

**The Labour Law for the Private Sector, 1976**  
**Promulgated by**  
**AMIRI DECREE LAW NO. 23 OF 1976**

We, Isa Bin Salman Al Khalifa, Amir of the State of Bahrain,

After full consideration of the Constitution;

Amiri Order No. 4 of 1975;

The Bahrain Labour Ordinance, 1957 and amendments thereto;

Amiri Decree No. 20 of 1975 establishing the High Council for Vocational Training; and

Having considered the submission by the Minister responsible for Labour and Social Affairs; and

With the agreement of the Council of Ministers;

hereby assent to the enactment of the Law as prescribed hereunder and do decree:

**Article 1**

The Bahrain Labour Ordinance enacted in 1957 and amendments thereto are hereby repealed and replaced by the Labour Law for the Private Sector, annexed hereto, and any provision which is contrary thereto is so repealed, but with due regard to the provisions of Article 111 of the said Labour Law for the Private Sector.

**Article 2**

Ministers, within their respective areas of jurisdiction, shall implement the provisions of this Law which shall become effective after a period of one month from the date of its publication in the Official Gazette.

Issued at Riffa Palace

Amir of the State of Bahrain

18 Jomad Thani 1396 H

16 June, 1976 G

Isa Bin Salman Al Khalifa

The Arabic official text was published as an Annexure to the Official Gazette No. 1184 dated Thursday, 15th July, 1976.

## CHAPTER 1: SCOPE OF APPLICATION OF THE LAW

### Article 1

"Worker" means any person, male or female, employed for remuneration of any kind in the service of an employer and under his control or supervision.

"Employer" means any person or body corporate employing one or more workers for remuneration of any kind.

### Article 2<sup>(i)</sup>

The provisions of this Law shall not be applicable to the following categories, unless otherwise stated:

1. civil servants and employees of public corporate entities that are subject to the Civil and Military Service Regulations.
2. domestic servants and persons regarded as such.
3. persons employed in temporary and casual work which is outwith the scope of the employer's business and for duration of less than one year.
4. marines ships, officers, engineers, seamen and others whose employment contract is subject to a special law.
5. persons employed in agricultural work other than:
  - a. workers employed in agricultural firms which process or market their products.
  - b. Workers permanently employed in operating or repairing mechanically driven equipment used in agriculture.
  - c. Workers engaged in management or as security guards in agricultural operations.
6. members of the employer's family, who are3 husband, wife, his parents and offspring's whom he actually supports.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 2: THE REGULATION OF EMPLOYMENT OF FOREIGNERS

### Article 3<sup>(i)</sup>

No employer shall employ a foreigner without a valid Work Permit issued by the Ministry of Labour and Social Affairs. Workers referred to in Article 2 paragraphs (2), (3), (4), (5) and (6) are not exempted from the provisions of this Article. The Minister of Labour and Social Affairs shall issue the orders governing the conditions of obtaining work permits for foreigners, durations thereof, renewal procedures and prescribed fees, and also the cases for suspending the renewal of such permit, withdrawal before its expiry date and cases of exemption from the conditions of obtaining such permit.

### Article 4<sup>(i)</sup>

The Minister of Health shall, in conjunction with the Minister of Labour and Social Affairs, issue orders for determining the necessary procedures for ascertaining the physical fitness of the foreign worker and that he is free from any infectious diseases. The workers referred to in Article 2 paragraphs (2), (3), (4), (5) and (6) shall not be exempted from the provisions of this Article.

### Article 5<sup>(ii)</sup>

### Article 6<sup>(ii)</sup>

### Article 7<sup>(i)</sup>

An employer who recruits a foreign worker shall be obliged to incur the costs of repatriating such worker to the destination specified in the contract of employment, the destination in which the contract was concluded, the place from the worker came or the country of which he has its nationality if it is not feasible to repatriate him to any of the aforesaid destinations after the completion of work, expiry of his contract, cessation of renewing the work permit or withdrawing it before the expiry of its duration in accordance with Article 3 of this law and the Ministerial Orders issued for implementation thereof.

If a foreign worker joins the employ of another employer, the latter shall be liable to pay the costs for repatriating the worker in the cases referred to in the preceding paragraph.

The provisions of this Article shall be applicable to the workers provided for in Article 2 paragraphs (2), (3), (4), (5) and (6) of this Law.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

**(ii) Articles 5 & 6 were cancelled by the Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

### CHAPTER 3: THE REGULATION OF EMPLOYMENT OF NATIONAL WORKERS

#### Article 8

Every citizen able to work and willing to accept employment shall be entitled to register his name at the Ministry of Labour and Social Affairs together with his age, occupation, qualifications and previous career experience. The Ministry shall, thereupon, record such applications in chronological order promptly and shall issue to the petitioner a certificate to this effect, free of charge.

The particulars contained in the certificate shall be prescribed by Order of the Minister for Labour and Social Affairs.

#### Article 9<sup>(i)</sup>

#### Article 10<sup>(ii)</sup>

The Ministry of Labour and Social Affairs shall nominate registered candidates for suitable employment vacancies with due regard to their age and technical ability.

due regard shall be given to the application of the above gradually and according to a plan to be agreed upon between the Ministry of Labour and Social Affairs and the concerned ministry.

The Minister for Labour and Social Affairs shall issue an Order regulating such nomination of candidates for employment.

#### Article 11<sup>(i)</sup>

#### Article 12<sup>(ii)</sup>

Every employer shall at least once every year send to the Ministry of Labour and Social Affairs any details about any anticipated reduction in manpower.

#### Article 13

Every employer shall afford priority of employment to citizens; thereafter to other Arab nationals whenever both are available and possess the capacity and competence as required by the nature of employment.

Further, whenever a labour force is surplus to requirements, employers shall release non-Arab nationals before Arab nationals and citizens, and shall release Arab nationals before citizens provided always that citizens or Arab nationals possess the competence required for employment.

#### Article 14<sup>(ii)</sup>

Private recruitment agencies may be set to provide employment opportunities for Bahraini job seekers after obtaining a license for this purpose from the Ministry of Labour and Social Affairs. Such license shall be valid for a renewable period of one year.

A licensed private recruitment agency shall not be permitted to ask for nor accept from any worker whether before or after employing him payment of any commission, remuneration or charges in consideration for securing the worker's employment.

Workers introduced by private recruitment agencies shall be considered as workers once they are employed by the employer having all the rights which are enjoyed by other workers of the establishment and their relationship shall be established directly between them and the employer without any intervention by the private recruitment agency the duty of which shall cease and its relationship with them shall discontinue once they are introduced to the employer and joining his service.

Licensing conditions for establishing the private recruitment agencies, licensing fees, renewal fees and the rules and procedures to be observed by these agencies shall be determined by orders to be issued by the Minister of Labour and Social Affairs.

#### Article 15<sup>(ii)</sup>

An employer may instruct a recruiting agent to supply him with foreign workers only in accordance with the terms and conditions and upon payment of the fees prescribed by an Order issued by the Minister for Labour and Social Affairs.

For the implementation of the provisions of this Article, a recruiting agent means every person who supplies one or a group of foreign workers to an employer. Such agent shall not be permitted to engage in recruiting activities unless a license is obtained for this purpose from the Ministry of Labour and Social Affairs, which license shall be valid for a renewable period of one year. An employer shall not enter into a contract with such an agent unless he has a valid license.

The workers supplied by a recruitment agent shall be considered as workers of the employer once they join his employ having all the rights enjoyed by the establishment's workers and their relationship shall be directly with the employer without any intervention from the recruitment agent whose duty shall cease and his relationship shall be discontinued once they are introduced to the employer and upon joining his service.

The contract between an employer and the recruitment agent shall be evidenced in writing and shall contain such details as the type of employment, the rates of wages, the employer's obligation to pay such wages directly to the workers, the approximate duration of employment and the countries from which the workers have come.

Neither the employer, nor his representatives, nor the recruiting agent shall charge a worker any amount in consideration of such employment or retaining him in his job.

#### Article 16<sup>(ii)</sup>

An exemption from the provisions of this Chapter shall be applicable to key positions, which are filled by persons who are considered as authorized agents acting on behalf of their employers in exercising their powers.

- (i) Articles 9 & 11 were cancelled by the Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.
- (ii) Amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.

## CHAPTER 4: THE REGULATION OF THE EMPLOYMENT OF VOCATIONALLY REHABILITATED DISABLED PERSONS

### Article 17

A disabled person is a person whose capacity to perform and secure a suitable job has been actually reduced as result of any bodily or mental incapacity.

### Article 18

Vocational rehabilitation means the services furnished to a disabled person enable him to recover his capacity to resume his original employment or to perform any other work suitable to his condition.

### Article 19

The Minister for Labour and Social Affairs shall, in agreement with other Ministries concerned, and with the High Council for Vocational Training make such Orders as are necessary to establish, designate and regulate such institutions as are required to extend vocational rehabilitation services to disabled persons. Such institutions shall furnish to a disabled person who has been so rehabilitated a certificate to that effect. The particulars to be contained in such certificate shall be as prescribed in an Order made by the Minister for Labour and Social Affairs.

### Article 20

Every disabled person who has been rehabilitated may, with the validity of his certificate of rehabilitation, apply for registration of his name at the Ministry of Labour and Social Affairs. The Ministry shall record his name in a register and issue to him, free of charge, a certificate attesting his registration which shall include particulars concerning the occupation or jobs for which he has received rehabilitation and the other jobs which he is able to perform.

The particulars to be included in the certificate referred to in the preceding paragraph shall be as prescribed in an Order made by the Minister for Labour and Social Affairs.

### Article 21

Employers employing one hundred workers or more, whether such workers are employed in one or different localities, shall engage from amongst those whose names are recorded in the disabled persons register as having been rehabilitated the persons nominated by the Ministry of Labour and Social Affairs within the limits of two per centum of the total of their workers.

Such per centum may be fulfilled by the engaging for employment disabled persons who have not been nominated by the Ministry provided that the names of such persons are duly recorded in accordance with the provisions of the preceding Article.

A disabled person shall be employed in the job for which he has been rehabilitated or in any other work which he is able to perform and which is recorded in the registration certificate.

