

**LABOUR LAW
No 17/2010**

SYRIAN ARAB REPUBLIC

Law No /17/

The President of the Republic,

According to the Constitution,

And the resolutions adopted by the People's Council on 14/4/1431 H (29/03/2010),

Does hereby issue the following Law:

TITLE I

DEFINITIONS AND GENERAL PROVISIONS

CHAPTER ONE

DEFINITIONS¹

Article 1:

For the purposes of the present Law, the following terms shall have the meanings assigned thereto:

Ministry:	Ministry of Social Affairs and Labour
Minister:	Minister of Social Affairs and Labour
Competent Directorate:	Directorate of Social Affairs and Labour
Worker:	Every natural person who works for an employer, under the employer's authority and supervision, in return for any kind of wage.
Employer:	Every natural or legal person employing one or several workers in return for any kind of wage whatsoever.
Unemployed person:	Every Arab Syrian national able to work, wishing to work, seeking a job and available for work, but has not found any job opportunity.
Wage:	Any cash or in-kind remuneration given to workers in return for their work, in addition to any and all allowances awarded to workers under individual employment contracts, collective labour agreements or basic labour regulations, on daily, weekly, monthly, seasonal or yearly basis. Wages shall not include travel allowances and daily expenses incurred by workers in the course of work.
Temporary work:	Work which is, by nature, completed within a limited timeframe or which

¹ Translator's Note: All references to the masculine gender in this translated text shall be regarded as references to the feminine gender. Similarly, references to nouns and pronouns in singular form shall equally denote the plural form.

is job-specific and ends upon job completion.

Casual work: Work which is not, by nature, part of the employer's activity and is completed within less than six months.

Seasonal work: Work which is performed in recurring seasons and does not exceed six consecutive months.

Night work: Work that is performed between seven p.m. and seven a.m.

Part-time work: Work with lesser daily hours of work than the statutory hours of work prescribed under Title VII herein.

GFTU: The General Federation of Trade Unions and its hierarchical trade unions pursuant to the Trade Union Law in force.

Trade-union committee: The committee elected in firms as per the applicable Trade Union Law.

Competent court: The primary civil court created pursuant to article 205 herein.

CHAPTER TWO

GENERAL PROVISIONS

Article 2:

- a- For the purposes of the present Law, it shall be prohibited to breach or infringe the principle of equal opportunity or equal treatment, for any reason whatsoever, and, in particular, to discriminate against workers on the basis of race, colour, gender, marital status, belief, political opinion, trade union membership, nationality, descent, clothing or dress style, in employment, work organization, vocational training, wage, promotion, social benefits' eligibility, disciplinary measures and actions, or dismissal.
- b- Every action, conduct or measure by the employer, which is inconsistent with the provisions of paragraph 1 above, shall be deemed null and void. Prejudiced workers shall have the right to claim compensation for the material and moral damages sustained, before the competent court created pursuant to the present Law.
- c- Any distinction, exclusion or preference based on the objective criteria of the qualifications required by the position or the nature of work, shall not be considered as discrimination.
- d- The provisions of article 2 shall not apply to persons with disabilities, unless decided otherwise by the accredited physician of the firm, based on the worker's physical condition.

Article 3:

For the purposes of the present Law, a year shall consist of 365 days and a month shall consist of 30 days, unless otherwise agreed upon.

Article 4:

- a- The provisions of the present Law shall apply to labour relations in the private sector, Arab and foreign union companies, cooperative sector, and the mixed sector that is not covered by the Civil Servants Basic Law.
- b- The rights prescribed hereunder shall constitute the minimum inalienable rights of workers. In case of special staff regulations governing labour relations and working conditions, the more favourable provisions to workers shall apply.

Article 5:

Save as otherwise provided under the present Law:

- a- The provisions of this Law shall not apply to:
 - 1- Workers subject to the Civil Servants Basic Law no 50/2004 and amendments thereof.
 - 2- Workers subject to the Agricultural Relations Law.
 - 3- Family members of the employers actually supported by the employer.
 - 4- Domestic servants and similar categories.

- 5- Workers in charity associations and organizations.
- 6- Casual workers.
- 7- Part-time workers whose hours of work do not exceed two hours per day.

- b- Workers referred to in article 5, paragraph (a), subsections 4-5-6 and 7 above shall be subject to the provisions of their employment contracts, which may not in any case prescribe fewer entitlements than those prescribed hereunder.

Article 6:

- a- Every term or agreement contrary to the present Law shall be null and void, even if made prior to the effective date hereof, whenever it entails diminishment of the rights awarded to workers hereunder.
- b- Any and all benefits or terms more favourable to workers, which are or may be awarded under individual employment contracts, collective labour agreements, internal labour regulations or other firm regulations, or habits and customs, shall remain in force.
- c- Any settlement contrary to the provisions of this Law and entailing the diminishment or waiver of the rights granted to workers under the employment contract, during the employment contract or within three months of contract termination, shall be considered null and void.

Article 7:

All actions instituted by workers, workers' beneficiaries or trade unions pursuant to the present Law shall be exempt from procuration, judicial fees, securities, judicial costs label or bails at all stages of litigation. The court shall deal with such actions promptly and shall be entitled to take provisional measures, with or without bail, and append executory formula to its rulings. In the event of case dismissal, the Court shall be entitled to order that all or some of the legal costs be paid by the plaintiff.

Article 8:

All workers claims and complaints shall be exempt from any and all fees.

Article 9:

The amounts payable to workers or their beneficiaries pursuant to the present Law shall constitute privileged debts on all the movables and immovables of the debtor employer, and shall be collected directly after judicial costs and fees payable to the public treasury such as taxes, fees and maintenance and renovation costs.

Article 10:

- a- Multiple firm owners shall be jointly and severally liable for the obligations hereunder.
- b- Whenever the employer transfers part of his work, in whole or in part, to any third party, he shall remain jointly and severally liable with such third party for all the obligations preceding such transfer.

Article 11:

In case of firm dissolution, liquidation, shutdown, bankruptcy or insolvency, the rights of workers shall be settled pursuant to the present Law.

Article 12:

Merger of the firm or its devolution by inheritance, will, donation, rental or sale, even in public auction or others, shall not result in the termination of employment contracts. The former employer shall be jointly and severally liable with the new employer for all the obligations arising under such contracts until the date of transfer.

TITLE II

EMPLOYMENT AGENCIES FOR THE UNEMPLOYED

CHAPTER ONE

GENERAL PROVISIONS

Article 13:

The Ministry shall formulate general labour employment policies in the Syrian Arab Republic and set the needed rules, regulations and procedures.

Article 14:

The provisions of this Title shall apply to every unemployed person wishing to work, inside or outside the Syrian Arab Republic.

Article 15:

- a- Without prejudice to ILO labour conventions, the Ministry shall regulate the employment of Syrian workers and similar categories outside the Syrian Arab Republic and secure their welfare and rights through bilateral and multilateral conventions.
- b- The Ministry shall, in cooperation with the Ministry of Foreign Affairs, follow up the enforcement of international conventions regarding Syrian labour abroad, and strive to settle any disputes arising therefrom after discussion within the Consultative Council for Labour and Social Dialogue (referred to in article 177 herein)

Article 16:

The present Title shall not apply to:

- a- Senior positions whose incumbents are considered authorized representatives of employers.
- b- Categories designated by the government pursuant to the Civil Servants Basic Law.
- c- Persons appointed through competitive examinations declared by public authorities, by mere submittal of the work registration certificate.
- d- Resigned workers or similar categories of workers who can be reinstated in their functions pursuant to the applicable laws and regulations.
- e- Dismissed workers having obtained a reinstatement decision issued by the Prime Minister.

Article 17:

- a- No unemployed may be recruited in the Syrian Arab Republic unless he is holder of a registration card issued by a public employment agency.
- b- A ministerial decision shall specify the data to be included in such certificates.

CHAPTER TWO

PUBLIC EMPLOYMENT AGENCIES

Article 18:

A public employment agency shall be created within each governorate. Public employment agencies may be created by ministerial decision in any other administrative units, under the public employment agency of the governorate.

Article 19:

Public employment agencies shall:

- a- Estimate the size of the labour force, job-seekers and the unemployed.
- b- Organize the affairs of job-seekers registered therewith.
- c- Conduct necessary statistics and research about labour and job-seekers, according to their academic and vocational qualifications.
- d- Contribute to securing jobs to job-seekers inside and outside the Syrian Arab Republic.

Article 20:

- a- Every unemployed person must register with the public employment agency having jurisdiction over his place of residence, while stating his age, occupation, qualifications, previous jobs and any other information requested. The agency shall record those applications and issue the worker, free of charge, a registration certificate on the date of application filing.
- b- Every unemployed person registered with any afore-mentioned agency may ask to be registered with any private employment agency, according to the applicable regulations that shall be issued by ministerial decision.

Article 21:

The Ministry shall, in coordination with the competent ministries and the parties concerned, issue a decision prescribing the cooperation mechanism with educational and training bodies in the Syrian Arab Republic, such as vocational training universities, institutes, centres and others.

Article 22:

Public employment agencies shall:

- a- Implement the employment policy devised by the Ministry and the underlying principles thereof.
- b- Not charge any fee or commission to the unemployed in return for recruitment.
- c- Issue the list of the unemployed registered therewith on a form to be issued by ministerial decision.

CHAPTER THREE

PRIVATE AGENCIES FOR THE EMPLOYMENT OF SYRIAN WORKERS

Article 23:

- a- The Minister may, by ministerial decision, authorize the creation of:
 - 1- Private employment agencies.
 - 2- Private agencies for the supply and recruitment of non-national domestic servants or national domestic servants, subject to the rules and limitations issued by resolution of the Prime Minister.
- b- Private employment agencies refer to agencies that supply registered workers to employers, who shall agree directly with such workers on the performance of specific jobs.
- c- A ministerial decision shall determine the terms for licensing and operating the agencies referred to in article 23, paragraphs (a), sub-sections 1 and 2.
- d- Private employment agencies shall:
 - 1- Implement the employment policy devised by the Ministry and its underlying principles.
 - 2- Submit a monthly statement to the governorate's public employment agency listing the names of the unemployed registered therewith, the names of recruited job-seekers, the kind and location of their job and their corresponding wage.
 - 3- Not register any unemployed worker unless he is a Syrian Arab national or the like.

Article 24:

Private employment agencies that have been operational prior to the enforcement of the present Law shall adjust their status to the terms referred to in article 23, paragraph (c), within six months from the effective date hereof.

CHAPTER FOUR

RELATIONS OF EMPLOYERS/PUBLIC EMPLOYMENT AGENCIES

Article 25:

Within fifteen days from the date of recruiting an unemployed worker, employers shall send the worker's registration certificate to the issuing public employment agency, along with the date of work commencement, the wage, and the position or work assigned to the recruited worker. The employer shall further record the number and date of the registration certificate opposite to the worker's name in his staff register.

Article 26:

- a- Employers in existing and future firms shall send to the competent directorate having jurisdiction over their workplace, within fifteen days from the effective date of the present Law or from work commencement in the firm, as the case may be, a detailed statement of workers divided by position, occupation, qualifications, age, gender, nationality, and wage.
- b- Employers shall send to the competent directorate in January and July of each year the following documents:
 - 1- A detailed statement of workers divided by position, occupation, qualifications, age, gender, nationality and wage.
 - 2- A statement of vacant and new positions, vacancies filled and reasons for not filling the remaining vacancies, including the designation and wage of each position, over the previous six months.
 - 3- A statement of employment status and job opportunities, and the anticipated increase or decrease in jobs and positions.
 - 4- The Ministry shall prepare a form that shall be used to record the above information.

TITLE III **EMPLOYMENT OF NON-NATIONALS**

Article 27:

- a- The employment of non-national employers and workers in the public sector or any ministry, administration, public authority, public institution, public firm, local or municipal administrative unit or in any other public sector institution, or in the private sector, cooperative sector, community sector, mixed sector, civil society organizations and professional associations, shall be subject to the provisions regulating the employment of non-nationals under Title III herein.
- b- Non-nationals may not work in the Syrian Arab Republic unless with a work permit issued by the Minister or his authorized representative.
- c- The term ‘employment’ as referred to in paragraph (a) above shall cover every work of industrial, commercial or agricultural nature, and every craft work, banking, service, artistic work or others, including domestic service and any scientific or non scientific occupation.

Article 28:

- a- Reciprocity clause shall apply to the employment of non-nationals in all firms subject to the present Law.
- b- The Minister shall determine, by ministerial decision, the terms for exempting non-nationals from the aforementioned reciprocity clause or from the work permit.
- c- Employers recruiting non-national workers that are exempted from any of the above conditions, shall inform the competent directorate thereof within fifteen days of employment commencement.
- d- For the purposes of the present Law, Arab Palestinians governed by Law no 260/1956 shall be treated as national Arab Syrians.

Article 29:

The Minister shall determine by ministerial decision:

- a- The conditions for obtaining and extending the permit referred to in article 28, paragraph (b), the data included therein, the licensing procedures, the cancellation of the license before expiry date, and the payable fees.
- b- The financial guarantee the employer is required to provide and the fee payable for work permit issuance, extension or replacement.
- c- The occupations, jobs and trades prohibited to non-nationals.
- d- The quotas of non-nationals in some occupations, jobs and trades.

Article 30:

Employing non-national workers in any of the following instances shall be deemed contrary to the present Law:

- a- Whenever workers work for a different employer than the one mentioned on the work permit, unless with the permission of the competent directorate.
- b- Whenever workers practise a different activity than the one mentioned on the work permit.

