



## Republic of Yemen

### Presidential Legislative Order to promulgate the Labour Code, Act No. 5 of 1995.

*(Unofficial translation by the International Labour Office)*

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## CHAPTER I. GENERAL PROVISIONS

### Article 1

This Act shall be called the Labour Code.

### Article 2

For the purposes of the provisions of this Code the following terms and expressions shall, unless the context requires otherwise, have the meanings assigned to them below:

- "*the Republic*": the Republic of Yemen;

- "**the Ministry**": the Ministry of Social Security, Social Affairs and Labour;
- "**the Minister**": the Minister of Social Security, Social Affairs and Labour;
- "**the competent Minister**": the Minister whose competence covers the activities of a given employer;
- "**the Arbitration Committees**": Arbitration Committees established in the capital and in each of the governorate of the Republic to settle labour disputes;
- "**the representatives of employers**": the General Federation of Chambers of Commerce and Industry;
- "**the representatives of workers**": the General Federation of Trade Unions or the general union concerned;
- "**the general union**": the trade union concerned;
- "**trade union committee**": trade union committee elected at the workplace;
- "**employer**": any natural or legal person employing one or more workers in return for wages in any sector of activity subject to the provisions of this Code;
- "**worker**": any man, woman or young person working for an employer, under his supervision even if not within his sight, in consideration of a wage, under a written or unwritten contract of employment;
- "**basic wage**": the payment made by the employer to the worker in consideration of his work, whether in cash or in kind which may be evaluated in currency, excluding any entitlements other than the basic wage;
- "**full wage**": the payment made by the employer to the worker in consideration of his work, whether in cash or in kind which may be evaluated in currency, including all entitlements of any kind;
- "**work**": any effort exerted by the worker (intellectual or physical or both) in return for remuneration, irrespective of whether such work is permanent or temporary;
- "**casual work**": any job which is not part of the activity of an employer and whose completion does not require more than four months;
- "**seasonal work**": any work which, by virtue of its nature or circumstances is carried out at fixed seasons of the year and whose duration does not exceed six consecutive months;
- "**young person**": any male or female person under 15 years of age;
- "**temporary work**": a job which, by nature, is completed within a limited period or which, being related to a specific job, ends when that job is completed.

### Article 3

1. The provisions of this Code shall apply to all employers and workers except those covered by a special provision of this Code;
2. The provisions of this Code shall not apply to the following categories:
  - (a) employees of the state administration and the public sector;
  - (b) officers of the judiciary and the diplomatic and consular corps;
  - (c) staff of military and security establishments;
  - (d) foreigners seconded to work with the State;
  - (e) foreigners working in the Republic under an international Convention to which the Republic is a party, this exemption being subject to the limits set by the Convention in question;
  - (f) foreigners holding diplomatic or special passports who have obtained a visa and who work in the Republic subject to the conditions of such political visas as may be issued to them;
  - (g) casual workers;
  - (h) persons related to and working with the employer who are effectively his dependants regardless of their degree of kinship;
  - (i) household servants and workers of equivalent status;
  - (j) persons employed in agriculture and pastoral work other than:
    - (i) persons employed in agricultural corporations, establishments or associations or in enterprises which process or market their own products;
    - (ii) persons who, on a permanent basis, operate or repair mechanical equipment required for agriculture or permanent irrigation works;
    - (iii) persons working in livestock husbandry.

#### **Article 4**

The status of some categories covered by paragraphs 7, 9 and 10 of Article 3 may be regulated in accordance with the provisions of this Code and certain provisions of the Code may be applied to them by order of the Council of Ministers, acting upon a submission by the Minister.

#### **Article 5**

Work is a natural right of every citizen and a duty for everyone who is capable of working, on the basis of equal conditions, opportunities, guarantees and rights without discrimination on grounds of sex, age, race, colour, beliefs or language. The State shall, as far as possible, regulate the right to access to work through development planning of the national economy.

#### **Article 6**

The provisions of this Code shall represent minimum standards for the rights of workers and conditions of employment. Where special regulations on employment relationships lay down more favourable conditions and guarantees, the most favourable conditions shall apply to the workers, whether those of this Code or those of such special regulations.

#### **Article 7**

Employment relationships shall conform to the provisions of this Code on the following basis:

- 1. It shall be forbidden to impair or avoid any workers' rights under a contract of employment in violation of the provisions of this Code.
- 2. The conditions of employment and rights specified in this Code shall apply to workers subject to such more favourable conditions as may be contained in their contract of employment.
- 3. All employment contracts in force at the time of promulgation of this Code shall remain valid provided that they are more favourable for workers and their renewal does not imply any deterioration of the conditions of employment and rights of workers, even where they are not less than the minimum standard of conditions of employment prescribed in this Code.

#### **Article 8**

Any amount due to a worker or his beneficiaries under the provisions of this Code shall constitute a priority debt against an indebted employer's movable and immovable property and shall be settled before any other debts including any legal expenses and sums due to the public treasury.

#### **Article 9**

For the purposes of the provisions of this Code a calendar year shall be deemed to consist of 365 days and a month, of 30 days, unless otherwise specified.

#### **Article 10**

Arabic shall be the language used in all employment relationships, registers and documents in the Republic. It shall be forbidden to plead against a worker with any document written in a foreign language, even if such document were signed by the worker. Where a document is in both Arabic and a foreign language, the Arabic version shall be regarded as authoritative in its interpretation and application.

#### **Article 11**

1. A Labour Council shall be established by order of the Council of Ministers in accordance with a proposal of the Minister. This Council shall be composed of representatives of the Ministry and representatives of workers

and employers and shall lay down guidelines and submit recommendations to the Government in relation to the following matters:

- (a) draft labour laws and regulations;
- (b) general policy on wages, incentives and other benefits;
- (c) vocational training and rehabilitation of workers.

2. The order of the Council of Ministers shall specify the names of the members of the Labour Council and its rules of procedure.

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## CHAPTER II. RULES ON EMPLOYMENT

### Article 12

Upon starting up his business, an employer shall submit to the Ministry or to its competent office the following information:

- 1. the name of his enterprise, its address and the date of its establishment;
- 2. the nature of the work carried on by the enterprise and the number of workers it employs;
- 3. the name of the person responsible for administering the enterprise;
- 4. any other information requested by the Ministry or its competent office.

### Article 13

1. Any person able and willing to work may apply for registration with the Ministry or one of its offices in the district of his residence, indicating his age, occupation, qualifications, previous experience and address. The authority to which the application is submitted shall register it in a special register in numerical sequence as soon as it is received and shall issue the applicant with a receipt indicating the date and time of the application as well as the corresponding registration number and any other necessary information.

2. The Ministry and its offices shall propose the candidature of persons registered with them for jobs suited to their age and occupational skills taking account of the sequential order of applications.

### Article 14

1. Every employer shall notify the Ministry, or the office within whose jurisdiction his workplace is located, of any job vacancies at his establishment, giving a description of each job, the wages offered and the deadline for filling it. Such notification shall be given in writing within seven days of the vacancy arising. Employers shall, within ten days of the date on which a worker commences work, return his certificate of registration to the issuing authority, stating the worker's date of commencement, the remuneration paid to him and his type of work. He shall register the number and date of the worker's certificate against the name of the worker in the workers' register at the establishment.

2. Where the Ministry or its competent office fails to nominate workers for vacant jobs within 15 days of the date of notification in accordance with the provisions of the previous paragraph, the employer may fill such vacancies with applicants who meet the job requirements, provided that he notifies the Ministry or its competent office within seven days of filling the said vacancies.

3. The enterprises and employers to which the provisions of this article apply shall be specified by order of the Minister.

### Article 15

Employers shall, according to their resources and available opportunities, employ disabled persons nominated by the Ministry or its branch offices up to a proportion of 5 per cent of their total workforce in jobs and professions suited to their capabilities and potential so as to ensure that they enjoy all the rights provided for in this Code.

#### **Article 16**

It shall be prohibited for any natural or legal person to carry on the business of recruiting or importing labour on behalf of an employer.

#### **Article 17**

The Minister shall make an order specifying the regulations governing the employment of young persons, the circumstances, conditions and situations in which they may be employed and the jobs, occupations and industries in which they are to be employed.

#### **Article 18**

All transactions related to the employment of Yemenis shall be free of charge and exempt from any financial charges.

#### **Article 19**

1. It shall be forbidden for a non-Yemeni to work unless he has an official work permit issued by the Ministry or by one of its offices. It shall be forbidden for an employer to employ non-Yemenis unless they have obtained such permits.

2. The provisions of this article shall apply to non-Yemenis working in sectors not covered by the provisions of this Code.

