for the worker or any other amounts owed thereto.

The court may rule that the dismissed worker return to their job, at their request or in the cases in which such is provided by law.

Concerning the appeal of rulings issued on the matter, liability cases for unjustified dismissal shall be deemed to arise from the work contract, with all the resultant effects in terms of appointing the competent court to hear the dispute, prescription, and application of the rules set out in the Code of Civil and Commercial Procedure. The appeal deadline shall

be ten days. The court shall rule thereon as an urgent matter within a period of not more than a month from the first session.

The application of this Article shall not violate the worker's right to make direct recourse to the courts according to the rules, deadlines, and procedures set out in the Code of Civil and Commercial Procedure.

#### **Article (51)**

Employers may not rescind a contract without the worker's prior notice and without remuneration or compensation, except in the following cases:

1. If the worker assumes a false identity or submits fraudulent certificates or recommendations.
2. If the worker is in the probationary period.
3. If the worker commits an error that results in substantial material loss for the employer, provided the employer notify the competent employment office of the incident within three days from the time they learned thereof.
4. If the worker does not observe the instructions that must be followed for the safety of the workers or workplace despite being notified in writing, provided that such instructions are written and posted in a visible place and the employer has sent the competent employment office a copy of the notice sent to the worker.
5. If a worker is absent without a legitimate excuse for more than twenty days in one year or more than ten consecutive days, provided the dismissal is preceded by a written notice from the employer to the worker after their absence of ten days in the first case or five days in the second case, and the employment office is sent a copy of the notice.
6. If a worker does not perform the basic obligations ensuing from the work contract.
7. If the worker reveals secrets related to their job.
8. If a final ruling is issued against the worker for a felony or crime of moral turpitude, anti-trust conduct, or breach of public morals.
9. If the worker is obviously intoxicated during working hours.
10. If the worker assaults the employer or manager in charge or if they commit aggravated assault against a work superior or colleague during work or due thereto.

#### **Article (52)**

Employers may rescind a contract after notifying the worker, observing the period set out in Article (46), in the following cases:

1. Full or partial suspension of work, permanently or for a period of two consecutive months.
2. If the job is temporary.

The employer shall notify the director of the competent employment office at least two months before using the right to rescind in the first case and the director of the competent employment office shall verify the employer's grounds for such.

Workers whose contracts are rescinded in application of this Article shall be entitled to the remuneration set out in Article (47), without prejudice to the compensation set out in Article (46), if they have grounds for such.

### **Article (53)**

Workers may leave the jobs before the end of the contract and without notice in the following cases:

1. If the employer or representative thereof introduced fraudulent work terms at the time of contracting.
2. If the employer did not perform their obligations to the worker in accordance with this Law.
3. If the employer or representative thereof committed anything in violation of public morals towards the worker.
4. If the employer or representative thereof assaulted the worker.
5. If there is a serious risk threatening the worker's safety or health, provided that the employer knows about this risk and did not implement the safety measures established or imposed by the competent bodies by the set date.

If a worker leaves their job for one of the preceding reasons, the employer must pay them remuneration for the period of their service as set out in Article (47), without prejudice to the compensation that might be granted by a court.

### **Article (54)**

After notifying the employer in accordance with Article (46), a worker may resign from the job. In this case they shall be entitled to the remuneration set out in Article (47) if the period of their service is more than five years. If less, they shall be entitled to half of the remuneration.

### **Article (55)**

On the occasion of their marriage or the birth of their first child, female workers shall be entitled to the remuneration set out in Article (47) if they left the job after informing the employer of such, within six months from the date of the marriage in the first case, or three months from the date of birth in the second case, on condition that the worker has been in the employer's service for three consecutive years. If the period of their service is less, they shall be entitled to half compensation.

### **Article (56)**

Work contracts shall end with the worker's death. They may also be terminated for the worker's inability to perform their job or illness requiring them to be away from work for a consecutive period of not less than one hundred twenty days or scattered periods exceeding two hundred days in one year.

Disability or illness shall be established under a medical certificate issued by the National Social Insurance Institution. If the worker is not insured, the certificate shall be issued by a government doctor in the area.

Employers may not use their right to rescind a contract under Article (46) during the period of disability or illness referred to in this Article or during the period in which the worker is receiving monetary assistance in the case of illness or occupational injury in accordance with the provisions of the Social Insurance Law, and they may not rescind a contract after the passage of said periods and the worker returns to start their job.

If the contract ends for one of the reasons referred to in the first paragraph, the employer shall pay the remuneration set out in Article (47) to the worker or their beneficiaries.

### **Article (57)**

If the establishment has a savings fund for workers and the fund's regulations state that the amounts paid thereto by the employer to the worker's account is against their legal end-of-service benefit obligation and is equal to or more than the remuneration they are entitled to in accordance with this Chapter, this amount must be paid to the worker in place of the remuneration; otherwise the remuneration shall be due. If the fund's regulations do not state that the amounts paid by the employer were intended to be against their legal end-of-service obligation, the worker shall be entitled to obtain the amount they are owed in the savings fund in accordance with the fund's regulations and to obtain the remuneration set out in this Law.

If the establishment has a pension (retirement) fund, workers entitled to a pension may choose between it and the set remuneration. If their service ends before they are entitled to the pension, they shall have the right to obtain the remuneration or the amount they are entitled to from the pension fund, whichever is preferable.

Those establishing savings, assistance, or pension funds at an establishment must obtain the Ministry of Labour and Social Affairs' approval of the regulations of such funds before they enter into force. If the Ministry does not object to such regulations within ninety days from their date of submission, such shall be considered an approval.

Pursuant to a decree from the Minister of Labour and Social Affairs, certain commercial and industrial establishments may be obliged to establish savings or pension funds for their workers, which shall be subject to this Article.

### **Article (58)**

At the end of their contract, employers shall give workers free of charge a certificate stating the start and end date of their service, the type of job they performed and also, at the worker's request, the wage, salary, and other benefits, if any, and any other statement they believe is in their interest to have included in the certificate.

Employers shall return to the worker the papers, certificates, or instruments that the worker may have deposited with them.

