

L'ARGUS DE LA LEGISLATION LIBANAISE

ARGUS

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DOCUMENT

CODE OF LABOUR

A comprehensive English translation of the Lebanese Code of Labour

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CODE OF LABOUR

Law of 23 September 1946
(including modifications)

The Chamber of Deputies has adopted,
The President of the Republic promulgates the law worded as follows :

PRELIMINARY PROVISIONS

Article 1

The employer is any person, natural or juridical, who in an industrial, trading, or agricultural enterprise employs a worker in some capacity against wage or salary, even if this wage or salary is paid in kind or in profit-sharing.

Article 2

The worker is any man, woman or adolescent who works for consideration of a wage or salary in an employer's premises within the terms of reference indicated in the preceding article, in accordance with an individual or group contract, written or oral.

Article 3

Workers are classified into employees and workmen groups :

- The employee is any salary-earner who performs a desk job or a non manual job.
- The workman is any wage-earner who is not within the group of employees.
- As to trainees, casual or journeymen, they are likened to employees if they perform a job normally entrusted to employees and they are likened to workmen if they perform other jobs. The trainee is any worker still undergoing training and who has not acquired in his profession the technique of the skilled worker.

Article 4

The corporation is the body of workers, of employers, or of master-craftsmen who belong to one of the categories referred to in the following article and grouped into associations, in accordance with the terms set down under Title IV of the present law.

Article 5

Corporations are classified under four main headings :

- 1 - Industrial corporations;
- 2 - Trading corporations;
- 3 - Agricultural corporations;
- 4 - Professional corporations.

Article 6

The small craft industry is any industry or trade where the proprietor works by himself or with other hands without the direction of another employer, on condition that the number of assistants does not exceed fifteen including the members of the master-craftsman's family.

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Article 7

Are exempted from the present law :

- 1 - Domestic servants employed in private houses;
- 2 - Agricultural corporations which have no connection with trade or industry and which shall be the object of a special law;
- 3 - Family concerns employing solely members of the family under the management either of the father, the mother, or the guardian;
- 4 - Municipal or government services in what concerns the employees and casual wage-earners and journeymen, who are not governed by the civil servants regulations. These agents shall be the object of a special law.

Article 8

All employers, wage-earners and salary-earners, to the exclusion of those who are excepted by a special text, shall be submitted to the provisions of the present law. Equally submitted to this law are all establishments as well as their branches and subsidiaries whether they are of a trading or industrial character, of Lebanese or foreign nationality, public or private, secular or religious, including those cultural establishments, national or foreign, charitable associations and foreign companies operating a business or an agency or a branch in the country.

Article 9

Any natural or juridical person who, according to the provisions of the present law, employs any number of wage-earners and salary-earners in one of the establishments referred to in the preceding article, is required to make a declaration thereof to the Social Affairs Service within two months of the publication of this law in the Official Gazette. For concerns employing more than 25 persons, this declaration is to be accompanied by the personnel statutes in conformity with the requirements of the present law. A prior declaration must be made about new concerns within a time-limit of two months dating from their foundation. All establishments are, additionally, required to submit the following declaration :

- 1 - If an establishment referred to in the preceding article is planning to employ wage-earners and salary-earners whatever their number;
- 2 - If an establishment having ceased employing wage-earners and salary-earners, for at least six months, intends to resume hiring others;
- 3 - If an establishment employing wage-earners and salary-earners changes operator;
- 4 - If another establishment employing wage-earners and salary earners is removed to another site or if it is the object of expansion or transformation entailing modification in the nature of its industrial or trading pursuits;
- 5 - If an establishment employing no women or youths under sixteen years of age, plans to hire a number of them;
- 6 - If an establishment using no motive power or mechanical tools starts using them.

The declaration must be made out by the Head of this establishment and specify which of the above cases it answers, and indicate the name and address of the Declarant, the site of the establishment, the exact nature of the industries or trading carried on and, if the case so requires, the employment of women and youths under sixteen years of age and the use of driving power and mechanical tools.

TITLE I

CHAPTER 1 - Work contract

Article 10

No one who has not completed his 21st year of age is authorised to receive trainees of under sixteen years.

Article 11

No one may commit himself by any work covenant for his lifetime, nor pledge himself for his lifetime not to engage in a given profession. Any covenant which would directly or indirectly lead to these effects is void as a matter of right, irrespective of its form.

Article 12

The work contract may be either written or oral. In both cases it is submitted to the authority of Common Law. The written contract is to be worded in Arabic; it may however be translated into a foreign language if the foreign employer or wage-earner or salary-earner does not know Arabic.

Article 13 (abrogated by the Law promulgated by Decree No. 9640 of 6 February 1975)

Article 14

It shall be remitted to every wage-earner and salary-earner by the Social Affairs Service a book called "work book", bearing the name of the wage-earner or salary-earner, copy of his identity card, his speciality, medical examinations, the date of his entry and exit in each establishment. If the wage-earner or salary-earner so requires, the book may mention his daily, weekly, or monthly wage or salary.

Article 15

No employer, man or woman, bachelor, widow, separated or divorced may accommodate in his lodging a minor on his service.

Article 16

Persons who have been convicted and imprisoned for theft, forgery, breach of trust or swindling or for any offence or crime of misdemeanour may not receive trainees under age.

Article 17

The incapacity resulting from the preceding article may be lifted on petition by order of the Minister of National Economy ⁽¹⁾ if the condemned person after expiry of his penalty has resided for one calendar year in the same Mohafazat (governorate) without incurring a new conviction.

Article 18

The employer is required to teach the trainee, gradually and thoroughly, the trade or special profession for which he has been engaged.