#### **Article 20**

The employment of non-Yemenis shall be subject to the following conditions:

- 1. obtention of residence and work permits;
- 2. possession of the occupational qualifications required for the job and full medical fitness;
- 3. work in the job for which the permit was issued;
- 4. obtention of the appropriate permit in the case of occupations requiring special permits;
- 5. employment in a craft or occupation for which no qualified Yemeni is available.

#### **Article 21**

The number of non-Yemeni workers working for an employer shall not exceed 10 per cent of his total Yemeni workforce. The Minister may increase or reduce that proportion if necessary, in accordance with such guidelines as may be decided by the Council of Ministers.

#### **Article 22**

1. Any employer who wishes to engage foreigners shall submit an application for permission to bring them into the country in the form to be specified by the Ministry, provided that such application shall include the following information:

- (a) the name of the employer, his nationality, occupation and main place of work;
- (b) the name and surname of the worker whose immigration is requested, his nationality, religion, date of birth, original place of residence and family status;
- (c) the nature of the work to be performed by the worker and the nature of his previous work;

- (d) the period for which the worker is expected to be employed;
- (e) whether the worker has previously entered the Republic and the reason for and date of such entry, and the date of exit and reasons for leaving;
- (f) the total number of foreign workers employed by the employer, the number of such workers engaged in the same work as that to be performed by the worker concerned and the number of Yemeni workers working for the employer;
- (g) Such other information as may be required by the Ministry or its competent office.

2. An application under the previous paragraph of this article shall be submitted together with:

- (a) a certificate from the Ministry or its competent office establishing that there are no Yemeni nationals available to perform the work to be done by the foreigner;
- (b) a certificate establishing the technical qualifications and experience of the worker whose employment is requested, together with a certified Arabic translation thereof if the certificate is in a foreign language;
- (c) a copy of the prospective contract of employment to be concluded with the worker, specifying in sufficient detail the amount of his remuneration and of any allowances and benefits in cash or kind;
- (d) a description of the projects and work being carried out by the employer at the time of the application, supported by the necessary documentary evidence;
- (e) such documents or information as the Ministry or its competent office may request.

### **Article 23**

1. Employers shall submit to the Ministry or its competent offices an application for the renewal of the work permit of a non-Yemeni worker at least one month before its date of expiry.

2. The Ministry or its office shall complete the renewal procedures provided for in paragraph 1 at the latest within two weeks of the date of expiry of the permit in accordance with the Code.

### **Article 24**

1. Upon registration, a non-Yemeni worker shall, against payment of a fee, receive a work permit indicating all the necessary information concerning his particulars, work and place of residence in the Republic.

2. A non-Yemeni worker shall not be required to pay the fee for his work permit in cases covered by a reciprocal arrangement.

3. The Council of Ministers shall make an order specifying the fees for the issuance and renewal of work permits for non-Yemeni workers, the issuance of a replacement for a lost permit or a copy of a permit and the cost of the applications to be filled out for these purposes.

### **Article 25**

Any employer employing a non-Yemeni worker shall:

- 1. within two weeks of the date of commencement of work, record in a special register the worker's name and all the information given in his work permit;
- 2. appoint a Yemeni counterpart to the non-Yemeni worker, where such local counterpart is available with adequate qualifications and skills, for the entire duration of the non-Yemeni's employment, provided that a period of training is obligatory for both the non-Yemeni worker and his counterpart;
- 3. notify the Ministry immediately of any changes in the non-Yemeni worker's status.

### **Article 26**

1. The employment of a non-Yemeni shall be prohibited where:

- (a) he previously worked in Yemen and was dismissed for misconduct or for having been sentenced by a court;
  - (b) he left the service of his employer or of an administrative body or one of its establishments;
  - (c) he entered the Republic for reasons other than work;
  - the Ministry ascertains the possibility of nominating a worker to the advertised vacancy.
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## **CHAPTER III. CONTRACTS OF EMPLOYMENT**

### **Part I. Regulation of contracts of employment**

#### **Article 27**

A contract of employment is an agreement between an employer and a worker to lay down terms of employment, whereby the worker undertakes to work under the direction and supervision of the employer in consideration of a remuneration.

#### **Article 28**

Upon signing a contract of employment a worker may be subject to a probationary period not exceeding six months with the same employer, to be stipulated in the contract. It shall be forbidden to employ a worker on probation more than once for the same job.

#### **Article 29**

1. The duration of a Yemeni worker's contract shall be considered unlimited unless otherwise specified by agreement between the two parties.
2. A contract of employment which expires shall be considered valid for the same duration as that initially provided for if the employment relationship between the two parties effectively continues.
3. The service of a worker shall be considered continuous throughout the validity of his contract of employment, without its continuity being broken by statutory leave, with or without pay, or by any other contingency provided for in this Code.

#### **Article 30**

1. A written individual contract of employment shall be drawn up in three copies, the original being given to the worker, a copy to the employer and a copy to the competent office of the Ministry. All copies shall be signed by both parties. In the absence of a written contract, it shall be up to the worker to establish his rights by any admissible evidence.
2. A contract of employment shall basically specify the amount of remuneration, the type of work, the place of work and the date of commencement and duration of employment.
3. A worker may request his employer to provide him with a receipt for any documents, records or certificates entrusted to him.
4. Contracts relating to work in cooperatives shall be considered contracts of employment and each worker shall receive a copy thereof as soon as he begins work.
5. The procedures followed by an employer to apply the terms of a contract shall be established in writing and a copy of such procedures shall be issued to each worker.

#### **Article 31**

1. In the event of a change of employer for any reason whatsoever before the expiry of the contract of employment, the person succeeding the original employer shall be considered responsible for the performance of such obligations as may arise out of the contract of employment unless otherwise agreed.
2. Where a contract of employment is concluded by a subcontractor, the principal employer shall be jointly liable for the performance of all such obligations as may arise out of the contract of employment if circumstances prevent the subcontractor from performing them.

### **Article 32**

1. A collective agreement (collective contract of employment) shall be drawn up in writing in accordance with the model established by the Ministry and shall include the basic terms related to conditions of work, undertakings concerning wages and the procedure for their payment, hours of work and rest, financial incentives, conditions regarding protection of employment, specifications of the occupation covered by the agreement and any other terms on which the employer and the trade union committee or workers' representatives agree in accordance with the legislation in force.
2. The union committee or workers' representatives shall collectively discuss, agree upon and sign the draft collective agreement at a general meeting of the workers and on their behalf. Such agreement shall be binding upon all the workers. Any collective agreement not collectively discussed with the workers shall be invalid.
3. The provisions of a collective agreement shall apply to the workers in the service of the employer after the entry into force of the agreement.
4.
  - (a) It shall be forbidden to conclude an individual contract of employment with terms at variance with those of a collective agreement in respect of work covered by the said collective agreement.
  - (b) The provisions of this article shall be without effect on individual contracts of employment concluded while a collective agreement is in force provided that the terms of employment provided for in such individual contracts of employment shall not be less favourable than those provided for in the collective agreement and provided that their duration does not exceed that specified for the completion of work in respect of temporary jobs not covered by the collective agreement.
5. The union committee or the workers' representatives shall submit to a general meeting of the workers any amendments or additions which the employer proposes to enter in or add to a collective agreement.
6. Any term of a collective agreement likely to cause a breach of security or to damage the economic interests of the country or yet to come into conflict with the laws and regulations in force or with public policy or public morals shall be invalid.

### **Article 33**

1. Employers and the union committees or general union representing workers in more than one workplace may conclude a common collective agreement.
2. Employers and union committees that are not parties to such agreement may accede to it independently on the basis of a written agreement between the two parties requesting accession, without needing the consent of the original contracting parties. The application for accession shall be submitted to the competent office of the Ministry after signature by the two parties requesting accession.
3. Any trade union organization which is a party to a collective agreement may institute legal proceedings for a violation of the agreement on behalf of any of its members without needing to be mandated by him for that purpose. A union member may intervene in a suit thus filed on his behalf and may institute proceedings independently from the trade union.



## **Article 34**

1. A collective agreement shall be concluded in sufficient copies to provide one for each of the contracting parties and one for the Ministry. The workers may obtain a copy of such agreement and a copy of any documents concerning accession thereto.
2. A collective agreement shall not be binding unless it is reviewed and registered by the Ministry or its competent office. In the event of an objection to the agreement, the Ministry shall notify the parties concerned of the reasons for its objection within 30 days of the date of receipt of the agreement. In the absence of any objection within this period, the agreement shall be considered valid. Any of the parties to the agreement may appeal against an objection before the competent Arbitration Committee within 30 days of the date of the objection.
3. The Ministry or its competent office shall record in the register of collective agreements, any amendment, supplement, renewal, termination or expiry concerning collective agreements.
4. Any person shall have the right to obtain from the Ministry or its competent office an authentic copy of a collective agreement and documents of accession thereto against payment of the prescribed fees.