TITLE IV

APPRENTICESHIP AND VOCATIONAL TRAINING

CHAPTER ONE

APPRENTICESHIP

Article 31:

The apprentice is every person who agrees to work for an employer with the view of learning a given occupation or trade.

Article 32:

- a- The indentures shall be written in Arabic and drawn up in duplicate; each party shall keep one copy thereof.
- b- The Minister shall determine, in coordination with the competent ministries and authorities concerned, occupations subject to apprenticeship, age of apprentices, duration of apprenticeship, stages of apprenticeship and progressive remuneration for each stage, provided that such remuneration at the final stage of apprenticeship is no less than the minimum wage prescribed for workers performing the same occupation.

Article 33:

In case of juvenile apprentices, indentures shall be concluded with their parent or guardian.

Article 34:

- a- The employer may terminate the indentures whenever it is established that the apprentice is not qualified or not willing to learn the occupation or trade properly.
- b- The apprentice may terminate the indentures if he does not receive proper care from the employer.
- c- The party wishing to terminate the indentures shall send notice to the other party no less than three days in advance.

Article 35:

Provisions under this Law in respect of any and all leaves, hours of work and breaks shall apply to apprentices.

Article 36:

Upon completion of apprenticeship, the employer shall issue the apprentice a certificate attesting the completion and duration of apprenticeship and the qualification level attained. This certificate shall be further authenticated by the competent directorate and the Ministry.

CHAPTER TWO

VOCATIONAL TRAINING

Article 37:

Vocational training refers to the theoretical or practical vocational training with the employer - or both - aimed at learning a given occupation or trade before starting employment, and on-the-job training of workers aimed at improving their professional skills.

Article 38:

- a- Vocational training contract shall be made in writing. Trainers must have the appropriate qualifications and expertise and the firm must meet the appropriate conditions for training.
- b- The training contract shall be made in writing between the employer and the trainee worker, in Arabic, on three copies. Each party shall keep a copy of the contract and the third copy shall be filed with the competent directorate of social security.
- c- Trainees above 18 years shall sign the training contract in person. In case of juvenile trainees, the contract shall be signed on their behalf by their parent or guardian.

Article 39:

The Minister shall determine, by ministerial decision and in coordination with the competent ministries and authorities concerned, the occupations subject to training, the age of trainees, the duration and stages of training and remuneration, provided such remuneration is no less than the minimum wage of workers performing the same occupation.

Article 40:

The training contract may be terminated upon the request of either party in any of the following instances:

- a- If any party commits any violation of the present Law.
- b- If any party fails to discharge his obligations under the training contract.
- c- If reasons beyond the control of either party make it impossible to perform the contract.
- d- If the employer moves the training site specified in the contract to a different location.
- e- If training jeopardizes the health and safety of trainees, as attested by the report of the medical committee accredited by the General Corporation of Social Security.

Article 41:

- a- In firms employing more than fifty workers, employers shall commit to allocate no less than 1% of payroll to support training and improve workers' skills.
- b- Such allocations shall be deposited into a special fund in the firm, and shall be disbursed in coordination between the employer and the trade union committee.

Article 42:

Firms delivering vocational training shall issue trainees a certificate attesting training completion and the level attained. The Minister shall determine, by ministerial decision and in coordination with the competent ministries and authorities concerned, any other data to be included in this certificate.

Article 43:

The Minister shall determine, by ministerial decision and in coordination with the competent ministries and authorities concerned, the conditions for licensing training centres in private sector firms, and the conditions of vocational training. Depending on the needs of each occupation or industry, he may determine the minimum and maximum duration of vocational training, the theoretical and practical curricula, the examination system, the degrees granted and the data contained therein.

CHAPTER THREE

SKILL LEVEL ASSESSMENT

Article 44:

The Minister shall determine, by ministerial decision and in coordination with the competent ministries and authorities concerned, the occupations and trades subject to skill assessment and the method and conditions of such assessment.

Article 45:

Workers who obtain skills assessment in a given occupation or trade shall be issued a degree, which shall be authenticated by the competent directorate and the Ministry.

TITLE V **INDIVIDUAL LABOUR RELATIONS**

CHAPTER ONE **INDIVIDUAL EMPLOYMENT CONTRACTS**

Article 46:

Under individual employment contracts, the worker commits to work for the employer, under his direction and supervision, in return for wage.

Article 47:

- a- Employers shall draw up employment contracts in writing, on three Arabic copies and one copy in a foreign language in case of non-Arab workers. Each party shall keep a copy thereof and the employer shall file the third copy with the competent directorate of social security, within three months of the effective date thereof.
- b- In the absence of a written contract, workers may establish their entitlements by all methods of proof and the employer may similarly prove the contrary.
- c- Workers shall be issued a receipt of the assets, documents and degrees deposited with the employer.

Article 48:

- a- Employment contracts shall, in particular, include the following information:
 - 1- The name, nationality and address of each party, in a clear and detailed manner.
 - 2- The workplace.
 - 3- The nature and type of work agreed upon.
 - 4- The duration and type of contract.
 - 5- The wage agreed upon between the contracting parties, the payment method and date, and any other cash or in-kind benefits mutually agreed upon.
 - 6- The hours of work.
 - 7- The entitlements and benefits granted to the worker, which are not referred to in the present Law.
- b- The Ministry shall issue a standard contract form for guidance, in accordance with the aforementioned sub-sections.

Article 49:

- a- Probation period shall be specified in the employment contract. No worker shall be employed on probation for more than three months or more than once for the same employer. During

probation period, either party shall be entitled to terminate the contract without prior notice or compensation, with no liability being incurred by the employer.

- b- If, upon completion of the probation, the contract has not been terminated, the probation period shall be considered part of the actual service of the worker.

Article 50:

Employment contacts may be fixed-term contracts, unspecified-term contracts or job-specific contracts.

Article 51:

- a- Employers may assign workers to other work than the one agreed upon, whenever it does not substantially differ from their initial work.
- b- Employers may assign workers to other work than the one agreed upon, for no more than three months, even if such work is substantially different, in case of necessity and force majeure or to prevent the occurrence of an accident or repair the impact thereof.
- c- Employers may assign workers to other work than the one agreed upon, whenever they use modern technology or make changes in their organizational structure for business development purposes, and such technologies and changes require new skills. In this case, employers shall train workers and enable them to acquire the skills needed to perform such new jobs. If workers refuse to receive training for the new jobs, their employment shall be terminated pursuant to lawful dismissal provisions set forth under article 64 herein.
- d- Without prejudice to article 52 below, employers may transfer workers from the workplace agreed upon to any other workplace belonging to the employer, except as otherwise expressly provided in the employment contract.
- e- Worker's different job assignment in accordance with the previous paragraphs shall not prejudice their material entitlements and position.

Article 52:

- a- Whenever the workplace or firm is moved no more than 50 km away from the initial workplace, for reasons either within or beyond the control of the employer, the worker shall move to the new workplace, provided that the employer provides him, free of charge, with the adequate commuting means or pays him the appropriate transport allowance. In this case, if the worker refuses to move to the new workplace, he shall be deemed to have resigned and the provisions applicable to contract termination at the initiative of the worker shall apply.
- b- Whenever the workplace or firm is moved more than 50 km away from the initial workplace for reasons beyond the control of the employer, workers shall move to the new workplace. In this case, the employer shall provide free means of commuting to the new workplace. However, whenever a worker refuses to move to the new workplace, the employment contract shall be deemed terminated and his entitlements shall be settled according to the present Law, except for the compensation set forth under article 65 hereunder.
- c- Whenever the workplace or firm is moved as referred to in paragraph (b) above at the initiative of the employer, and workers refuse to move to the new workplace, the employment contract shall be deemed terminated and the provisions applicable to unfair dismissal as set forth under

article 65 herein shall apply. However, if workers agree to move to the new workplace, the employer shall provide them with free commuting means.

CHAPTER TWO

EMPLOYMENT RELATION TERMINATION

Article 53:

The employer may terminate fixed-term employment contracts any time during employment, provided he pays the worker his wages for the remaining duration of the contract. Similarly, the worker may terminate the employment contract any time, provided he sends written notice to the employer two months prior to termination date, failing which the worker shall pay the employer compensation equalling the wage for the notice period or the remaining portion thereof.

Article 54:

- a- Fixed-term employment contracts shall automatically lapse at expiry date thereof. However, they may be extended by express mutual agreement for a specified term or additional terms. Whenever the initial and extended terms of the contract exceed five years, the employment contract shall become a contract with an unspecified term, provided that aggregate interruptions during such period do not exceed four months.
- b- Whenever the contracting parties continue implementing the fixed-term employment contract beyond its expiry date, the agreement shall become an unspecified-term contract by tacit agreement.

Article 55:

- a- Job-specific contracts shall expire upon completion of the job agreed upon.
- b- If the job is recurrent by nature and the contracting parties pursue the contract after job completion, the contract shall be deemed tacitly extended for the needed duration to perform the same job again.
- c- Without prejudice to article 64 herein, whenever the employment contract is terminated at the initiative of the employer before completion of the job agreed upon, the worker shall be entitled to the compensation set forth under article 65 herein.

Article 56:

Without prejudice to article 208 herein:

- a- Either the employer or the worker may terminate the unspecified-term contract provided they send the other party written notice prior to termination, as follows:
 - 1- Notice shall be sent two months prior to termination, subject to article 140 herein.
 - 2- Termination notice may not be conditional upon a suspensive or resolutory condition.
 - 3- Notice shall be served upon the party concerned and shall start running from the date of receipt thereof.
 - 4- Employers may not dispense with or shorten the notice period. However, both parties may agree to extend the notice period.

- 5- The employer may dispense the worker from the notice period, in whole or in part, whenever the employment contract is terminated at the initiative of the worker.
- b- The party terminating the employment contract without notice or before the completion of the notice period shall pay the other party compensation equal to the wage of the worker for the whole or remaining duration of the notice period, unless the worker is dispensed from the notice period.

Article 57:

- a- No notice of termination shall be served upon female workers while on maternity leave, or upon workers while on leave. The notice period shall be calculated starting the day after the end of the leave or maternity leave.
- b- Whenever workers are on sick leave during the notice period, the notice period shall be interrupted and resumed on the day following the end of the sick leave.

Article 58:

Employment contracts shall remain in force and contracting parties shall discharge all obligations thereunder throughout the notice period. Employment contracts shall terminate upon completion of the notice period.

Article 59:

- a- In case the notice of termination is sent at the initiative of the employer, the worker may be absent from work with pay for one entire day per week or eight hours per week during the notice period, for job-seeking purposes.
- b- Workers may choose their days or hours of absence, provided they inform the employer thereof at least one day in advance.

Article 60:

Employers may dispense workers from working during the notice period and consider their service uninterrupted until the end of the notice period, with all accruing effects, in particular the amount of wages for the notice period.

Article 61:

Workers' resignation shall be deemed valid only when registered by the worker with the competent directorate. Resigning workers may withdraw their resignation in writing, once only, within one week of being informed of its acceptance by the employer. In this case, the resignation shall be deemed null and void.

Article 62:

- a- Any and all employment contracts shall terminate in any of the following instances:
 - 1- Whenever both parties agree in writing to terminate the contract.
 - 2- Whenever workers reach the age of 60, save in case of a fixed-term contract exceeding such date. In this case, the contract shall expire on expiry date thereof. In any case, Social

Security Law shall be observed in respect of pension eligibility age and the right of workers to continue working until completion of the qualifying service or until the age of 65, whereupon the contract shall automatically expire.

- 3- Upon the death of the worker. In this case, his family, or the person designated by the worker by virtue of a written document filed with the employer, shall be entitled to death allowance equalling two months wage in addition to the full wage of the month during which the worker passed away.
 - 4- In the event of total disability, for any reason whatsoever. In case of partial disability, the employment contract shall not terminate unless it is proved that the employer has no other position that suits the abilities of the worker. If such position exists, the employer shall, at the request of the worker, assign him to such position, without prejudice to the disability clauses set forth under the Social Security Law.
 - 5- Whenever the worker contracts a disease requiring work interruption for no less than one hundred and eighty consecutive days, or intermittent periods exceeding, in total, two hundred days per one single contractual year.
 - 6- In case of force majeure.
- b- Contract termination in the above instances shall not entail payment of the compensation set forth under article 65 herein.
 - c- Workers shall submit medical reports attesting the disability or disease referred to in article 62, paragraph (a), sub-sections 4 and 5 above. Employers who reject such report shall refer the worker to another physician. In case of inconsistency between the reports, the provisions of the Social Security Law shall apply.

Article 63:

- a- Upon termination of the employment contract in the instances referred to in article 62 above, employers shall pay workers who are not covered by the Social Security Law, a severance pay at the rate of one-month wage for each year of service. Workers shall further be entitled to receive severance pay for any fraction of a year on a pro rata basis.
- b- Such severance pay shall be calculated based on the last monthly wage earned by the worker, without prejudice to the remaining statutory or contractual entitlements accrued to the worker.

Article 64:

- a- Employers may terminate a fixed-term, an unspecified-term or a job-specific employment contract without any prior notice, severance pay or compensation, in any the following instances:
 - 1- Whenever the worker commits impersonation or provides false degrees or recommendations, as evidenced by final court decision.
 - 2- Whenever the worker commits a fault resulting in a substantial material loss to the employer, provided that the employer reports the incident to the competent authorities within 48 hours after becoming aware of its occurrence.