At the end of the training period he shall deliver a certificate stating the trainee's proficiency.

Article 19

After the first two training months, which shall be considered as a trial period, the employer is bound to pay the trainee a wage equivalent to at least:

- One-third of the normal wage, for the first period;
- Half the wage, for the second period;
- Two-thirds of the wage, for the third period.

(1) Since 1951 the Social Affairs Service of the Ministry of National Economy has been styled "The Ministry of Labour and Social Affairs".

Article 20

All stipulations designed to outline the need and the terms of the training contract, as well as the exams at the end of the training period, shall be the object of decrees passed by the Council of Ministers.

Labour inspectors shall be charged to see to the execution of these decrees and to supervise the enforcement of the provisions of the present law. A decree shall determine the powers of these officials who are seconded to the Social Affairs Service of the Ministry of National Economy.

CHAPTER 2 - Employment of children and women

A - Employment of children

Article 21 (as modified by Law No. 536 of 24 July 1996)

The employment of adolescents under eighteen years of age is subject to the provisions of the present chapter.

Article 22 (as modified by Law No. 536 of 24 July 1996)

It is absolutely forbidden to set to work adolescents who have not yet completed their thirteenth year of age. An adolescent may only begin to work after a medical examination to ascertain that he can carry out the work for which he was hired.

Medical certificates are delivered free of charge by the Ministry of Public Health until the adolescent reaches the age of eighteen. They may be withdrawn at any time if it is later noticed that the adolescent is no longer capable of doing the work for which he was hired.

Article 23 (as modified by Law No. 536 of 24 July 1996 and
(Law No. 91 of 14 June 1999)

It is forbidden to set adolescents to work in industrial enterprises or in jobs which are too strenuous or detrimental to health, listed in Annexes No. 1 and No. 2 of the present law, before they have completed their fifteenth year of age.

It is also forbidden to set to work adolescents before they have completed their sixteenth year of age in jobs of a dangerous nature or which represent a threat to life, health or public morals because of the circumstances in which they are carried out.

These jobs shall be determined by decree issued by the Council of Ministers on the proposal of the Minister of Labour.

It is forbidden to set adolescents, who have not yet completed their eighteenth year of age, to work more than six hours a day, with a break of at least one hour if the daily working period exceeds four consecutive hours.

It is also forbidden to set them to work between seven o'clock in the evening and seven o'clock in the morning. A period of rest of at least 13 unbroken hours must be granted to the adolescent between two periods of work, and it is absolutely forbidden to set him to work on an additional job or to set him to work during daily or weekly periods of rest or during holidays or periods during which the establishment is closed.

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Every adolescent employed in an establishment for at least one year shall be entitled to an annual holiday of 21 days with full pay. The adolescent shall benefit from at least two-thirds of the period of holiday without interruption, and he shall benefit from the rest of the period during the same year.

Article 24

The establishment of the age of children and adolescents shall be effected under the responsibility of employers, irrespective of the categories to which they belong. They are required to ask every child or adolescent to produce his identity card before hiring him.

Article 25 (as modified by Law No. 91 of 14 June 1999)

Vocational training establishments may derogate to the provisions of article 22 and 23 on condition that the adolescent is not under full twelve years of age and on condition that the programme of the said establishments specifies the nature of the trades, the hours and conditions of work and that it is approved both by the Ministry of Labour and Public Health Services.

B- Employment of women

Article 26 (as modified by Law No. 207 of 26 May 2000)

The employer may not discriminate between working men and women with regard to :
type of work, amount of wage or salary, employment, promotion, professional qualification, and apparel.

Article 27

The employment of women is forbidden in all those industries and jobs listed in Annex No. 1 of the present law.

Article 28 (as modified by Law No. 207 of 26 May 2000)

Women working in all categories mentioned in the present law are entitled to a delivery holiday of seven weeks, comprising the period before and the period after delivery, on presentation of a medical certificate stating the presumed date of delivery.

Article 29 (as modified by Law No. 207 of 26 May 2000)

The wage or salary shall be paid in full during the delivery holiday.

The woman who has availed herself of the seven-week delivery holiday, with full pay, has the right to receive the wage or salary for the period of her ordinary annual holiday, which she may obtain during the same year, in compliance with article 39 of the Code of Labour.

It is forbidden to dismiss or to serve notice of dismissal on a woman lying-in, unless she is convicted of having been employed elsewhere in the course of the said period.

C- Provisions common to children and women

Article 30

Shall be penally responsible for the enforcement of the provisions of the present chapter concerning the employment of children, adolescents and women :

- 1 - Employers and their proxies;
- 2 - Parents or guardians who have hired out or allowed to be hired out their children or adolescents or the children or adolescents in their charge, contrary to the provisions of the present law.

CHAPTER 3 - Work hours and holidays

Article 31

Forty-eight hours is the maximum duration of work per week in the different categories listed in article 5, except the agricultural corporations.

As for the duration of work of children and adolescents, this must conform to the requirements of articles 22 to 25.

Article 32

Duration of work may be diminished by ministerial order from the Ministry of National Economy in a number of exacting and unwholesome jobs. It may be increased in certain cases such as restaurants and cafés.

Article 33

It is permissible to derogate to the requirements of article 31 in cases of emergency and to raise the duration of work to twelve hours a day on condition that :

- 1 - The requirements of paragraphs 2 and 3 of article 23 are observed;
- 2 - The Social Affairs Service is informed within 24 hours of the intervening case and of the time necessary to perform the work;
- 3 - That the wage or salary for the overtime provided by the wage-earner or salary-earner is 50% higher than the rate of normal hours.

Article 34

Whenever the duration of work exceeds six non-stop hours for men and five non-stop hours for women, the employer is required to allow these wage-earners and salary-earners in the middle of the day, a rest-time which is not to be under one hour.