## **Part II. Termination of contract of employment**

### **Article 35**

1. An employer may unilaterally terminate a contract of employment without written notice or payment of wages for the period of notice, in the following cases:
  - (a) if the worker assumes a fraudulent identity or presents forged certificates or documents;
  - (b) if the worker is convicted under a final judgement of an offence damaging to his honour, honesty or public morals;
  - (c) if the worker is found in a state of inebriation or under the effect of a drug during working hours;
  - (d) if, during work or for a reason related to work the worker assaults the employer or his representative or his direct supervisor in a manner punishable by law or if he physically assaults another worker at the workplace or for a reason related to work;
  - (e) if the worker fails to prove his competence for work during his probationary period;
  - (f) if the worker commits a fault which results in material loss for the employer, provided that the employer shall notify the competent authorities of the incident within 48 hours of his becoming aware of it;
  - (g) if the worker fails to observe instructions for the safety of the workers and work after being warned to that effect, provided that such instructions shall be detailed in writing and posted visibly in the workplace;
  - (h) if the worker fails to fulfil basic obligations arising from his contract of employment;
  - (i) if the worker carries a firearm at the workplace, except where his job so requires;
  - (j) if the worker divulges a secret concerning the job he performs or which came to his knowledge because of his job;
  - ((k) if the worker fails to comply with a final judgement delivered in accordance with the provisions of Chapter XII, Part I, of this Code, or if he fails to abide by the provisions of this Code.
2. A worker may unilaterally terminate his contract of employment without prior written notice to the employer in the following cases:
  - (a) if the employer or his representative misled the worker as to his conditions of employment at the time of concluding the contract;
  - (b) if the employer or his representative commits a morally offensive act towards the worker or a member of his family;

- (c) if the employer or his representative assaults the worker;
- (d) in the event of a serious threat to the safety or health of the worker provided that the employer is aware of the said threat and has not adopted the prescribed measures or failed to take such measures as the competent authority may have prescribed at the appropriate time;
- (e) if the employer fails to perform his contractual obligations towards the worker;
- (f) if the employer substantially changes the job for which the worker was employed, without his consent.

3. A contract of employment may be terminated without prior notice to either of the contracting parties in the following cases:

- (a) if both parties agree in writing to terminate the contract;
- (b) if the specified term of the contract expires, unless it is implicitly renewed through effective continuation of the employment relationship;
- (c) if a final judgement is delivered to terminate the contract;
- (d) if the worker dies.

### **Article 36**

Either party to a contract of employment may terminate the contract, provided that the party wishing to do so shall notify the other, in any of the following cases:

- (a) if one of the parties fails to observe the terms of the contract or labour legislation;
- (b) if work permanently ceases, either entirely or in part;
- (c) if there is reduction in the number of workers for technical or economic reasons;
- (d) if the worker absents himself without legitimate reason for more than 30 days within the same year or for 15 consecutive days, provided that termination of contract is preceded by a written warning from the employer after 15 days of absence in the former case and seven days in the latter;
- (e) if the worker reaches statutory retirement age;
- (f) if the worker is declared unfit to work by decision of the competent medical committee.

### **Article 37**

It shall be forbidden for an employer to terminate a contract of employment in the following cases:

- 1. during any of the worker's leave provided for in this Code and regulations made thereunder;
- 2. during the investigation of a dispute between the employer and the worker, provided that such investigation shall not exceed four months, unless the worker commits another violation which requires his dismissal;
- 3. during the worker's detention by the competent authorities in connection with his work, pending a final decision in the matter.

### **Article 38**

1. If a contract is terminated by one of the parties thereto in accordance with article 36, the party wishing to terminate the contract shall give the other party prior notice of termination equivalent to the period prescribed for the payment of wages or pay the wage for such period in full in lieu of notice.

2. If either party refuses to receive notice of termination of the contract, the notice may be deposited with the Ministry or one of its offices.

3. The period of notice provided for in paragraph 1 of this article shall be calculated as follows:

- (a) 30 days for workers with monthly wages;
- (b) 15 days for workers with half-monthly wages,

- (c) one week for workers working on the basis of production or piece work, or hourly or daily or weekly rates.

4. If the worker's wage is calculated on the basis of sub-paragraphs (b) and (c) and paid at the end of each month, the calculation of the period of notice and corresponding wages shall be on the basis of 30 days.

#### **Article 39**

Should the employer rescind the contract of employment arbitrarily or if the contract is terminated in accordance with the provisions of paragraph (2) of article 35, the worker shall, in addition to his entitlement to wages, for the period of notice and any other entitlements provided for in this Code and the labour legislation giving effect to it, be entitled to special compensation for damages sustained as a result of termination. In all cases, the amount of such compensation shall be determined by the competent Arbitration Committee, subject to a ceiling of six months' wages.

#### **Article 40**

Should the contract of employment be terminated by the expiry of its specified term while negotiations are being conducted to renew or extend it, the contract shall continue to be valid during such negotiations for a maximum period of three months. If within the said period, the negotiations fail to produce results securing continuity of the contract, the contract shall be considered terminated.

#### **Article 41**

The employer shall upon the termination of a worker's contract, provide the worker, free of charge, with a certificate of severance indicating the date of his entry into service, the date on which his services were terminated, the nature of his work and the amount of his remuneration.

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## **CHAPTER IV. REGULATION OF THE EMPLOYMENT OF WOMEN AND YOUNG PERSONS**

### **Part I. Regulation of women's employment**

#### **Article 42**

Women shall be equal with men in relation to all conditions of employment and employment rights, duties and relationships, without any discrimination. Women shall also be equal with men in employment, promotion, wages, training and rehabilitation and social insurance. The requirements of job or occupational specifications shall not be considered as discrimination.

#### **Article 43**

1. Women's working time shall be five hours a day as from their sixth month pregnancy and, if breast-feeding, until the end of the sixth month after childbirth. Such working time may be further reduced for health reasons on the basis of a certified medical report.

2. The working time of women breast-feeding their children shall be reckoned from the day following the end of maternity leave to the end of the sixth month after the birth of the child.

#### **Article 44**

It shall be forbidden to assign a woman to overtime work as from the sixth month of her pregnancy and during the first six months following her return to work after maternity leave.

## **Article 45**

1. A pregnant worker shall have the right to maternity leave with full pay for 60 days.
2. A pregnant women shall not, under any circumstances, be employed during her maternity leave.
3. A pregnant worker shall be granted a further 20 days' leave, in addition to the days mentioned in paragraph 1, in the following cases:
  - (a) if her labour was difficult as established by a medical report,
  - (b) if she gives birth to twins.

## **Article 46**

1. It shall be prohibited to employ women in industries and occupations which are hazardous, arduous or harmful to their health or social standing. The occupations prohibited under this paragraph shall be specified by order of the Minister.
2. It shall be forbidden to employ women at night, except during the month of Ramadhan and in the jobs which shall be specified by order of the Minister.

## **Article 47**

An employer who employs women shall post in a visible place at the workplace the regulations governing the employment of women.

## **Part II. Regulation of the employment of young persons**

### **Article 48**

1. It shall be forbidden to employ a young person for more than seven hours per day or 42 hours per week. Weekly hours of work shall be distributed over six working days followed by one day of rest with full pay.
2. Daily hours of work shall be broken by a period of rest of not less than one hour. A young person shall not work continuously for more than four hours.
3. It shall be forbidden to make a young person work overtime or at night except in those jobs to be specified by order of the Minister.
4. The hours a young person spends in training during his daily hours of work shall be considered as official working time.
5. It shall be prohibited to make a young person work during his weekly periods of rest, official holidays and other leave.

### **Article 49**

1. It shall be forbidden to employ a young person without his guardian's approval and without notifying the competent office of the Ministry accordingly.
2. It shall be forbidden to employ a young person in a remote place isolated from inhabited areas.
3. Employers shall provide young persons with a healthy and safe working environment in accordance with the conditions and circumstances specified by the Minister.

4. It shall be prohibited to employ young persons in arduous work, harmful industries or jobs which are socially damaging. Such jobs and industries shall be specified by order of the Minister.

#### **Article 50**

1. A young person shall be entitled to 30 days of annual leave for each year of effective service to be calculated on the basis of two-and-a-half days per month of effective service.

2. Employers shall grant young persons their full annual leave on time.

3. It shall be forbidden for a young person or his guardian to waive his annual leave entitlement or any part thereof, even in consideration of compensation.

