

**Law No. (12) For 2010 concerning of labor relations.**

**Article (1)**

Labor relations in Libya will be according to the attached Law

**Article (2)**

The executive rules of this law are issued by decision from GPC and include the executive legislations of this law particularly the following:

- 1- To specify the powers practiced by officials of high and supervisory administrations in cases of emergency, disasters, and emergency conditions.
- 2- Legislations and controls organizing leaves stipulated in this law.
- 3- Legislations and controls concerning training awards and encouraging incentives.
- 4- Sanction for non implementation of transfer.
- 5- Occupying functions of the deputed on permanent bases.
- 6- Woman employment system for part-time.
- 7- To specify percentage of functions in the disabled chart organization.
- 8- Authorization controls in specializations
- 9- Controls and measures for preparing salaries' tables.
- 10- Procedures for submission of disputes to boards for conciliation and arbitration.
- 11- Work system of social fund to specify forced labor and other works
- 12- To specify forced labor and relative works

Until issuance of these rules and decisions stipulated by law, the work will continue with rules and decisions applicable during execution of this law without contradicting to its legislations

**Article (3)**

GPC will issue decision organizing the records, books, notifications, warnings and necessary forms for execution of this law and to specify its forms.

**Article (4)**

To cancel Law number 58 for 1970, law no 55 for 1956, law no 15 for 1981 referred to and also to cancel each legislation which contradicts the legislations of this law.

**Article (5)**

This law will be published and applied from date of publication.

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## **Introductory Section**

### **Article (1)**

Labor relations between citizens in Libya are free relationships and its purpose is to get rid of wage slavery; and for declaration of partnership in the economic unit which they establish. The partnership should be between them and may be with non Libyans. Work will be against payment in public corporations or in the cases in which the owner prefers that he does not enter in partnership according to what is stipulated in this law.

### **Article (2)**

Work in Libya is the right of all male and female citizens and will be on equality principles in the employment between them or between other foreigners resident in Libya who have legal permit; and denies categorically forbidden forced labor and manifestation of injustice and exploitation.

### **Article (3)**

Occupying functions and professions in all work and production sites will be on the bases of qualifications, merits, capability and impartiality; and selection between candidates will be on integrity, transparency and justice; it denies favoritism or discrimination due to union's membership or social origin or any other discriminatory links.

### **Article (4)**

Legislations of this law apply on all work relations in Libya whether they are regulatory relations or contractual or with partnership and whether the entitlements are proportion of economic activity or cash amount with the exception of the employees whose status is organized by special laws or regulations and also the employees in family activity (couples, origins and branches)

### **Article (5)**

The following expressions and phrases in this law have the meanings against each in applying the legislations of this law:

- Great Jamahiriya – The socialist People's Libyan Arab Jamahiriya
- Economic unit – the organization which is established by the partners and they practice their economic activity whether it is a Tasharukia or company or factory or others
- The administrative unit – public corporate body which is established by the people's congress or GPC
- Labor authority – any normal person or corporate body whether private or public employing one laborer or more with salary
- Partner – any normal person who contributes with his efforts or money and efforts in an economic unit

- Partnership – any economic activity in which more than one person share amicably between them and the partnership will be with efforts or efforts and money
- Work – any effort – mental or muscular - against payment whether permanent or temporary
- Forced labor – all work or services to be rendered by any person and are carried out under threat and did not volunteer its performance by own free choice; the following is excluded:
  - a- Any work or services rendered according the military or national service laws
  - b- Any work or services which represent part of the normal civil duties for citizens, community's individuals and simple social services which are performed by community's individuals to achieve direct benefit
  - c- Any work or services which persons are committed to perform according judiciary legislation issued by specialized court on condition that it will execute these works or services under supervision and control of concerned authority
  - d- Any work or services to be performed in emergency cases such as wars or disasters or existence of what threatens occurrence of disaster such as floods, or fires or famine or the spread of pandemic or disease

Function: – a collection of specializations, duties, responsibilities and powers which have a number in the administrative unit's organization chart

Laborer: – any normal person who performs effort under supervision and control of employer against share in production or financial amount

Employee :– person who occupies one of the functions in administration's organization chart

Teenager: – any normal person whose age is 16 years and did not reach the age of 18 years

Hours work :– the time in which the laborer or employee is under disposal of the employer in addition to the times for rest or meal times

Temporary work :– the work which its execution require according its nature a specified period which does not exceed six months

Casual work: – the work which is not by its very nature as business carried out on the work activity and will not continue more than 6 months in the year

Seasonal work :– the work which is completed in a specified season of a year and its execution does not require more than 3 years

Night work: – the work which is completed between sun set and sun rise

Overtime: – the work which is executed in the hours which exceed the basic working hours which are decided legally.

Labor contract: – any agreement with the employer in which the laborer undertakes to work with the employer under employer's management and supervision against share in production or service or financial amount.

Wages: - what is given to laborer for his effort according contract whether it is a share or income from production or service or financial amount in addition to the allowances and other benefits due according prevailing regulations.

Basic salary: – the financial amount for the function which is occupied by the employee in the administrative unit according salaries table which is suitable to the effort for execution of the functional duties and volume of responsibilities to be performed

Salary: – the basic salary in addition to allowances, awards, incentives and other financial awards decided according the prevailing regulations and paid directly or indirectly to the employees by the employer

Work injury: – the injury which occur to the laborer or employee resulting from work or it occurs during work or caused by it, including injuries which occur on his way to work site and returning from it on condition that he goes and returns without delay and deviation from the normal path; and any disease of the profession's diseases which are stated in the executive rules

Functional group: – the framework which organizes the main or sub functional groups and each main functional group to be from vocational functional group similar to type of work and varies from responsibilities and duties; the vocational group represent the normal ladder for promotion from one job to another

People's committee: – the people's committee of the public administrative unit

Concerned authority: – the sector of labor force, training and employment or whoever has authority

Concerned secretary: – GPC secretary of the concerned sector or whoever has authority

First section

General and joint legislations

Chapter 1

Employment office

### **Article (6)**

Employment offices organize the affairs of researcher for work and to provide chances of employment.

Each citizen capable to work and wishes to work should register his name in work researchers system through the electronic registration or through the employment office at the place of residence and should state his age, profession, qualifications, sex, address and previous service if any and other data required from him.

The concerned office should insert applications in work researchers system and it will be classified according qualifications, specialization and sex; and the applicant will be granted work researcher card from date of registration.

Employment offices should not obtain any thing from work researcher for rendering this service.

### **Article (7)**

The employer may contract with the laborer through any licensed corporate body which ascertain their qualifications and experience and may refuse them if they did not prove their capability on condition that it guarantees laborer's rights and the employer should contract directly with him and to be obliged to pay him equal wages of other laborers performing similar work and to treat laborers equally in all rights.



**Article (8)**

All employers should submit their labor requirements to the employment offices and should be obliged to accept the deputed within the limit of its requirement.

The concerned authority will issue decision organizing the announcement for functions, vacant jobs and conditions.

Employment and contracting with any laborer should not be made without registration in the work researchers register at any employment office and have valid work researchers' card.

**Article (9)**

Non nationals should not practice any work without obtaining permit from the concerned authority and employers should not bring non nationals or contract with them without obtaining prior approval from the concerned authority which will issue decision to specify controls and conditions for employing foreigners and in the professions in which the foreigners are accepted.

**Article (10)**

Employer should keep special file for each laborer mentioning his name, profession, social status, number of personal identity, residence address, wages, copy of contract and other documents as well as leave days, awards, duties and sanctions imposed

**Second chapter**

**Labor and employment system**

**Article (11)**

Laborer or employee should execute all law legislations, rules and instructions organizing work performance and should:

1. Perform the assigned work with accuracy and honesty and should be obliged to work after office hours upon authorization from employer if required
2. To attend training provided by employer and to follow related instructions
3. To follow employer's instructions and to comply with orders if it does not include contradiction of contract or law or rules or morals or what endangers him
4. To preserve tools or equipments or documents or any other things related to work which are delivered by the employer to be used in the assigned work and to be returned after work completion
5. To preserve secrets of work after completion of his work
6. To respect time of work

7. To respect his seniors and colleagues in work; and to cooperate with them
8. To treat the community well and to execute their dealings in the specified time
9. To consider the hierarchical system in the dealings in work
10. To improve his capability and scientific qualifications and to review laws, rules and instructions related to his work; and to submit useful proposals to improve work methods and to upgrade performance
11. To consider the systems concerning the safety and security of work and to execute the instructions for preserving laborer's health and protecting them from injuries
12. To maintain the honor and dignity of the profession and to be committed to it
13. To assist in cases of disasters and dangers which threaten work place and persons working in it without a condition for obtaining an incentive for assistance
14. To join work during one month from date of completion of his studying period or training or deputation for full time or a duration of popular choice or abruption from national service If that period exceeded a complete year and during one week if less than that if the employer did not permit additional period
15. To be aware with the systems and work procedures of employer and to follow the changes in them
16. To notify the employer with any change in his housing address.