A rest-time of unbroken nine hours is to be allowed wage-earners and salary-earners every twenty four hours, except in cases where the circumstances of work compel otherwise.

Article 35

In trading or industrial establishments, the employer or his agent is required to post in a visible place the work hours of the different categories of wage-earners and salary-earners, and to communicate copy of same to the Social Affairs Service.

Article 35/1 (as added by Law No. 48/66 of 26 August 1966)

By ministerial order from the Minister of Labour and Social Affairs issued on the proposal of the Director General, the opening, closing and working hours of establishments, as well as the similar or identical jobs and trades carried on by a group of natural or juridical persons, shall be fixed on the request of 60 per cent of the members of this group within a Mohafazat (governorate), a town or a Caimacamat (sub-governorate), or within a given region, village or district. A ministerial order shall lay down the basis to be adopted to determine the foregoing ratios.

Article 36

All wage-earners and salary-earners are to be granted a weekly rest which must not be under thirty-six unbroken hours. The employer is to select the day of this rest or distribute it among the wage-earners and salary-earners in sympathy with the requirements of the work.

Article 37

In the cases referred to in article 33, the wage-earner or salary-earner in charge of a job may choose, either to benefit from a rest equivalent to the weekly rest, of which he has been deprived, or to draw wage or salary for the hours during which he has worked.

Article 38

Every wage-earner or salary-earner whose father or mother or spouse or one of his children or grandchildren or one of his ascendants has died is entitled to a two-day holiday with full pay.

Article 39

Every wage-earner or salary-earner employed in an establishment for at least one year is entitled to an annual leave of fifteen days with full pay.

The employer may choose the date of these leaves in sympathy with the requirements of service. The employer may not dismiss the wage-earner or salary-earner nor serve him with dismissal notice while his leave is in progress.

Article 40 (as modified by the Law promulgated by Decree No. 7607 of 13 April 1974)

If the wage-earner or salary-earner is afflicted with a disease other than the diseases of his trade or labour accidents covered by Decree-Law No. 25/ET of 4 May 1943 ⁽¹⁾, he shall be entitled to a sick leave fixed as follows :

- 1 - Half a month with full pay and half a month with half pay for the wage-earner or salary-earner who has had three months' service or more up to two years' service.
- 2 - One month with full pay and one month with half pay for the wage-earner or salary-earner who has had more than two years' service and up to four years' service.
- 3 - One month and a half with full pay and one month and a half with half pay for the wage-earner or salary-earner who has had more than four years' service and up to six years' service.
- 4 - Two months with full pay and two months with half pay for the wage-earner or salary-earner who has had more than six years' service and up to ten years' service.
- 5 - Two months and a half with full pay and two months and a half with half pay for the wage-earner or salary-earner who has had more than ten years' service.

Article 41

These sick leaves shall be granted on the evidence of the medical report either of the wage-earner's or salary-earner's attending doctor, or the doctor of the establishment. The employer is entitled to have the certificate produced by the wage-earner or salary-earner checked by a doctor. These sick leaves may be renewed in the course of the year as many times as is necessary until the maximum time-limits listed in the preceding article have been exhausted. If these leaves exceed one month, the employer is entitled to reduce the annual leave up to eight days.

(1) Legislative Decree No. 25/ET of 4 May 1943 has been abrogated and replaced by Decree-Law No. 136 of 16 September 1983.

Article 42

The employer may not dismiss the wage-earner or salary-earner nor serve on him a dismissal notice while he is on sick leave.

Article 43

Any agreement contrary to the provisions of the present chapter concerning the duration of work and holidays is null as a matter of right. But wage-earners and salary-earners may take advantage of covenants or statutes which are more favourable to them.

CHAPTER 4 - Pay

Article 44

The minimum pay must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family, with due consideration to the nature of the work. Pay is not to be less than the official minimum pay.

Article 45

The minimum pay is fixed by commissions comprising representatives of the Ministry of National Economy, the employers, the wage-earners and salary-earners.

Article 46

The minimum pay assessed shall be rectified whenever economic circumstances render such review necessary.

Article 47

The pay, if it is not in kind, must be paid out in official money notwithstanding any clause to the contrary. It is to be paid at least once a month to employees and twice a month to workers.

For all piece work the execution of which is to last more than fifteen clear days, the date of payment may be fixed by mutual agreement, but the worker must receive down payments on account every fifteen days and be fully paid up within the fortnight following delivery of the piece of work.

Payment is to be effected on work days and in the work premises.

Article 48

Wage-earners' and salary-earners' pay for the last year is endowed with the character of preferential debts. It stands next in rank to Treasury claims for legal expenses and mortgages. These principles are applicable also in cases of insolvency.

Article 49

The wage-earner who holds an object wrought by him is authorised to exercise retaining rights, within the framework of the terms of article 677 of the Code of Obligations and Contracts.

Movable objects entrusted to a wage-earner for shaping, repairing or cleaning, and which have not been withdrawn within two years of the execution of work may be sold out as is provided by Legislative Decree No. 46 of 20 October 1932 regarding the pledge of movable objects, so that the wage-earner may be compensated for the sums owing him by the employer by reason of the object handed to the wage-earner.

CHAPTER 5 - Dismissal

Article 50 (as modified by the Law promulgated by Decree No. 9640 of 6 February 1975)

- A - The employer and the worker shall each have a right to terminate at any time the work contract of unspecified duration concluded between them.