- 3- Whenever the worker does not abide by the applicable instructions for the safety of the workers and the firm, despite two written warnings, provided that such instructions are made in writing and displayed in a conspicuous place.
- 4- Whenever the worker is absent from work for no valid reason for more than twenty intermittent days or more than ten consecutive days per year, provided the employer sends him written warning after ten days absence in the first instance and five days absence in the second instance, as per the Code of Procedure.
- 5- Whenever the worker fails to discharge his material obligations under the employment contract or the firm's internal regulations.
- 6- Whenever the worker discloses professional secrets.
- 7- Whenever the worker is convicted of a crime or offense against ethics and public morals.
- 8- Whenever, during working hours, the worker is found under the influence of alcohol or drugs.
- 9- Whenever the worker assaults the employer or the line manager, or seriously assaults any of his superiors during or because of work.
- b- In the instances above, the burden of proof by all legal methods shall rest on the employer. In these instances, contract termination is considered to be lawful.
- c- Whenever the employment contract is terminated as per paragraph (a) above, the employer and the worker shall stop paying contributions to the General Corporation of Social Security until settlement of the case.

Article 65:

- a- Whenever the employer fails to prove that the worker committed any of the violations referred to in article 64, contract termination by the employer is considered to be unfair dismissal. In this case, the worker shall be entitled to compensation equalling two-month wage for each year of service, for a total compensation not exceeding 150 times the minimum wage. The worker shall be entitled to compensation for any fraction of a year on a pro rata basis.
- b- Compensation shall be calculated based on the last monthly wage earned by the worker, without prejudice to the remaining statutory or contractual entitlements accrued to the worker.
- c- However, employers shall be bound to implement the notice clauses set forth under article 56 and following articles of the present Law.

Article 66:

- a- Workers may leave work before contract expiry, without giving notice to the employer, in the following instances:
 - 1- If the employer or his representative has misled the worker upon contract conclusion as to the terms and conditions of work.
 - 2- If the employer fails to honour his material obligations towards the worker under the present Law.
 - 3- If the employer or his representative commits an immoral act upon the worker or any of his family members.
 - 4- If the employer or his representative commits an assault against the worker

- 5- If a serious hazard threatens the safety or health of the worker, provided that the employer is aware of such hazard and fails to take the needed action or the measures prescribed by the competent authority in due time.
- b- The worker who, for any of the foregoing reasons, leaves work before contract expiry shall be entitled to initiate unfair dismissal claim in court. In this case, the burden of proof shall rest on the worker. If proved, the worker shall be entitled to the rights prescribed in article 65 herein.

Article 67:

- a- Employers may not dismiss workers for any of the following reasons:
 - 1- Whenever a unionized worker performs, organizes or takes part in trade-union activities.
 - 2- When the worker is engaged in electoral activities.
 - 3- Whenever the worker lodges a complaint or takes part in legal proceedings against the employer for violation of laws, labour regulations and legislations.
 - 4- Race, colour, gender, marital status, family responsibility, pregnancy, religion, belief, political opinion, nationality, descent, clothing or dress style in conformity with personal freedom.
- b- Dismissal in the aforementioned instances shall be considered to be unfair. In this case, the competent court shall order the reinstatement of the worker in his function and the payment of his full wages for the entire interruption period.
- c- Save for the instances referred to under article 67, paragraph (a), sub-sections 1 and 2, whenever the court deems that reinstatement is impossible, unpractical or inappropriate because the employer refuses to reinstate the worker or the worker refuses to resume work, it shall order compensation equalling two-month wage for each year in service, provided total compensation does not exceed 200 times the minimum wage. Compensation for any fraction of a year shall be on a pro rata basis. Compensation shall be calculated on the basis of the last monthly wage earned by the worker, subject to article 56.

Article 68:

- a- Workers called up for conscription or reserve duty may either request contract termination or invoke the provisions governing conscription and reserve duty.
- b- Workers who are not covered by the Social Security Law shall be entitled to the severance pay referred to under article 63 herein.

CHAPTER THREE

WAGES

Article 69:

- a- A committee called the National Committee of General Minimum Wage shall be constituted by decision, and under the chairmanship of the Prime Minister. It shall comprise:
 - 1- The Minister of Social Affairs and Labour
 - 2- The Minister of Finance: chairman
 - 3- The Minister of Economy and Trade: member
 - 4- The President of the General Federation of Trade Unions: member
 - 5- The President of the Federation of Chambers of Commerce: member
 - 6- The President of the Federation of Chambers of Tourism: member
 - 7- The President of the Federation of Chambers of Industry: member
 - 8- The President of the Contractors Association: member
 - 9- The President of the Federation of Handicraft Associations: member
- b- The committee shall ask for the support of any civil servant and expert it deems appropriate.
- c- The chairman shall appoint one of the Ministry's staff members as rapporteur.
- d- The committee shall convene at the invitation of the Prime Minister: 1) in regular sessions during the first week of May each year; 2) in extraordinary meetings upon the request of the majority of its members.
- e- Quorum is reached when two-thirds of its members are present. Decisions are adopted by absolute majority; in case of a tie vote, the chairman shall have a casting vote.
- f- The decisions of the committee shall be signed by the Prime Minister and considered binding upon the employers covered by the present Law.

Article 70:

- a- The National Committee shall determine and review the general minimum wage of workers covered by the present Law.
- b- The committee shall, while discharging its duties, consider the economic crises, the devaluation and drop of exchange rates, the purchasing power, the general price index and other economic changes.

Article 71:

- a- A committee shall be constituted by ministerial decision in each competent directorate, in order to recommend minimum wages for the occupations governed by the present Law. Such committees shall be composed of:
 - 1- A delegate of the Ministry of Social Affairs and Labour: chairman

- 2- A delegate of the Ministry of Industry, the Ministry of Economy and Trade, the Ministry of Tourism, or the Ministry of Housing and Construction, as the case may be: member
- 3- A delegate of employers, who shall be appointed by the Chamber of Tourism, Commerce or Industry or the Contractors Association in the governorate, as the case may be: member
- 4- A delegate of the governorate's trade union, who shall be appointed by the GFTU: member
- 5- The head of the Contractors Association branch in the governorate: member
- 6- A delegate of the professional trade union involved, who shall be appointed by the said trade union: member
- 7- A legal expert and an economic expert appointed by the Ministry: observer members
- 8- The head of the labour department in the competent directorate: rapporteur
- b- The parties concerned shall appoint a deputy member to replace each full member in his absence.
- c- The committee shall seek the support of any civil servant or expert it deems appropriate.
- d- The committee shall convene at least once a year to recommend the minimum wage for each occupation. The committee shall adopt its recommendations after deliberation with the employers' and workers' representatives involved.
- e- Quorum is reached when two-thirds of its members are present. If the quorum is not reached, the meeting shall be adjourned no later than one week. In this case, quorum is reached with the presence of three members, including the workers' and employers' representatives. Decision shall be adopted by the majority votes of members present. In case of a tie vote, the chairman shall have a casting vote.
- f- The Minister shall determine, by ministerial decision, the remuneration and attendance fees of the above committee members and staff, provided such committee convenes outside regular hours of work pursuant to the applicable laws and regulations.

Article 72:

When fixing the minimum wage, the committee under the competent directorate shall consider the following:

- a- The general minimum wage.
- b- The qualifications and experience required for work performance.
- c- The importance of work in developing production.
- d- The circumstances and location of work.
- e- The general wage index in the governorate.

Article 73:

The recommendations of every committee shall be submitted to the Minister who shall determine, by ministerial decision, the minimum wage for any given occupation within its jurisdiction.

Article 74:

The general minimum wage of non-trainee workers subject to the present Law shall not be less than the general minimum wage.

Article 75:

Without prejudice to article 2:

- a- Employers shall apply the principle of equal pay for work of equal value to all workers, without any discrimination on the basis of race, colour, gender, marital status, belief, political opinion, trade union membership, nationality or social descent.
- b- Work of equal value means work that requires equal scientific qualifications and professional skills, as attested by a work experience certificate.

Article 76:

Wages shall be fixed under the individual employment contract, the collective labour agreement or the firm's basic labour regulations, failing which the worker shall be entitled to the minimum wage payable for his occupation or trade.

Article 77:

- a- Whenever it is agreed to determine wage on output or commission basis, worker's earnings shall not be less than the minimum wage payable to the same category of work.
- b- The average monthly wage of workers who earn monthly, weekly or daily wages shall be calculated on the basis of the worker's average earnings during the previous year, divided by 12.

Article 78:

- a- Wages and other amounts payable to the worker shall be paid in legal tender on a working day, at the workplace and during regular hours of work, without prejudice to the following:
 - 1- Workers earning monthly wages shall be paid at least once a month no later than the sixth day of the following month.
 - 2- Workers earning wages on piecemeal or output basis shall, if work necessitates more than two weeks, receive an advance proportionate to the completed work each week, and the remaining wage during the week following work delivery.
 - 3- In other instances, workers shall receive their wages not more than once a week, save as otherwise agreed upon.
- b- It may be agreed to pay wages through any bank operating locally.

Article 79:

Upon termination of the labour relation, the employer shall pay the worker his wage and all his entitlements within seven working days after contract termination. Whenever the worker leaves work at his own initiative, the employer shall pay the worker his wage and all his entitlements no later than fifteen working days after the worker claims such wage and entitlements.

Article 80:

The Minister shall determine the conditions for substantiating wage payment as per the general methods of proof.

Article 81:

Employers shall pay under-aged workers who are 16 and above, in person, their wages, allowances and other entitlements. Such payment shall acquit employers.

Article 82:

Workers may not be forced to purchase food or commodities from specific shops or from the goods and services produced by the employer.

Article 83:

Employers may not deduct more than 20% from workers' wages for the repayment of any loans granted during employment, nor charge any interest on such loans.

Article 84:

- a- Wages accruing to workers may be attached or assigned only within the following limits:
 - 50% of the wage for alimony settlement.
 - 30% of the wage for dowry payment.
 - 10% of the wage for any other debt repayment.
- b- The percentages referred to above may not be aggregated in case of multiple debts and creditors, or exceed 50% of the wage. Attached amounts shall be divided among beneficiaries on a pro rata basis.
- c- Such percentages shall be calculated after deduction of the income tax, the amounts payable under the Social Security Law, and the loans granted by the employer within the limits prescribed under article 83 above.

Article 85:

Employers may not transfer a worker earning monthly wages to the category of workers earning wages on a daily, weekly, hourly, or output basis, without his written consent. In this case, the worker shall be entitled to any and all entitlements accrued to him during his monthly-paid service.

Article 86:

Whenever a worker reports for duty on time and is willing to work but is prevented from doing so for reasons attributable to the employer, he shall be considered to have actually worked and shall be entitled to the full corresponding wage. However, if he reports for duty and could not work for reasons beyond the control of the employer, he shall be entitled to half of his wage, without prejudice to partial or total shutdown provisions.

Article 87:

Workers shall be entitled to their basic wage when attending a training or retraining session inside or outside the Syrian Arab Republic, if such training is attended at the request, or with the consent, of the employer, without prejudice to article 89 herein.

Article 88:

- a- Employers may suspend workers accused of committing an infamous crime or offense at work, from the date of reporting the incident to the competent authority.
- b- If the worker is not prosecuted, if the competent court declares him not guilty or not responsible, or if the worker is discharged or has been on preventive custody, the worker shall be reinstated and paid the full wage accrued to him for the entire suspension period, as if he were on duty. Employers who refuse such reinstatement shall be considered to have committed unfair dismissal entailing the compensation prescribed under article 65 herein.
- c- If it is established that the worker was accused at the instigation of the employer or his authorized representative, the worker shall be entitled to claim compensation for moral and material damage, in addition to the compensation referred to in the previous paragraph.

Article 89:

- a- Whenever the employer assigns a specific mission to the worker in connection with work inside or outside the Syrian Arab Republic, such worker shall be entitled to allowances for representation, transport, residence and others.
- b- The firm internal regulations shall prescribe the methods and conditions for granting such fees. In firms employing less than fifteen workers, such allowance, payment methods and conditions thereof shall be agreed upon between the contracting parties.

TITLE VI **INTERNAL LABOUR REGULATIONS**

CHAPTER ONE **INTERNAL REGULATIONS**

Article 90:

- a- Every employer employing fifteen and more workers shall draw up the firm's internal regulations and the list of penalties. The internal regulations shall include, in particular:
 - 1- The purpose of the regulations.
 - 2- The working conditions and terms.
 - 3- The obligations of the employer:
 - Drafting the employment contract.
 - Giving workers leaves and official holidays as prescribed in the present Law.
 - Regular promotion.
 - Bonuses.
 - Periodic wage increment, etc.
 - 4- The rights of the employer.
 - 5- The rights and obligations of workers.
- b- Such internal regulations and list of penalties shall become effective after their endorsement by the Ministry, within forty-five days of registration thereof with the Ministry. If, after the lapse of such period, they are not approved by the Ministry, such regulations and list shall be deemed automatically effective.
- c- The internal regulations and list of penalties shall be posted in a prominent location inside the workplace.
- d- The Minister shall issue standard internal regulations and penalty list for guidance, on the proposal of a committee constituted by ministerial decision with representatives of the Ministry, workers and employers.
- e- The Ministry may accept requests to amend any endorsed internal regulations, provided such amendments are consistent with the present Law.

Article 91:

- a- Employers shall create a personal file for each worker including his name, nationality, age, place of residence, educational level, occupation, marital and social status, date of work commencement, wage, any changes thereof, penalties, leaves, date of work termination and reasons thereof.
- b- The worker's personal file shall include investigation reports, penalties, reports of line managers and any other documents pertaining to his employment.

- c- Only legally authorized personnel may access such data. Employers shall keep workers' files no less than one year after contract termination.