### **Article (59)**

The dissolution, liquidation, closure, bankruptcy, merger, transfer by inheritance, will, bequest, sale, or other disposals, or the change of owner for any reason shall not prevent the fulfilment of all obligations set out in this Chapter. With the exception of cases of liquidation, bankruptcy, and final closure, the employment contract of workers at the establishment shall remain standing, and the successor shall be jointly liable with the previous employers for the performance of all obligations stated. This liability shall continue for one year for non-standing contracts.



### **Article (60)**

The amounts due to a worker or their beneficiaries under this Chapter shall be privileged over all of the employer's real estate and movable property and shall be paid directly after legal fees and amounts due to the public treasury. In the event of the employer's bankruptcy and the liquidation of the establishment, said amounts shall be recorded against the bankruptcy or liquidation as privileged debts. An expedited payment equivalent to one month's wages shall be paid to workers before any other expenses, including legal fees and bankruptcy or liquidation expenses. If the assets aren't sufficient to satisfy all debts to workers, they shall be divided on a pro rata basis.

### **Article (61)**

Employers shall be jointly liable for any violation of this Chapter, and subcontractors or assignees for all or a portion of the operations shall be jointly liable with the employers for the satisfaction of all obligations imposed under the aforementioned provisions.

## **Chapter (2) Joint Work Contracts**

### **Article (62)**

A joint work contract is an agreement governing work conditions and terms entered into by one or more workers' syndicates, federation of workers' syndicates, or workers' legal representatives and an organisation of employers or one or more employers that employ workers belonging to such syndicates.

### **Article (63)**

Joint work contracts must be written and certified before the competent official body, otherwise they shall be invalid.

Joint work contracts shall not be binding unless approved by the syndicate's general assembly or workers' syndicates and federations or the employer organisation by a two-thirds majority. If the contract is concluded with a group of workers, they must all agree to it.

### **Article (64)**

Joint work contracts shall only enter into force after they are registered in the registry prepared for such at the Ministry of Labour and Social Affairs. A summary of the provisions thereof shall be published in the Official Gazette.

The Minister of Labour and Social Affairs shall issue a decree organising this registry and the procedures and terms of registration therein.

### **Article (65)**

The Ministry of Labour and Social Affairs shall register the contract within sixty days from the date it is submitted. If such period ends without the registration or rejection thereof, it shall be deemed duly registered. The Ministry shall perform the registration and publication in the Official Gazette in accordance with the preceding Article.

### **Article (66)**

Without prejudice to the second paragraph of Article (63), non-contracting parties may join a joint work contract after they are registered, based on an agreement between the work parties requesting such, without need for the agreement of the original contracting parties. Requests to join a contract shall be submitted to the Ministry of Labour and Social Affairs signed by both parties.

### **Article (67)**

Any term in a joint work contract that violates a provision on individual work contracts shall be invalid, unless this term is more favourable to the worker.

Any term contained in individual work contracts concluded between persons linked to a joint contract that violates said joint work contract shall be invalid, unless this term is more favourable to the worker. In this case, the provisions of the joint work contract shall apply.

Any term in a joint work contract that violates security, harms the country's economic interest, or violates the laws and regulations in force or the public order shall be invalid.

### **Article (68)**

A joint work contract may be concluded for a specified period or for the period necessary to complete a given project, provided the term not exceed five years in both cases.

If the term ends, the contract shall be deemed to be renewed automatically for another period or periods of a year each.

### **Article (69)**

Joint work contracts shall end at the end of their original or renewal period if one of the parties notifies the other and the Ministry of Labour and Social Affairs of such within the period stated in the contract. If the contract does not specify a period, the notification period shall be three months or half of the original or renewal contract term, whichever is less.

If one of the parties to the contract involves several people, the expiration of the contract for one shall not result in its expiration for the others.

### **Article (70)**

Either party to a joint work contract may seek a ruling to terminate it if working conditions undergo substantial changes justifying such, provided at least a year has passed since the implementation thereof.

### **Article (71)**

Notations must be made in the registry of any joining, renewals, expirations, or terminations that have occurred. The Ministry of Labour and Social Affairs shall publish a summary of said notation in the Official Gazette within a month of performing such.

### **Article (72)**

If an institution concludes a joint work contract with a syndicate of workers in the vocation or trade that it engages in, this contract shall apply only to the workers of the institution that belong to the syndicate, unless the number of such workers is more than half of the institution's workers at the time the contract is concluded. In this case, the contract shall apply to all of its workers with regard to provisions in the joint work contract that are more favourable to the workers than those in the individual work contract.

### **Article (73)**

The federation of workers' syndicates and the syndicates that are parties to a joint work contract may file all cases arising from violations of this contract in the interest of any of its members without need for a power of attorney for such, provided this member is allowed to intervene in the case raised by the syndicate. This provision shall not prejudice the member's right to file cases independently of the federation or syndicate.

### **Article (74)**

Each person may obtain from the Ministry of Labour and Social Affairs a true copy of joint work contracts and joining documents for the fee set out under a decree from the Minister of Labour and Social Affairs, provided such fee not exceed five dinars.

## **Part (3)**

### **Regulation of Work and Protection of Workers**

#### **Chapter (1)**

#### **General Provisions**

### **Article (75)**

Before work commences at any institution with more than five workers and at the start of each season in any institution that employs seasonal workers, employers shall notify the director of the competent employment office in writing of the following information:

1. Name of the institution, its location, and date of establishment.
2. Address for correspondence related to the institution.
3. The nature of the work performed by the institution.
4. The nature and extent of the force employed thereby.
5. Name of the person directly responsible for managing the institution.
6. All information that might be set out in regulations or requested by the director of the employment office.

Employers shall notify the director of the employment office of any changes in the aforementioned information within seven days from the date of such change. They shall also promptly provide the competent employment office with any statement it might request related to the workers in their institution or the workflow therein.

### **Article (76)**

Employers with ten or more workers shall place in a visible location in the institution the work by-laws, after they are approved by the Ministry of Labour and Social Affairs. These regulations must include the rules governing work in the institution and state the worker's relations with their colleagues and supervisors, the employer's obligations toward the worker, the provisions on worker promotion if the nature of the work calls for such, definition of the wage categories and the dates and place of the payment thereof, protective measures from occupational risks, and other information.

The Ministry may request that the employer make the necessary changes to the aforementioned regulations so as to conform with this Law, the regulations issued pursuant thereto, and the customs prevailing in the vocation.