#### Article (12)

Laborer or employee is not permitted directly or indirectly to do any prohibited work according laws or rules or prevailing systems and particularly the following:

- 1- To perform work with others with or without wages without obtaining permission from actual employer.
- 2- To accept gifts or others by any mean for performing his duties
- 3- To do any act of brokerage or to exploit his function for obtaining benefit directly or indirectly for himself or others
- 4- To buy real estate or other items which the judiciary authorities offer for sale which have relation with his duties

- 5- To practice any commercial work or to have benefit in tenders or contractors or contracts which have relation with his duties
- 6- To rent real estate or other items for its exploitation within the circle in which he performs his duties
- 7- To exploit work means and equipments for his personal benefit
- 8- To claim influence
- 9- To keep for himself any paper from the official papers or to tear a paper from the files or to take any document or files outside work location if he is not permitted
- 10- Performance or incitement of any act be considered as acts of sexual harassment.
- 11- To violate procedures of industrial security and general safety inside work place
- 12- To prepare or publish or distribute publications or circulars which have a political nature against the objectives of the state or basic principles of the community or to influence people from these issues

#### Article (13)

Working hours should not exceed 48 hours per week and should not exceed 10 hours per day. Working hours may be reduced for some categories in industries and works as per GPC decision according proposal of the employer.

#### Article (14)

The laborer or employee has a right to obtain weekly holiday with pay at least 24 hours and to be on Friday.

With the exception in far places or in works which nature of work or operation's circumstances require continuation of work, the weekly holiday and official holidays will be added and granted together and the total period should not exceed 8 weeks.

#### Article (15)

Legislations of the two previous articles are not applied in cases of emergency work to prevent dangerous accident or to repair what resulted or to avoid loss of materials to be damaged on condition that the concerned employment office is informed during 24 hours with details of the emergency cases and the period to complete the work.

These legislations are not applied on laborers for cleaning inside the work place or watchmen or shift work laborers. Special rules issued by GPC on presentation from the concerned authority will organize the status of these laborers.

In all cases, the average of hours worked in 3 weeks should not exceed 8 hours per week.

#### Article (16)

If laborer or employee worked in his weekly holiday, he should be given alternative day during the following 3 days or to be paid in addition to his salary the equivalent of wages for the worked hours in his holiday; and in case he worked additional hours due to rush of work, he is entitled overtime at least 50% on the normal wages in addition to his wages and overtime hours should not exceed 3 hours.



Article (17)

A period or more for prayers, meals and rest not exceeding one hour to be during working hours and to consider that laborer should not work more than 6 hours continuously.

The concerned authority will issue decision to specify the cases and works in which work continues for technical and operational works without rest periods and the decision will also specify the hard and exhausting works for which rest periods calculated from actual work hours to be granted.

Article (18)

An advisory committee to be formed for submission of recommendations and advices in labor affairs, particularly the following:

- 1- Proposals concerning labor regulations.
2. Proposal for organizing work and to upgrade production level
3. Improving work conditions
4. To supervise vocational training policy within the limits of the general standards of industry
5. To organize social relations between laborers, employer and to create opportunities for cooperation

The concerned authority will issue decision to form this committee and method of work. The laborers and the employer will be represented in the formed committee.

Article (19)

GPC on presentation from the concerned authority will issue decision to form consultancy council named "Consultancy Council for wages" for proposing the general policy for wages and to specify its responsibilities.

The council will be formed from representative of the employer as president and members of the union organization, employer and laborers.

The concerned authority will issue decision organizing work of the council, periods for meetings, methods for issuing recommendations and period of membership.

The council to be guided in its recommendations with the customs, justice, general social and economic status; and its aim should always be for increasing production and basic laborer's needs.

Article (20)

GPC will issue decisions specifying minimum wages or to insert on it amendments on presentation of request from the concerned authority and recommendation of the concerned consultancy council.

Article (21)

No discrimination in wages should be in wages for work on the grounds of sex or religion or color.

Article (22)

If laborer or employee due error caused loss or damage or destruction of materials or machinery or products owned by the employer or any material in his custody, he should bear compensation which should be estimated by a committee to be formed from the employment office by decision from the concerned authority and the executive rules will state the method for forming the committee, its duties and method for grievance from its decisions.

Article (23)

Employer should provide transport means to work site, accommodation and meals according to the executive rules for laborers who wish to work in far places.

GPC will issue decision specifying the conditions and specifications of the accommodation referred to in the previous para and amount for its use; and will specify type and quantity of food for each meal and what is for account of the beneficiary.

In all cases, no abdication is allowed for providing meals with cash allowance.

Chapter Three

Employment of women and teenagers

Article (24)

Women should not be employed in works which are not familiar with woman's nature and specified by GPC decision; and men should not be distinguished from women in treatment, employment and wages of equal value; and may reduce working hours for the women in some professions and works as specified by GPC and to consider work requirements and number of employees from men and women as stated in the executive rules of this law.

Article (25)

The woman has a right of maternity leave with pay for 14 weeks when submitting a medical certificate stating the expected date for maternity and this leave includes at least a period 6 weeks after birth and the leave is extended up to 16 weeks if more than one child is born.

Woman's work may not be terminated during pregnancy or absence during maternity leave except when there are justifiable reasons which are not related to pregnancy or maternity and berth complications or breast feeding

The working woman has a right during the following 18 months of birth date to entertain with period or periods for suspending work during working hours for minimum one hour with pay for breast feeding her infant.

Article (26)

Employers who employ women who have children should allocate places for children's custody; and more than one employer may allocate places for children's custody.

The executive rules of this law will state conditions and controls organizing employment of women.

Article (27)

Any employee less than 18 years may not practice any type of work.

With the exception of the legislations of the previous para, teenagers are permitted to work when completing 16 years provided that their health and safety of maintaining morals is observed on condition that his employment is for obtaining education or vocational training.

Article (28)

Teenagers may not be employed in work more than 6 hours a day including a period or more for rest and meal and should not be less than one hour so that he does not work actually more than 4 continuous hours.

They may not work on weekly holidays or official holidays or during night.

GPC will specify the work and cases for employing teenagers, procedures, conditions, circumstances and prohibited work

Article (29)

Employers when employing one or more teenagers should put on work place a copy of legislation for employing teenagers and to inform the employment office the names, ages, dates of employment, assigned work and to put in the work place list stating work hours and rest periods.

Chapter Four

Leave days

Article (30)

The annual leave is 30 days; and 45 days for persons whose age is 50 years or his service exceeded 20 years.

Laborer or employee should not abdicate his leave and he may not be prevented from leave or leave to be postponed or cut except for necessity for the benefit of work or if he requested that.

In all cases, the laborer or employee should enjoy at least 15 continued leave days in a year.

Article (31)

Laborer or employee is entitled an emergency leave for compelling reason without obtaining prior permission from his seniors and he should submit justification for his absence immediately when he returns.

The emergency leave should not be more than 3 days each time and should not exceed 12 days in each year and will have no right after elapsing the year; and this leave will not be calculated from the annual leave.

Article (32)

Laborer or employee is entitled on termination of services a financial amount calculated on the basis of his salary for annual leave which he did not enjoy for benefit of work.

Laborer or employee is not entitled compensation for leave which he did not enjoy if it is postponed according his desire except within the limit of 6 months.

#### Article (33)

Laborer or employee is entitled paid sick leave or salary for a period not exceeding 45 continuous days or 60 days if not continuous during one year.

The sick leave is granted according medical report from approved doctor and if the sickness is during his stay abroad, the sick leave is granted according medical report from approved doctor of Libya's political mission or the authorized body.

If the granted sick leave exceeded the period referred to in the previous para, the subject will be submitted to the specialized medical committee and legislations stipulated in the social insurance law will be applied.

In all cases, the sick leave should not exceed 3 months during each year.

#### Article (34)

Laborer or employee is entitled special leave with full salary in the following cases:

- a. Performance of Hajj for 20 days and it is granted one time during period of service
- b. Marriage for two weeks and it is granted one time during period of service
- c. The woman whose husband dies, the leave will be 4 months and 10 days
- d. Performance of examination for the period of the examination

#### Article (35)

The employer may issue decision to grant the laborer or employee a special leave without salary in cases and conditions specified by the executive rules.

#### Article (36)

Laborer or employee will not be paid wages or salary during the period of his absence from work without approved leave without prejudice to the disciplinary accountability.

