

**PARTE PRIMA**  
**ATTI LEGISLATIVI ED AMMINISTRATIVI**  
**FIRST PART**  
**LEGISLATIVE AND ADMINISTRATIVE ACTS**

CE DOCUMENT  
 APPARTIENTA  
 DOC. NORMES

LAW n. 65 of 18 October 1972.

LABOUR CODE.

THE PRESIDENT  
 OF THE SUPREME REVOLUTIONARY COUNCIL

CONSIDERING it necessary to bring the existing Labour Code in Line with socialistic principles adopted by the State, in particular, the regulation of labour relations in the interests of the development of national economy and the participation of workers in the planning and management of enterprises and the betterment of the terms and conditions of workers;

HAVING HEARD the Council of the Secretaries of State;  
 TAKING NOTE of the approval of the Supreme Revolutionary Council;

HEREBY PROMULGATES

the following Law:

Article 1

*Interpretation*

1. In this Code unless the context otherwise requires:

«*Commission*» means the Central Labor Commission established under Article 115 of the Code;

«*Director*» means the Director of the Labour Department in the Ministry;

«*Employer*» means a physical or juridical person who uses, directs and remunerates the services of a worker, whether continuously or not, and includes the State;

«*Labour disputes*» means any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment or with the terms of the employment or with the conditions of labour of any workers;

«*Trade Unions*» means any combination whether temporary or permanent, the principle purposes of which are under its constitution, the regulation of the relations between workers and employers, or between workers and workers, whether such combination would or would not, if this Code had not been enacted, have deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade;

«*Ministry*» means the Ministry responsible for labour affairs;

«*Secretary*» means the Secretary of State charged with responsibility for labour affairs;

«*Sub-contractor*» means a person, who himself recruiting the necessary workers, enters into a written agreement with a contractor, to carry out specified work or to furnish specified services for an agreed prices;

«*Undertaking*» means any place or premises where workers are employed;

«*Worker*» means a person who undertakes in return for remuneration to perform manual or non-manual work for an employer under a special or general, oral or written agreement, or by way of apprenticeship or probation.

2. All references in the Code to:

- (a) the employers' associations, their federations and confederations;
- (b) the regional labour inspectors and inspectorates, shall be omitted.

3. Except as otherwise provided, all references in the Code to the «*Minister*» shall be construed as references to the «*Secretary*».

Article 2

*Application of the Code*

1. The provisions of this Code or regulations made hereunder shall apply to all employers and workers including those employed in the public service or public institutions in so far as any of their terms and conditions of service are not governed by any other law.

2. The provisions of this Code or regulations made hereunder shall not apply to Armed Forces, Police Forces and para-military forces of the State.

SOM-1972-7-16530

Article 3

*Right to follow any occupation*

1. Every person has the right to follow any occupation he chooses and has the right to equality of opportunity and treatment in respect of employment and occupation without discrimination on the basis of language, race, colour, sex, religion, political opinion, national extraction or social origin and has the duty to afford such equality to other persons.

2. Every person has the duty, in following his or her occupation, to contribute to the material and moral progress of the Nation.

Article 4

*Legal protection of labour*

The State shall protect labour in all its forms and applications, whether organizational or executive intellectual, technical or manual. It shall also promote such conditions as permit the effective exercise of the rights, and discharge of the duties proclaimed in Article 3.

Article 5

*Recognition of worker's role in the development of national economy*

The State shall recognise the important role of the workers in the development of the national economy by encouraging and ensuring their participation in the planning and management of production.

Article 6

*Freedom of labour*

Forced or compulsory labour is forbidden in any form; Provided that the term «forced or compulsory labour» shall not apply to:

- (a) any work or service required by law in respect of service including the organisation for national defence or in case of national calamity;
- (b) any work or service required of a prisoner in pursuance of a sentence passed by a competent Court.

Article 7

*Workers' rights not subject to renunciation*

Subject to the provisions of this Code, the rights conferred on workers shall not be subject to renunciation, composition or limitation by agreement. Any agreement to the contrary shall be null and void:

Provided that any benefits already granted by employers on their own accord or by agreement and which are more advantageous for the workers shall take precedence over those prescribed by this Code.

Article 8

*Law applicable to labour disputes*

Disputes to which no provision of this Code or of any contract of employment is applicable shall be decided according to the principles of equity, general principles of labour legislation, the Conventions or Recommendations of the International Labour Organization ratified by the Republic, the principles of the ordinary law which are not contrary to those of labour legislation, legal doctrine, case law and local custom or usage:

Provided that where there is doubt to the interpretation or application of any provision concerning labour matters, the interpretation or application which is more favourable to the workers shall be adopted.

PART II.

**TRADE UNIONS AND THEIR FEDERATIONS**

Chapter I.

**TRADE UNIONS**

Article 9

*Organisation and purposes*

- 1. The organisation of labour unions shall be free.
- 2. A trade union shall have as its purpose to study, protect and regulate the relations between workers and employers and between workers and workers so as to safeguard the rights of workers.

Article 10

*Establishment*

1. Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a Trade Union.

2. Every person is free to join a trade union within the framework of his occupation.

3. A trade union shall be established by a notarial act. It shall have a minimum of 50 members.

Article 11

*Right to join or withdraw*

Subject to the provisions of this Code:

(a) any person of the age of 18 years or above may join a trade union:

Provided that a person under 18 but over 15 years of age may join if there is no objection from his father or the person legally substituted for his father. However, a person under 18 years of age shall not be nominated, elected or appointed as an executive of the union.

(b) any member of a trade union may withdraw from it at any time, notwithstanding any stipulation to the contrary.

Article 12

*Autonomy*

Every trade union shall have the right within the law to draw up its own constitution and rules, to elect its representatives in full freedom, to organise its administration and activities, according to democratic principles and to formulate its programme.

Article 13

*Contents of constitution and rules*

1. The constitution or rules of every trade union shall include provisions in respect of the following matters:

- (a) the name and address;
- (b) the location of its office;
- (c) the total number of members;
- (d) the objects for which it is established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby;
- (e) the manner of making, altering, amending and rescinding constitution and rules;
- (f) the provisions for the appointment and removal of a general committee of management, of a treasurer and other officers to be elected by the majority of the members;
- (g) the provisions for keeping of full and accurate accounts by the treasurer;
- (h) the provisions for the investment of the funds or their deposit in a bank and for an annual or periodical audit of accounts;
- (i) the inspection of the books and names of members by every person having an interest in its funds;
- (j) the manner of dissolving the trade union.

2. The constitution and rules of a trade union shall not be altered so that they cease to contain provisions in respect of the several matters set out in the preceding paragraph of this Article.

Article 14

*Copies of constitution and rules to be submitted to the Labour Department*

Two copies of the constitution and rules of a trade union and any alterations thereof shall be submitted to the Labour Department of the Ministry at the time of the formation of the union or the alteration, as the case may be.

Article 15

*Freedom of association*

1. It shall not be lawful to engage in any act of discrimination or any act restricting the rights of freedom of association, and more particularly to:

- (a) make the employment of a worker subject to the condition that he shall not join a labour union or shall relinquish trade union membership;
  - (b) cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.
2. It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labour union.

#### Article 16

##### *Civil and criminal liability*

1. The purposes of any trade union shall not by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such union liable to criminal prosecution for conspirary or otherwise.
2. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

#### Article 17

##### *Functions of trade unions*

The functions of the labour unions shall include:

- (a) representation and protection of the workers' interests relating to their working conditions and their dealings with the management;
- (b) facilitating the normal performance of the State enterprises and participation of workers in the planning and management of such enterprises;
- (c) ensuring increase of production and labour discipline;
- (d) seeing that the management strictly observes established regulations on labour safety, social security, wage payments, hygienic arrangements and safety against accidents;
- (f) bringing to the notice of the competent state authorities any exploitation of labour.

