

O.G. 39/68

DECREE No. 9816 OF 4 MAY 1968

Enforcing the urgent draft law tabled before the Chamber of Deputies by Decree No. 5970 of 14 November 1966 purporting to modify certain provisions of the Law of 17 September 1962 and concerning the modification and the drafting of texts repressive of offences relating to infringements of the Code of Labour, the Social Security Law and the employment of aliens without work permit

The President of the Lebanese Republic,
Whereas the Lebanese Constitution, notably its article 58,
Whereas the Government has tabled before the Chamber of Deputies by Decree No. 5970 of 14/11/1966 a draft law vested with urgent character purporting to modify certain provisions of the Law of 17 September 1962 and concerning the modification and drafting of repressive texts relating to infringements to the Code of Labour, the Social Security Law and the employment of aliens without work permit,
Whereas more than 40 days have elapsed since the communication of the said draft law, which has not yet been examined by the Chamber of Deputies,
On the proposal of the Minister of Labour and Social Affairs,
And after the approval of the Council of Ministers, in the course of its meeting held on 24 April 1968,
Decreases the following :

FIRST ARTICLE

Is enforced the urgent draft law tabled before the Chamber of Deputies by virtue of Decree No. 5970 of 14 November 1966 purporting to modify certain provisions of the Law of 17 September 1962 concerning the amendment and drafting of repressive texts relating to infringements to the Code of Labour, the Social Security Law and the employment of aliens without work permit, and worded as follows :

Article 1

The following subparagraph is added to article 2 of the Law of 17 September 1962 regarding the repeal and replacement of articles 107 and 108 of the Code of Labour .

Extenuating circumstances or judgement with stay of execution may not be granted for an infringement committed by a contravener or his substitute already served with formal notice to put his situation in order. Every infringement shall be the object of a separate judgement for as many wage-earners or salary-earners as there may be, cumulative penalties being forbidden.

Article 2

Article 3 of the Law of 17 September 1962 is amended as follows :

The contravener shall not be prosecuted if, within fifteen days of the drafting of the procès-verbal, he pays the minimum fine provided under article 2 of the law above, barring a second offence within a year's time.

Article 3

Article 4 of the Law of 17 September 1962 is amended as follows :

Whoever opposes himself to a civil servant in charge of establishing the contravention in the official discharge of his duties or on the occasion of such discharge, interferes with his activities or prevents him from fulfilling (his obligations) is, without prejudice to sanctions provided by the Penal Code, under penalty of a fine of between 500 and 1,000 Lebanese Pounds and of a term of imprisonment of between one and three months or of either penalty, provided that extenuating circumstances or stay of execution are not granted and that the penalty is doubled in the event of a second offence.

Article 4

Whosoever employs an alien on the basis of a work contract or of an industrial agreement unsupported by a prior permit or without work permit delivered by the Ministry of Labour and Social Affairs is punishable by a fine which, in any case, may not be under fifty Lebanese pounds for each working day nor more than 100 pounds, such penalty being doubled in the event of a second offence within three calendar years.

Article 5

Any violation to article 80 of the Social Security Law enforced by Decree No. 13955 of 26 September 1963 renders its author liable to penalties under article 2 of the Law of 17 September 1962 and of subsequent amendments and renders the provisions of article 2 of the present law enforceable on him. Fines are payable at the Directorate of the National Fund for Social Security. Impediments and oppositions which the civil servants of the National Fund for Social Security may encounter in the discharge of their duties shall be punished in conformity with article 3 of the present law. Civil servants may, if the need arises, require the assistance of public administrations and of the security forces in the execution of assignments entrusted to them.

Article 6

Summary procedures are applicable to violations of the Code of Labour and relative regulations, as well as to infringements to the law of the National Fund for Social Security and to breaches concerning aliens' employment and work.

Article 7

All provisions contrary to or of a wording inconsistent with the provisions of the present law are repealed.

Article 8

The present law shall come into force upon its publication in the Official Gazette.

SECOND ARTICLE

The present decree shall be published and notified wherever there shall be need, and it shall be enforced upon its publication in the Official Gazette.

Sin El-Fil, 4 May 1968

Signed : Charles Helou

By the President of the Republic

The President of the Council of Ministers

Signed : Abdallah Yafi

The Minister of Labour
and Social Affairs

Signed : Edouard Honein