

**Act No. 12 of 1378 (after the death of the Messenger, coinciding with AD 2010)  
promulgating the Labour Relations Act**

In application of the decisions of the basic people's congresses in their annual meeting of 1377 (after the death of the Messenger), and having examined the following:

- the Declaration on the Establishment of the Authority of the People;
- the Great Green Charter of Human Rights in the Era of the Masses;
- Act No. 20 of AD 1991 on the Promotion of Liberty;
- Act No. 1 of 1375 (after the death of the Messenger) concerning the Rules of Procedure of the People's Congresses and People's Committees;
- the Labour Code, No. 58 of AD 1970, and the amendments thereto;
- the Commercial Code and the amendments thereto;
- Act No. 65 of AD 1970 on determining specific rules for traders and commercial companies and the supervision of these companies;
- the Civil Service Act, No. 55 of AD 1976, and the amendments thereto;
- Act No. 93 of AD 1976 on industrial security and workers' safety;
- Act No. 15 on the national workers' pay system in the Libyan Arab Jamahiriya and its amendments;
- Act No. 3 of AD 1985 on rules for purging administrative bodies;
- Act No. 9 of AD 1985 concerning special provisions for cooperatives and the amendments thereto;
- Act No. 22 of AD 1985 on combating abuse of position or occupation and deviation of the work of promotion of the people, and the amendments thereto;
- Act No. 1 of AD 1987 on provisional appointment;
- Act No. 8 of AD 1988 on certain provisions concerning economic activity;
- Act No. 22 of AD 1979 on industrial organization;
- Act No. 10 of AD 1423<sup>1</sup> on the purge;
- Act No. 19 of AD 1428<sup>2</sup> on the organization of services provided by administrative units to their members;

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<sup>1</sup> [Translator's note: Sic original.]

<sup>2</sup> [Translator's note: Sic original.]

- Act No. 23 of AD 1428<sup>3</sup> on trade unions and occupational federations and associations;
- Act No. 6 of AD 1430<sup>4</sup> on the participatory system in the fields of education and health and the amendment thereto;
- Act No. 21 of 1369 (after the death of the Messenger) on certain provisions concerning the practice of economic activities, amended by Act No. 1 of 1372 (after the death of the Messenger);
- Act No. 26 of 1369 (after the death of the Messenger) on certain provisions concerning the public service;
- Act No. 3 of 1374 (after the death of the Messenger) on public sector companies;
- Act No. 2 of 1375 (after the death of the Messenger) on organization of inspection and people's oversight; and
- Act No. 3 of 1375 (after the death of the Messenger) on the establishment and organization of the Financial Audit Office;

the General People's Congress has established the following Act:

### **Section 1**

Labour relations in the Socialist People's Libyan Arab Jamahiriya shall be governed by the provisions of the attached Act.

### **Section 2**

The implementing regulations under this Act shall be issued by the General People's Committee and shall contain the implementing provisions under the Act, in particular:

1. definition of the powers of persons in senior management and supervisory posts in the event of emergencies and disasters;
2. rules and regulations governing the leave provided for in this Act;
3. rules and regulations concerning training, incentives and productivity bonuses;
4. penalties for failure to execute transfers;
5. filling of the posts of persons on secondment or detachment on a full-time basis;
6. part-time employment of women;
7. percentage of posts to be allocated to the disabled;
8. rules for delegation of authority;
9. standards and criteria for the establishment of salary scales;
10. procedures for the submission of conflicts to conciliation and arbitration councils;
11. statutes of the Social Solidarity Fund;
12. definition of forced labour and other types of work it includes.

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<sup>3</sup> [Translator's note: Sic original.]

<sup>4</sup> [Translator's note: Sic original.]

Pending the enactment of these regulations and the decisions provided for in the Act, the regulations and decisions in force shall apply, in so far as they are not contrary to its provisions.

**Section 3**

The General People's Committee shall promulgate an order to establish and define the type of records, ledgers, notifications, notices, communications and forms required for the application of this Act.

**Section 4**

The Labour Code, No. 58 of AD 1970, Act No. 55 of AD 1976 and Act No. 15 of AD 1981, all of which are mentioned above, as well as any provision contrary to the provisions of this Act, shall be repealed.

**Section 5**

This Act shall be published in the Legislative Code and shall enter into force on the date of publication.

THE GENERAL PEOPLE'S CONGRESS

Issued in Sirte

On 13 Safar 1378 (after the death of the Messenger)

Coinciding with 28 (Ay Annar [*January*])

AD 2010

## INTRODUCTORY CHAPTER

### **Section 1**

Labour relations between citizens in the Great Socialist People's Libyan Arab Jamahiriya are free and aimed at eliminating wage slavery and allowing partnership among citizens, as well as with non-Libyans, in the economic unit they establish.

As an exception to this rule, work may be performed against remuneration in the public service or if the employer prefers not to engage in partnership, in accordance with the provisions of this Act.

### **Section 2**

In the Great Jamahiriya, employment is a right and a duty for all citizens, men and women, and is based on the principles of equal opportunity between citizens or between citizens and non-nationals legally residing in the Great Jamahiriya. Coercion, forced labour and all other aspects of injustice and exploitation are categorically prohibited.

### **Section 3**

Posts and occupations in all workplaces and production centres shall be filled on the basis of the criteria of qualification, aptitude, ability and merit and candidates shall be selected with impartiality, transparency and fairness. Favouritism, nepotism or discrimination on the grounds of trade union affiliation, social origin or any other discriminatory basis are prohibited.

### **Section 4**

With the exception of workers governed by special laws or regulations, as well as those working in family enterprise (spouses, ascendants and descendants), the provisions of this Act shall apply to all labour relations in the Great Jamahiriya which are established by regulation, contract or partnership, irrespective of whether the remuneration is in the form of a share in the returns of the economic activity or a sum of money.

### **Section 5**

For the purposes of the application of this Act, and unless otherwise indicated, the following terms and expressions shall have the meanings assigned hereby to each of them:

**GREAT JAMAHIRIYA:** the Great Socialist People's Libyan Arab Jamahiriya

**ECONOMIC UNIT:** a structure set up by partners to perform an economic activity as a partnership [*tasharukiya*],<sup>5</sup> company, factory or any other type of structure.

**ADMINISTRATIVE UNIT:** a public legal entity set up by the General People's Congress or the General People's Committee.

**EMPLOYER:** any natural person or legal entity, public or private, employing one or more workers against remuneration.

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<sup>5</sup> [Translator's note: May be translated as "partnership". CF. "Tasharukia [...] is a special type of partnership recently created under Libyan Law." Footnote 4, p 206, *Yearbook of Islamic and Middle Eastern Law*, Vol. 10 (2003-2004). Found on Google, 6 Jan. 2011.

**PARTNER:** any natural person who contributes through their work, financial resources or both to an economic unit.

**PARTNERSHIP:** any economic activity in which more than one natural person participate by mutual consent. Such participation shall be through work or through both work and financial resources.

**WORK:** any effort, mental or physical, temporary or permanent, which is exerted in return for remuneration.

**FORCED LABOUR:** any work or service which is exacted from any person under threat and for which the said person has not offered himself voluntarily. The following types of work are excluded:

- (a) any work or service exacted in virtue of national or military service laws;
- (b) any work or service which forms part of the normal civic obligations of citizens and community members and minor community services performed by community members in the direct interest of the community;
- (c) any work or service exacted from any person as a consequence of a conviction issued by a competent court of law, provided that the said work or service is carried out under the supervision and control of the public authority concerned;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as flood, fire, famine or the propagation of a disease or an epidemic;

**POST:** A set of functions, duties, responsibilities and powers listed numerically in the administrative unit's staff structure.

**WORKER:** any natural person who undertakes to perform work under the supervision and control of an employer in return for a wage either in the form of a production share or a sum of money.

**EMPLOYEE:** any person holding a post on the staff of an administrative unit.

**ADOLESCENT WORKER:** any natural person aged over 16 but under 18 years.

**HOURS OF WORK:** time during which a worker or employee is required to make his services available to an employer, including rest and meal times.

**TEMPORARY WORK:** work that requires, by virtue of its nature, a limited time to be completed, which does not exceed six months.

**CASUAL WORK:** work which, by its nature, is not part of the regular activity of an employer and which does not last more than six months.

**SEASONAL WORK:** work carried out during a specific season or time of the year and which does not require more than three months for completion.

**NIGHT WORK:** work performed between sunset and sunrise.

**OVERTIME:** work performed after regular hours of work as established by law.

**EMPLOYMENT CONTRACT:** any agreement between an employer and a worker, whereby the worker undertakes to work under the employer's direction or supervision against a share in production or services or against a sum of money.

**REMUNERATION:** compensation received by a worker in return for his work, as a share of production or service or a sum of money and in addition to other allowances, bonuses and other benefits due to him under the legislation in force.

**BASIC SALARY:** monetary compensation paid, according to the salary scale in force, for the post held by an employee in an administrative unit and which is commensurate with the work carried out in the performance of the duties and the level of the responsibilities inherent in the task.

**SALARY:** the basic salary plus the various allowances, benefits, incentives, bonuses and other financial increments prescribed by the legislation in force and which are paid directly or indirectly by the employer.

**OCCUPATIONAL INJURY:** an injury sustained by a worker or an employee as a result of work, or which occurs during his work or because of it. This includes injuries sustained while commuting to and from work, provided that the commute occurs without delay and by the most direct route. It also includes any occupational disease provided for in the implementing regulations.

**OCCUPATIONAL GROUP:** the framework in which the principal managerial or specific functions are classified. Each principal occupational group is composed of a group of specific posts of similar type of work but which differ in terms of responsibilities and duties. The specific group represents the normal progression of grades for promotion from one post to another.

**PEOPLE'S COMMITTEE:** the People's Committee in the public administrative unit.

**COMPETENT AUTHORITY:** the sector responsible for labour, training and employment or the person vested with its authority.

**COMPETENT SECRETARY:** the Secretary of the General People's Committee for the competent sector concerned or the person vested with his authority.

**PART I: GENERAL AND COMMON PROVISIONS**  
**Chapter 1**  
**Employment offices**

**Section 6**

The employment offices are responsible for organizing and assisting jobseekers in finding work.

Every citizen who is able, qualified and wishing to work shall register, either through a computer-assisted system or through the employment office located in the area of his domicile, in the jobseekers' database, indicating his age, occupation, qualifications, sex, address, and any previous experience, in addition to any other information that may be requested.

The competent office shall enter the application in the data base and classify it according to qualification, specialization and sex. The employment office shall provide the applicant with a jobseekers' card bearing the date of registration.

Employment offices shall not be allowed to receive any remuneration from jobseekers for such services provided.