#### Article 18

##### *Social security benefits for members of trade unions*

The State shall, in recognition of the importance of the role of workers in the economic and social development of the country, provide social security benefits for the members of the trade unions, as far as possible.

#### Article 19

##### *Trade union committees*

Trade unions may appoint committees in accordance with the provisions of their constitutions or rules:

Provided that persons so appointed shall:

- (a) be domiciled in the Republic;
- (b) be those who are actually working in the same occupation or trade or in related occupations or trades;
- (c) be in possession of their civil rights;
- (d) not have been debarred from holding public office.

#### Article 20

##### *Duties of trade union committees*

It shall be the duty of trade union committees to represent and protect the interests of the workers of their trade unions without prejudice to a worker's right to approach directly the employer or the competent District Labour Inspector.

#### Article 21

##### *Transfer or discharge of members of trade union committees*

It shall not be lawful for an employer to transfer to another job or discharge from service any member of a trade union committee without the prior consent of the trade union concerned.

#### Article 22

##### *Rendering of accounts*

1. The treasurer of a trade union shall render to the members thereof, at such times as by the rules thereof he should render, a just and true accounts of all moneys received and paid by him since

2. Such accounts shall be audited by some qualified person or persons to be appointed by the trade union and a copy of the audited accounts shall be submitted to the Labour Department of the Ministry without delay.

3. Upon the account being audited the treasurer shall, if thereupon required, hand over to the trade union the balance which on such audit appeared to be due from him, and shall also if required hand over all securities and effects, books, papers and property of the trade union in his hands or custody.

4. If the treasurer fails to handover such things and documents as in the preceding paragraph required, the committee of management of the trade union or any member for and on its behalf may sue him in a competent Court for the balance appearing to have been due from him upon the account last rendered by him, and for all moneys since received by him on account of such trade union and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of such trade union; and in any such action the plaintiff shall be entitled to recover such costs as may be determined by the Court.

### Article 23

#### *Legal status*

Subject to the provisions of this Law, the organisation, administration, extinction and dissolution of the trade union shall be governed by the general provisions relating to incorporated associations having their Headquarters in the Republic.

### Article 24

#### *Juridical personality*

Trade unions shall be juridical persons. They may sue or be sued and may acquire movable and immovable property in accordance with law:

Provided that no suit for compensation shall lie against them or their officers or members for any acts or omissions in furtherance of their lawful activities.

### Article 25

#### *Rights of trade unions*

A trade union shall have the following rights:

- (a) to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal action arising out of such contracts or based on the law;
- (b) to report to the competent authority all acts which cause prejudice to the collective interests of the occupation which it represents.
- (c) to acquire ownership rights over movable and immovable property to be used exclusively for the purposes for which the trade union was established;
- (d) to do any lawful act for the achievement of the aims and objectives for which it was established.

### Article 26

#### *Obligation of trade unions*

A trade union shall have the following obligations:

- (a) to inform the Labour Department of the Ministry within ten days of all changes in the membership of the managing committee and any amendment to its constitution or rules, with notorially certified copies of the relevant documents;
- (b) to inform each year to the said Labour Department the number of new members who have joined and those who have left it;
- (c) to carry out any other obligation imposed by this Code or regulations made hereunder or any other law.

### Article 27

#### *Power to dissolve trade unions*

Notwithstanding the provisions of this or any other law, the S.R.C. shall have the power to dissolve any trade union the activities of which are considered to be detrimental to the interests of workers or against the spirit of the Revolution.

Chapter II.  
FEDERATIONS

Article 28

*Formation of federations*

Trade unions may freely join together to form federations for the study and protection of their common interests and the interests of the masses.

Article 29

*Withdrawal from a federation*

Any affiliated trade union may withdraw at any time from a federation notwithstanding any stipulation to the contrary.

Article 30

*Application of the provisions of the Code*

All the provisions of this Code or regulations made hereunder concerning the trade unions shall also apply, mutatis mutandis, to their federations.

PART III.

**CONTRACTS OF EMPLOYMENT**

Chapter I.

**COLLECTIVE LABOUR AGREEMENTS**

Article 31

*Parties to and subject to collective labour agreements*

A collective labour agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions on the one hand, and the representatives of one or more employers, on the other hand.

Article 32

*Procedure for drawing up collective labour agreements*

1. A collective labour agreement shall be based on democratic principles and shall be discussed freely in the workers' meetings and approved by them.

2. The contents of a collective labour agreement shall take into account the State's revolutionary social policy, the role of trade unions and the responsibility of workers for increasing in every possible way the national production and their participation in the planning and management of national economy.

3. A collective labour agreement shall be drawn up in the form of a written instrument and two copies thereof shall be forwarded to the Labour Department through the competent labour inspectorate.

Article 33

*Contents of a collective labour agreement*

Subject to the provisions of this Code or regulations made hereunder, a collective labour agreement shall specify the following:

- (a) category of workers to which it relates;
- (b) hours of work;
- (c) agreed remuneration;
- (d) rules governing employment and dismissal of workers;
- (e) duration and conditions of probation and period of notice;
- (f) rules governing bonuses, overtime and rates payable;
- (g) conditions of safety, security, health and rest of workers;
- (h) procedure for conciliation or arbitration in case of disputes;
- (i) procedure by which and conditions on which it may be terminated, renewed or revised;
- (j) measures promoting workers participation in the management of the undertaking.

Article 34

*More favourable provisions*

A collective labour agreement may contain provisions more favourable to the workers than those of this Code and regulations made hereunder or any other law but shall not conflict with any mandatory provisions laid down therein.

Article 35

*Exemption from stamp duties and registration fees*

A collective labour agreement shall be exempted from all stamp duties and registration fees.

Article 36

*Territorial coverage and period of validity*

1. A collective labour agreement may be concluded on a national, regional, district or local basis, or at factory, plant or firm level.

2. It shall stipulate the period of its validity which shall not exceed three years and shall not be less than one year.

3. Except in the case of a substantial change in the situation which has a direct bearing on the execution of the agreement, it shall remain in force throughout the period of its validity. Whether there is a case of substantial change or not shall be determined, subject to an application by either party, by mutual agreement of the parties concerned in consideration with the Ministry.

4. Where such an agreement is not repudiated by either party on the date of its expiry, it shall be deemed to have been renewed for a period equal to that for which it was originally made.

5. Notice of repudiation shall be given at least three months before the date of expiry of the agreement.

Article 37

*Subsequent participation*

Any trade union or an employer not associated in the making of a collective labour agreement may subsequently become a party to it.

Article 38

*Application of collective labour agreements*

1. A collective labour agreement duly drawn up and executed between the trade unions and employers shall apply to all workers concerned whether they are members of the trade unions or not.

2. Where an employer carries on various independent types of business, the collective labour agreement governing the individual types of business shall apply to the employment relationships concerned.

3. Individual contracts of employment shall not conflict with collective labour agreements except in the case of clauses containing stipulations more favourable to the workers.

Article 39

*Termination of collective labour agreements*

Subject to the provisions of this Code, a collective labour agreement may be terminated:

- (a) by mutual consent of the parties or for reasons agreed to in the agreement itself; the Labour Department to be notified in each case by the parties; and
- (b) by fortuitous circumstances or force majeure, with the approval of the Labour Department.

Article 40

*Special collective labour agreements*

1. The Secretary may on his own initiative in appropriate cases convene the representatives of the trade unions and employers belonging to a particular sector of economic activity, with the objective of making collective labour agreements to regulate employment relationships in that sector at the national, regional, district, local, factory, plant or firm level.