However, in case of misuse or abuse of this right, the aggrieved party shall be entitled to claim indemnity assessed in conformity with the following bases :

- In case termination stems from the employer, indemnity shall be assessed in accordance with the nature of the worker's job, of his age, his service period, his family status, his health condition, the scope of the prejudice and the extent of misuse of that right, on condition that indemnity as awarded by the Court shall be neither less than the wages of two months nor higher than the wages of twelve months, (such indemnity to be) over and above those indemnities reverting to the worker due to the fact of his dismissal.
- In case termination stems from the worker on grounds other than those authorised by law, and if it should be proved that he has caused prejudice or embarrassment to the employer, indemnity for damages shall be valued at the equivalent of between one and fourth months' wages depending on the case, (such indemnity to be) over and above the indemnity due for previous notice mentioned in paragraph C.

- B - He who should deem that termination is the outcome of misuse or abuse of right, shall have to institute proceedings to this effect before the Conciliation Board within a time-limit of one month dating from his notification of termination; he shall have to ground his complaint on all modes of evidence.

The Conciliation Board shall adjudicate within a maximum time-limit of three months.

- C - The employer and the worker shall each be required to advise the other of intent to terminate the contract, one month in advance in case a period equal or under three years has elapsed since the implementation of the work contract, two months in advance in case more than three years and less than six years have elapsed, three months in advance in case more than six years and less than twelve years have elapsed, and four months in advance in case twelve years or more have elapsed.

Prior notice shall be effected in writing and shall be notified to the interested party; the latter shall be entitled to require clarifications of the causes on which termination is grounded if such causes are not indicated in the text of the notice.

The party who should infringe the provisions of the preceding paragraph shall be liable to pay to the other party an indemnity equal to the amount of wages of the time-limit of notice set by law.

If, after having terminated the contract without observing the obligation of prior notice, the worker should take service with a new employer who was aware of that situation, the latter shall be jointly held for what shall be awarded by the Court to the previous employer.

Contrary to the provisions of the present paragraph, in case the worker takes service as trainee, the worker as well as the employer shall be entitled to terminate the work contract without any prior notice or indemnity in the course of the three months following signing on.

- D - Dismissal shall be considered as being the fact of misuse or abuse of right if it should occur in the following cases :

- 1 - For a non valid reason or for reason in no way pertaining to the worker's fitness or behaviour within the establishment or to the sound management and smooth running of the establishment.
- 2 - For having adhered or not to a given trade union, or for having engaged in a legal trade union activity, within the laws and regulations in force or within the framework of a group or individual labour agreement.
- 3 - For having stood for elections, or for having been elected as member of a trade union office or having represented the establishment's labour force, throughout the period of such representation.
- 4 - For having lodged, in good faith, with the competent Services, a complaint regarding the implementation of the provisions of the present law and of texts referring thereto, or having brought a case against the employer on the same basis.
- 5 - For having exercised his individual or public liberties within the framework of the laws in force.

E - Contrary to the provisions of the first subsection of paragraph A, and excepting those cases mentioned in article 74 of the Code of Labour, dismissal of the members of Trade Unions Boards, duly elected, shall depend, during the period of their tenure, on recourse to the competent Conciliation Board.

In this event, the employer shall be required to set out the reasons behind dismissal, and he may immediately suspend the worker from further employment pending the delivering of the decision of the Conciliation board on the substance of the case.

The Conciliation Board chairman shall hold a special meeting to which both parties shall be convened for conciliation, within five days dating from recourse.

Should conciliation fail, the Conciliation Board shall, in a full dress meeting, examine the substance of the case and adjudicate within a maximum time-limit of one month.

In case dismissal is approved, the Board shall decide that the worker's rights be liquidated in conformity with the Code of Labour rules.

In case dismissal is not approved, it shall decide to compel the employer to reinstate the worker, under penalty of having to pay him, additionally to the legal indemnities to which the worker is entitled, a supplementary amount ranging between twofold and threefold the amount mentioned in paragraph A of the present article.

F - The employer shall be entitled to terminate all or part of his establishment's work contracts in the event of force majeure or of compelling economic or technical circumstances, such as reduction of the size of the establishment, or replacement of a manufacturing process by another, or final stoppage of work.

The employer shall be required to notify the Ministry of Labour and Social Affairs of his intent to terminate those contracts one month prior to execution; he shall equally be required to consult the Ministry on the programming of termination (of such contracts) taking into consideration workers' seniority in the establishment, their specialisation, their age, their family and social status, and finally the means deemed necessary for their re-employment.

G - Workers laid-off in conformity with the preceding paragraph shall have the benefit, within one year of their termination of service, of priority right (preference) for re-employment in the establishment from which they were laid off if work is resumed normally and allows their taking on for newly-created jobs.

Article 52 (as modified by Law No. 207 of 26 May 2000)

The dismissal notice may not be served on :

- 1 - The expectant mother.
- 2 - The woman on delivery holiday.
- 3 - Any wage-earner or salary-earner on ordinary holiday or on sick leave.

However, the employer is unencumbered by these restrictions if the wage-earner or salary-earner has found employment elsewhere in the course of the said holiday.

Article 53

If the employer fails to comply with the rules regarding the dismissal notice, he shall have to pay the wage-earner or salary-earner the wage or salary for the days comprised in the time-limit of the notice, or those for the days during which the dismissal notice may not be served.

Article 54

Pending the law on social security, the employer is required to pay the wage-earner or salary-earner dismissed for any reason other than those listed in article 74, a dismissal indemnity equal to one month pay per year of service, and to half a month pay if the wage-earner or salary-earner has been in service for less than a year.

Notwithstanding the number of service years, the dismissal indemnity may in no case exceed the total of ten months wages for wage-earners employed in professions, in handicraft, by master-craftsmen or by the persons mentioned in article 10 of the Code of Commerce.

