

Labour Law

Book - 1

Definitions And General Provisions

Part - I

Definitions

Article : 1

In applying the provisions of the present law, the following terms shall denote the meanings indicated next to each of them:

- (A) **Worker** : Any natural person working in return for a wage with and under the management or supervision of the employer.
- (B) **Employer** : Any natural or juridical person employing one or more workers in return for a wage.
- (C) **Wage** : All that the worker obtains in return for his work, whether fixed or variable, in cash or in kind.

The following shall in particular be considered a wage:

- 1- The commission entering within the context of Labour relation.
- 2- The percentage : What is the worker may be paid in return for what he produces, sells, or collects all along his charge of the work for which this percentage is prescribed.
- 3- The increments whatever the reason for becoming payable, or their kind.
- 4- The in kind benefits the employer shall pay, without being necessitated by work exigencies.

- 5- **Bonuses** : Any bonus given to the worker in addition to his wage, and all that is paid to him due to his honesty or efficiency, once these bonuses are prescribed in the individual or collective Labour contracts or in the work articles of association, as well as that which has become customarily payable once fulfilling the qualities of generality, continuance, and constancy.
- 6- **Allowance** : All that is given to the worker in exchange for specific conditions or risks the worker is liable to in performing his work.
- 7- The worker's profit share.
- 8- Tip that the worker obtains if it becomes customarily payable and has rules allowing for its determination. The percentage the customers pay in return for the service in tourist establishments shall be considered as a tip.

A decree of the concerned minister shall be issued in agreement with the concerned trade union organization on the method of its distribution among the workers in consultation with the concerned minister.

- (D) **Provisional Work**: It is the work that by its nature forms part of the activity exercised by the employer, and the nature of its accomplishment necessitates a specified period, or it involves a particular work and ends with its completion.
- (E) **Casual Work**: It is the work that by its nature does not form part of the activity exercised by the employer, and its accomplishment does not take more than six months.
- (F) **Seasonal Work**: It is the work that is fulfilled in traditionally recognized periodical seasons.
- (G) **Night**: It is the period between sunset and sunrise.
- (H) **The concerned minister**: He is the minister concerned with manpower.

- (1) *The concerned ministry:* It is the ministry concerned with manpower affairs.

Article : 2

In applying the provisions of the present Law the year shall be considered 365 days and the month thirty days, unless otherwise agreed upon.

Part – II

General Provisions

Article : 3

The present Law shall be considered the public Law governing work relations, subject to the collective Labour agreements and the provisions of article (5) of the present law.

Article : 4

The provisions of the present Law shall not apply to:

- (A) Public servants of the state agencies, including the local government units and the public authorities.
- (B) Domestic service workers and the like.
- (C) The employer's family members whom he actually supports.

This shall all be valid unless a text is prescribed providing otherwise.

Article : 5

All condition or agreement contradicting the provisions of the present Law shall be invalid even if it exists prior to enforcing the present law, if it comprises a derogation of the worker's rights prescribed therein.

All better benefits or conditions prescribed or to be prescribed in the individual or collective labour contracts, the articles of associations, or other regulations of the establishment, or ruling by virtue of usage and practice shall remain valid.

All composition comprising a derogation or discharge of the worker's rights derived from the labour contract during its validity period, or within three months from the date of its expiry, shall be null and invalid once it violates the provisions of the present law.

Article : 6

Actions arising from disputes connected with the provisions of the present law, as filed by the workers, trainee juveniles, and industrial apprenticeship workers or their beneficiaries, shall be exempted from the judicial fees in all stages of litigation. The court, in all cases may couple its sentence with self-execution and without bail. In case of refusing the action, it may rule on the action lodger to sustain all or part of the expenses.

The categories referred to in the previous clause shall be exempted from the stamp duty on all the certificates and copies issued to them and the complaints and requests submitted by them in application of the provisions of the present law.

Article : 7

The amounts due to the worker or his beneficiaries by virtue of the provisions of the present Law shall enjoy a lien on all movable or real property of the debtor. They shall be collected direct after the judicial expenses and the amounts due to the Public Treasury.

However, the wage shall be collected before the other rights referred to in the previous clause.

Article : 8

In case of plurality of employers, they shall be responsible jointly among themselves for fulfilling the obligations arising from the present law.

The person to whom the employer cedes all or part of the works assigned to him for execution shall be responsible jointly with him for fulfilling all the obligations imposed thereon by virtue of the provisions of the present law.

Article : 9

The dissolution, liquidation, closure, or bankruptcy of the establishment shall not prevent fulfilling all the obligations arising according to the law.

Merging the establishment with another or devolving it by inheritance, bequeathal, donation, or sale - even by public auction - or by assigning or leasing it or other such disposals shall not terminate the employment contracts of the establishment workers. The successor shall be responsible jointly with the former employers for implementing all obligations arising from these contracts.

Article : 10

The concerned minister shall issue a decree determining the administrative quarters concerned with applying the provisions of the present law.