### Chapter Five

#### Medical and social care

#### Article (37)

Employer arranges medical examination for employee prior resuming work to ascertain his safety and health condition according type of work which he will practice and to perform periodical analysis for all employees to protect their health condition and safety continuously

The executive rules will state the authority which will make the analysis and will specify the levels of fitness as well as mental and psychological capabilities

Article (38)

Employer should arrange the necessary insurance for laborers or employees against diseases and occupational risks; and to provide health care and social protection for them and their families without contradicting any other legal system

Article (39)

Employer should train the laborer or employee on proper basis for the performance of work or function and to inform them before resuming work about its risks and they should be obliged to use the decided protection means which are provided; the employer should not charge them with any expenses or to deduct any amount from them and should make the necessary precautions to protect them during work from health harms and work risks.

Laborer or employee should use the necessary protection means and undertake to take care of it and to execute the issued instructions for protecting health and to avoid work injuries; and should not prevent execution of instructions or misuse the means for protection and safety of laborers or damage it.

Article (40)

Employer should inform the concerned employment office in writing about all accidents which result in death of any laborer or have a dangerous injury which will disable him from work within 48 hours from date of accident.

Article (41)

The employer may establish social insurance fund and contributes partly in financing it with amounts inserted annually in its budget and the remaining will be from laborers' subscription fees.

Chapter Six

Service termination

Article (42)

The services of laborer and employee are terminated for the following reasons:

1. The legally decided age for termination of service
2. Medical unfitness
3. Resignation
4. Convicted in one of the crimes or offences against honor or trust or security. If the verdict was a suspended sentence, the service of laborer or employee will not be terminated without prejudice to the disciplinary responsibility where appropriate.
5. Death



Article (43)

Service of laborer or employee is terminated at the age of 65 years for men and 60 years for women and laborers employed in industries harmful to health which are specified by the related rules.

Some locations, functions and categories of decided age for termination of service may be excepted according conditions and controls specified by the executive rules of this law

Article (44)

The laborer or employee is sent to a specialized medical committee upon his request or employer's request; if the medical committee proved that he is medically unfit for work or function or any other function, the employer will issue decision for service termination from the beginning of the following month of issuance of the medical committee's report, without contradicting the laborer's right for the award stipulated in article (78) of this law.

Article (45)

Employer should give laborer or employee at the end of his services a certificate stating date of employment, and date of termination of services, type of work performed, salary – upon his request – and other benefits.

Chapter Seven

Joint legislations

Article (46)

Employer should make the necessary procedures for protection, safety and health of laborers and employees when performing work under their supervision considering good conduct, morality and security in the corporation

Employer should inform in writing the laborers and employees when employed about the following issues and any changes:

- Internal system of work
- Working hours
- Weekly holidays system
- Legal issues and procedures concerning health, safety and protection from occupational risks
- Insurance party against accidents and occupational diseases
- Registration number in social insurance fund

Article (47)

In cases wages are a share in production or income of service, employer should pay employees a financial amount every month or part of a month to be agreed upon to cover expenses and daily family expenses to be accounted against production expenses

and deducted from income to be distributed at the end of the year or completion of production operation as other expenses.

Article (48)

Employer should prepare for laborers or employees sufficient number of toilets and if two sexes are employed in the same place, independent toilets should be for women.

Article (49)

Employer's obligations stipulated in this law to be complied with in case of its liquidation, bankruptcy, amalgamation with others, transfer of ownership to others or alteration for any reason.

Except in cases of liquidation, bankruptcy and final closure, the work contracts remain valid until the specified period and the previous employer will be responsible jointly with the other for execution of the previous obligations in those contracts.

Article (50)

Wages or due salary of laborer or employee may not be confiscated except within the limit of the quarter and priority is given for allotment.

Deduction of wages or salary may not be permitted for more than quarter of the salary for settlement of loan taken from employer; and employer will not charge any interest on that with the exception of housing loans from banks.

Article (51)

All national and foreign employers of different activities should employ national elements and provide means for continuation in work and to give them chances to prove their efficiency in work by training and qualifying them for assigned works. The percentage of national elements should not be less than 75% of total.

This percentage may be reduced temporarily for public benefit in some places in case the necessary technical qualifications from nationals are not available according decision to be issued from the concerned authority.

Article (52)

All employers in the national and foreign public or private sectors when starting work in any project or activity should inform in writing the concerned employment office with the following:

- a. Establishment's name, type, location, address for correspondence and any other information for communication
- b. Kind of licensed economic activity, license number, date and place of issue; and to attach a copy.
- c. Number of laborers and employees to be employed and required specializations
- d. Establishment's responsible official who will manage it and its legal representation
- e. Any other information required by the concerned authority

#### Article (53)

If the attributed actions to laborer or employee form a criminal offense, the public should be informed and this does not prevent institution of the criminal proceedings or to keep the charge or acquittal of the laborer or employee without a disciplinary trial. The attorney general should notify the employer with any procedure taken against the laborer or employee

#### Section Two

#### Partnership relations

#### Article (54)

Male and female partners are equal in rights and obligations considering woman's rights during period of pregnancy, child birth and maternity leave and others.

#### Article (55)

Partners should distribute duties and responsibilities among them and every one should perform the specified work to achieve the economic unity for the purpose of its establishment; and each partner is responsible before the remaining partners towards any damages resulting from his negligence or for not performing the assigned duties.

#### Article (56)

Partners select the manager of the economic unity considering the qualifications and experience and may authorize amicably a manager from outside the partners according stipulations of the contract signed between them.

#### Article (57)

The economic unity will have administrative and financial rules which specify the system and working hours, rest, leaves and other issues relating to its activity to be approved from the concerned authority. Partners specify and organize the weekly rest hours, annual leave without contradicting legislations of this law.

#### Article (58)

Partners may accept new partners when necessary and the basic system will specify acceptance conditions.

#### Article (59)

Partners may request assistance from others with financial payment to be specified in work contract for execution of certain work of the activity or the responsibilities of the economic unity and may request assistance from others with financial payment in cases in which the concerned does not prefer to enter in partnership and should submit by his free will written declaration stating frankly that he does not desire to enter in partnership and prefers to work with financial payment and written work contract approved from the concerned authority. Legislations of section (1) and (3) of this law will be applied for individuals who accepted to work with financial payment.

Article (60)

Partners will decide with majority dismissal of any person for reasons concerning contradiction of obligations imposed by law or partnership contract and other reasons stipulated in the relative regulations; and the vote of the partner to be dismissed will not be counted.

Article (61)

The partner whose partnership is terminated can protest in front of the court.

Article (62)

In case of partner's death, the economic unity will continue its work and his inheritance have right to claim his share and any entitlements which he did not receive before his death and are free to continue in the partnership or to end it without affecting its activity.

Article (63)

In case partnership is ended for any reason, liquidation of the share of the partner whose partnership ended will be according the last financial year's budget in which partnership relation ended in consideration with the organizing regulations.

Article 64

The partner whose partnership ended will be responsible towards his obligations.

Article (65)

Partners are obliged to provide means of protection and occupational safety to protect them and the others who work with them with contract from work accidents and occupational diseases according the prevailing regulations.

Article (66)

Partners with effort or effort and money should join the insurance system against disease, work accidents, occupational and aging diseases

Section Three

Contractual relations

Chapter One

Work contract

Article (67)

The work contract is signed according the form set by the concerned authority and contract will be executed after its approval; after ascertaining its legal form and its agreement with this law, the contract should include all the necessary details to specify the parties' rights and obligations and to be written in Arabic language in three copies; after its approval, copy to be delivered to each party and the third copy will be kept with the concerned employment office. If contract is not written, the laborer may prove his rights by all proof methods.

Individual work contract is exempted from registration fees.

#### Article (68)

Employer should comply with contract conditions or should not assign the laborer with work which was not agreed upon except during necessity to prevent accident or to repair what resulted from it or in case of force majeure and this work will be temporary. Employer may assign laborer with work which has no fundamental difference. Each condition in the work contracts which contradict legislations of this law even if it was before its execution is deemed null and void.

#### Article (69)

Probation period is 30 days actual work from date of resuming work. Probation period is considered appointment if no decision is issued terminating the contract.

#### Article (70)

Contract may be signed for a specified period or work and may not be specified. If the period is specified and the parties continued its execution after the end of its period without renewal, the contract is considered as renewed for non specified period. If the contract is signed for execution of temporary work or seasonal or subject to nature, it will be renewed and execution of contract continued after completion of work agreed upon; the contract is considered as renewed for the necessary period to perform the same work another time.

If the contract was for a specified period whether specified in the contract or according nature of work, the period may not exceed two years subject to renewal one time; the contract after that will not become renewed.

#### Article (71)

The period of the specified contract ends with its end without need for notification or warning. If the contract period is not specified, each party may warn the other by registered confirmed letter before termination period with 30 days. If the warning is addressed to the laborer, the employer should give him during the warning period at least two hours from the actual working hours to search for other work; and if the contract is cancelled without considering the warning period, the party which cancelled the contract should compensate the other party with compensation equal to laborer's salary for the warning period or its remaining part.