2. On application being made one or more trade unions and employers who are parties to such an agreement or on the initiative of the Secretary, the provisions of the collective labour agreement mentioned in the preceding paragraph may be extended to other employers and workers coming within the occupational and territorial coverage of such agreements.

3. The Secretary may if necessary draw up collective labour agreements in consultation with trade union committees to regulate employment relationships of workers in public projects.

Article 41

*Supplementary labour agreements*

With the object of adopting the provisions of collective labour agreements to the special conditions of an undertaking, supplementary agreements may be drawn up between the employer and the trade union concerned.

Article 42

*Employment relationships not subject to collective regulations*

1. Employment relationships governed by decisions of a public authority in accordance with law shall not be subject to regulation by collective labour agreement.
2. Employment relationships established in connection with personal or domestic service shall likewise not be subject to regulation by collective labour agreement.

Chapter II.

SUB-CONTRACTORS

Article 43

*Display of notice*

A sub-contractor shall, in a notice permanently displayed in all workshops and other business undertakings run by him under a sub-contract, indicate that he is a sub-contractor and shall give the name, occupation and address of the contractor.

Article 44

*Copies of contract*

When there is a written agreement between a sub-contractor and a contractor, the contractor shall forward two copies of the contract to the competent district labour inspectorate indicating the location of the work-places being used.

Article 45

*Liability of contractor*

1. Where the work is carried out in the workshop or other business undertakings of a contractor or elsewhere than in the workshops of other business undertakings of a contractor, a contractor shall be substituted for the sub-contractor as regards the latter's obligations towards the workers if the sub-contractor becomes insolvent, unless otherwise stipulated in the agreement between the contractor and the sub-contractor.

2. A worker who has suffered loss shall, in such cases, have a right of action directly against the contractor.

3. The workers of the sub-contractor are entitled to get the same economic and social benefits as similar categories of workers who may be employed by the contractor in connection with the same contract of which the sub-contract forms part, unless more favourable provisions are included in the agreement between the sub-contractor and his workers.

Article 46

*Contents of individual contract of employment*

Subject to the provisions of this Code or regulations made hereunder, a written individual contract of employment shall specify the following:

- (a) name and father's name of worker;
- (b) address, occupation, age and sex of worker;
- (c) employer's name and address;
- (d) nature and duration of contract;
- (e) hours and place of work;
- (f) remuneration payable to the worker;
- (g) procedure for suspension or termination of contract.

Article 47

*Prior approval of contract*

1. Before its execution, a written individual contract of employment shall be submitted to the competent district labour inspectorate for approval.

2. The competent district labour inspectorate shall, before approving:



- (a) ascertain that it is in conformity with the provision of this Code, regulations made hereunder or any other relevant law;
  - (b) cause the contract to be read to the parties and translated, if necessary.
3. If such a contract is not submitted or approved in accordance with the preceding paragraphs, it shall be null and void.

#### Article 48

##### *Workers' obligations*

A worker shall have the following obligations:

1. he shall exercise due care having regard to the nature of the services required of him, the interest of the undertaking, and the higher interests of national production;
2. he shall also observe such instructions regarding the execution and organization of the work as may be issued by the employer or by those of his assistants placed in authority over him;
3. he shall take utmost care of the property of the undertaking entrusted to him.

#### Article 49

##### *Employers' obligations*

An employer shall have the following obligations:

1. pay the agreed wages, observing the conditions, times and places for payment agreed upon in the contract or prescribed in this Code or regulations made hereunder or collective agreements, or, failing any of these, dictated by custom;
2. adopt, in accordance with laws and regulations, adequate measures to create and maintain better conditions of industrial health and safety including the prevention of employment injuries;
3. issue free of charge to the worker at his request a certificate relating to his service;
4. give due consideration to the justified complaints of the workers;

5. fulfil any other obligation imposed by this Code or regulations made hereunder or any other law;
6. not to make any deduction from or withhold any moneys forming part of the wages and cash payment due to the workers, except in the manner and subject to the limits prescribed by law;
7. not to demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment;
8. not to compel or encourage workers to buy consumer goods in any particular shop or place;
9. not to influence the political convictions or trade union loyalties of the workers.

#### Article 50

##### *Notice for termination of contract*

1. Either of the contracting parties may terminate a contract of employment by giving written notice as under:

- (a) not less than 10 days in the case of manual workers;
- (b) not less than 30 days in the case of non-manual workers;

Provided that no notice need be given in case the duration of contract does not exceed one month.

2. During the period of notice the employment relationship shall continue to apply in its original form and shall retain all its original force unless the party to whom the notice has been given wishes to dispense with the period of notice or any part of it.

#### Article 51

##### *Compensation in lieu of notice*

Except for force majeure, where notice is not given in accordance with the last preceding Article or where the period of notice is not observed, the party withdrawing from the contract shall pay the other party compensation equal to the amount of remuneration

Article 52

*Service gratuity*

1. On the termination of a contract of employment by either party for any reason after a year's continuous service the worker or in case of his death, his heirs, shall be entitled to service gratuity equal to one month's remuneration for every year of service, unless more favourable terms have been agreed. He shall also be entitled to proportionate gratuity consisting of as many as twelfths as there have been months or fractions of months above a fortnight of actual service.

2. If the period of service is less than one year the worker shall be entitled to proportionate gratuity except when he resigns from service of his own accord.

3. In the case of seasonal occupations or where the duties involved are for a brief duration, whatsoever their nature, if the period of service does not reach one year's duration the worker is entitled to receive a 10% substitution allowances, unless more favourable terms of basic daily remuneration are paid at the termination of service.

4. No such gratuity or allowance shall be payable if the worker is convicted of an offence causing damages to the employer.

Article 53

*Death benefit*

In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days remuneration as death benefit for funeral services.

Article 54

*Damages for unjustified termination*

Unilateral withdrawal, otherwise than for reasonable cause, from a contract of employment concluded for a definite period shall entitle the party not withdrawing from the contract to damages.

Article 55

*Re-instatement*

In addition to any other benefits and remedies available under this Code or any other law, a worker who is unlawfully discharged

Article 56

*Transfer of undertakings*

Where an undertaking is legally transferred between living persons or on account of death, or where it is used by or leased to any third party, existing contracts of employment shall remain in force between the new employer and the workers.

Article 57

*Suspension of the employment relationship*

1. An employment relationship shall be suspended if the work of the undertaking temporarily ceases and the employer has given 7 days written notice of the fact to the workers or posted it up within the undertaking.

2. Such notice shall also be communicated within the period mentioned above to the appropriate district labour inspectorate, with reasons for the temporary cessation of work and of its probable duration.

3. The suspension of the employment relationship shall not exceed 30 days:

Provided that the Central Labour Inspector may authorise a prolongation of the suspension of the employment relationship up to a total of 90 days, if special circumstances or local or seasonal requirements so warrant.

4. An employment relationship shall also be suspended:

(a) if the worker is called up for military service;

(b) if the worker is absent by reason of illness or accident for a period not exceeding three months except where the employer agrees to an extension. Upon presentation of medical evidence of illness and while the employment relationship is in force, the worker shall receive full salary for the first thirty days, and salary at one half of the normal rate thereafter;

(c) if the worker is detained for a period not exceeding three months under the Public Order Law (Law No. 21 of 26th August, 1963) and returns to work after the period of detention;

(d) if the worker is detained for any offence but is finally

5. In the case of sub-paragraphs (c) and (d) of the preceding paragraph, the worker shall be entitled to be re-instated and the period in question shall be counted towards his terminal benefits.

6. If a worker is detained in custody for an offence concerning his employment, he shall be entitled to receive from his employer one-third of his basic salary until he is acquitted or convicted. On acquittal he shall be entitled to receive the arrears of salary and, on conviction, shall forfeit all his benefits under the Code.