#### **Article 51**

Employers employing young persons shall:

- (a) keep a record of young persons and their social and occupational status indicating their names, age, name of guardian, date of entry into service, place of residence and any other information prescribed by the Ministry;
- (b) have them undergo a preliminary medical examination and regular examinations whenever necessary to ensure their medical fitness and keep a medical record for each young person containing all the information related to their medical history;
- (c) post in a visible place the regulations governing the employment of young persons.

#### **Article 52**

Employers shall pay young persons fair wages in consideration of their work in occupations equivalent to those of adults provided that such wages shall, in any event, be not less than two-thirds of the minimum wage for the occupation concerned. They shall pay the wage to the young person himself. The Council of Ministers may, acting on a submission by the Minister and a recommendation from the Labour Council, make an order specifying minimum wages for certain occupations and jobs in which young persons are employed.

#### **Article 53**

The provisions of this Part shall not apply to young persons working with their family under the supervision of the head of the family, provided that their work is performed in suitable health and social conditions.

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## **CHAPTER V. WAGES AND ALLOWANCES**

### **Part I. Wages**

#### **Article 54**

Wage scales and categories for particular jobs and occupations shall be determined according to the volume and type of work involved in accordance with the following principles:

- (a) nature of functions, duties and responsibilities;
- (b) qualifications and experience required to perform the job;
- (c) importance and role of work in the development and quality of production;
- (d) yield of work;
- (e) working conditions and location of workplace;
- (f) efforts made by the worker.

## **Article 55**

1. The minimum wage payable to a worker shall not be less than the minimum wage paid by the state administration.

2. The average daily minimum wage of a worker remunerated on the basis of production piece rates shall not be less than the daily minimum wage specified for the occupation or industry concerned. The daily wages of workers not paid on a monthly, weekly or daily basis shall be calculated on the basis of the average wages earned by their counterparts for days effectively worked for the same employer over the past year or during their period of service if less than one year.

## **Article 56**

Wages for overtime work shall be calculated according to the following rates:

- (a) one-and-a-half hours' basic wages per hour of overtime on normal working days;
- (b) two hours' basic wages per hour of overtime at night, on the day of weekly rest, and on official holidays and leave, in addition to entitlement to standard wages for such holidays.

## **Article 57**

1. A worker performing night work shall be entitled to an allowance equivalent to 15 per cent of his basic wages, in addition to his entitlement for normal working hours.

2. A worker performing shift work, shall be entitled to an allowance equivalent to 10 per cent of his basic wages, in addition to his entitlement for normal working hours.

3. A worker shall be entitled to a night work allowance or a shift work allowance if he works on either basis for a period exceeding ten consecutive or non-consecutive days in a month. It shall be forbidden to combine a night work allowance with a shift work allowance.

## **Article 58**

A worker shall be paid his basic wages if he joins a training or rehabilitation course approved by his employer, whether inside the Republic or abroad.

## **Article 59**

Subject to the provisions of articles 99 and 100 of this Code, a worker shall be entitled to his full wages for any period spent in detention because of a work-related case, provided that the amount paid to him during such period of detention is not less than 50 per cent of his basic wages, the balance of his full wages being paid to him after his innocence is established. The employer may recover the amount paid during the period of detention if the worker is convicted under a final judgement.

## **Article 60**

A worker employed on the basis of monthly wages may not be transferred without his consent to a category of workers whose wages are calculated on a weekly, daily or hourly basis or on the basis of production or piece rates.

## **Article 61**

Wages and other entitlements due to workers shall be paid in legal currency, on a working day and at the workplace:

- (a) once a month in respect of workers remunerated on a monthly basis, to be paid not later than the sixth day of the following month;
- (b) once every fortnight in respect of workers remunerated on a fortnightly basis, to be paid not later than the third day after the end of every fortnight.
- (c) at least once a week in respect of workers whose remuneration is calculated on an hourly, daily or weekly basis,
- (d) as agreed between the two parties in respect of workers remunerated on the basis of production or piece rates.

## **Article 62**

Employers shall not in any way restrict the freedom of their workers to dispose of their remuneration, or oblige their workers to purchase goods produced by them nor to buy goods from specified sources.

## **Article 63**

It shall be forbidden to withhold the wages due to a worker in accordance to this Code, except by a final judicial decision, unless the employer and the worker have agreed otherwise.

## **Article 64**

Subject to provisions of article 99, the monthly instalments paid by a worker as compensation for such damage or material loss as he may have caused his employer by reason of a shortcoming or negligence shall not exceed 25 per cent of his basic wages.

## **Article 65**

Wages shall be paid on the day following the termination of the contract. If a worker leaves the service at his own initiative, his wages shall be paid to him within six days of the date of his leaving the service.

## **Article 66**

1. Employers shall make out the necessary documents for payment of wages, wherein they shall record the details concerning the workers' wages, any deductions effected and the net wages paid. These documents shall not contain any blanks, deletions or additions.

2. Employers shall be deemed to have discharged their obligation to pay a worker's wages only after the worker has signed or finger-printed the document showing his wage entitlements and annexes thereto, whether or not these are mentioned in the signed documents.

## **Article 67**

1. Women shall be entitled to wages equal to those of men if they perform the same work under the same conditions and specifications.

2. Employers shall pay equal wages to Yemenis and non-Yemenis if their working conditions, qualifications, experience and competence are equal.

## **Article 68**

Where a worker is sent to perform a specific task in an area which is remote from his workplace, whether inside the Republic or abroad, he shall be entitled to receive allowances according to the nature of his task and related to his representation, travel or residence as the case may be. The Council of Ministers shall, acting on a submission by the Minister and a Recommendation from the Labour Council, make special regulations governing allowances.

## **Article 69**

Every employer shall provide his workers with means of transportation from their place of residence or a specified assembly point to their workplace or pay them an allowance for that purpose.

## **Article 70**

Employers shall in accordance with standards to be specified by order of the Minister, provide their workers with adequate housing and food if they work in places remote from inhabited areas.

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# **CHAPTER VI. HOURS OF WORK, REST, AND LEAVE**

## **Part I. Regulation of hours of work**

### **Article 71**

1. Official working hours shall not exceed eight hours per day or 48 hours per week. Weekly hours of work shall be distributed over six working days followed by one day of rest with full pay.
2. Official working hours during the month of Ramadhan shall not exceed six hours per day or 36 hours per week.
3. Official working hours in respect of certain occupations, jobs and industries where working conditions are arduous or harmful to health may be reduced by order of the Minister. Such order shall specify the said occupations and jobs and the reduced hours, after consultation with the parties concerned including the representatives of the workers and employers.
4. Official working hours shall be broken by one or more periods not exceeding one hour to be devoted to rest, including prayers and meals. Such period(s) of rest shall be so determined as to ensure that any continuous period of work does not exceed five hours. Such period(s) shall not be counted as working time.

### **Article 72**

Where a worker reports for work at the specified time and is ready to start working but cannot do so for reasons attributable to the employer, he shall be considered to have effectively performed his work.

### **Article 73**

1. Work shall be considered night work if it is performed between 8 p.m. and 5 a.m. No worker shall be continuously assigned to night work for more than one month.
2. Night work shall include hours of day-time work that overlap with night hours at the end of the day for at least half an hour.

### **Article 74**

1. Workers may be employed during periods of daily rest, on days of weekly rest and on official holidays if necessary to increase production or to provide public services and in the event of a disaster or to prevent a disaster, or to maintain work-related or industrial equipment or in the public interest.
2. Working hours, whether normal or overtime shall not exceed 12 hours per day.

### **Article 75**



1. Subject to the provisions of article 56 of this Code, any worker employed over time shall regardless of his occupation, be entitled to compensatory rest periods with pay calculated on the basis of the following rates:

- (a) one-and-a-half times for overtime on normal working days;
- (b) double time for overtime night work.

2. Employers shall grant workers the prescribed compensation for the day of weekly rest and official holidays and leave within a period not exceeding one month.

### **Article 76**

Employers shall post at the worker's main entrance to the workplace and in a visible place inside the workplace a table showing weekly closing times, working hours and periods of rest and leave.

## **Part II. Regulation of leave**

### **Article 77**

Friday shall be the day of weekly rest. However, this day may be exchanged for another day of the week for all or some workers if work so requires.

### **Article 78**

Workers shall be entitled to leave with full pay on all official holidays in accordance with the laws in force.

### **Article 79**

1. Workers shall be entitled to leave of not less than 30 days with full pay for each year of effective service, to be calculated on the basis of at least two-and-a-half days for each month.

2. Official holidays and days off falling within a worker's period of leave shall not be counted as part of his annual leave.

3. Leave granted to a worker from his annual leave entitlement shall not be less than two days at a time.

4. Employers shall grant workers the leave they are entitled to annually. However, an employer may, for reasons related to the interests of both parties, carry over half a worker's leave entitlement to the following year.

