

**Law No. (12) of 1378 FDP (2010 AD)
on issuing the Labour Relations Law**

The General People's Congress:

In execution of the resolutions adopted by Basic People's Congresses in their annual session of 1377 FDP;

And upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 AD on promoting freedom;
- Law No. (1) of 1375 FDP on the work system of the People's Congresses and People's Committees;
- Law No. (65) of 1970 AD on some provisions related to traders and commercial companies and supervision thereof;
- Law No. (55) of 1976 AD on civil service, and the amendments thereof;
- Law No. (93) of 1976 AD on industrial security and the protection of workers;
- Law No. (15) of 1981 AD on the salary system of national workers in the Socialist People's Libyan Arab Jamahiriya, and the amendments thereof;
- Law No. (3) of 1985 AD on purifying administrative entities;
- Law No. (9) of 1985 AD on trade unions, and the amendments thereof;
- Law No. (22) of 1985 AD on the fight against the abuse of occupation or profession;
- Law No. (1) of 1987 AD on temporary appointment;
- Law No. (8) of 1988 AD on some provisions related to the economic activity;
- Law No. (22) of 1979 AD on industrial regulations;
- Law No. (10) of 1423 FBP on purification;
- Law No. (19) of 1428 FBP on the organisation of the services of administrative units for their employees;
- Law No. (23) of 1428 FBP on syndicates, unions, and professional associations;
- Law No. (6) of 1430 FBP on the cooperative system in the field of education and health, and the amendments thereof;
- Law No. (21) of 1369 FDP on some provisions related to the practice of economic activities, as amended by Law No. (1) of 1272 FDP;
- Law No. (26) of 1369 FDP on some provisions related to public service;
- Law No. (3) of 1374 FDP on public sector companies;
- Law No. (2) of 1375 FDP on people's inspection and control;
- Law No. (3) of 1375 FDP establishing and regulating the financial audit body;

the following law was formulated:

Article (1)

The provisions of the attached law shall be applicable with respect to labour relations in the Great Socialist People's Libyan Arab Jamahiriya.

Article (2)

The executive regulation of this law shall be issued by a decision of the General People's Committee and shall include the executive provisions of this law, notably the following:

1. Defining the powers that may be exercised by the occupants of senior management and supervisory functions in emergency and disaster situations.
2. Provisions and regulations governing the leaves provided for in this Law.
3. Provisions and regulations related to training, incentives, and stimulating bonuses.
4. Penalties for failure to carry out transfers.
5. Full-time employment of seconded and transferred employees.
6. Temporary employment system for women.
7. Determine the percentages of jobs for people with special needs in the cadre.
8. Controls of delegation of competencies.
9. Controls and criteria for the preparation of salary scales.
10. Procedures to present disputes to reconciliation and arbitration councils.
11. Work system of the Social Solidarity Fund.
12. Determine forced labour and other works included therein.

Until such regulations and decisions provided for by the Law are issued, the regulations and decisions in force at the time this Law enters into effect shall remain in force, in a way that does not contradict with the provisions thereof.

Article (3)

The General People's Committee shall issue a decision to regulate and determine the forms of the registers, books, notices, warnings, notifications, and forms necessary for the implementation of this law.

Article (4)

Law No. (58) of 1970 AD, Law No. (55) of 1976 AD, and Law No. (15) of 1981 AD indicated above shall be repealed. Any provision that contravenes the provisions hereof shall be repealed.

Article (5)

This law shall be published in the Legal Register and shall enter into force from its date of issuance.

General People's Congress

Issued in Sirte

On 13 Safar 1378 FDP

Corresponding to 28 January 2010 AD

Introduction

Article (1)

Labour relations between the citizens of the Great Socialist Libyan Arab Jamahiriya shall be free relations aimed at eliminating the slavery of workers and establishing partnership in the economic unity that they establish. Partnership shall be among Libyan citizens and may be among non-Libyans.

Paid work in public entities or the cases where the party concerned chooses not to participate in accordance with the provisions of this Law may be an exception to this.

Article (2)

Labour in the Great Jamahiriya shall be a right and duty for all male and female citizens. It shall be based on the principle of equality in employment among citizens or among citizens and other foreigners residing legally in the Great Jamahiriya. Obligatory labour, forced labour, and manifestations of injustice and exploitation shall be absolutely prohibited.

Article (3)

The selection of workers in all professions and jobs and in all labour and production sites shall be based on the principle of competence, capability, and merit. The selection between candidates shall be based on integrity, transparency, and justice without any distinction or discrimination therebetween based on union affiliation, social origin, or any other discriminatory relations.

Article (4)

The provisions of this law shall apply to all labour relations in the Great Jamahiriya, whether regulatory, contractual, or by participation, whether the remuneration for labour is a share of the revenue of the economic activity or a monetary sum, except for workers whose status is regulated by special laws or regulations, as well as those engaged in family activities (spouses, parents, and children).

Article (5)

In the execution of the provisions of this law, the following expressions and words contained therein shall have the meanings indicated next to each of them, unless the context requires otherwise:

- **Great Jamahiriya:** Great Socialist People's Libyan Arab Jamahiriya.
- **Economic unit:** Structure established by the partners and in which they engage in their economic activity, whether such structure is a cooperative, a factory, or any other form whatsoever.
- **Administrative unit:** Legal person established by the General People's Congress or the General People's Committee.
- **Employer:** Any natural or legal person, whether private or public, who employs one or more workers for remuneration.
- **Partner:** Any natural person who contributes with his efforts or both his efforts and money in an economic unit.
- **Partnership:** Any economic activity involving more than one natural person by mutual consent therebetween. Participation shall be by efforts or by both efforts and money.

- **Work:** Any effort – mental or muscular – for remuneration, whether permanent or temporary.
- **Forced labour:** Any work or service that any person is obliged to carry out under threat and without volunteering to perform it by his own choice. The following shall be an exception to forced labour:
 - a. Any works or services performed under the laws of military or national service.
 - b. Any works or services part of the ordinary civil duties of citizens and community members and simple social services performed by community members to achieve a direct benefit.
 - c. Any works or services that persons are obliged to carry out pursuant to a court order issued by a competent court, provided that such works or services are carried out under the supervision and control of the competent authority.
 - d. Any works or services imposed in the event of emergencies, such as wars, disasters, or the existence of a threat of disaster, such as floods, fires, famine, epidemy, or disease.
- **Profession:** Set of competencies, duties, responsibilities, and powers with a number in the cadre of the administrative unit.
- **Worker:** Any natural person committed to exert an effort under the supervision and control of the employer for remuneration, whether a share in the production or a monetary sum.
- **Employee:** Any person holding a position in the cadre of the administrative unit.
- **Juvenile worker:** Any natural person who has reached the age of 16 and has not yet reached the age of 18.
- **Working hours:** The time during which the worker or employee is at the disposal of the employer, including the times allocated for rest or eating.
- **Temporary work:** Work which, by nature, requires completion within a specified period of maximum six months.
- **Incidental work:** Work which, by nature, does not fall within the activity of the employer and does not last more than six months per year.
- **Seasonal work:** Work carried out in a particular season of the year and whose completion does not require more than three months.
- **Night work:** Work carried out during the period between sunset and sunrise.
- **Overtime:** Work carried out during hours that exceed the basic working hours prescribed by law.
- **Work contract:** Any agreement between the employer, under which the worker undertakes to work for the employer and under its management and supervision for a share in the production or service or for monetary remuneration.
- **Remuneration:** What is given to the worker for his effort according to a work contract, whether a share or revenue from the production or service or a monetary sum, to which bonuses, allowances, and other benefits due according to the legislation in force are added.
- **Base salary:** Financial remuneration for the job held by the employee in the administrative unit according to the applicable salary scale, commensurate with the effort exerted in accomplishing the duties of the job and the size of the responsibilities involved in performing the duties.
- **Salary:** Base salary, to which all the other allowances, remunerations, incentives, rewards, and other financial benefits prescribed under the legislation in force and paid by the employer to the workers directly or indirectly are added.

- **Work injury:** Injury of a worker or employee due to the work or sustained during or due to the work, including injuries sustained while traveling to or from his workplace, provided that the commute there and back is without delay or deviation from the normal course, and any occupational disease as defined in the Executive Regulations.
- **Professional group:** Framework governing the main or qualitative professional groups. Each major professional group consists of a set of qualitative functions that are similar in the work type and vary in terms of responsibilities and duties. The qualitative group represents the natural scale of promotion from one job to another.
- **People's Committee:** People's Committee of the General Administrative Unit.
- **Competent authority:** Sector of the manpower, training, and employment or whoever has its powers.
- **Competent secretary:** Secretary of the General People's Committee for the competent sector or whoever has his powers.

Part (1)
General and Joint Provisions
Chapter (1)
Employment Offices

Article (6)

Employment offices shall organize the affairs of jobseekers and provide opportunities to obtain jobs.

Every citizen able and wishing to work shall request for his name to be registered in the system of jobseekers through automated registration or through the employment office within whose scope his residence is located, indicating his age, profession, qualifications, gender, address, and previous experience, if any, in addition to any other data required therefrom.

The competent office shall include the applications in the system of jobseekers and classify them according to the qualification, specialization, and gender, and the applicant shall be granted a jobseeker card starting from the date of registration.

Employment offices may not take any remuneration from jobseekers in exchange for the services they provide.

Article (7)

The employer may contract with the worker through any legal entity licensed to provide such service. Such entity shall be in charge of confirming the worker's qualifications and experiences and excluding him if it is proven that he is not qualified, provided that it ensures the worker's rights and the employment contract is concluded directly between the employer and the contract. The employer shall commit to pay to the worker the remuneration it pays to its workers in a job of similar value and to grant equal rights between the worker and other similar workers.

Article (8)

All employers shall submit their workforce requirements to the employment offices within whose jurisdiction they are located, and such offices shall be obliged to accept the registered people within the limit of the requirements thereof.

The competent authority shall issue a decision organizing the announcement for functions, vacant jobs, and conditions to occupy them.

No worker may be employed or contracted with unless he is registered in the jobseekers register at an employment office and holds a valid jobseeker card.

Article (9)

Non-nationals may not practice any work before obtaining a permit therefor from the competent authority and employers may not recruit non-nationals from abroad, contract with them, or enable them to work without obtaining prior approval from the competent authority, which shall issue a decision to specify the controls and conditions for employing foreigners and the professions in which foreigners may be accepted.

