

Base de données NATLEX – ISN 58763

Traduction préparée pour le Bureau international du Travail n'ayant pas de caractère officiel. Effectuée uniquement à des fins d'information, elle ne saurait en aucun cas remplacer la consultation du texte officiel concerné. Copyright © 2005 Organisation internationale du Travail

Decree No.3273 on Labour Inspection

The President of the Republic,

Pursuant to the Constitution,

the provisions of the Labour Code, especially Articles 20,63,64 and 73 thereof,
Law No.17.9.62 repealing Articles 107 and 108 of the Labour Code,
Decree No. 8352,dated 330 December 1961 (Organization of the Ministry of Labour),
Decree No. 14900,dated 2 May 1949,
International Labour Convention No 81 on Labour Inspection, ratified by Decree No.9825,
dated 22 June 1962,
The proposal of the Minister of Labour,
Following consultations with the State Consultative Council (opinion no. 10-98-99, dated 13
November 1999,

Ordains as follows:

Article 1. The system of labour inspection shall apply to all employers and employees covered by the provisions of the Labour Code.

Article 2. The Department of Labour Inspection, Protection and Safety of the Ministry of Labour shall supervise the implementation of all laws, regulations, decrees and rules pertaining to the terms and conditions of employment, and the protection of workers in the workplace, including the provisions of international labour Conventions ratified, and in particular:

- (a) Ensuring the application of legal provisions relating to the terms and conditions of employment, and the protection of workers at the workplace, such as the hours of work, periods of rest, wages, safety, hygiene, health care, occupational diseases, occupational accidents, emergencies et work, the employment of young persons, and other responsibilities assigned to Labour Inspectors;
- (b) Providing employers and employees with technical information and advice on labour legislation, matters of hygiene and safety, aimed at the adoption of the most effective means of complying with the legal provisions in this respect;
- (c) Monitoring professional unions and associations at all levels to verify that they do not disregard in their work the limits prescribed by law, their rule of procedure and statutes;
- (d) Monitoring protection and safety measures in family enterprises, especially with regard to work which by its nature or conditions may jeopardize the life, health or morals of employees therein;
- (e) Supervise the work of private employment agencies, in coordination with the National Employment Bureau.

Article 3. Labour Inspectors shall collect and coordinate information on enterprises relating to

all aspects of their work, and shall report deficiencies and gaps not specifically covered by the provisions in force and the misuse of such provisions to the competent authority in the Ministry of Labour.

Labour Inspectors shall submit annual reports on the outcome of their activities, and special reports where necessary. The said reports shall be prepared on the topics and in the format prescribed by Under-Secretary of the Ministry of Labour

Article 4. No functions assigned to labour inspectors shall be inconsistent with the performance of their basic duties, or in any way contravene the authority and neutrality of labour inspectors in their relations with employers and workers.

Article 5. Labour inspectors shall, prior to commencing their functions, take the following oath before the judge of the court of first instance: I swear by almighty God that I will discharge the duties of my post in all honesty and fidelity, and not to divulge the secrets of industry or means of investment that shall come to my knowledge ex officio.

Article 6. Labour inspectors shall have the authority to:

- (a) Enter freely and without prior notice all enterprises under their supervision during hours of work at the enterprise, and all parts thereof. In conducting an inspection visit they shall apprise the employer of their presence on the premises, unless they consider such information detrimental to the execution of their functions.
- (b) Carry out any search, test or investigation they may deem necessary for assuring strict compliance with the legal provisions in force, particularly by:
 1. Questioning the employer or workers at the enterprise, privately or before witnesses, on any issue relating to the application of the legal provisions in force.
 2. Requesting to see, in keeping with methods prescribed by laws and regulations, any ledgers, records or other documents required by law, to verify their compliance with the legal provisions applicable, and making photocopies or excerpts of and from such documents.
 3. Taking samples from materials and products for analysis, provided the employer or his representative be informed as to which samples or products were taken or extracted.
 4. Taking steps to rectify any deficiencies observed in respect of compounds, plans or methods of work which they have good reason to believe they might jeopardize the health and safety of workers, and reporting thereon to the competent authorities in the Ministry for action.

In order to enable labour inspectors to take such measures, and to protect the right of recourse by the employer before any legal or administrative body, specified by law, labour inspectors shall seek orders from the competent authorities to make adjustments in the equipment or compounds within the time limit needed to assure compliance with the legal provisions relating to the health and safety of workers, or else request the said authorities to take urgent measures to ensure compulsory implementation where there is imminent danger threatening the health and safety of the said workers.

Article 7. Employers or their representatives shall provide all information requested by labour inspectors to facilitate their task. A labour inspector may summon the employer or his representative or any worker at the enterprise to his office for making inquiries, if he deems it necessary for the discharge of his duties.

Article 8. With due regard to exceptions established by laws decrees and regulations in force:

1. Labour inspectors shall not have any direct or indirect interest in the enterprises under their supervision.
2. Labour inspectors shall not, even after leaving government service, divulge any secrets that may have come to their knowledge in the course of performing their functions, otherwise appropriate disciplinary and legal penalties shall be instituted against them.
3. Labour inspectors shall hold in absolute secrecy and confidentiality the source of all complaints submitted to them. They shall not reveal to the employer or his representative the source of complaints or information leading to the inspection.

Article 9. Any person contravening or disregarding the legal provisions the implementation of which is entrusted to labour inspectors shall be liable to proceedings without prior notice or warning, unless laws and regulations provide for exceptions where such notice must be served to allow the said person to take remedial measures in this respect.

The relevant procès-verbal shall be made in three copies, one for the person under investigation, the second for the competent judiciary authority, and the third to be kept in the files of the enterprise concerned.

The said procès-verbal shall be the corroborative evidence until the contrary is proved.

Article 10. Any contravention of the legal provisions relating to labour inspectorates, protection or safety measures, and any person hindering the execution of the functions of labour inspectors shall be penalized under the provisions of Law No. 17-9-62, and Article 109 of the Labour Code, as well as those of the Penal Code.

Article 11. The competent authorities shall provide transportation facilities needed for the implementation of the duties of labour inspectors, and the appropriate measures to reimburse any incidental expenses incurred thereby.

Article 12. Administrative and security personnel shall assist labour inspectors in the execution of their functions.

Article 13. Decree No. 14900, dated 2 May 1949 on the appointment and mandate of labour inspectors is hereby repealed.

Babda, 26 June 2000

(sign.) Emile Lahoud

Issued by the President

Prime Minister (sign.)
Saleem al-Hoss

Minister of Finance
(sign.) Georges Quaram

Minister of Labour
(sign.) Michel Moussa