**Section 7**

An employer may employ a worker through an authorized legal entity, which shall verify his qualifications and experience, and exclude him if he proves not to be qualified. The entity shall guarantee the worker's rights and ensure that the employer signs the contract with him directly, pays him the same wage paid to the other workers he employs and who perform work of the same value, and that he treats him and all the other workers on the same footing in regard to all their rights.

**Section 8**

All employers shall notify the employment offices located in their respective areas of their needs and shall accept those workers assigned to them according to their requests.

The competent authority shall issue a decision setting out the rules for the announcement of vacancies and the conditions for filling them.

No employment contract or assignment shall be accepted unless the worker concerned has been registered in the jobseekers' register in an employment office and provided with a valid jobseeker's card.

**Section 9**

Non-nationals shall not be allowed to work without the prior approval of the competent authority. Employers shall not recruit non-nationals from abroad, hire them or allow them to work without the prior approval of the competent authority. The latter shall set out in a decision the rules and conditions for recruiting workers from abroad and determine the occupations and professions to which non-nationals may be admitted.

**Section 10**

The employer shall keep a file for each worker indicating the worker's name, occupation, marital status, identity card number, address and remuneration, as well as a copy of his employment contract and other supporting documents. The records shall also show the leave taken by the worker, bonuses and type of tasks performed by him, as well as any penalties imposed.

## **Chapter 2**

### **Organization of work and employment**

#### **Section 11**

A worker or employee shall abide by the terms of all the legal provisions, regulations and instructions regulating the performance of his duties, and shall in particular:

1. personally perform the work assigned to him, correctly and honestly, and dedicate his working hours to carrying out his duties. The worker shall work after official working hours if so instructed by his employer, should the interests of the work so require;
2. attend training provided by his employer and abide by the relevant directives;
3. follow the instructions of his employer within the purview of his duties, and respect work instructions, provided that they do not violate the terms of his contract, the law, regulations or public morals or expose him to danger;
4. take proper care of all tools, equipment, documents or other items provided for the performance of his work, use them to perform the work assigned to him and return them after completing his task;
5. observe professional confidentiality even after the termination of his period of service;
6. observe working hours;
7. show respect for his superiors and colleagues and cooperate with them;
8. treat the public with respect and complete their transactions on time;
9. observe the administrative hierarchy in his working relations;
10. seek to develop his occupational and scientific skills and capacities, and inform himself of and comply with laws, regulations and instructions related to his work. He shall present any proposals he deems useful for the improvement
11. of working methods and of his performance;
12. observe regulations relating to safety and security at work and comply with the instructions issued to safeguard workers' health and protect them against injuries;
13. uphold the honour and dignity of his profession, and abide by its code of ethics;
14. provide any assistance or help required in the event of disasters and catastrophes that threaten the workplace and its employees, without demanding any remuneration for such assistance;
15. start his job within one month of completing his studies, training, secondment, detachment on a full-time basis, popular mandate or release from national service if such assignments exceed one year, and within one week if the assignment is shorter, unless the employer allows him additional time;
16. inform himself of the rules and procedures at work and keep track of any changes;
17. undertake to provide his employer with any change in his residence address.

#### **Section 12**

No worker may perform, personally or through another, any work that is prohibited or forbidden by the law, rules or regulations in force, and specifically:

1. perform work, whether remunerated or not, for another person without the prior authorization of his original employer;
2. accept gifts, etc. in any form for the performance of his duties;
3. use his position, directly or indirectly, for his own benefit or that of others, or for any acts of favouritism or nepotism;
4. purchase any movable or immovable property put up for sale by the judicial or administrative authorities if these are connected to his functions;



5. perform any commercial work, or participate in public auction or tenders or contracting work if it is connected to his functions;
6. rent property or movables for use within the purview of his duties;
7. use work tools and equipment for his personal benefit;
8. be susceptible to influence;
9. retain in his possession without authorization any official document, remove such documents from their proper files, or take a document or file outside the work premises without authorization,;
10. commit or incite to commit an act which is deemed to be sexual harassment;
11. disregard industrial security and public safety measures at the workplace;
12. draft, publish or distribute articles or pamphlets of a political nature which are contrary to the aims of the State or the basic principles of society, or to incite the public in such a direction.

### **Section 13**

Weekly hours of work shall not exceed 48 hours, and a maximum of ten hours a day. Hours of work may be reduced for certain categories of workers in industry or activities which shall be defined in a decision issued by the General People's Committees, based on a proposal from the competent authority.

### **Section 14**

Every worker or employee shall be entitled to paid weekly rest, which shall fall on a Friday, of not less than 24 hours.

Exceptionally, and in cases where a worker is employed in remote locations or far from built-up areas, or if he is employed in work which by its nature or circumstances requires continuous presence, the worker's weekly rest days and official holidays may be grouped together, provided that his total leave does not exceed eight weeks.

### **Section 15**

The provisions of sections 13 and 14 above shall not apply to work in the event of emergencies at the workplace, to prevent serious accidents, to repair the resulting damage or to avoid imminent loss of perishable goods, provided that the competent employment office must be informed within 24 hours of the emergency and the time required for completing repair work.

The abovementioned provisions shall not apply to cleaning staff at the workplace, to watchmen, shift workers or persons working to meet a public need. The General People's Committee shall, on the basis of a proposal from the competent authority, publish special regulations organizing their work.

In all cases, the average number of working hours per week over a period of three weeks shall not exceed eight hours a day or 48 hours a week.

### **Section 16**

If a worker or employee is employed on his weekly day of rest he shall be granted a rest day in lieu within the next three days, or he shall be paid, in addition to his basic wage, double time for each hour's work on his day of rest. If, owing to the pressure of work, the worker is required to work overtime, he shall be paid an additional sum of not less than 50 per cent of his ordinary wage, provided that overtime hours of work do not exceed three hours a day.

**Section 17**

Daily hours of work shall include prayer, rest and meal times of not more than one hour, and due note shall be taken of the fact that a worker shall not work continuously for more than six hours.

The competent authority shall issue a decision in which they determine those cases and activities which, for technical or operational reasons, work is performed without pause and shall also determine arduous and difficult work in which rest periods shall be calculated as part of effective working hours.

**Section 18**

A consultative committee shall be established with the mandate of making recommendations and advising on labour matters. The committee shall deal with the following matters in particular:

1. proposals concerning labour legislation;
2. proposals concerning the functioning of work and upgrading of production efficiency;
3. improvement of working conditions;
4. oversight of vocational training policy in accordance with the general levels established for industry;
5. organization of labour relations between workers and employers and facilitation of opportunities for cooperation between the parties.

**Section 19**

By virtue of a decision by the General People's Committee, on the basis of a proposal from the competent authority, a consultative council entitled "Consultative Council for Labour Remuneration" shall be established with the mandate to propose the general policy on labour remuneration and to determine the levels of remuneration.

The Council shall be composed of a delegate of the competent authority as president and representatives of trade union organizations, employers and workers as members.

The competent authority shall issue a decision to set up the programmes of work and meetings of the Council, define how its recommendations shall be made and determine the term of office of its members.

In its recommendations, the Council shall be always guided by custom, justice and the general social and economic situation; it shall aim to increase production and guarantee wages in order to meet workers' basic needs.

**Section 20**

The General People's Committee, on the basis of a proposal from the competent authority and a recommendation of the competent consultative council, may set or amend by decision the minimum remuneration for work .

**Section 21**

There shall be no distinction in remuneration for work of the same value on the basis of sex, race, religion or colour.

**Section 22**

If a worker by his own fault causes the loss, damage or destruction of any materials, tools or products owned by the employer, or of any other materials in his custody, he shall be required to pay the compensation due. A committee established by decision of the competent authority in each employment office shall make an estimation of the compensation due. The

composition and functions of the committee, and means of appeal against its decisions, shall be set out in the implementing regulations.

### **Section 23**

Employers shall undertake to provide workers employed in remote locations, far from built-up areas, as well as in mines, oil prospecting, drilling and exploitation or investment plants, with transport to their place of work. The employer shall also provide the workers with suitable housing facilities and three meals a day served in special premises prepared for the purpose, in accordance with the implementing regulations.

The General People's Committee shall set the conditions and specifications for the housing facilities referred to above and the share of expenses to be borne by the workers; it shall also prescribe the type and quantity of food for each meal and the workers' share of the costs.

In all cases, a worker may not waive his entitlement to meals in return for a cash payment.

## **Chapter 3**

### **Employment of women and young persons**

#### **Section 24**

Women workers shall not be employed in types of work that are unsuited to their nature as women, to be defined in regulations issued by the General People's Committee. There shall be no discrimination between men and women in treatment, employment or remuneration for work of equal value. Women workers' hours of work may be reduced for certain professions and occupations determined by the General People's Committee, taking into account the requirements of the work and the proportion of male and female workers, as set out in the implementing regulations under this Act.

#### **Section 25**

A woman worker is entitled to 14 weeks of paid maternity leave on presentation of a medical certificate indicating the presumed date of confinement. The period of leave shall include a compulsory postnatal period of not less than six weeks. If the woman is delivered of more than one child, her leave shall be extended to 16 weeks.

An employer shall not terminate a woman's employment while she is pregnant or on maternity leave except for justifiable reasons that are not connected to her pregnancy, confinement and their complications or breastfeeding.

During the eighteen months following her confinement a woman worker shall be entitled to one or more nursing breaks of not less than an hour in total, which shall be considered as paid hours of work.

#### **Section 26**

An employer who employs women workers with children shall be required to provide a nursery for their children. More than one employer may collaborate to provide a nursery for their women workers' children.

The regulations under this Act shall lay down the terms and conditions for the organization of women's work.

#### **Section 27**

Young persons under the age of 18 shall not perform any type of work.

Notwithstanding the terms of the previous paragraph, a young person who has reached the age of 16 years may be employed, provided that his health, safety and moral situation are preserved and that his work is for the purposes of an apprenticeship or vocational training.

### **Section 28**

An adolescent shall not be required to work for more than six hours a day, which shall include one or more breaks for rest and meals of not less than an hour in total, so that the adolescent does not work more than four continuous hours.

An adolescent shall not be required to work on weekly days of rest or official holidays or during the night.

The General People's Committee shall determine the activities and jobs in which an adolescent may be employed, and the procedures, terms and conditions of employment, as well as the types of work in which they shall not be employed.

### **Section 29**

An employer who employs one or more adolescents shall post in the workplace a copy of the special rules governing the employment of adolescents; he shall also inform the employment office of their names, ages, date of employment and type of work they are required to perform. The employer shall post in a conspicuous place in the workplace a schedule of hours of work and periods of rest for adolescent workers.

## **Chapter 4**

### **Leave**

#### **Section 30**

Every worker is entitled to 30 days of leave annually. Workers who have reached the age of 50 or have completed 20 years of service are entitled to 45 days.