Article (10)

The employer shall keep a special file for each worker including his name, profession, social status, personal identity number, residence address, monetary remuneration, copy of the work contract, other documents, leave days, bonuses, duties, and penalties.

Chapter (2)

Labour and Employment System

Article (11)

The worker or employee shall execute all the provisions of the laws, rules, and instructions organizing his work performance and shall in particular abide by the below:

1. Perform the assigned work by himself, with precision and trustworthiness, and dedicate the official working hours to perform his work. He shall be obliged to work after official working hours upon assignment from the employer if the work interest so requires.
2. Attend the training provided by the employer and follow the instructions related thereto.
3. Follow the employer's instructions on the scope of the work assigned and comply with the work orders if they neither contradict the work contract, the law, the rules, or morals nor endanger him.
4. Preserve the tools, equipment, documents, or any other things related to work delivered by the employer, use them in the assigned work, and return them after the completion of the work.
5. Preserve the secrets of the work even after the completion of the work duration.
6. Respect working hours.
7. Respect and cooperate with his superiors and colleagues at work.
8. Treat the public in a good way and complete their transactions on time.
9. Respect the hierarchy for transactions related to work.
10. Develop his scientific and professional abilities and competences, review the laws, regulation, and instructions related to his work and take note thereof, and submit the suggestions he deems useful to improve working methods and raise the level of performance.

11. Respect the systems on the safety and security of the employer and implement the instructions developed to maintain the health of workers and protect them from injuries.
12. Preserve the honour and dignity of the profession and abide by the morals thereof.
13. Provide all assistance and help in the event of disasters and threats to the workplace and people working therein, without requiring a remuneration for the help or assistance provided.
14. Join his work within one month from the date of completion of the period of study, training, secondment, or transfer on a full-time basis or the period of his popular selection or discharge from the National Service if such duration exceeds a full year and within one week if the duration is less, unless the employer authorises an additional period.
15. Be familiar with the work systems and procedures of the employer and follow the changes thereto.
16. Commit to notify his employer of any change in the address of his residence.

Article (12)

The worker or employee shall be prohibited to undertake, by himself or through others, any act prohibited or forbidden by the laws, rules, or regulations in force, particularly:

1. Carry out works for third parties, whether for or without remuneration, without obtaining permission from his original employer.
2. Accept gifts or the like in any capacity whatsoever for the performance of his duties.
3. Carry out any act of mediation or nepotism or exploit his function to directly or indirectly benefit himself or others.
4. Buy real estate or movables offered for sale by judicial or administrative authorities if they relate to the functions of his work.
5. Engage in any business or have an interest in tenders, auctions, or contracts related to the functions of his work.
6. Lease real estate or movables to exploit them within the scope of the department in which he performs his work.
7. Utilize the means and equipment of work for his personal benefit.
8. Claim influence.
9. Unrightfully keep any official paper, take out a paper from the kept files, or take documents or files outside the workplace unless authorised to do so.
10. Carry out or instigate any act considered as sexual harassment.
11. Violate the procedures of industrial security and public safety within the workplace.
12. Prepare, publish, or distribute articles or publications of a political nature contrary to the objectives of the State or the fundamental principles on which society is based, or provoke people by the same.

Article (13)

Working hours may not exceed forty-eight hours per week and ten hours per day. The working hours of certain categories of workers in industries or businesses determined by a decision of the General People's Committee upon the proposal of the competent authority may be reduced.

Article (14)

Every worker or employee shall have the right to a remunerated weekly rest for a minimum of twenty-four hours and such rest shall be on Fridays.

As an exception, in the workplaces far from urban spaces or in works whose nature or operating conditions require continued work, the weekly rest and public holidays due to the worker may be collected and granted altogether, provided such period does not exceed eight weeks.

Article (15)

The provisions of the two preceding articles shall not apply to emergency work cases to prevent the occurrence of a hazardous accident, to repair the resulting damage, or to prevent the loss of perishable items, provided the concerned employment office is informed within 24 hours of the emergency case and the time required to complete the work.

Moreover, the provisions of the two articles shall not apply to sanitation workers in the workplace, guardians, or rotation workers, as well as workers to fill a public need. The conditions of such workers shall be regulated by a special regulation issued by the General People's Committee upon a proposal by the competent authority.

In all cases, the average working hours over three weeks shall not exceed eight hours per day or forty-eight hours per week.

Article (16)

If a worker or employee works on his weekly rest day, he shall be given an alternative day within the following three days or be paid, in addition to the remuneration for his usual work, the equivalent of twice the normal hourly pay for the hours he worked on his rest day. If the worker works overtime to meet the work pressure, he shall be paid, in addition to the remuneration for his usual work, an additional remuneration of not less than (50%) over the usual remuneration, provided that overtime hours do not exceed three hours per day.

Article (17)

Working hours shall include one or more periods to pray, eat, and rest. Such periods shall not exceed one hour in total. Determining such period shall ensure that the worker does not work for more than six consecutive hours.

A decision of the competent authority shall determine the cases and works which, for technical reasons or operating conditions, require continued work without a rest period. The decision shall also specify the arduous and exhausting work in which rest periods shall be granted and counted from actual working hours.

Article (18)

An advisory committee whose task is to provide recommendations and advice on labour affairs, particularly the following subjects, shall be formed:

- a. Proposals concerning labour legislation.
- b. Proposals to regulate work flow and improve production efficiency.

- c. Improve working conditions.
- d. Supervise the policy of vocational training within the general levels set for the industry.
- e. Regulate social relations between workers and employers and create opportunities for cooperation therebetween.

A decision of the competent authority shall be issued to form this Committee and regulate its work, provided the latter's composition takes into account the representation of workers and employers.

Article (19)

A decision of the General People's Committee upon a proposal by the competent authority shall form an advisory board called the "Advisory Board for Work Remuneration," whose task shall be to propose the general policy for work remuneration and to determine the levels thereof.

The Board shall be composed of a delegate from the competent authority as a chairman and members representing unions, employers, and workers.

The competent authority shall issue a decision to regulate the work of the Board, the dates of its meetings, the manner for issuing its recommendations, and the duration of membership therein.

The Board shall always be guided in its recommendations by custom, justice, and the general social and economic situation, and its objective shall always be to increase production and ensure a remuneration that meets the basic needs of the worker.

Article (20)

The General People's Committee, upon a proposal by the competent authority and the recommendation of the competent advisory board, may issue decisions to set the minimum work remuneration or to make amendments thereto.

Article (21)

The remuneration for work of equal value shall not make any distinction based on gender, race, religion, or colour.

Article (22)

If the worker or employee causes the loss or destruction of materials, machines, or products owned by the employer or any material in the custody thereof, he shall bear the necessary compensation for this. Such compensation shall be evaluated by a committee formed in every employment office by a decision of the competent authority. The Executive Regulations shall indicate the operation and functions of the committee and how to appeal against the decisions thereof.

Article (23)

For those performing work in remote areas, mines, or oil exploration, exploitation, or investment areas, employers shall facilitate their access to worksites, provide them with adequate housing, and provide them with meals in spaces prepared for such purpose, as determined by the Executive Regulations.

A decision of the General People's Committee shall determine the conditions and specifications of the housing referred to in the preceding paragraph and the allowance to utilize them, as well as the types and quantities of food for each meal and what shall be borne by the beneficiary in this regard.

In all cases, providing meals may not be waived in return for any cash allowance.

Chapter (3) **Employment of Women and Juveniles**

Article (24)

Women may not be employed in jobs that are not commensurate with the nature of women, as determined by a decision of the General People's Committee. Men and women shall not be discriminated against in treatment, employment, and remuneration for work of equal value. Working hours may be reduced for women in some professions and works determined by the General People's Committee, taking into consideration the needs of the work commensurate with the number of male and female workers, all as indicated in the Executive Regulations of this Law.

Article (25)

Women shall have the right to a fourteen-week maternity leave upon submitting a medical certificate showing the probable date of delivery. This leave shall include a compulsory post-delivery period of at least six weeks. The maternity leave shall extend to sixteen weeks if the woman delivers more than one child.

Women may not be dismissed or their work terminated during pregnancy or maternity leave, except for justified reasons not related to pregnancy, delivery, complications thereof, or nursing.

In the eighteen months following the date of delivery, the working woman shall have the right to enjoy one or more periods within working hours totalling at least one working hour to nurse her child. Such period shall be considered paid working hours.

Article (26)

Employers who employ women with children shall allocate nursery spaces for their children. More than one employer may participate in the allocation of nursery spaces.

The Executive Regulations of this Law shall specify the conditions and regulations of the employment of women.

Article (27)

A person under the age of eighteen years may not engage in any kind of work.

As an exception to the provision of the preceding paragraph, juveniles may be allowed to work upon completing sixteen years, provided his health, safety, and morals are maintained and provided he is employed to receive vocational education or training.

Article (28)

Juveniles may not be employed for more than six hours a day, including one or more periods to rest and eat of not less than one hour in total, so that they do not actually work for more than four consecutive hours.

Juveniles may not work on weekly rest days, public holidays, or at night.

The General People's Committee shall determine the works and cases in which juveniles are allowed to work, and the work procedures, terms, and conditions, as well as the works prohibited therefor.

Article (29)

In the event that one or more juveniles are employed, the employer shall place in the workplace a copy of the provisions concerning the employment of juveniles and inform the employment office of the juveniles' names, age, date of employment, and duties assigned thereto. The employer shall also place in a visible space in the workplace a statement of the working hours and rest periods for juveniles.

Chapter (4)

Holidays

Article (30)

The annual leave shall be thirty days per year and forty-five days per year for workers who reach the age of 50 or whose service period has exceeded twenty years.

Workers or employees may not waive their leave, and such leave may not be prevented, postponed, or cut except as necessitated by the work interest or if the worker wishes the same.

In all cases, the worker or employee shall enjoy a leave of not less than fifteen consecutive days per year.

Article (31)

Workers or employees shall be entitled to emergency leave for a compulsive reason that prevents them from obtaining the prior permission of their superiors to authorise the absence, provided that they provide justifications upon their return to work.

Emergency leave shall not exceed three days at a time and twelve days per year. The worker's right to such leave shall be waived by the end of the year and such leave shall not be counted as annual leave.

Article (32)

Upon termination of employment, the worker or employee shall be entitled to a cash equivalent calculated on the basis of his salary for the annual leave he did not enjoy for the interest of work.