The bearers of certificates of vocational rehabilitation shall be exempt from any pre-requisite conditions of physical fitness, if any, in respect of the disability mentioned in the certificate.

### Article 22

The Minister for Labour and Social Affairs may Make an Order prescribing certain designated Government posts or positions for which rehabilitated disabled persons shall have a priority entitlement to appointment. This provision shall be applicable to Government agencies, public bodies, organisations and the Municipality.

Rehabilitated disabled persons shall have priority of appointment to vacant positions and jobs within the per centum limit mentioned in Articles 21 and 25 of this Law.

### Article 23

Disabled persons employed in accordance with the provisions of this Chapter shall be entitled to all the rights as those enjoyed by other workers in the same establishment in which they are employed.

### Article 24

Establishments to which the provisions of this Chapter are applicable shall maintain a special register wherein are recorded particulars of all rehabilitated disabled persons in their employment. The register shall contain such particulars as are recorded in the relevant certificate of rehabilitation. Such establishments shall notify the Ministry of Labour and Social Affairs during the month of January in each year of the number of positions and jobs held by disabled persons and the wage of each. Such notification shall be on the form to be prescribed by the Ministry.

### Article 25

In the event that a worker sustains an employment injury causing disability which does not prevent him from performing other work than his previous work, the employer in whose service the injury was sustained shall employ the worker in suitable alternative work at the normal wage fixed for such work, but within a limitation of five per centum of the total number of his workers.

This shall not prejudice the rights and entitlements of such worker, in respect of injury, according to the provisions of this Law and those of Social Insurance.

## CHAPTER 5: APPRENTICESHIPS

### Article 26<sup>(i)</sup>

An apprentice shall be deemed to be every person who enters into a contract of employment with an establishment to work in such establishment for the purpose of learning an occupation or trade for a fixed period of time during which the apprentice shall work under the supervision of the employer for a wage or remuneration.

Unless there is a specific provision in this chapter, an apprenticeship contract shall be subject to the provisions of this law.

### Article 27

The employment contract of an apprenticeship shall be in writing and recorded in triplicate in the Arabic language. One copy shall be in the possession of each of the two parties and the third retained by the Ministry of Labour and Social Affairs within one week of the date of signing the contract. The contract shall contain particulars of the occupation, the period of the apprenticeship, each progressive phase, the graduated reward or wage of each phase, provided that the wage in respect of the final phase shall be not less than the minimum wage fixed for similar work.

In any event, it is prohibited to fix a wage or reward on the basis of piece-work or productivity of an apprentice.

### Article 28

The Minister for Labour and Social Affairs shall, with the approval of the High Council for Vocational Training, make Orders determining the occupations which are subject to apprenticeship; the required conditions of an apprentice; principles of learning; what shall be required in so far as he or the nature of his work is concerned; the mode of training ; the period of apprenticeship and its phases in each trade; the reward or wage to which the apprentice is entitled in each phase of apprenticeship; the theoretical and practical programmes of studies, the system of testing; the certificate to be granted and the particulars to be recorded therein.

### Article 29

No employer shall require an apprentice to perform any work which is not in accordance with his curriculum of studies. An employer shall inform the guardian of the apprentice of serious errors committed by the apprentice and of days of his absence from work without valid reason.

### Article 30

An employer may terminate a contract of apprenticeship if he is satisfied that the apprentice has failed to perform his duties under the contract or if periodic reports on the apprentice indicate his inability to learn and the apprentice may terminate the contract provided the party so desirous of terminating the contract gives to the other party at least three days previous notice.

### Article 31

The Minister for Labour and Social Affairs may require certain establishments to accept:

1. a number or a specific per centum of apprentices in accordance with such conditions, periods and arrangements prescribed by an Order made in accordance with Article 28 of this Law;
2. a number or a specific per centum of the students and of graduates of industrial and vocational institutions for the purpose of training and completing their practical experience in accordance with such conditions and arrangements, periods and wages, and many be determined in an agreement to be concluded between the Ministry and the responsible management of the establishment concerned.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 6: VOCATIONAL TRAINING

### Article 32

"Vocational Training" means the practical and theoretical curriculum which affords workers the opportunity to develop their knowledge and skill so as to raise their productive efficiency and preparing them for particular occupations or to enable them to transfer from one occupation to another. The aforementioned training shall be undertaken within the establishments or in institutions and centres to be designated for this purpose.

### Article 33<sup>(i)</sup>

The Minister for Labour and Social Affairs shall, after the approval of the High Council for Vocational Training, make an Order prescribing the conditions and measures to be adopted in vocational guidance and training. The Minister may, in pursuance of the requirements of every occupation or trade, determine the minimum and maximum period for vocational training, the theoretical and practical programme of studies, the system of examination, the certificates to be granted in this respect and the information to be recorded therein.

This Order may include an obligation upon one or more establishments to permit workers to be trained in centres or institutions of any other establishment if the former has no such training centre or institution.

### Article 34

The Minister for Labour and Social Affairs may, after the approval of the High Council for Vocational Training, make an Order establishing and regulating institutions or centers required for vocational training in certain establishments in order to raise the productive efficiency of the workers and to provide such technicians as the establishments require.

An establishment may, with the approval of the High Council for Vocational Training, conclude an agreement with other establishment to institute common centres for training.

### Article 35

The Minister for Labour and Social Affairs may, with the approval of the High Council for Vocational Training, make an Order requiring certain establishments to accept a number of workers for training in accordance with the conditions prescribed in such Order.

### Article 36

An establishment, subject to the provisions of this Chapter, shall pay to the worker full wages for the period of training undertaken either within the establishment or elsewhere.

### Article 37

The worker who has completed his training by an establishment wherein he is employed shall be obliged to perform such work in its service for a period to be determined by an Order made by the Minister for Labour and Social Affairs. Should the worker fail to comply with this obligation, the establishment shall be entitled to recover from him the current cost already incurred in training him up to the limit of the unexpired portion of the period of this obligation.

### Article 37 bis<sup>(ii)</sup>

The minister for Labour and Social Affairs, shall, with the approval of the High Council for Vocational Training, issue an order to include the vocational classification and job description schedules which shall serve as a basis organizing employment and training activities.

Employers shall comply with schedules upon determining the job title and duties in various establishments.

**(i) The High Council for Vocational Training was established upon Amiri Decree No.20 of 1975.**

**(ii) Added by Legislative Decree No.23 of 1976.**



## CHAPTER7: THE CONTRACT OF EMPLOYMENT

### Article 38

A contract of employment is an agreement between an employer and a worker by virtue of which a worker undertakes, in consideration of a wage, to work under the direction or supervision of an employer. The contract includes the conditions of employment mutually agreed by them and is of definite or indefinite duration or for the execution of specific work.

### Article 39<sup>(1)</sup>

A contract of employment shall be confirmed in writing irrespective of the worker's nationality. The contract shall be in duplicate, of which one shall be retained by the worker and the other by the employer. In the absence of written contract it shall be admissible to prove all its conditions by all legal methods of proof.

The contract of employment shall include in particular the following particulars;

1. the employer's name and the address of the business premises.
2. the worker's name, qualifications, nationality, occupation, residential address and the necessary personal identification details.
3. date of appointment.
4. the nature, type and place of employment agreed to in the contract.
5. the duration of the contract, if it is for a definite period.
6. the wage mutually agreed upon, the method and date of payment in addition to all the elements of the wage such as the benefits in cash or in kind as mutually agreed upon.
7. any special conditions agreed upon by the two parties.

The worker shall be given a receipt for the documents and certificates which may have been deposited with the employer.

### Article 40

All contracts, correspondence, circulars, pamphlets and regulations issued by an employer to his workers shall be written in the Arabic language.

A translation into another language in respect of the matters referred to in the preceding paragraph may be added provided the Arabic text shall be the legal reliable text in the event of a dispute.

### Article 41

If the contract of employment provides for the employment for a probationary period, such period shall not exceed three months. The probationary period clause or the period thereof shall not be evidenced unless recorded in the employment contract or by a written statement given by the worker.

Nevertheless, a worker may be employed under probation for a period not exceeding six months in the occupations to be determined by an Order of the Minister of Labour and Social Affairs.

Either party may terminate a contract of employment during the probationary period if he finds that its continuance is not appropriate, provided that the party terminating the contract gives the other party one day's notice.

The same employer shall employ no worker under probation more than once.

### Article 42

Any qualified person may enter into a contract of employment unless his capacity is restricted or restrained by virtue of the Law enacted in the year 1969 governing contracts and of the general principles in force.

A minor of seven years of age may, as an employer, conclude a contract of employment through the medium of his guardian otherwise such contract may be null and void in favour of the minor. The right to void the contract will cease if either the minor confirms the contract when he becomes of legal age or if the continuance of the contract is confirmed by the guardian or by the Court as the case may be.

In the event that a minor is permitted to administer his estate, he may, himself as an employer, conclude a contract of employment in order to ensure the performance of management functions and he may, also, control the estate which he earned from his own interests.

A minor who is of fourteen years of age but who has not yet attained the age of sixteen years shall not, so long as he is a juvenile, enter into a contract of employment without the permission of his guardian otherwise such contract shall be null and void.

A minor who has attained the age of sixteen years may, as a worker, enter into a contract of employment but the Court may terminate such contract pursuant to the request of his guardian or any person who has the right to look after the minor's interest, his future or any other evident interest.

### Article 43

In either event of the cancellation or the rendering null and void of the contract of employment by virtue of the provisions of the Law enacted in the year 1969 governing contracts and the general principles in force, the two contracting parties shall revert to the state existing prior to the contract being entered into unless performance of the contract has begun, otherwise the two contracting parties to the contract are required to comply with the provisions of this Law, unless these provisions need by their nature the validity of the labour contract.

The Court may award compensation to the worker equal to the work performed unless the nature of the employment to which the contract refers is contrary to public order or morality.

### Article 44<sup>(1)</sup>

An employer who employs foreign workers may not pay them wages or remunerations which are more than these paid to Bahraini workers having equal skills, technical capabilities and academic qualifications except to the extent where the need arises from recruitment of foreign workers.