No worker or employee may waive his leave entitlement, be prevented from taking leave, postpone it or have his leave interrupted unless the interests of work so require or he so wishes.

In all cases, a worker or employee shall be entitled to an annual period of 15 days of continuous leave.

#### **Section 31**

A worker or employee is entitled to take compassionate leave for emergencies when he is unable to obtain prior authorization from his employer, provided that he presents, on his return, justified reasons for his absence.

Emergency leave shall not exceed three days at a time, or 12 days a year. Such leave shall not be carried over and shall not be considered part of annual leave.

#### **Section 32**

A worker or employee is entitled, on termination of his service, to receive monetary compensation calculated on the basis of his wages for annual leave not taken for work-related reasons.

A worker or employee shall not be entitled to receive monetary compensation for annual leave not taken voluntarily for more than six months.

#### **Section 33**

A worker or employee shall be entitled to paid sick leave of not more than 45 consecutive days or 60 non-consecutive days per year.

Sick leave shall be granted on the basis of a medical report issued by an accredited physician. If a worker or employee falls ill while abroad, his leave shall be granted on the basis of a certificate issued by a physician certified by the Political Mission of the Great Jamahiriya, or certified by an authority representing the mission.

Should the sick leave granted in a year exceed the duration prescribed above, the matter shall be submitted to the competent medical committee and the provisions of the Social Security Act shall apply.

In all cases, in accordance with this provision, a worker or employee shall not be granted more than three months of sick leave a year.

#### **Section 34**

A worker or employee is entitled to special leave on full pay in the following cases:

- a) for 20 days to go on pilgrimage (Hajj); such leave is granted once in the entire period of employment;
- b) for two weeks, on his marriage; such leave is granted once in the entire period of employment;
- c) for a working woman for four months and ten days on the death of her husband; and
- d) to sit for school examinations, for the duration of the examination period.

#### **Section 35**

An employer may grant a worker or employee, on the basis of a decision, leave without pay according to the circumstances and terms set out in the implementing regulations.

#### **Section 36**

Without prejudice to disciplinary action, a worker or employee shall have deducted from his pay a sum equivalent to the number of days he has been absent from work without authorized leave.

### **Chapter 5 Health care and social welfare**

#### **Section 37**

An employer shall carry out a medical examination of any person it intends to hire, prior to his admission to employment, to ensure that he is healthy and physically fit for the type of work he is to perform. The employer shall periodically carry out medical examinations of all its workers for the continuous protection of their health and physical fitness.

The implementing regulations shall indicate the authority competent to carry out such examinations and shall determine the levels of fitness levels and mental and psychological criteria on which such examinations are based.

#### **Section 38**

Without prejudice to any other legal provisions, employers shall ensure the necessary insurance coverage for their workers and employees against occupational diseases and hazards and shall provide them and the members of their families with the necessary health care and social protection.

#### **Section 39**

An employer shall provide training for workers or employees in the proper methods of performing their work. He shall inform them of any risks involved before they start work and shall require them to use appropriate protective equipment to be provided by him. An employer shall not charge his workers or deduct any expenses for providing such equipment.

The employer shall take all the necessary precautions to protect workers from health risks or occupational hazards while performing their work.

A worker shall use the necessary protective equipment and take care of it. He shall comply with the occupational health and safety instructions to avoid injury; he shall not commit any act that would prevent or hinder the execution of instructions, or misuse or damage the means provided for workers' protection and safety.

#### **Section 40**

An employer shall inform the employment office in writing within 48 hours of any accident causing the death or incapacity of a worker.

#### **Section 41**

A social provident fund may be established at the workplace and financed in part by annual employer contributions from the regular budget, with the remaining amount being financed by participant's contributions.

### **Chapter 6 Termination of service**

#### **Section 42**

The services of a worker or employee may be terminated for one of the following reasons:

1. He has reached the statutory retirement age.
2. He is physically unfit.
3. He resigns.
4. He has been sentenced in court for a crime or for a crime or misdemeanour involving an offence against honour, integrity or security. Nevertheless, if he receives a suspended sentence, this shall not terminate the worker or employee's employment, without prejudice to disciplinary liability if applicable.
5. Death.

#### **Section 43**

A worker or employee's service shall be terminated when he reaches the age of 65 solar calendar years for a man and 60 for a woman and for workers in occupations or trades that are hazardous to health prescribed in the relevant regulations.

Certain posts, occupations and categories may be excluded from the age of termination of service, in accordance with the conditions and criteria established by the implementing regulations under this Act.

#### **Section 44**

A worker or employee shall be examined by a medical committee upon his request or that of his employer. If he is found to be unfit for his job or any other occupation, his employer shall decide to terminate his service as of the beginning of the month following the date of the medical committee report, without prejudice to the worker's entitlement to the indemnity stipulated in section 78 of this Act.

#### **Section 45**

The employer shall provide a worker or employee on termination of service with a certificate indicating the dates of employment and termination, the type of work he performed and, if the person so requests, the wages received and benefits, if any.

## **Chapter 7**

### **Common provisions**

#### **Section 46**

An employer shall take all the necessary measures to safeguard worker and employee safety and health during the performance of tasks undertaken under his supervision. The employer shall ensure the observance of good conduct, morality, safety and ethics in the enterprise.

The employer shall inform workers and employees in writing, when they are hired, of the requirements regarding the following matters and any changes introduced:

- the internal work rules;
- hours of work;
- modalities of implementation of weekly rest;
- legal requirements and measures for maintaining safety, health and protection from occupational hazards;
- the insurer against work-related injuries and occupational diseases;
- the social security fund registration number.

#### **Section 47**

In cases where a worker's remuneration is a share of production or service revenues, the employer may pay the worker a cash remuneration every month or part thereof, to be agreed upon, to cover his and his family's daily expenses. This shall be calculated, as other expenses, as part of production costs and deducted from the income to be distributed at year's end, or on completion of the production process.

#### **Section 48**

The employer shall provide staff with a sufficient number of toilet facilities. If employees of both sexes are employed in the same workplace, he shall provide a number of toilet facilities for the women workers that are separate from those for the men.

#### **Section 49**

The dissolution, liquidation, bankruptcy, merger, transfer of ownership to another party through any action, or change of employer for any reason shall not prevent the fulfilment of the obligations laid down in this Act.

With the exception of cases of liquidation, bankruptcy or final closure, employment contracts shall remain valid for their stipulated duration. The previous employer shall be jointly and retroactively responsible for one year for executing all prior obligations arising from the said contracts.

#### **Section 50**

Remuneration due to a worker or employee shall not be attached by more than one quarter, priority being granted to alimony debts.

An employer shall not deduct more than one quarter of a worker's remuneration in settlement of loans made to him by the employer. The employer shall not charge any interest on such loans. An exception shall be made for mortgage loans provided by banks and similar institutions.

#### **Section 51**

All national or foreign employers in the different activities shall endeavour to employ nationals and provide means for their continued employment. They shall be provided with appropriate opportunities to prove their competence at work through guidance, training and

instruction in the tasks assigned to them. Nationals shall not account for less than 75 per cent of the workforce of these enterprises.

If so required by the public interest, this percentage may be temporarily reduced in certain enterprises by decision of the competent authority, when the necessary qualifications and technical skills are not available among nationals.

### **Section 52**

All employers in both the public and private sectors, national and foreign, shall, upon commencing work on any project or activity, inform the employment office in writing of the following:

- a) The name of the enterprise, type of enterprise, headquarters, business address and any contact information.
- b) The economic activity the enterprise is licensed to practice, license number, date and issuing authority. A copy of the license shall be attached to the written notification.
- c) The number of workers or employees to be employed in the enterprise and the skills required.
- d) The name of the person in charge of the administration and legal representation of the enterprise
- e) Any other information requested by the competent authority.

### **Section 53**

If the acts allegedly committed by the worker or employee constitute a criminal offence, the Office of the Public Prosecutor shall be informed. A decision not to prosecute, failure to bring charges or acquittal of the worker or employee do not preclude disciplinary action.

The Public Prosecutor shall inform the employer of any action taken against the worker or employee.

## **PART II: PARTNERSHIP RELATIONSHIPS**

### **Section 54**

Male and female partners shall enjoy equal rights and duties, due account being taken of the female partner's rights owing to her specific nature, for example during pregnancy, confinement and maternity leave.

### **Section 55**

The partners shall distribute duties and tasks among themselves so that each partner performs the work assigned to him in such a way as to ensure that the economic unit fulfils the purpose for which it was established. Each partner shall be jointly liable to the other partners for any damage they may incur owing to his negligence or failure to carry out his assigned task.

### **Section 56**

The partners shall select from among themselves a person to manage the economic unit, due account being taken of competence and experience. The partners may agree by consensus, and under the terms of the contract binding them, to appoint an external manager.



**Section 57**

The economic unit shall have administrative and financial regulations prescribing working hours, rest days, annual holidays and all other matters relating to the activities of the unit. The regulations shall be approved by the competent authority.

The partners shall determine and organize weekly rest and annual leave in a manner that is not contrary to the provisions of this Act.

**Section 58**

The partners may decide, when they so wish, to admit new members. The requirements for admitting new members shall be determined by the statutes.

**Section 59**

The partners may hire other persons for remuneration, to be determined in the employment contract, in order to carry out specific tasks that are not part of the core activity or tasks of the economic unit. They can also hire other persons for remuneration in cases in which a partner prefers not to join the partnership, provided that he, of his own free will and without coercion, submits a written statement clearly indicating his desire not to be a partner and his preference to work for remuneration on the basis of a written employment contract approved by the competent authority.

The provisions of Parts I and III of this Act shall apply to persons who have agreed to work for remuneration.

**Section 60**

The partners may decide, by a majority decision, to dismiss any partner for reasons related to breach of the obligations set out by law or in the partnership contract, as well as for other reasons laid down in the relevant legislation. The partner to be expelled shall not be included in that majority.

**Section 61**

A partner whose partnership has been terminated may appeal to the courts.

**Section 62**

In the event of the death of a partner, the economic unit shall continue to operate. His heirs may claim his share and any unpaid benefits accruing to him prior to his death. The partners shall be free to continue their partnership or to terminate it; provided that this shall not affect the partnership's activity.

**Section 63**

In the event of termination of a partnership for any reason, the share of the person whose partnership has ended shall be liquidated on the basis of the last budget for the financial year in which the partnership was terminated, due regard being given to the applicable legislation.

**Section 64**

A partner who terminates his partnership shall be responsible for meeting all of his obligations.

**Section 65**

In accordance with the applicable legislation, partners shall provide protective and occupational safety equipment to protect themselves and employees working under contract against occupational accidents and diseases.