The worker or employee shall not be entitled to compensation for the leave he did not enjoy if the deferral is at his request, unless it is within six months.

Article (33)

The worker or employee shall be entitled to paid sick leave for a maximum period of forty-five consecutive days or sixty intermittent days each year.

The sick leave shall be granted on the basis of a medical report from an accredited doctor. If the worker or employee falls ill while abroad, the leave shall be granted on the basis of a medical report from the doctor accredited by the political mission of the Great Jamahiriya or the entity acting therefor.

If the sick leave granted during the year exceeds the period referred to in the preceding paragraph, the matter shall be submitted to the competent medical committee and the provisions provided for in the Social Security Law shall apply.

In all cases, the sick leave granted to the worker or employee in accordance with the provisions of this article shall not exceed three months during the same year.

Article (34)

The worker or employee shall be entitled to a special leave with full salary in the following cases:

- a. Performance of the Hajj. The leave in this case shall be for twenty days and shall only be granted once for the duration of service.
- b. Marriage. The leave in this case shall be for two weeks and shall only be granted once for the duration of service.
- c. For women upon the death of the husband. The leave in this case shall be for four months and ten days.
- d. Undergoing academic examinations. The leave in this case shall be for the duration of the examination.

Article (35)

The employer may issue a decision to grant the worker or employee a special unpaid leave in the cases and under the conditions prescribed in the Executive Regulations.

Article (36)

A worker or employee shall be deprived of his work remuneration or salary for the period during which he is absent from without an authorised leave, without prejudice to disciplinary action.

Chapter (5)

Health and Social Care

Article (37)

Employers shall be bound to conduct the medical examination of those they intend to contract with prior to their joining the work to ensure their safety and physical fitness according to the type of work they will carry out. The employers shall also carry out periodic inspections of all their workers to maintain their physical fitness and safety on an ongoing basis.

The Executive Regulations shall determine the body to carry out such tests and determine the levels of fitness and mental and psychological abilities on which these tests are based.

Article (38)

Employers shall ensure that workers or employees are insured against occupational diseases and hazards and shall provide them and their family members with the required health care and social protection, without prejudice to any other legal system.

Article (39)

The employer shall train the worker or employee on the proper basis for the performance of his work or job, inform him of the hazards prior to practicing his duties, and oblige him to use the means of protection prescribed therefor and provided by the employer. The latter may not make the worker bear any expenses or deduct any amounts from his remuneration in exchange for providing protection means, and shall take the necessary precautions to protect the worker during work from health and work hazards.

The worker or employee shall commit to use the necessary means of protection and take care of them, implement the instructions issued to protect his health and prevent work injuries, and may not undertake any act that would prevent or impede the implementation of the instructions or misuse, damage, or destroy the means set for the protection and safety of workers.

Article (40)

The employer shall notify the competent employment office in writing of any accident resulting in the death of a worker or any injury that prevents him from work, within 48 hours from the date of the accident.

Article (41)

A social solidarity fund may be established at the employer, which shall contribute to funding it in part by amounts included annually in its budget. The remainder shall be supplemented by the subscription fees of the workers.

Chapter (6) Termination of Service

Article (42)

The service of a worker or employee shall be terminated for any of the following reasons:

1. Reaching the legal age for end of service.
2. Lack of physical fitness.
3. Resignation.
4. Conviction of a felony or a felony or misdemeanour against honour, trust, or security, provided that, if the sentence is suspended, it shall not result in the termination of the service of the worker or employee, without prejudice to disciplinary liability where necessary.
5. Death.

Article (43)

The service of the worker or employee shall end at the age of (65) solar years for men and (60) solar years for women and workers in professions or industries harmful to health, as determined by the relevant regulations.

Some sites, professions, and categories may be exempted from the age prescribed for end of service, in accordance with the conditions and controls specified by the Executive Regulations of this Law.

Article (44)

The worker or employee shall be referred to the competent medical committee at his request or the request of the employer. If the medical committee finds that he is unfit for his work, profession, or any other job, the employer shall issue a decision to terminate his service from the first of the month following the issuance of the report of the medical committee referred to, without prejudice to the worker's right to the remuneration provided for in Article (78) of this Law.

Article (45)

The employer shall give the worker or employee at the end of his service a free certificate stating the date of his employment, the date of termination of his service, and the type of work he performed. The certificate shall also indicate, at the worker's request, the value of the remuneration he received and any other benefits, if any.

Chapter (7) Common Provisions

Article (46)

The employer shall take all necessary measures to protect the safety and health of workers and employees while they carry out the tasks assigned thereto under its supervision and shall ensure that good conduct and morals are respected and that security and ethics are maintained within the institution.

The employer shall also inform the workers and employees in writing upon their employment of the requirements relating to the following subjects and any changes thereto:

- Rules of procedure of the work.
- Working hours.
- Methods to apply the weekly rest.
- Legal requirements and measures related to the maintenance of health and safety and the prevention of occupational hazards.
- Insurance entity against occupational accidents and diseases.
- Social Security Fund registration number.

Article (47)

In cases where the work remuneration is a share of the production or the revenue of the service, the employer shall grant the worker an agreed-upon cash remuneration every month or part of the month to cover the daily expenses of himself and his family, provided such remuneration is calculated within the production expenses and deducted from the income to be distributed at the end of the year or upon the completion of the production process, similarly to other expenses.

Article (48)

The employer shall provide the workers or employees with the appropriate number of toilets. If the employer employs workers of both genders in one workplace, a number of private toilets shall be allocated for women independently of the toilets for men.

Article (49)

The employer's dissolution, liquidation, bankruptcy, merger, or transfer of ownership to third parties by any measure whatsoever or the change of employer for any reason whatsoever shall not preclude fulfilment of the obligations provided for in this Law.

Except for cases of liquidation, bankruptcy, and final closure, employment contracts shall remain in force for the period specified therein and the former employer shall be jointly liable with the successor for a period of one year for the performance of all previous obligations arising from such contracts.

Article (50)

Only the maximum of a quarter of the work remuneration or salary due to any worker or employee may be retained, giving priority to the debt of alimony.

Only the maximum of a quarter of the work remuneration or salary may be deducted to pay what the worker or employee has borrowed from the employer. The employer shall not collect any interest thereon. This provision shall not apply to housing loans provided by banks and the like.

Article (51)

All national and foreign employers shall be obliged to use national elements in all their activities and provide them with the means to continue their work and suitable opportunities to prove their competence to work by guiding, training, and qualifying them for the works assigned thereto. The national workforce shall not be less than (75%) of the total workforce of any employer.

A decision issued by the competent authority may reduce this percentage temporarily for some employers for the requirements of the public interest if the qualifications and technical competencies required are not available among nationals.

Article (52)

All national and foreign employers in the public and private sectors shall inform the competent employment office of the following data in writing at the start of work in any project or activity:

- a. Name, type, location of the establishment, address to which the correspondence is addressed, and any information to facilitate communication therewith.
- b. Type of economic activity licensed, indicating the license number and date and the entity that issued it and attaching a copy thereof.
- c. Number of workers or employees to be employed in the establishment and the required majors.
- d. Person responsible for the management of the entity and its legal representation.
- e. Any other data requested by the competent authority.

Article (53)

If the works assigned to the worker or employee constitute a criminal offense, the Public Prosecution shall be notified thereof. Failure to institute criminal proceedings, dismissal of the charge, or the worker or employee's acquittal shall not preclude his disciplinary trial.

The Public Prosecution shall notify the employer of the worker or employee of any action taken against him.

Part (2)

Partnership Relations

Article (54)

Male and female partners shall have equal rights and duties, taking into account the rights of female partners during pregnancy, delivery, maternity leave, etc.

Article (55)

Partners shall distribute the duties and tasks among them and each shall perform the specific work to ensure that the economic unit achieves the purpose for which it was established. Any partner shall be responsible jointly before the rest of the partners for the damage caused by his negligence or failure to perform the duties entrusted to him.

Article (56)

Partners shall choose one partner as the manager of the economic unit, taking into account competence and experience. They may assign the management to a non-partner by mutual consent in accordance with the provisions of the contract concluded between them.

Article (57)

The economic unit shall have administrative and financial regulations specifying the work system, working hours, rest periods, leaves, and other matters related to its activities and such regulations shall be approved by the competent authority.

Partners shall also determine and regulate the hours of weekly rest and annual leaves, without contradicting the provisions of this Law.

Article (58)

Partners may accept new partners when they deem fit and the articles of association shall determine the conditions for acceptance of new partners.

Article (59)

Partners may request assistance from third parties for a financial consideration determined in the work contract to perform specific works that are not the core of the activity or tasks of the economic unit. They may also request the assistance of third parties for a financial consideration in cases where the interested party chooses not to participate, provided he provides freely and without coercion a written statement expressly indicating his unwillingness to participate and his preference to work for a material consideration with a written contract approved by the competent authority.

The provisions of Parts (1) and (3) of this Law shall apply to individuals who have accepted the work in return for a financial consideration.

Article (60)

Partners may decide by majority to dismiss any partner for reasons related to his breach of the obligations imposed by Law or by the partnership contract or for other reasons provided for in the relevant legislation. The vote of the partner to be dismissed shall not be taken into account when counting the majority.

Article (61)

A partner whose partnership was terminated may contest the same before the judiciary.

Article (62)

In the case of the death of a partner, the economic unit shall continue its work and the late partner's heirs shall be entitled to claim his share and any dues he failed to receive before his death. The heirs shall have the freedom to continue or stop participating and this shall not affect the unit's activity.

Article (63)

In the event of termination of the partnership for any reason whatsoever, the liquidation of the share of the affected partner shall be based on the last budget for the fiscal year in which the partnership ended, taking into account the legislation governing this matter.

Article (64)

The partner whose partnership has ended shall be responsible for fulfilling his obligations.

Article (65)

The partners shall provide the means of prevention and occupational safety to protect themselves and those who work with them under contract from occupational accidents and diseases in accordance with the legislation in force in this regard.

Article (66)

Partners in efforts or in efforts and money shall join the insurance system against sickness, occupational accidents, occupational diseases, and old age.