**Article 45<sup>(i)</sup>**

An employer shall be empowered to entrust the worker with duties other than these which are not agreed upon, provided that entrusting such duties are not intended to offend the worker.

**Article 46<sup>(ii)</sup>**

**Article 47<sup>(ii)</sup>**

**Article 48**

A worker shall:

1. perform his work with the due care and attention of the average man;
2. carry out the orders of the employer in the performance of the work as agreed or of any work considered as part of the occupation of the worker unless, having regard to Article 45 of this Law, such orders contravene the contract, the Law or morality or compliance with such orders exposes the worker to danger;
3. take care of the means of production placed under his authority and undertake all that is necessary for its safe keeping and maintenance;
4. keep the industrial and commercial secrets of the work even after the conclusion of the contract;
5. return all equipment and unused materials placed under his control, at the conclusion of the contract.

**(i) Amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.**

**(ii) Articles 46 & 47 were cancelled by the Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 8: THE EMPLOYMENT OF JUVENILES

### Article 49

In accordance with the provisions of this Law a "juvenile" means every male or female person of fourteen years of age but not exceeding sixteen years of age.

### Article 50

It is prohibited to employ a juvenile of either sex who is under the age of fourteen years.

### Article 51

Juveniles between the ages of fourteen and sixteen years old may, having regard to the provisions of Article 42 of this Law, be employed in accordance with the undermentioned conditions:

1. having the permission of the Ministry of Labour and Social Affairs;
2. have undergone a medical examination before engagement and periodically thereafter to ensure a satisfactory standard of health; the result of such examination to be recorded in a certificate the particulars of which shall be prescribed by an Order to be made by the Minister for Health in agreement with the Minister for Labour and Social Affairs;
3. such employment of juveniles shall be in industries and occupations other than those deemed to be hazardous or unhealthy and enumerated by an Order made by the Minister for Health in agreement with the Minister for Labour and Social Affairs.

### Article 52

Juveniles shall not be employed during the period of night which is between sunset and sunrise, the duration of which shall be not less than eleven hours.

### Article 53

Juveniles shall not be employed effectively for a period exceeding six hours a day. They shall not be permitted to remain in the employment premises for more than seven consecutive hours. The hours of work shall be interrupted by one or more intervals, the total of which shall be not less than one hour for rest and a meal. Such interval or intervals shall be so arranged that juveniles shall not work for more than four consecutive hours.

### Article 54

Under no circumstances whatsoever shall juveniles be allowed to work overtime, to remain in the employment premises beyond the hours of work fixed for them or to be employed during the weekly days of rest. Generally, they are not subject to the exceptions prescribed concerning working hours and leave entitlements.

In any event, the wages of juveniles shall not be fixed on the basis of piece-work or productivity.

### Article 55

The annual leave entitlement for juveniles shall be not less than one full month. A juvenile shall neither waive nor defer any of his leave entitlements.

### Article 56

An establishment which employs one or more juveniles, shall:

1. post up in a prominent place within the employment premises a copy of the provisions prescribing the employment of juveniles;
2. maintain a permanent register for juveniles recording their names, ages, the date of their engagement for employment and their jobs;
3. post up in a prominent place within the employment premises a list recording the hours of work and the intervals for rest;
4. notify in advance the Ministry of Labour and Social Affairs of the names of persons employed to supervise their work.

### Article 57

The Minister for Labour and Social Affairs may make an Order regulating any other conditions of employment of juveniles and their conditions of work.

### Article 58

Exempted from the application of the provisions of this Chapter are juveniles employed within the environment of the family where members of the same family only are working under the supervision of the father, mother, husband, brother, sister, uncle or grandfather.

## CHAPTER 9: THE EMPLOYMENT OF WOMEN

### Article 59

No female shall be employed between the hours of 8 p.m. and 7 a.m. except employment in infirmaries and other institutions for which the conditions of work therein shall be prescribed in an Order to be made by the Minister for Labour and Social Affairs.

### Article 60

It is prohibited to employ any female in industries or occupations which are dangerous or unhealthy for her unborn child. Such industries and occupations shall be prescribed in an Order to be made by the Minister for Health in agreement with the Minister for Labour and Social Affairs.

### Article 61

A female worker shall be entitled to maternity leave on full pay for forty-five days which shall not be deducted from her annual leave provided she produces a medical certificate attested by the Ministry of Health stating the expected date of her confinement. Such maternity leave shall include the period before and after confinement. Further, she may have an additional leave without pay for fifteen days.

### Article 62<sup>(i)</sup>

During the two years after the date of giving birth, a female worker returning to her work after the maternity leave shall be entitled to a period or two periods of rest not exceeding a total of one hour daily in addition to the normal intervals of rest given to all workers in order to suckle her newly born child.

The employer shall request the female worker every six months from the date of delivery to provide an official certificate from the health centre located in the vicinity of her residence indicating that she continues to suckle her child, but if she fails to submit such certificate within two months from the date of the employer's request, she shall forfeit her right to the rest interval for suckling her child.

Meanwhile, and employer, taking into consideration the female worker's conditions and the business interest shall fix the time for taking the interval of rest referred to in the first paragraph of this article.

### Article 63

No employer is permitted to terminate the service of a female worker on the grounds of her marriage or during her leave due to pregnancy and confinement.

The Minister for Labour and Social Affairs shall make an Order prescribing the occupations and jobs in respect of which an employer may offer alternative employment to a female worker because of her marriage.

### Article 64

A female worker shall forfeit her entitlements under the provisions of this Chapter if it is proved that she was found to have been employed by another employer during her approved leave of absence. The former employer may deprive her of her wages for the period of the leave or recover the amount already paid to her.

### Article 65

The Minister for Labour and Social Affairs may make an Order for any other regulations in respect of the employment of females and their conditions of work.

**(i) Amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 10: WAGES

### Article 66

A wage is the total remuneration whatsoever its nature payable in cash or in kind to a worker by virtue of a written or oral contract of employment in consideration of his employment together with all additional increments and allowances of any kind whatsoever, if any, and, in particular, shall include the following:

1. commission payable to traveling salesmen and commercial representatives;
2. benefits in kind;
3. increments and allowances payable as high cost-of-living or family allowances;
4. any ex-gratia payment to the worker in addition to his wage, bonuses awarded for honesty or efficiency and the like, provided such amounts are contained in the individual contracts of employment or in basic working regulations or, if the granting of such amounts is, by custom and usage, considered by the workers as an element of the wage.
5. Gratuities shall be deemed to be an element of the wage provided its payment is in accordance with customary usage, and governed by rules permitting their accurate calculation.

### Article 67

In establishments wherein the wage structure provides for periodical wage increases the most recent basic wage paid to the worker together with high cost of living bonus and family allowance shall be deemed to be the basis for the calculation of the entitlements of such worker in accordance with the provisions of this Law. In other instances, the aggregate of the most recent cash wage paid to the worker periodically and regularly shall be deemed to be the basis for the calculation of wage.

Concerning any worker who is paid a wage on the basis of piece-work or productivity, the calculation in this respect shall be deemed to be upon the basis of the average wage paid to the worker for the actual days worked during the previous three months.

### Article 68

Wages may be calculated by the hour, day, week, month, piece-rate or production. Wages shall not be deemed to be calculated on a piece-work or production basis unless a specific agreement to this effect is expressed in the contract of employment.

Wages shall be paid on a working day at the place of employment in legal tender with due regard to the following:

1. workers paid at monthly rates shall be paid at least once a month;
2. workers paid on an hourly, daily, weekly, piece rate or production basis shall be paid wages at least once in every two weeks;
3. an employer shall not transfer a worker employed on monthly terms of employment to daily, weekly, piece-work or production terms of employment, without the consent of the worker concerned and without prejudice to his rights acquired before such transfer.

### Article 69<sup>(1)</sup>

The payment of accrued wages, regardless of the value or nature thereof shall be evidenced by all legal methods of proof. An employer shall enable the worker to become familiar with the details of his wages and, whenever required, to ascertain the accuracy of such account.

### Article 70

If the wage for which an employer is liable for payment is not contained in a contract of employment or in the basic work regulations, it shall be calculated for work performed of the same nature. Where no such wage exists, it shall be calculated in accordance with the usage of the occupation and that of the location wherein the employment is performed. If no such usage exists, a judge shall determine the wage according to the exigencies of equity. Similar recourse will be followed in determining the nature of the employment to be performed by a worker.

### Article 71

When a worker reports for employment during his hours of work, as required by the contract of employment, or declares that he is immediately available for his employment during the said period and is not enabled to do so for reasons attributable to the employer, he is entitled to be paid his wage for that day.

### Article 72

Upon termination of employment, a worker shall be paid immediately his wages and all benefits accruing due to him. However, should he terminate his employment of his own accord the employer is required, in this event, to pay all wages and all benefits due within a period not exceeding seven days from the date the worker terminated his employment.

### Article 73

A worker shall not be compelled to purchase foodstuffs or goods from specified establishments or which are produced by his employer.

### Article 74<sup>(1)</sup>

An employer shall not deduct more than ten percent of the wage of a worker in repayment of any funds loaned to the worker during the term of the contract. He shall not charge any interest for such loans. This provision shall be applicable to wages paid in advance.

In respect of loans granted for houses, such deduction from the wage may be increased to a proportion which shall not exceed twenty-five percent of the wage, provided that a prior declaration in writing from the worker concerned authorizing such deduction from his wage within such percent limitation shall precede the granting of a loan.

An employer shall be authorized to add a total amount to the value of the loan given to the worker for covering administrative expenses.

If a worker terminates his employment before repayment of the loan owed by him, the employer shall be entitled to take all the necessary legal actions including making a set-off between the amounts borrowed by the worker and sums of his dues from the employer.

#### **Article 75**

No portion of the wage due to a worker shall be attached or assigned except to the extent of twenty-five per centum for the payment of alimony or in settlement of the cost of food or clothing and other debts. In the event of the payment of a multiplicity of debts, alimony shall receive first priority within the limitation of one eighth and the remainder shall be available for the other debts. The provisions of this Article and of Article 74 shall be applicable to all sums due to a worker in accordance with Article 66 and Article 111 of this Law.