**Section 66**

Partners contributing their work, or work and capital, shall join an insurance scheme against sickness, industrial accidents, occupational diseases and old age.

**PART III: CONTRACTUAL RELATIONSHIPS****Chapter 1****The employment contract****Section 67**

The employment contract shall be drawn up according to a model established by the competent authority. The contract shall not enter into force until it has been endorsed by the competent authority, which shall ensure that it complies with the stipulated legal form and that its terms are in conformity with this Act. The contract shall contain all the necessary particulars to define the rights and obligations of the parties. It shall be drawn up in writing in Arabic and in triplicate, one copy to be handed over to each party and the third to be retained by the competent employment office.

If a contract is not drawn up, the worker may assert his rights by all means available.

Individual contracts of employment are not subject to registration fees.

**Section 68**

An employer shall not depart from the terms of the contract or require the worker to perform duties other than those stipulated in the contract, except in emergencies to prevent or to remedy an accident or in cases of force majeure. Such work shall only be temporary; an employer may require a worker to perform other work if it does not differ substantially from that originally stipulated.

Unless they are more favourable to the worker, any terms in a contract of employment contrary to the provisions of this Act, even before its entry into force, shall be deemed null and void.

**Section 69**

The probation period shall be 30 effective working days from the date on which the worker begins work. Unless a decision is made during the period to rescind the contract, the worker shall be confirmed in his post.

**Section 70**

A contract of employment may be concluded for a fixed term, for a specific task or for an unspecified period. If the contract is for a fixed term and both parties continue to execute it after the expiry of the initial period without express agreement on renewal, the contract shall be deemed to have been extended for an unspecified period. If the contract is concluded for the performance of temporary, casual or seasonal work, which by its nature is likely to be renewed, and if both parties continue to execute it after the task originally agreed on has been completed, the contract shall be deemed to have been renewed for the time required for the performance of the same work once again.

However, if the contract was drawn up for a fixed term, either specified in the contract or by virtue of the nature of the work itself, it shall not exceed two years and shall be renewable once, after which it shall be deemed to be for an unspecified period.

### **Section 71**

A fixed-term contract shall be terminated, without notification or warning, upon expiry of its term. If a contract is for an unspecified period, either party may terminate it by giving 30 days' notice by registered letter with acknowledgement of receipt. If the notice is addressed to the worker, the employer shall allow the worker at least two hours per day, during effective working hours, during the notice period to search for alternative employment. Should the contract be terminated without giving due notice, the party that terminates the contract shall pay the other party compensation equal to the worker's remuneration for the duration of the notice, or the remainder thereof.

### **Section 72**

An employer may terminate a contract before its expiry, after giving notice to the worker, due account being taken of the provisions of the previous section, in the following cases:

1. If all or part of operations are suspended definitively or for at least two consecutive months.
2. If the work for which the contract was concluded is cancelled for administrative or economic reasons.

The contract shall apply during the notice period and shall be binding on both parties. The employer shall inform the employment office two months prior to termination of a contract of his intention to do so. The office shall then examine the validity of the reasons given.

Without prejudice to the compensation prescribed in section 76, where appropriate, a worker whose contract of employment has been terminated in accordance with the provisions of this section shall be entitled to the indemnity provided for in section 78.

### **Section 73**

An employer may terminate a worker's contract without prior notice, indemnity or compensation in the following cases:

- a) If the worker fails to discharge any of his duties according to his employment contract;
- b) If the worker assumes a false identity or submits false diplomas, statements or information;
- c) If the worker is on probation;
- d) If the worker has committed an error resulting in serious material loss to the employer, provided that the latter notifies the employment office within three days of being informed of the incident;
- e) If the worker has repeatedly failed to comply with the safety instructions required for the safety of workers and employers, provided that such instructions were in writing and posted in a conspicuous place;
- f) If the worker is absent from work without a valid reason for more than 20 days in a year, or for more than ten consecutive days, provided that the employer has given the worker a written warning after ten days of absence in the former case and after five days of absence in the latter, and that a copy is addressed to the employment office;
- g) If the worker has revealed any secrets related to his work;
- h) If the worker has been found to be inebriated or under the influence of psychotropic substances during working hours;
- i) If the worker assaults a chief or a colleague at work or because of work;
- j) If the worker is convicted of an offence against honour, integrity or security;
- k) The employer shall inform the competent employment office of the termination measures and provide a copy of the investigation procedure.

**Section 74**

A worker may, after giving notice to his employer in accordance with section 71, resign from his employment; in that case he shall be entitled to the indemnity provided for in section 78.

**Section 75**

A worker may leave his employment without notice in the following cases:

1. if the employer breaches his basic obligations under the provisions of this Act;
2. if , when hiring the worker, the employer used fraudulent means in concluding the contract in regard to the terms of employment;
3. if the worker is victim of immoral acts committed by his superiors or supervisors;
4. if the worker is assaulted by the employer;
5. If a grave danger threatens the worker's safety or health and the employer was aware of the danger and failed, in due time, to take the safety measures decided or those ordered by the competent authorities.

Without prejudice to any compensation ordered by court decision, if the worker leaves his employment for any of the above reasons, the employer shall pay him the length of service indemnity set out in section 78.

**Section 76**

Without prejudice to sections 71 and 78, if a contract is terminated without reason, the injured party shall be entitled to compensation decided by the court after investigating the causes of termination, due account being taken of the nature of the work, the degree of damage, length of service and custom.

**Section 77**

A worker's contract shall not be terminated by reason of membership of a trade union, participation in trade union activities outside working hours, or during working hours with the employer's consent. A contract shall not be terminated during leave of any kind, or on account of submission of a grievance or for instituting court proceedings against the employer.

In all cases an employer may only terminate a contract on account of the worker's inability to perform his work, lower performance or misconduct, or for reasons connected to the requirements of the job, including restructuring, or on economic grounds. In such cases both the worker's trade union and the competent employment office shall be informed of the termination of contract and the reasons therefore at least one month before the process of termination starts in order to verify the grounds and validity of the termination.

**Section 78**

Subject to the provisions of the international Conventions to which the Great Jamahiriya is a party, a non-national<sup>6</sup> worker shall receive at the end of his service a length of service indemnity 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 year of service thereafter, provided that the worker is not a beneficiary of the social security schemes established pursuant to the legislation in force.

The worker's last remuneration shall be the basis of calculation of his indemnity. A worker shall not be entitled to this indemnity if he terminates his contract without observing the notice period provided for in this Act.

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<sup>6</sup> [Translator's note : here and in section 81, the word "foreign" appears to be out of place, and is perhaps the result of a copy-paste from other legislation.]

**Section 79**

If a worker terminates his contract for a reason other than those provided for in this Act, and without observing the notice period, and if, in violation of the provisions of section 12, he concludes a contract with another employer, that employer shall be jointly liable with the worker for damages incurred by the previous employer. This applies in the following cases:

- if it is proved that the employer has intervened in order for the worker to leave his previous job;
- if the employer hired the worker in full knowledge of the fact that he was bound by an employment contract elsewhere;
- if the employer continues to employ the worker after being informed of his contractual relationship with another employer.

**Section 80**

An employment contract shall be terminated on the death of the worker, if he is incapable of performing his work, or if he contracts an illness requiring him to be absent from work for more than 120 consecutive days or for non-consecutive periods exceeding in total 180 days in a single year.

The worker's incapacity or illness shall be certified by a medical certificate issued by a duly recognized physician.

An employer may not exercise his right to terminate a contract in accordance with the provisions of section 73 during a period of disability or illness referred to in this section, or terminate the contract after such periods if the worker resumes work immediately.

In the event of termination of the contract for one of the reasons mentioned in the first paragraph, the employer shall pay the worker or his beneficiaries the indemnity provided for in section 78. In the event of the worker's death, his beneficiaries shall receive one month's wages in addition to the wages for the month in which the death occurred.

## **Chapter 2**

### **Vocational training**

**Section 81**

An employer shall accept for the purpose of vocational training or learning a trade or a particular occupation within a specific period, a number of jobseekers representing not less than 20 per cent of the total foreign<sup>7</sup> workforce. The employer may finance their training in specialized centres according to the terms and conditions set out in a decision issued by the competent authority.

**Section 82**

The vocational training contract shall be drawn up in Arabic and specify the duration, levels and wages at each grade. Wages at the last grade shall be not less than the minimum wage set for the occupation or craft in which the training is provided.

**Section 83**

An employer may, after obtaining the consent of the employment office, terminate a vocational training contract if he finds that the trainee lacks the ability or aptitude to learn the

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<sup>7</sup> [Translator's note : here and in section 78, the word "foreign" appears to be out of place, and is perhaps the result of a copy-paste from other legislation.]

occupation or trade properly. The trainee may also terminate the vocational training contract, provided that he informs the employer of his decision.

#### **Section 84**

Vocational training contracts shall be subject to the legal provisions relating to compensation for industrial injuries and occupational diseases, as well as the provisions on occupational safety and health, weekly hours of work and rest, annual leave and official holidays.

### **Chapter 3 Domestic service**

#### **Section 85**

A household shall be served by its members; the practice of performing domestic service shall be allowed only in cases of extreme necessity and in the following cases:

1. the incapacity of the mother or the father to perform the necessary care duties as a result of sickness or old age and there is nobody else among the members of the family to provide them with the care needed;
2. if there is a physically or mentally disabled child in the family whom the mother is unable to bring up;
3. if the family has at least seven members;
4. if the mother is working and unable to take care of her family;
5. The existence of one of the aforementioned cases shall be verified by a social and health investigation.

#### **Section 86**

Domestic service includes the following:

1. tasks related to preparing and serving food and beverages;
2. routine domestic tasks necessary to tidy and clean the home;
3. tasks related to personal care of disabled, elderly and sick persons and children;
4. tasks performed by doorkeepers, drivers and launderers.

#### **Section 87**

A person wishing to work in domestic service or similar work shall apply for registration in the competent employment office of his district or that of the district in which he intends to work. The registration application shall be made by filling in the form prepared for the purpose, and the employment office shall provide the jobseeker, free of charge, with a registration certificate on the day on which the application is submitted.

#### **Section 88**

The employment offices shall receive applications from persons wishing to employ others to perform domestic service or similar work in their homes; such applications shall be registered in a special register.

The employment offices shall help the persons registered with them in accordance with the previous section to occupy the vacant positions of which they have been informed.

Recruitment of a domestic or similar worker in a vacant position shall be determined by the match between the jobseeker's situation and the employer's requirements in respect of wage, age, sex, family status and health condition, after that adequate guarantees are in place as required by the circumstances.

**Section 89**

When domestic and similar workers are recruited, the employment offices shall issue those effectively employed with a service card indicating the worker's name, job, age, sex and nationality, the established wage and the name of the employer. The employer shall sign the document and have it endorsed by the competent employment office.