CHAPTER TWO

RIGHTS AND OBLIGATIONS OF EMPLOYERS

Article 92:

- a- Employers shall have the following rights, in addition to those prescribed under the present Law:
 - 1- Organize work at the firm and issue relevant decisions and instructions.
 - 2- Determine the needed skills and responsibilities of workers.
 - 3- Inflict the appropriate penalties upon offenders as per the present Law.
- b- The following provisions shall apply to workers' inventions:
 - 1- If a worker creates an invention in the course of employment, the employer shall have no right to such invention, even if the worker had created the invention in the course of work for the employer.
 - 2- The employer shall have ownership rights over the inventions created by a worker in the course of his employment, whenever the nature of work performed by the worker requires all his efforts in creation, or whenever the contract expressly provides that the employer shall have ownership right over any inventions made by the worker.
 - 3- If the invention has substantial economic significance, the worker may claim compensation, in the instances referred to above, which shall be determined according to equity considerations. Such compensation shall be assessed taking into consideration the support and facilities provided by the employer.

Article 93:

Obligations of employers:

- a- Secure working circumstances, conditions, safeguards and environment as prescribed under the present Law, the executive regulations thereof and the applicable collective labour agreements.
- b- Distribute workers according to their academic and professional qualifications and skills, as may be dictated by work interest. No worker may be assigned, without his consent, to a different job that is inconsistent with his qualification and capacities.
- c- Develop a training programme in line with the business plan, and provide the needed facilities to workers to improve their professional, technical and cultural skills.
- d- Provide the appropriate transportation means to remote workplaces with no public transportation, unless it is agreed to pay workers transport allowance.
- e- Not insult or offend workers.
- f- Keep special and general records listing staff employment terms and conditions as per the terms and conditions determined by the Ministry.
- g- Inform workers of all working conditions and post them in a prominent location upon issuance thereof.

- h- Call for meeting with workers or workers' representatives, to discuss issues related to business development, productivity and staff affairs.
- i- Issue workers an end of service certificate stating the date of work commencement, the date of contract termination and the worker's position. The worker may request the addition of any data and the employer shall meet such request whenever the requested data is true.
- j- Issue workers a release certificate upon contract termination, provided they have discharged all their obligations towards the employer. The employer shall not claim any fees from the worker after the issuance of such certificate, unless a material error occurred in the certificate.
- k- Provide health care as per the conditions prescribed hereunder.
- l- Provide meals to workers, if necessitated by their working conditions and nature of work.
- m- Register all workers for Social Security.

CHAPTER THREE

RIGHTS AND OBLIGATIONS OF WORKERS

Article 94:

- a- Workers shall be entitled to medical care. Therefore, employers shall:
 - 1- Provide first aid, whatever the number of workers employed.
 - 2- For employers employing 100-200 workers in one single location or within a radius of 15 km, recruit a dedicated nurse, appoint a physician who shall examine and treat workers in a dedicated room, and provide the needed medicine, X-rays and medical analyses to workers, free of charge.
 - 3- For employers employing more than 200 workers, provide workers, free of charge and in addition to the foregoing, with all other treatments that require specialist physicians, surgeries, and medicine.
 - 4- Pay for treatment, medicine and hospital stay costs, whenever workers receive treatment as per sub-sections 2 and 3 above in a public or charity hospital.
 - 5- Costs of treatment, medicine and hospital stay as prescribed above shall be assessed according to the ministerial decision issued in coordination with the Minister of Health, including costs of treatment, medicine and hospital stay through medical insurance funds or private insurance companies.

Article 95:

- a- Rights of workers:
 - 1- Right to periodic wage increment, once every other year, at the rate prescribed under the internal regulations or the employment contract.
 - 2- Right to equal opportunity, equal treatment and non-discrimination.
 - 3- Right to human dignity.
 - 4- Right to safe and secure working conditions.
 - 5- Right to join trade unions and handicrafts associations.
- b- Subject to article 652 of the Civil Code, the worker shall:
 - 1- Perform scrupulously and faithfully, by himself, the work assigned to him, as prescribed in law, labour regulations, individual employment contract and collective labour agreements, and complete work on due time while exercising due diligence of an ordinary person.
 - 2- Abide by the orders and instructions of the employer with respect to the work assigned to him, whenever such orders and instructions are consistent with the contract, law, labour regulations or public morals and do not expose him to undue hazards.
 - 3- Respect work schedule and abide by the procedures prescribed for absence or non-compliance with working hours.

- 4- Take due care of the tools, equipment, documents or any other items entrusted to him by the employer, and do anything needed to safeguard the same while exercising due diligence of an ordinary person.
- 5- Treat employers' clients properly.
- 6- Respect line managers and co-workers and collaborate with them for the sake of the firm.
- 7- Preserve work ethics and maintain decent behaviour.
- 8- Respect regulations designed for the safety and security of the firm.
- 9- Keep work secrets and refrain from disclosing confidential work-related information or any other confidential information as per the written instructions of the employer.
- 10- Provide the employer or the employer's representative, in due time, with true data in connection with his place of residence, marital status, compulsory military service status, other data to be included in his personal file pursuant to laws and regulations, and any changes thereto.
- 11- Follow employer's procedures to develop and improve his expertise and skills on the professional and cultural level, or retrain him to perform a job in line with technological progress in the firm, without prejudice to article 51 hereunder.

Article 96:

Workers shall not:

- a- Keep the original copy of any work-related document or paper.
- b- Work for third parties without the consent of the employer, whether with or without pay.
- c- Work for a third party in an unethical manner or in a way that helps or enables such third party to be aware of professional secrets or compete with the employer.
- d- Carry out an activity similar to the activity of the employer, during employment, or take part in such an activity, whether as a worker or partner, save as otherwise agreed upon.
- e- Take loans from employer's clients or those performing a similar activity to the employer's. Such prohibition shall not apply to bank loans.
- f- Accept gifts, bonuses, commissions, money or others in any capacity whatsoever in the course of work, without the consent of the employer.
- g- Raise funds or donations, distribute leaflets, collect signatures or organize meetings inside the workplace without the consent of the employer, without prejudice to the provisions of trade unions laws.

CHAPTER FOUR

PENALTIES

Article 97:

Any act that exposes workers to disciplinary action must be work-related. The penalty list shall determine the violations and penalties prescribed under article 98 herein.

Article 98:

The following penalties may be inflicted upon a worker for the infringement of his obligations under the present Law, the employment contract or the internal labour regulations:

- a- Verbal warning.
- b- Written warning.
- c- Deduction of one-day wage.
- d- Deductions from the basic wage by no more than five-day wage per one single violation, provided that wage deduction for penalty payment does not exceed five-day wage per month.
- e- Deferment of the periodic promotion increment by no more than one year.
- f- Cancellation of the periodic promotion increment.
- g- Dismissal pursuant to the present Law.

Article 99:

- a- No more than one penalty per violation may be inflicted on workers.
- b- Wage deduction as per article 98 hereunder may not be cumulated with any other fine, whenever such deduction exceeds the wage of five working days per month.
- c- No penalty may be inflicted upon a worker after the lapse of fifteen days from detection of the violation, or thirty days from completion of the relevant investigation.

Article 100:

Penalties may be strengthened if the worker reoffends within six months from the date he is informed of the previous penalty.

Article 101:

Whenever a worker is accused of committing a violation, the following measures shall be taken for investigation purposes:

- a- Inform the worker of the charges, in writing, and conduct the investigation within fifteen days of the date when such violation was detected.
- b- The employer may conduct the investigation personally or entrust the investigation to any other expert in the subject matter of the offense, provided such expert works at the firm and his position is no less than the position of the worker under investigation.

- c- Hear the defence of the worker, hear the witnesses, if any, and record the same in a report that shall be enclosed with the worker's personal file. The trade union organization of the worker may send a representative to attend the investigation.
- d- The employer may suspend the worker for no more than one month with full pay, for the sake of the investigation referred to above. The worker shall be reinstated in his previous position at the end of the suspension period or once his innocence is proven.

Article 102:

- a- Whenever a worker is arrested by the public authorities for no more than three months, the employer shall reinstate the worker in his position after his arrest, with no pay, save as otherwise decided by the employer. If the employer refuses to reinstate the worker in his position, he shall pay the compensation set forth under article 65 herein.
- b- Whenever a worker is arrested for more than three months, the employer may choose not to reinstate the worker. In this case, provisions governing lawful dismissal as provided under article 64 herein shall apply.

Article 103:

- a- The penalties referred to in article 98, paragraphs (a), (b), and (c) herein shall be inflicted by the employer or his representative.
- b- Other penalties referred to under article 98 shall be inflicted by the firm's disciplinary committee, which shall comprise:
 - 1- The employer or his representative: chairman
 - 2- The head of the department involved: member
 - 3- The chairman of the trade union committee or a representative of workers, as the case may be: member
- c- The penalty decision shall be motivated. The penalty shall become effective only after the worker is informed thereof.

Article 104:

- a- No disciplinary action or fine may be inflicted on a worker for an offense that is not included in the penalty list endorsed by the Minister.
- b- No worker may be suspended without pay for more than five days per month.
- c- No penalty may be inflicted upon a worker before he is allowed to defend himself.
- d- The fines inflicted under this article shall be recorded in a special register mentioning the worker's name and wage and reasons for imposing the fine. Fine proceeds shall be deposited in a special fund for the provision of social services to the workers of the firm.
- e- Wage deduction shall apply to the daily basic wage of the worker.

Article 105:

- a- Whenever a worker causes, by his fault or in the course of work, the loss or destruction of material, machinery or raw materials belonging to or in the possession of the employer, he shall pay compensation for the lost or destroyed goods. The employer may, after conducting an

investigation and informing the worker thereof, start deducting the said amount from the worker's wage by no more than five days wage per month.

- b- A worker may lodge a complaint with the competent court about the compensation amount determined by the employer. The decision of the court in this regard shall be final. Whenever the court orders lesser compensation, the employer shall return the unduly deducted amount within seven days after the decision is issued by the competent court.

TITLE VII **INDIVIDUAL LABOUR RELATIONS**

CHAPTER ONE **HOURS OF WORK**

Article 106:

- a- Effective hours of work shall not exceed eight hours per day or forty hours per week, exclusive of meal and rest breaks.
- b- Hours of work and rest breaks shall be scheduled in such a way that a worker does not spend more than ten hours per day at the workplace.

Article 107:

- a- Notwithstanding article 106, hours of work may be increased to nine hours per day for some categories of workers or some categories of industries and activities. Alternatively, hours of work may be decreased to seven hours a day for some categories of workers or some hazardous or harmful industries and activities. The categories of workers, industries or activities referred to above shall be determined by ministerial decision, in consultation with the competent authorities.
- b- Any reduction by the employer in daily working time below the legal limits, any time or during any particular season, shall not be considered as a vested right for workers. The employer may cancel such reduction any time, without prejudice to the wage of workers.

Article 108:

Hours of work shall include one or several meal and rest breaks totalling no less than one hour. Such breaks shall be scheduled so that workers do not work more than five consecutive hours. The Minister may determine, by ministerial decision, such instances or activities that require work with no interruptions or breaks, for technical or operational reasons.

Article 109:

- a- Work shall be scheduled in such a way that each worker gets one weekly day off of no less than twenty-four consecutive hours, with full pay, after six consecutive days at the most.
- b- When need be, the employer may ask workers to work on the weekly day off. In this case, the worker shall be entitled to double his daily wage in addition to another day off during the following week.
- c- Whenever workers work on official holidays, they shall be entitled to double their daily wage on top of their daily wage.

- d- Notwithstanding paragraphs (b) and (c) above, in remote areas and activities that require uninterrupted work for reasons that are inherent to the nature of work or for operational reasons, weekly days off accrued to the worker may be cumulated over maximum eight weeks, in addition to the commuting time.
- e- The areas referred to above shall be determined by ministerial decision.

Article 110:

- a- Employers may choose not to abide by the previous articles under Chapter One in the following instances:
 - 1- When work is meant to handle unusual work load.
 - 2- When work is meant to prevent the occurrence of a serious accident, alleviate the impact thereof, or avoid a certain loss.
 - 3- In case of an annual inventory, balance-sheet, liquidation, account closing, sale preparations and launching of new seasons. In such instances, workers shall not work overtime for more than fifteen days per year, unless the competent directorate authorizes longer overtime hours.
 - 4- On official holidays as determined by ministerial decision in coordination with the competent authorities.
 In the afore-mentioned instances, the competent directorate shall be informed, within twenty-four hours, of the need to overtime hours and the expected time for work completion.
- b- In all the cases above, effective working hours may not exceed ten hours per day, two of which shall be deemed to be overtime hours.

Article 111:

Employers shall pay workers for overtime hours the regular hourly wage plus a 25% supplement for day work and 50% supplement for night work. This rate shall be doubled in case of overtime hours during official holidays.

Article 112:

- a- The provisions of this Chapter shall not apply to the following categories of workers:
 - 1- Authorized representatives of the employer.
 - 2- Workers carrying out preparatory or complementary work that has to be done before or after working hours.
 - 3- Guards and cleaning workers
- b- The occupations referred to in sub-sections 2 and 3 above and the maximum working hours therein shall be determined by ministerial decision.

CHAPTER TWO

EMPLOYMENT OF JUVENILES

Article 113:

- a- It shall be unlawful to employ male and female juveniles before they complete elementary schooling or before they reach the age of fifteen, whichever is older.
- b- The Minister shall issue regulations, terms, conditions and circumstances of juvenile employment, and prohibited activities, occupations and trades at different ages.

Article 114:

- a- Juveniles shall not work more than six hours per day, including one or more meal and rest breaks totalling no less than one hour. Such breaks shall be scheduled so that the juvenile does not work more than three consecutive hours.
- b- Juveniles may not be asked to work overtime in any case whatsoever, remain at the workplace beyond prescribed working hours, or work on their day off.
- c- In general, the exceptions listed under Title VII, Chapter One, shall not apply to juvenile employment.
- d- No juveniles shall be requested to work at night.