5. Any more favourable conditions concerning worker's leave entitlements and rates shall continue in force.

6. No worker shall waive his annual leave in consideration of financial compensation.

7. Rates of entitlement to leave may, by order of the Minister, be increased for certain occupations and categories of workers.

### **Article 80**

1. In case of sickness, workers shall be entitled to continuous or non-continuous sick leave on the following basis:

- (a) sick leave with full pay for the first and second months of sickness;
- (b) sick leave with 85 per cent of wages for the third and fourth months of sickness;
- (c) sick leave with 75 per cent of wages for the fifth and sixth months of sickness;
- (d) sick leave with 50 per cent of wages for the seventh and eighth months of sickness.

2. A worker may, in addition to his sick leave entitlement, use up the balance of his annual leave entitlement. If he exhausts both he shall be granted leave without pay until he recovers or the competent authorities establish that he is no longer medically fit for work.

3. Any period a worker spends in hospital for treatment shall be considered as sick leave.

#### **Article 81**

1. Sick leave shall be granted on the following conditions:

- (a) if, in cases of ordinary sickness, it is certified by the doctor appointed by the employer to treat his workers or by the medical institution with which the employer has concluded an agreement for that purpose;
- (b) if, where the employer has not appointed a doctor or medical institution to treat his workers, it is certified by a medical establishment in the Republic;
- (c) if it is certified by an emergency clinic at any place or by other hospitals in the area where the worker is taken to or where he spends his annual leave.

2. Where a worker's sick leave is certified by a private medical practice or institution, the employer may request its confirmation by the competent medical authorities.

#### **Article 82**

1. An employer may approve a worker's sick leave and not deduct it from his annual leave if the worker falls sick during his leave;

2. Annual leave interrupted by sick leave approved in accordance with the provisions of the previous paragraph shall resume thereafter.

3. The employer may request a medical authority or his appointed doctor to certify such sick leave if it exceeds ten days.

#### **Article 83**

1. A worker who contracts an occupational disease or sustains an injury during the performance of his work or as a result thereof shall be entitled to sick leave with full pay on a recommendation by the competent medical committee pending the examination of his condition in accordance with the Social Insurance Act.

2. The competent Minister shall, in consultation with the parties concerned and with the representatives of workers and employers, make an order to establish the competent medical committees and specify their functions and place of work.

#### **Article 84**

Workers who have spent four years of effective service with an employer shall have the right to 20 days' leave with pay to perform the Hadj, including the Id Al Adha holiday. This leave shall be granted once during the service of a worker. Employers shall have the right to ensure that such leave is used for its intended purpose.

#### **Article 85**

Employers may grant workers contingency leave with pay for not more than ten days a year.

#### **Article 86**

An employer may, upon a worker's request grant him leave without pay for such reasons and in such circumstances as he deems fit.

## **Article 87**

A working woman shall be entitled to leave with pay for 40 days if her husband dies. Such leave shall be counted as from the date of death. She may also be granted leave without pay for not more than 90 days to complete the period of "Idda" (a period of time during which a Moslem woman should be in mourning after the death of her husband).

## **Article 88**

No worker shall engage in a paid employment during any of his paid leave as provided for by this Code. If it is established that a worker worked during his paid leave, his employer may claim reimbursement of the worker's pay for the said leave, provided that this does not lead to termination of employment.

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# **CHAPTER VII. REGULATION OF WORK AND PENALTIES**

## **Part I. Duties**

### **Article 89**

Through his administration, the employer shall:

- (a) provide the working environment, conditions, guarantees and precautions provided for in labour legislation and regulations and in contracts and collective agreements;
- (b) direct and assign workers according to their technical and practical skills and competence in furtherance of the interests of work. It shall be forbidden to change a worker's job for one unsuited to his qualifications and abilities without his consent;
- (c) prepare training and further training programmes to train the skilled workers needed for the plan of work, providing the necessary facilities for workers to raise their vocational, technical and educational standards;
- (d) refrain from prejudicing the person of the worker and his dignity;
- (e) open and keep personal and general registers indicating worker's service conditions and records in accordance with the particulars and conditions prescribed by the Ministry;
- (f) inform workers of all conditions of employment and related matters and post them in a visible place once they are published;
- (g) respect the provisions of this Code and regulations made thereunder when considering matters related to labour;
- (h) ensure that any candidate for employment has a document showing that he has terminated his employment relationship with his previous employer or that he has never worked;
- (i) provide for, worker's participation in the discussion of means of improving the work process, increasing production and dealing with related matters through meetings which workers are invited to attend.

### **Article 90**

The worker shall have a duty to:

- (a) perform his work seriously, faithfully and regularly and devote all his working time to performing his occupational duties efficiently and effectively and observe the directives and instructions of his employer, or his representative, or supervisor;
- (b) endeavour to increase production, maintain equipment and improve the quality of products and services;
- (c) observe work regulations, rules and disciplines;
- (d) work diligently and respect working hours;

- (e) continuously endeavour to develop his vocational, technical and educational qualifications and competence, and undertake to train and develop the skills of his colleagues at work;
- (f) maintain work-related machinery, tools, materials, registers and files entrusted to him and, on terminating his work, return any tools or unused raw materials;
- (g) keep employment-related secrets;
- (h) faithfully provide help and assistance in such dangerous situations and disasters as may threaten the safety at work or the workplace or production;
- (i) make optimum use of the means of production placed at his disposal and use financial and other resources economically;
- (j) submit to a medical examination whenever his employer requests him to do so.

## **Part II. Disciplinary penalties**

### **Article 91**

In enterprises employing 15 or more workers, the employer shall lay down regulations governing disciplinary penalties and procedures for imposing or applying them and post the said regulations in a visible place in the enterprise. The enforcement of such regulations and any subsequent amendments thereto shall be subject to approval by the trade union committee or worker's representative and clearance by the Ministry or one of its offices within one month of the date of their submission. Should this period elapse without the Ministry or its office giving its approval or stating any objection in writing, the regulations shall enter into force.

### **Article 92**

1. The Ministry shall issue models of detailed rules on the application of penalties to guide employers in the drafting of their own rules.

2. In enterprises employing 15 or more workers, the employer shall lay down detailed rules governing the application of the penalties provided for in the following article, in a way which suits the nature and characteristics of his activity and having due regard to the following points:

- (a) they shall specify the different types of offenses and corresponding penalties;
- (b) they shall indicate the procedures for investigating offenses and applying penalties;
- (c) they shall indicate the procedure for applying penalties in cases of recidivism.

3. In enterprises employing fewer than ten workers, the employer may lay down the rules governing the application of penalties in accordance with the provisions of this Code.

### **Article 93**

Where a worker commits a breach of his duties as provided for in this Code or in his contract of employment, his employers may impose on him one of the following penalties:

- (a) call his attention in writing;
- (b) warn him in writing;
- (c) deduct from his wage an amount not exceeding 20 per cent of his basic wage,
- (d) dismiss him subject to maintenance of all his entitlements as provided for in this Code and other labour legislations.

### **Article 94**

1. Employers may apply the penalties provided for in items (a) and (b) of the previous article without necessitating administrative investigation, the other penalties being applicable only after the investigation provided for in article 96 of this Code.

2. Before imposing any penalty, employers shall bear in mind:

- (a) that the penalty should be in proportion with the degree of the offence;
- (b) the worker's circumstances, productivity, conduct, length of service and social status and any measures previously taken against him, and the frequency of his offenses at work.

3. No employer shall impose a penalty on a worker:

- (a) more than 15 days after the discovery of the offence,
- (b) if the worker's responsibility is not confirmed through criminal or administrative proceedings;
- (c) if the offence committed by the worker is not included in the detailed rules or penalties.

4. It shall be forbidden to impose more than one of the penalties provided for in article 93 of this Code for a single offence committed by a worker.

### **Article 95**

1. The imposition of the penalties provided for in items (a) and (b) of article 93 of this code shall be null and void after one year from the date of their imposition. The employer may cancel them from the worker's personal file if his conduct effectively improves during the same year.

2. The employer may mitigate or cancel either of the remaining penalties where the conduct of the worker concerned improves during the year.

### **Article 96**

Where the degree of an offence requires the application of one of the penalties provided for in items (c) and (d) of article 93 of this Code, the employer shall conduct an administrative investigation with the worker, in which case the worker may request the attendance of the representative of the workplace union committee or of the worker's representative if there is no union committee.

### **Article 97**

1. In investigating an offence, the employer shall:

- (a) conduct the investigation within a period not exceeding 15 days as from the date of his discovering the offence;
- (b) complete the investigation and where the worker's responsibility is established, apply the penalty within a period not exceeding one month;
- (c) hear the worker, his self-defence and the testimony of any witnesses he may call upon for his defence;
- (d) commit the investigation to writing and have it signed by all the parties thereto;
- (e) hear any workers who are aware of the circumstances of the offence.