#### PART IV.

### APPRENTICESHIP

#### Article 58

##### *Contract of apprenticeship*

A contract of apprenticeship is a special employment relationship by which the employer undertakes to give or cause others to give the apprentice in his service such instruction in the undertaking as will enable him to acquire the technical proficiency necessary to become a skilled worker, while using the services of such apprentice in the undertaking. Such a contract shall be in writing.

#### Article 59

##### *Conditions and period of apprenticeship*

1. Young persons may be employed as apprentices if they are at least 15 and not more than 30 days of age, subject to the restriction as to age and to the prohibitions and limitations on employment laid down in this Code or regulations made hereunder or by any other law.

2. The duration of an apprenticeship contract shall not exceed three years.

3. Periods served as an apprentice with two or more employers shall be added together for the purposes of calculating the maximum period of apprenticeship, on condition that no two such periods are separated by an interval of more than one year and that

#### Article 60

##### *Exemption from stamp duties and registration fees*

A contract of apprenticeship shall be exempt from all stamp duties and registration fees.

#### Article 61

##### *Hours of work*

1. The hours of work of an apprentice shall not exceed 8 a day and 44 a week.

2. Time devoted to related instructions shall be treated for all purposes as hours worked.

3. Work shall, in all cases, be prohibited between 10 p. m. and 6 a. m.

#### Article 62

##### *Medical examination*

Before an apprentice is employed, the employer shall provide for him to be medically examined to ensure that he is fit for the work for which he is to be employed.

#### Article 63

##### *Contents of contract of apprenticeship*

Every contract of apprenticeship shall contain at least the following information:

- (a) name, trade or occupation and address of the employers;
- (b) name, age, civil status, nationality and address of the apprentice;
- (c) occupation, art or trade which is the object of the apprenticeship;
- (d) services which the apprentice undertakes to give;
- (e) duration of the apprenticeship and place where it is to be followed;
- (f) remuneration payable to the apprentice in the form of wages and other benefits during apprenticeship;
- (g) conditions for the board, lodging and education of the

Article 64.

*Duties of employers*

It shall be the duty of the employer:

1. to give or cause others to give apprentice in his service such instruction in the undertaking as will enable him to acquire the proficiency necessary to become a skilled worker;
2. to cooperate with public and private bodies responsible for organising the courses of instruction serving to supplement the practical training;
3. to remunerate the apprentice in a just and fair manner;
4. to ensure that the apprentice is not employed on work beyond his physical strength or work unconnected with the occupation or trade for which he has been engaged;
5. to give the apprentice, without in any way reducing his remuneration, the necessary time off to attend compulsory course of related instructions and to ensure that he attends such courses;
6. to give the apprentice the necessary time off to take the examination entitling him to receive the appropriate diploma;
7. to inform the person exercising paternal authority over the apprentice the progress made by the apprentice in his training;
8. to ensure that the apprentice is not employed as a labourer.

Article 65

*Duties of apprentice*

It shall be the duty of the apprentice:

1. to obey the employer or the person entrusted by the employer with his training and to carry out the instructions that are given to him;
2. to do his work in the undertaking conscientiously;
3. to maintain regular attendance at related instruction courses;
4. to observe the terms of his contract

Article 66

*Training of apprentice*

1. The vocational training of an apprentice shall consist of practical training and related instructions.
2. The object of the practical training shall be to give the apprentice the necessary skill for the work in which he is to be employed, by gradually accustoming him to the work.
3. The object of the related instruction shall be to give the apprentice such technical knowledge as he needs to become fully skilled. Any fee for such instructions shall be payable by the employer.

Article 67

*Proficiency tests*

1. On completing their practical training and related instructions, apprentices shall undergo tests to determine their proficiency in the trade in which they have served their apprenticeship.
2. The qualifications obtained at the end of the period of apprenticeship shall be recorded in the work book.

Article 68

*Counting of period of apprenticeship*

If on the expiry of the period of apprenticeship the contract is not terminated, the apprentice shall continue to be employed in a capacity corresponding to the qualifications obtained in the proficiency tests, and the period of apprenticeship shall count towards his length of service.

Article 69

*Compulsory employment of apprentices*

An employer employing 30 or more workers shall employ at least one apprentice for every 30 workers employed by him.

PART V.

REMUNERATION

Chapter I.

FIXING OF REMUNERATION

Article 70

*Adequacy and equality of remuneration*

1. Every worker shall have the right to receive remuneration which shall be in proportion to the quality and quantity of his work and which shall ensure an existence consistent with human dignity.
2. In fixing rates of remuneration, no discrimination shall be made on account of age, sex, nationality, religion or political or trade union activities.
3. Equal remuneration shall be given for work which is equal as regards value, efficiency, type of work or duration.

Article 71

*Forms of remuneration*

1. Remuneration may be fixed according to unit of time (month, fortnight, week, day or hour) or by unit of work (piece work or by the job).
2. The employer shall notify the worker beforehand of the constituent elements of the piece rate applicable to him, the work to be performed and the rate payable per unit. He shall also notify the worker of the quantity of work done and the time taken to do it.
3. The employer and workers may agree that a part of the remuneration may take the form of a share in profits, commission or allowances in kind.
4. Except as otherwise provided in the collective labour agreement or individual contract, a worker's share in profits shall be determined on the basis of the net profits or the employer.
5. In the absence of a collective labour agreement or other arrangement between the parties, individual disputes as to the amount of remuneration shall be settled by a court on the basis of local customs and usage or in their absence or if they are con-

Article 72

*Minimum wages*

Taking into consideration the economic and social conditions of the country and in consistence with the provisions of Article 71, the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister having heard the Central Labour Commission, and with the approval of the Council of Secretaries.

Article 73

*Fringe benefits*

1. An employer shall provide:
  - (a) accommodation when a worker is required to be away from his normal residence;
  - (b) free food to a worker, or subsistence allowance in place thereof, when the worker is required to work away from his normal residence and there are no suitable messing facilities;
  - (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.
2. The Secretary may, also, by decree determine:
  - (a) other cases in which workers shall be provided with accommodation, transport or messing facilities;
  - (b) any other fringe benefits;
  - (c) the requirements to be met by the employer in all the cases referred to in this Article.

Article 74

*Idd bonus*

1. Every worker shall be entitled to an Idd bonus equal to 15 days' remuneration, half being paid at the end of Ramadan and the other half at the beginning of Arafa.  
Provided that the bonus due to non-Muslim workers may, if such workers so request, be paid in a single sum at the end of the solar year.
2. Workers who have not completed one year's service shall be

there have been months, or fractions of months above a fortnight, of actual service.

3. Where a worker's services are terminated, a proportionate bonus in respect of the months, or fractions of a month above a fortnight, of actual service shall be paid to him when his accounts are settled.

4. In the case of workers remunerated at piece rates or on commission, the bonus shall be calculated on the average earnings at piece rates or on the average commission received during the last three months or lesser period, after deduction of any expenses borne by the worker himself, whether or not such expenses are determined in the forms of a lump sum.

## Chapter II.

### PAYMENT OF REMUNERATION

#### Article 75

##### *Method of payment*

1. Subject to the provisions of this Code or regulations made hereunder, the remuneration to a worker shall be paid in legal currency.

2. Payment shall be effected at the place of work and on the last day of the pay period.

#### Article 76

##### *Periodicity of payment*

1. Except where common usage requires otherwise, remuneration shall be paid at regular intervals of not more than a fortnight in the case of a worker paid by the day, and not more than a month in the case of other workers.

2. In the case of piece work lasting longer than a fortnight a worker may request to be paid a fortnight amount on account in proportion to the amount of work done, subject to a maximum of 80 per cent.

3. Except as otherwise agreed in writing, workers remunerated on commission shall be entitled to receive the rate of commission customary in the branch of activity concerned.