#### **Article (76) (bis)**

This Law shall not prejudice the rights acquired under special regulations or laws, joint contracts, or the like observed in establishments on 1 May 1970 AD.

When drafting the work by-laws in accordance with Article (76) of this Law, employers may not ignore or prejudice one of the aforementioned rights, even if it is not contained in the work contract.

#### **Article (77)**

Employers at institutions with ten workers or more must place a regulation on penalties and the terms of their imposition in a visible location in the institution. In order to enter into force, these regulations and any amendments made thereto must be approved by the Ministry of Labour and Social Affairs within two months from the date they are submitted thereto. If such period ends without the Ministry's approval or objection, they have become effective.

Employers may not impose a penalty on a worker for a violation not contained in the penalties regulations.

The Minister of Labour and Social Affairs may issue a decree with model penalties regulations according to the nature of work to guide employers in preparing the institution's regulations thereon.

#### **Article (78)**

Employers may not impose a fine of over five days' wages on a worker for one violation or issue a disciplinary suspension from work of over five days per violation.

In all cases, it shall not be permissible to impose more than one penalty for a violation, deduct more than five day's wages a month from their wages in fulfilment of penalties, or suspend a worker from work for more than five days a month.

#### **Article (79)**

It shall not be permissible to accuse a worker of a violation discovered more than fifteen days ago or to impose a penalty thereon more than thirty days after the violation is established for workers who receive their wages monthly and more than fifteen days for other workers. Penalties may not be imposed on workers until their statements have been heard and their defence investigated.

The Minister of Labour and Social Affairs shall issue a decree setting out the disciplinary penalties imposed on workers and the disciplinary rules and procedures.

#### **Article (80)**

Fines imposed on workers must be recorded in a special register stating the worker's name, wage, reason for the fine, and date thereof. The employer shall allocate deductions from workers' wages for fines to the interest of all workers at the institution, in accordance with the rules issued under a decree from the Minister of Labour and Social Affairs.

### **Article (81)**

If a felony or a misdemeanour of illegal strike or the incitement thereof or any offence is attributed to a worker inside the workplace, the employer may suspend them from the date the incident was reported to the competent authorities until a decision is issued thereon. If the competent authorities decide not to present the worker before the court or the worker is found innocent, they must be returned to their job. Failure to do so shall be deemed arbitrary dismissal.

If it is established that accusing the worker was arranged by the employer or their official representative, the worker must be paid their wages for the suspension period. If the competent authorities or court finds for such arrangement, it shall indicate such in its decision or ruling.

### **Article (82)**

Employers shall place on the main doors used by workers to enter and in a visible location inside the institution a schedule of working hours, break periods, and weekly day off for each worker or category of workers and shall provide the competent employment office with a copy of this schedule and any changes made thereto.

### **Article (83)**

If an employer employs one or more minors they must:

1. Keep a copy of the provisions on employing minors in the workplace.
2. Maintain a list stating the minors' names ages, and date of employment.
3. Place in the workplace a visible list stating their working hours and break periods.

### **Article (84)**

Without prejudice to Article (27) of this Law, employers of institutions with ten or more workers must prepare a special register of their workers in the Arabic language including the following information:

1. Worker's name, address, ID number, and, for minors, date of birth.
2. Nature of their job or vocation.
3. The division or group in which they work.
4. Date the worker's service started.
5. The base wage received and the allowances and benefits granted thereto, stating all changes thereto.
6. The leaves received by the worker and the nature thereof.
7. Reasons and date the worker's service ended.
8. All other information that might be set out in regulations.

## **Chapter (2)**

### **Working Hours and Break Periods**

### **Article (85)**

Workers may not actively work more than eight hours a day, not including the periods allocated for eating and breaks.

### **Article (86)**

If daily working hours are more than six, they must be interspersed with a period(s) for breaks and eating not less than one hour total. Such periods shall be organised so that the worker does not work more than six hours continuously.

Under a decree from the Minister of Labour and Social Affairs, a list may be set out of situations and jobs that require, for technical reasons or working conditions, that work continue without rest periods.

### **Article (87)**

Without prejudice to the preceding Article, employers may have workers work overtime hours beyond the maximum set out under law. Overtime work hours may not exceed four hours a day and the worker must receive additional wages of not less than 50% more than their usual wage per hour for their overtime work hours. Workers shall not be entitled to a wage for overtime hours they agree to work over this amount except in the cases and jobs set out under a decree from the Minister of Labour and Social Affairs.

### **Article (87) (bis)**

Each worker shall have the right to fully paid leave on official holidays. Employers may have workers work on these holidays for double wages if working conditions require such.

### **Article (88)**

Each worker shall be entitled to a regular paid weekly day off. Such day shall be Fridays, with the exception of workers performing service at public utilities or working to meet public need. The rules of procedure shall set out the weekly day off for each worker or group thereof as required by the nature and conditions of the work.

If they work on their weekly day off, workers must be given another day off within the following three days or be paid, in addition to their usual wage, the equivalent of double their regular hourly wage for the hours they worked on their day off.

Upon the approval of the Ministry of Labour and Social Affairs, an agreement may be made to combine weekly days off and official holidays within two months at most for workers who work in locations far from their residence and family, to be taken all at once.

Employers may not rescind the contract during combined weekly days off or official holidays.

### **Article (89)**

The preceding Articles in this Chapter shall not apply to sanitation workers inside the institution or those allocated for security. The Minister of Labour and Social Affairs shall set out the maximum work hours for such workers under a decree. These provisions shall also not apply in cases of emergency work to prevent the occurrence of a dangerous incident, to repair matters arising therefrom, or to prevent losses to materials subject to damage, on condition that the competent employment office is provided within 24 hours with a statement of the emergency situation and the period required to complete the work and obtains the office's written approval.



### **Article (90)**

The regulations may provide that all or a portion of the provisions of this Chapter do not apply to workers who hold supervisory or management positions or confidential or private positions, provided such regulations set out their maximum working hours.

### **Article (91)**

Without prejudice to the following Articles, all provisions governing the employment of workers shall apply to minors and women, without discrimination within one job.