#### Article (72)

The employer may cancel the contract before the end of its period after warning the laborer considering the specified period in the previous article in the following cases:

1. Work stoppage totally or partially or for two consecutive months
2. Cancellation of contracted work for administrative or economical reasons

The contract will be valid during the warning period and parties should execute it. Employer should inform the concerned employment office before using the right to cancel the contract before at least two months; and the office will investigate the reasons for that.



The laborer whose contract is cancelled is entitled an award which is stipulated in article 78 according legislations of this article without contradicting with the compensation stipulated in article 76 if applicable.

#### Article (73)

Employer may terminate the contract without prior warning or award or compensation in the following cases:

- a. If laborer did not perform his obligations stipulated in the contract.
- b. If the laborer assumes a personal character not his own or submitted incorrect certificates or declarations or information.
- c. If during probation period.
- d. If committed a mistake which resulted in heavy financial loss on condition that employer will inform the concerned employment office about the issue before 3 days from its occurrence
- e. If repeated the non compliance with instructions to be followed for laborer's safety and employer on condition that there are written instructions on a clear place.
- f. Absence of laborer without justified reason for different periods more than 20 days in a year or more than 10 consecutive days. Written warning should be prior dismissal after absence for 10 days in the first case or 5 days in the second case. The concerned employment office should be notified with copy of the warning.
- g. If he divulges secrets of his work.
- h. If found during working time to be obviously intoxicated or abuse of psychotropic substances.
- i. If he attacks one of his superiors or colleagues during work.
- j. If the laborer has been finally sentenced to a felony or misdemeanor involving moral turpitude or dishonesty or security.
- k. Employer should notify the concerned employment office with procedures for terminating the contract with copy of investigation procedures.

#### Article (74)

The laborer may resign from work after employer's warning according legislations of article 71; and the laborer will be entitled in this case the award stipulated in article 78.

#### Article (75)

The laborer may terminate the contract without warning in the following cases:

1. If employer did not fulfill his basic obligations according legislations of this law.
2. If employer used a forgery mean concerning work conditions when contracting.
3. If exercised against him indecent acts by officials or his supervisors.
4. If aggression from a responsible official occurs.
5. If there is danger which threatens his safety or health on condition that employer knew the existence of this danger and did not make the decided safety procedures or imposed procedures by the specialized parties at a specified date.

If laborer left work for the above mentioned reasons, the employer is obliged to pay an award for his service period as stated in article 78 without prejudice to court's legislation.

#### Article (76)

Without contradicting with legislates of articles 71 and 78, if contract is cancelled without justification, the person who is affected by the cancellation will have the right for compensation to be decided by the court taking into consideration type of work, period of service and commercial practice after investigating the circumstance of cancellation.

#### Article (77)

Laborer's contract may not be terminated due to membership in a union or participation in activity of a union after working hours or during it as per employer's approval and also may not be terminated during different types of leave days or for the reason of submitting a complaint or legal case against the employer.

In all cases employer may not terminate the contract except if laborer is not capable or his performance is not satisfactory or bad conduct or work needs including chart reorganization or economic reasons and in these cases, the laborer's union and the concerned employment office should be notified with the termination and its reasons prior at least one month from date of termination to investigate the reasons.

#### Article (78)

In consideration with the international agreements in which Libya is a part, the non national laborer is entitled award for his service on termination on the basis of half salary per year until the 5<sup>th</sup> year and one month per year thereafter on condition that laborer does not benefit from social insurance system according the prevailing regulations.

The last salary will be the basis for estimating the award; and will not be entitled if laborer cancels the contract considering the working period stipulated in this law.

#### Article (79)

If laborer terminated the contract without one of the reasons stipulated in this law and without considering the warning period and contracted with other party contradicting

legislations of article 12, the other employer will become jointly responsible with him towards the harm of the previous employer in the following cases:

- If interference is proved for the sake of laborer's termination from previous work.
- If it enabled the laborer to work with him with the knowledge that laborer has a work contract with others.
- If continued to employ the laborer after knowing that he has work contract with others.

#### Article (80)

Work contract ends with the death of the laborer or disability to perform work or sickness causing absence for a period exceeding 120 days or different periods exceeding a total of 180 days in one year

Proof of disability or sickness will be according medical certificate issued by approved specialized doctor. The employer will not use its right to cancel the contract according legislations of article 73 during the period of disability or sickness referred to in this article and may not cancel the contract after the end of the mentioned periods if laborer returns to resume his work.

Employer in case of termination of contract for any of the reasons referred to in the first para is obliged to pay laborer or deservers on his behalf the award for termination of services stipulated in article 78 and to pay deservers in case of death one month wages in addition to the one month in which the death occurred.

#### Chapter Two

##### Training for the purpose of work

#### Article (81)

Employers should accept a number from work researchers at a percentage of 20% from the total of foreign laborers for training purpose to learn a job or craft or specific work during a specified period or to bear the expenses for training in specialized corporations according conditions and status to be issued by decision from the concerned authority.

#### Article (82)

Training contract for the purpose of training should be written in Arabic language and to stipulate in it the training period, stages and payment for each stage; the payment for the last stage should not be less than the minimum payment for the specified work of the job or craft in which the laborer is trained.

#### Article (83)

The employer may cancel the training contract for the purpose of work if it proves that trainee is not interested or ready to learn well the job or craft after agreement with the concerned employment office; and trainee may not terminate the training contract without notifying the employer.

#### Article (84)

The legal stipulations concerning compensation for work injuries, occupational diseases and those concerning health, safety, working hours, weekly holidays, leaves and official holidays are applied on training contracts for the purpose of work.

#### Chapter Three

#### Housing service

#### Article (85)

The house is served by his people; permission for practicing housing service for the family is not permitted, except in the following cases:

1. Disability of mother or father to perform the required care as a result of disease or age and nobody will take care of family.
2. If a family has a disabled infant and the mother is unable to take care of her infant.
3. If family members are not less than seven individuals.
4. If the woman works and she is not capable to take care.

The above cases will be proved according social and health research

#### Article (86)

Housing service includes the following:

1. Food and drinking works and services
2. Normal housing works and cleaning which is necessary
3. Personal works for the disabled, elderly, patients and infants
4. Porters, drivers and laundrymen

#### Article (87)

Anybody who wishes to perform the housing service should request registration of his name on the prepared form with the employment office within his area and the employment office will give the applicant without fees a certificate for registration on submission date of application.

#### Article (88)

Employment offices receive applications from persons who desire to employ others in housing service work or similar works. These applications are registered in a special register.

These offices should assist the persons whose names are registered according the legislations of the previous article to work in the vacant works.

Employment of laborers for housing services and similar vacant works is according agreement between work researcher and employer regarding salary, age, sex, family

circumstances and health condition after investigating the sufficient guarantees which circumstances of the case require.

Article (89)

Service card will be given by the employment offices when employing laborers for housing services and other similar works. The card will state name of laborer, job, age, sex, nationality, specified wages and name of employer who will sign this statement and will be approved by the concerned employment office.

This card will be according the special form which proves the laborer's status in respect of wages, duties performed and persons with whom he works with.

Article (90)

Housing service should be according work contract, to be signed by both parties and approved by the concerned authority specifying laborer's duties and rights stating conditions and other working circumstances; and to provide accommodation and meals if performance of service is for all the time.

Article (91)

Employer should ascertain from the identity of the housing service laborer before employment and to inform the employment office in his area with all information during 3 days from date of resuming work or from date of applying this law.

Article (92)

Housing service laborer should make medical examination before resuming work and to make medical examination upon the request of employer; it will be for the account of employer in the last time.

Article (93)

Employer should treat the housing service laborer a human treatment and will not insult and give the laborer hard or dangerous work and in a way contradicting the stipulations of the signed contract between the two parties

Article (94)

Housing service laborer should not perform housing service with other person without written approval from the employer.

Article (95)

Employer will not be responsible towards the housing service laborer when going from work place for purposes which do not concern the work without employer's permission.

Article (96)

Employer may terminate the laborer's work contract without prior warning if committed deeds which represent breach of honor and honesty or employer's properties are damaged or lost.



Article (97)

Laborer should keep the secrets and this obligation should continue after termination of service.

Article (98)

In case of laborer's contribution in the social guarantee system, employer should deposit the due subscription installments according legislations of the prevailing regulations and should prove this in the laborer's service card.

Article (99)

Employer should apply equality between housing service laborers and other categories of laborers according the stipulations of this law, particularly the following:

1. The right to join laborers' unions.
2. To entertain protection of social guarantee system.
3. Minimum age.
4. Weekly holiday or leave.
5. Motherhood protection.
6. Minimum wages.