Article 55 (as modified by Law No. 5/87 of 2 May 1987)

1 - The wage-earner or salary-earner of sixty years of age or who has seen twenty five years service in the same establishment may, on his request, be dismissed and benefit from the dismissal indemnity. This same wage-earner or salary-earner has also the right to continue to work until the age of full sixty-four years : At this age, his subjection to the provisions of the Code of Labour, and therefore to the rules regarding dismissal indemnity, shall end, unless the establishment where he works or the group work contract allows him to work beyond the age of sixty-four years.

- If the wage-earner, salary-earner or employee request the payment of his indemnity at the age of sixty years or after twenty-five years service in the same establishment, he shall have no right to a new dismissal indemnity in case he keeps his employment until the age of sixty-four years.

Article 56

The indemnities referred to in the preceding articles are due to all wage-earners and salary-earners irrespective of the category to which they belong, even if they are out of the strength, casual or journeymen, on condition that they have seen uninterrupted service for at least one year.

Sanctions concerning the dismissal indemnity lapse by time limitation within two years, dating from the day when the title to indemnity arises.

Article 57 (as modified by the Law promulgated by Decree No. 8496 of 2 August 1974)

The pay to be taken for the assessment of indemnities referred to in the preceding article is the last one paid before dismissal or the dismissal advance notice.

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Pay is understood to be the basic remuneration calculated at the time and encashed by the wage-earner or salary-earner, as well as the allowances and commissions added to the basic pay.

If pay was calculated in whole or in part on the basis of a commission, account shall be taken of the average sum actually encashed by the wage-earner or salary-earner during the twelve-month period before dismissal.

Article 58

The hiring out of service for a specific period resulting from a contract or the nature of the work are not submitted to the requirements of the present chapter concerning advance notice and dismissal indemnity.

Wage-earners and salary-earners having benefited from contracts for a specified period which has been renewed for at least two years, through contracting or by virtue of continuance of work are, in what concerns dismissal indemnity, likened to wage-earners and salary-earners under contracts of an unspecified period.

Article 59

Any clause in a contract for the hiring out of service and, generally, any agreement between the employer and the wage-earner or salary-earner before or while work is in progress, standing in the way of the provisions of Chapter 4 regarding wages or salaries, or diminishing the sums due to workers according to these provisions, is null as a matter of right.

But clauses of a specific covenant or of the personnel general statutes providing for more favourable conditions to wage-earners and salary-earners shall benefit them.

On their dismissal foreign wage-earners and salary-earners benefit from the rights accorded to Lebanese workers, on condition of reciprocity. Moreover they are required to obtain a work permit from the Ministry of National Economy.

Equally benefiting from the dismissal indemnity : the woman worker or employee who is bound to leave service because of marriage on condition that she serves advance notice on the employer within the time-limit referred to in article 13 and that she has seen more than one year service. This indemnity is payable only when marriage has been established.

Article 60

Should modification intervene in the legal situation of the employer through inheritance, sale, relinquishment, merger or other changes, in the form of the establishment or its going into partnership, all the work contracts in force on the day of such modification are maintained between the new employer and the establishment staff.

CHAPTER 6 - Protection of wage-earners and salary-earners

Hygiene and Security

Article 61

Without prejudice to the provisions of Legislative Decree No. 21 of 22/7/1936 regarding such establishments as may be dangerous, unwholesome or inconvenient, and to decrees and orders taken in pursuance of the above legislative decree and to the provisions of article 647 of the Code of Obligations and Contracts, the establishments referred to in article 8 of the present law must be kept in a constant state of cleanliness and offer the conditions of sanitation and convenience as may be required for the

These establishments must be so appointed as to ensure the security of the wage-earners and salary-earners. Machines, works, transmission devices, tools and engines must be set up in the best possible conditions of security.

Article 62

Decrees passed by the Council of Ministers on the advice of the Social Affairs Service shall determine :

- 1 - The overall measures of protection and hygiene applicable to all establishments subject thereto, notably in what concerns the security devices : lighting, ventilation and airing, drinkable water, lavatories, the removal of dust and smoke, bedding for the personnel, and fire-fighting.
- 2 - As and when necessities arise, the prescriptions required specifically in certain professions, or certain kinds of jobs.

Article 63

Regarding the enforcement of the decrees referred to in the preceding article, inspectors must serve notice on the Heads of establishments that they are to conform to the said prescriptions before drafting the procès-verbal.

Article 64

This warning is made out in writing and reproduced on a register provided to this end. It shall be dated and signed; it shall indicate the infringements established and fix a time-limit at the end of which such infringements shall have disappeared.

Article 65

It is forbidden to all Heads of establishments, Managers or Agents, Foremen and, broadly speaking, to all persons vested with authority over the wage-earners and salary-earners to allow the introduction or distribution in the establishments referred to in article 8 of the present law, of alcoholic drinks for consumption by the personnel on the premises of their work.

It is forbidden to all Heads of establishments, Managers, Agents, Foremen and, broadly speaking, to all persons vested with authority over the workers and employees to allow the admission or stay, in the establishments referred to in article 8 of the present law, of persons in a state of intoxication.

TITLE II

SOLE CHAPTER - Organisation of work

Article 66

Any employer with fifteen wage-earners and salary-earners or more on his service is required to lay down labour regulations and personnel statutes in his establishment.

These texts must bear the approval of the Ministry of National Economy.

Article 67

The statutes provided for in the preceding article may include a schedule of fines applicable on desk clerks and workers in the event of fault or negligence during work; if the statutes do not provide for a schedule, or if there are no statutes, such schedule shall be established by order from the Ministry of National Economy.

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When the schedule is being worked out, the considerations set down in the following articles must be taken into account.