4. Commission on business transacted during a given quarter shall be paid by the end of the following quarter.

5. Commission on business transacted during a given financial year shall

#### Article 77

##### *Receipts*

The payment of remuneration shall be proved by a receipt or similar document signed by the worker, or authenticated by his finger-print if he is illiterate. Such document shall be preserved by the employer with his other accounting records and shall be produced at the request of the competent central or district labour inspector.

#### Article 78

##### *Priority of wages*

Wages owing to a worker shall enjoy a general claim on the assets of the employer and shall have priority over the debts of all creditors of the undertaking.

#### Article 79

##### *Worker's remuneration not to be attached*

The remuneration of a worker shall not be liable to be assigned or attached except for an amount not exceeding one-fourth of the remuneration.

#### Article 80

##### *Protection of employer's assets from seizure*

Payments due from the State or from public institutions for work done shall not be seized by third parties, in so far as they relate to the remuneration payable by the employer to the workers.

#### Article 81

##### *Limitation*

All entitlements of a worker to payments under the employment relationship shall be barred by limitation after three years

Chapter III.

DEDUCTION AND DISCIPLINARY PENALTIES

Article 82

*Deductions from remuneration*

No deductions other than those prescribe by this Code or regulations made hereunder or nay other law or collective labour agreement shall be made from woker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

Article 83

*Voluntary absence and disciplinary penalties*

1. Voluntary absence of a worker from his work shall entail the loss of all remuneration for the period of the absence.

2. Voluntary absence of a worker from the service for a period of seven days or more consecutive days without justification will be considered as if he has resigned the service of his own accord.

3. In cases where the worker has defaulted contractual obligations without warranting the immediate termination of his employment relationship, he shall be liable to the following disciplinary penalties:

- (a) warning;
- (b) suspension from work for not exceeding seven days.

4. The employer shall immediately notify the worker of the measures to be taken against him under the preceding paragraph.

Article 84

*Fines Fund*

1. The amount of the fines mentioned in the last preceding Article shall be paid by the employer to the Ministry at the end of each month. This amount shall be credited to the Fines Fund maintained by the Ministry.

2. The Secretary may, after consultation with the Central Labour Commission, utilize any amount out of the Fines Fund for

PART VI.

CONDITIONS OF WORK

Chapter I.

HOURS OF WORK

Article 85

*Hours of work*

«Hours of work» means the period during which a worker is at the disposal of the employer, excluding any rest periods prescribed or agreed within the limits fixed by this Code or regulations made here under or by any other law.

Article 86

*Normal hours of work*

1. The normal hours of work of a worker, whether at time rates, piece rates or job rates shall not exceed 8 a day or 48 a week.

2. Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration which shall in no case be less than 25 per cent of the normal remuneration:

Provided that work done on national and public holidays shall be paid as under:

- (a) 1st May (Labour day) - 1 day )
- 1st July (National Commorative day - 1 day ) 100% more than the normal remuneration
- 21st October (Revolution day - 1 day )

- (b) Idd-El-Fitr - 2 days )
- Idd-El-Adha - 2 days )
- 26th June - 1 day ) 50% more than the normal remuneration
- 12 Rabi-El-Awal (Birthday of Prophet - 1 day )

Article 87

*Intermittent work*

In occupations that involve intermittent duty or mere presence or caretaker activity, the normal hours of work shall be 10 a day and 60 a week.

Chapter II.

NIGHT WORK

Article 88

*Night work for women and young persons*

1. For the purposes of this Chapter, the term «night work» means any work done between 10 p.m. and 5 a.m.

2. It shall be unlawful to employ young persons under the age of 18 years or women on night work in industrial, commercial and agricultural undertakings and their ancillary establishment; except undertakings in which only members of the same family are employed:

Provided that this prohibition shall not apply to workers of either sex who have attained the age of 16 years:

- (a) if they are employed on work which, by its nature, must be continued night and day;
- (b) in a case of force majeure which prevents the normal operation of the undertaking.

3. In cases covered by sub-paragraph (b) above the employer shall immediately notify the competent district labour inspectorate indicating the circumstances of the case of force majeure, the number of women and young persons employed, the hours of work adopted and the probable duration of the night work.

4. Night work shall be remunerated by an increase of not less than 25 per cent of the normal remuneration, except in the case of work done on regularly recurring shifts.

Article 89

*Power of the Secretary*

Notwithstanding the provisions of the last preceding Article, the Secretary may, by decree:

- 1. reduce the length of the night period in places where special climatic conditions so warrant;

- 2. authorise and prescribe conditions for the employment of women on night work during seasons and in cases when such work is concerned with raw materials which are being processed and are likely to deteriorate rapidly, if such action is necessary to save the materials from loss;
- 3. authorise, in particularly serious circumstances, the employment of young persons who have attained the age of 16 years on night work if the public interest so warrants.

Chapter III.

WORK OF WOMEN CHILDREN AND YOUNG PERSONS

Article 90

*Prohibited work*

1. The Secretary may, by decree, prescribe the types of work prohibited for women, expectant and nursing mothers, children and young persons.

2. For the purpose of this Chapter, the term «children» means persons of either sex who have not attained the age of 15 years and the term «young persons» means those who have attained the age of 15 years but have not attained the age of 18 years.

3. Where the age is uncertain, medical opinion shall be obtained.

4. The Secretary may, by decree, prescribe the types of work that are dangerous or unhealthy or that demand considerable strength or concentration, thus necessitating changes in the minimum age fixed for children and young persons in this Chapter. The maximum weights to be carried, pulled or pushed by children young persons and women shall be prescribed in the same manner.

Article 91

*Expectant and nursing mothers*

1. No women worker shall be discharged during a period of pregnancy, as duly confirmed by a medical certificate, until the end of the period of leave mentioned in the next succeeding paragraph or until the child is one year old:

Provided that this rule shall not apply in the following cases:

- (a) the cessation of the activity of the undertaking in which the woman worker is employed;



(b) the completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.

2. A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement to 14 weeks' maternity leave with half pay of which at least 6 weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

3. If the confinement takes place after the expected date, the prenatal leave shall be extended until the actual date of the confinement; the six week period of leave after the confinement shall not be reduced.

Article 92

*Nursing breaks*

A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

Article 93

*Unlawful to employ children*

1. It shall be unlawful to employ children under the age of 15 years:

Provided that this restriction as to age shall not apply to:

- (a) pupils attending public and State-supervised trade schools or non-profit-making training workshops;
- (b) members of the employer's family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.

2. Notwithstanding the provisions of the preceding paragraph, the Secretary may authorise the employment of children of not less than 12 years of age, on condition that the work is compatible with the proper protection, health and moral welfare of such children and in cases where it is necessitated by special business or local conditions and by the special technical requirements of the work, or is essential to the learning of the trade.

Article 94

*Minimum age for certain types of work*

1. The minimum age for employment on a vessel as a trimmer or stocker or on underground work in quarries or mines shall be 18 years:

Provided that the minimum age for any other employment on a vessel (including fishing vessel) shall be 15 years.

2. Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance or repair of buildings.

Article 95

*Medical examination*

1. Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on which they are to be employed. Thereafter the employer shall arrange a medical examination once a year of children and young persons until they reach the age of 18 years.

2. Officials of the health services shall carry out such medical examination and issue the appropriate certificates.

3. Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

Chapter IV.

WEEKLY REST, PUBLIC HOLIDAYS AND ANNUAL LEAVE

Article 96

*Weekly rest*

1. Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. Subject to the exceptions mentioned in paragraph 5 of this Article, it shall consist of at least 24 consecutive hours each week.