2. The worker may appeal against the findings of the investigation or its consequences before the competent Arbitration Committee within a period not exceeding one month as from the date of his notification of the findings of the investigation.

### **Article 98**

1. The employer may suspend the worker by verbal notice for a period not exceeding five days for the purposes of investigation, or by written notice for a period not exceeding 30 days if the interests of work or of the investigation so requires;

2. The employer shall, before deciding to suspend a worker, take into consideration the following:

- (a) a worker's suspension is not a penalty imposed on him, but a precautionary measure necessitated by the circumstances of work and the investigation;
- (b) the worker resumes his previous work after the expiry of the period of suspension if it is established that he is not guilty;
- (c) outstanding or withheld wages must be paid to the worker if he is acquitted.

3. Any period during which a worker is detained by the competent authorities in connection with a matter related to work or resulting therefrom shall be considered as a period of suspension from work, during which the employer shall continue to pay the worker an amount equivalent to 50 per cent of the worker's wage until his case is decided, provided that the period does not exceed three months.

4. Any period during which a worker is detained by the competent authorities for the purposes of an investigation of matters not related to work shall not be considered as period of suspension from work, in which case the worker shall not be entitled to his wage or any part of it except by approval of the employer, and it shall be forbidden to dismiss him from his service.

#### **Article 99**

The employer shall be entitled to claim compensation from workers individually or jointly, for any damage to working equipment and means of production resulting from a shortcoming or negligence by workers whose responsibility has been established, provided that the employer notify the Ministry or its competent office and the parties concerned of such damage within 48 hours of his becoming aware of it.

#### **Article 100**

The employer may stop the activity of his establishment totally or in part or modify the size of the establishment or its activity provided that he notifies the Ministry or its competent office if any such measure results in a reduction of the number of his workers and redundancies.

#### **Article 101**

1. The employer shall notify the Ministry or its competent office and any other party concerned in case of total or partial stoppage of activity or in case of a resumption of activity.

2. The employer may reduce the number of his workers or make them redundant as a result of a total or partial stoppage of activity.

3. The employer shall, when resuming stopped activity, give priority to the workers affected by the earlier reduction or redundancies provided that they apply for employment at his establishment within one month of the date on which the resumption of its activity is announced and that the Ministry or its competent office is notified accordingly.

#### **Article 102**

Workers affected by a workforce reduction or redundancies may appeal to the competent Arbitration Committee if they consider the measures taken by the employer to be unjust and aimed at replacing them with other workers.

#### **Article 103**

Where an establishment's activity stops temporarily for reasons attributable to the employer, workers' contracts of employment shall continue to be valid for not less than two months from the beginning of the stoppage, thereby entitling them to their full wages for that period.

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## CHAPTER VIII. TRAINING

### Part I. Vocational training

#### Article 104

Vocational training means the pursuit of theoretical and/or applied training to acquire the skills of a particular occupation or trade before entry into service or in-service training of workers to upgrade their vocational skills.

#### Article 105

1. The employer shall adopt all training means and facilities, develop them and provide incentives to workers undergoing training in accordance with the guidelines established by the Council of Ministers, by any of the following means:

- (a) training at the workplace and preparation of training and examination programmes;
- (b) participation with other employers carrying on a similar activity in establishing a training centre and drawing up training and examination programmes;
- (c) annual financial contribution to vocational training projects of the Ministry, in which case the contribution shall be assessed according to the number of workers of the employer and its amount and proportion of his total wage bill shall be specified by order of the Council of Ministers.

2. A worker undergoing training shall stay in service of his employer for a period equal to his period of training inside the Republic and equal to double such period if he received his training abroad. Where a worker fails to respect the prescribed period of service after training, his employer may claim reimbursement of all or part of the cost of his training, taking account of his service before and after training.

#### Article 106

In cooperation with the parties concerned, the Ministry shall regulate matters related to vocational training so as to satisfy the requirements of economic and social development. To this end, it shall:

- (a) supervise and regulate the operation of the vocational training institutes and centres established by the State;
- (b) all aspects of vocational training;
- (c) supervise the preparation of training and examination programmes;
- (d) evaluate training standards, curricula and disciplines;
- (e) identify training needs and train trainers in cooperation with the parties concerned;
- (f) formulate a policy for admissions to vocational training institutes and centres;
- (g) coordinate training issues as between the various training authorities so as to maximize the use of their training capabilities;
- (h) draw up plans and programmes providing for the distribution of graduates of vocational training institutes and centres among appropriate workplaces in cooperation of the parties concerned;
- (i) technically supervise the training establishments covered by the provisions of this Code in matters related to curricula programmes, examinations and the provision of technical advice.

#### Article 107

The Minister may decide to establish such vocational training institutes or centres as he deems appropriate. The order on the establishment of any such institute or centre shall specify all the necessary provisions for its proper functioning. Any employer may establish a training institute or centre within his field of activity provided that he notifies the Ministry accordingly.

## **Article 108**

The Minister may, according to available training capabilities, make provisions for employers' participation in the training and rehabilitation of a number of disabled Yemenis and injured workers and for the admission to their establishments and centres a specified proportion of students for training and practical experience, depending on their available training capacity.

## **Article 109**

1. The Minister shall specify the occupations subject to an evaluation of skill levels, the procedure for such evaluation, its conditions and the authorities which shall perform it.
2. A worker whose level of skill in an occupation or service has been evaluated shall be issued with a certificate to that effect.

## **Part II. Apprenticeship**

### **Article 110**

Apprenticeship means the process whereby an employer provides training to a Yemeni person during a specified period of time in a particular occupation or trade to enable him to acquire the necessary skills to practice such occupation or trade.

### **Article 111**

1. The contract of apprenticeship shall be concluded between the employer and the apprentice in writing. It shall specify the type of occupation, the duration of training and the remuneration the apprentice is to receive during his training.
2. Where the apprentice is a young person, the contract of apprenticeship shall be concluded between the employer and the legal guardian of the apprentice.
3.
  - (a) The employer may terminate a contract of apprenticeship if he determines that the apprentice is incapable of learning the occupation adequately, unless he can be taught another occupation with the employer.
  - (b) An apprentice may terminate his contract at his own initiative provided that he has not spent more than half of the period of training.
  - (c) If the contract is terminated by either party outside the conditions and circumstances provided for by this Code, the other party shall have the right to claim adequate compensation for such damage as he may have incurred as a result of such termination.

### **Article 112**

1. The period during which an apprentice undergoes his training in an occupation or trade shall be counted as effective service if he continues to work for the employer for a period of not less than two years.
2. On completion of an apprentice's period of apprenticeship, the employer shall grant him a certificate, to be signed by the Ministry of one of its offices, establishing his apprenticeship, its duration and his level of skill in the occupation concerned.



### **Article 113**

An employer who commissions any new enterprise shall ensure that it meets occupational safety and health requirements. The competent Ministry shall ensure compliance with appropriate occupational safety and health requirements and conditions.

### **Article 114**

Employers shall observe the following rules:

- 1. Workplace health and safety conditions shall be maintained in conformity with occupational safety and health requirements.
- 2. Workplaces shall be properly ventilated and adequately lighted during working hours in accordance with the standards established by the authorities responsible for occupational safety and health.
- 3. The necessary precautions shall be taken to protect workers from such damage to their health as may be caused by gas, dust, smoke or any other emissions or waste likely to be discharged by the industry.
- 4. The necessary precautions shall be taken to protect workers against the hazards of equipment and machinery and the hazards of conveyors and handling, including any risks of collapse.
- 5. The necessary precautions shall be taken against natural hazards and damage, including health, humidity and cold.
- 6. The necessary precautions shall be taken against the hazards of excessive light, noise, harmful or dangerous radiation, vibration, variation in atmospheric pressure inside the workplace, including any risk of explosion.
- 7. Easily accessible lavatories and wash-rooms shall be provided, and separate lavatories and wash-rooms shall be provided for women workers if women are employed on the premises.
- 8. An adequate and easily accessible supply of drinking water shall be provided for the worker's use.
- 9. The necessary precautions shall be taken to deal with fires and provide fire-fighting equipment, including emergency exits, which shall be maintained in working order at all times.
- 10. Industrial accidents and occupational diseases shall be recorded in a register and notified to the competent authorities and statistics on industrial accidents and occupational diseases shall be kept for submission to the Ministry upon request.