Article 68

If in the course of work the wage-earner or salary-earner renders himself guilty of a grievous fault or of flagrant negligence or of infringement to the internal regulations of the establishment, the employer is entitled to impose on him by way of penalty a fine which shall not exceed the amount of three days' pay for a single fact.

Such fine is no longer applicable, if fifteen days have passed since the establishment of the fault, the negligence or the infringement.

Article 69

The employer who has sustained material damage resulting from fault, negligence or infringement to regulations is entitled to recoup the value of such damage out of the pay of the worker or employee.

Article 70

In no case can the sums so withheld exceed, for a single month, the amount of five days' pay.

Article 71

Fines imposed by way of penalty are to be fully allocated to mutual assistance works, excepting all others, created in the wage-earners' and salary-earners' interests, in conformity with the general rules that shall be determined by ministerial order from the Ministry of National Economy.

Article 72

The wage-earner or salary-earner put under arrest by Court decision is considered suspended, as a matter of course. On his release he shall resume his job or (assigned to) a similar work.

Article 73

Fines imposed on wage-earners and salary-earners shall be entered on a special register. The name of the penalised wage-earner or salary-earner, the nature of his offence and the date, the importance of the penalty and the terms of execution must be mentioned on the register.

Labour inspectors may have access to this register at any time and ask for whatever additional information on the subject of the penalties inflicted.

Article 74

The employer is entitled to cancel the work contract without paying any indemnity nor serve advance notice in the following cases :

- 1 - If the wage-earner or salary-earner has assumed a nationality that is not his;
- 2 - If the wage-earner or salary-earner engaged as trainee has not given satisfaction to the employer in the course of the first three months' service;
- 3 - If the wage-earner or salary-earner has been convicted of an act or has rendered himself guilty of a deliberate negligence with intent to cause material damage to the employer's prejudice. However, in order to take this reason for argument, the employer is required to inform in writing the Social Affairs Service of this infringement within three days of the establishment of the fact.

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- 4 - If despite repeated warnings which have been served on him in writing the wage-earner or salary-earner commits three times in the course of a single year an important infringement to internal regulations;
- 5 - If without valid reason the wage-earner or salary-earner absents himself more than fifteen days per year or more than seven days at a stretch.
Within twenty-four hours of his return the wage-earner or salary-earner is required to motivate his absence.
For his part the employer must give the wage-earner or salary-earner written warning of the number of days during which the wage-earner's or salary-earner's absence is considered groundless, whenever this is the case.
- 6 - If the wage-earner or salary-earner has been sentenced to a year's imprisonment or more for a crime he has committed or if he has been guilty of an offence on the premises of his work and during work hours, and if the wage-earner or salary-earner has been condemned for facts or acts designated and sanctioned by article 344 of the Penal Code.
- 7 - If the wage-earner or salary-earner commits an unprovoked assault on the employer or his responsible Agent on the premises.

Article 75

The wage-earner or salary-earner is entitled to leave work before the date provided for in the contract and without prior notice in the following cases :

- 1 - If the employer or his Agent has deceived him as to the conditions of work at the time when the contract was concluded. But the wage-earner or salary-earner forfeits his right from such argument if thirty days have elapsed since his engagement;
- 2 - If the employer does not honour his obligations towards the wage-earner or salary-earner, in conformity with the requirements of the present law;
- 3 - If the employer or his Agent commits a misdemeanour offence on the person of the wage-earner or salary-earner or on a member of his family;
- 4 - If the employer or his Agent is guilty of assault or battery on the wage-earner's or salary-earner's person.

Article 76

If the wage-earner or salary-earner leaves his work for one of the reasons designated in the preceding article, the dismissal indemnities provided for in the present law shall be paid over to him.

TITLE III

SOLE CHAPTER - Arbitration board

Article 77 (as modified by the Law promulgated by Decree No. 3572 of 21/10/1980)

One or several Labour Arbitration Boards shall be set up in each Mohafazat (governorate) to have jurisdiction on disputes mentioned in article 1 of this law. This Board shall be composed of :

- A judge, of the 11th grade or above
to be appointed by Decree on the proposal of the Minister of Justice
and after the approval of the Higher Council of the Bench. President
- An employers' representative and a workers' representative
to be appointed by decree on the proposal of the
Minister of Labour and Social Affairs. Members

Shall also be appointed two deputy members, one representing the employers and the other representing the workers, to substitute for the incumbent in case of absence or excuse, by decree on the proposal of the Minister of Labour and Social Affairs.

Shall be appointed in the Council a Government Commissioner, to be selected among the civil servants of the Third Category of the General Directorates, provided that he is holder of a LLB.

The duties and prerogatives of the Government Commissioner shall be determined by decree on the proposal of the Minister of Labour and Social Affairs. The Government Commissioner shall be appointed in conformity with the same procedure.

Article 78

The incumbents or the acting representatives of employers and wage-earners or salary-earners must meet the following conditions :

- 1 - Be of Lebanese nationality.
- 2 - Be fully twenty years of age.
- 3 - Have suffered no conviction for dishonourable offences or crimes.
- 4 - Have carried on their profession for at least five years.

Article 79

The Arbitration Board deals with :

- 1 - Disputes arising from the assessment of the minimum pay.
- 2 - Disputes arising from labour accidents covered by Legislative Decree No. 25 of 4 May 1943.
- 3 - Disputes arising from dismissal, dereliction of work, fines and, more generally, all disputes between employers and wage-earners or salary-earners resulting from the enforcement of the provisions of the present law.

Article 80

The Arbitration Board shall adjudicate disputes submitted for review in accordance with urgent procedure.