2. As far as possible, the weekly rest shall be granted simultaneously to all workers employed in an undertaking.

3. Workers shall also be entitled to a rest day on public holidays recognised as such by the State.

4. A worker shall be entitled to full remuneration on all national holidays in letters (a) and (b) of the proviso to paragraph 2 of Article 86 of this Code.

5. The Secretary may specify the occupations in which the rest day may be granted in rotation or replaced by other traditional holidays or granted in respect of periods longer than a week.

Article 97

*Annual leave*

1. Workers shall be entitled to 15 days leave with pay for every year of continuous service. On the termination of his service after a year of continuous service a worker shall be entitled also to proportionate leave consisting of as many twelfths as there have been months or fractions of months above a fortnight of actual service.

2. An entitlement to leave with pay shall normally be acquired after a full year of continuous service:

Provided that aggregate service shall also be counted up to a maximum of two years.

3. Where the employment relationship ceases before the worker has taken the leave to which he is entitled, he shall be paid remuneration in lieu of any leave not taken.

4. The period of annual leave, which shall normally be taken continuously, shall be granted at a time to be fixed by the employer having regard to the needs of the undertaking and the interests of the workers.

5. The employer shall notify the worker beforehand of the period fixed for him to take his annual leave.

6. Shorter periods of not less than 6 continuous working days may be substituted for the continuous period of leave if the needs of the work so require:

Provided that the aggregate shall not be less than the minimum period prescribed by this Code.

7. The period of notice prescribed in Article 51 shall not be included in the annual leave.

8. The rate of remuneration payable to the worker at the beginning of his annual leave shall be paid to him throughout the leave period.

Article 98

*Leave Register*

Every employer shall maintain a Leave Register showing the date of entry into service of each of his workers, the date on which each worker takes his annual leave, the duration of such leave and the corresponding remuneration.

Chapter V.

COMPANY STORES

Article 99

*Conditions of operation of company stores*

1. Any organisation shall be deemed to be a company store if it is used by the employer, either directly or indirectly, to sell consumer goods to the workers in the undertaking.

2. Company stores shall be permitted to operate subject to the following conditions:

(a) that the goods sold are intended exclusively to meet the normal requirements of the workers and are not a source of profit to the employer;

(b) that the accounts of such stores are kept completely separate and are under the supervision of a committee composed of representatives of the workers and of the employer.

3. The prices of the goods for sale shall be posted up legibly inside the store.

4. It shall be unlawful to sell alcoholic beverages both in the stores and in workplaces of the employers.

Article 100

*Administrative supervision*

1. The opening of a company store, subject to the conditions laid down in the last preceding Article, shall require the prior authorisation of the competent district labour inspectorate.

2. The opening of such store may be compulsory in certain undertakings if the Director so directs:

Provided that no worker shall be compelled to make purchase at such a store.

3. The operation of such store shall be supervised by the competent district labour inspectorate. If irregularities are observed in its operation, the competent central labour inspectorate on the report of the competent district labour inspectorate may order it to be closed, either temporarily or permanently.

## PART VII.

### OCCUPATIONAL HEALTH AND SAFETY

#### Article 101

##### *Protection against possible risks*

All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks.

For this purpose the employer shall:

1. maintain a perfect state of safety and hygiene to avoid the risks of accident or damage to health;
2. take suitable measures to prevent contamination of workplaces from toxic gases; vapours, dust, fumes, mists and other emanations;
3. provide sufficient and suitable toilet and washing facilities, separately for men and women workers;
4. provide an adequate supply of drinking water easily accessible to all workers;
5. maintain fire-fighting appliances and staff trained in their uses;
6. provide the necessary safety appliances adapted to machinery and plant;
7. maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
8. provide suitable cloak room facilities for the staff;
9. provide suitable installation for the removal of refuse and drainage of residual waters;
10. take the necessary precaution in his establishment to protect the life, health and morality of the workers;

11. ensure that his staff receive the necessary instructions for the prevention of industrial accidents, occupational diseases and other risks inherent in their occupations;
12. post up in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
13. inform the competent district labour inspectorate, for the purposes of regulating factory inspection, whenever steam plant or boilers or any pressure vessels or compressed air or compressed gas vessels are being installed;
14. supply the workers with the apparatus and instruments to guard against the risks inherent in the work;
15. take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

#### Article 102

##### *Notification of industrial accidents and occupational diseases*

1. The employer shall immediately notify the competent labour inspectorate of all accidents resulting in injury or death.
2. Similar notification shall be given in cases of occupational diseases.

#### Article 103

##### *Medical facilities*

1. Every undertaking normally employing more than 10 workers at a single centre shall maintain a first aid chest.
2. Every undertaking normally employing more than 100 workers at a single centre shall also have its own dispensary and adequate medical staff.

#### Article 104

##### *Conveyance of injured and sick workers*

It shall be the duty of the employer to arrange at his own expenses for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Article 105

*Health and safety regulations*

Without prejudice to the provisions contained in this Part, the Secretary may make any other health and safety regulations generally or for any class of undertakings.

PART VIII.

**ADMINISTERING AUTHORITIES AND METHOD**

**OF IMPLEMENTATION**

Chapter I.

**ADMINISTRATIVE AND SUPERVISORY AUTHORITIES**

Article 106

*Central Labour Authority*

1. The Ministry shall be the Central Labour Authority for the purposes of this Code.
2. The Central Labour Authority through the Labour Department shall:
  - (a) ensure compliance with the provisions of this Code or regulations made hereunder or any other law for the protection and welfare of the workers;
  - (b) assist, on request the registered trade unions and registered employers' associations or employers or their federations or confederations in drawing up collective labour agreements and take such steps as are appropriate to settle by conciliation disputes arising at the national level or disputes of major importance;
  - (c) direct the education and vocational training of workers and the placement of the unemployed;
  - (d) be responsible for all questions connected with employment relationships, conditions of work, employment of workers, manpower movements and labour statistics.
3. The Head of the Labour Department shall have the rank of Central Labour Inspector.

Article 107

*District labour inspectorates*

1. The district labour inspectorates shall function under the Central Labour Inspector referred to in the preceding Article.
2. A district Labour inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of District labour inspector who shall be appointed by the Secretary. Any district labour inspector may be made responsible for two or more inspectorates simultaneously.
3. In the absence of a District Labour Inspector or where no such appointment is made, the chairman of the District Council shall carry out the functions of the District Labour Inspector.

Article 108

*Duties of district labour inspectors*

The district labour inspector shall:

- (a) ensure strict compliance with the provisions of this Code or regulations made hereunder;
- (b) arrange for the placement of workers;
- (c) report on the circumstances of the workers in his district;
- (d) conciliate in labour disputes falling within his competence;
- (e) maintain such records and registers as prescribed by this Code or regulations made hereunder or as required by the Central Labour Authority;
- (f) carry out the orders and instructions issued by the Central Labour Authority and the competent district labour inspector.

Article 109

*Cooperation and assistance from Government authorities*

The Central Labour Inspector and district labour inspector may, where necessary, seek the cooperation and assistance of any Government authorities for the implementation of the provisions of this Code and regulations made hereunder.

## Article 110

### *Powers of inspectors*

The Central Labour Inspector and district labour inspectors, possessing proper identity cards shall have powers:

1. to enter freely without previous notice at any hour of the day or night any work place liable to inspection.
2. to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
3. to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
4. to interrogate, alone or in the presence of witnesses, the employer or the worker, on any matters concerning the application of this Code or regulations made hereunder;
5. to require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom;
6. to enforce the posting of notices required by the provisions of this Code or regulations made hereunder;
7. to take evidence and to obtain samples for the purposes of analysis or study;
8. to arrange for themselves to be accompanied in the course of their inspection by representatives of the employer and of the workers employed in the undertaking and, if necessary, the representatives of other Government authorities mentioned in the last preceding Article and by such interpreters as may be necessary;
9. to require the employer to submit to them such information and statistics concerning the workers or their terms and conditions of service as is considered necessary;
10. to draw up reports, which shall be deemed to be true until contrary is proved, of any breaches of this Code or regulations made hereunder, which they have observed;
11. to give due warning to employers, in cases where breaches of this Code or regulations made hereunder have been observed, and to fix a time limit within which the irregularities shall be rectified;

12. to invite the parties to a labour dispute to attend conciliation proceedings and produce any books, registers or other documents which may be required for the settlement of the dispute.