#### **Article 76**

A worker who, by his default causes the loss, damage or destruction of materials, machinery or products, the property of the establishment or in its custody, shall be liable to bear the sum due thereof. The establishment may commence making deductions to recover the said sum from the wage of the worker provided that deduction for this purpose shall not exceed five days' wages in each month.

A worker may submit an appeal to the Senior Civil Court within one month from the date of his knowledge of the assessment of value.

Where the Court does not rule in favor of the establishment for the recovery or the amount evaluated or for recovery of a lesser value, such establishment shall refund, within seven days' of the date of final decision by the Court, any amount deducted without due cause.

The establishment shall not recover its entitlement by way of deduction under this Article if the value of the damage caused by the worker exceeds two months wages.

#### **Article 77**

The determination of the minimum standard of wages shall be prescribed by an Order made by the Council of Ministers, having due regard to the submission by the Minister for Labour and Social Affairs.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 11: HOURS OF WORK AND HOLIDAYS

### Article 78

Hours of work for each worker shall not exceed eight hours a day or forty-eight hours a week except as provided for in this Law.

Further, hours of work during the month of Ramadhan shall not exceed six hours a day or thirty-six hours a week except as provided for in this Law.

No worker shall work for more than six consecutive hours without a preceding interval for rest or a meal of not less than half an hour duration which shall not be deemed to be part of the hours of work.

The Minister for Labour and Social Affairs may make an Order prescribing such cases or works which, for technical reasons or for circumstances of work, require the continuance of work without an interval for rest provided that the employer permits the workers to partake of liquid refreshments, liquid food or the take rest during working hours as shall be regulated by the management of the establishment.

The hours of work and intervals for rest shall be regulated in such a way that no worker shall be present at the place of work for more than eleven hours a day calculated from the time of entering the said place until his departure therefrom.

Excluded from the application of the preceding paragraph shall be workers employed in work interrupted by its nature and which shall be prescribed in an Order to be made by the Minister for Labour and Social Affairs.

The Minister for Labour and Social Affairs may make an Order prescribing specific regulations governing the daily hours of work for certain occupations or for certain categories of workers if the circumstances and the nature of the work so require.

### Article 79<sup>(1)</sup>

A worker may be employed for extra hours if this is required for the interest of the business, provided that the basic and extra hours of work shall not exceed sixty hours per week unless the Ministry of Labour and Social Affairs shall have granted permission for a long period.

A worker shall receive payment for each extra hour equivalent to hours wage entitlement increased by a minimum of twenty five percent thereof for hours worked during the day, and by a minimum of fifty percent thereof for hours worked during the night which shall be deemed to being from seven o'clock in the evening until seven o'clock in the morning, provided that the wage due for such hours shall be paid in accordance with the provisions of Article 68 of this Law.

### Article 80<sup>(1)</sup>

Friday shall be deemed to be a weekly day of rest on full pay. An employer may alter this day to any other day of the week for certain of his workers, provided the number of days worked does not exceed six days a week.

An employer shall grant a worker a weekly day of rest on full pay for a period of no more than 24 successive hours, provided that the weekly hours of work shall not be more than 48 hours.

Meanwhile, an employer shall require a worker to work on his weekly day of rest if so require for the interest of the business for which he shall be paid an overtime wage equivalent to 150% of his normal wage or, he shall be granted another day for rest.

No worker shall be employed on his weekly day of rest more than twice consecutively unless he gives his consent to such employment.

### Article 81<sup>(1)</sup>

Official holidays on full wage which shall be granted to a worker are as follows:

- First day of Al-Hijra Calendar Year.
- Eid El-Adha.
- Eid El-Fitr.
- 1st Muharram.
- 10th ,11th and 12th Thulhaja.
- 1st , 2nd ,and 3rd Shawal.
- The Prophet's Birthday.
- 12th Rabie Al-Awal.
- National Day.
- 16th December.
- Ashoora.
- 9th and 10th Muharram.
- First day of the New Gregorian Year.
- 1st January.

When conditions of work require the worker to work on any official holiday, he shall be paid an additional sum equivalent to 150% of his normal wage or, he shall be granted another day in lieu thereof.

If a Friday or any official holiday coincides with any one of the aforementioned official holidays enumerated in this Article, a day in lieu thereof shall be granted.

An employer shall pay full wage to a worker in respect of any other official holidays granted by an Order to be made by the Minister for Labour and Social Affairs in accordance with an order to be prescribed by the Council of Ministers.

### Article 82

A worker who has satisfactorily completed the probationary period shall have the right, in case of sickness certified by a doctor nominated by the employer or by the responsible doctor at any Government Medical Institution, to be granted the following sick leaves during every year:

1. Fifteen days on full pay.
2. Fifteen days on half pay.
3. Fifteen days without pay.

In case of a disagreement as to the limitation of the duration of the medical treatment, a certificate signed by the responsible doctor at any Government Medical Institution shall be valid in this respect.

The entitlement of a worker to sick leaves on full or partial pay may be accumulated for a period not exceeding 182 days.

#### **Article 83**

In the event that the period of absence of a worker due to sickness exceeds his sick leave entitlement, such excess may be deducted from his entitlement to annual leave.

#### **Article 84<sup>(i)</sup>**

Every worker who has completed one year's continuous service with his employer shall be entitled to leave on full pay for a period of not less than 21 days for each year increased to a period not less than 28 days after five continuous years of service.

A worker shall be entitled to such leave upon a quantum meruit in respect of the proportion of his service in that year.

A worker may not waive his entitlement to leave and he may receive payment of monies in lieu thereof pursuant to the provisions of Article 86 of this Law.

#### **Article 85<sup>(i)</sup>**

An employer is entitled to schedule the date of annual leave. Such leave, other than the first half of the prescribed entitlement, may be taken at intervals with the consent of the worker.

An employer may approve the deferment of the annual leave entitlement at the request of a worker for a period not exceeding two years provided the worker shall take ten consecutive days of his annual leave entitlement in each year.

#### **Article 86<sup>(i)</sup>**

A worker shall be entitled to receive a cash consideration equivalent to his wages for the days of annual leave due to him after two-year period referred to in the preceding Article or if he terminates the contract of employment before having taken all his annual leave and such payment shall be for the period which he has not taken as due leave.

#### **Article 87<sup>(i)</sup>**

A worker shall be entitled to leave on full pay as follows:

- Three days in the event of his marriage;
- Three days in the event of the death of his/her spouse or any of his/her relatives to the fourth degree of relationship;
- Three days in the case of death of his/her spouse's relatives to the first degree of relationship and one day to the fourth degree of relationship.
- One day upon the birth of his child.

Concerning the aforementioned circumstances, the employer shall be entitled to request the worker to submit the documents establishing the facts relating thereto.

#### **Article 88**

The Moslem worker shall be entitled to leave of absence for a period not exceeding four weeks without pay once during his period of employment to perform his Pilgrimage obligation.

The employer concerned shall determine the number of workers to be granted such leave of absence in each year to accord with working requirements, provided priority is afforded the worker who has achieved the longest period of continuous employment, whenever circumstances permit.

#### **Article 89**

A worker shall not be employed by any other employer during periods of approved leave as provided for in this Chapter. An employer who establishes that a worker has committed such a contravention may deprive him of wages due for the period leave.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**



## CHAPTER 12: CONDITIONS OF WORK

### Article 90

An employer or his representative shall, prior to the engagement of a worker, inform him of the hazards of the work and the safety measures for compliance by him. Further, an employer shall take all necessary precautions to protect his workers during the performance of their work from any danger to their health and the hazards of work and machinery. Also, he shall provide them with means of safety to protect them against such hazards and dangers and the means of rescue and extinguishing fire.

An employer shall not compel workers to bear the cost of providing such protection nor shall he deduct from the wages of a worker any amount in that respect.

### Article 91

A worker shall not commit any action or negligence with the intention of frustrating the execution of instructions or misuse or cause damage to any means provided for the protection of his fellow-workers in respect of their health and safety.

A worker shall use the means of protection provided, take good care of the equipment in his possession and shall comply with the instructions prescribed for the preservation of his health and safety from accident.

### Article 92

The Minister for Labour and Social Affairs shall make Orders as necessary to regulate the industrial safety in offices and establishments; to designate and regulate the services and the necessary precautions required to protect the workers during the performance of their work against work hazards and machinery; the methods of implementation and the standards to be applied.

Safety measures in respect of occupational disease, the necessary precautions to protect workers during the performance of their work, and in respect of the housing to be provided by an employer for his workers shall be regulated by an Order made by the Minister for Health in agreement with the Minister for Labour and Social Affairs.

### Article 93

The Ministry of Labour and Social Affairs may, upon the failure by an employer to comply with the obligations imposed by Article 90 and the Orders made under Article 92 within the time prescribed to him by the Ministry, or in the event of imminent danger to the health and safety of workers, order the closure of the establishment concerned either totally or partially or to cease the operation of one or more machines until the cause of danger is removed.

An order of closure or stoppage shall be complied with by administrative means. The employer concerned shall pay full wages to the workers during the period of such closure or stoppage.

### Article 94

An employer shall furnish one first-aid box, or more, containing medicines and other equipment for first-aid treatment.

The Minister for Health, in agreement with the Minister for Labour and Social Affairs, shall make an Order prescribing the contents of such first-aid box, the scale of contents, regulating the maintenance thereof, and the qualifications of the person responsible for the application of first-aid treatment in this respect.

### Article 95

An establishment employing more than fifty workers shall provide for the basic care of their health in accordance with Orders to be made by the Ministry for Health in agreement with the Minister for Labour and Social Affairs, in this respect.

### Article 96

An employer shall provide suitable means of transportation for workers employed at locations where normal means of transport are not available.

Further, the employer concerned shall provide workers employed in such locations or establishments, to be prescribed by an Order made by the Minister for Labour and Social Affairs, with suitable means of transportation.

### Article 97

An employer shall provide workers employed in locations or establishments, to be prescribed by an Order made by the Minister for Labour and Social Affairs, with suitable foodstuffs and clean drinking water.

### Article 98

The High Council for Labour Services may require employers to make provision for various social services to workers according to the nature of the places of work, the circumstances pertaining thereto, and the number of workers in every establishment, provided that employers shall bear the cost off these services within a proportion not exceeding two percent of the total wages of their workers.