Article 115:

Employers employing juveniles shall abide by the following:

- a- Post up in a prominent location at the workplace a copy of the provisions included in this Chapter.
- b- Draw up a statement listing juveniles' name, age and date of employment.
- c- Display, in a prominent location at the workplace, a statement of working hours and rest breaks.

Article 116:

- a- No employer shall employ any juvenile before his parent or guardian submits the following documents:
 - 1- A civil status record.
 - 2- A health certificate issued by a specialized physician attesting to his fitness for the job.
 - 3- The written consent of the parent or guardian to working in the firm.
- b- Those documents shall be kept in the juvenile's personal file which shall include sufficient information about his place of residence, date of employment, job, wage and leaves.

Article 117:

Juveniles shall be entitled to thirty days annual leave with pay.

Article 118:

Juveniles working in domestic industries restricted to family members, under the supervision of the father, mother, brother or uncle, shall be excluded from the scope of this Chapter.

CHAPTER THREE

EMPLOYMENT OF WOMEN

Article 119:

Without prejudice to the provisions of the present Chapter, any and all provisions governing the employment of workers shall apply to female workers, without discrimination, in case of equal work.

Article 120:

The Minister shall determine, by ministerial decision, such activities, instances and circumstances where women shall be allowed to perform night work, as well as harmful, immoral and other activities prohibited to women.

Article 121:

- a- After six consecutive months of service for the same employer, female workers shall be entitled to maternity leave with full pay of:
 - 1- 120 days for the first childbirth.
 - 2- 90 days for the second childbirth.
 - 3- 75 days for the third childbirth.
- b- Female workers may take their maternity leave during the last two months of pregnancy.
- c- In case of infant death, the remaining leave shall be divided in half.
- d- Maternity leave shall be given pursuant to a duly authenticated medical certificate.
- e- Additional maternity leave of one month without pay may be granted to female workers upon request.

Article 122:

- a- No employer may dismiss a female worker or terminate her contract while on maternity leave as per article 121.
- b- An employer may deny a female worker her entire wage for the maternity leave, or recover any portion he may have paid, if it is established that she had been working for another employer, without prejudice to further disciplinary action.

Article 123:

During 24 months following confinement, nursing female workers shall be entitled, in addition to the prescribed breaks, to two additional daily nursing breaks of no less than half an hour each, which may be combined together. Nursing breaks shall be considered part of the working hours and shall not entail any wage reduction.

Article 124:

- a- Female workers in firms employing more than fifteen workers may request leave without pay for no more than one year to look after their child, while reserving the right to return to work upon completion of such leave. This right shall be forfeited whenever they work for another employer during such period. Female workers shall be entitled to leave without pay, maximum three times throughout their employment.
- b- The female worker who takes such leave for the first time shall pay the contributions payable to the General Corporation of Social Security. As regards other leaves, she shall pay the General Corporation of Social Security any and all social security contributions payable by her and by the employer.

Article 125:

Employers who employ five female workers or more shall conspicuously post up in the workplace, or in the gathering point of female workers, a copy of the regulations governing women employment.

Article 126:

Employers who employ one hundred or more female workers in one single location shall open a day-care centre or appoint a day-care centre to look after their children, provided there are no less than twenty-five children under five. Terms for licensing and operating such centres shall be determined by ministerial decision.

Firms belonging to different employers employing less than one hundred female workers each in one single area, can discharge among themselves the obligations prescribed under article 126.

Article 127:

In case the conditions stated in the previous articles are not met, employers who employ no less than twenty married female workers shall allocate an appropriate space and place it under the care of a qualified nurse to look after the children of female workers under five, provided there are minimum ten children under five.

CHAPTER FOUR

EMPLOYMENT AND REHABILITATION OF THE DISABLED PERSONS

Article 128:

The term *disabled person* means a person whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment.

Article 129:

The provisions of this Chapter shall apply to employers who employ fifty or more workers, whether in a single location or in different locations within the Syrian Arab republic.

Article 130:

- a- Every worker who becomes disabled for any reason whatsoever shall keep his employment and be assigned to work that suits his condition, after he is vocationally rehabilitated, unless the severity of the disability or the nature of the work does not allow it as per the medical report of the occupational physician.
- b- Whenever the productivity of the disabled worker is substantially reduced as attested by a medical certificate, the employer may decrease his wage as per the terms determined by ministerial decision.

Article 131:

The measures and benefits given to disabled workers shall not be regarded as a violation of the principle of equality of opportunity and treatment between disabled workers and other workers.

Article 132:

Without prejudice to the Law of Disabled Persons in force, the Ministry shall, in coordination with the competent authorities, further the integration of the disabled persons in the labour market.

Article 133:

The term *vocational rehabilitation* as used in this Chapter means the vocational services provided to the disabled person, which enable him to perform his initial work or perform and retain any other work that suits his condition, such as physical training, guidance and vocational rehabilitation.

Article 134:

Duly licensed institutes and centres shall issue any disabled worker who receives vocational rehabilitation, a certificate including the information determined by ministerial decision. Such centres and institutes shall create a register for rehabilitated workers listing the same particulars of the above certificate.

Article 135:

Every disabled worker who receives vocational rehabilitation may, based on his rehabilitation certificate, apply for registration with the employment agency having jurisdiction over his place of residence. The employment agency shall register such applications in a special register and issue the applicant, free of charge, a registration certificate on the filing date of the application. The employment agency shall further facilitate the recruitment of those disabled persons in jobs and occupations suitable for their condition, age and qualifications.

Article 136:

- a- Employers subject to the present Chapter shall recruit 2% of their total staff from among the vocationally rehabilitated workers designated by the public employment agencies.
- b- Employers may reach this quota by recruiting disabled persons other than those designated by the public employment agencies, provided they are registered according to article 135 above.
- c- Whenever employers do not comply with the quota prescribed under paragraph (a) above, they shall deposit the equivalent of their minimum wage in the Fund of Disabled Workers with the General Authority of Employment and Enterprise Promotion, to finance small, medium and micro enterprises.

Article 137:

- a- Disabled persons employed according to the present Chapter shall be entitled to any and all rights prescribed to other workers under this Law.
- b- Employers shall adjust the workplace to enable workers with disability to perform their job, and secure any and all occupational health and safety conditions to those workers.
- c- No disabled workers shall be employed in jobs that expose them to danger or worsen their disability, as determined by ministerial decision.
- d- The Minister shall determine jobs where priority is given to the rehabilitated disabled workers and jobs they can perform.

Article 138:

Without prejudice to article 137, the disabled person injured during or as a result of military operations, military service or compulsory service, shall be given priority in private sector employment, without prejudice to the quota prescribed in article 136.

Article 139:

Employers subject to the provisions of this Chapter shall:

- a- Keep special record of the rehabilitated workers they recruit, including the data contained in the vocational rehabilitation certificate.
- b- Submit the register to labour inspectors upon request.
- c- Send an annual statement to the Ministry listing the number, names and positions of those workers.

Article 140:

The notice period set forth under article 56, paragraph (1), sub-section (a) shall be doubled in the case of workers subject to the provisions of the present Chapter.

CHAPTER FIVE

EMPLOYMENT OF WORKERS IN MINES AND QUARRIES

Article 141:

For the purposes of the present Chapter, mines and quarries shall mean:

- a- Processes of exploring, prospecting, extracting or processing solid or liquid minerals including precious stones, in the licensed areas.
- b- Processes of extracting, concentrating or processing mineral residues above or under the surface of the ground, in the licensed or contract area or in remote places as determined by ministerial decision.
- c- All construction, installation and equipment works related to the processes referred to in paragraphs (a) and (b) above.

Article 142:

- a- Employers shall not allow any worker to perform any process subject to the provisions of this Chapter before he undergoes medical examination attesting his medical fitness for the job.
- b- Medical examination shall be repeated periodically, no less than once a year, in case the worker performs underground, drilling or seafaring work.
- c- Medical examination shall be performed before the end of the probation period to attest the worker's medical condition and check for any occupational diseases.
- d- The Minister shall determine such situations and conditions needed for the medical examinations referred to above.

Article 143:

Only workers, inspectors, and holders of special permits from the public authorities or the firm administration may access the mines and quarries and annexes thereof. No workers shall enter the workplace and annexes thereof outside official working hours, without permission.

Article 144:

Every employer shall keep a special register or system to record workers' entry and exit.

Article 145:

Without prejudice to article 107 herein, no workers shall be retained at the workplace, whether above or beneath the surface of the ground, for more than seven effective working hours per day. In case of underground work, this period shall include the time needed to reach the underground workplace and return to the surface of the ground.

Article 146:

Working hours shall include one or several breaks totalling no less than one and a half hours per day.

Article 147:

- a- On an exceptional and provisional basis, the provisions of articles 145 and 146 shall not apply if work is meant to prevent the occurrence of an accident, or avoid a hazard or repair the impact thereof, provided that:
 - 1- The competent directorate is informed, within twenty-four hours, through available communication means, of the emergency, the time needed for work completion and the number of workers needed.
 - 2- Workers shall receive wage for overtime hours equal to overtime wage plus no less than 50% supplement for day work and 100% supplement for night work. This supplement shall be doubled in case of overtime hours during weekly days off or official holidays.
 - 3- If work coincides with weekly days off, workers shall be entitled to double their daily wage and another replacement day during the following week.
 - 4- If work coincides with official holidays, workers shall be entitled to their daily wage plus double such wage.
 - 5- Labour inspectors may, in agreement with the Directorate of Mines, Quarries and Fuel, order the interruption of work in case of imminent danger threatening the safety and health of workers.

Article 148:

Employers shall conspicuously post up at the workplace a list of working hours and breaks, and send a copy thereof and any amendments thereto to the competent directorate.

Article 149:

Employer shall prepare a list of public safety instructions in accordance with the decision issued by the Minister in coordination with the competent minister.

Article 150:

Employers or employers' representatives shall:

- a- Issue daily instructions with regard to public safety.
- b- Prohibit workers' access to explosion areas until danger is over.
- c- Use safety lights in areas containing inflammable or explosive gases.
- d- Provide protective clothing and devices.
- e- Regulate ventilation and temperature, by natural or artificial means.
- f- Inspect the mine daily before work commencement and order officials to take immediate action.
- g- Prepare and keep a monthly report on the status of the firm, particularly on deleterious gases, pillars, walls, ceilings, barriers, lighting and ventilation signs, and first aid equipment. Those reports shall be filed in a special register.

Article 151:

Employers or their representatives shall create a frontline rescue point close to the workplace, equipped with the necessary rescue and first aid supplies. This area shall be equipped with operational and modern means of communication with the mine or quarry, along with a trained technician who shall supervise rescue and first aid operations.

Article 152:

Employers shall, in every mine or quarry employing no less than 50 workers, equip an appropriate room with rescue and first aid supplies and another nursing room, in addition to one or several locker-rooms. Mines or quarries employing less than 50 workers within a radius of 20 km shall create, among themselves, a rescue and first aid centre in a middle location. The Minister shall determine the necessary rescue and first aid supplies, without prejudice to article 151 herein.

Article 153:

Drinking water shall be stored in containers with tight covers to avoid contamination. Such recipients shall be placed close to workers. Water shall be changed daily and recipients shall be properly disinfected no less than twice a week.

Article 154:

Employers subject to the provisions of the present Chapter shall:

- a- Provide appropriate housing to workers, including to married workers. The Minister shall determine the terms, conditions and specifications of such housing units.
- b- Provide workers with three daily meals in clean and hygienic canteens. The Minister shall determine the type and quantity of meals, the hygienic conditions and specifications, and the fees payable by the worker per meal. In case all or some meals are provided inside the mines, they shall be properly wrapped or filled in boxes with tight covers. Meals may not be replaced with meal allowances.
- c- Supervise hygiene inside the workplace, housings units and toilets, free of charge to workers.

CHAPTER SIX

LEAVES

I: Annual Leave

Article 155:

- a- Workers shall be entitled to one annual leave of twenty-four working days, with full pay, after 1 to 5 years of employment.
- b- Workers shall be entitled to leave of twenty-one working days, after 5 to 10 years of employment.
- c- Workers shall be entitled to leave of thirty working days, after 10 or more years of employment or when they are over 50.
- d- Official holidays and weekly days off shall not be considered part of the annual leave.
- e- Workers with less than one year of employment shall be entitled to annual leave on a pro rata basis.

Article 156:

- a- Workers who work in arduous, difficult, hazardous or harmful work or in remote areas shall be entitled to the annual leave referred to above plus seven working days.
- b- The Minister shall determine, after consultation with the parties involved, the occupations and areas covered by paragraph (a) above.

Article 157:

- a- Employers shall schedule workers annual leave depending on work requirements and conditions, provided they inform workers thereof no less than one month prior to the annual leave. Workers shall take their annual leave as scheduled by the employer.
- b- Employers shall enable workers to take their annual leave hereunder unless there are serious reasons related to the nature or conditions of work that necessitate the postponement of such leave, provided that workers take six consecutive days of their annual leave under article 160 herein. In this case, employers shall carry the remaining leave over to the following year, or pay workers cash compensation in lieu thereof.

Article 158:

No workers may agree to relinquish the right to the leave prescribed under article 160, or waive it in return for compensation, for any reason whatsoever, subject to cancellation.

Article 159:

Employers may interrupt annual leaves for crucial reasons, provided workers receive replacement thereof, taking their preferences into consideration.

Article 160:

Employers shall enable workers to take no less than six consecutive days of their annual leave per year. The remaining portion of the annual leave may be divided as per work requirements. This provision shall not apply to the annual leave of juveniles.