## Article 111

### *Prohibitions*

The Central Labour Inspector and the district labour inspectors shall not:

1. have any direct or indirect interest in any undertaking;
2. reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties;
3. divulge the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of receipt of such a complaint.

## Article 112

### *Powers as police officers*

The Central Labour Inspector and the district labour inspectors shall, within the limits of the powers and duties assigned to them under this Code or regulations made hereunder or any other law, have the status and powers of police officers.

## Chapter II.

### ADVISORY AUTHORITIES

## Article 113

### *Central Labour Commission*

1. The Central Labour Commission is hereby established under the Ministry. It shall consist of:

- (a) The Secretary of State — Chairman
- (b) The Director of the Labour Department — Vice Chairman
- (c) one representative from the Ministry of Agriculture appointed by the said Ministry — Member
- (d) one representative from the Ministry of Industry and Fisheries appointed by the said Ministry — Member
- (e) one representative from the Ministry of Commerce appointed by the said Ministry — Member
- (f) one representative from the Social Insurance Organisation (CASS) — Member
- (g) two representatives from the Public Relations Office — Members

2. The commission may, through its Chairman, request the appropriate Government Departments and private undertakings to furnish such documents and other information as it need for the discharge of its duties.

3. The Commission may formulate its own rules of procedure.

Article 114

*Functions of the Commission*

The Commission shall advise the Secretary, as and when required by him on any matter referred to it concerning the employment, conditions of service and welfare of workers.

Chapter III.

METHODS OF SUPERVISION

Article 115

*Notification of the opening and closing of undertakings*

1. Any person who opens an industrial, commercial or agricultural undertaking normally employing 5 or more workers shall notify the competent district labour inspectorate of the fact within ten days, specifying the nature of the business and the number of workers employed.

2. Similar notification shall be given within the same time limit to the competent district labour inspectorate if the business of the undertaking closes.

3. Every district labour inspectorate shall maintain an up-to-date list of the industrial, commercial and agricultural undertakings in its area.

Article 116

*Work Books*

Every worker shall be supplied free of charge, with a Work Book by the district labour inspectorate of the area where the worker works in the form prescribed by regulations made hereunder:

Provided that the following shall not be required to have a Work Book:

1. the employer's spouse and his relatives, if they live with him and are maintained by him;
2. persons holding positions of director or manager of an undertaking;
3. persons employed in the Government services and by public authorities and public institutions;
4. workers employed in domestic service;
5. workers intended for industrial, commercial or agricultural undertakings not employing more than 4 persons;
6. workers required for casual work not lasting longer than 7 days.

Article 117

*No employment without Work Book*

1. Subject to the exemptions mentioned in the last preceding Article no employer shall employ a worker if he is not in possession of a Work Book.

2. No worker shall obtain more than one Work Book.

Article 118

*Custody of Work Book*

1. A Work Book shall remain in the custody of the competent district labour inspector until the worker is sent by it to an employer for placement.
2. On employing a worker, the employer shall take possession of the Work Book and verify that it is duly completed and is in order.
3. The Work Book shall remain in the employers custody for such time as the worker is employed by him.
4. Where a worker serves two or more employers simultaneously, the Work Book shall remain in the custody of one of them, the other employers being furnished by him with a declaration that the Work Book is in his custody.
5. Within 24 hours of the termination of an employment relationship, the employer shall return the Work Book to the worker, who shall give him receipt for it. The worker shall return the Work Book to the competent district labour inspectorate for custody.

Article 119

*Objections*

1. A worker shall be entitled to inspect the Work Book held in the employer's custody.
2. An objection to any entry made in the Work Book by the employer may be lodged by the worker concerned with the competent district labour inspectorate, which may order the correction or deletion of the entry without prejudice to any legal action.

Article 120

*Duplicate Work Book*

1. Where a Work Book is lost or damaged, a duplicate may be issued to a worker free of charge or on payment of such fee as may be prescribed by regulations made hereunder.
2. Where a Work Book no longer contains the requisite space for the prescribed entries, the competent district labour inspectorate may issue a new Work Book, in which the number of the previous Work Book shall be recorded. The old Work Book shall remain in the custody of the competent district labour inspectorate.

Chapter IV.

REGISTRATION OF WORKERS

Article 121

*Registration*

1. Every person wishing to be found employment in the service of another shall cause his name to be registered in the General Employment Register kept by the competent district inspectorate.
2. No person shall register himself with more than one district labour inspectorate.

Article 122

*Requirements of registration*

1. No person may be registered in the General Employment Register unless he has attained the minimum age prescribed by this Code or regulations made hereunder or any other law for admission to employment.
2. On registration, a worker shall be issued by the competent district labour inspectorate with a Registration Card in such form as may be prescribed by regulations made hereunder.

Article 123

*Order of registration*

1. Persons shall be registered in the General Employment Register in the order in which their applications are received.
2. If a registered person once employed and discharged, wishes to be found another employment, he shall be registered again in the order in which his subsequent application is received.
3. The registered persons shall be classified by the district labour inspectorates in separate registers according to their occupational categories.

Article 124

*Employment agents*

It shall be unlawful for any person to act as an employment agent, paid or otherwise.

Chapter V.

PLACEMENT OF WORKERS

Article 125

*Placement*

Placement shall be a public service and shall be carried out in accordance with the provisions of this Code or regulations made hereunder.

Article 126

*Compulsory employment*

1. Employers shall be obliged to employ the worker they require from among those registered in the General Employment Register:

Provided that this obligation shall not apply to:

1. the employer's spouse and his relatives who are living with him and are maintained by him;
2. persons holding positions of a director or manager of an undertaking;
3. workers employed in domestic service;
4. workers intended for industrial, commercial or agricultural undertakings not employing more than 4 persons;
5. worker required for casual work not lasting longer than 7 days.

2. Workers to be employed in the State Central and Local Services, Autonomous Agencies and Public Institutions shall be recruited through the labour inspectorates in their respective areas, or as result of duly publicised competitive examination at which the Labour Department is represented.

Article 127

*Application for employment of workers*

1. Subject to the exemptions mentioned in the last preceding Article, any employer intending to employ workers shall make application to the district labour inspectorate for the area where the work is to be done.

2. If the inspectorate is unable to meet the requirements of the employer wholly or in part, it shall refer such part as it is unable to meet to any other district labour inspectorate.

3. Applications for workers shall state the number required in each category and trade with qualifications and shall indicate the terms and conditions of employment and the probable duration.

4. Application by name of workers may be permitted in the case of:

- (a) workers required for positions of trust connected with the custody of workshops, worksites or other property of the undertaking;
- (b) apprentices who have completed their apprenticeship in the undertaking;
- (c) Workers who have already been employed by the same undertaking.

5. A district labour inspectorate shall, when accepting an employer's application, satisfy itself that the terms and conditions offered to workers are in conformity with the provisions of this Code or regulations made hereunder and with the stipulations of collective labour agreements, if any.

Article 128

*Priorities and reference to employment*

1. Except in cases where applications by name are permitted, workers shall be found employment in the order of their registration in the General Employment Register:

Provided that workers living in the district where the work is to be done shall have priority in being found employment.