## CHAPTER 13: THE REGULATION OF WORK AND PENALTIES

### Article 99

An employer shall maintain a permanent register of his workers containing at least the name of the worker, job, nationality, date of birth, residential address, marital status, date of engagement for employment, current wage, wage at termination of employment, penalties inflicted, annual and sick leaves, the date of termination of service and the reasons therefor.

An employer, pending the application of the Social Insurance Law, shall record in that register any infirmity of a worker prior to the commencement of his engagement, any employment injuries sustained by him and the degree of disability resulting from every injury, if any.

An employer shall maintain a file for every worker in which shall be kept all papers and documents relating to him. Such file shall be retained for one year beyond the date of termination of service of a worker. The aforementioned register shall be retained for at least five years from the date of termination of the service of a worker and from the date of the last entry recorded in the register.

When a law suit is lodged in the Court relating to the application of this Law, the file and the register shall be retained for a period of one year from the date of final decision of such law suit.

### Article 100

An employer, in accordance with an Order made by the Minister for Labour and Social Affairs, shall provide an attendance card to every worker. The employer concerned shall deliver a copy of such card to the worker and retain another copy for himself.

### Article 101

Any establishment employing ten or more workers shall post up in a prominent place within its premises a copy of the basic regulation for the organisation of work and the regulation pertaining to disciplinary measures and the rules for the application thereof. Such basic regulation shall be enforceable after having been deposited with the Ministry Of Labour and Social Affairs. Similarly, such regulation for disciplinary measures and any amendments thereto shall be enforceable if approved by the Ministry of Labour and Social Affairs within one month of their submission and, upon the elapse of this period, shall become enforceable if no objection is forthcoming.

Such regulation for disciplinary measures shall be binding upon the establishment which shall not impose any penalty upon the worker for an offence which is not prescribed therein.

The Minister for Labour and Social Affairs may issue, by virtue of an Order made by him, models of the disciplinary regulation to accord with the nature of the work for the guidance of employers in the preparation of their own regulation.

### Article 102

The preparation and application of disciplinary regulation shall be subject to the undermentioned principles:

1. that such regulation shall define the offenses committed by the workers and the degrees of severity thereof;
2. that such regulation prescribes a list of penalties by their degree of severity;
3. that not more than one penalty shall be imposed for the same offence;
4. that no penalty shall be imposed upon a worker for any offence committed out with the place of work unless it is pertinent to the work;
5. that a fine for one offence shall not exceed the rate of wages for five days in a month and that deductions from the wage of a worker in payment thereof shall not exceed the rate of wages for five days in a month;
6. that the penalty of suspension from work in respect of a single offence shall not exceed the rate of wages for five days and that any such suspension shall not exceed five days in a month;
7. that no worker shall be charged with an offence after the lapse of thirty days from the date upon which the offence becomes known, not shall a worker be charged with offences of criminal character after their due lapse in law;
8. that a worker shall not be punished after the lapse of fifteen days from the date established of the commitment of the offence or after the date upon which wages are normally paid.

Disciplinary penalties and the rules and procedures pertaining thereto shall be regulated by an Order made by the Minister for Labour and Social Affairs.

### Article 103

Fines imposed upon workers shall be recorded in a special register stating the reason for their imposition, the name of the worker, the rate of wages, and shall be deposited in a special account. Such fines shall be disposed of in accordance with regulations prescribed in an Order made by the Minister for Labour and Social Affairs.

### Article 104

The employer of a worker accused of any crime or having committed any misdemeanor at the place of work shall be entitled to suspend such worker from the date upon which the matter is reported to the competent authority until the delivery of its decision thereon.

Should the competent authority decide against prosecution of the worker or if the worker is acquitted therefrom, he shall be re-instated in his work, otherwise his failure to be re-instated in his work shall be considered to be unjustified dismissal.

Should it be established that accusation against the worker by an employer or his representative is unsubstantiated or mischievous, the worker shall be entitled to payment of wages due for the period of his suspension from work. When the competent authority or the Court deems such unsubstantiated or mischievous accusation to exist, it shall refer thereto in its decision or judgment.

### Article 105

Having due regard to the provisions of the previous Article, any worker suspended as a precaution or committed to prison in execution of a criminal judgment shall lawfully be suspended from his work and deprived of his wages for the period of such imprisonment.

The provisions of the aforementioned paragraph shall not deprive an employer of his rights to terminate the contract of employment if justification for such termination exists.

## CHAPTER 14: TERMINATION OF A CONTRACT OF EMPLOYMENT AND LEAVING INDEMNITY

### Article 106<sup>(1)</sup>

A contract of employment made for a period of definite duration shall automatically terminate at the end of the period. Meanwhile, if both parties continue to abide by it after its expiry without any express agreement it shall be deemed to have been received by both parties for an indefinite period under the same terms as contained therein.

A contract of employment concluded for the performance of a specific work shall terminate upon the completion of the work as agreed; if such work is renewable by its nature and if the contract continues in operation after the completion of the mutually agreed work, the contract shall be deemed to have been implicitly renewed for the period required to perform the same work again.

When a contract of employment is for a definite duration of more than five years, the worker may terminate it without liability for payment of compensation at the expiry of five years.

### Article 107

A contract of employment made for a period of indefinite duration may be terminated by either party thereto after giving the other party thirty days' prior notice before such termination, in writing, in respect of monthly paid workers and fifteen days' notice in respect of other workers. The party terminating a contract without giving the required notice shall pay to the other party compensation equivalent to the amount of wages payable to the worker for the period of such notice or the unexpired portion thereof.

### Article 108

In a contract of employment for a period of indefinite duration which is terminated for an unjustifiable cause, the party so terminating shall be deemed to have misused his right and shall indemnify the other party for damages sustained as a result thereof, having due regard to customary practice, the nature of the work and, generally, all the circumstances in which damages occur for certain and without prejudice to the provisions of Article 107 and Article 111 of this Law.

### Article 109

If either of the parties to a contract of employment made for a period of definite duration unreasonably frustrates its execution prior to its completion, he shall pay to the other party compensation in respect of damages incurred as a result thereof.

When the employer is the offending party, for cause other than those prescribed by Article 113 of this Law, he shall be liable to pay to the worker concerned compensation in respect of the damages incurred by him having due regard to custom, the nature of the work, the period of the contract and, generally, all the circumstances in which damages might occur for certain.

When the worker is the offending party, for cause other than those prescribed by Article 115 of this Law, he shall be liable to pay to the employer concerned compensation for the loss incurred as a result of such termination of the contract.

### Article 110<sup>(1)</sup>

Any worker who is dismissed without legitimate reason from employment may request amicable settlement between him and the employer. Such request shall be submitted to the Ministry of Labour and Social Affairs within a period not exceeding ten days from the date of receiving notice of dismissal from the employer or from the date of giving him such notice by a registered letter or any other method proving the delivery thereof.

The Ministry of Labour and Social Affairs shall, upon the submission of such application, immediately take such steps as may be expedient to reach and amicable settlement of the dispute. If such settlement is not reached, the Ministry shall refer the request within a maximum period of two weeks from the date of making the request to the High Civil Court for considering the award of compensation to the worker if such action is relevant. The reference shall be accompanied by a report in quintuplicate containing a summary of the dispute, the two parties' agreement and the Ministry's comments and recommendations. The Court Clerk shall, within a period of three days from the date of arrival of the document to the Court, fix a date for a hearing within not later than ten days from the date of reference. The worker and the employer shall be notified by registered mail, or by any method proving the delivery thereof, of the date of the hearing and there shall be annexed to the said notice copy of the memorandum prepared by the Ministry of Labour and Social Affairs.

The Court shall propose to the two Parties reaching an amicable settlement of the dispute, failing which the court shall thereupon adjudicate upon the issue of the case within one month from the date of the first hearing and the burden of proving that the dismissal took place for a legitimate cause shall rest with the employer. Pending the judgment of the compensation claim, the Court may pass as uncontested judgment obliging the employer to pay a temporary compensation to the worker not exceeding three months wages to be deducted from whatever amount the court may award to him. If no compensation is awarded to the worker or if award is less than the temporary compensation given to him, he shall be compelled to refund the amount which was unjustifiable taken.

In making an assessment of the compensation amount, the Court shall give due consideration for the current custom and usage, nature of business, worker's period of employment, remaining period of the contract if it is for a definite duration and in general in all conditions resulting in the occurrence of damages.

### Article 111

In respect of categories of workers to whom the provisions of the Social Insurance Law are not yet applicable, the employer concerned shall pay to such worker, upon termination of employment, a leaving indemnity for the period of his employment calculated on the basis of fifteen days' wages for each year of the first three years of service and of one month's wages for each year of service thereafter. Such worker shall be entitled to payment of leaving indemnity upon a quantum meruit in proportion to the period of his service completed within a year.

Upon termination of a contract of employment by such worker, he shall be entitled to the payment of one third of the leaving indemnity if the period of his service is not less than three consecutive years and not more than five years; and he shall be entitled to payment of the full leaving indemnity if he resigns after the completion of five years of service,

provided that such termination of a contract of service by the worker is not used by the worker as a means to avoid dismissal from employment in accordance with the provisions of Article 113 and provided also, that he shall notify the employer concerned of his intention to leave his employment in accordance with the provisions of Article 107 of this Law; the worker may, in lieu of such notice, pay to the employer an amount equivalent of the wages payable for the required period of notice.

The provisions of this article shall not be applicable in respect of any period of service of foreign workers prior to the application of this Law save within the limitations as prescribed by the provisions of the final paragraph of Article 153 hereinafter.

Further, the provisions of this Article shall not be applicable in respect of leaving indemnity for the period of service of citizen workers prior to the application for this Law save within the limitations prescribed by the Bahrain Labour Ordinance of 1957 and calculated on the basis of wages payable at the time of termination of the contract. Where such worker opts to receive the leaving indemnity due for the period of his service, upon the date of the application of the Social Insurance Law to the establishment wherein he works, the employer concerned shall, in this case, pay to the worker the leaving indemnity due in accordance with the provisions of this Article and calculated on the basis of wages payable upon the date of the application of the said Law to the establishment concerned.