### **Article 115**

Employers shall take the necessary precautions to protect workers and ensure their safety against such hazards as may arise from their work and the machinery in use. The employer shall not deduct any amount from their wages in consideration of:

- (a) the provision of protective devices, equipment and clothing to protect workers from exposure to occupational injuries and diseases;
- (b) any allowances granted to workers for working in conditions harmful to their health, or any meals provided to them in compliance with occupational safety and health requirements.
- (c) expenses incurred on account of workers' medical examinations, regular or otherwise, as necessitated by occupational safety and health requirements;
- (d) the provision of first aid equipment at the workplace.

### **Article 116**

The Ministry shall:

- (a) give advice to employers in matters relating to occupational safety;
- (b) organize and implement training and educational programmes on the prevention of accidents;
- (c) organize the exchange of technical information and expertise between enterprises' occupational safety and health departments;
- (d) specify and evaluate the means of accident prevention units;

- (e) assist in the design of explanatory materials relating to occupational safety;
- (f) study and analyze data and information relating to occupational safety, monitor cases of occupational injury and disease and suggest measures to avoid their recurrence;
- (g) specify and evaluate means and equipment for protection against industrial accidents and injuries.

#### **Article 117**

1. A High Committee for Occupational safety and health, whose membership shall include representatives of the parties concerned, shall be established by order of the Council of Ministers acting on a recommendation of the Minister. The said order shall specify its functions and rules of procedure.

2. Subsidiary occupational safety and health committees may be established by orders of the Minister in such governorates, sectors and industries as he sees fit, provided that the membership of such subsidiary committees shall include representatives of the parties concerned. Such orders shall specify the committees' functions, competence and rules of procedure.

#### **Article 118**

1. The employer shall:

- (a) advise and inform workers, before their engagement, on work-related and occupational hazards and on the preventive procedures which must be observed at work;
- (b) provide continuous guidance to workers and control their observance of occupational safety and health;
- (c) display in a visible place instructions, guidance and posters explaining work-related and occupational hazards and methods of preventing them and use all possible illustrative means to that end;
- (d) increase worker's awareness of occupational safety and health protection and make them participate in training courses and seminars on these matters.

2. Where an employer fails to apply labour and worker protection rules and occupational safety instructions, the inspector may obtain an order from the Minister to stop the functioning of the machinery which is the source of danger for one week, until the causes of danger are eliminated. Where the danger persists and the employer fails to take remedial action and the period of partial stoppage is extended, or if a request for total stoppage is submitted, the Minister shall refer the matter to the competent Arbitration Committee. Workers who are suspended as a result of this procedure shall be entitled to their full wages.

3. The employer may appeal against an order for partial or total stoppage if he deems it to be arbitrary.

## **CHAPTER X. INSURANCES**

#### **Article 119**

1. Employers shall protect their workers' health, notably by:

- (a) conducting a medical examination of workers prior to their employment;
- (b) transferring a worker to a job suited to his health condition as determined by a report of the competent medical authorities, whenever possible;
- (c) providing a worker with suitable work according to the recommendations of the competent medical authorities and depending on circumstances and job opportunities pursuant to the provisions of the Social Insurance Act, if he has contracted an occupational disease or sustained an injury at work or as a result thereof;
- (d) bearing the cost of medical treatment and related requirements in respect of any number of workers in accordance with employers' medical regulations as approved by the Ministry;

- (e) employing a qualified nurse at the workplace or in its vicinity if the number of their workers exceeds 50;
- (f) entrusting the medical treatment of their workers to a doctor or a medical establishment if the number of workers employed at the workplace or in its vicinity exceeds 100;
- (g) keeping such documents on their workers' medical treatment as may be transmitted to them. Workers may obtain copies of certificates and documents relating to their condition which are transmitted to the employer by the competent medical authorities.

2. Employers whose workforce is below the threshold provided for in this article may entrust the medical treatment of their workers to a doctor or a medical establishment.

3. The Minister may, in respect of dangerous or arduous industries and occupations, require employers whose workforce is below the threshold provided for in this article, to employ a qualified nurse or to entrust their workers' medical treatment to a doctor.

### **Article 120**

1. At the end of their service, workers shall be entitled to a monthly pension or a lump-sum payment in accordance with the provisions of the Social Insurance Act or in accordance with any other special regulations whose provisions are more favourable to the worker.

2. Where a worker is not covered by the provisions of the Social Insurance Act or by any special regulations in accordance with the provisions of the previous paragraph, he shall be entitled to receive from his employer severance pay equivalent to at least one month's wages for each year of service. Such severance pay shall be calculated on the basis of the last wage received by the worker.

3. Workers shall not, in any case, be deprived of their entitlements under this article or forfeit any part of such entitlement in case of termination of their contract of employment.

### **Article 121**

Unless the employer is ensured for material responsibility, he shall, in accordance with this Code and the Social Insurance Act, bear responsibility for any occupational diseases or injuries which a worker might contract or sustain during the performance of his work or as a result thereof.

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## **CHAPTER XI. LABOUR INSPECTION**

### **Article 122**

All sectors and employers covered by this Code shall be subject to inspection. Employers shall facilitate the work of labour inspectors and provide them with all such information and data as they may request for the purposes of inspection.

### **Article 123**

Labour inspectors shall:

- (a) supervise the application of labour legislation and regulations, of contracts and agreements, and of all instruments issued by the Ministry, including orders and written notification to employers regarding violations and requests for remedial action, and draw up records of violations, if they are repeated, in preparation for their referral to the competent Arbitration Committee;
- (b) prepare detailed reports on the results of every inspection visit, supported by such opinions and suggestions as may assist in remedying any shortcomings;

- (c) participate in establishing an understanding of relationships between workers and employers and provide them with information to enable them to understand the provisions of labour legislation and their proper application.

#### **Article 124**

1. Inspection of workplaces shall be conducted by officials of the Ministry and its offices. They shall be vested with judicial authority to apply the provisions of this Code and the regulations and orders issued thereunder. They may, if necessary, call upon the services of experienced doctors, engineers and technicians.
2. Inspectors shall perform their duties individually or in a group. They shall keep such enterprise secrets as may be disclosed to them on account of their work. This obligation shall continue after termination of their service.
3. Inspectors of the Ministry of Health shall supervise the application of the rules and procedures relating to occupational health. They shall submit regular reports to the Ministry and to the other competent authorities.
4. Labour inspectors and inspectors of the Ministry of Health shall be provided with cards establishing their identity and duties. They shall carry such cards during the performance of their duties and shall show them to the parties concerned whenever necessary.
5. Inspection regulations shall govern the forms and notifications relating to violations and procedures for drawing up records of violations.

#### **Article 125**

Labour inspectors shall, prior to entering office, take the following oath before the Minister or his representative:

I swear by almighty God to perform my occupational duties with full integrity and loyalty and complete impartiality, without divulging such occupational, industrial and commercial secrets as may be disclosed to me during the exercise of my functions.

#### **Article 126**

Labour inspectors shall be vested with the following powers:

- (a) to enter any workplace at any time during working hours, observe ongoing operations, examine documents, contracts and registers related to work and ensure that no violation of the provisions of labour legislations, regulations and rules is being committed.
- (b) to stop, as a precautionary measure, any machine which is a source of danger by requesting the Minister to issue an order to that effect for a period not exceeding one week. The Minister shall refer the matter to the competent Arbitration Committee if such period is to be extended or if a request for total stoppage is submitted;
- (c) to take samples from the workplace for the purposes of occupational health and safety inspection and examine any documents related to work and workers during the performance of inspection duties;
- (d) to take samples from the workplace and obtain any documents or photocopies which the inspection may require.

#### **Article 127**

1. The Ministry shall provide the necessary protection for labour inspectors during the performance of their duties and thereafter in such manner as it deems necessary to ensure their protection.
2. Where a labour inspector is assaulted or incurs physical or prejudice as a result of the performance of his inspection duties, the Ministry shall, on his behalf, file a case with the competent court to claim compensation and shall bear all the expenses resulting from the proceedings.

3. In consideration of their efforts to ensure the sound application of labour legislation, labour inspectors shall be entitled to an allowance to be determined by the Minister.

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## **CHAPTER XII. LABOUR DISPUTES AND LEGITIMATE STRIKES**

### **Part I. Settlement of labour disputes**

#### **Article 128**

Labour disputes shall be understood to mean disputes between employers and workers over disagreements relating to the application of the provisions of this Code, the regulations made thereunder, any other labour legislation, individual contracts of employment, or collective agreements.

#### **Article 129**

1. Both parties to a dispute or their representatives shall hold a meeting to settle the dispute amicably through negotiation with a maximum period of one month. A record of the meeting to be kept secret shall be drawn up and signed by both parties.

2. Where no amicable settlement can be reached between the two parties to the dispute, the matter shall be referred to the Ministry or its competent office which shall summon the parties with a view to settling the dispute within a period not exceeding two weeks as from the date of referral.