Article (100)

Employer should permit labor inspector to view the circumstances of the housing service laborer and living conditions to ascertain compliance with laws and rules concerning work

Chapter Four

Work disputes, settlement and arbitration

Article (101)

Any dispute concerning work or its conditions between one or more from employers and between laborer or all laborers or team who are employed with employer should be settled according legislations of this law; the dispute is considered collectively if it is between employer and number of laborers not less than 25% of their total on condition that number of laborers is not less than 10 laborers.

Article (102)

If there is dispute between one laborer and the employer, an official from the employment office should settle the dispute amicably through negotiation; and if he did not reach a settlement during 10 days, he should write a report on the reasons for not reaching a settlement to the concerned employment office's manager and the parties in the dispute in this case will submit a suit to the concerned court.

#### Article (103)

Work disputes are settled through arbitration according the request of the two parties; if there is no agreement to settle the dispute through arbitration, the dispute will be submitted to conciliation board and arbitration authority stipulated in this law.

#### Article (104)

Conciliation board to be headed by judge to be selected by the court's general assembly and membership of representatives of the employment office, employer and the concerned union will be formed in the specialized circle of primary court. The board may request assistance of selected experienced and specialized officials.

Conciliation board will search in the dispute reasons to reach settlement within 15 days from date of submission; if all or part of claims are settled, the agreed minutes will be written and signed by the conciliation board and this will have the powers of final legislations.

If the board did not settle all or part of the dispute, the agreed points will be relayed to the concerned arbitration authority during maximum 7 days with comprehensive report on dispute's stages and reasons and to notify the concerned parties.

Employees should resume work even partly before completion of all procedures of conciliation and arbitration stipulated in this law.

#### Article (105)

- a. To form in each appeal court an arbitration authority consisting of 3 consultants selected by court's general assembly and representatives from the concerned authority, employer, union and to be headed by the senior consultant
- b. The arbitration authority is specialized in settling work disputes submitted by conciliation board without expenses or fees. A lawyer may attend in front of arbitration authority with any of the dispute parties

Arbitration authority's decision will be obligatory and have the power of issued legislations of courts of appeal.

The executive rules state the nature of disputes, detailed procedures for presenting disputes to the conciliation board and arbitration authority.

#### Article (106)

Employees have a right to grievance in the procedures against them in front of the supervisory and judicial authorities. The executive rules of this law state the procedures and conditions to use this right.

#### Article (107)

The employee who is dismissed from work without justification will request to suspend this dismissal with application by registered letter to employment office within a period not exceeding two weeks from date of notification by employer.

The employment office will take the necessary procedures to settle the dispute amicably; if unable, he should submit the case within maximum one week from date of submission to the judge for urgent matters in the specialized court in the circle of work place with summary of dispute and remarks of the office.

The court's clerk should submit the application within 3 days to the court to specify a session to view the application for stopping execution within a period not exceeding two weeks from date of submission and notifies the employer, employee and employment office with registered letter and to attach copy of employment office's letter.

The judge should take decision in the application for suspending execution in a period not exceeding two weeks from date of the first session and his ruling shall be final. If he ordered to suspend execution, employer should arrange payment from date of laborer's dismissal and the judge relays the suit to the concerned court at which the work place is located and this court will decide the compensation issue if applicable within a period not exceeding one month from date of the first session. The court may return the dismissed laborer to work according his request in the stipulated cases in law.

#### Article (108)

Responsibility proceedings of dismissal is considered arising from work contract with the consequent implications for the appointment of the competent court to view the dispute, limitation and application of bases stipulated in the civil and commercial procedures law concerning appeal of issued legislations in this subject. Regarding period of appeal, it will be 10 days and the court should decide during a period not exceeding one month from date of the first session.

Application of this law will not be a breach of employee's right to recourse directly for litigation according bases, dates and procedures stipulated in the civil and commercial procedures law.

#### Article (109)

Judicial fees are exempted from all stages of litigation which are raised by laborer even in the training stage and to be considered as urgent.

The court in all cases accelerate access control and without guarantee

#### Chapter Five

##### Labor inspection

#### Article (110)

The employees who are nominated by GPC decision according presentation of the concerned authority have the right to inspect work places which apply legislations of this law.

The authorized employees for inspection will have the powers of judicial control officers in respect of execution of legislations of this law and executive rules and decisions and they should carry cards proving this power.

#### Article (111)

Duties of labor inspectors are as follows:

1. To control execution of legislations of this law and issued rules and decisions
2. To submit information and technical advices to employer and employees for execution of this law

3. To identify the concerned authority with deficiency in the existing legislations and to submit the necessary proposals to avoid it.
4. To control violation of legislations of this law, executive decisions and necessary arrangements towards it
5. To submit periodical reports on inspection visits according the prepared forms

#### Article (112)

Labor inspector has right to enter work places to perform his duties freely during office hours at night and day without prior notification and to inspect or investigate and to view records and books or any other documents related to work or employees and to take copies from it; and to request data and information concerning performance of his duties.

Employers should facilitate the duties of inspectors and should cooperate with them regarding required information and data.

#### Article (113)

The inspector will swear in front of the concerned authority before practicing his duties and the executive rules will specify the sworn formula.

#### Article (114)

The concerned authority will issue decision to specify the inspection system and conditions for selecting inspectors, their training and to specify their awards and forms of work.

### Chapter Six Sanctions

#### Article (115)

GPC will issue rules stating the violations and penalties.

Employers will set rules for its sanctions without contradicting the legislations of the general rules referred to; and these rules will not take effect without its approval by the concerned authority. In all cases the violation to be related with work and to be stipulated in the rules.

The employer who employs 10 employees and more should place on a significant place rules for organizing work and disciplinary sanctions duly approved by the concerned authority.

#### Article (116)

Laborer should not be accused for violation which was discovered before 30 days or to impose sanction after more than 60 days from date of proving the violation.

#### Article (117)

Employer should not impose on laborer more than one sanction on each violation; and should not deduct part of the financial amount according legislations of this law together with any other financial sanction if the amount to be deducted exceeds 5 days



in each month; sanction should not be increased except if violation is the same violation which was previously imposed to laborer and on condition that the new violation occurred during 6 months from date of notifying the laborer to impose the previous sanction.

#### Article (118)

Any sanction should not be imposed on laborer except after notifying him in writing with the violation and to listen to what he says and his defense, and to prove that in minutes to be signed by him. The investigation should start during maximum 7 days from date of discovering the violation; sanction of warning and deduction from wages should not exceed 3 days wages. The investigation should be verbal and to be stated in the issued decision for the sanction and in all cases the issued decision for the sanction to be with reasons.

#### Article (119)

Employer may suspend laborer from work as a precaution if this is for the benefit of work and should pay him half wages during all the period. If the sanction imposed is dismissal, his service to be terminated from date of suspension and will keep the paid wages.

In all cases the period for suspension should not exceed one month except if there is decision from the disciplinary council.

#### Article (120)

Employer may stop laborer from work from date of informing the general attorney about the case and will return to his previous work if proved not guilty.

Otherwise if he is not returned to his previous work, this will be considered an unjustifiable dismissal.

### Chapter Seven

#### In penalties

#### Article (121)

Without prejudice to any severe penalty stipulated in penalties law or any other law, penalty is imposed on those subjected to the legislations of this section with the following penalties:

1. Penalty with financial fine of at least 1000 dinars and not exceeding 2000 dinars for contradiction of articles (6, 7, 55) of legislations of this law
2. Penalty with financial fine of at least 500 dinars and not exceeding 1000 dinars for contradicting legislations of articles (13, 14, 27, 28, 38, 39) of this law
3. Penalty with financial fine of at least 200 dinars and not exceeding 500 dinars will be imposed on everyone violating the other legislations of section (1) and (3) of this law as well as rules and decisions for its execution; in all cases, the fine will be numerous with the numerousness of fine imposed in their regard; and labor inspectors prevent continuation of violation through administrative



methods and labor inspectors collect the amounts from applying penalties stipulated in this article

Section Four  
Regulatory relations “Public Function”

Article (122)

Public occupation is an assignment for officials occupying it and their duties are to perform work efficiently and accurately; their attitude should be consistent with religion, character and dignity; and their objective is for performing their work to serve citizens and to achieve the public benefit.

Each employee will be responsible to achieve the objectives of the function which is assigned for him under supervision of his direct superior.

First chapter – administrative organization and functions.

Article (123)

Public administrative units will be established and its responsibilities will be specified according GPC decisions; with the exception of public sectors which will be established by decision from General People’s Congress and its main organizational divisions will be specified by GPC decision. The sub organizational divisions of public administrative units will be specified by decision from the concerned people’s committee after taking the concerned authority’s point of view.