#### **Article 112**

Upon termination of a contract of employment by the death of a worker, the indemnity allowance for termination of service shall be apportioned in accordance with the religious inheritance rules.

#### **Article 113**

An employer shall not dismiss a worker without payment of indemnity allowance, notice or compensation except in the following instances:

1. If the worker has assumed a false identity or submitted false certificates or testimonials;
2. If the worker has committed any act which caused serious material damage to the employer, provided that such employer shall report the matter to the competent authorities within 24 hours of his knowledge of the occurrence;
3. If the worker, despite a written warning, fails to comply with written instructions which are required to be observed for the safety of workers and the establishment, provided that such instructions are posted up in a prominent place;
4. If the worker absents himself without reasonable cause for more than twenty days in one year or for more than ten consecutive days, provided that such dismissal shall be preceded by warning in writing by the employer to the worker after an absence of ten days in the former instance and an absence of five days in the latter instance;
5. If the worker fails to perform his essential duties under the contract of employment;
6. If the worker discloses the secrets of the establishment by which he is employed;
7. If the worker has been finally sentenced for a crime or a misdemeanor involving dishonour, dishonesty or immorality;
8. If the worker is found during the hours of work to be under the influence of alcohol or drugs; or if he has committed an immoral act at the place of work;
9. If the worker assaults his employer or his responsible representative or commits a serious assault upon any of his supervisors of work during the course of employment or for reasons connected therewith.

#### **Article 114**

An employer shall not be entitled to exercise the right to terminate a contract of employment or to dismiss a worker during the period of his absence on annual or other approved leaves of absence.

#### **Article 115**

A worker may terminate his employment before the expiry of his contract of employment, without notice and without prejudice to his rights to indemnity allowance and compensation for the damages caused him, in the following instances:

1. if the employer contravenes the provisions of the contract of employment or of this Law;
2. if the employer or his representative commits a criminal assault punishable by law upon a worker during the course of employment or for reasons connected therewith;
3. if continuance at work threatens the safety or health of the worker;
4. if the employer or his representative misleads the worker as to the terms and conditions of work at the time of entering into the contract of employment;
5. if the employer or his representative is guilty of an immoral act upon the worker or a member of his family.

#### **Article 116**

Subject to the provisions of Article 25 and Article 127 of this Law, a contract of employment shall be terminated upon the death of the worker; by a disability preventing his performance of the work; or by a period of sickness which exceeds his entitlement to sick and annual leave. In such instances, the worker concerned or his heirs referred to by Article 112 of this Law shall be entitled to the payment of indemnity allowance as provided by Article 111 of this Law; and the employer shall not be entitled to exercise the right to terminate the contract of employment provided by Article 107 of this Law during the period of such sickness or injury.

The disability or sickness of a worker shall be proved by a medical certificate attested by a doctor of the Ministry of Health.

#### **Article 117**

The dissolution of an establishment, liquidation, closure, bankruptcy, merger, conveyance by inheritance, a will, gift, sale assignment or any other manner of disposal shall not affect the fulfillment of any obligation by an enterprise.

Save in instances of liquidation, bankruptcy or authorised final closure, a contract of employment in respect of workers employed by an establishment shall remain binding in law. The successor shall be jointly held liable with the previous employers for the fulfillment of all the said obligations.

**Article 118**

In the event of the death of a worker during his employment, the employer concerned shall pay to the family of the deceased worker full wages for the month in which he dies and for the subsequent month provided that such deceased worker shall have been employed with the said employer for a period of at least three years.

**Article 119**

A worker shall be furnished with a certificate of service which shall include particulars of his occupation, duration of his service and the last wages paid to him. The employer concerned shall return to the worker all papers, certificates and articles deposited with him by the worker.

**(i) Amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 15: COMPENSATION FOR EMPLOYMENT INJURIES AND OCCUPATIONAL DISEASE

### Section 1: EMPLOYMENT INJURIES

#### Article 120

The provisions of this Chapter shall apply to employers and workers until the provisions for employment injuries insurance as prescribed in the Social Insurance Law are applied.

#### Article 121

Whenever a worker sustains an injury by accident arising out of or in the course of his employment, the employer concerned shall notify the occurrence of the accident within twenty-four hours thereof to:

- (a) The police Station for the area in which the accident occurred;
- (b) The Ministry of Labour and Social Affairs;
- (c) The Ministry of Health.

The worker concerned may himself notify the occurrence of the accident if his condition permits him to do so.

#### Article 122

The notification shall include particulars of the name of the worker, his occupation, address, nationality, wages on the date of the accident together with a brief description of the circumstances thereof and the measures taken for first-aid or medical treatment.

#### Article 123

The Police Station or other competent authority shall initiate an inquiry of every such notification so received. Such inquiry shall also include particulars of the circumstances of the accident, statements made by witnesses, whether the accident resulted from a deliberate act or serious and willful misconduct in accordance with the provisions of Article 128 of this Law, statements made by the employer concerned or his representative and by the injured person whenever his condition allows.

Upon the completion of the inquiry made by the said authorities, it shall forward a true copy thereof to the Ministry of Labour and Social Affairs. The said Ministry may request the completion of the inquiry if it so deems necessary.

#### Article 124

The injured worker shall receive treatment in a Government Medical Institution or private medical institution at the discretion of the employer concerned. Such employer shall bear the full cost of treatment including the supply of medicines and transportation expenses incurred.

#### Article 125

The determination of disability and the degree of incapacity sustained shall be certified by a competent medical committee established by an Order made by the Minister for Health in agreement with the Minister for Labour and Social Affairs.

#### Article 126

The injured worker may, within a period of two days of his being notified of the completion of medical treatment, or of the date of his resumption of work, or of his being not afflicted by an occupational disease, and within two weeks from the date upon which he is notified of non-occurrence of disability or of the degree of disability incurred, apply for a review of his case. Such application shall be referred to an appeals medical arbitration committee whose decision shall be final.

The Minister for Health in agreement with the Minister for Labour and Social Affairs, shall make an Order prescribing the procedures and particulars governing the review of the application and the documents to be attached thereto, the formation of the committee of medical arbitration and the procedure and rules regulating proceedings.

#### Article 127

The injured worker shall be paid full wages during the period of treatment determined by the doctor. Should such period of treatment exceed six month duration, the worker shall be paid at the rate of half his wages only until his recovery or until the disability is established or until his death.

#### Article 128

Whenever a worker sustains an injury by an accident arising out of or in the course of employment he, or his heirs upon his death, shall be entitled to compensation for injury to be determined as set forth in a Schedule made by Order of the Minister for Labour and Social Affairs under this Article and provided that such compensation shall not be payable if it is established by the inquiry:

- a. that the worker injured himself deliberately;
  - b. that the injury is attributable to serious and willful misconduct by the worker and which shall include such an act committed under the influence of alcohol or drugs;
- except where an injury results in the death of a worker or in a permanent incapacity exceeding 25% of total incapacity.

#### Article 129

Whenever a worker dies as a result of an employment injury, compensation shall be apportioned in accordance with the religious inheritance rules.

### Section 2: OCCUPATIONAL DISEASES

#### Article 130

The Minister for Health in agreement with the Minister for Labour and Social Affairs shall make an Order prescribing occupational diseases and the industries and occupations in which they are contracted.

#### **Article 131**

Whenever a worker contracts any one of the occupational diseases prescribed in the Order referred to in the preceding Article or if he displays symptoms of one of them, Articles 121, 122, 124, 125, 126, 127, 128 and 129 shall be applicable to him.

#### **Article 132**

The liability of previous employers, other than the most recent employer by whom the worker is currently employed, shall be determined in the light of the medical report of the doctor affording treatment, and the employers concerned shall be liable to pay compensation in proportion to the period of the worker's employment with each of them respectively. In applying the provisions of this Article, the industries and occupations undertaken by them are among those in which the worker's disease may be contracted.



## CHAPTER 16: CONCILIATION AND ARBITRATION IN COLLECTIVE LABOUR DISPUTES

### Article 133

If any dispute arises between an employer and all his workers, or any category thereof, concerning employment or the conditions of employment and the parties thereto fail to settle such dispute, it shall be settled by conciliation and arbitration upon a written application lodged by any of the two parties with the Ministry of Labour and Social Affairs. Whenever such application is lodged by an employer it shall be signed by him personally or by his duly authorized representative. Alternatively, whenever such application is lodged by the workers, the application shall be lodged by the majority of them or by the majority of the workers of the section concerned with the dispute in the establishment. The Ministry of Labour and Social Affairs may, whenever it apprehends the existence of a labour dispute, endeavor to settle the matters in dispute by conciliation and arbitration without prior application being lodged by either of the parties thereto.

### Article 134

A mediator appointed by the Minister for Labour and Social Affairs shall convene a meeting urgently of representatives of the two parties and endeavor to settle the dispute amicably in the light of the statements made by them. A mediator may institute any inquiries which he considers necessary to his efforts of conciliation and may seek the assistance of any person. He shall record in writing a process-verbal of his proceedings and the result of his mediation.

### Article 135

If the mediator succeeds in settling the dispute, in whole or in part, he shall record in writing three copies of a formal statement of such agreement reached which shall be signed by him and by the representatives of the two parties thereto. One copy thereof shall be handed to each of the two parties concerned and the third copy shall be retained by the Ministry of Labour and Social Affairs.

The said process-verbal formal statement shall acquire the executory force of final judgment upon an executory clause being endorsed therein by the Clerk's Section of the Senior Civil Court. In the event that the mediator fails to settle the dispute entirely within a period of fifteen days of receipt of the application for conciliation by the Ministry of Labour and Social Affairs, he shall record in writing a statement of the outcome of the conciliation proceedings and the reasons for the failure thereof. The Ministry of Labour and Social Affairs shall transmit all the documents relating to the dispute to the Ministry of Justice and Islamic Affairs for submission to an Arbitration Board.