Article 161:

- a- Workers may carry over their annual leave balance to the following year, upon written request and with the consent of the employer.
- b- If the employer does not allow workers to take the leave accrued from the previous year, workers shall be entitled to cash compensation in lieu thereof.

Article 162:

An employer may deny a worker his wage for the entire leave or recover any paid portion thereof if it is proved that the worker has worked for another employer while on leave.

Article 163:

Workers shall receive pro-rated wage for their accrued leave if their employment is terminated before they take such leave. Such wage shall be calculated on the basis of the last wage earned by the worker.

Article 164:

Workers shall be entitled to schedule their annual leave if they are sitting for any exam, provided they inform the employer no less than fifteen days in advance.

Article 165:

- a- For urgent and valid reasons, workers may interrupt work for no more than six days a year and maximum two days at a time. The emergency leave shall be deducted from the annual leave prescribed for workers.
- b- Workers who have exhausted their annual leave may take emergency leave without pay.

II: Official Holidays Leave**Article 166:**

- a- Workers shall be entitled to leave with full pay, on the official holidays determined by ministerial decision totalling no less than thirteen days per year. Employers shall have the right to ask their workers to work on such days if work conditions so require. In this case, workers shall be entitled to their daily wage plus double that wage.
- b- If any official holiday coincides with the weekly day off, workers shall be entitled to a replacement day on the first working day following the holiday.

III: Sick Leave

Article 167:

- a- Workers who prove to be sick shall be entitled to sick leave with pay at the rate of 70% of their wage for the first ninety days, and 80% of their wage for the following ninety days, during the first contract year.
- b- Sick leave shall be given to workers based on a medical report issued by the accredited physician of the employer.
- c- In the absence of an accredited physician, such leave may be given by any other physician.

Article 168:

No medical reports issued outside the area of employment shall be accepted unless they are issued by a public hospital or duly endorsed by the local competent directorate under the Ministry of Health.

IV: Educational Leave, Training Sessions and Leave without Pay

Article 169:

- a- Employers may send workers, with their consent, in a work-related information, training or educational mission, inside or outside the Syrian Arab Republic. In this case, workers shall be considered to be on leave with regular pay plus transport and residence allowances.
- b- Workers referred to in the previous paragraph shall return to work within fifteen days of completing the mission, and perform the appropriate job determined by the employer for no less than the period mutually agreed upon in writing.
- c- If workers fail to honour any of their obligations under paragraph (b) above, they shall return the wages, residence and transport allowances and other costs incurred by the employer during the mission. Employers shall be entitled to claim damages if need be.

Article 170:

Workers, with the consent of employers, may take leave with pay whenever they are delegated by the trade union association to attend an educational session at any of the trade union institutes of the GFTU.

Article 171:

Collective labour agreements or the basic labour regulations of the firm shall determine the terms and conditions of paid educational leaves granted to workers.

Article 172:

Without prejudice to article 165, workers shall be entitled to request a leave without pay for thirty consecutive days per year. Whenever employers agree to such leave, the worker shall pay the contributions payable by him and the employer to the General Corporation of Social Security.

V: Pilgrimage, Marriage and Death Leaves

Article 173:

- a- Workers shall be entitled to pilgrimage leave with full pay, once only during their entire employment, as follows:
 - 30 days for Muslims
 - 7 days for Christians
- b- The pilgrimage leave is given after no less than five years of employment with the same employer.
- c- This leave shall not be considered as part of the annual leave.

Article 174:

Workers who have spent no less than six consecutive months in employment shall be entitled to marriage leave of seven days with full pay, once only.

Article 175:

Workers shall be entitled to death leave of five days, with full pay, for the death of an ascendant, descendant, sibling or spouse.

Article 176:

The leaves referred to under articles 173, 174 and 175 shall not be considered to be part of the annual leave.

TITLE VIII **COLLECTIVE LABOUR RELATIONS**

CHAPTER ONE **CONSULTATION AND COOPERATION**

Article 177:

- a- A Consultative Council for Labour and Social Dialogue shall be formed by ministerial decision, under the chairmanship of the Minister. It shall comprise representatives of the parties concerned, a number of experts, a representative of employers' organizations and a representative of the GFTU.
- b- The Council shall put forward his opinion and submit recommendations regarding:
 - 1- Draft laws in connection with labour relations.
 - 2- Arab and international labour conventions.
 - 3- Bilateral labour conventions.
 - 4- Study issues related to professional relations and productivity at the national level.
 - 5- Suggest appropriate solutions to prevent collective labour disputes at the national level.
 - 6- Means of promoting collective bargaining and encouraging collective labour agreements.
 - 7- Matters submitted by the Ministry to the Council, in connection with labour issues and working terms and conditions.
- c- The Minister shall determine the Council's Bylaws, the number of members thereof and their compensation and remuneration as per the applicable laws and regulations.

CHAPTER TWO

COLLECTIVE BARGAINING

Article 178:

- a- Collective bargaining refers to the dialogue and discussions held between trade union organizations and employers or employer's organizations, with the view of:
 - 1- Improving working terms and conditions and employment terms.
 - 2- Promoting cooperation between social partners for workers' social welfare.
 - 3- Settling disputes between workers and employers.
- b- Bargaining shall take place at the level of the firm, branch of economic activity, occupation, industry, governorate or nation.

Article 179:

- a- Bargaining shall take place in firms employing fifty and more workers, between the representatives of the trade union committee of the firm and the employer or his representative. In firms employing less than fifty workers, bargaining shall take place between the employer or his representative and five workers appointed by the trade union concerned, who shall represent the various departments of the firm. The representatives of each party are deemed to be legally authorized to conduct bargaining and conclude the subsequent agreement.
- b- The party wishing to resort to bargaining shall send the other party written notice mentioning the subject matter of bargaining. The addressee shall inform the other party of his position using the same method above, within seven days of receiving the written notice.
- c- If either party refuses to initiate collective bargaining, the other party may request the competent directorate to ask the employers' organization or the trade union organization, as the case may be, to initiate collective bargaining on behalf of such party. In this case, such organization shall be legally authorized to conduct bargaining and sign the collective labour agreement.

Article 180:

The employer and the representatives of the trade union association conducting collective bargaining shall provide the relevant data and information to the other party. The employer or the representatives of the trade union association may request such data from their respective organizations, as the case may be.

Article 181:

The GFTU or the governorate's trade union, as the case may be, and employers' organizations, shall provide any data and information needed about their branch of activity, occupation or industry, for the

smooth running of collective bargaining. The GFTU and the organizations referred to above may request such data and information from the parties concerned.

Article 182:

During collective bargaining, no employers shall take actions or issue decisions in connection with the subject matter of bargaining, unless in case of necessity or emergency. In this case, such action or decision shall be temporary.

Article 183:

The agreement reached through collective bargaining shall be recorded in a collective labour agreement pursuant to the terms and rules applicable to collective labour agreements hereunder. If no agreement is reached, either party may resort to the competent directorate to attempt mediation, according to the provisions of Title IX, Chapter Two herein.

CHAPTER THREE

COLLECTIVE LABOUR AGREEMENTS

Article 184:

A collective labour agreement is an agreement regulating working terms and conditions, employment terms and any other conditions that secure the welfare, health and safety of workers. Collective labour agreements are concluded between one or several trade unions, the federation of trade unions at the governorate level or the GFTU, as the case may be, on the one hand, and the employer, a group of employers or one or several employers' organizations, on the other hand.

Article 185:

Multiple trade unions that are party to collective labour agreements must be representative of similar, interconnected or associated industries or occupations.

Article 186:

Collective labour agreements shall be written in Arabic. They shall be submitted within fifteen days of signature thereof for approval by the trade union office, the executive bureau of the governorate's trade union, or the executive bureau of the GFTU, as the case may be. It shall be approved by absolute majority of bureau members no later than thirty days after signature thereof. The agreement shall become null and void in case of failure to meet any of the above conditions.

Article 187:

- a- Collective labour agreements shall become effective and binding upon contracting parties after they are filed with the Ministry and a summary thereof is published in the Official Gazette.
- b- The Ministry shall register the agreement within thirty days of filing date and publish a summary thereof pursuant to paragraph 1 above.
- c- During such period, the Ministry may object to and refuse to register the agreement, and inform contracting parties, by registered letter, of such objection/refusal and reasons thereof.
- d- If, after the lapse of such period, the Ministry has not registered, published or objected to the agreement, it shall have to carry out registration and publication pursuant to paragraphs (a) and (b) above.

Article 188:

If the Ministry refuses to register the agreement within the time limit prescribed under article 187, either party may ask the State Council administrative court to rule in favour of such registration, within thirty days of receiving notice of refusal. If the court rules in favour of registration, the Ministry shall register the agreement and publish a summary thereof in the Official Gazette, free of charge.

Article 189:

- a- Non-signatory trade union organizations, employers and employers' organizations may join a collective labour agreement after its publication in the Official Gazette, without the need for the consent of the initial signatories.
- b- They may join the agreement by filing an application signed by both parties with the Ministry.

Article 190:

The provisions of the collective labour agreement shall apply to workers recruited by the employer after the effective date of the agreement. They shall further apply to workers who are subject to the agreement, throughout the validity period thereof, even if they withdraw from the trade union before the lapse of such period.

Article 191:

Firms covered by a collective labour agreement shall conspicuously advertise the same in the workplace for the perusal of workers. Such advertisement shall mention the signatories of the agreement, the filing date thereof and the authorities with whom the agreement is filed.

Article 192:

- a- Every clause of the collective labour agreement that is inconsistent with the provisions of the present Law, public order or public morality, shall be deemed null and void.
- b- In the event of inconsistency between any clause of the individual employment contract and any clause of the collective labour agreement, the more favourable clause to the worker shall apply.

Article 193:

- a- Collective labour agreements shall be concluded for a fixed-term of no more than three years, or for the time needed for the completion of a given project.
- b- Both contracting parties shall resort to collective bargaining to extend the agreement, three months prior to the expiry date thereof. If, after the lapse of such period, the agreement is not extended, it shall remain effective for three months, and bargaining shall continue for extension purposes. However, if after the lapse of such period no agreement is reached, either contracting party may submit the case to the competent directorate to initiate mediation pursuant to Title IX, Chapter Two herein.

Article 194:

- a- In the event of unexpected and extraordinary circumstances that make it difficult for either party to perform the agreement or any clause thereof, both parties shall discuss such circumstances through collective bargaining and reach an agreement that favours a balance of their interests.
- b- If parties fail to reach an agreement, either party may submit the case to the competent directorate to initiate mediation pursuant to Title IX, Chapter Two herein.

Article 195:

Any new adherence, extension, termination or expiry shall be recorded on the margin of the collective labour agreements' register kept with the Ministry. The Ministry shall publish a summary of the said inscription in the Official Gazette within fifteen days.

Article 196:

If a collective labour agreement is concluded between a firm owner and a trade union, such agreement shall apply to all firm workers, even if they are not members of the trade union, provided that member workers are not less than half of the firm total workforce on the date of the agreement, and the clauses of the collective labour agreement are more favourable to workers than their individual employment contracts.

Article 197:

- a- Either party to the collective labour agreement and any eligible worker or employer may request that the party who fails to enforce the agreement or to honour his contractual obligations, be ordered to enforce the agreement or pay the subsequent compensation.
- b- No trade union, Federation of Trade Unions or employers' organizations may be ordered to pay compensation, unless the prejudice is committed by their legal or authorized representative. Compensation shall be restricted to the funds of the organizations, exclusive of social assistance and social solidarity funds.

Article 198:

The trade union, GFTU or employers' organization that is a party to a collective labour agreement may institute, for and on behalf of any member thereof, any and all legal proceedings for violation of the agreement. The member for whom the proceedings are instituted by the trade union organization may intervene in the proceedings or institute first-instance proceedings separately.

Article 199:

Upon expiry of the collective labour agreement, workers shall keep the benefits acquired thereunder, unless a new agreement prescribes more favourable entitlements to workers.

Article 200:

Any person may request a certified true copy of the collective labour agreement and relevant adherence documents from the Ministry.

Article 201:

- a- A ministerial decision shall determine the procedures for requesting registration of collective labour agreements and copies thereof.
- b- A standard collective labour agreement shall be issued by ministerial decision for guidance.

Article 202:

Disputes over any clause of the collective labour agreement shall be subject to the procedures mutually agreed upon. In the absence of such procedures, disputes shall be governed by the provisions applicable to collective labour disputes under Title IX, Chapter Two herein.

TITLE IX **COLLECTIVE DISPUTES**

CHAPTER ONE **INDIVIDUAL LABOUR DISPUTES**

Article 203:

Individual labour disputes refer to disputes arising between an employer and a worker about the application of the present Law and the individual employment contract.

Article 204:

If an individual labour dispute arises about the application of the present Law, the worker or the employer may go to the competent court referred to in article 205 below, for dispute settlement.

Article 205:

- a- A primary civil court shall be created in each governorate by decision of the Minister of Justice.
It shall comprise:
 - 1- A primary magistrate appointed by the Minister of Justice: chairman
 - 2- A representative of the trade union association, appointed by the executive bureau of the GFTU: member
 - 3- A representative of employers, appointed by the Federation of Chambers of Industry, Commerce, Tourism or Cooperatives (as the case may be) to examine labour disputes between workers and employers: member
- b- The executive bureau of the GFTU, the Federation of Chambers of Commerce, the Federation of Chambers of Industry and the Federation of Chambers of Tourism shall appoint a substitute member who shall replace the full member in his absence.

Article 206:

The competent court shall settle individual labour disputes promptly, according to the present Law and the individual employment contract.