## **Chapter (3)**

### **Employment of Minors and Women**

### **Article (92)**

Minors may not be hired or permitted to enter workplaces before reaching fifteen years of age. The Minister of Labour and Social Affairs shall issue a decree on the terms and conditions pursuant to which minors under the age of eighteen may be employed in certain trades and jobs and shall also set out the jobs and trades in which it is prohibited to employ minors before they reach such age.

The birth certificate or any other official document shall be used to determine a minor's age. If there is none, the age must be determined by a government doctor.

### **Article (93)**

Minors may not work more than six hours a day with one or more breaks to rest and eat totalling not less than one hour.

Work and break periods must be organised so that a minor is not actively working for more than four consecutive hours or remaining in the workplace for more than nine hours a day.

### **Article (94)**

Minors may not work between the hours of eight p.m. and seven a.m. They also may not work overtime hours and their weekly days off or official holidays may not be combined.

### **Article (95)**

The employment of women in strenuous or dangerous jobs identified by the competent bodies shall be in accordance with their wishes and abilities.

### **Article (96)**

In no circumstances may women work more than 48 hours a week including overtime work. They also may not work between the hours of eight p.m. and seven a.m. except in the cases, jobs, and occasions set out under a decree from the Minister of Labour and Social Affairs.

### **Article (97)**

Women who breastfeed their children during the eighteen months following the birth date shall have the right to two additional periods a day for this purpose, each not to be less than a half hour.

These two periods shall be calculated from the working hours and shall not infringe on the breaks set or result in a reduction in wages.

### **Article (98)**

Locations for nurseries for the children of female workers shall be allocated in factories and production units that employ fifty or more women.

A decree from the General People's Committee shall set out the conditions and controls related to these locations and set the compensation for use thereof.

In all cases, employers shall provide chairs for women to rest in the locations where they work if the nature of the work calls for such.

### **Article (99)**

For those performing jobs in locations far from the urban areas designated under a decree from the Minister of Labour and Social Affairs, employers shall provide their workers with suitable housing and three meals a day, in locations equipped for such purpose. Such locations shall meet health requirements and keep drinking water in special containers with tight-fitting lids placed in locations within close reach of the workers. The containers shall be cleaned at least once a week in an approved sanitary manner.

If all or a portion of the meals are provided inside the workplace, they must be provided to workers in sanitary wrapping or packaged in containers with sealed covers.

### **Article (100)**

The terms and specifications of the housing referred to in the preceding Article, compensation for the workers' use thereof, and the types and quantities of food for each meal and the amount born by the worker per meal shall be set out under a decree from the Minister of Labour and Social Affairs.

If the work is in mines or in areas of oil drilling, extraction, or use and the appendant operations, the employer shall provide housing and meals to workers free of charge for the categories set out under a decree from the Minister of Labour and Social Affairs.

In all cases, the provision of meals may not be waived in return for any monetary allowance.

### **Article (100) (bis)**

Benefits related to housing and meals that employers are required to provide to workers who perform jobs in locations far from urban areas as referred to in the preceding two Articles shall not be taken into consideration when calculating income subject to the income tax imposed on wages, salaries, and the like.

### **Article (101)**

Those employed in jobs in locations inaccessible by ordinary means of transportation shall be provided with suitable transportation.

Employers shall be responsible for the expenses of transporting workers from the destinations they are coming from to the workplace and their return to such locations on their annual leaves or weekly combined leaves and upon the end of the contract for one of the reasons contained in Articles (46), (52), (53), and (56) of this Law.

In all cases, travel days shall be deemed paid work days.

### **Article (102)**

Employers shall always provide their workers with medical first aid supplies at the establishment and shall bear the cost of treatment, medication, and the worker's transport to a hospital if such is required.

Employers shall adopt the precautions necessary to protect workers while working from health damage and vocational and mechanical risks. Employers shall inform workers about occupational risks and how to protect themselves from them.

The Minister of Labour and Social Affairs shall issue decrees governing the precautions related to protecting workers and ensuring their safety in the workplace.

### **Article (103)**

Employers shall provide their workers with a suitable number of bathrooms. If they employ workers of both genders in one location, a number of bathrooms must be designated for women independent and far from the bathrooms designated for men.

### **Article (104)**

Workers shall use and preserve the protective means designated for each operation, implement the instructions set out to maintain their safety and protect them from injury, and refrain from committing any act or negligence that results in the failure to implement instructions or the misuse or breakdown of the means prepared to protect their health and the safety of the workers working with them.

### **Article (105)**

Employers shall notify the competent employment office in writing on the form set out under a decree issued by the Minister of Labour and Social Affairs of each incident occurring in their establishment that results in the death or disability of one of their workers, within 48 hours from the date the incident occurred.

### **Article (106)**

Without prejudice to the preceding Articles, the Minister of Labour and Social Affairs shall issue a decree on the provisions applying to workers not subject to the Social Insurance Law in cases of work injuries, occupational illnesses, and the like.

## **Chapter (5)**

### **Advisory Committees and Boards**

### **Article (107)**

An advisory committee shall be formed at the Ministry of Labour and Social Affairs whose duty is to provide recommendations and advice on workers' affairs, in particular on the following matters:

1. Proposals on labour legislation.
2. Proposals on the organisation of workflow and increasing production efficiency.
3. Improvement of working conditions.
4. The supervision of vocational training policy within the general levels set for the industry.
5. Work on organising social relations between workers and employers and fostering opportunities for cooperation between them.

A decree shall be issued by the Minister of Labour and Social Affairs forming this committee and setting out the workflow thereof, taking into consideration the representation of workers and employers on said committee.

#### **Article (108)**

An advisory board called the Wage Advisory Board shall be formed under a decree from the Cabinet, based on the submission of the Minister of Labour and Social Affairs, whose duty shall be to propose general policy on wages and set the levels thereof.

The Board shall be composed of a representative of the Ministry of Labour and Social Affairs as the chairman, a representative of the Ministry of Economy, and a number of workers and employers selected by the Minister of Labour and Social Affairs.

The Minister of Labour and Social Affairs shall issue a decree organising the Board's workflow, the dates of its meetings, the manner of issuing its recommendations, and the membership term thereof.

The Board's recommendations shall be guided always by custom, justice, and the general social and economic situation and its goal shall always be increased production and sufficient wages that meet workers' basic needs.