Such disputes are exempted from judicial fees; as for Court expenses, these are borne by the losing party.

Article 81

The Arbitration Board awards are open to no recourse, except for objection which may be initiated in accordance with normal procedure.

Article 82

The Arbitration Board members shall receive an indemnity to be fixed by decree.

TITLE IV - TRADE UNIONS

CHAPTER 1 - General provisions

Article 83

In every category of professions, employers on one hand, and wage-earners or salary-earners on the other, may set up a special trade union. This trade union is of juridical personality and is qualified to initiate legal proceedings.

Article 84

Trade unions are intended solely to protect and promote the professional interests of the corporation and to raise its standard, defend its interests and favour its progress economically, industrially or commercially.

All political activity is prohibited to trade unions, including participation in meetings or demonstrations of a political colour.

Article 85

It is forbidden to the one and same trade union to rally persons belonging to different professions, all the members of a trade union being required to carry on the same profession or similar professions.

Boundaries between similar professions and trades and the boundaries of professions whose members are authorised to merge into trade unions shall be laid down by ministerial order from the Ministry of National Economy on the proposal of the Social Affairs Service.

CHAPTER 2 - Formation of trade unions

Article 86

No employers' or wage-earners' and salary-earners' trade union may be established except after due authorisation from the Ministry of National Economy.

Article 87

Application for authorisation is filed with the Ministry of National Economy (Social Affairs Service). After consultation with the Ministry of Interior, the Ministry of National Economy issues an order of authorisation or refusal.

The trade union shall be considered legal only after publication of the ministerial order in the Official Gazette.

Article 88

The application for authorisation must be submitted in triplicate supported by three copies of the internal regulations and of the police record of the founder members.

Stamps are affixed on the first copy which shall be returned to the Applicants with the approval order.

The second copy is kept by the Ministry of Interior and the third by the Social Affairs Service.

Article 89

Every trade union must lay down internal regulations duly approved at the general meeting by a two-thirds majority of the attending members. It shall be enforceable only after approval by the Ministry of National Economy.

CHAPTER 3 - Membership

Article 90

Any employer or wage-earner or salary-earner is free to adhere to a trade union or not.

Argus

Article 91

Any person wishing to join a trade union must meet the following conditions :

- 1 - Be of Lebanese nationality and enjoy unrestricted civil rights;
- 2 - Carry on the profession at the time of application;
- 3 - Be fully eighteen years of age;
- 4 - Be convicted of no crime or dishonourable offence.

Article 92

Foreigners may join a trade union if they meet the conditions provided for in paragraphs 2, 3, 4 of the preceding article and if they have a work permit in Lebanon where foreign members are not eligible or qualified to vote. They are however entitled to delegate one from among them to defend their interests before the committee of the trade union.

Article 93

Applications for membership is presented to the trade union committee together with the identity card, and a work certificate approved by the Social Affairs Service and indicating that the Applicant carries on the profession represented by the trade union.

Within fifteen days the trade union committee must decide by secret ballot whether the Applicant is to be admitted or refused.

Article 94

The applicant may object to the refusal decision before the Social Affairs Service which then adjudicates his case.

Article 95

The trade union committee may exclude member who commits acts grievously contrary to the purpose of the trade union or who infringes its internal regulations or refuses to pay his subscription.

Article 96

Any member excluded from the trade union for reasons that he deems groundless may object against the exclusion decision before the Social Affairs Service which shall then adjudicate his case.

Article 97

Any member is entitled to withdraw from the trade union by a letter of resignation tabled before the president on condition that he is not indebted to the trade union treasury.

Article 98

The subscription rate shall be set down in the internal regulations. It may not be modified except following approval by two-thirds of the committee members and the ratification of the general meeting and the Ministry of National Economy.

CHAPTER 4 - Trade union management

Article 99

Every trade union is managed by a committee composed of a minimum four members and a maximum twelve. The internal regulations fix the exact number of members, due account being taken of these limitations.

Article 100 (as modified by Law No. 41/71 of 15 June 1971)

Committee members shall be elected for a term of four years by secret ballot. At the expiry of the first two years, half of the members shall be withdrawn by drawing lot and incoming members elected in their place. Members whose tenure has expired may be returned.

Article 101

On their first meeting the committee members elect from among themselves a chairman, a secretary, and a treasurer. The committee chairman is the representative of the trade union.

Article 102

The powers of the committee, of the chairman, of the secretary and of the treasurer, as well as their obligations, are set down in the internal regulations.

Article 103

The trade union committee is not authorised to incur any debts whatever or to accept donations in excess of one thousand Lebanese pounds without the approval of the general meeting and the authorisation of the Ministry of National Economy.

Article 104

The trade union is required to keep a register wherein there shall be entered the members' names, their age, place of origin, their residence, place of work, and another register showing all receipts and expenses.

CHAPTER 5 - Final provisionsArticle 105

The government is entitled to dissolve any trade union committee which has not taken into account its incumbent obligations or has performed acts exceeding its competence. Election of the new committee is to take place within three months following the date of dissolution. And should these facts be ascribed to one of the committee members, the government is entitled to request his replacement or to take legal action against him if need be.

Article 106

Trade unions may, under the name of Trade union Confederation, and within the same conditions as are imposed for the foundation of trade unions, merge together in order to organise their mutual relationship, provided that they are authorised to do so by the Ministry of National Economy.

TITLE V - PENALTIESArticle 107 (see Law of 17 September 1962)Article 108 (see Law of 17 September 1962)Article 109

The Court decision shall determine the time-limit in which the safety and health measures are to be carried out. If such measures are not executed within the time-limit set, the Court may ordain the closure of the establishment.