Article 207:

The decision of the competent court may be challenged in the court of appeal, whose judgement is deemed final. The court shall apply the code of procedure.

Article 208:

- a- Whenever the dispute is about a worker's dismissal or notice of dismissal, the worker or the trade union concerned may, upon request of the worker, solicit mediation by the competent directorate within ten days of being notified the dismissal or dismissal notice.
- b- The competent directorate shall act as a mediator between the employer and the worker, and attempt to settle the dispute within no later than one month.
- c- If mediation fails, the worker shall be entitled to go to court.
- d- If the worker goes to court, the court referred to above shall, during litigation, order the employer to pay the worker 50% of his monthly wage, provided such payment does not exceed the minimum wage payable for his occupation and does not exceed one year.

Article 209:

If the courts rules in favour of unfair dismissal, the employer shall be ordered to pay compensation to the worker according to article 65 or 67 of the present Law, as the case may be, unless the employer accepts to reinstate the worker. In this case, the worker shall be paid his wages for the interruption period.

CHAPTER TWO

COLLECTIVE LABOUR DISPUTES

Article 210:

A collective Labour dispute is any dispute arising between one employer or a group of employers on the one hand, and one or several trade union organizations on the other hand, about working terms and conditions and employment terms.

Article 211:

- a- Litigating parties shall seek an amicable settlement of the dispute through collective bargaining.
- b- If no amicable settlement is reached, whether in whole or in part, either party or their legal representative may request the competent directorate to initiate mediation.

Article 212:

- a- The competent directorate represented by the director, or by the staff member or labour affairs expert appointed by the director, shall conduct mediation between the parties to reconcile their points of view and reach a settlement of the dispute.
- b- The mediator shall have any and all powers needed to take cognisance of the facts, the documents of the parties and the reasons of the dispute. He may call both litigants to hear their point of view, and request the data and information that facilitate his mission.
- c- The director, his representative or the expert shall complete his mission no later than thirty days from the date of application filing with the competent directorate, or from the date of mediator's appointment, as the case may be.

Article 213:

- a- If the mediator fails to reconcile points of views, he shall submit to the parties, in writing, his recommendations for dispute settlement.
- b- If both parties agree to the recommendations of the mediator, the latter shall register the same in a written agreement that shall be signed by both parties.
- c- If the recommendations are accepted by one party and rejected by the other, the latter shall explain the reasons for such rejection. In this case, the mediator may give him no more than seven days to change his position. If he agrees to change his position and accepts the mediator's recommendations, the same shall be registered in a written agreement that shall be signed by both parties and the mediator.
- d- If both parties agree to accept only some of the recommendations, the recommendations agreed upon shall be recorded in a written agreement signed by both parties and the mediator. Article 214, paragraph (c) herein shall apply to all remaining issues.

- e- The agreement referred to in paragraphs (b), (c) and (d) above shall be binding upon both parties, and shall be enforced through the competent enforcement bureau located in the area of the competent directorate, after due registration thereof.

Article 214:

- a- If mediation does not result in an agreement acceptable to both parties, whether in whole or in part, the mediator shall submit a report to the competent directorate including a summary of the dispute, his recommendations and the position of the parties.
- b- In this case, either party may file a request with the competent directorate to initiate dispute settlement through arbitration.
- c- The competent directorate shall transfer such request along with the mediator's report to the arbitration tribunal, within seven days of filing thereof.

Article 215:

- a- An arbitration tribunal shall be formed by ministerial decision in each governorate. It shall consist of:
 - 1- A magistrate judge appointed by the Minister of Justice: chairman
 - 2- A justice of the peace appointed by the Minister of Justice: member
 - 3- An arbitrator representing the trade union association, appointed by the executive bureau of the GFTU: member
 - 4- An arbitrator representing the employers, appointed by the Federation of Chambers of Industry, the Federation of Chambers of Commerce, the Federation of Chambers of Tourism, or the representative of the Contractors Association at the governorate level (as the case may be): member
 - 5- An arbitrator representing the Ministry, appointed by the Minister: member
- b- Each non-magistrate member of the arbitration tribunal shall take an oath, before the chairman of the tribunal, to discharge his duties in good faith.
- c- The Chairman of the tribunal shall appoint a staff member of the competent directorate as clerk, and another staff member as usher, at the recommendation of the competent director.

Article 216:

The arbitration tribunal shall meet in the headquarters of the competent directorate, unless decided otherwise by the arbitration tribunal.

Article 217:

- a- The chairman of the arbitration tribunal shall schedule a hearing no later than one week after receiving the arbitration request.
- b- The chairman of the arbitration tribunal shall inform the members of the hearing date, in writing, no less than three days prior to the hearing date, through the usher.

Article 218:

- a- The arbitration tribunal shall settle the dispute within three months of the first hearing.

- b- The arbitration tribunal may, when need be, extend arbitration for an equal period. In this case, the tribunal shall settle the dispute as is, unless the parties agree to extend arbitration for one or several additional periods.

Article 219:

- a- The arbitration award shall be rendered by majority vote of the panel.
- b- The award shall be drawn up in four copies signed by all panel members present. A copy shall be delivered to each litigant, the third copy shall be filed with the competent directorate, and the fourth copy shall be sent to the Ministry.
- c- The competent directorate shall register the award in a special register. The litigating parties and any eligible party may obtain copies thereof.

Article 220:

The awards rendered by the arbitration tribunal shall be subject to judgement revision and interpretation rules as set forth under the code of procedure.

Article 221:

Either litigating party may appeal against the arbitration award in the court of cassation, within thirty days after notification thereof, unless the parties waive such right.

Article 222:

The arbitration award shall be binding upon both parties after its registration with the competent directorate. After becoming final, it shall be enforced through the competent enforcement bureau upon request of either party.

Article 223:

- a- The chairman and members of the arbitration tribunal shall receive cash remuneration for attending arbitration hearings. The staff appointed by the chairman of the tribunal pursuant to article 215, paragraph (c) shall receive cash remuneration for discharging their duties.
- b- The remuneration referred to in paragraph (a) above shall be determined by ministerial decision and disbursed from the Ministry's budget, according to the applicable laws and regulations.

TITLE X **SHUTDOWN**

Article 224:

Employers may not totally or partially shut down or downsize firms in such a way that would affect their labour force, save for economic necessity and within the terms and conditions prescribed under this Law.

Article 225:

- a- A committee shall be formed by ministerial decision to examine employers' requests to shutdown or downsize their firms in a way that would affect the size of their labour force.
- b- This committee shall consist of representatives of the parties concerned, representatives of workers' organizations and representatives of employers' organizations, who shall be appointed by their respective organizations. It shall comprise an equal number of workers' organizations and employers' organizations representatives.
- c- Employer applying for shutdown or downsizing with subsequent labour reduction shall include in their request the reasons thereof, any and all supportive documents and the number and categories of workers who shall be dismissed.
- d- The committee shall submit a motivated proposal no later than thirty days after request filing with the Ministry.
- e- The Minister shall decide about total or partial shutdown within fifteen days from receiving the committee's proposal.
- f- If, after the lapse of forty-five days no decision is made in connection with the request, the employer may shutdown the firm.

Article 226:

The competent directorate shall inform workers, in writing, of the ministerial decision regarding total or partial shut-down or downsizing of the firm. Such decision shall come into force starting effective date thereof.

Article 227:

If a final decision is issued in favour of the employer's request to partially shut down the firm, and no objective criteria are prescribed in the collective labour agreement or the internal regulations for selecting the workers who shall be dismissed, the employer shall consult the competent directorate and the representative of the trade union concerned to make the appropriate decision. *Inter alia*, seniority, family responsibilities, age, capacities and professional skills of workers may be considered.

Article 228:

Employers may, after issuance of the decision ordering partial shutdown of the firm, amend the terms of individual employment contracts. In particular, they may assign workers to jobs that substantially differ from their initial work, and decrease workers' wage to no less than the minimum wage prescribed for their occupation. In this case, workers may either agree to such measure or request termination of their employment contract, notwithstanding the statutory notice period. In this case, workers shall be entitled to compensation at the rate of one month for each year of service, provided such compensation does not exceed six months wage.

Article 229:

No employers may request total or partial shutdown or downsizing of the firm while mediation or arbitration is taking place as set forth under Title IX, Chapter Two herein.

TITLE XI **OCCUPATIONAL SAFETY AND HEALTH**

CHAPTER ONE

NATIONAL COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

Article 230:

The provisions of Title XI shall apply to the public sector and any ministry, administration, public authority, public institution, public firm, local or municipal administrative unit, or any other public sector institution, and to the private sector, cooperative sector, community sector, mixed sector, civil society organizations and professional associations.

Article 231:

- a- A national commission for occupational safety and health shall be formed under the chairmanship of the Minister. It shall comprise the competent directors of the central administrations under the ministries of Industry, Economy and Trade, Housing and Construction, Environment, Oil, Health, Irrigation, Electricity, Local Administration, Social Affairs and Labour, Civil Defence, a representative for the GFTU and a representative of employers' organizations, who shall be appointed by their respective organizations.
- b- The commission shall be formed by ministerial decision that shall mention the time and venue of its meetings.
- c- The commission shall discharge the following duties:
 - 1- Determine and assess occupational safety and health hazards at the workplace.
 - 2- Monitor working environment factors and work practises that may affect the health of workers, including sanitary installations, canteens and clubs built by the employer.
 - 3- Devise programmes to improve working environment and practices.
 - 4- Conduct research and studies for improved protection of workers' health, and provide guidance to workers' and employers' organizations in this regard.
 - 5- Contribute to improved protection through training sessions, awareness-raising programmes and scientific publications about protection from occupational hazards.
 - 6- Cooperate with international and Arab institutions and organizations specialized in occupational safety and health.

Article 232:

Public authorities that issue licenses to firms shall comply with occupational safety and health conditions prescribed herein.

CHAPTER TWO

WORKING ENVIRONMENT PROTECTION

Article 233:

Employers shall take all appropriate precautions to protect all workers from the immediate, enduring and delayed hazards inherent to the nature of work and to working environment and conditions. They shall abide by all standards and instructions prescribed for workers' protection under applicable laws and regulations, and, in particular:

- a- Secure working environments that provide protection from the physical hazards arising from:
 - 1- Extreme temperatures.
 - 2- Noise and vibrations.
 - 3- Hazardous and harmful radiations.
 - 4- Lighting.
 - 5- Change in atmospheric pressure.
 - 6- Explosion risks.
- b- Secure working environments that provide protection from mechanical hazards arising from collision between the body of the worker and a solid body or others.
- c- Take precautions to protect workers from infection with bacteria, viruses, fungus, parasites and other biological hazards.
- d- Provide protection from chemical hazards in connection with the use of solid, liquid or gaseous chemicals, while:
 - 1- Not exceeding the maximum authorized concentration of chemicals and cancerogenic agents workers are exposed to.
 - 2- Not exceeding the maximum authorized stock of hazardous chemicals.
 - 3- Taking the needed precautions to protect work premises and workers while transporting, storing, handling and using hazardous chemicals and disposing of chemical waste.
 - 4- Keeping record of hazardous chemicals used, including exhaustive information about each substance, and keeping record of working environment and workers' exposure to chemical hazards.
 - 5- Preparing a technical sheet of all chemicals handled at work, including chemical agents' scientific name, trade name, chemical composition, danger, safeguards and emergency procedures. The firm shall obtain such information from its supplier.
 - 6- Training workers on the way to handle dangerous chemicals and cancerogenic agents, and raising their awareness to related hazards, safety and prevention measures.

Article 234:

Employers shall secure rescue and first aid supplies, hygiene and various sanitary conditions required by law for food and beverage areas and staff.

Article 235:

Employers who employ fifteen and more workers shall take the needed fire precautions, as determined by the civil defence competent authority and the fire fighting regiment, depending on the firm's branch of activity and the physical and chemical characteristics of the substances used and produced at the firm, without prejudice to the following:

- a- Compliance of all fire-fighting equipment and tools with the specifications determined by the competent authorities.
- b- Enhancement of prevention and fire-fighting equipment and tools, by using state-of-the-art methods, early warning and detection devices, fire isolation devices and automatic sprinkler systems when need be, depending on the branch of activity of the firm.
- c- Evaluation and analysis of hazards and expected industrial and natural disasters, and elaboration of an emergency plan to protect work premises and staff in case of disasters. Such plan shall be tested for efficiency and workers shall receive training thereon.
- d- Informing the competent directorate and the civil defence competent authority of the emergency plan and any modifications thereof, in addition to the hazardous substances being stored or used.

Article 236:

- a- In case the firm owner fails to honour the obligations prescribed under the preceding articles and the executive regulations thereof within the timelines fixed by the competent directorate, and in case of an imminent danger for the health or safety of workers, the Minister may, at the recommendation of the competent directorate and in coordination with the competent ministries and authorities involved, order total or partial shut-down of the firm or stoppage of one or several machines, until the source of danger is removed.
- b- The ministerial decision above shall be enforced through administrative channels, without prejudice to workers' entitlement to their full wages during shutdown or stoppage.
- c- The directorate may directly remove the source of danger, at the expense of the employer.

Article 237:

The Minister shall issue, after consultation with the National Commission for Occupational Safety and Health, instructions for the enforcement of Title XI including safety restrictions, safeguards, preventive devices, conditions of use and subsequent work organization.

Article 238:

No employers shall use, handle or store any harmful substance or equipment prohibited at work. They shall abide by the specific instructions regarding the use, handling and storage of substances and equipment whose use or quantities are not restricted.