This card shall be issued according to a special form, providing proof of the worker's status and indicating any developments with respect to wages, jobs held and the persons for whom he worked.

**Section 90**

Domestic work shall be performed by virtue of an employment contract concluded between the parties concerned and approved by the competent authority. The contract shall explicitly state the worker's duties and rights and establish the other terms and conditions of employment, as well as the provision of accommodation and meals in the case of full-time service.

**Section 91**

The employer shall, before engaging the domestic worker, verify his identity and inform the competent employment office in his district of all the particulars and information concerning him within three days of the date of his engagement or the date of entry into force of this Act.

**Section 92**

Before starting his work, the domestic worker shall undergo a medical examination. He shall also submit to a medical examination when required by the employer to do so, provided that in the latter case the cost shall be borne by the employer.

**Section 93**

The employer shall treat the domestic worker in a manner consistent with humane treatment and shall not insult or humiliate him by word or deed. An employer shall not employ domestic workers in arduous or hazardous work or in a manner contrary to the conditions laid down in the contract concluded between the parties.

**Section 94**

A domestic worker shall not perform domestic work for another person except with the authorization and written consent of the employer.

**Section 95**

The employer shall not be held responsible for the domestic worker when the latter leaves the premises in which he works for purposes not related to his work and without the employer's authorization.

**Section 96**

An employer may terminate the worker's contract without notice if the latter has committed an offence against honour or integrity or has caused damage or loss of the employer's property.

**Section 97**

The worker shall treat all secrets he may have learned by virtue of his work as confidential; this obligation shall continue after the termination of his service.

**Section 98**

If the worker participates in the social security scheme, the employer shall provide the contributions due in accordance with the provisions of the legislation in force, and shall record everything concerning this matter in the worker's service card.

**Section 99**

The employer shall treat all the domestic workers working for him on the same footing as other categories of workers; all the provisions of this Act shall apply to them, in particular with regard to the following:

1. the right to join the relevant trade unions;
2. coverage by social security;
3. minimum age of employment;
4. weekly rest or leave;
5. maternity protection;
6. minimum wage.

**Section 100**

The employer shall allow labour inspectors to examine the domestic worker's working and living conditions in order to ensure compliance with labour laws and regulations.

**Chapter 4****Labour disputes, conciliation and arbitration****Section 101**

All disputes relating to employment or conditions of work arising between one or more employers and one worker, all the workers or a group of workers employed by the employer shall be settled in accordance with the provisions of this Act. A dispute shall be deemed to be a collective dispute if it arises between the employer and not less than 25 per cent of the total workforce, provided that at least ten workers are involved.

**Section 102**

If a dispute arises between a worker and an employer, the conciliation officer of the employment office shall settle the dispute amicably through negotiation. If no settlement is reached within ten days of referral to the conciliation officer, he shall submit to the director of the competent employment office a detailed written report on the reasons preventing a settlement. In this case, either party to the dispute may file proceedings with the competent court.

**Section 103**

Labour disputes shall be settled by voluntary arbitration at the request of both parties to the dispute. In the absence of agreement to settle the dispute by arbitration, the dispute shall be referred to the conciliation board and the arbitration court provided for in this Act.

**Section 104**

A. A conciliation board shall be set up within the jurisdiction of each court of first instance; it shall be presided by a judge selected in plenary session of the court, and its members shall be one representative each of the employment office, the employer and the relevant trade union. The board may consult the advisers and experts of its choice.



B. The conciliation board shall examine the reasons for the dispute with a view to reaching a settlement within a period not exceeding 15 days from the date of referral. If it succeeds in reaching a full or partial settlement, a report on the points of agreement shall be drawn up and shall have the force of a final and binding decision.

If the conciliation board fails to settle the dispute partially or in full, the points on which agreement has not been reached shall be referred within seven days to the competent arbitration court, accompanied by a full report on the stages and circumstances of the dispute. The parties concerned shall be informed of the referral.

Workers may not refuse to work, even partially, until all conciliation and arbitration procedures set out in this Act have been completed.

### **Section 105**

A. An arbitration court shall be set up within the jurisdiction of each court of appeal; it shall be composed of three counsellors selected in plenary session of the court, as well as representatives of the competent authority, the employer and the trade union concerned, and shall be presided by the ranking counsellor.

B. The arbitration court shall be competent to settle labour disputes referred to it by the conciliation board and shall not charge any fees or expenses. A lawyer may appear before the arbitration court with either party to the dispute.

The arbitration court award shall be binding and shall have the force of a court of appeal judgement.

The implementing regulations shall indicate the nature of disputes and the detailed procedures for their submission to a conciliation board and an arbitration court.

### **Section 106**

The workers shall have the right to lodge complaints and appeals before the regulatory and judicial bodies against the measures taken against them. The implementing regulations under this Act shall set out the conditions and procedures for the exercise of this right.

### **Section 107**

A worker dismissed without just cause may apply for suspension of the dismissal by a request submitted to the employment office within a period not exceeding two weeks from the date on which the employer gives notice of dismissal by registered letter.

The employment office shall take the appropriate steps to settle the dispute amicably. In the event of failure, the matter shall be referred, within a period not exceeding one week from the date of the worker's application, to a judge of summary proceedings of the court within whose jurisdiction the place of employment is located. The memorandum shall be accompanied by a summary of the dispute and the office's comments on the matter.

The clerk of the court shall, within three days of the referral of the application to the court, set a date for a hearing to examine the application for suspension within two weeks of the date of the referral. The employer, the workers and the employment office shall be informed by registered letter, with a copy of the employment office memorandum attached.

The judge shall take a decision on the application for suspension within a period not exceeding two weeks from the date of the first hearing; his decision shall be final. If the judge upholds the application, the employer shall be obliged to pay the worker his wages from the date of dismissal. The judge shall then refer the case to the competent court in whose jurisdiction the workplace is located; this court shall examine the case and decide on compensation, if appropriate, promptly and within a period not exceeding one month of the

date of the first hearing. The court may order the reinstatement of the dismissed worker upon his request in the cases prescribed by law.

### **Section 108**

Actions brought to decide liability for dismissal shall be deemed to arise out of the employment contract, with all the ensuing effects with regard to determination of the competent court to examine the dispute, prescription and application of the rules provided for in Code of Civil and Commercial Procedure regarding appeals against rulings handed down in this matter. An appeal shall be lodged within ten days; the court shall give its decision within a period not exceeding one month from the date of the first hearing.

The application of the provisions of this Act is without prejudice to the worker's right to institute legal proceedings in accordance with the rules, time limits and procedures set out in the Code of Civil and Commercial Procedure.

### **Section 109**

No court fees shall be charged at any stage of court proceedings instituted by a worker, even if he is a trainee, or by his beneficiaries. All cases shall be examined in an expeditious manner. The court shall in all cases order immediate execution without bail.

## **Chapter 5 Labour inspection**

### **Section 110**

Employees appointed by decision of the General People's Committee on the basis of a nomination by the competent authority shall be entitled to inspect places of work governed by the provisions of this Act.

The officials authorized to carry out inspection shall be vested with the powers of officers of the court in regard to the application of the provisions of this Act, its implementing regulations and the decisions issued under it. They shall carry identity cards as proof of their official capacity.

### **Section 111**

Labour inspectors shall carry out the following functions:

1. Verify compliance with the provisions of this Act and its implementing regulations and decisions.
2. Provide information, technical advice and guidance to employers and workers as required for the correct implementation of this Act.
3. Notify the competent authority of any shortcomings in the provisions in force and submit the necessary proposals to remedy them.
4. Identify violations of this Act and its implementing decisions and take the necessary action.
5. Submit periodic reports on inspections, based on the forms designed for the purpose.

### **Section 112**

Labour inspectors shall have the right to enter workplaces, during working hours, by day or night, in order to perform their duties freely and without prior notification. They shall have the right to inspect, investigate and review registers, ledgers or any other documents related to work or workers, to make copies of them and to request data and information relevant to the performance of their duties.

Employers shall provide inspectors with all facilities to enable them to perform their duties and shall comply with their requests for data and information.

### **Section 113**

Before commencing their duties, inspectors shall take the statutory oath of office before the competent authority: the form of the oath shall be determined by the implementing regulations.

### **Section 114**

The competent authority shall issue an order setting out the system of inspection, criteria for the selection of inspectors, their training and further training, duties, salaries and the forms used in their work.

## **Chapter 6 Sanctions**

### **Section 115**

Regulations shall be issued by an order of the General People's Committee setting out the violations and the sanctions applicable to them.

Employers may, subject to the provisions of the general regulations referred to above, draw up their own rules governing sanctions. Such rules shall enter into force only after they have been approved by the competent authority. In all cases the violation must be work-related and covered by the regulations.

Any employer employing ten or more workers shall post the rules governing the organization of work and the disciplinary sanctions endorsed by the competent authority in a conspicuous place.

### **Section 116**

No worker may be accused of a violation that was discovered more than 30 days after it was discovered; a sanction shall not be imposed for a violation more than 60 days after it was proved to have been committed.

### **Section 117**

An employer shall not impose more than one sanction on a worker for the same violation; neither shall he combine a deduction from wages, in application of the provisions of this Act, with any other financial sanction if the deductions exceed the equivalent of five days' wages in a month. A sanction shall not be compounded unless the violation is the same as that for which the worker was previously sanctioned; provided that the second violation occurred within six months of the date on which the worker was notified of the previous violation.

### **Section 118**

No sanction shall be imposed on a worker until he has been informed of the alleged violation in writing, he has been heard and his defence verified and recorded in a report signed by the worker. The violation shall be investigated within seven days of the date on which it was discovered. In the case of sanctions consisting of a warning and deduction of an amount not exceeding three days' remuneration, the investigation may be undertaken orally, and its contents recorded in the decision imposing the sanction. In all cases such decision shall indicate the reasons for the sanction.

**Section 119**

An employer may suspend a worker as a precautionary measure if the interests of the investigation so require. The suspended worker shall receive half of his wages due for the period of suspension. If the sanction of dismissal is imposed, his service shall be terminated retroactively as from the date of his suspension and the worker shall retain the wages paid. In any case, the period of suspension shall not exceed one month, unless so decided by the disciplinary board.

**Section 120**

An employer may suspend a worker as of the date of notification to the Public Prosecutor. The worker shall be reinstated if found not guilty; failure to do so shall be deemed to constitute arbitrary dismissal.