Article (124)

The functions are divided in the following main functional groups:

- a. Main functional groups of the general organization chart
- b. Main functional groups of the technical organization chart
- c. Main functional groups of the civil organization chart
- d. Main functional groups of the organization chart of the scientific functions, education and training
- e. Main functional groups of the organization chart of human medicine and nursing
- f. Main functional groups of the organization chart of the marine functions and commercial aviation

The vocational functional groups in each main group are specified by GPC decision on presentation of the concerned authority

Each functional group is considered a distinguished unit in the functional affairs such as appointment, promotion, transfer and will have independent list of employees of all functions which it organizes

High administrative functions' conditions and system for evaluating its performance will be specified by GPC decision according proposal from the concerned authority.

#### Article (125)

GPC on presentation from the concerned authority will issue chart organization rules according nature of work, its volume, Standard of performance in the administrative units including type of organization chart, bases and method of its preparation, its approval, amendment and extension of work in it.

#### Chapter Two

#### Functions' Occupation

#### Article (126)

Occupation of vacant functions in the administrative units' organization charts will be through appointment or contracting or promotion or deputation or transfer.

#### Article (127)

Occupation of some vocational groups may be specified by article 124 of this law including the high administrative functions by contracting according the rules to be issued by GPC according proposal from the concerned authority which specifies salaries, employment conditions and functional groups to be applied.

It should not contradict legislations of this section.

Administrative units may contract with offices or specialized companies to perform public services as printing works, computer operation, technical works, cleaning works, cafes, etc... according controls specified by GPC.

#### Article (128)

Conditions for occupying one of the functions of administrative unit's organization charts are as follows:

1. To entertain the Libyan nationality and civil rights
2. Should not be married with a foreign spouse except if permitted by the concerned authority
3. Good conduct and reputation
4. Not to be convicted in crimes and offenses against honor or security, except if proved not guilty
5. Should not be dismissed from service by final disciplinary decision if the period for canceling penalty did not elapse.
6. His age should not be less than 18 years

7. Should have the necessary scientific qualification to occupy the function. To except from this condition appointment of experienced skilled technicians according work requirements and conditions stated by the executive rules.
8. To pass the examination for occupying the function
9. To be medically fit; the health condition is specified by rules issued by GPC
10. The vacant function should be in the organization chart and financial coverage to be available

#### Article (129)

GPC will issue decision specifying the scientific qualifications and national training, equivalent foreign qualifications which will be evaluated and its level to be specified and the necessary scientific experience to occupy it for the purpose of occupying the function in the administrative units.

#### Article (130)

In consideration of article 128 of this law, the following will be considered when occupying functions:

1. Occupation of vacant function in the organization chart may be if its occupation is not possible through transfer or deputation of an employee from the same authority or promotion of an employee with the same conditions of promotion
2. High administration functions are occupied according seniority and comparison between scientific qualifications, training, experience and suitability to occupy the function and from the same functional group. If occupation of any high administration function is not desired from employees of the administrative unit, it should be from university graduate or its equivalent and experience of at least 10 years after obtaining the qualification.
3. Function occupation should not be from previous date and to be considered from date of the written notification of employee by the concerned authority and resuming work. Function occupation is considered cancelled if employee did not resume work within 30 days from the written notification and in this case the following employee in the list is appointed if nomination was according contest
4. The scientific certificate should be original issued from one of the approved educational or training corporations and the foreign certificates should have an equivalent certification.

#### Article (131)

The concerned authorities which will issue decisions for occupying functions:

1. People's congress secretariat regarding its employees and its affiliated authorities.
2. GPC regarding its employees and its affiliated authorities.
3. GPC sectors regarding its employees and its affiliated authorities according to controls set by GPC.

#### Article (132)

Functions to be occupied from lists of successful employees according to the following bases:

Persons who passed the examination should be in the list according to pass marks. When equal marks, priority is given to the person with higher qualification, then date of graduation and then bigger age. After elapsing one year from date of examination, persons will have no right.

Functions occupation may be from lists before more than one year if there are no other proper lists.

Administrative units are permitted to occupy announced functions from lists of the approved successful persons.

The executive rules will state the legislations concerning announcement for functions, means of its occupation, approval of its results and previous experience.

#### Article (133)

Considering the legislations of article 130 of this law, the employee may be returned to his previous work and function in the organization chart of the administrative unit which suits his experience and qualifications if he possesses conditions for its occupation; and in this case, he will not be examined if he did not resume work for a period not exceeding 5 years.

#### Article (134)

Each employee who occupies a function in the organization chart of one of the administrative units before resuming work should swear as follows: "I swear by The Almighty God that I shall comply with principles and objectives of the Great Al-Fateh revolution and I protect people's power and I consider state's benefits and I respect law and I perform my work with disclosure, honesty and perfection".

Swearing will be in front of the concerned secretary or authorized official.

The swearing will be signed by the employee and the secretary or authorized official who attended signature. It will be kept on the employee's file; and he may not resume work before swearing.

#### Article (135)

Employees who occupy the function for the first time and are not in the high administration functions are subject to 365 days probation period from date of resuming work. If an employee proves that he does not suit the function during the probation period, he will be referred to the concerned staff affairs committee and if the committee stated that he suits another function, it recommends his transfer to it, otherwise it

proposes termination of his service on condition that it notifies the employee before 2 weeks from termination date.

Completion of probation period without issuance of decision to transfer the employee or dismissal is considered an appointment in the service.

In all cases, the concerned authority should be notified with the procedures taken concerning an employee under probation period.

#### Article (136)

Function's seniority starts from date of its occupation and if more than one employee were employed in the same date, seniority will be as follows:

- A. If function is occupied for the first time as a result of passing the examination, the seniority will be specified according the result of the examination.
- B. If function is occupied for the first time without examination, seniority will be specified according the higher qualification, then the graduation date and then the bigger age.
- C. If function occupation is through promotion according examination for promotion, seniority will be specified as per item A; and if without examination, it will be specified according seniority in the function; and if there is equality, item B of this article will be applied.

If the employee has previous experience period, legal seniority in the function will be considered and employee is entitled his salary from date of resuming work which is specified by the first limitation of the occupied function. If legal seniority is considered for him, his salary will be increased with the equivalent of the allowance for each year. In case of promotion, employee will be granted the first limitation of the function at which he is promoted or the last salary of his previous function in addition to an allowance of the allowances of the function at which he is promoted, whichever is greater.

He is entitled the new salary from the first following month for issuing promotion decision. If the promotion is from the first day of the month, he is entitled salary from the mentioned date.

#### Article (137)

Employee may not be promoted except if there is vacant function which was occupied directly in the organization chart of the administrative unit and in the same functional group of his function.

The executive rules will specify the controls concerning promotion and the minimum for it.

#### Article (138)

Considering legislations of articles (137, 139,140) conditions for promoting an employee are as follows:

1. Minimum period for promotion and there is no obligation towards the promotion after the minimum period



2. To fulfill the necessary conditions for occupying the function for promotion
3. Promotion decision to be from the official who has power to issue decision to occupy the function for promotion
4. To pass the examination for promotion
5. Employee obtains efficiency report (very good) and over three years

The employee is promoted if his salary reached the limitation end of present function's salary when promotion's conditions are available in the first chance of promotion.

#### Article (139)

Employee may not be promoted from vocational group to another in the main functional group without complying with the decided conditions including the required scientific or technical habilitation. The concerned authority will issue decision organizing the conditions of occupying functions in each vocational functional group and the transfer from vocational group to another, promotion examinations, formation of its committees, specifying its dates and approving its results.

#### Article (140)

An employee may be promoted an encouraging promotion if completed half of the minimum limitation of promotion in the function which he occupies in the following cases:

- A. If he submitted researches for improvement or development of the performance of the administrative authority without additional financial burdens or achieved reduction in expenses
- B. If he invented or developed means for increasing production
- C. If he performed works for protection of environment and citizen from pollution and diseases
- D. If he obtained excellent efficiency report in the last 3 years
- E. In all cases, employee may not obtain more than two encouraging promotions during the period of his functional service; and number of the promoted according the legislation of this article should not exceed 5% of total number of promoted employees in the administrative unit

#### Article (141)

If the number of the nominated employees for promotion in the administrative units is more than the vacant functions in the approved organization chart, priority is specified according the following:

- If the promotion is as a result of passing the examination for promotion, the priority will be on examination's result. If results are equal, it will be on

efficiency reports; if they are equal, it will be on seniority of the previous function according stipulations of article 136 of this law

- If promotion was without examination, priority will be on efficiency reports; if they are equal, it will be on seniority in the previous function according the legislation of the previous para taking into consideration the stipulation of the last para of article 140.

The employee from date of promotion is entitled the first limitation of the function in which he is promoted or allowance from the allowances of this function in addition to his salary whichever is greater.

