

NATLEX Database – LBY-1969-R-64414

Unofficial translation prepared for the International Labour Office. This translation is intended for information purposes only and does not substitute consultation of the authoritative text. Copyright © 2004 International Labour Organization

ORDER OF THE REVOLUTIONARY COMMAND COUNCIL, 1969 ON THE PROHIBITION OF TRAFFICKING OF THE LABOUR FORCE.

The Revolutionary Command Council (RCC);

Having examined the Labour Code issued 25 Jumadi 2nd. 1382, 22/11/1962,

On the basis of the presentation of the Minister for Labour and Social Affairs & the approval of the Council of Ministers,

DECIDES:

ARTICLE 1

A contract is deemed void when one of the parties undertakes to provide an other party with workers to be employed by him or by his representative, in return for a sum that the employer undertakes to pay the person providing the workers and who shall pay the workers an agreed wage. In general, any contract the subject of which is the hiring of workers for an employer through a contractor or supplier is void.

ARTICLE 2

In the cases mentioned above, an employer shall be deemed as having directly contracted the workers and shall undertake to pay them the wage paid to those originally employed by him for the same job, or by those employed for the same work with another employer. They shall enjoy all the rights due to persons of a similar status.

ARTICLE 3

Any contract or action shall be deemed void if it seeks to defraud or evade the implementation of the two articles above, or to conceal any violation thereof, whatever the means or form it takes. This shall apply especially in those cases which the Minister of Labour and Social Affairs, in a decision issued by him, finds that the circumstances surrounding them leave no scope for doubt that

the main purpose is to violate the provisions of the above mentioned articles or to conceal such a violation.

ARTICLE 4

An unemployed person may not be charged for being hired or for facilitating his employed in any job.

ARTICLE 5

Under the provisions of this Decision, no workers rights may be relinquished.

ARTICLE 6

The Minister of Labour and Social; Affairs shall supervise the implementation of the provisions of this Decision, and guarantee their implementation. The Minister shall issue a Decision setting out the implanting measures.

ARTICLE 7

The Ministry for Labour and Social Affairs shall set up one or more committees compose of a number of Ministry staff. These shall be appointed by a decision of the Minister. The committee shall investigate violations of the provisions of this Decision. The committee, may by a decision that is binding on the employer, consider persons performing a job for him and under his supervision, but hired for this job through an agreement between him and a contractor, in violation of the terms of this Decision, to be in a contractual relationship with the employer with all the effects that this entails, especially regarding treatment on an equal footing with his original workers and enjoyment of all the advantages enjoyed by them.

ARTICLE 8

The decisions of the abovementioned committee shall be submitted to the Minister of Labour and Social Affairs for approval, once approved the decisions are final and binding.

ARTICLE 9

An employer and the contractor or supplier who violate the provisions of this Decision shall be fined 50 pounds at least; the fine shall be multiplied by the number of workers involved in the violation.

ARTICLE 10

This Decision enters into force as of the date of promulgation; all provisions that violate its terms are void. It shall be published in the Official Gazette.

RCC

Dr Mohamed Suleiman Almaghraby

Prime Minister

Anis Ahmed Ashtewy

Minister of Labour & Social Affairs

14 Rajab 1389

26/9/1969