Part (3)

Contractual Relations

Chapter (1)

Work Contract

Article (67)

The work contract shall be concluded in accordance with the model set by the competent authority, and the contract may only be executed after the latter's approval and after verifying that it respects the legal form and that its conditions comply with this Law. The contract shall contain all the necessary details to determine the rights and obligations of the parties and shall be documented in writing and the Arabic language and executed in three copies. A copy shall be delivered for each party after ratification and the third copy shall be kept at the competent employment office.

If the contract is not written, the worker may prove his rights by all possible means of proof.

The individual work contract shall be exempted from registration fees.

Article (68)

The employer may not deviate from the terms of the contract or assign to the worker a work other than agreed upon unless necessary to prevent an accident or repair the damage arising therefrom or in the case of force majeure, provided this is on a temporary basis. The employer may assign to the worker a work other than agreed upon if both works are not fundamentally different.

Any condition stipulated in employment contracts in contravention of the provisions of this Law shall be null and void, even if it is in force before the contract enters into effect, unless it is more beneficial to the worker.

Article (69)

The probation period shall be thirty working days from the date the worker starts work. The expiration of the probation period without a decision to terminate the contract shall be regarded as a confirmation of the work.

Article (70)

The contract may be concluded for a specific period or for a particular work and may be indefinite. If the contract is a fixed-term contract and the parties continue to implement it after the expiry of its term without agreeing to renew it, this shall be regarded as a renewal of the contract for an indefinite period. If the contract is concluded to implement a temporary, incidental, or seasonal work and can be renewed by its nature and continues to be implemented after the completion of the work agreed upon, it shall be considered renewed for the time required to carry out the same work again.

However, if the contract is for a specific period, whether specified in the contract or according to the nature of the work, such period may not exceed two years, renewable once, after which the contract becomes indefinite.

Article (71)

The fixed-term contract shall expire at the end of its duration without the need for a notice or warning. If the contract is indefinite, either party may terminate it after warning the other party with a registered letter with acknowledgment of receipt thirty days prior to the termination. If the warning is addressed to the worker, the employer shall grant the latter daily and for the duration of the warning a minimum period of two hours of actual working hours to search for another job. If the contract is terminated without observing the duration of the warning, the party that terminated the contract shall pay to the other party compensation equal to the wage of the workers for the duration of the warning or the remaining part thereof.

Article (72)

In the following two cases, the employer may terminate the contract before the expiry of its term after warning the worker, taking into account the period specified in the previous article:

1. Full or partial suspension of work finally or for two consecutive months.
2. Cancellation of the contracted work for administrative or economic reasons.

The contract shall remain in effect for the duration of the warning and the two parties shall be obliged to implement it.

The employer shall inform the competent employment office at least two months before using the right of termination, and the office shall verify the seriousness of the reasons on which such decision is based.

The worker whose contract is terminated in accordance with the provisions of this Article shall be entitled to the remuneration provided for in Article (78) without prejudice to the compensation provided for in Article (76), if applicable.

Article (73)

The employer may terminate the contract without prior notice and without remuneration or compensation in the following cases:

- a. If the worker fails to fulfil any of his obligations under the contract.
- b. If the worker impersonates a person or submits false certificates, statements, or information.
- c. If the worker is under probation.
- d. If the worker commits an error resulting in substantial material loss to the employer, provided that the employer informs the employment office of the incident within three days of its knowledge of the occurrence thereof.
- e. If the worker repeatedly does not respect the instructions necessary for the safety of workers and the employer, provided such instructions are written and announced in a visible place.
- f. If the employee is absent without legitimate cause for more than twenty intermittent days during one year or more than ten consecutive days, provided that the dismissal is preceded by a written warning to the worker after his absence for ten days in the first case and five days in the second case. The employment office shall be notified with a copy of the warning.
- g. If the worker discloses secrets of his work.
- h. If the worker is found during working hours in an apparent state of drunkenness or use of psychotropic substances.
- i. If the worker attacks one of his superiors or colleagues during or because of his work.
- j. If the worker is finally convicted of a felony or misdemeanour related to honour, trust, or security.

The employer shall notify the employment office concerned of the contract termination procedures along with a copy of the investigation procedures.

Article (74)

After warning the employer in accordance with the provisions of Article (71), the worker may resign and shall be entitled in this case to the remuneration provided for in Article (78).

Article (75)

The worker may terminate the contract without notice in the following cases:

1. If the employer breaches its basic obligations in accordance with the provisions of this Law.
2. If the employer uses a means of fraud when contracting with regard to the conditions of employment.
3. If acts against morality or honour are committed against him by his supervisors or officers.
4. If there is a serious danger to his safety or health, provided the employer is aware of such danger and has not taken the safety measures prescribed or imposed by the competent authorities on the specified date.

If a worker leaves his work for one of the above reasons, the employer shall be obliged to pay him the remuneration for the period of his service as provided for in Article (78), without prejudice to the compensation which may be imposed by the court.

Article (76)

Without prejudice to the provisions of Articles (71) and (78), if the contract is unjustifiably terminated, the party affected by such termination shall have the right to compensation estimated by the court, taking into account the type of work, the amount of damage, the period of service, and the custom in force after the occurrence of the termination conditions.

Article (77)

The worker's contract may not be terminated if he becomes member of a union or participates in the activities of the union outside working hours or during such hours with the approval of the employer. The contract may not be terminated during any type of leaves or because the worker files a complaint or institutes proceedings against the employer.

In all cases, the employer may only terminate the contract for reasons due to the worker's inability to work, low level of performance, or misconduct or due to work requirements, including restructuring or economic reasons. In such cases, the union in which the worker is a member and the employment office concerned shall be notified of the termination and its cause at least one month before starting the termination of the contract to verify the validity and seriousness of the reasons for termination.

Article (78)

Subject to the provisions of international conventions to which the Great Jamahiriya is a party, the non-national worker shall be entitled to a bonus for his service calculated on the basis of half a month's remuneration for each year up to the end of the fifth year and one month's remuneration for each additional year, provided that the worker is not a beneficiary of social security plans provided for in the legislation in force.

The last remuneration of the worker shall be regarded as the basis for assessment of the bonus, which shall not be due if the worker terminates the contract without respecting the period of warning provided for in this Law.

Article (79)

If the worker terminates the contract and none of the reasons provided for in this Law is valid and without respecting the period of warning and concludes a contract with another employer in violation of the provisions of Article (12), the new employer shall be jointly liable for the damage caused to the previous employer, in the following cases:

- If it is proven that it intervened in order to remove the worker from his previous job.
- If it enables the worker to work while knowing that he is committed to a work contract with a third party.
- If it continues to employ the worker after learning that he is committed to a work contract with a third party.

Article (80)

The work contract shall end with the death of the worker, his incapacity to perform his work, or his contracting an illness that necessitated the interruption of work for more than one hundred and twenty consecutive or intermittent days exceeding a total of one hundred and eighty days during one year.

The confirmation of disability or illness shall be based on a medical certificate from an accredited doctor. The employer may not exercise its right to terminate the contract in accordance with the provisions of Article (73) during the period of disability or illness referred to in this Article. If the employer terminates the contract for any of the reasons referred to in the first paragraph, it shall pay to the worker or the entitled persons on his behalf the end of service benefit provided for in Article (78). In case of death, the employer shall additionally pay the remuneration of the month during which the death occurred to the entitled persons.

Chapter (2) **Training for Work Purposes**

Article (81)

Employers shall be obliged to accept a number of jobseekers equal to (20%) of the total number of its foreign workers to train them to learn a profession, craft, or work during a specific period or bear the costs of training them in specialized institutions, in accordance with the conditions and terms provided in a decision issued by the competent authority.

Article (82)

The training contract for work purposes shall be written in Arabic and shall specify the duration of the training, the stage thereof, and the remuneration of each stage, provided such remuneration for the final stage is not less than the minimum wage for the profession or craft on which he is trained.

Article (83)

The employer may terminate the training contract for work purposes if it is proven that the trainee is not qualified and not ready to properly learn the profession or craft, after obtaining the approval of the competent employment office. The trainee may terminate the training contract, provided he notifies the employer of the same.

Article (84)

The legal provisions relating to compensation for occupational injuries and diseases and to occupational health, safety, working hours, weekly rest, leaves, and public holidays shall apply to training contracts for work purposes.

Chapter (3) **Domestic Work**

Article (85)

The house shall be serviced by its occupants. Domestic service for the family shall only be permissible in cases of utmost necessity and in the following cases:

1. The mother or father's inability to carry out the care required as a result of illness or old age and there is no one to care for them among the family members.
2. If the family has a child with physical special needs or mental retardation and the mother is unable to raise him.
3. If the number of family members is not less than seven.
4. If the mother works and is unable to support her family.

The cases referred to in the preceding paragraphs shall be confirmed based on social and health research.

Article (86)

Domestic service works shall include the following:

1. Prepare and offer food and drinks.
2. Ordinary household chores necessary to prepare and clean the house.
3. Personal work for people with special needs, the elderly, the sick, and children.
4. Works of gatekeepers, drivers, and laundrymen.

Article (87)

Any person who wishes to work in domestic service or the like shall register his name in the employment office in whose jurisdiction he resides or wishes to work. The registration application shall be on the form prepared for this purpose. The employment office shall give the applicant a free certificate confirming the registration on the day the application is submitted.

Article (88)

Employment offices shall receive applications from persons who wish to employ others in domestic work or the like and such applications shall be recorded in a special register.

Employment offices shall assist the persons whose names are registered therewith in accordance with the provisions of the preceding article to join the vacant jobs of which they have been informed.

The employment of domestic workers and the like in vacant jobs shall be conducted in accordance with the compatibility between the case of the applicant and the employer in terms of remuneration, age, gender, and family and health conditions, after verifying the adequate guarantees as required by the circumstances.

Article (89)

Upon employing domestic workers and the like who already work for other parties, employment offices shall issue for them a service card indicating the worker's name, work, age, gender, nationality, remuneration, and employer. The employer shall sign this statement, which shall be ratified by the employment office concerned.

This card shall be issued in accordance with a special form that ensures it indicates the worker's situation and the development thereof in terms of remuneration, jobs held, and the persons he works for.

Article (90)

Domestic service shall be provided under a binding work contract concluded between the two parties and approved by the competent authority. The contract shall explicitly specify the duties and rights of the worker and other work terms and conditions and the provision of accommodation and meals if the service is around the clock.

Article (91)

The employer shall verify the identity of the domestic worker before employing him and shall provide the employment office within the scope of which he is located with all the data and information about the worker within 3 days from the date of employment or the date this Law enters into effect.