## **Chapter 7 Penalties**

**Section 121**

Without prejudice to any more severe penalty prescribed in the Penal Code or any other Law, persons subject to the provisions of this Part shall be punishable as follows:

1. Any person infringing the provisions of sections 6,7 and 55 of this Act shall be liable to a fine of not less than 1,000 and not more than 2,000 dinars.
2. Any person infringing the provisions of sections 13, 24, 27, 28, 38 and 39 of this Act shall be liable to a fine of not less than 500 and not more than 1,000 dinars.
3. Any person infringing the provisions of the other sections of Parts 1 and 3 of this Act and the regulations and decisions promulgated for its implementation shall be liable to a fine of not less than 200 and not more than 500 dinars. In all cases the fines shall be multiplied by the number of persons against whom the violation was committed. In addition, labour inspectors shall attempt to put an end to the violations by administrative means. The sums accruing from the application of the penalties prescribed in this section shall be collected by the labour inspectors.

## **PART IV: STATUTORY RELATIONS – THE PUBLIC SERVICE**

**Section 122**

Public service is a function conferred by appointment on those performing it, who are duty bound to perform their tasks seriously and correctly, ensure that their conduct is consistent with religion, morals and honesty, and be guided in the discharge of their duties by the principle of service to the public and realization of the general interest.

Each employee is responsible for meeting the objectives of his assigned function under the supervision of his immediate supervisor.

### **Chapter 1**

#### **Administrative organization and posts**

**Section 123**

Administrative units shall be established and their functions determined by decision of the General People's Committee, with the exception of the public sectors established by the

General People's Congress. The principal organizational divisions shall be determined by decision of the General People's Committee, and subsidiary organizational divisions of public administrative units shall be determined by the competent People's Committee after consulting the competent authority.

#### **Section 124**

Post shall be divided into the following principal occupational groups:

- a) principal occupational groups of general service staff;
- b) principal occupational groups of technical staff;
- c) principal occupational groups of the regular civil service staff;
- d) principal occupational groups of professional scientific, teaching and training staff;
- e) principal occupational groups in medicine and nursing;
- f) principal occupational groups in the merchant marine and civil aviation.

The specific occupational groups within every principal group shall be determined by decision of the General People's Committee on the basis of a proposal from the competent authority.

Each occupational group shall be considered as a distinct unit in the human resources areas of appointments, promotions and transfers. It shall have its own separate list of staff according to seniority for all the posts within that group.

Senior management posts, the conditions for holding them and the performance appraisal system shall be determined by decision of the General People's Committee on the basis of a proposal from the competent authority.

#### **Section 125**

The General People's Committee, on the basis of a proposal from the competent authority, shall issue staffing regulations according to the nature and volume of the work and performance rates in the administrative unit. These regulations shall include, in particular, the type of staff, the fundamental concepts on which they are based and the methods of drafting, approving and amending them and extending their application.

## **Chapter 2 Filling of posts**

#### **Section 126**

Vacant posts on the staff of administrative units services shall be filled by appointment, recruitment under contract, promotion, secondment, detachment or transfer.

#### **Section 127**

Certain specific occupational groups of posts referred to in section 124 of this Act, including senior management posts, may be filled by recruitment under contract in accordance with regulations issued by the General People's Committee, on the basis of a proposal from the competent authority. The regulations shall set out their remuneration and terms of employment, and the occupational groups which apply to them.

The regulations shall not be contrary to the provisions of this Part.

Administrative units may contract with specialized agencies or companies to provide general services such as printing, secretarial services, information technology, technical work, cleaning and catering services, etc., in accordance with the rules laid down by the General People's Committee.

**Section 128**

A candidate for a staff post in an administrative unit shall meet the following requirements:

1. He shall be a national of the Great Libyan Arab People's Socialist Jamahiriya and be in full possession of his civil rights.
2. He shall not be married to a foreign national, unless he has obtained authorization to do so from the competent authority.
3. He shall be of good conduct and reputation.
4. He shall not have been convicted of a felony or a misdemeanour against honour or security, unless he has been rehabilitated.
5. He shall not have been dismissed from work on the basis of a final disciplinary decision, unless the period of the penalty has elapsed.
6. He shall be at least 18 years old.
7. He shall have the academic qualifications required for the vacant post. As an exception to this rule, skilled and experienced professionals who are required for the post may be appointed in accordance with the terms and conditions laid down in the implementing regulations.
8. He shall pass the examination set for filling the post.
9. He shall be physically fit for work, in accordance with regulations issued by the General People's Committee on the conditions for physical aptitude.
10. The vacant post shall be available, as well as the financial resources necessary to cover it. In all cases, vacant posts shall be advertised.

**Section 129**

For the purpose of filling a post in an administrative unit, the General People's Committee shall, by decision, set out the national academic and training qualifications, as well as the equivalent foreign qualifications, and shall provide for their evaluation and the determination of the levels of qualification and the work experience required to occupy the post.

**Section 130**

Subject to the provisions of section 128 of this Act, the following rules shall be observed for a first appointment to a post:

1. No person shall be appointed to fill a vacant staff post unless it is not possible to fill it by transferring or seconding an employee in the same entity, or by promoting an employee who meets the requirements for promotion.
2. Senior management posts shall be filled from the same occupational group, taking seniority into account, then by comparing academic and training qualifications, experience and fitness for the post. If the person to be appointed to the senior management post is from outside the administrative unit, he must hold a university degree or the equivalent and have at least ten years' experience after graduation.
3. A post shall not be filled retroactively; it shall be deemed to be filled as of the date on which the staff member is notified in writing to that effect by the competent authority and he assumes his duties. His appointment shall be deemed null and void if he fails to report to work within 30 days of the date of the written notification. In that case, the next candidate on the list, if the selection is on the basis of a competitive examination, shall be appointed.
4. The submitted academic degrees on which the appointment is based shall originals issued by a recognized education or training institution; equivalence of foreign diplomas shall be ensured.

**Section 131**

The following authorities are competent to issue decisions to fill posts:

1. The Secretariat of the General People's Congress for members of its staff and subsidiary bodies;
2. The General People's Committee for members of its staff and subsidiary bodies;
3. The Sectoral General People's Committees for members of their staff and subsidiary bodies;

This shall be done in accordance with the rules laid down by the General People's Committee.

**Section 132**

Posts shall be filled from the lists of successful applicants, in accordance with the following rules:

- Applicants who have passed the admission examination shall be listed by order of pass marks; in the event of a tie, precedence shall be given to the most highly qualified candidate, then the one who graduated earliest, then the eldest. A person who does not take up his appointment within a year of the date on which the examination results were announced shall lose his right to be appointed.
- Vacancies may be filled from lists drawn up more than a year earlier, if no other appropriate lists of candidates are available.
- Administrative units shall only fill published vacancies from the approved lists of successful candidates.

The implementing regulations shall lay down provisions concerning vacancy announcements and the methods of filling them, carrying out the admission examinations, approving the results and calculating periods of previous experience.

**Section 133**

Subject to the provisions of section 130 of this Act, an employee may return to his previous post, and occupy a staff position in the administrative unit that is commensurate with his experience and qualifications, if he meets the requirements for holding that post; in this case, he shall not be required to pass an examination unless his absence from his post exceeded five years.

**Section 134**

Any person appointed to a post in the staff of an administrative unit shall, prior to taking up his duties, take the following statutory oath; "I swear by God Almighty to abide by the principles and objectives of the Great al-Fateh Revolution, to uphold the authority of the people, to defend the interests of the nation, to respect the law and to perform my work honestly, faithfully and skilfully."

The oath shall be taken in the presence of the competent secretary or his representative.

The appointee and the witnessing official shall sign the written version of the oath. The document shall be kept in the employee's service file; he shall not assume his duties before taking the oath.

**Section 135**

Persons appointed for the first time to posts other than senior administrative posts shall undergo a probation period of 365 days from the date on which they start work. If the appointee proves unfit for the post during the probationary period, he shall be referred to the competent human resources committee. If the committee finds that he is fit for another post, it

shall recommend that he be transferred to that post; if not, it shall propose termination of service; provided that the employee is so informed two weeks prior to the date of termination. Completion of the probationary period without a decision to transfer or terminate the employee's service shall be deemed to constitute confirmation in his post. In all cases the competent authority shall be informed of the measures taken with regard to the employee on probation.

### **Section 136**

Seniority in to a post is calculating starting from the date on which the employee takes it up. If the appointment date applies to more than one employee, seniority shall be decided as follows:

- a) if the appointment is to a first post after passing an examination set for the purpose, seniority shall be decided on the basis of their examination results;
- b) if the appointment is to a first post without passing an admission examination, seniority shall be decided on the basis of the most highly qualified, then the first to graduate, then the eldest;
- c) if appointment to the post is by promotion after passing an examination set for the purpose, seniority shall be decided between them on the basis of paragraph (a); if no examination has taken place seniority shall be decided on the basis of seniority in the post; in the event of a tie, the provisions of paragraph (b) of this section shall apply.

If the employee has a previous period of service a nominal period of seniority in the post shall be calculated. He shall receive his remuneration as of the date on which he began work, at the first step of the post. If a nominal period of seniority is taken into account then his remuneration shall be increased by the equivalent of an increment for each year.

In the case of a promotion the employee shall be given either the first step in the post to which he has been appointed or the amount of his last remuneration in his previous post plus an increment of the post to which he was promoted, whichever is the highest.

The new remuneration shall be due on the first day of the first month following the decision to promote the employee. If the promotion occurs on the first day of the month, his remuneration shall be due on that day.

### **Section 137**

An employee can only be promoted to a vacant post immediately above the one he previously held in his administrative unit and in the same occupational group in which his post is classified.

The implementing regulations shall lay down the rules relating to promotions and the minimum requirements applying to them.

### **Section 138**

Subject to the provisions of sections 137, 139 and 140, promotion is conditional on meeting the following requirements:

1. To have held the post for the minimum required period for promotion; expiry of that period does not necessarily give rise to an obligation to promote the employee.
2. To have met the requirements for holding the post to which the employee is to be promoted.
3. The promotion to have been decided by a person competent to issue the decision to fill the post to which the employee is promoted.
4. To have passed the examinations set for the promotion.
5. To have received a performance evaluation of "very good" (or higher) for the previous three years.



An employee shall be promoted under the next round of promotions when his salary has reached the last step in his current post, provided that he meets the requirements for promotion.

### **Section 139**

An employee shall not be promoted from one specific occupational group to another within the same principal occupational group unless he has met the requirements for such promotion, including the required academic or technical qualifications. The competent authority shall issue regulations laying down the requirements for holding posts in each specific group, the transfer from one specific group to another, the examinations for promotion, the composition of panels of examiners, dates and approval of results.

### **Section 140**

An employee may receive an incentive promotion if he has spent half of the minimum period required for a promotion in his current post in the following cases:

- a) If he has submitted substantive research enabling the improvement and development of the performance of the administrative service without additional financial expense or achieving a reduction in expenditure.
- b) If he has invented, innovated or developed methods of increasing production.
- c) If he has performed work contributing to protection of the environment and the public from pollution and disease.
- d) If he has received a performance evaluation of "excellent" for the last three years.
- e) In all cases an employee may not receive more than two incentive promotions throughout his service career; the number of persons promoted under the provisions of this section shall not exceed 5 per cent of the total number of promotions in the administrative unit.