#### **Article (109)**

Based on the submission of the Minister of Labour and Social Affairs, the Cabinet may recommend that the Wage Advisory Board issue decrees setting minimum wages or amending wages set in workers' contracts. These decrees shall apply throughout Libya or a to specific area thereof, in general or for a specific vocation or specific class of workers, including agricultural workers.

### **Chapter (6) Inspections**

#### **Article (110)**

Employees of the Ministry of Labour and Social Affairs appointed under a decree issued by the Minister shall perform inspections related to labour affairs and shall have the capacity of a judicial officer in performing their duties.

#### **Article (111)**

Labour managers and inspectors shall hold competence to perform the following:

1. Monitor the implementation of this Law and the decrees issued in implementation thereof.
2. Provide workers and employers with the information and technical guidelines required for accurate implementation of this Law.
3. Inform the competent authorities of any shortcomings that current provisions are insufficient to remedy and make the necessary proposals with regard thereto.
4. Apprehend crimes occurring in violation of this Law and the decrees issued in implementation thereof.

#### **Article (112)**

Labour directors and inspectors shall have the right to enter any establishment during working hours, during the day or at night, or to perform any inspection or investigation and may also inspect the records, books, and documents related to work and workers and request the necessary statements from employers or the representatives thereof.

The Minister of Labour and Social Affairs shall issue a decree on the means and procedures to ensure sound inspection procedures and the best performance of inspectors and may set incentive remuneration or additional salaries to be disbursed to those performing them.

#### **Article (113)**

Upon appointment to their positions, labour managers and inspectors shall swear an oath before the Minister of Labour and Social Affairs to perform their work with faith and devotion and to not disclose professional secrets or any industrial invention they have access to by virtue of their position, even after they have left their job.

Labour inspectors shall carry IDs issued by the Ministry of Labour and Social Affairs establishing their capacity.

#### **Article (114)**

Employers and representatives thereof shall provide those performing an inspection with the facilities required to perform their duties and shall provide them with the full and correct information and data they request. Members of the public authorities shall actively assist inspectors when performing their responsibilities.

#### **Article (115)**

Workers engaged in one vocation or trade or in vocations or trades that are similar or connected or that participate in a single production may form a syndicate working to improve their productive efficiency, familiarize them with their duties, protect their interests, defend their rights, and seek to improve their material, social, and cultural situation.

Syndicates formed under this Law shall be a legal entity.

### **Part (4) Syndicates**

#### **Article (116)**

No more than one syndicate for workers engaged in one vocation or trade may be formed. The Minister of Labour and Social Affairs shall issue a decree identifying vocations and trades or trades that are similar or linked or that participate in a single production.

#### **Article (117)**

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

1. The syndicate's name, headquarters, and legal representative.
2. The objectives for which it was established.
3. Terms for acceptance, withdrawal, and dismissal of members.
4. The value of contributions that may be collected from members and cases and conditions for exemption therefrom.

5. The sources of the syndicate's funds, how they are used and disposed of, and financial oversight methods.
6. The rules related to the keeping of accounts and the approval of the budget and balance sheet.
7. Members' rights and obligations, the conditions for obtaining the benefits set for members, if any, and the cases in which members may be deprived of all or a portion thereof.
8. Conditions for amending the syndicate's by-laws and the manner of merging or forming a union with others or forming branches and committees thereof.
9. The formation and competencies of the general assembly and the rules on its workflow.
10. The formation and competencies of the administrative board, the rules on its workflow, and the manner of electing and dismissing its members, observing the obligation of all syndicate participants to vote in board member elections.
11. Rules on the dissolution of the syndicate.

The Minister of Labour and Social Affairs shall issue a decree with model regulations for syndicate by-laws, to be used as a guide by syndicates in drafting their by-laws.

#### **Article (118)**

The following conditions must be met for a worker to join a syndicate:

1. Must be Libyan.
2. Must have reached eighteen years of age.
3. Must not belong to another syndicate, even if they engage in more than one vocation.
4. Must not have an interruption in employment for a period of more than a year.
5. Must not be an employer in any vocation.

Non-Libyan workers may join syndicates in accordance with the terms and conditions set out under a decree issued by the Minister of Labour and Social Affairs. A worker's membership in the syndicate shall be terminated a year after the date his employment was interrupted.

#### **Article (119)**

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

#### **Article (120)**

Registration requests shall be submitted to the Ministry of Labour and Social Affairs on the form prepared for such, with two copies of the syndicate's by-laws attached along with two copies of the list of the members' names, provided there are not less than one hundred, and the trade, age, ID number, residence, and signature of each member.

The members of the administrative board elected by the syndicate's founding assembly shall sign the registration request.

#### **Article (121)**

Registration of the syndicate's by-laws shall be by entry into the register prepared for such at the Ministry of Labour and Social Affairs. The syndicate shall be given a certificate stating such accompanied by a certified copy of its by-laws. A summary of the entry shall be published in the Official Gazette free of charge.



The Minister of Labour and Social Affairs shall issue a decree on the conditions for registration of syndicate entries and the registration procedures and conditions.

#### **Article (122)**

The Ministry of Labour and Social Affairs shall perform the registration within sixty days from the request date. If this period ends without the completion or rejection thereof, the registration shall be deemed legally complete and the Ministry shall make the entry in the register and publish it in the Official Gazette when requested by the concerned parties.

#### **Article (123)**

In the event of a likeness or similarity in the name of the syndicate listed in the registration request and the name of another registered syndicate which might cause confusion between the syndicates, the Ministry shall ask the syndicate requesting registration to change its name. The Ministry may also request amendment of certain information contained in the registration request or the by-laws of said syndicate and completion of anything it deems necessary. It may also refrain from completing the registration until the amendment is made or the requested information is received, prior to the passage of the period set out in the preceding Article.

In all cases, a syndicate shall only be registered if its by-laws are in conformity with this Law and the decrees issued pursuant thereto.

#### **Article (124)**

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

#### **Article (125)**

Each syndicate must have a administrative board composed of at least seven members and not more than fifteen members elected by secret vote for a term of one year. Persons whose membership have ended may be re-elected.