### Chapter Three Functional rights and awards

#### Article (142)

Employee entertains with all rights decided in the legislations of this law and issued regulations; it should not be reduced or stopped or prevented except according law. The administrative unit should consider the following:

1. To enable the employee to attend the suitable training and to give him a chance to follow the modern scientific and applicable development in function's field and to grant employee who achieves success in the courses awards or allowances or incentives according the rules
2. To render services and special treatment to employee during performance of his function

#### Article (143)

The employee is granted annual allowance of the allowances of the occupied function as from the first month following the ended year from date of occupying the function the first time or granting the allowance of the previous annual year.

#### Article (144)

GPC on presentation from the concerned authority will set system for financial and moral awards to employees in order to achieve the objects improve performance and minimize expenditure and should include rates of financial awards and condition of granting awards.

#### Article (145)

The executive rules will specify the other financial entitlements and will state bases and conditions for granting it and included particularly:

- a. Family allowance and it includes the couple and children as stated in the executive rules.
- b. Housing allowance if housing is not provided.

- c. Overtime.
- d. Allowances due to the nature of work or its circumstances.
- e. Employee's right to refund incurred expenses for performing his work.
- f. The right of official occupying high administration function in obtaining benefits for responsibilities during occupation of these functions.

#### Chapter Four

#### Transfer and deputation

##### Article (146)

1. Employee may be transferred to a vacant function inside

The administrative unit or to any other administrative unit according the following conditions:

- b. To have the necessary conditions for occupying the function to which he will be transferred
  - c. Transfer should be within the vocational functional group and the functional degree to be the same
  - d. Transfer will not let him loose the chance of promotion during one year from date of transfer if transfer is not according his request or for canceling his function
2. Transfer to be from administrative unit to another by decision from the authority to which he will be transferred after the approval of the authority from which he will be transferred
  3. Employees in the administrative units may be transferred to companies

##### Article (147)

After completion of employee's deputation period, he may perform temporarily work of other function in the same administrative unit or any other administrative unit on full time or in addition to his actual work with the following conditions:

- a. A period not less than one year elapses from his first employment
- b. Work condition of the actual function permits deputation
- c. He should not be deputed to more than one function
- d. Deputation period should not exceed one year and to be renewed according request of the authority to which he is deputed and the approval from the authority from which he was deputed

- e. Deputation degree to the function to which he is deputed should not be more than two degrees

Deputation decision will be issued from the authority to which he is deputed after the approval of the authority from which he was deputed. In all cases, deputation period in addition to actual work should not exceed 6 months and full time deputation period should not exceed 4 years.

#### Article (148)

Deputed employee for full time period is granted deputation allowance which equals the difference between his salary and the first limitation of the function to which he is deputed or 10% of his salary whichever is greater as well as the other financial awards decided for the function to which he is deputed.

The unit to which he is deputed for full time period will bear his salary and all other benefits and awards. If deputation is in addition to the actual work, the administrative unit to which he is deputed will bear only the deputation allowance.

#### Article (149)

The concerned authority issues appointment decision and employee may be deputed for any of the following authorities:

- Public corporate bodies in which special laws are applied for its employees
- Private corporate bodies

Employee may be deputed to one of the foreign companies or international authorities and organizations according GPC approval.

Deputation period should not exceed 4 years, except by GPC decision.

Deputation period should be considered in seniority, annual allowance and promotion. The benefiting authority should enable the deputed person to entertain with annual leaves or to grant him financial amount to be calculated according last salary at the end of his deputation and it will bear the salary of the deputed employee. The deputed employee inside Libya will be paid salaries and awards of the function to which he is deputed or actual salary in addition to a percentage to be specified by the benefiting authority whichever is greater except in cases which GPC decide otherwise and deputed person should not be harmed in any way.

#### Article (150)

Employee may be dispatched in a mission or scholarship or training or studying leave whether inside or abroad and the functions of members of missions, scholarships, studying leaves or training will be kept according conditions and regulations specified by the executive rules.

#### Chapter Five

##### Functional responsibility

#### Article (151)

Any superior is responsible towards his work and his officials and all of them are collectively responsible to achieve performance standard and functional conduct. Managers and heads of sections will have the power for declaring, amending, solving, withdrawal and canceling of works of their subordinates according law.

#### Article (152)

Superiority responsibilities always include development of work methods, simplifying procedures, development and growth of human resources and human resources inside the administrative units, authority's public relations, application of work regulations and rules as well as planning responsibilities, future organization, direction, follow up and authentication at the level of the administrative unit even if this is not stipulated in functions' description or organization.

#### Article (153)

1. Internal administrative follow up system is based on periodical reports of all levels according measures, supervisory means, evaluation of performance and correction of deviations
2. Every superior will be responsible towards submission of reports, data and periodical statistics in the specified dates and decided methods
3. Internal follow up should include evaluation of performance of all activity's aspects in the administrative unit
4. Supervisors are responsible towards work safety, protection of employees and properties and preventing losses as well as taking corrective and preventive measures

#### Article (154)

Employee may perform works of guardianship or trusteeship or agency for the absentee or judicial assistance if the absentee or the beneficiary of the judicial assistance or the trustee or guardianship or absentee or the assigned judicial assistant who are bound by kinship or affinity up to the fourth degree; and he may also take care of security on money as a partner or owner of an interest or owned by those with whom they have kinship or affinity up to the fourth degree; and if he was a sentry according official designation of a competent authority. He should notify the administrative unit of that as soon as he resumes work.

#### Chapter Six Chastening

#### Article (155)

Each employee who violates any duties or commit prohibitions stipulated in this law will be fined with the penalty stipulated in this law without prejudice to the right of raising a civil or criminal case against him.



The employee will not be exempted from penalty for committing the action referring to his superior's order except if there is a written order issued to him from his superior; and in this case, the responsibility will be on the official who issued the order. The employee will be questioned only on his personal error.

#### Article (156)

Penalty will not be imposed on employee without written investigation and to listen to what he says and his defense; the concerned secretary or the public clerk or head of the department or administration manager when imposing the penalty of warning or deduction from salary will investigate verbally with the employee to prove it in the decision to be issued for imposing the penalty; and without investigation, one of the two penalties referred to may be imposed if he witnessed occurrence of the violation himself or it was proved from the reality of papers and documents.

Employee may not be punished for one violation more than one time and more than one penalty will not be imposed on one violation.

In all cases, the issued decision for imposing the penalty should be with reason.

#### Article (157)

Considering the specializations of control authorities, submission to disciplinary board will be by decision from the concerned secretary or public clerk and may suspend the employee from work temporarily if it is for the interest of investigation. The suspension period may not exceed 3 months without decision from the disciplinary board.

If suspension decision is not issued from the concerned secretary, he should be notified during 3 days from its issuance.

If the disciplinary or criminal procedures resulted that the employee is not guilty, he should be returned to work and full salary to be paid during suspension period.

#### Article (158)

Each employee who is precautionary imprisoned or for execution of criminal legislation will be suspended from work by law force during the period of imprisonment. If imprisonment is for execution of criminal legislation, he will not be entitled salary during imprisonment period and this period will not be considered in degree's seniority or annual allowance or leave.

If the imprisonment was precautionary, payment of half of employee's salary will be suspended during the imprisonment period. The other half will be paid if the procedures resulted that he is not guilty.

In all cases, salaries, allowances, awards and other benefits paid to the employee will not be refunded from him.

#### Article (159)

Employees occupying high administration functions will not be summoned for administrative investigation except after notifying the concerned secretary in writing.

#### Article (160)

1 – Disciplinary penalties which will be imposed on employees occupying high administration functions are:

- b. Blaming.
- c. Salary deduction not exceeding 90 days in the year and deduction for execution of this penalty will not exceed quarter of the monthly salary after the quarter which may be confiscated or relinquished legally.
- d. Deprivation from annual allowance.
- e. Deprivation from promotion for a period of not less than one year and not more than 3 years.
- f. Reducing degree.
- g. Dismissal from service.

2 – Disciplinary penalties which will be imposed on employees occupying high administration functions are:

- a. Warning.
- b. Blaming.
- c. Salary deduction not exceeding 60 days in the year and deduction for execution of this penalty will not exceed quarter of the monthly salary after the quarter which may be confiscated or relinquished legally.
- d. Deprivation from annual allowance.
- e. Deprivation from promotion for a period of not less than one year and not more than 3 years.
- f. Reducing degree.
- g. Dismissal from service.

Seniority of employee whose degree will be reduced will be specified according legislation of this article with the same function's limitation which was occupied before the reduction.

#### Article (161)

Disciplinary penalties are imposed as follows:

- 1- The concerned secretary will impose penalty of blaming or warning or salary deduction for a period not exceeding 30 days in a year and not more than 10 days each time
- 2- Public clerk or head of department or administration manager will impose penalty of warning or salary deduction on employees not

occupying high administration functions for a period not exceeding 15 days in a year and not more than 5 days each time.