Article (92)

The domestic worker shall undertake the medical examination prior to starting work. He shall also undertake to present himself for medical examination when the employer asks him to, provided that such examination be at the expense of the employer in the latter case.

Article (93)

The employer shall treat the domestic worker humanely and may not humiliate him, whether in word or in deed. The employer may not employ the domestic worker in onerous or hazardous works and in a manner contrary to the contract between the two parties.

Article (94)

The domestic worker may not perform domestic service work for another person without the permission and consent of the employer in writing.

Article (95)

The employer shall not be responsible for the domestic worker when he leaves the workplace for purposes unrelated to his work and without the permission of the employer.

Article (96)

The employer may terminate the worker's contract without prior notice if he commits an act of dishonesty or puts the employer's property at risk of damage or loss.

Article (97)

The worker shall be bound to keep the secrets which he became privy to by virtue of his work and such commitment shall remain in effect after the end of his service.

Article (98)

In the event that the worker joins the social security system, the employer shall undertake to provide the required contribution instalments in accordance with the provisions of the applicable legislation and shall record all the matters related to this issue in the service card of the employer.

Article (99)

The employer shall not discriminate between its domestic workers and other categories of workers, and all the provisions of this Law shall apply to all of them, particularly with respect to the following:

1. Right to join the competent trade unions.
2. Protection in the field of social security.
3. Minimum age for employment.
4. Weekly rest or leave.
5. Maternity protection.
6. Minimum wage for work.

Article (100)

The employer shall allow the labour inspector to check the work and living conditions of domestic workers to ensure that the former complies with labour laws and regulations.

Chapter (4)

Labour Disputes, Conciliation, and Arbitration

Article (101)

Any dispute related the work or the conditions thereof between one or more employers and the worker, all the workers, or a group thereof working for the employer shall be adjudicated in accordance with the provisions of this Law. The dispute shall be considered collective if it occurs between the employer and at least (25%) of the workers, provided that their number is not less than ten workers.

Article (102)

If a dispute occurs between a worker and his employer, the conciliation officer of the employment office shall settle the dispute amicably by negotiation. If he fails to reach a settlement within ten days of referring the dispute thereto, he shall submit a detailed written report on the reasons for the non-conciliation to the competent employment office. In this case, the two parties to the dispute shall submit their case to the competent court.

Article (103)

Work disputes shall be settled by voluntary arbitration at the request of the two parties to the dispute. If it is not agreed to settle the dispute through arbitration, the subject of the dispute shall be submitted to the conciliation board and the arbitral committee provided for in this Law.

Article (104)

- a. A conciliation board chaired by a judge selected by the general assembly of the court with a representative of the employment office, a representative of the employer, and a representative of the competent union as members shall be formed in the jurisdiction of each court of first instance. The board may solicit the opinion of any expert he deems fit.
- b. The conciliation board shall examine the causes of the dispute to settle it. It shall finish such examination within fifteen days of the referral of the dispute thereto. If it manages to settle all or some of the demands, a report shall be drafted regarding what was agreed upon and it shall be signed by the conciliation board. Such report shall have the force of final judgments.

If the board fails to settle all or part of the dispute, it shall refer the points agreed upon to the competent arbitration committee within seven days at the latest, along with a full report on the dispute's stages and facts. Such referral shall be notified to the parties concerned.

Workers may not refrain from working, even partially, before the completion of all the conciliation and arbitration procedures provided for in this Law.

Article (105)

- a. An arbitration committee shall be formed within the jurisdiction of each court of appeal. It shall consist of three judges selected by the general assembly of the court, a representative of the

competent authority, a representative of the employer, and a representative of the relevant union. The arbitration committee shall be chaired by the most senior judge.

- b. The arbitration committee shall be competent to rule on the labour disputes referred thereto by the conciliation board and without expenses or fees. A lawyer may be present before the arbitration committee with either party to the dispute.

The decision of the arbitration committee shall be binding and shall have the force of judgments rendered by the courts of appeal.

The Executive Regulations shall indicate the nature of the disputes and the detailed procedures for presenting the dispute to the conciliation board and the arbitration committee.

Article (106)

Workers shall have the right to appeal or challenge the proceedings against them before the regulatory and judicial authorities. The Executive Regulations of this Law shall specify the conditions and procedures for the use of such right.

Article (107)

The worker dismissed from work without justification may request to halt this dismissal in accordance with a request submitted to the employment office within a maximum period of two weeks from the date of the employer's notification thereto by registered letter.

The employment office shall take the necessary procedures to settle the dispute amicably. In case of failure, the office shall refer the matter within a maximum period of one week from the date of the request's submission to the magistrate of summary justice in the competent court in which jurisdiction the workplace is located, together with a memorandum containing a summary of the dispute and the observations of the office.

The registry of the court shall, within three days from the date of referring the application to the court, set a hearing to examine the application for suspension of execution within a maximum period of two weeks from the date of such referral. The employer, the worker, and the employment office shall be notified by a registered letter and the notification shall be accompanied by a copy of the memorandum of the employment office.

The judge shall rule on the application for suspension of execution within a maximum period of two weeks from the date of the first hearing and his ruling shall be final. If the judge rules to suspend execution, the employer shall undertake to pay the remuneration from the date of the dismissal of the worker. The judge may refer the case to the competent court in whose jurisdiction the workplace is located. The court shall award compensation in the matter, if any, as soon as possible, within a maximum period of one month from the date of the first hearing. The court may rule to reinstate the dismissed worker at his request in the cases provided for by Law.

Article (108)

Liability proceedings for dismissal shall be considered arising from the work contract with the consequent implications for the appointment of the court competent to rule on the dispute, prescription, and application of the rules provided for in the Civil and Commercial Procedures Law in respect of the appeal of the judgments rendered in this matter. However, the period for appeal shall be ten days and the court shall rule thereon within a maximum period of one month from the date of the first hearing.

The application of the provisions of this Law shall not prejudice the right of the worker to resort directly to the judiciary in accordance with the rules, dates, and procedures stipulated in the Civil and Commercial Procedures Law.

Article (109)

Lawsuits filed by the worker, even if he is in the training stage, and those entitled on his behalf shall be exempted from judicial fees at all stages of litigation and shall be considered as an urgent matter.

In all cases, the court shall enjoin urgent execution and without bond.

Chapter (5) Labour Inspection

Article (110)

The officers appointed by a decision of the General People's Committee upon the proposal of the competent authority shall have the right to inspect the employers to whom the provisions of this Law apply.

The officers authorised to inspect shall have the status of judicial control officers in respect of the implementation of the provisions of this Law and the regulations and decisions issued in execution thereof. They shall hold cards confirming this capacity.

Article (111)

Labour inspectors shall undertake the following functions:

1. Monitor the implementation of the provisions of this law and the regulations and decisions issued pursuant thereto.
2. Provide information and technical guidance and advice to the employer and workers as required by the accurate implementation of the Law.
3. Indicate to the competent authority the shortcomings of the existing provisions and make the necessary proposals to avoid them.
4. Control the violations of the provisions of this Law and the decisions implementing it and take the necessary measures therefor.
5. Draft periodic reports on inspection rounds according to the models prepared therefor.

Article (112)

Labour inspectors shall have the right to enter work premises to perform their duty freely during working hours day and night without prior notice, to carry out any inspection or investigation,

access the records, books, or any other documents related to the work or workers, to take photocopies or copies thereof, and to request all the data and information related to the performance of his duties.

Employers shall provide all facilities to the inspectors to carry out their duties and cooperate with them to provide the information and data they request.

Article (113)

Prior to the commencement of their duties, labour inspectors shall take the legal oath before the competent authority. The Executive Regulations shall determine the wording of the oath.

Article (114)

A decision by the competent authority shall specify the inspection system, the conditions of selection and training of the inspectors, the upgrading of their competences, their tasks, their remuneration, and the forms of their work.

Chapter (6) **Penalties**

Article (115)

A decision by the General People's Committee shall issue a list indicating the violations and penalties resulting therefrom.

Employers may establish their own penalty regulation in a way that does not conflict with the provisions of the aforementioned general regulations. Such lists shall not be effective unless they are approved by the competent authority. In all cases, the violation shall be relevant to the work and shall be stipulated in the list.

The employer who employs ten or more workers shall place in a visible space a regulation governing the work and the list of disciplinary penalties approved by the competent authority.

Article (116)

The worker may not be charged with an offense that has been revealed since more than thirty days or impose the penalty thereon after more than sixty days from the date the violation is proved.

Article (117)

The employer may not impose more than one penalty on the worker for the same violation and may not combine between the deduction of part of the monetary remuneration in accordance with the provisions of this Law and any other monetary penalty if the amount to be deducted exceeds the remuneration of five days per month. The penalty may only be intensified if the type of violation is one that the worker had previously be penalised for and provided that the new violation takes place within six months from the date the worker was informed of the previous penalty.

Article (118)

No penalty may be imposed on the worker unless he is informed of the violation attributed to him in writing and after hearing his statements and defence and recording the same in minutes that he signs, provided the investigation starts within a maximum of seven days from the date the violation

is discovered. For the two penalties of warning and deduction of the remuneration that do not exceed three days, the investigation may be verbal and the contents thereof shall be confirmed by the decision issued on the penalty. In all cases, the decision to impose the sentence shall be justified.

Article (119)

The employer may suspend the worker from work by precaution if the interest of the investigation requires so and shall pay him half a remuneration for the duration of the suspension. If the penalty of dismissal is imposed, his service shall cease from the date of his suspension and he shall keep the remuneration he received.

In all cases, the period of suspension may not exceed one month except by a decision of the Disciplinary Board.

Article (120)

The employer may suspend the worker from work from the date he notifies the Public Prosecution of the incident, provided the worker is reinstated to his previous job if not convicted. Failure to reinstate him shall be considered arbitrary dismissal.

Chapter (7) Penalties

Article (121)

Without prejudice to any more severe penalty provided for in the Penal Code or any other law, the persons subject to the provisions of this section shall be subject to the following penalties:

1. Any person who violates the provisions of Articles (6), (7), and (55) of this Law shall be punished by a fine not less than one thousand LYD and not more than two thousand LYD.
2. Any person who violates the provisions of Articles (13), (24), (27), (28), (38), and (39) of this Law shall be punished by a fine not less than five hundred LYD and not more than one thousand LYD.
3. Any person who violates the other provisions of Parts (1) and (3) of this Law and the regulations and decisions issued in implementation thereof shall be punished by a fine of not less than two hundred LYD and not more than five hundred LYD. In all cases, the fine shall be multiplied by the number of the parties affected by the violation. Labour inspectors shall prevent the continuation of the violation by administrative means. The amounts resulting from application of the penalties provided for in this Article shall be collected with the knowledge of labour inspectors.