Members of the administrative board must meet the following conditions:

1. Must be a member of the syndicate.
2. Must be Libyan.
3. Must not be under the age of 21.
4. Must enjoy their civil and political rights.
5. Must not have been previously convicted of a felony or misdemeanour of moral turpitude, unless rehabilitated in both cases.
6. Must not be 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.
7. Must have engaged in their vocation for a period of not less than three years. In all cases there shall be no honorary members on the administrative board and members of the administrative board shall not receive any salary or remuneration for their work.

#### **Article (126)**

Syndicates must observe the following:

1. Keep its documents, correspondence, and records at its administrative headquarters.

2. Record the name, surname, age, vocation, ID number, place of residence, and signature of every member as well as the date of joining, withdrawal, or dismissal from the syndicate in a special register.
3. 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.
4. Record its accounts in books in which all details on expenses and revenue is placed, including donations and the source thereof. The administrative expenses of the syndicate and its branches and committees may not exceed 30% of its annual revenue.
5. State its name and registration number in all its books, records, publications, and correspondence.

Labour managers and inspectors shall have the right to access the syndicate's records and documents and syndicate officials shall provide the facilities necessary for such.

#### **Article (127)**

Syndicates may not:

1. Engage in activities beyond the objectives for which it was established.
2. Have a direct or indirect link or relation with any foreign syndicate.
3. Establish or purchase real estate necessary for some of its activities, other than based on a resolution of the general assembly.
4. Accept gifts or bequests, except with the approval of the Minister of Labour and Social Affairs.
5. Waive any portion of its funds through gifting or bequests, except for national objectives and with the approval of the Minister of Labour and Social Affairs.

#### **Article (128)**

Based on a written request from the syndicate, employers must deduct a worker's contribution to the syndicate they belong to from their wages. This amount shall be given to the syndicate or the competent branch thereof within the first half of each month.

#### **Article (129)**

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

#### **Article (130)**

Within two months from the end of the financial year, syndicates shall submit a copy of its balance sheet to the General Administration for Labour, attaching the minutes of the general assembly wherein the balance sheet was approved.

The General Director of Labour may request the necessary information from a syndicate to verify the accuracy of the syndicate's financial position. He may also request certification of the balance sheet by a certified accountant.

### **Article (131)**

The General Administration for Labour must be notified of each meeting of the general assembly and the matters listed in its agenda at least fifteen days before it is held. The General Director of Labour may assign a delegate to attend the meeting. A copy of the general assembly meeting minutes must also be provided to said Administration 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 (132)**

The head of the 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 such cases, the general assembly may issue a resolution by a two-thirds majority of its members to dismiss the head of the 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 Social Affairs 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 (133)**

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 Social Affairs must be notified of the decision to dissolve the syndicate within a week from the date such decision is issued.

### **Article (134)**

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

1. If it is found that its activities are not satisfactorily achieving the objectives for which the syndicate was established or that it has become unable to achieve its intended purpose.
2. If it refuses to be inspected or submits incorrect information about its workers.
3. If it engages in activities that are illegal or in violation of the public order or morals or if its activities exceeded the objectives for which it was established.
4. If it violates this Law or its by-laws despite prior written notice to remedy the violation.

### **Article (135)**

If a syndicate is dissolved, voluntarily or by court order, its liquid funds must be deposited into the bank specified by the Ministry of Labour and Social Affairs. The funds and property of the dissolved syndicate shall be transferred to the syndicate formed to take its place. If a new syndicate is not formed within two years from the date the decision or court order is issued dissolving the syndicate, such funds and property may be disposed of under a decree from the Minister of Labour and Social Affairs in a manner that benefits workers in the vocation.

### **Article (136)**

Syndicates may establish branches in the governorates, provided that the number of applicants for each branch is at least fifty workers. No more than one branch of a syndicate may be established in a governorate except in the cases where the Minister of Labour and Social Affairs issues a decree, taking into consideration the labour associations for the vocation. The approval of the Ministry of Labour and Social Affairs must be obtained to establish syndicate branches.

The syndicate may establish a syndicate committee in each establishment or institution if the number of workers working therein and belonging to the syndicate is not less than fifty.

Syndicate committees in establishments and institutions set out under a decree issued by the Minister of Labour and Social Affairs may elect worker representatives to provide advice and opinions to workers on project management and organising and improving working conditions therein to improve the level of production targets therein.

The syndicate's by-laws shall set out the rules on managing syndicate branches and committees and its relations therewith.

### **Article (137)**

Syndicates formed under this Law may form a federation to supervise its affairs, provide unified direction, and defend the mutual interests thereof. No more than one federation may be formed in Libya that may, upon the approval of the Minister of Labour and Social Affairs, join regional or international workers' organisations.

The regulations on syndicates shall be followed in the formation, registration, and dissolution of federations, and their activities shall be run in accordance with the by-laws, provided they contain the rules followed in representing syndicates on the administrative board and general assembly and the value of annual contributions paid to the federation.

### **Article (138)**

The provisions of this Part shall apply to each dispute on labour or the terms thereof that occurs between one or more employers and all of its employees or workers or a group thereof.

The dispute shall be deemed a collective dispute if it is between an employer and not less than 40% of the total workers at the institution, factory, or vocational division, provided the number of workers involved in the dispute is not less than ten.

If the dispute is between an employer and a number of workers less than the amount referred to, it shall be deemed an individual dispute.

#### **Article (139)**

Reconciliation boards and arbitration panels shall hold competence to settle collective labour disputes, and conciliation employees shall hold competence to settle individual disputes.

#### **Article (140)**

If a dispute subject to Article (138) occurs and the parties do not reach an agreement to settle it, each may request in writing that the employment office in whose district the workplace is located seek to end the dispute by amicable means.

The request must contain the names of the parties to the dispute, their representatives, their place of residence, and the subject of the dispute.

#### **Article (141)**

The employment office shall refer the request and attached documents, if any, to the competent conciliation board, if the dispute is collective, and to the conciliation employee, if it is an individual dispute, within a period of not more than a week from the date the request is submitted. The dispute may not be referred to the conciliation board unless the applicant or representative thereof submits documentation indicating that the other party to the dispute has been notified of its claim and this party has not responded thereto within a week from the notification date.

#### **Article (142)**

Pursuant to a decree from the Minister of Labour and Social Affairs, a conciliation board shall be formed in the area of jurisdiction of each first instance court. This board shall be presided over by a judge assigned by the court's general assembly at the beginning of each judicial year, and have as members a representative of the Ministry of Labour and Social Affairs, the employer or representative thereof, a representative of the worker's syndicate or one of the workers involved in the dispute selected by the workers, and an employer and a delegate for the worker's syndicate that are not directly related to the dispute.