- 3- Other penalties will be imposed by decision from the concerned disciplinary board.
- 4- Punishment of the transferred employee for committed violations during performance of work will be in the administrative unit from which he will be transferred.
- 5- Punishment of the deputed employee for committed violations during deputation period will be the concern of authority to which he is deputed and will notify the authority from which he was deputed with the decision and all this if the deputed employee is not subject to a special disciplinary system.

The concerned control authorities will be informed with the issued decisions for imposing penalties stipulated in this law during one week from its issuance to ascertain its compliance with this law.

#### Article (162)

Employee who is referred to disciplinary prosecution or criminal or suspended from work during trial period will not be promoted and the degree of the function to which he is entitled will be reserved for him until one year elapses from date of trial or suspension or until the case is considered, whichever is earlier. If procedures resulted that he is not guilty, he will be promoted to the reserved function or any vacant function in the administrative unit of the same degree and same functional group, otherwise he will be promoted as a special case and his status will be reconciled on a first vacant function of the same degree and functional group.

In all cases, employee's seniority will be considered in the function at which he will be promoted and his salary from date of his promotion if procedures against him were not taken.

#### Article (163)

Without prejudice to the legislations regarding formation of disciplinary board in the prevailing regulations, a disciplinary board will be in each administrative unit and the executive rules will specify method of formation, system, bases and procedures for investigation, disciplinary trial, employee's means for defending himself, controls, grievance procedures from penalties imposed on employee and the competent authority should consider it.

#### Article (164)

Disciplinary call will be dropped after 3 years from date of violation. The period of violation which would result in the loss of the right of the public treasury is 5 years.

The period in the two cases is disconnected with any of the procedures of investigation, accusation or trial if the accused is faced; and the period will restart from the last procedure.

If there are many accused employees and the period is disconnected to one of them, the period will be disconnected for the remaining employees except if no procedures are taken against them disconnecting the period.

#### Article (165)

Termination of employee's service will not prevent continuation of disciplinary trial or his referral to court if investigation started before termination of his service.

In violations which would result in the loss of the right of public treasury, a disciplinary call will be established even if investigation did not start before termination of service.

The disciplinary penalty to be imposed is a financial fine not exceeding six times the last monthly salary on whoever leaves the service.

The fine will be paid by the convicted and deduction will be quarter from pension or award at the end of his service or by administrative arrest of other funds.

#### Article (166)

Disciplinary penalty imposed on employee will be waived if the following periods elapse and to be accounted from date of penalty execution:

- a. One year in case of penalty of warning or deduction from salary for a period not exceeding 5 days
- b. Two years in case of deduction from salary for a period not less than 5 days and not more than 15 days
- c. Three years in case of blaming or deduction from salary for a period exceeding 15 days or deprivation from allowance or deprivation from promotion or reducing degree

The penalty will be waived by decision from the concerned secretary for occupants of high administration functions and by decision from the staff affairs committee for occupants of others if employee's conduct since imposing the penalty is satisfactory from the file of his service.

Waiver of penalty is considered as if not imposed for the future and the waiver will have no effect on what is executed in respect of the penalty or the rights and compensations which resulted. Penalty's papers will be withdrawn as well as all related references from the employee's file of service.

#### Chapter Seven

##### Referral at service disposal

#### Article (167)

GPC may refer employees who receive their salaries from the public treasury when canceling or amalgamating or reorganizing the administrative units or to reconsider its

organization charts will refer the classified employees whose functions are cancelled under service disposal.

Article (168)

Referral under disposal will be for a period not exceeding one year from issuance date of referral decision and may be extended for another year by GPC decision  
Employee is entitled his salary during referral under disposal period without the allowances related to resuming work.

Article (169)

During the period of referral under disposal, the employee may be returned to his actual function or any other similar function in his same administrative unit by decision from the concerned authority for referral.

He may be referred to another function in other administrative unit or in one of the national companies by GPC decision.

Article (170)

Employees referred under referral at disposal should be obliged to join the training and habilitation programs which are prepared by the concerned authorities for participating in rehabilitation for work in other functions and professions which suit their functional qualifications, capabilities and skills.

Article (171)

Seniority and salary of the employee who is returned to his service by assuming his continuation in his work is specified without payment of differences resulting from referral at disposal.

The referral period is counted in social insurance and decided social subscriptions to be paid.

It is not counted in service period for which the employee deserves leave.

Chapter Eight

Final legislations

Article (172)

In addition to the reasons mentioned in article 42 of this law, employee's service is terminated for one of the following reasons:

1. Dismissal by disciplinary decision.
2. Loss of Libyan nationality.
3. Marriage of foreign spouse without permission from the competent authority legally. Obtaining weak degree in the efficiency report for 2 times or average degree for 3 times during the period of service. Termination of the referral under disposal period without returning to work.
4. Optional retirement when service is 20 years.



#### Article (173)

Employee submits written resignation which should be considered in the administrative unit during 60 days from submission date; otherwise it is considered accepted.

If the resignation is pending on a condition or related to condition, employee's service will not end if the decision for accepting his resignation did not mention his response to its request.

The administrative unit may issue decision during the mentioned period for acceptance of resignation requesting to postpone execution for a period not exceeding 6 months for reasons concerning the interest of work and to notify the employee.

The employee should resume work until termination of service according legislations of this article.

In all cases, if the employee is referred to disciplinary trial or criminal on facts concerning the service, his resignation will not be accepted except after considering the proceedings.

#### Article (174)

A - With the exception of the legislations of the previous article, the employee is considered as having resigned in the following cases:

1. Absence for a period of 30 non continuous days in a year without permission or justified excuse on condition he is warned in writing after 15 days absence
2. If he did not receive the duties of the new function without acceptable reason during one month from notification date of decision for occupying it
3. If he did not resume his work without permission for 15 continuous days even if after the approved leave

B – The employee will not be considered as having resigned if he submitted excuse for his absence and was accepted during 10 days from date of termination of his leave specified in the items referred to. In this case, the employee deserves his salary of the absence period if he has annual leave balance for deduction of this period otherwise he has no right to be paid for salary.

#### Article (175)

Considering articles (13, 24) of this law, GPC will specify the dates and number of hours of official work.

The concerned people's committee will specify other work dates if nature of work in the administrative units require follow up of special system without exceeding the limitation stipulated in the referred to article.

Employees will be designated to work after official working hours if interest of work require that according controls specified by the executive rules.

#### Article (176)

Staff affairs committee will be established in each administrative unit from the concerned people's committee.

The executive rules will state the specialization of staff affairs committees and to specify their specialization, work system and method for approving its minutes.

Article (177)

The employees who apply legislations of this section will be subjected to the system for performance evaluation; and the executive rules will state the organizing procedures.

Article (178)

The solar year is used for counting experience period, seniority, leave days and other functional affairs. Any part of a month exceeding 15 days is considered a full month.

Article (179)

Inventions which are invented by an employee during performance of work or by its reason will be state's property in the following cases:

1. If the invention is the result of trials at employee's work site.
2. If the invention is within the framework of function's duties.
3. If the invention is related to state's security affairs.

In all cases, the employee will have a right to be granted an award for encouraging research and invention.

Article (180)

The administrative unit should announce the final decisions which are issued for its staff affairs and to present to its employees the seniority record which is prepared every year before proposing the promotion during the financial year.

Article (181)

The issued decisions for occupying public functions and other decisions concerning staff affairs are considered null and void in the following cases:

1. If the employee did not comply with one of the conditions for occupying a function or promotion according laws and prevailing rules.
2. If the decision is issued as a result of using one of the forgery means or fraud or other means of deception.
3. If decision is issued from an authority which is not concerned for its issuance
4. If decision is based on incorrect information and data

The authority which issued the decisions should withdraw the decisions and these decisions will not be immunized by elapsing a period or fulfillment of the required conditions after its issuance. The responsible official for its issuance will be questioned disciplinary according legislations of this law.

Article (182)

Occupation of public functions will be on principles of eligibility and merits.

Salaries or allowances or awards or financial benefits which are decided for the function will be on the basis of salary according salaries table decided by GPC as well as function's description, performance standard; and no discrimination in occupying functions or salary and related benefits on basis of sex or age or nationality or religion or color or race.

Inequality in salaries will be according what the employee renders for the public service.

The financial treatment for the selected from people's congress and employees of the secretariat of the people's congress as well as affiliated authorities will be by decision from the secretariat of the people's congress.

Article (183)

Employees of the concerned authorities who are nominated by GPC decision on presentation from the concerned secretary will perform functional inspection of all the administrative units; and they will have the power of judicial controllers.

The concerned authority will issue decision to specify the system of functional inspection, conditions for selecting the inspectors, their duties and awards.