Article 239:

Employers shall:

- a- Provide personal prevention devices to protect workers from occupational hazards in various conditions and circumstances, and test and maintain such devices regularly as per the applicable rules.
- b- Train workers on how to perform their job safely.
- c- Provide the needed protective devices at no cost to workers.
- d- Before work commencement, inform workers of occupational hazards, ask them to use the prescribed protective devices, provide them with personal protective devices and train them on how to use them.

Article 240:

- a- Every employer who employs fifteen or more workers shall form an occupational safety and health committee in the firm, under his supervision, as determined by the ministerial decision issued in coordination with the competent ministries and the authorities concerned.
- b- Employers who employ less than fifteen workers shall appoint one or several technicians to perform the duties of the committee.

Article 241:

- a- Workers exposed to occupational hazards shall abide by the instructions and advice of the employer for their protection, and use and take due care of the general and personal protective devices provided to them.
- b- Every worker shall promptly inform his line manager whenever he reasonably believes there is an imminent life-threatening or harmful danger to him and his co-workers. Employers may not ask workers to resume work if imminent life-threatening or harmful danger persists at the workplace, until appropriate remedies are taken.

Article 242:

Workers shall abide by orders and instructions about precautions and occupational safety and health, and use and take due care of the protective devices given to him. No worker shall commit any act meant to disobey such instructions or misuse, change, damage or destroy the devices used for his safety and the safety of his co-workers, without prejudice to any other applicable law.

Article 243:

Employers shall appoint one or several persons to train workers on occupational safety and health rules, according to the terms and conditions set forth under this Title.

TITLE XII **LABOUR INSPECTION AND JUDICIAL POLICE**

Article 244:

All firms and workplaces falling under the scope of the present Law shall be subject to labour inspection, which shall be carried out by labour, social security and occupational safety and health inspectors appointed by the Minister.

Article 245:

- a- Labour inspectors shall be appointed from among holders of bachelor's degrees in law or economy.
- b- Occupational safety and health inspectors shall be appointed from among holders of degrees in natural science, chemistry, pharmacy or engineering.
- c- A decree issued at the recommendation of the Minister shall determine the number of inspectors referred to under paragraphs (a) and (b) above.

Article 246:

- a- Inspectors, who are designated to monitor the enforcement of the present Law and the executive regulations thereof, shall be considered as judicial police officers, as per the code of penal procedure, with respect to offenses that fall within the scope of their mandate and mission. Their reports shall be deemed valid unless they are proved to be falsified.
- b- Labour inspectors shall be issued identification cards with identity photos, signed by the Minister. They shall exhibit the card during inspection to the relevant persons upon request, and return it when they leave service or are no longer inspectors for any reasons whatsoever.

Article 247:

- a- Labour inspectors and occupational safety and health inspectors may, when need be, seek the help of trade union association representatives, physicians, engineers, chemists, pharmacists and technicians appointed by ministerial decision, to ensure the enforcement of the present Law.
- b- The Minister shall issue, in coordination with the Ministry of Finance, the remuneration scheme of labour inspectors.

Article 248:

The aforementioned inspectors shall, before work commencement, take the following oath before the primary civil court:

"I do solemnly swear to discharge my duties with loyalty and faithfulness, not to disclose any professional, industrial, or commercial secrets or any other secrets that come to my knowledge in the course of my duties, even after termination of my employment".

Article 249:

Every inspector shall:

- a- Monitor the enforcement of this Law and the executive decisions and regulations thereof in connection with working conditions and protection of workers at work.
- b- Take legal action against employers who violate the present Law and the executive decisions thereof, namely: (notice, warning, issue contravention reports, suggest the shutdown of the licensed or unlicensed firm pursuant to the present Law, **suggest seizure of the sponsorship/guarantee...)**
- c- Refer his contravention reports to the competent court pursuant to the present Law, through the competent directorate.
- d- Provide technical information and legal advice to employers and workers about the best means to comply with this Law and strengthen cooperation and mutual relations.
- e- Submit a detailed report as per the standard report of the Ministry on every inspection visit to any firm or workplace, with his comments and recommendations about appropriate follow-up measures.
- f- Prepare detailed monthly reports on the results of inspection visits, supported by advice and recommendations, and submit the same to the Ministry for appropriate action.
- g- Keep strictly confidential any source of complaint lodged with the competent directorate or Ministry, about any violation of the applicable laws in the firm.

Article 250:

- a- No inspector shall be vested with any duties that are inconsistent with his mission or liable to prejudice his mandate or his impartiality towards either employers or workers.
- b- The Minister shall issue labour inspection regulations according to the provisions hereunder.

Article 251:

- a- Powers of inspectors:
 - 1- Access and inspect all workplaces, during working hours, without prior notice, to check compliance with the present Law and executive decisions thereof; access to books and files; right to request papers, documents and necessary information from employers or their representatives and take copies thereof.
 - 2- Ask questions and interrogate workers and employers in the firm, separately or in the presence of witnesses, about any issue related to compliance with the applicable laws.
 - 3- Request employers to post up the information required by law in the workplace.
 - 4- Take samples of substances used or handled, for analysis, provided that the employer or his representative is informed of the samples taken.
 - 5- Recommend immediate action in case of imminent danger to the health and safety of workers.

- b- The Minister shall determine the appropriate inspection methods and inspection outside working hours.

Article 252:

Employers or employers' representatives shall facilitate the mission of inspectors and extend all possible assistance to facilitate their work and provide them with all documents and information they request.

Article 253:

Internal security forces and other competent authorities shall assist inspectors in their mission pursuant to the present Law and the executive regulations thereof, upon request.

Article 254:

- a- The Ministry shall provide the needed protection to inspectors while or after they discharge their duties.
- b- Whenever an inspector is victim of any assault or physical or moral injury in the course of his mission, the Ministry shall institute legal proceedings with the competent court, on his behalf, and request that the appropriate penalty be inflicted on the offender who shall pay moral and material damages to the inspector.
- c- The Ministry shall cover any and all legal costs for instituting legal proceedings against employers who infringe article 254.

TITLE XIII **PENALTIES**

Article 255:

Without prejudice to any stronger penalties set forth under any other law, anyone who violates the present Law shall be liable to the following penalties.

Article 256:

- a- Every employer who violates articles 17 and 25 herein shall be liable to a fine of 5,000 SYP for each worker. Every employer who violates article 26 shall be liable to a fine ranging from 2,000 to 4,000 SYP.
- b- Every employer who violates article 23/(a) by opening or operating an unduly licensed employment agency shall be liable to a fine ranging from 200,000 to 500,000 SYP. The Ministry shall be entitled to shutdown the agency.
- c- Every employer who violates article 23/(d) shall be liable to a fine ranging from 15,000 to 30,000 SYP.
- d- Every employer who violates article 24 shall be liable to a fine ranging from 200,000 to 500,000 SYP. The Ministry may shutdown the agency until its situation is brought into conformity with the present Law.

Article 257:

- a- Every employer who violates articles 27, 28, 29 and 30 shall be liable to a fine ranging from 10,000 to 50,000 SYP.
- b- The Ministry of Interior shall, on recommendation of the Minister, repatriate the worker who violates the provisions set forth under Title III herein, at the expense of the employer.
- c- Non-national workers who have been repatriated for violating Title III herein may not be recruited or reemployed before the lapse of 3 years after repatriation.

Article 258:

- a- Every employer who violates articles 32, 33, 34, 35, 36, 38, 41, 42, and 49 under Title IV shall be liable to a fine ranging from 5,000 to 20,000 SYP.
- b- Every employer who violates the decision issued pursuant to article 43 shall be liable to a fine ranging from 100,000 to 200,000 SYP. In addition to the fine prescribed in the previous paragraph, the Minister may shut down the centre.

Article 259

- a- Every employer who violates articles 2/ (a), 6/(c) and 75/(a) shall be liable to a fine of 100,000 SYP.

- b- Every employer who violates article 63 shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer to pay the severance pay accrued to the worker.

Article 260:

Every employer who violates articles 47/(a) and 93/(m) about workers' registration with social security shall be liable to pay a fine equalling 1.5 times the general minimum wage, for each worker. In addition to the fine, the court shall compel any employer who violates article 93/(m) to contribute to social security on behalf of workers.

Article 261:

- a- Every employer who violates articles 76, 78, 81, 82, 91, 101, 108, 109, 155, 156, 173, 174, and 175 shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer who violates articles 155, 156, 173, 174 and 175 to give the worker his accrued leave.
- b- Every employer who violates articles 104 and 167 shall be liable to a fine ranging from 25,000 to 50,000 SYP. In addition to the fine, the court shall order the employer who violates article 167 to pay the wage accrued to the worker.

Article 262:

- a- Every employer who violates article 77/(a) shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer to pay the difference between the actual wage paid to the worker and the minimum wage for his category.
- b- Every employer who violates article 79 shall be liable to a fine ranging from 10,000 to 25,000 SYP.
- c- Every employer who violates article 85 shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer to reinstate the worker in the category initially agreed upon.
- d- Every employer who violates article 89/(a) shall be liable to a fine ranging from 10,000 to 25,000 SYP. In addition to the fine, the court shall order the employer to pay the appropriate fees accrued to the worker.

Article 263:

- a- Every employer who violates articles 90/(a) - (b) - (c) and 93/(f) - (i) - (j) shall be liable to a fine ranging from 25,000 to 50,000 SYP.
- b- Every employer who violates articles 94 and 95/(a) shall be liable to a fine ranging from 25,000 to 50,000 SYP. The court shall order the employer to honour the obligations set forth under those articles.
- c- Every employer who violates article 103/(b) shall be liable to a fine ranging from 10,000 to 25,000 SYP. In addition to the fine, the court shall order the employer to cancel the penalty inflicted upon the worker.

Article 264:

Every employer who violates articles 113, 114, 115, 116 and 117 shall be liable to a fine ranging from 25,000 to 50,000 SYP.

Article 265:

- a- Every employer who violates articles 125, 139 and 149 shall be liable to a fine ranging from 5,000 to 10,000 SYP.
- b- Every employer who violates articles 120, 121, 122/(a), 126 and 127 shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer to give the female worker her accrued leave.

Article 266:

- a- Every employer who violates article 123 shall be liable to a fine ranging from 25,000 to 30,000 SYP.
- b- Every employer who violates article 136/(c) shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer to pay the fees referred to under the said article.
- c- Every employer who violates article 137/(b)-(c) shall be liable to a fine ranging from 5,000 to 10,000 SYP.

Article 267:

- a- Every employer who violates articles 142, 145, 146, 147, 150, 151, 152 and 153 shall be liable to a fine ranging from 10,000 to 25,000 SYP. Whenever the employer violates article 152, the Minister may, in addition to the fine, compel him to complete such works within a specific period, failing which the Ministry shall complete the works at his expense and collect incurred costs by virtue of the Collection of Public Monies Law.
- b- Every employer who violates article 154 shall be liable to a fine ranging from 5,000 to 10,000 SYP.

Article 268:

Every employer who violates the provisions of Title X shall be liable to a fine ranging from 25,000 to 50,000 SYP. In addition to the fine, the court shall compel the employer to pay the compensation and entitlements prescribed under article 65 herein.

Article 269:

Every employer who violates articles 233, 234, 235, 236, 238, 239, and 240 shall be liable to a fine ranging from 10,000 to 50,000 SYP.

Article 270:

Every employer who violates article 252 shall be liable to a fine ranging from 10,000 to 30,000 SYP.

Article 271:

Every employer or employer's representative who dismisses a worker or inflicts a penalty upon a worker to force him to join a trade union or force him not to join or withdraw from a trade union, or because the worker is carrying out any trade-union activity or implementing any legitimate trade-union decision, shall be liable to a fine ranging from 10,000 to 25,000 SYP.

Article 272:

Every employer shall be liable to a fine ranging from 5,000 to 10,000 SYP for any violation of the present Law, unless a specific penalty is prescribed hereunder.

Article 273:

Every labour inspector who violates the obligations set forth under article 249 or discloses any industrial secret or any other work processes that come to his knowledge in the course of inspection, shall be liable to the penalties prescribed under the applicable laws.

Article 274:

Without prejudice to the previous articles:

- a- The fines referred to under this Title shall be inflicted by ministerial decision on recommendation of the competent inspectors.
- b- Fines shall be collected directly from employers pursuant to legal financial receipts, failing which they shall be collected by virtue of the Collection of Public Monies Law.
- c- Without prejudice to article 136 herein, any and all fines resulting from violations to this Law shall accrue to the Ministry of Finance.

Article 275:

- a- The fine inflicted upon an employer or manager shall be multiplied by the number of workers affected by the violations set forth under this Title. The employer, manager or their representative shall be held responsible thereof.
- b- Fines for the violations referred to above shall be doubled in case of reoffend.

Article 276:

Fines may not be deferred or decreased below minimum levels prescribed by law, for discretionary mitigating circumstances.

FINAL PROVISIONS

Article 277:

The provisions of the present Law shall apply to the employment contracts preceding and subsequent to the effective date hereof.

Article 278:

- a- Legal proceedings currently examined by the dismissal committees shall be referred to the competent court formed pursuant to the present Law, without any additional costs. Legal proceedings shall be carried on upon request of the person concerned.
- b- Applications for approving or rejecting dismissals currently filed with the competent directorate, shall be referred to the competent court for settlement thereof pursuant to the present Law.

Article 279:

- a- Law no 91/1959 and amendments thereof, and legislative decree no 49/1962 and amendments thereof are hereby repealed.
- b- The Minister shall issue the executive regulations hereof within three months of publication date.
- c- The applicable Trade Union Law shall apply to workers subject to the present Law.

Article 280:

This Law shall be published in the Official Gazette.

Damascus, on April 12, 2010.

The President of the Republic
Bashar el Assad