The board may seek the opinion of any experts, employers, or workers it selects within its area of competence.

#### **Article (143)**

The conciliation board shall discuss the grounds of the dispute to reach an amicable settlement and shall finish its review within fifteen days from the date it was referred thereto. If it manages to settle all or a portion of the claims, a report shall be drawn up on the agreement made and this report shall have the force of a final ruling.

If the board is unable to settle the dispute in full or in part, the points of dispute on which an agreement was not reached shall be referred to the competent arbitration body within seven days at most, accompanied by a full report on the stages and circumstances of the dispute. The concerned parties shall be notified of the referral by the director of the employment office.

#### **Article (144)**

An arbitration panel shall be formed in the area of jurisdiction of each court of appeal, composed of three counsellors at the court appointed by its general assembly at the beginning of each judicial year, delegates from the Ministry of Labour and Social Affairs, the Ministry of Economy, and the Ministry of Industry holding a grade not less than (1), and one delegate for the employers or one of their organisations and one delegate from the workers' syndicate, both with no direct relation to the dispute.

The panel shall be presided over by the most senior counsellor.

This panel shall hold competence to rule on labour disputes referred thereto by conciliation boards.

#### **Article (145)**

The arbitration panel shall review the dispute submitted thereto without expenses or fees. The panel shall apply the legal provisions in force, the principles of justice, and the prevailing customs in the vocation, and shall rule thereon with a substantiated decision within a period of not more than one month from the date of the first session set for its review. Its decision on this matter shall be equivalent to a ruling issued by the court of appeal.

The chairman of the panel shall serve the parties to the dispute and the competent employment office with a copy of the panel's decision within ten days from the date it is issued.

#### **Article (146)**

The decision of the arbitration panel or report of the vocational conciliation board ending the dispute shall be binding. If the vocational syndicate is a party to the dispute and if the organisation to which the employer belongs is represented in the dispute, all workers belonging to the syndicate and employers who are members of the organisation shall be bound by the decision, as well as successors or agents of the employer or its heirs.

The dispute may not be raised again before two years have passed from the date it was ended.

#### **Article (147)**

If an individual work dispute arises, the conciliation employee must invite the parties to negotiate to reach an amicable settlement. If he does not manage to reach such settlement, the employee must, within fifteen days from the date the dispute was referred thereto, send a detailed report to the director of the employment office with the facts and the reasons that he believes led to the inability to reach a settlement. In this case, each party to the dispute may file their case before the competent court.

#### **Article (148)**

An attorney may only appear with one of the parties before the arbitration panel. The Minister of Labour and Social Affairs shall issue a decree on the rules and procedures related to presenting the dispute to conciliation employees and boards and the arbitration panel and the manner of ruling thereon.



The Code of Civil and Commercial Procedure shall apply where no special provision is made in this Decree.

#### **Article (149)**

While conciliation procedures are in progress before the conciliation board or while the dispute is under consideration before the arbitration panel, employers may not change the terms of employment that were in effect before such procedures were initiated in a manner that harms workers, dismiss a worker, or impose any penalty thereon without permission from the conciliation board or the arbitration panel, as the case may be.

#### **Article (150)**

Workers shall be prohibited from going on strike or refraining from working, whether fully or partially, and employers shall be prohibited from suspending work, whether fully or partially, before all conciliation and arbitration procedures set out in this Part are completed.

#### **Article (151)**

Workers may go on strike and employers may suspend work, fully or partially, if a final ruling or decision is issued by the arbitration panel or if the conciliation board's report ends the dispute and the other party refrains from implementing it within a week from the date they were served notice thereof.

One of the parties must notify both the other party and the General Director of Labour of the intent to go on strike or suspend work in a registered letter at least two weeks prior to the date set for the start of the strike or suspension.

#### **Article (152)**

Strikes that take place in accordance with the preceding Article shall not result in rescission of the work contract and workers shall retain their full wages and other rights during the strike period.

### **Part (6) Penalties**

#### **Article (153)**

Without prejudice to any more severe penalty set out in the Penal Code or any other law, the crimes mentioned in the following Articles shall be punishable with the penalties set out therein.

#### **Article (154)**

Anyone who violates Articles (5), (7), and (8) shall be punishable with a fine of not more than twenty Libyan pounds. Multiple penalties shall be imposed based on the number of those affected by the violation.

#### **Article (155)**

Employers and contractors who violate Articles (9), (10), and (11) shall be punishable with imprisonment for a period of not less than a month, a fine of not less than fifty Libyan pounds, or both penalties. Anyone who violates Article (12) shall be punishable with a fine

of not less than one hundred Libyan pounds, imprisonment for a period of not less than two months, or both penalties.

In all cases, multiple penalties shall be imposed based on the number of those affected by the violation.

#### **Article (156)**

Any foreigner who violates Article (13) or violates any of the terms of the work permit issued thereto under a decree from the Minister of Labour and Social Affairs in application of Article (14) shall be punishable with imprisonment for a period of not more than three months and a fine of not more than fifty Libyan pounds, or one of these penalties.

The employer and the workplace director or the representative of either shall be deemed liable for any of the aforementioned violations and shall be subject to the same penalty.

#### **Article (157)**

Any employer who violates a Cabinet decree issued based on Article (15) shall be subject to the penalty set out in the preceding Article.

#### **Article (158)**

Any employer who violates the provisions of Part (1) Chapter (4) on vocational training shall be subject to a fine of not less than ten Libyan pounds and not more than fifty Libyan pounds.

#### **Article (159)**

Anyone who violates the provisions of Part (2) Chapter (1) on individual work contracts and the decrees issued in implementation thereof shall be punishable with a fine of not less than twenty Libyan dinars and not more than fifty Libyan dinars.

If the violation is related to the employer failing to implement a ruling of an summary proceedings judge to suspend a dismissal decision or a ruling of the trial court to return a worker to their job, the fine shall be fifty Libyan dinars.

In all cases, multiple penalties shall be imposed based on the number of workers affected by the violation.