### Article 136<sup>(1)</sup>

An Arbitration Board shall consist of:

1. three judges of the High Civil Court nominated by the Minister for Justice and Islamic Affairs at the commencement of each judicial year;
2. a representative of the Ministry of Labour and Social Affairs nominated by the Minister concerned from amongst senior officers of that Ministry.
3. a representative of the Ministry of Commerce and Agriculture nominated by the Minister from amongst the senior officers of that Ministry.
4. a representative on behalf of the workers nominated by the General Committee of Bahrain Workers (GCBW) from amongst its members, provided that such representative shall not be member of the Joint Committee in establishment against which the dispute is being heard before the arbitration board or from the workers directly involved in this dispute.

If the GCBW fails to nominate a workers' representative within the time limit fixed by the Chairman of the Arbitration Board, he shall himself nominate such representative on its behalf;

5. a representative on behalf of the employer concerned elected by the Bahrain Chamber of Commerce and Industry from amongst its members but having no direct relationship with the dispute. If the Chamber does not nominate the employer's representative within the time limit determined by the Chairman of Arbitration Board, the latter shall nominate such representative on its behalf.

Members of the Arbitration Board, other than the judges, shall participate in its deliberations without being empowered to offer any opinion upon its decisions. The Arbitration Board shall convene its meetings in the Ministry of Justice and Islamic Affairs. The Board's meetings shall be held under the Chairman of the most senior judge. The meetings of the Arbitration Board shall be valid notwithstanding the absence therefrom of both or either the representatives of the workers or of the employer concerned.

The parties to the dispute shall bring their representatives on the day fixed for the hearing intended for the examination of such dispute.

### Article 137<sup>(1)</sup>

The Chairman of an Arbitration Board shall convene a meeting to examine the dispute within a period of not more than fifteen days from the date of receipt of the documents relating thereto. The date of such meeting shall be communicated to the members thereof and to the two parties concerned at least three days prior to the date arranged for the meeting. A meeting of the Arbitration Board shall be attended in person by the two parties concerned or by lawyers duly authorized by them to act on their behalf before the Arbitration Board.

An Arbitration Board shall deliver its award upon a dispute within a period not exceeding one month from the commencement of the hearing thereof. An Arbitration Board may decide to hear witnesses, delegate persons having expertise, inspect factories and work places, examine all documents and books of accounts relating to the dispute and take all measures to effect a settlement of the dispute.

The said Arbitration Board may impose the penalties prescribed by the existing laws upon any person who fails to lodge the documents and notes required in support of his claim or upon any witness who fails or who refuses to attend before the Board without reasonable cause or who refuses to tender the oath or to answer questions provided that the provisions of the Code of Civil and Commercial Procedure shall be observed in respect of proof by submission of evidence.

#### **Article 138**

An Arbitration Board shall apply the statutory laws in force, and general and regulatory Orders, and may take due account of custom and the principles of equity to accord with the economic and social circumstances of the State.

The award of an Arbitration Board shall be passed by a majority vote of the judges who are members of the Board and shall state the reasons for such award. Whenever an award is made differing from the opinion held by any of the other members of the Board, such dissenting opinion shall be recorded in the award together with the reasons for its exclusion therefrom.

An award shall be deemed to be a final judgment made by the Senior Civil Court upon an executory clause being endorsed therein by the Clerk's Section of such Court. Either of the two parties to the dispute shall be entitled to submit the dispute again to an Arbitration Board after the elapse of at least one year from the date of implementation of the award provided that substantial changes justifying such action have occurred in the terms and conditions of work.

The Ministry of Justice and Islamic Affairs shall, within three days from the date of making an award, transmit a copy thereof to the two parties to the dispute.

The said Ministry of Justice and Islamic Affairs shall transmit the file of the dispute concerned, after having notified the two parties thereto, to the Ministry of Labour and Social Affairs which shall record the award in a special register and maintain the file in its archives, and extracts thereof shall be made available to those persons concerned in accordance with the Orders regulating such matters made by the Minister for Labour and Social Affairs.

#### **Article 139**

The provision relating to the rectification or interpretation of court judgments prescribed in statutory laws shall be applicable to the awards made by an Arbitration Board. The provisions of statutory laws relating to the recusation of judges shall be applicable to members of the Arbitration Board other than the judges.

#### **Article 140**

When an application for conciliation is submitted, the workers concerned are prohibited from abstaining from work either totally or partially; similarly an employer is forbidden to stop the work either wholly or partially but subject to the following Article of this Law.

#### **Article 141**

The Minister for Labour and Social Affairs shall make an Order establishing a committee which shall consider applications submitted by establishments requesting permission to stop work either totally or partially. The said Order shall determine the functions of the committee, the procedures thereof and the Ministries to be represented therein.

**(i) Amended by Legislation Decree No.14 of 1993, Gazzette (issue No.2080), Wednesday 16 October 1993.**

## CHAPTER 17: LABOUR ORGANISATION, JOINT COMMITTEES AND COUNCILS

### Article 142<sup>(i)</sup>

Employers and workers of any establishment may form amongst themselves joint committees for co-operation in the settlement of dispute, securing improvements to the workers' social standards, organizing social services, fixing wages, increasing productivity and in any other matters of mutual interest to the two parties.

### Article 143<sup>(i)</sup>

The Minister for Labour and Social Affairs shall make an Order prescribing the method to be followed by workers for choosing their representatives.

### Article 144

Every joint committee shall have rules prescribing its purposes, the procedures for convening meetings and the adoption of resolutions. Such committees shall be registered with the Ministry of Labour and Social Affairs. The said registration shall be regulated by an Order made by the Minister for Labour and Social Affairs.

### Article 145

A Higher Advisory Labour Council shall be established by an Amiri Decree comprising members appointed ex-officio to represent the Ministries concerned and representatives of the employers and workers.

The functions of the Council shall be to advise on proposed labour laws and amendments thereto and such other matters as may be referred to it for consideration by the Minister for Labour and Social Affairs. The opinions of the Council shall be advisory.

The Council shall make rules for the conduct of its business containing, in particular, the convening of meetings, the method of voting on resolutions and the majority vote required for their adoption. Such rules shall be approved by an Order made by the Minister for Labour and Social Affairs.

### Article 146

Other advisory councils for the country shall be established by an Amiri Decree; and joint committees for an industry or an establishment shall be established by the necessary Orders made by the Minister for Labour and Social Affairs. Such Orders shall prescribe the functions and the method of formation thereof.

**(i) Amended by Legislation Decree No.8 of 1981, Gazette (issue No.1431), Thursday 16 April 1981.**

## **Chapter 18: LABOUR INSPECTION**

### **Article 147**

Officers of the Ministry of Labour and Social Affairs, who shall be delegated by an Order of the Minister for Labour and Social Affairs, shall be empowered to undertake industrial inspections and to enforce the application of the provisions of this Law and Orders and regulations made thereunder; and for such duties they shall have access to inspect the records and books as required by this Law and they may require employers or their representatives to produce any information necessary. Such officers shall be empowered to apprehend contraventions committed by employers and to report in writing the necessary proces-verbals whenever employers contravene the provisions of the Law.

### **Article 148**

Upon appointment or prior to such delegation, such officers as well as their superiors shall swear an oath before the Minister for Labour and Social Affairs to perform their duties faithfully and honestly, and not to disclose any professional secret or any industrial invention which may come to their knowledge by reason of their office, even after leaving the public service.

### **Article 149**

Such officers shall, in their performance of the afore-mentioned duties, possess identification cards attesting their authority which shall be issued by the Ministry of Labour and Social Affairs.

### **Article 150**

The Minister for Labour and Social Affairs shall make an Order regulating the operation of labour inspection.

### **Article 151**

Employers and their agents or representatives shall assist such officers in the discharge of their duties and furnish them with true and correct information relating to their functions.

### **Article 152**

The administrative authorities shall assist effectively the said officers in the proper discharge of their duties.

## CHAPTER 19: GENERAL PROVISIONS

### Article 153

Save where it is more favorable to the worker, any condition of an individual contract of employment which does not conform with the provisions of this Law, even if entered into before the commencement of the application of this Law, shall be deemed to be null and void.

Any agreement to forfeit or to relinquish any rights or obligations whatsoever under a contract of employment during its duration, or within one month of the termination thereof shall be deemed to be null and void if such agreement is in contravention of the provisions of this Law.

All the rights acquired by a worker by virtue of any agreement, basic working regulations, arbitration award or which have become due to him by custom or have been used to be granted by the employer to the workers shall not be diminished.

### Article 154<sup>(i)</sup>

Sums due to a worker or to his heirs, by virtue of the provisions of this Law, shall have a prior claim upon the moveable or immoveable estate of the debtor, and shall be payable immediately after the payments due in respect of court fees, the Treasury and conservation and preservation and upkeep expenses have been met.

### Article 155

Legal proceedings by workers or their heirs, under the provisions of this Law, shall be exempted from court fees at all stages of such proceedings. Such legal proceedings shall be dealt with urgently and the Court, in the event of the dismissal of a complaint, may order the complainant to pay the costs thereof in whole or in part.

Legal proceedings shall be preceded by an application submitted by a worker to the Ministry of Labour and Social Affairs, upon receipt of which the Ministry shall summons the two parties to the complaint and take such measures as are necessary for its settlement amicably. If an amicable settlement is not reached, the Ministry of Labour and Social Affairs shall refer such complaint to the Senior Civil Court, within a period of two weeks from the date of submission of the application by the worker, and such reference shall include a report containing a summary of the particulars of the complaint, the submissions made by the two parties and the observations of the Ministry. The Clerk of the Court shall, within a period of three days from the date of receipt of the application by the Court, fix a date for the hearing of the complaint which shall be notified to the worker and employer concerned.

The Court may summons the writer of the aforementioned report submitted by the Ministry of Labour and Social Affairs for clarification of the contents thereof.

### Article 155 bis<sup>(ii)</sup>

For the categories mentioned in Article 2 paragraphs 2,3,4,5 and 6 of this law, they shall have the right to file applications with the Ministry of Labour and Social Affairs to amicably settle their disputes with their employers. If such settlement is not feasible, the Ministry of Labour and Social Affairs shall within two weeks from the date of the applications filed by a worker refer the dispute to the High Civil Court. An exemption from payment of fees and legal costs shall be granted to proceeding relating to such disputes in all stages of litigation.