Part (4)

Regulatory Relations – “Public Function”

Article (122)

Public service shall be an assignment to the holders thereof and their duty shall be to perform their work with seriousness and diligence and to behave in a manner consistent with religion, morals, and dignity. They shall seek to serve citizens in carrying out their duties and achieve the public interest.

Each employee shall be responsible for achieving the objectives of the position assigned thereto under the supervision of his direct supervisor.

Chapter (1)

Administrative Organisation and Positions

Article (123)

Public administrative units shall be established and their competencies determined by decisions of the General People's Committee, except for the public sectors established by decisions of the General People's Congress. The main organisational divisions shall be determined by a decision of the General People's Committee. Sub-regulatory divisions of the public administrative units shall be determined by a decision of the competent General People's Committee, all after taking the opinion of the competent authority.

Article (124)

Positions shall be divided into the following main professional groups:

- a. Main professional groups of the public cadre.
- b. Main professional groups of the technical cadre.
- c. Main professional groups of the cadre of regular civil functions.
- d. Main professional groups of the cadre of professional scientific functions, teaching, and training.
- e. Main professional groups of the cadre of human medicine and nursing functions.
- f. Main professional groups of the cadre of marine and commercial aviation functions.
- g. The groups of qualitative functions in each main group shall be determined by a decision of the General People's Committee based on a presentation by the competent authority.

Each professional group shall be considered a distinct unit in the fields of professional affairs, including recruitment, promotion, and transfer, and it shall have a separate list of the seniority of its employees in all the positions it regulates.

Senior management positions, the conditions of occupying them, and the system to evaluate the performance of their occupants shall be determined by a decision issued by the General People's Committee upon the proposal of the competent authority.

Article (125)

The General People's Committee, upon the proposal of the competent authority, shall issue regulations to regulate the cadres in accordance with the nature and volume of the work and the performance rates in the administrative unit, including in particular the type and basis of the cadre and how to prepare, approve, modify, and extend the same.

Chapter (2)

Occupation of Positions

Article (126)

The vacant positions in the cadres of administrative units shall be filled by appointment, contracting, promotion, secondment, or transfer.

Article (127)

Some of the qualitative professional groups specified in Article (124) of this Law, including senior management positions, may be filled by way of contracting, in accordance with the regulations issued in this regard by the General People's Committee at the proposal of the competent authority, specifying the salaries, conditions of employment, and the professional groups subject thereto, provided this does not contradict the provisions of this Title.

Administrative units may contract with specialized offices or companies to provide public services, such as printing, secretarial services, computer operation, technical works, cleaning works, etc. in accordance with the rules set by the General People's Committee.

Article (128)

The candidate to fill one of the posts of the cadre of administrative units shall:

1. Hold the nationality of the Great Socialist People's Libyan Arab Jamahiriya and enjoy his civil rights.
2. Not be married to a foreigner, unless he is authorised to do so by the competent authority.
3. Have a good reputation.
4. Not have been convicted of a felony or a misdemeanour that contravenes honour or security, unless he has been rehabilitated.
5. Not be dismissed from service by a final disciplinary decision unless the prescribed period to clear the penalty has elapsed.
6. Not be less than eighteen years old.
7. Have the scientific qualification necessary to fill the job. As an exception to this requirement, skilled experienced professionals required by the work may be appointed in accordance with the terms and conditions set out in the Executive Regulations.
8. Pass the prescribed examination to fill the job.
9. Be physically fit. Physical fitness conditions shall be determined by regulations issued by the General People's Committee.
10. The vacant position in the cadre and the adequate financial coverage shall be satisfied, and in all cases, the vacant position shall be announced.

Article (129)

For the purpose of filling functions in administrative units, a decision of the General People's Committee shall determine the national scientific and training qualifications and equivalent foreign qualifications, evaluate them, and indicate the level of scientific expertise necessary to occupy them.

Article (130)

Subject to the provisions of Article (128) of this Law, the following rules shall be observed when filling posts for the first time:

1. A vacant position in the professional cadre shall only be filled if it cannot be filled by the transfer or secondment of a staff member from the same entity or the promotion of a staff member who meets the conditions for promotion.
2. Senior management positions shall be filled by taking seniority into account, then through comparison of the educational and training qualifications, experience, and qualifications for the job from the same professional group. If the person selected to fill a senior management position

is not an employee of the administrative unit, he shall hold a university qualification or the equivalent thereof, with a minimum practical experience of ten years following the obtaining of the qualification.

3. The position may not be filled with a retroactive effect. The position shall be considered filled from the date on which the employee is notified of the same in writing by the competent authority and the commencement of the work. His filling the position shall be considered null and void if he does not start his work within thirty days of the date of his notification in writing. In this case, the following in line shall be appointed if the candidacy is based on a competition.
4. The academic certificates on the basis of which the position is filled shall be original and issued by a recognized educational or training institution. Foreign certificates shall be assessed for equivalency.

Article (131)

The authorities competent to issue the decision to fill the posts shall be the following:

1. Secretariat of the General People's Congress for its workers and the workers of its affiliates.
2. General People's Committee for its workers and the workers of its affiliates.
3. General People's Committees for its workers and the workers of its affiliates, in accordance with the regulations established by the General People's Committee.

Article (132)

Positions shall be filled from the lists of successful candidates, according to the following rules:

The people who passed the examination shall be ranked by precedence in the passing grades. In case of equal grades, the person with the highest qualification shall have precedence, followed by the most senior graduate, then the oldest. Those whose turn did not come within a year after the date of the announcement of the result of the examination shall fail.

The posts may be filled from lists older than one year in the absence of other valid lists.

Administrative units may not fill the announced posts from outside the approved lists of passing people.

The Executive Regulations shall specify the provisions relating to the announcement of posts, the methods to fill them, the system of examinations, the approval of results, and the calculation of the periods of previous experience.

Article (133)

Subject to the provisions of Article (130) of this Law, the employee may be reinstated to his previous work to fill a position of the cadre of the administrative unit if it is commensurate with his experience and qualifications and he respects the conditions to fill it. In this case, the employee shall not be subject to the conditions of the examination unless the interruption period of employment exceeds five years.

Article (134)

Before starting his work, any person who occupies a position of the cadre of an administrative unit shall swear the following legal oath: “I swear by God Almighty to abide by the principles and objectives of the Great Revolution, preserve the authority of the people, protect the interests of the nation, respect the law, and to perform my duties with integrity and honesty.”

The oath shall be taken before the competent secretary or his authorised representative.

The oath formulation shall be signed by the employee and the person it was taken before and shall be kept in the file of the service of the employees. The employee may not be handed over the work of his job before taking the oath.

Article (135)

Upon occupying a function for the first time, except senior management positions, employees shall be subject to a 365-day probation period starting from the date they start the work. If the employee is deemed suitable for the job during the probation period, he shall be referred to the competent personnel committee. If he is deemed suitable for another job, the committee shall advise to transfer him thereto or propose that his service be terminated, provided the employee is notified of the same two weeks prior to the date of termination.

The expiration of the probation period without a decision to transfer or dismiss the employee shall be considered confirmation in the post.

In all cases, the competent authority shall be notified of the measures taken with regard to the employee under probation.

Article (136)

Seniority in the post shall start from the date it is occupied. If the date that the post was assumed is the same for more than one employee, seniority shall be determined according to the following:

- a. If the job is filled for the first time as a result of passing the examination required to fill the post, seniority shall be determined on the basis of the examination result.
- b. If the job is filled for the first time without an examination, seniority shall be determined on the basis of the person who graduated before, followed by the oldest.
- c. If the job is filled by promotion on the basis of passing the examination for promotion, seniority shall be determined on the basis of clause (a). If it is filled without an examination, seniority shall be determined on the basis of seniority in the post. In case of equality, the provision of clause (b) of this article shall apply.

If the employee has a previous period of service, legal seniority shall be counted therefor in the position. The employee shall be entitled to his salary from the date of commencement of the work and the salary shall be linked to the first pay scale of the post he occupied. In the event that legal seniority is counted therefor, his salary shall be increased by the equivalent of the raise for each year.

In the event of promotion, the employee shall be granted the first pay scale of the position he is promoted to and the last salary he received in his previous job, in addition to a allowance of the job he is promoted to, whichever is greater.

The new salary shall be due from the first month following the issuance of the decision for promotion. If the promotion occurs on the first day of the month, the salary shall be due from the said day.

Article (137)

An employee may only be promoted to a vacant position subsequent to the post he occupied directly in the cadre of the administrative unit he is affiliated to and in the same professional group of his position.

The Executive Regulations shall determine the regulations relating to promotion and the prescribed minimum.

Article (138)

Subject to the provisions of Articles (137), (139), and (140), promotion of the employee shall require the following:

1. The worker shall have served the minimum period of promotion. The expiry of the minimum period shall not entail any promotion obligation.
2. The worker shall be in compliance with the necessary conditions to fill the job to be promoted to.
3. The promotion shall be issued by the party that has the power to issue a decision to fill the job to be promoted to.
4. The worker shall successfully pass the examination for promotion.
5. The worker shall obtain the grade “very good” and above for the last three years.

Upon the first promotion activity, the worker shall be promoted if his salary reaches the last pay scale of his current job if he fulfils the conditions of promotion.

Article (139)

The employee may not be promoted from a qualitative group to another within the main professional group unless he respects the required conditions, including the required scientific or technical qualification. A regulation shall be issued by the competent authority regulating the conditions of employment in each qualitative professional group, the transfer between such qualitative groups, examinations of promotion, formation of its committees, scheduling, and approval of the results.

Article (140)

The employee may be promoted as an encouragement if he has completed half of the minimum period required for promotion in the job he occupies, in one of the following cases:

- a. The worker provides substantial research to improve the functioning of the administrative body without financial burdens or achieve a saving in expenses.
- b. The worker invents or develops means to increase production.
- c. The worker carries out works that result in the protection of the environment and citizens from pollution and diseases.
- d. The worker received an excellent adequacy report in the past three years.