TITLE VI - LABOUR EXCHANGES

Article 110 (as modified by Law No. 39/71 of 14 June 1971)

Municipalities at the seat of each Governorate are required to set up a Labour Exchange which shall operate under the authority of the Municipality President and the supervision of the Social Affairs Service, Ministry of National Economy.

The creation of labour exchanges in other municipalities may be authorised by order from the Minister of National Economy.

Employment agencies, even those operating on a non-profit basis, are required to obtain a permit from the Ministry of Labour and Social Affairs. Agencies already in existence before the publication of the present law shall have to apply for a permit within a time-limit of three months.

The Minister of Labour and Social Affairs is authorised to cancel the said permit in case the proprietor of the employment agency fails to conform to the object for which the said agency was set up, or if he causes prejudice to interested parties or to public interest.

In order that the application for a permit is approved, it is required :

1 - If the applicant is a natural person :

A - That he is fully 21 years of age.

B - That he enjoys civil rights and has not been sentenced for a crime or grievous offence or for an infringement in connection with narcotics.

2 - If the applicant is a juridical person :

A - That it is duly formed in accordance with the laws in force.

B - That its articles and regulations entitle it to undertake such activity.

3 - A ministerial order from the Minister of Labour and Social Affairs shall frame the conditions required for the formation of private employment agencies.

Article 111

Labour exchanges are intended to :

1 - Receive, classify, co-ordinate and record in a special register, upon reception, applications for and offers of work for all categories of professions comprised in the corporations listed in the present law.

2 - Facilitate the hiring of the unemployed and take all steps for this purpose.

3 - Channel the unemployed in accordance with the country's economic needs and in conformity with their individual conditions and offers of work, to facilitate the shift of a wage-earner from one profession to another or from one region to another.

4 - To compile statistics on the number of the unemployed workers in each region and for each profession at times to be specified by the Ministry of National Economy.

TITLE VII - FINAL PROVISIONS

Article 112

The provisions of the present law do not apply to contracts running at the time of its publication, and all trade unions which are covered by articles 83 and subsequent ones of the present law, shall be submitted thereto within a time-limit of three months dating from its publication.

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Proceedings before the Courts of Common Law shall remain within the jurisdiction of these Courts.

Article 113

Decrees issued by the Council of Ministers shall fix the terms of execution of the requirements of the present law.

Article 114

All provisions of laws or regulations contrary to the present law or inconsistent with its purport are abrogated.

Beirut, 23 September 1946

Signed : Bechara Khalil El-Khoury

By the President of the Republic
The President of the Council of Ministers
The Minister of National Economy
Signed : Saade El-Mounla

The Minister of Justice

Signed : Ahmad El-Husseini

ANNEX No. 1**INDUSTRIES IN WHICH THE EMPLOYMENT OF CHILDREN,
ADOLESCENTS AND WOMEN IS PROHIBITED**

In conformity with the provisions of articles 22, 23 and 27, it is forbidden to employ children, adolescents and women in the following jobs and industries :

- 1 - Underground work in mines, quarries, and all stone extraction work.
- 2 - Oven work for the melting, refining and firing of mineral products.
- 3 - Silvering mirrors by the quicksilver process.
- 4 - Production and handling of explosives.
- 5 - Glass melting and firing.
- 6 - Oxyacetylene welding.
- 7 - Production of alcohol and all other alcoholic drinks.
- 8 - Duco painting.
- 9 - Handling, treatment or reduction of ashes containing lead, and de-silvering lead.
- 10 - Production of welding material or alloys with more than ten per cent lead content.
- 11 - Production of litharge, massicot, minium, white lead, mico-orange or lead sulphate, chromate or silicate.
- 12 - Mixing and pasting operations in the production or repair work of electric accumulators.
- 13 - Cleaning workshops where the operations listed under Nos. 9, 10, 11 and 12 are carried out.
- 14 - Operating driving engines.
- 15 - Repairing or cleaning driving engines on the run.
- 16 - Asphalt production.
- 17 - Tannery work.
- 18 - Work in warehouses of fertilisers extracted from excrement, manure, bone and blood.
- 19 - Cutting up animal carcasses.

The admission of adolescents in a factory or a workshop for training or technical preparation shall not be considered employment within the purport of this article, on condition that the factory or workshop has obtained due authorisation to this effect from the Ministry of Hygiene and Public Health.

ANNEX No. 2**INDUSTRIES IN WHICH THE EMPLOYMENT OF ADOLESCENTS IS
SUBJECT TO THE PRESENTATION OF A MEDICAL CERTIFICATE**

In conformity with the provisions of articles 22, 23, and 27, it is forbidden to employ children in the following jobs and industries. The employment of adolescents in these jobs and industries is subject to the presentation of a medical certificate :

- 1 - Blood baking.
- 2 - Bone firing.
- 3 - Soap baking.
- 4 - Tallow melting.
- 5 - Production of fertilisers.
- 6 - All leather preparation operations.
- 7 - Production of glue.
- 8 - Production of cement.
- 9 - Cotton ginning (working in halls where cotton gins and machines are installed).
- 10 - Glassmaking.
- 11 - Sugar production.
- 12 - Cotton pressing.
- 13 - Printing.
- 14 - Handling and raveling of rags.
- 15 - Preparation of hemp, flax and wool.
- 16 - Marble and stone hewing and sculpture.
- 17 - Coppersmith work.
- 18 - Tobacco handling.
- 19 - Spinning, weaving and knitting of silk, cotton, and flax by means of machinery.
- 20 - Building works, except for rural constructions not exceeding a maximum eight metres in height.
- 21 - Paints and varnishes production.
- 22 - Forging.
- 23 - Transport of passengers and goods by road, rail or waterways, as well as the handling of goods.