### **Section 141**

If the number of candidates for promotion in an administrative unit exceeds the number of vacant posts, priority shall be decided as follows:

- If the promotion is the result of an examination for promotion, priority shall be decided on the basis of the examination grades; in the event of a tie, promotion shall be awarded on the basis of performance reports; if these are equal, it shall be decided on the basis of seniority in the previous post, subject to the conditions set out in section 136 of this Act.
- If the promotion is without an examination, priority shall be decided on the basis of performance reports; if these are equal, it shall be decided on the basis of seniority in the previous post, subject to the terms of the previous paragraph, and taking into account the last paragraph of section 140.

The employee is entitled as of the date of promotion to the remuneration of the first step in the post to which he has been promoted, or to one of the salary increments for this post plus his original remuneration, whichever is the higher.

### **Chapter 3**

#### **Staff entitlements and benefits**

##### **Section 142**

An employee shall enjoy all the entitlements prescribed in accordance with this Act and the regulations issued under it; entitlements shall not be reduced, suspended or withheld except in accordance with the law. The administrative unit shall take due account of the following:

1. An employee shall be allowed to attend appropriate training, and should be given the opportunity to keep abreast of the latest scientific and practical developments in his professional field. Any person successfully completing such courses shall be awarded bonuses, wage increments or incentives as provided for in the regulations.
2. An employee shall be provided with the services and facilities required in the performance of his duties, and personnel shall be appointed to carry them out and provide them.

##### **Section 143**

An employee shall receive the annual increment for his post starting from the first of the month following completion of his first year in the post or he shall be awarded the annual increment due for the previous year.

##### **Section 144**

The General People's Committee shall establish, on the basis of a proposal from the competent authority, a financial and moral incentives scheme for employees, to ensure the achievement of objectives, improve performance and rationalize spending; it shall also prescribe the categories of incentives and the conditions for awarding them.

##### **Section 145**

The implementing regulations shall set out the financial entitlements and other employee benefits and the rules and conditions for awarding them, indicating in particular:

- a) family allowances, including spouse and child allowances as prescribed in the implementing regulations;
- b) housing benefits, if accommodation is not provided with the post;
- c) overtime pay;
- d) allowances pertaining to the nature of the work or the conditions in which it is performed.
- e) entitlement to reimbursement of expenses incurred in the performance of his duties;
- f) the right of employees in senior management posts to receive benefits in compensation for the responsibilities vested in them in the exercise of their functions.

### **Chapter 4**

#### **Transfer, secondment and detachment**

##### **Section 146**

1. As required by the public interest, an employee may be transferred to a vacant post within the same administrative unit or in any other administrative unit on the following conditions:
  - a) that he meets the requirements for the post to which he is transferred;

- b) that the transfer takes place within the same specific occupational group, and that the grade of the post to which he is transferred is the same as that of the post from which he is transferred;
  - c) that the transfer does not deprive the employee of the opportunity for a promotion during the year following the date of transfer, unless the transfer is at his own request or due to his post being cancelled;
2. The transfer from one administrative unit to another is based on a decision by the body to which he is transferred, after obtaining the consent of the body from which he is transferred.
  3. Employees of administrative units may be transferred to public companies.

### **Section 147**

If necessary, an employee may be temporarily detached to another post in the same or another administrative unit, either on a full-time basis or in addition to his original duties, subject to the following conditions:

- a) at least one year has elapsed since his initial appointment;
- b) the work situation in his original post allows for such a detachment;
- c) the employee is not detached to more than one post;
- d) the period of detachment does not exceed one year, renewable at the request of the body to which he is detached, with the consent of the body from which he is detached; and
- e) the grade of the post to which he is detached is not more than two steps higher than that of his post.

The decision concerning the detachment shall be issued by the body to which the employee is detached after obtaining the consent of the body from which he is detached.

In all cases, a period of detachment in addition to the employee's original duties shall not exceed six months, and detachment on a full-time basis shall not exceed four years.

### **Section 148**

An employee who has been detached on a full-time basis shall be granted a detachment allowance equal to the difference between his remuneration and the first step of the post to which he is detached, or ten per cent of his wage, whichever is the higher. He shall also be granted the other benefits prescribed for the post to which he is detached.

If the detachment is in addition to the employee's original duties, he shall receive a detachment allowance equal to one quarter of his monthly remuneration.

The unit to which an employee is detached on full-time basis shall bear the cost of his remuneration and all the allowances and other benefits. If the detachment is in addition to the employee's original duties, the unit to which he is detached shall only bear the cost of the detachment allowance.

### **Section 149**

An employee may, by decision of the competent authority for appointments, be seconded to one of the following bodies;

- public bodies corporate whose employees are governed by private law;
- private bodies corporate.

An employee may be seconded to a foreign State or an international organization or agency with the consent of the General People's Committee.

A secondment shall not be for more than four years, except by decision of the General People's Committee.

The period of secondment shall be counted for purposes of seniority and entitlement to annual increments and promotions. The receiving body shall allow the seconded employee to take annual leave or pay him monetary compensation in lieu, calculated on the basis of the last remuneration received at the end of his secondment; the body to which the employee is seconded shall bear the cost of his remuneration. An employee seconded to a body in the territory of Great Jamahiriya shall receive the remuneration and benefits of the post to which he is seconded, or his original remuneration plus an additional percentage to be set by the body to which he is seconded, whichever is the higher, except in cases in which the General People's Committee decides otherwise. In all cases the seconded employee shall not suffer any financial loss.

### **Section 150**

An employee may be sent on a study mission, a fellowship, a training course or study leave within the country or abroad. The posts held by participants in such missions, fellowships, study leave or training courses shall be kept open for them in accordance with the terms and conditions laid down by the implementing regulations.

## **Chapter 5 Responsibility of employees**

### **Section 151**

Each manager is responsible for his tasks and those of his subordinates; they are all jointly responsible for achieving their performance rates and for their professional conduct.

Directors, section chiefs and those in similar positions shall, in accordance with the law, have the power to approve, modify, find solutions for, withdraw and cancel all the tasks performed by their subordinates.

### **Section 152**

The managerial remit shall always include, even if this is not stated in a job description or rules, the development of methods of work, simplification of procedures, human resources development, interpersonal relations in the administrative unit, public relations of the body, and the implementation of legislation and work regulations, as well as responsibility for planning and long-term planning, orientation, monitoring and record-keeping at the level of the administrative unit.

### **Section 153**

1. The internal administrative monitoring system shall be based on periodic reporting at all levels according to set criteria and methods of supervision, performance evaluation and correction of deficiencies.
2. Each manager shall be responsible for the submission of periodic reports, data and statistics on set dates and according to approved methods.
3. Internal monitoring shall also include comprehensive performance evaluation of the different activities of the administrative unit.
4. Supervisors shall be responsible for ensuring safety at work, protection of workers and property, and prevention of damage. They shall also be responsible for taking the necessary remedial and preventive measures.

**Section 154**

An employee may act as trustee, guardian or representative for persons who are absent, or provide legal assistance if the person who is absent to whom he is providing legal assistance, or for whom he is acting as guardian, trustee or representative, is a relative by blood or marriage to the fourth degree; he may also act as custodian for funds in which he is a partner or holds an interest, or funds owned by a relative by blood or marriage to the fourth degree, or if he has been officially appointed as curator by a competent authority, providing that his administrative unit is immediately informed to that effect upon his taking on these tasks.

## **Chapter 6**

### **Disciplinary measures**

**Section 155**

Any employee found to be in dereliction of duty or who commits an act prohibited by this Act, or who deviates from his duty, shall be liable to one of the sanctions provided for in this Act, without prejudice to the right to institute civil or criminal proceedings against him if necessary.

The fact that an employee committed an act on the order of his superior does not exempt him from punishment, unless it was committed in compliance with a written order from his superior; in this case the responsibility falls on the person who issued the order.

An employee shall not bear civil liability except for a personal fault.

**Section 156**

An employee may be sanctioned only after a written inquiry has been addressed to him, his statement heard and his defence verified. Nevertheless, the competent secretary, secretary-general, head of agency or department may, when the sanction is a warning or a salary deduction, conduct an oral inquiry with the employee, a summary record of which shall be attached to the decision ordering the sanction. He may order either of the above-mentioned sanctions without an investigation if he personally witnessed the violation or if there is documentary evidence of its having been committed.

An employee shall not be tried more than once for the same violation, neither shall more than one sanction be imposed for the same violation.

In all cases the decision imposing the sanction shall indicate the reasons therefor.

**Section 157**

Subject to the jurisdiction of the supervisory bodies, referral to a disciplinary board shall be by decision of the competent secretary or secretary-general, who may temporarily suspend an employee if the investigation so requires, for a period not exceeding three months, unless otherwise decided by the disciplinary board.

If the decision ordering the suspension or referral is made by someone other than the competent secretary, the employee shall be notified within three days of the date of the decision.

If the disciplinary or criminal proceedings result in the employee's acquittal or a decision not to prosecute, he shall be reinstated in his post and paid his full remuneration for the period of suspension.

**Section 158**

Any employee who has been remanded in custody or sentenced to prison as a result of a criminal conviction shall be suspended by law from his work for the duration of his detention.

If the prison sentence was the result of a criminal conviction, the employee shall lose his entitlement to remuneration while serving his sentence, and this period shall not be taken into account for purposes of seniority in a grade or entitlement to annual increments or leave.

If the employee has been remanded in custody, he shall be paid half of his remuneration during his detention, and shall receive the remainder if he is not convicted.

In all cases, an employee shall not be required to reimburse any remuneration, increments, allowances or other benefits that have already been paid.

### **Section 159**

Officials in senior management posts shall not be called in for an administrative inquiry unless the competent secretary has received written notification.

### **Section 160**

1. The following disciplinary sanctions may be imposed on officials in senior management posts:
  - a) reprimand;
  - b) deduction from remuneration amounting to not more than 90 days in a year; deductions for the sanction shall not exceed one quarter of remuneration in a month, after the quarter that may be legally attached or waived;
  - c) suspension of an annual increment;
  - d) loss of promotion rights for not less than one and not more than three years;
  - e) demotion;
  - f) dismissal from the service.
2. The following disciplinary sanctions may be imposed on employees holding posts at grade ten and below:
  - a) warning;
  - b) reprimand;
  - c) deduction from remuneration for a period not exceeding 60 days in a year; deductions for the sanction shall not exceed one quarter of remuneration in a month, after the quarter that may be legally attached or waived;
  - d) suspension of an annual increment;
  - e) loss of promotion rights for not less than one and not more than three years;
  - f) demotion;
  - g) dismissal from the service.