- e. In all cases, the employee may not receive more than two promotions as encouragement throughout the duration of his professional service. The number of people promoted in accordance with the provisions of this Article shall not exceed (5%) of the total number of employees promoted in the administrative unit.

Article (141)

If the number of candidates for promotion in the administrative unit exceeds the vacant posts in the approved cadre thereof, the precedence shall be determined as follows:

- If the promotion is the result of passing the examination for promotion, priority shall be based on the result of the examination. In the event of equal grades, priority shall be based on adequacy reports and in the event of similar reports, priority shall be on the basis of seniority in the previous job in accordance with the rules stipulated in Article (136) of this Law.
- If the promotion is without an examination, priority shall be based on adequacy reports and in the event of similar reports, priority shall be on the basis of seniority in the previous job in accordance with the provisions of the previous paragraph, taking into account the provisions of the last paragraph of Article (140).
- The employee shall be entitled from the date of promotion to the first pay scale of the job he is promoted to or one of the allowances of this post in addition to his original salary, whichever is greater.

Chapter (3)

Professional Rights and Benefits

Article (142)

The employee shall enjoy all the rights prescribed therefor under the provisions of this Law and the regulations issued pursuant thereto. Such rights may not be reduced, suspended, or denied except in accordance with the Law. The administrative unit shall take the following into account:

1. Enable the employee to attend the appropriate training and provide him with the opportunity to successfully receive bonuses, allowances, or incentives as determined by the regulations.
2. Provide services and special transactions for the employee during the performance of his job and mandate someone to carry them out and finalize them.

Article (143)

The employee shall be given an annual allowance from the allowances of the post he occupies starting from the first of the month following the expiration of one year from the date he first filled the position or was granted the previous annual allowance.

Article (144)

The General People's Committee shall, upon a proposal by the competent authority, establish a system for material and moral incentives for employees in order to ensure achieving the objectives, improving performance, and rationalizing expenditure, provided this includes the categories of material incentives and the conditions for granting them.

Article (145)

The Executive Regulations shall determine the other financial dues and other professional benefits and shall specify the terms and conditions to grant them, including in particular:

- a. Family allowance, which includes the spouse and children as specified in the Executive Regulations.
- b. Housing allowance if no professional housing is available.
- c. Overtime remuneration.
- d. Allowances required by the nature of the work or its conditions.
- e. The senior management shall be entitled to benefits in return for the responsibilities entrusted to them as they fill such posts.

Chapter (4) **Transfer, Delegation, and Secondment**

Article (146)

1. The employee may, for the requirements of the public interest, be transferred to a vacant post within the administrative unit or any other administrative unit under the following conditions:
 - a. He shall respect the conditions required to fill the new post.
 - b. The transfer shall be within the same qualitative professional group and the grade of the new post shall be the same of the previous post.
 - c. The transfer shall not make the employee miss the opportunity of promotion within one year from the date of transfer, unless the transfer is at his request or because of the termination of his post.
2. The transfer shall be from an administrative unit to another by a decision of the new authority after the approval of the previous authority he is transferred from.
3. Employees in administrative units may be transferred to public companies.

Article (147)

When necessary, the employee may be temporarily delegated to perform another function in the same administrative unit or any other administrative unit on a full-time or in addition to his original work, on the following conditions:

- a. He shall have been appointed for the first time for at least one year.
- b. The work condition in the original post shall allow such delegation.
- c. The employee shall not be delegated to more than one job.
- d. The duration of the delegation shall not exceed one year, renewable at the request of the new authority and the approval of the previous authority.
- e. The degree of delegation to the new job shall not exceed two grades.
- f. The delegation decision shall be issued by the new authority after the approval of the previous authority. In all cases, the delegation period in addition to the original work shall not exceed six months and in the case of full-time delegation, it shall not exceed four years.

Article (148)

The employee delegated on a full-time basis shall be given a delegation allowance equal to the difference between his salary and the first pay scale of the salary of the new post or 10% of his salary, whichever is greater. He shall also receive the other financial benefits for the post he is delegated to.

In case of delegation in addition to the original work, the employee shall be given a delegation allowance equal to one quarter of his monthly salary.

The unit to which the employee is delegated on a full-time basis shall be responsible for his salary and all the other allowances and benefits. In case of delegation in addition to the original work, the administrative unit to which the employee is delegated shall only be responsible for the delegation allowance.

Article (149)

The employee may be seconded to one of the following authorities by a decision of the authority in charge of appointment:

- Public legal persons whose employees are subject to special laws.
- Private legal persons.

The period of secondment shall not exceed four years except by a decision of the General People's Committee.

The seconded employee shall be able to enjoy his annual leave or shall be granted a cash equivalent therefor, calculated on the basis of his last salary at the end of his secondment. The new authority shall be responsible for the salary of the seconded employee. The employee seconded to an authority within the Great Jamahiriya shall receive the salaries and allowances of the new post or his original salary plus a percentage determined by the new authority, whichever is greater, except in the cases where the General People's Committee decides otherwise, provided that the seconded employee is not adversely affected financially in any way whatsoever.

Article (150)

The employee may be sent on a mission, scholarship, training, or study leave, whether in the country or abroad, and the functions of the members of missions, scholarships, and study or training leaves shall be preserved. All of this shall be in accordance with the terms and conditions prescribed by the Executive Regulations.

Chapter (5) Professional Liability

Article (151)

Each superior shall be responsible for his work and that of his subordinates, and they shall all be jointly responsible for the achievement of performance rates and for their professional conduct.

The directors, department heads, and the like shall have the powers to approve, amend, dissolve, and cancel all the works of their subordinates in accordance with the Law.

Article (152)

Even if not indicated in the description of functions or the regulation, the functions of the department heads shall always include the development of work methods, the facilitation of measures, the development of human resources and human relations within the administrative unit and the public relations of the authority, the application of legislation and labour regulations, long-

term planning and management responsibilities, guidance, follow-up, and documentation at the level of the administrative unit.

Article (153)

1. The internal administrative follow-up system is based on the system of periodic reports for all levels, in accordance with standards and methods of supervision, performance evaluation, and correction of deviations.
2. Each superior shall be responsible for submitting periodic reports, data, and statistics on time and in the prescribed ways.
3. Internal follow-up shall include the evaluation of the overall performance of the activity aspects of the administrative unit.
4. Supervisors shall be responsible for the safety of their work, the protection of the workers and property, and the prevention of losses. They shall also be responsible for taking the necessary corrective and preventive measures.

Article (154)

The employee may perform works of guardianship, trusteeship, or agency for the absentee or judicial assistance if the absentee, the beneficiary of the judicial assistance, the trusteeship, or guardianship, the absentee, or the assigned is a judicial assistant linked thereto by kinship or affinity up to the fourth degree. He may also assume guardianship over property if he is partner or owner of an interest therein or if the property is owned by those with whom he has kinship or affinity up to the fourth degree. The same applies if he is a guardian according to an official designation from a competent authority, provided he notifies the administrative unit he is part of as soon as he starts work.

Chapter (6) Discipline

Article (155)

Any employee who violates one of the duties, commits any of the prohibitions stipulated in this Law, or violates a requirement of duty shall be punished by one of the penalties provided for in this Law, without prejudice to the right to institute civil or criminal proceedings against him when necessary.

The employee shall not be exempted from the penalty for the commission of the act if the latter is ordered by his superior, unless he executed a written order issued to him by his superior. In this case, responsibility shall belong to the person who issued the order.

The civil servant shall only be liable for his personal error.

Article (156)

No penalty may be imposed on the employee before investigating with him and hearing his statements and defence. However, the competent secretary, the undersecretary, the head of the department, or the director of the department may, at the time of imposing the warning or deduction of salary penalty, investigate with the employee verbally, provided that the contents of such investigation are documented in the decision imposing the penalty. Any of the two above penalties may be imposed without resorting to an investigation if the party imposing the penalty has

witnessed the occurrence of the violation himself or the violation has been confirmed by the papers and documents.

The employee may not be prosecuted for one offense more than once and no more than one penalty may be imposed for each offense.

In all cases, the decision imposing the penalty shall be justified.

Article (157)

Subject to the terms of reference of the regulatory bodies, the referral to the Disciplinary Board shall be by a decision of the competent secretary or the undersecretary. He may suspend the employee from his job provisionally if the interest of the investigation requires so. The period of suspension may not exceed three months, except by a decision of the Disciplinary Board.

If the decision of suspension or referral is issued by other than the competent secretary, he shall be notified within three days from the date of issuance.

If disciplinary or criminal proceedings fail to convict the employee or fail to bring a case against him, he shall be reinstated and paid full salary for the period of suspension.

Article (158)

Any employee held provisionally or in execution of a criminal sentence shall be suspended from work *ipso jure* for his term of imprisonment. If imprisonment is in execution of a criminal sentence, his right to receive his salary shall be suspended for the duration of the detention. Such period shall not be calculated towards the seniority of the grade or entitlement to the annual allowance or leave.

If the detention is provisional, half of the employee's salary shall be suspended for the period of imprisonment, provided the other half is paid thereto if the proceedings fail to convict him.

In all cases, the employee shall not reimburse any salaries, allowances, and other financial benefits disbursed thereto.

Article (159)

Employees holding senior management functions shall not be summoned for administrative investigation, unless the competent secretary has been notified of the same in writing.

Article (160)

1. Disciplinary sanctions that may be imposed on employees in senior management positions are:
 - a. Reprimand.
 - b. Deduction of the salary for a maximum of ninety days per year. In implementation of this penalty, the deduction shall not exceed one quarter of the salary per month after the quarter that may be seized or waived by law.
 - c. Deprivation of the annual raise.
 - d. Deprivation of promotion for a period of a minimum of one year and a maximum of three years.
 - e. Reduction in grade.

- f. Dismissal from service.
2. The disciplinary penalties that may be imposed on employees holding posts of grade 10 or and lower shall be:
 - a. Warning.
 - b. Reprimand.
 - c. Deduction of the salary for a maximum of sixty days per year. In implementation of this penalty, the deduction shall not exceed one quarter of the salary per month after the quarter that may be seized or waived by law.
 - d. Deprivation of the annual allowance.
 - e. Deprivation of promotion for a period of a minimum of one year and a maximum of three years.
 - f. Reduction in grade.
 - g. Dismissal from service.