2. Workers dismissed from an undertaking owing to reduction of staff shall have a prior claim to reinstatement in the undertaking for one year, reckoned from the date of their dismissal.

3. When a worker is referred for employment, the competent district labour inspectorate shall give him his Work Book and a letter addressed to the employer.

Article 129

*Employers may refuse to accept certain workers*

1. Notwithstanding the provisions of Article 126, employers shall have the right to test workers referred to them for employment with a view to ascertaining their technical skill or suitability for the job. In case a worker is not found suitable, the employer may ask the competent district labour inspectorate for another worker.

2. An employer may refuse to engage workers whom he has already dismissed for reasonable cause.



Article 130

*Direct engagement of workers*

1. An employer may employ workers directly in any case where such employment is justified by an urgent need to avoid damage to persons or plant.

2. Whenever workers engaged directly under the last preceding paragraph are employed for longer than a week, the employer shall notify the competent district labour inspectorate of their names indicating the reasons therefor and the conditions of employment.

Article 131

*Notification of termination of employment*

Employers subject to the placement procedure shall notify the competent district labour inspectorate within 5 days, the names and skills of any workers who, for whatever reason, cease to be employed by them.

Article 132

*Compulsory notification by workers*

1. Workers registered in the General Employment Register shall be required to notify the competent district labour inspectorate within 7 days of their starting work if they are employed directly under the provisions of the Code.

2. Persons registered in the General Employment Register shall, if they continue to be unemployed, renew their registration with the competent district labour inspectorate every three months from the date of their registration. Failure to do so shall entail the loss of their position on the General Employment Register except in cases where such failure was due to a serious and duly proved impediment.

Article 133

*Administrative appeals*

1. Any person aggrieved by a decision of a district labour inspectorate in respect of registration or placement may appeal to the central labour inspector.

2. An appeal against the decision of the central labour inspector shall be to the Secretary whose decision shall be final.

PART IX.

SETTLEMENT OF LABOUR DISPUTES

Article 134

*Individual labour disputes*

1. An individual labour dispute shall be submitted by any of the parties to the competent District Labour Inspector for conciliation, who shall attempt to settle the dispute within fourteen days of submission.

2. If any of the parties is not satisfied with the decision of the District Labour Inspector, it may, within fourteen days from the date of the notification of the decision, refer the dispute to the Central Labour Inspector who shall attempt to settle the dispute within fourteen days of its submissions.

3. If any of the parties is not satisfied with the decision of the Central Labour Inspector, it may within fourteen days from the date of notification of the decision, refer the dispute to the competent Regional Court.

Article 135

*Collective Labour dispute at district level*

1. A collective labour dispute arising at the district, firm or factory level shall be submitted to the competent District Labour Inspector for conciliation who shall attempt to settle the dispute within fourteen days of its submission.

2. If any of the parties is not satisfied with the decisions of the District Labour Inspector, it may, within fourteen days from the date of the notification of the decision, refer the dispute to the Central Labour Inspector who shall attempt to settle the dispute within fourteen days of its submission.

3. If any of the parties is not satisfied with the decision of the Central Labour Inspector, it may within fourteen days from the date of notification of the decision, refer the dispute to the competent Regional Court.

Article 136

*Collective labour disputes at regional level*

1. A collective labour dispute of a regional character, arising at the regional level from more than one districts shall be submitted to the Central Labour Inspector who shall attempt to settle within fourteen days of its submission.

2. If any of the parties is not satisfied with the decision of the Central Labour Inspector, it may within fourteen days from the date of notification of the decision, refer the dispute to the competent Regional Court.

#### Article 137

##### *Collective national labour disputes*

1. A collective labour dispute arising at the national level shall be submitted for conciliation by any of the parties to the Central Labour Inspector who shall attempt to settle it within fourteen days of its submission.

2. Any party not satisfied with the decision of the Central Labour Inspector may, within fourteen days of the notification of the decision, refer the dispute to the Supreme Court.

#### Article 138

##### *Procedure for conciliation and settlement*

1. When a labour dispute is submitted under this Part of the Code to any conciliator, he shall immediately invite the parties for conciliation.

2. Each conciliator shall attempt to settle the dispute within the prescribed time-limits.

3. In case an attempt at conciliation fails, the conciliator shall draw up a report within seven days of the conclusion of the conciliation proceedings and shall send a certified copy thereof to the parties, the next conciliator if any, and to the competent Regional Court or the Supreme Court, as the case may be.

#### Article 139

##### *Reference to arbitration*

1. Notwithstanding the provisions contained in the preceding Articles of this Part for the settlement of labour disputes, either of the parties may, after exhausting the conciliation procedures laid down in this Part, refer the dispute to arbitration before proceeding to the competent Court.

2. In the case of reference to arbitration:

- (a) the parties shall draw up a document specifying the terms of reference and notify the last conciliator;

(b) each party shall nominate one of the arbitrators and the chairman shall be appointed by the Secretary;

(c) the chairman and the arbitrators shall form the arbitration board and shall give their award within thirty days of the reference of the dispute to them;

(d) a certified copy of the arbitration award shall be given to each of the parties and also sent by the chairman of the board to the last conciliator.

3. Any party aggrieved by the decisions of the board may, within fourteen days of such decision, refer the dispute to the competent Regional Court.

4. In case of reference to the Court, notwithstanding the provisions of any law to the contrary:

(a) a dispute referred to it under this Part shall be decided by the Court within thirty days;

(b) any aggrieved party may, within fourteen days of such decision appeal to the Supreme Court which shall decide the appeal within fourteen days.

5. The president of the Regional Court shall as far as possible, assign a special Judge to deal with labour disputes.

#### Article 140

##### *Jurisdiction of the Supreme Court*

The Supreme Court shall have exclusive jurisdiction over appeals as to the legality of measures taken in the settlement of disputes by the conciliators, the arbitration board or a lower Court.

#### Article 141

##### *Participation of labour union committees in settlement of labour disputes*

Notwithstanding the provisions contained in this Part of the Code, the trade unions concerned shall be entitled to participate in proceedings relating to the settlement of labour disputes.

#### Article 142

##### *The right to strike*

1. The right to strike shall be exercised in accordance with the regulations made hereunder.

2. Lockouts are hereby prohibited.

PART X.

**PENALTIES**

Article 143

*Obstruction to labour inspectors*

Any person who wilfully obstructs a district or central labour inspector in the performance of their official duties, shall be guilty of an offence punishable with imprisonment for a term not exceeding one year or with a fine not less than So. Sh. 200 and not more than So. Sh. 200 or with both such imprisonment and fine.

Article 144

*Other contraventions*

Any person who contravenes the provisions of this Code or regulations made hereunder for which no penalty is specifically provided in this Part, shall be guilty of an offence punishable with imprisonment for a term not exceeding six months or with a fine not less than So. Sh. 100 and not more than So. Sh. 1000 or with both such imprisonment and fine.

Article 145

*Repetition of offences*

If an offence under this Code is repeated, the penalty provided herein may be doubled.

Article 146

*Filing of complaints*

The district or Central Labour Inspector shall, after giving due warning, if necessary, to the offending party, file a report in respect of the breaches under this Code or regulations made hereunder before the competent court, sending a copy hereof at the same time to the Ministry.

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PART XI.

**MISCELLANEOUS**

Article 147

*Regulations*

The President of the Supreme Revolutionary Council may, by decree, on the proposal of the Secretary, issue regulations for the proper implementation of this Code.

*Coming into force*

This Law shall come into force on 21st October 1972 and shall be published in the Officielle Bulletin.

*Jaalle M. G. Mohamed Siad Barre*

PRESIDENT

of the Supreme Revolutionary Council

**DISPOSIZIONI, COMUNICATI, AVVISI, VARIE**

N. N.

**PARTE SECONDA**

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