### Article 156

A claim arising out of a contract of employment shall not be actionable after the elapse of one year from the date of the expiry of the contract.

### Article 156 bis<sup>(ii)</sup>

The time limit for appealing against judgments handed down in accordance with the provisions of Articles 110, 155 and 155bis of this law shall be ten days from the date of delivering them or notifying the party adjudged against their with in accordance with the provisions of Articles 216 of the Civil and Commercial Procedures Act.

**(i) Amended by Legislation Decree No.3 of 1984, Gazette (Issue No.1581), Thursday 1 March 1984.**

**(ii) Added by Legislative Decree No.23 of 1976.**

## CHAPTER 20: PENALTIES

### Article 157

Without prejudice to a more severe penalty imposed in accordance with the provisions of any other law, the penalties prescribed by the following Articles shall be imposed in respect of the contraventions alluded to therein.

### Article 158

Any person who contravenes the provisions of Article 3, 4, and 7 and of any of the Orders issued for implementing Article 3 and 4 shall be guilty of an offence punishable by a term of imprisonment not less than three months and not exceeding six months and a fine of not less than BD200 and not more than BD500, or to any one of these penalties. The penalty for payment of a fine shall be equivalent to the number of the persons in respect of whom the offence has been committed.

In addition to the aforesaid penalty, a judgment shall also be passed in case of contravening the provisions of Article 7 compelling the employer repatriate the foreign worker to the destination specified in the contract of employment, the destination where the contract of employment was conducted, the destination from which he originally came or the country the nationality of which he enjoys if it is not feasible to repatriate him to any of the aforesaid destinations. Should the employer fail to pay the aforesaid costs, a judgment shall be passed for recovery of such costs in accordance with the law.

Further, a penalty of imprisonment for a period of no less than three months and no more than six months and a fine of not less than BD200 and not more than BD500, or either penalty, shall be inflicted upon every employer who obtains a permit for employment of non-Bahraini workers from the Ministry of Labour and Social Affairs but was later proved to have been employed by another employer without the consent of the Ministry of Labour and Social Affairs and Immigration and Passport Directorate. The number of penalties shall be increased by the number of workers in respect of whom the offence is committed.

Both the owner of the establishment and its manager, or whoever acts on behalf of either, shall be deemed liable for such offence.

### Article 158 bis<sup>(1)</sup>

Every employer who is proved to the Ministry of Interior and the Ministry of Labour and Social Affairs that he recruits foreign workers without having a need for such recruitment and if proved to be working for another employer shall have his commercial registration cancelled and shall have his business activities suspended.

The cancellation of the commercial registration and suspension of the business activities of the employer shall take place by an order of the Minister of Commerce and Agriculture on the basis of a report from the Ministry of Labour and Social Affairs.

The cancellation of the commercial and suspension of the business activities shall result in the administrative closure of the employers premises.

The employer may file an appeal with the Minister of Commerce and Agriculture against his order for cancellation of his commercial registration, suspension of the business activities and administrative closure of his premises, and the Minister of Commerce and Agriculture shall issue subject to the consent of the Ministry of Interior or the Ministry of Labour and Social Affairs, as the case may be, his decision for endorsing or rejecting the objection during the sixty day period following its submission. The employer may appeal against the rejection decision of the Minister of Commerce and Agriculture before High Civil Court within sixty days from the date of the notice for rejecting his objection. The Lapse of sixty days after the submission of the employer's appeal without receiving a reply to his appeal shall be deemed tantamount to its rejection.

### Article 159<sup>(1)</sup>

Any contravention of the provisions of Articles 12 and 13 shall be punishable by a fine of not less than BD200 and not more than BD300. Such penalty shall be repeated as many times as there are persons relating to whom such offence is committed.

Further, a contravention of the provisions of Articles 14 and 15 and the orders issued for implementing them shall be punishable by imprisonment for a period not exceeding six months and a fine no less than BD500, or either penalty.

### Article 160

Any person who contravenes any of the provisions of Chapter 4 concerning the regulation of employment of vocationally rehabilitated persons shall be guilty of an offence punishable by a fine of not less than fifty dinars and not more than two hundred dinars.

The establishment concerned may, as from the date of the offence being committed, be ordered to pay to the disabled worker whom it refuses to employ in accordance with the provisions of Articles 21 and 25, an amount equivalent to the wage fixed or estimated for the work or position for which he has been a candidate or suitable applicant. Such establishment shall not be compelled to pay such amount beyond a period of one year. Such obligation shall cease if the establishment employs the disabled worker concerned or if the later actually obtains alternative employment. Whenever an establishment refuses to pay the aforesaid wage, it may be recovered compulsorily on behalf of the worker by compulsory execution.

Whenever Court orders are made in respect of more than one establishment as aforementioned, the disabled worker concerned shall be entitled to benefit only in respect of the first order and the other amounts so ordered for payment shall be paid to the Ministry of Labour and Social Affairs for the benefit of the vocational rehabilitation of disabled persons in accordance with the terms prescribed by an Order made by the Minister for Labour and Social Affairs.

Such penalty shall be repeated as many times as there are persons relating to whom such contravention is committed and a law suit may be instituted in all cases against the employer, his delegate or the responsible manager concerned.

#### **Article 161**

Any employer contravening the provisions of Chapter 5 concerning apprenticeship and Chapter 6 concerning vocational training, and Orders made thereunder, shall be guilty of an offence punishable by a fine of not less than twenty dinars and not more than two hundred dinars.

Such fines shall be repeated as many times as there are persons relating to whom such offence is committed.

#### **Article 162**

Any employer contravening the provisions of Chapter 7 concerning the contract of employment shall be guilty of an offence punishable by a fine of not less than fifty dinars and not more than three hundred dinars.

Such fine shall be repeated as many times as there are person relating to whom such offence is committed.

#### **Article 163**

Any person contravening the provisions of Chapter 8 or of Orders made thereunder concerning the employment of juveniles shall be guilty of an offence punishable by a fine of not less than fifty dinars and not more than two hundred dinars.

Such fine shall be repeated as many times as there are juveniles in relation to whom such offence is committed concerning their employment or admission to employment premises in contravention of the aforesaid Chapter and Orders made thereunder.

Likewise, such fine shall be repeated as many times as the offence is committed against the same worker.

The lawsuit shall be instituted against the manager of the establishment concerned or the supervisor of the premises in which the employment is undertaken; and also such lawsuit shall be instituted against the employer concerned if the circumstances of the offence lead to the belief that he had knowledge of the facts constituting the offence.

The lawsuit shall be instituted, also, against any person acting as a guardian of a juvenile when he permits the employment of a juvenile in contravention of the provisions of the preceding Chapter in addition to any person who is responsible for the employment of juveniles in contravention of these provisions or who may contravene such provisions in any manner whatsoever.

#### **Article 164**

Any person who contravenes the provisions of Chapter 9, and Orders made thereunder concerning the employment of women shall be guilty of an offence punishable by a fine of not less than fifty dinars and not more than two hundred dinars.

Such fines shall be repeated as many times as there are female workers employed in such a way as contravenes the provisions of the said Chapter.

Such fines shall be repeated as many times as the offence is committed against the same woman.

The lawsuit shall be instituted against the manager of the establishment or the supervisor of the premises in which the employment is undertaken; and such lawsuit shall be instituted against the employer concerned if the circumstances of the offence lead to the belief that he had knowledge of the facts constituting the offence.

#### **Article 165**

Any person who contravenes the provisions of Chapter 10, and Orders made thereunder, concerning wages; and Chapter 11, and Orders made thereunder, concerning hours of work and holidays; and Chapter 12, and Orders made thereunder, concerning conditions of work; and Chapter 13, and Orders made thereunder, concerning the regulation of work and penalties; and Chapter 14 concerning termination of contract and leaving indemnity upon termination of service; and Chapter 15, and Orders made thereunder, concerning compensation for employment injuries and occupational disease, shall be guilty of an offence punishable by a fine of not less than fifty dinars and not more than three hundred dinars.

Such fine shall be repeated as many times as there are workers in relation to whom such offence is committed.

In respect of any contravention of the provisions of Articles 78 and 79, the officers of the Ministry of Labour and Social Affairs, referred to in Article 147 of this Law shall be empowered to order the discontinuance thereof by administrative direction.

A lawsuit shall be instituted against the manager of the establishment concerned, in addition to the proprietor thereof, if the circumstances of the offence lead to the belief that he had knowledge of the facts constituting the offence.

#### **Article 166<sup>(iii)</sup>**

An employer who refuses to comply with the award of an Arbitration Board in accordance with the provisions of Article 138 of this Law shall be guilty of an offence punishable by a fine of not less than five hundred dinars and not more than one thousand dinars.

Any worker who refuses to comply with such award shall be guilty of an offence punishable by a fine of not less than ten dinars and not more than one hundred dinars.

#### **Article 167**

Any employer or manager of an establishment who suspends work wholly or partly without the prior approval of the committee referred to by Article 141 of this Law shall be guilty of an offence punishable by a term of imprisonment of not less than three months and not more than one year where such suspension of work occurs after the submission of an application referred to in Article 133 or during the course of both stages of conciliation and arbitration procedures.

#### **Article 168**

Any employer or his substitute who does not facilitate or who obstructs the functions of the officers referred to by Article 147 of this Law or who fails to furnish them with true and accurate information in this respect shall be guilty of an offence punishable by a term of imprisonment not exceeding six months and to a fine of not less than one hundred dinars and not more than five hundred dinars or to either of these penalties.

**Article 169**

No stay of execution shall be granted in respect of the financial penalties. The minimum penalty prescribed by law shall not be diminished by reason of extenuating circumstances.

**Article 170**

Fines imposed by judicial process in compliance with the provisions of this Law shall accrue to the Ministry of Labour and Social Affairs which shall spend it in accordance with the conditions and the manner to be prescribed by an Order made by the Minister for Labour and Social Affairs.

**(i) Added by Legislative Decree No.23 of 1976.**

**(ii) Amended by Legislation Decree No.8 of 1981, Gazette (issue No.1431), Thursday 16 April 1981.**

**(iii) Amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), Wednesday 16 October 1993.**