#### **Article (160)**

Anyone who violates a provision of Part (3) Chapter (1) shall be punishable with a fine of not less than fifty Libyan dinars.

#### **Article (161)**

Anyone who violates the provisions of Part (3) Chapter (2) on working hours shall be punishable with a fine of not less than twenty Libyan dinars. Multiple penalties shall be imposed based on the number of those affected by the violation. Labour inspectors shall also have the right to block an ongoing violation through administrative methods.

If a similar violation is committed within a year from the date of the ruling, a ruling may be issued for the fine as well as imprisonment for a period of not more than a week.

#### **Article (162)**

Anyone who violates the provisions of Part (3) Chapter (3) on employing minors and women shall be subject to a fine of not less than twenty Libyan dinars and not more than

fifty Libyan dinars. Multiple penalties shall be imposed based on the number of those affected by the violation. Labour inspectors shall also have the right to block an ongoing violation through administrative methods.

If a similar violation is committed within a year from the date of the ruling, a ruling may be issued for the fine as well as imprisonment for a period of not more than a month.

#### **Article (163)**

Anyone who violates the provisions of Part (3) Chapter (4) shall be punishable with a fine of not more than fifty Libyan dinars. Multiple penalties shall be imposed based on the number of workers affected by the violation.

#### **Article (164)**

Anyone who violates Cabinet decrees issued in application of Article (109) shall be punishable with a fine of fifty Libyan dinars. In addition to the fine, the court shall rule to oblige the party in violation to pay the differences in wages and allowances accrued. Multiple penalties shall be imposed based on the number of those affected by the violation.

#### **Article (165)**

Anyone who provides labour managers or inspectors with incorrect data or information or performs an act that hinders the inspection process shall be punishable with a fine of not less than twenty Libyan dinars and not more than fifty Libyan dinars.

#### **Article (166)**

Anyone who discloses a professional secret or other work methods that they had access to during an inspection shall be punishable with the penalties set out in the laws in force.

#### **Article (167)**

Anyone who engages in syndicate work or gives an association, collective, union, body, or the like the name of a syndicate or syndicate federation in violation of Part (4) of this Law shall be punishable with imprisonment for a period of not more than six months, a fine of not more than one hundred Libyan dinars, or one of these penalties. Additionally, a ruling shall be issued to close the premises and confiscate the funds gathered for such purpose.

#### **Article (168)**

Anyone who submits or gives incorrect information or data to the Ministry of Labour and Social Affairs or concerned parties that is related to the by-laws, records, books, or accounts of a syndicate or syndicate federation shall be punishable with a fine of not less than ten Libyan dinars and not more than fifty Libyan dinars.

The penalty shall be imprisonment for a period of not more than three months, a fine of not more than one hundred Libyan dinars, or one of the two penalties if the incident was committed in bad faith or if the accused is a repeat offender.

#### **Article (169)**

Anyone who engages in an activity for a 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 allows non-members to participate in its administration or the deliberations of the general assembly shall be subject to the penalty set out in the preceding Article.

This Article shall apply to the syndicate federation and the branches and committees thereof.

#### **Article (170)**

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

#### **Article (171)**

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 syndicate work, participating in syndicate elections, or implementing a syndicate's legal resolutions shall be punishable with a fine of not less than fifty Libyan dinars and not more than one hundred Libyan dinars.

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 (172)**

Anyone who fails, without excuse from syndicate participants, to vote in administrative board member elections shall be punishable with a fine of not more than ten Libyan dinars.

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

#### **Article (173)**

Anyone who commits another violation of the provisions of Part (4) on syndicates shall be punishable with a fine of not less than ten Libyan dinars and not more than fifty Libyan dinars.

#### **Article (174)**

Employers who commit one of the acts set out in Article (149) shall be punishable with a fine of not more than one hundred Libyan dinars. Multiple penalties shall be imposed based on the number of those affected by the violation. In addition, a ruling may be issued to return a dismissed worker to their job.

#### **Article (175)**

Employers who fail to implement a decision of the arbitration panel or report of the vocational conciliation board ending the dispute within a week from the date set for such or commits an act that violates the arbitration terms shall be punishable with a fine of not more than two hundred Libyan dinars.

Any worker who fails to implement or violates arbitration terms shall be punishable with a fine of not more than ten Libyan dinars.

#### **Article (176)**

Violation of Article (150) shall be punishable with imprisonment for a period of not more than one month, a fine of not more than fifty Libyan dinars, or one of the two penalties.

#### **Article (177)**

Any worker who strikes or supports a strike that takes place in violation of Article (151) shall be punishable with a fine of not less than ten Libyan dinars. Employers who suspend

work in violation of said Article shall be subject to a fine of not less than one hundred Libyan dinars.

#### **Article (178)**

Anyone who commits another violation of this Law or the regulations issued pursuant thereto shall be punishable with a fine of not more than ten Libyan dinars.

#### **Article (179)**

Financial penalties may not be suspended and penalties may not be issued for less than the minimum set by law for discretionary mitigating circumstances.

#### **Article (180)**

Public proceedings for the crimes set out in this Law shall lapse one year from the date they were committed.

### **Part (7)**

#### **General and Transitional Provisions**

#### **Article (181)**

All records, books, regulations, and statements that employers are required to keep, announce, or provide as well as all notices and reports that it must send in accordance with this Law shall be written in the Arabic language.

#### **Article (182)**

All judgement amounts in the crimes set out in this Law shall be transferred to the Ministry of Labour and Social Affairs, to be spent in the manners and under the terms and conditions determined by the Minister of Labour and Social Affairs.

#### **Article (183)**

All syndicates and federations existing at the time this Law enters into force shall be deemed dissolved and all funds thereof shall be transferred to the syndicates formed in accordance with the provisions hereof, in the manner and under the terms set out in a decree issued by the Cabinet.

The liquidation of existing syndicates shall be assumed by one or more committees formed under a decree issued by the Minister of Labour and Social Affairs.

#### **Article (184)**

All regulations and decrees that do not conflict with those of this Law shall remain standing and in force until they are repealed, amended, or replaced in accordance with the provisions hereof.

#### **Article (185)**

The Law issued on 25 Jumada al-Thani 1382 AH, corresponding to 22 November 1962 AD, on labour shall be repealed and any provision that conflicts with this Law shall be repealed.