The seniority of a person who has been demoted in accordance with the provisions of this section shall be determined on the basis of the grade of the post he held before demotion.

### **Section 161**

Disciplinary sanctions shall be imposed in the following manner:

1. the competent secretary shall impose the sanctions of reprimand, warning or deduction from remuneration for a period not exceeding 30 days in a year and for not more than ten days at a time;
2. the secretary-general, the head of department or the head of the administration shall impose the sanctions of warning, deduction from remuneration on employees other than those holding senior posts for periods not exceeding 15 days in a year and for not more than five days at a time.
3. Other disciplinary sanctions shall be imposed by decision of the competent disciplinary board.

4. Disciplinary sanctions against a transferred employee for a violation committed while performing his duties in the administrative unit from which he was transferred shall be the responsibility of that unit.
5. Disciplinary sanctions against a seconded or detached employee for violations committed during his detachment or secondment shall be the responsibility of the body to which he was detached or seconded; the body from which he was detached or seconded shall be notified of the decision, unless the detached or seconded employee is subject to special disciplinary rules.

The competent supervisory bodies shall be notified of decisions to impose disciplinary sanctions in accordance with the law within one week of the date of the decision to verify their conformity with the law.

### **Section 162**

An employee shall not be promoted if he is subject to disciplinary or criminal proceedings or has been suspended from work during the proceedings or suspension. However, the grade of the post to which he was to be promoted shall be retained for him for one year from the date of the institution of proceedings or the suspension, or until a decision has been handed down in his case, whichever is the earlier. If the proceedings result in acquittal, the employee shall be promoted to the post retained for him. If the period of retention of the post has elapsed, he shall be promoted to any vacant post in the administrative unit at the same grade as the post to which he was entitled to be promoted in the same occupational group as that in which is post is classified. Failing this, he may be awarded a personal promotion, provided that his situation shall be resolved by placing him in the first post at the same grade in his occupational group that falls vacant.

In all cases, the seniority and remuneration of an employee in the post to which he was promoted shall be calculated from the date on which he would have been promoted if the proceedings preventing his promotion had not been instituted against him.

### **Section 163**

Without prejudice to the provisions of the legislation in force concerning the composition of disciplinary boards, each administrative unit shall have its own disciplinary board; the implementing regulations shall determine its composition, methods of work, rules and procedures for referral for investigation, disciplinary proceedings, the manner in which employees shall defend themselves and rules and procedures for appeal against sanctions imposed on employees, and the competent authority for deciding them.

### **Section 164**

Disciplinary proceedings shall lapse after three years from the date of the violation; this shall be extended to five years for violations leading to loss of public treasury assets.

This period shall be suspended in both cases if an investigation, charge or court proceedings are brought against the accused, and shall resume when the last procedure has been terminated.

If there are more than one accused, the suspension of the period for one of them shall result in its suspension for the others, even if the procedure giving rise to the suspension was not taken against them.

### **Section 165**

Termination of an employee's service shall not interrupt disciplinary proceedings or prevent prosecution if the investigation against him was started before his service was terminated.

In the case of violations resulting in loss of public treasury assets, disciplinary proceedings may be instituted even if the investigation was not started before termination of service.

The disciplinary sanction which may be imposed against a person who has left the service is a fine not exceeding six times his last monthly remuneration.

The fine shall be collected from the defendant by deducting up to one quarter of his pension or severance pay, or by attachment of his other funds.

### **Section 166**

Disciplinary sanctions imposed on an employee shall be expunged after the following periods, calculated from the date on which the sanction was carried out:

- a) One year in the case of a warning or deduction from remuneration not exceeding five days.
- b) Two years in the case of deduction from remuneration for not less than five and not more than 15 days.
- c) Three years in the case of a reprimand, deduction from remuneration for a period exceeding 15 days, suspension of a pay increment or promotion, or a demotion.

A sanction shall be expunged by decision of the competent secretary for employees in senior management posts, and by decision by the Human Resources Committee for other employees, if it appears in both cases that the employee's conduct since the sanction has been satisfactory as indicated by his personnel file.

An expunged sanction is deemed to be non-existent in the future, but expunging a sanction shall not affect a sanction that has already been carried out, or entitlements or compensation due as a result of the sanction. All documents concerning the sanction, any reference to it or anything related to it shall be removed from the employee's personnel file.

## **Chapter 7**

### **Assignment to reserve service**

#### **Section 167**

When an administrative unit is cancelled, merged or restructured or undergoes a staffing review, the General People's Committee may assign to reserve service graded employees who are paid out of the public treasury and whose posts have been cancelled.

#### **Section 168**

Assignment to reserve service shall be for a period not exceeding one year from the date of the decision ordering the assignment, renewable for one more year by decision of the General People's Committee.

The employee shall be entitled to his remuneration for the entire period, with the exception of allowances pertaining to the actual exercise of his functions.

#### **Section 169**

During the period of reserve service, by decision of the authority responsible for assignment to reserve service, an employee may be reinstated in his original post or any other similar post in the same administrative unit in which he served.

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

All of the above shall be decided on the basis of a proposal from the competent authority.



**Section 170**

Reserve employees shall join training and rehabilitation programmes designed by the competent authorities in order to contribute to their vocational rehabilitation in other jobs and occupations commensurate with their qualifications, capacities and professional skills.

**Section 171**

The seniority and remuneration of a reinstated employee shall be determined as if he had been in continuous service without the payment of financial allowances for the reserve period.

The period of reserve service shall be taken into account as a part of the period calculated for social security purposes and the contributions due shall be paid for that period.

The period of reserve service shall not be taken into account in the calculation of leave entitlement.

## **Chapter 8**

### **Final provisions**

**Section 172**

In addition to the reasons set out in section 42 of this Act, an employee's service shall be terminated for the following reasons:

1. dismissal by disciplinary decision;
2. loss of Libyan nationality;
3. marriage to a foreign national without the authorization of the competent authority;
4. receiving a performance report evaluation of "weak" twice, or an evaluation of "average" three times, during his period of service;
5. expiry of the period of reserve service without reinstatement of the employee;
6. voluntary retirement after 20 years of service.

**Section 173**

An employee may resign from his post by giving notice in writing. The administrative unit shall give its decision within 60 days of the date of submission, failing which the resignation shall be deemed to have been accepted.

If the resignation is subject to a condition, the employee's service shall not be terminated unless the decision to accept his resignation includes consent to his request.

During the abovementioned period, the administrative unit may issue a decision accepting the resignation and deferring its execution for a period not exceeding six months for reasons related to the interests of work, notifying the employee to that effect.

The employee shall continue at work until the end of service as provided in this section.

In all cases, if disciplinary or criminal proceedings are instituted against an employee for reasons related to his service, his resignation shall not be accepted until a decision has been handed down.

**Section 174**

1. In derogation of the provisions of the previous section, an employee's resignation shall be accepted in the following cases:
  - a) if he is absent from work without leave or justified reason for more than 30 non-consecutive days in a year, provided that he is warned in writing after 15 days of absence;
  - b) if he fails to take up his duties in a new post without a justified reason within one month of being notified of his appointment;

- c) if he is absent without leave for more than 15 consecutive days, even if the absence follows a period of authorized leave.
2. An employee shall not be deemed to have resigned if he presents, within ten days from the end of the period referred to in the abovementioned paragraphs, an excuse for his absence which is accepted. In this case the employee shall be paid his remuneration for the period of absence, if he has days of annual leave outstanding; if he does not, he shall not be entitled to remuneration.

### **Section 175**

Subject to the provisions of sections 13 and 24 of this Act, the General People's Committee shall lay down official work schedules and hours of work.

The competent people's committee shall lay down other work schedules if the nature of work in the administrative unit requires a special regime, provided that they do not exceed the limits prescribed in the sections referred to above.

Employees may be assigned to work outside official working hours if the interests of work so require, in accordance with the rules set out in the implementing regulations.

### **Section 176**

By decision of the competent people's committee, each administrative unit shall establish a human resources committee.

The implementing regulations shall set out the remit and mandate of these committees, as well their working procedures and methods of adopting their records.

### **Section 177**

Employees covered by the provisions of this Part shall be subject to the performance appraisal system; the implementing regulations shall set out the procedures and rules governing the system.

### **Section 178**

The calculation of service periods, seniority, leave and other personnel matters shall be based on the solar calendar; a fraction of a month exceeding 15 days shall be counted as a full month.

### **Section 179**

Inventions designed by an employee in the performance of his duties or because of them shall be the property of the State in the following cases:

1. if the invention was the result of experiments in the employee's workplace;
2. if the invention was part of the employee's duties;
3. if the invention is related to national security matters.

In all cases the employee shall be entitled to a fair compensation that takes due account of the need to encourage research and innovation.

### **Section 180**

Administrative units shall publicize final decisions in matters relating to personnel affairs and inform its staff of the annual seniority rankings of employees prepared by each unit prior to presenting proposals for promotions during the financial year.

### **Section 181**

Decisions regarding appointments to public service positions and other decisions relating to personnel matters shall be deemed to be null and void in the following cases:

1. if the employee fails to meet any of the conditions set for appointment and promotion under the current laws and regulations;
2. if the decision was made as a result of deception or cheating or other fraudulent means;
3. if the decision was issued by an authority that is not competent to do so;
4. if the decision is based on incorrect information and data.

The decisions shall be annulled by the issuing authority; they shall not be deemed irrevocable on account of expiry of the period or because the applicable conditions were met after they were issued. The foregoing is without prejudice to the liability of the person responsible for issuing them to disciplinary proceedings in accordance with the provisions of this Act.

### **Section 182**

Public service posts shall be filled according to the principle of eligibility, merit and qualification. Entitlement to remuneration, increments, bonuses or monetary benefits assigned to the post shall be based on the principle that the remuneration for the post goes to the incumbent, and according to the scales established by the General People's Committee, based on the job description, classification and performance rates. Discrimination in appointment and entitlement to salary and related benefits on the basis of sex, age, nationality, religion, colour or race is prohibited.

Remuneration differentials shall be based on the level of public service provided by each employee.

The financial compensation of officials selected from within the General People's Congress and the staff of the Secretariat of the General People's Congress and its subsidiary bodies shall be determined by decision of the Secretariat of the General People's Congress.

### **Section 183**

Staff of the competent authority, appointed by decision of the General People's Committee on the basis of a proposal by the competent secretary, shall carry out staff inspection of all administrative units; in the performance of their duties, they shall be vested with the authority of officers of the court.

The competent authority shall lay down the rules governing staff inspection, the conditions for the selection of inspectors and their duties and remuneration.