

Libyan Arab Jamahiriya



Equality of Treatment (Social Security) Convention, 1962 (No. 118).
(Libya ratified Convention No. 118 on 19 June 1975)

MIGRANT WORKERS MAKE UP MUCH OF THE LABOUR FORCE IN LIBYA AND HAVE CONTRIBUTED TO ITS ECONOMIC DEVELOPMENT, BUT WHEN IT COMES TO SOCIAL SECURITY SCHEMES THERE ARE SIGNIFICANT DIFFERENCES IN TREATMENT BETWEEN LIBYAN NATIONALS AND FOREIGN WORKERS.

Key facts

- Libya is the least populated North African country, with just over 5 million inhabitants, half of whom are naturalised foreigners. Over the last few decades, Libya has relied heavily on foreign labour for its economic development. Whole sectors such as agriculture and building industry depend on migrant workers. The country is now going through a major economic crisis and the people of Libya have been hard hit by the sanctions applied by the international community over the last years.

- Migrant workers make up much of the labour force, but are badly treated. As they are not allowed to form or join trade unions, even the official so-called workers' organization, the General Federation of Producers/Workers (GUP/N), they have no protection from the discrimination to which they are regularly subjected.

- There are significant differences in treatment between Libyan nationals and foreign workers concerning social security schemes:

- As regards pensions, non-Libyan residents receive only a lump sum in the event of a premature termination of their work, whereas nationals are guaranteed the right to maintain their remuneration

- The subscription to the national security scheme is compulsory for nationals, whereas it is on a voluntary basis for certain categories of foreign workers.

- Concerning contributions, non-nationals who have not completed a period of ten years' contributions to the social security scheme are neither entitled to an old-age pension nor to a pension for a total incapacity due to an injury of non-occupational origin. Such a qualifying period is not required for insured nationals.

- Another subject of discrimination is the Regulation 161 on the Pension Regulations of 1981 which provide that pensions or other monetary benefits are only transferred to beneficiaries resident abroad in the event of a special agreement between the Libyan Arab Jamahiriya and the foreign country in question.



Special paragraph

In its report adopted by the International Labour Conference in 2003, the Committee on the Application of Standards devoted a special paragraph to the Libyan Arab Jamahiriya in relation with Convention No. 118 on Equality of Treatment (Social Security), 1962. That paragraph reads as follows:

The Committee took note of the statements made by the Government representative as well as the discussion that followed. The Committee regretted to note that despite the severe terms of its conclusions formulated on this case in 1992 and 1999, and the assurances offered by the Government on these occasions, the Government had still not given any indications that it had adopted any particular measures since 1992. It was the opinion of the Committee that the verbal explanations presented by the Government representative during the discussions did not reflect the Government's intention to modify the legislation in accordance with the requirements of the Convention. In these circumstances, it was important to recall that, although the Government's intention to maintain a fruitful dialogue with the supervisory bodies was imperative, it still had the obligation to comply with the obligations resulting

from a ratified Convention. The Committee expressed the hope that, on the basis of the assurances offered by the Government representative, the Government would soon re-initiate a substantive dialogue. It urged the Government, once again, to adopt specific and concrete measures with a view to achieving full conformity of the legislation with the provisions of the Convention, ensuring as such full observance of the principles of equality of treatment in the area of social security. It also requested the Government to provide a detailed report to the Committee of Experts at its next session in November- December 2003. The Committee expressed the firm hope that the Government would accept the technical cooperation offered by the ILO in order to solve the problems. The conclusions will be included in a special paragraph of the General Report.

Trade union demands

In view of the gravity of the situation in Libya, the Workers' Group is demanding:

- The Libyan Arab Jamahiriya to respect its obligations to foreign workers.
- The Government to immediately amend the national legislation, the Social Security Act No. 13 of 1980, to bring it into compliance with the Convention.
- The Government to supply detailed information to the ILO about its measures to bring the national legislation in compliance with the Convention.
- The Government to accept the technical cooperation offered by the ILO in order to solve the problems.

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