The seniority of the employee whose grade is to be reduced in accordance with the provision of this Article shall be determined by the same pay scale of the post he occupied before the demotion.

Article (161)

The disciplinary penalty shall be inflicted as follows:

1. The competent secretary may impose the penalty of reprimand, warning, or deduction of the salary for a maximum of thirty days per year and not more than ten days at a time.
2. The undersecretary, head of the department, or director of the department may inflict the penalty of warning or deduction of salary on employees who do not hold senior management positions of the remuneration of a maximum of fifteen days per year and not more than five days at a time.
3. Other penalties shall be imposed by a decision of the competent disciplinary board.
4. Disciplining the transferred employee for offenses committed during the performance of his post in the administrative unit he was transferred from shall be within the jurisdiction of such unit.
5. Disciplining the delegated or seconded employee for offenses committed during the delegation or secondment period shall be within the jurisdiction of the authority to which he was delegated or seconded. The authority from which the employee was delegated or seconded shall be notified of the decision, unless the delegated or seconded employee is subject to a special disciplinary system.

The decisions issued to impose the penalties provided for in the Law shall be notified to the competent regulatory bodies within one week from the date of their issuance to examine their compliance with the Law.

Article (162)

No employee referred to a disciplinary or criminal trial or suspended from work may be promoted during the period of referral or suspension, provided that the grade of the post for which he is entitled to be promoted is held for one year from the date of referral or suspension or until the case has been ruled on, whichever occurs earlier. If the procedures result in a non-conviction, the employee shall be promoted to the reserved position. If the term to hold the grade has elapsed, he shall be promoted to any vacant post in the administrative unit of the same grade of employment for

which he is entitled to be promoted and in the same professional group under which his job falls. Otherwise, he shall be promoted to such a post in an individual capacity until his status is settled in the first vacant post of the same grade and professional group.

In all cases, the seniority of the employee in the post he is promoted to and the salary therefor shall be calculated from the date on which the promotion would have taken place if the measures that prevented it were not taken against him.

Article (163)

Without prejudice to the provisions concerning the formation of disciplinary boards in the legislation in force, each administrative unit shall have a disciplinary board. The Executive Regulations shall specify the formation thereof, its work system, the rules and procedures of referral to investigation, disciplinary trial, the manner of defence of the employee, the controls and procedures to appeal the penalties inflicted on the employee, and the competent authority to examine such appeals.

Article (164)

The disciplinary action shall be terminated upon the expiration of three years from the date of the violation. Such period shall be five years in the case of the violations resulting in the loss of a right to the Public Treasury.

The period shall be interrupted in the two cases by any investigation, indictment, or trial procedure, if taken against the defendant. The period shall be resumed from the last procedure.

In case of multiple defendants, the interruption of the period for one of them shall result in the interruption thereof for the others, even if no such procedures are taken against them.

Article (165)

The end of service shall not prevent the employee from continuing the disciplinary trial or referral to trial if the investigation has started before the end of his term of service.

In the case of violations resulting in the loss of a right to the Public Treasury, disciplinary proceedings may be filed even if the investigation had not been initiated before the end of service.

The disciplinary penalty that may be imposed on a person who left the service shall be a fine not exceeding six times his last monthly salary.

The amount of the fine shall be collected from the convicted person by the deduction of a maximum of one quarter of his pension or end-of-service indemnity or by administrative detention of his other funds.

Article (166)

Disciplinary penalties inflicted on the employee shall be erased by the expiry of the following periods calculated from the date of execution of the penalty:

1. One year in the event of the penalty of warning or deduction of the salary for a maximum of five days.

2. Two years in case of deduction of salary for a minimum of five days and a maximum of fifteen days.
3. Three years in case of reprimand, deduction of salary for more than fifteen days, deprivation of the allowance, deprivation of promotion, or reduction in grade.
4. The penalty shall be erased by a decision of the competent secretary for the employees holding senior management posts and by a decision of the Committee of Employees Affairs for others if it is found that the employee's behaviour is satisfactory since the imposition of the penalty as shown by his service file.

The erasure of the penalty shall mean that it is considered as if it was never inflicted in the future. The erasure shall not affect what was carried out of the penalty or the rights and compensation that resulted therefrom. The penalty papers, any reference thereto, and all related materials shall be taken out of the service file of the employee.

Chapter (7)

Referral at the Disposal of the Service

Article (167)

The General People's Committee may refer the employees who receive their salaries from the Public Treasury upon the cancellation, merge, or reorganisation of administrative units or the revision of their cadres. Such referral shall be a referral of employees whose posts were terminated at the disposal of the service.

Article (168)

Referral at the disposal of the service shall be for a maximum period of one year from the date of issuance of the referral decision and may be extended for another year by a decision of the General People's Committee.

The employee shall be entitled to his salary for the duration of the referral at the disposal of the service, with the exception of the allowances associated with the actual exercise of work.

Article (169)

During referral at the disposal of the service, the employee may be reinstated to his original job or any other similar function in the same administrative unit by a decision of the competent authority for the referral.

He may also be reinstated to another post in another administrative unit or in a national company by a decision of the General People's Committee.

All this shall occur on the proposal of the competent authority.

Article (170)

The employees transferred at the disposal of the service shall engage in the training and rehabilitation program prepared by the competent authorities to contribute to their rehabilitation to work in other posts and occupations commensurate with their qualifications, abilities, and professional skills.

Article (171)

The seniority and salary of the reinstated employee shall be determined on the assumption that he will continue to work and no financial differences arising from the referral shall be disbursed.

The duration of the referral shall be calculated within the period calculated in the social security and the security contributions prescribed therefor shall be paid.

Such duration shall not be counted within the period of service for which the employee is entitled to a leave.

Chapter (8) **Final Provisions**

Article (172)

In addition to the reasons provided in Article (42) of this Law, the employee's service shall be terminated for any of the following reasons:

1. Dismissal by disciplinary decision.
2. Loss of Libyan nationality.
3. Marriage to a foreigner, unless authorised by the legally competent authority.
4. Obtain an adequacy report with the grade "poor" twice or "average" three times during the period of service.
5. End of the period of referral at the disposal of the service without return to work.
6. Request of voluntary retirement when the service period reaches twenty years.

Article (173)

An employee may resign from his post and the resignation shall be in writing. The administrative unit shall decide thereon within sixty days from the date of submission. Otherwise, it shall be considered to be accepted.

If the resignation is linked to a condition or limited by a restriction, the service of the employee shall not end, unless the decision to accept the resignation includes an answer to his request.

During the said period, the administrative unit may issue a decision to accept the resignation and postpone its implementation for a period not exceeding six months for reasons related to the work interest, notifying the employee of the same.

The employee shall continue his work until his service is terminated in accordance with the provisions of this Article.

In all cases, if the employee is referred to a disciplinary or criminal trial for facts relating to the service, his resignation may not be accepted before deciding on the case.

Article (174)

1. Notwithstanding the provisions of the previous Article, the employee shall be considered to have resigned in the following cases:
 1. If he is absent from his work without permission or acceptable excuse for more than thirty intermittent days per year, provided he is warned in writing after his absence for fifteen days.

2. If he does not start the work of his new post without an acceptable reason within one month from the date of being informed of the decision to fill such post.
 3. If he ceases to work without permission for fifteen consecutive days, even if the absence is after an authorised leave.
2. The employee shall not be considered resigned if, within ten days from the date of expiry of the period specified in the said items, he provides an excuse for his absence and such an excuse is accepted. In this case, the employee shall be entitled to his salary for the period of absence if he has a balance of annual leave, from which such period shall be deducted. Otherwise, he shall not be entitled to his salary.

Article (175)

Subject to Articles (13) and (24) of this Law, the General People's Committee shall determine the time and number of official working hours.

The competent General People's Committee shall determine different working times if the nature of the work in the administrative unit requires following a special system, provided this does not exceed the limit provided for in the said two Articles.

Employees may be assigned to work outside the official working hours if the work interest so requires, in accordance with the controls provided for by the Executive Regulations.

Article (176)

A Personnel Committee shall be established in each administrative unit by a decision of the competent General People's Committee.

The Executive Regulations shall specify the powers, functions, work system, and adoption of the minutes of the Personnel Committee.

Article (177)

Employees subject to the provisions of this Part shall be subject to the performance assessment system. The Executive Regulations shall specify the procedures and basis regulating such assessment.

Article (178)

The solar year shall be the basis to calculate the period of experience, seniority, leaves, and other professional matters. Any part of the month that exceeds fifteen days shall be considered a full month.

Article (179)

The inventions created by the employee during the performance of his job or because of his job shall be the property of the State in the following cases:

1. If the invention is the result of experiments in the employee's workplace.
2. If the invention is within the scope of the duties of the job.
3. If the invention is related to the security affairs of the State.

In all cases, the employee shall have the right to an award that shall be evaluated based on encouraging research and invention.

Article (180)

The administrative unit shall announce the final decisions issued on the employees thereof and present the seniority record prepared annually at the unit to the employees before proposing them for promotion during the fiscal year.

Article (181)

The decisions issued to fill public posts and other decisions related to professional affairs shall be void in the following cases:

1. If the employee is in breach of any of the conditions prescribed to fill the post and obtain promotion in accordance with the laws and regulations in force.
2. If the decision is issued as a result of the use of a means of fraud or other means of deception.
3. If the decision is issued by a party not competent to issue it.
4. If the decision is based on incorrect information and data.

The decisions shall be withdrawn by the authority that issued them. Such decisions shall not be protected by the passage of time or by the fulfilment of the conditions required after their issuance, without prejudice to holding the person responsible for their issuance accountable disciplinarily in accordance with the provisions of this Law.

Article (182)

The principle of filling public posts shall be based on eligibility, entitlement, and merit. The salaries, bonuses, allowances, or financial benefits of the job shall be payable on the basis of the salary of the employee according to the salary scales established by the General People's Committee and on the basis of job descriptions and performance rates. In employment and entitlement to salary and associated benefits, there shall be no discrimination based on gender, age, nationality, religion, colour, or race.

Salary differences shall be calculated on the basis of the public service provided by each employee.

Article (183)

The employees of the competent authority appointed by a decision of the General People's Committee upon the proposal of the competent secretary shall perform the works of labour inspection on all the administrative units. The employees authorised to inspect shall have the status of judicial police officers.

A decision of the competent authority shall determine the job inspection system, the terms of selection of the inspectors, and their duties and remuneration.