#### **Article 130**

Where mediation fails to resolve the subject of the dispute finally, either party may submit it to the competent Arbitration Committee within a maximum period of two weeks from the date of the minutes recording the failure of mediation.

#### **Article 131**

One or more Arbitration Committees shall be established by order of the Minister in the capital and in each of the governorates of the Republic to settle labour disputes, and shall be composed of:

- (a) a representative of the Ministry, as Chairman;
- (b) a representative of the employers nominated by the General Federation of Chambers of Commerce and Industry, as member;
- (c) a representative of the workers nominated by the General Federation of Trade Unions, as member; provided that the employers' and workers' representatives shall have sufficient experience in labour affairs.

#### **Article 132**

The Arbitration Committees shall be competent to examine:

- (a) such disputes and conflicts as may arise between employers and workers in connection with the application of this Code, rules and regulations made thereunder, contracts of employment, and collective agreements;
- (b) violations referred to them in connection with workplace inspection;
- (c) any other matters in respect of which the relevant laws provide that they fall within the competence of the Arbitration Committees.

#### **Article 133**

The Arbitration Committees shall be empowered to summon any person for questioning, to order the hearing of testimony under legal oath and to conduct examinations, including by right of entry to any workplace, as may be required by the examination of a dispute. A committee may deputize one of its members to perform such functions and may call upon the assistance of experts. It shall have the right to examine all such documents or data as it deems necessary.

#### **Article 134**

1. The Arbitration Committee shall deliver their awards by majority decision of their members.
2. The awards of the Arbitration Committees shall state their grounds and shall be signed by all the members. A member who objects to an award may request that his objection be recorded in the draft of the award.

#### **Article 135**

1. The awards of the Arbitration Committees shall be final and shall not be subject to appeal in all cases concerning:
  - (a) amounts not exceeding 30,000 riyals;
  - (b) the suspension of orders for dismissal;
  - (c) the imposition of fines on workers.

2. The Arbitration Committees shall not be empowered to impose any penalty depriving a person of his liberty.

#### **Article 136**

1. All cases concerning labour disputes of any type shall be submitted to an Arbitration Committee.
2. The cases submitted shall be signed by one of the parties to the dispute or his legal representative.
3. The submission of a case and litigation procedures shall be subject to the provisions of the Litigation Act in all matters not covered by a special provision of this Code.
4. Cases concerned with labour matters shall be considered urgent.
5. Labour cases shall be irreceivable after the expiry of the time-limit specified in the laws in force.

#### **Article 137**

1. Within ten days of the date of submission of a case, the chairman of the Arbitration Committee shall call a meeting to examine the dispute.
2. The Arbitration Committees shall complete the examination of the cases submitted to them and shall deliver their awards within 30 days of the date of the first hearing.

#### **Article 138**

The Chairman and members of each Arbitration Committee shall, prior to taking office, swear an oath before the Minister to the effect that they shall perform their duties on the Committee with integrity, honesty, loyalty and impartiality.

#### **Article 139**

1. If one of the litigating parties wishes to appeal against the award handed down by the Arbitration Committee, it shall submit a petition for an appeal to the Labour Division of the competent Court of Appeal

within one month at the most of the date of his notification of the award.

2. The president of the Labour Division shall, within 15 days of the filing of the petition for appeal, set a date for the first hearing on the appeal.

3. The Labour Division shall settle the dispute with a final judgement within 30 days of the date of its first hearing.

#### **Article 140**

A division by the name of "Labour Division" shall be established at the courts of appeal in the capital and in each of the governorates of the Republic in accordance with the Judicial Authority Act. The labour divisions shall have jurisdiction over:

- (a) the final settlement of all cases of appeal against the awards of the Arbitration Committees submitted to them in accordance to this Code;
- (b) any other cases falling within its jurisdiction by virtue of the provisions of this Code or other labour legislation.

#### **Article 141**

Neither the Arbitration Committee nor the labour divisions of the courts of appeal shall decline to settle a dispute on the grounds that this Code contains no provision applicable to the case in point. In such event, they shall be bound to deliver a ruling in accordance with the provisions of the Islamic Shari'a, established custom and the principles of equity.

#### **Article 142**

The employer shall not, in the course of settlement proceedings before an Arbitration Committee or the labour division of a court of appeal, modify the conditions of employment enjoyed by workers prior to the dispute so as to cause them prejudice, nor shall he dismiss or impose a penalty on any worker.

#### **Article 143**

If the litigating parties become reconciled or reach a settlement of their dispute, they shall draw up a record to that effect before the authority to which the dispute was referred. The said authority shall deliver its ruling after ratifying the record, thereby making it an instrument enforceable at law.

### **Part II. Legitimate strikes**

#### **Article 144**

1. The workers' representatives or trade union committee may call upon workers to strike or stop work only after a final ruling has been made on the dispute which is not appealable either because no appeal was lodged against an Arbitration Committee award within the time-limit prescribed in article 139 of this Code or because the ruling was handed down by the labour division of a court of appeal and the employer refuses to comply with it within seven days of the date of his notification thereof by the authority which issued the ruling.

2. Workers' representatives or trade union committees shall not call upon workers to strike or stop work in furtherance of political demands or goals.

#### **Article 145**

Without prejudice to the provisions of the previous article, workers' representatives or union committees shall not call a strike or engage in a strike unless the following conditions are fulfilled:

- 1. The proposal to call a strike shall be submitted to the workers at a general meeting attended by at least 60 per cent of the total number of workers employed by the employer and shall be approved by secret ballot by 25 per cent of them.
- 2. The strike shall not be called or undertaken unless the proposal to do so has first been submitted to the general union concerned and signed by two-thirds of its members and after the union committee or workers' representatives have obtained written approval from the executive office of the General Federation of Unions of the Republic.
- 3. The subject of dispute shall concern more than one-third of the employer's workforce.
- 4. The trade union committee or workers' representatives shall give the employer and the Ministry or its competent office at least three weeks' prior notice of the date determined to launch the strike.

#### **Article 146**

After fulfilment of the conditions prescribed in the previous article of this Code, strikes shall be conducted at the enterprise, peacefully and in gradual stages, as follows:

- 1. A piece of red cloth shall be attached to the arm of each worker in the enterprise to signal his intention to strike, for three consecutive days before the beginning of the strike.
- 2. Work shall be stopped in certain parts of the enterprise for a specified time during official working hours, which shall be increased gradually so as to bring about a total stoppage of work in all those parts of the enterprise by the end of four consecutive days.
- 3. Work shall be stopped in all parts of the enterprise for a specified time during official working hours, which shall be gradually increased so as to bring about a total stoppage of work in the whole enterprise by the end of one week as from the date of the start of the strike, unless it is called off as a result of intervening developments.

#### **Article 147**

The trade union committee or workers' representatives shall immediately cancel a call to strike or call off a strike in progress if the employer agrees to comply with the ruling on the dispute in accordance with the provisions of article 144.

#### **Article 148**

1. Employment relationships between the employer and the workers shall continue during the period of a strike.
2. It shall be prohibited to impose sanctions including dismissal, on any worker as a result of their participation in a strike or because of a call to strike, provided that such strike is conducted in accordance with the provisions of this Code.

#### **Article 149**

Without prejudice to any stronger penalty provided for in another law, impairment of freedom to work shall be considered a serious and punishable fault. Such impairment shall include any act by striking workers which is intended to prevent other workers or the employer or his representative from reaching the workplace or from carrying on their usual activity, whether through actions, threats, violence, assaults, occupation of the workplace or damage to property.

#### **Article 150**

1. Obligatory minimum service shall be organized in establishments operating public services whose stoppage during strikes may endanger the lives, security or health of citizens or cause an economic crisis. In particular, such establishments shall include:



- (a) hospitals, clinics, health associations, dispensaries operating in shifts and pharmacies;
- (b) establishments related to the operation of telecommunications, radio and television;
- (c) establishments concerned with electricity, water, gas and petroleum products;
- (d) sanitation and environmental safety works;
- (e) banks and banking businesses;
- (f) workplaces at airports and loading and unloading works at inland and maritime ports and airports and customs;
- (g) works related to the provision of goods and foodstuffs and works related to bakeries;
- (h) works related to cattle, sheep and poultry farming, farm irrigation, agricultural harvesting, crop transport and the transport of fish;
- (i) services related to prisons.

2. The Council of Ministers may, acting upon a submission by the Minister, specify other areas of activity requiring maintenance of obligatory minimum services or occupations in which strikes are forbidden.

3. Workers shall not refuse to perform obligatory service. Any such refusal shall be considered a serious fault and shall be punishable without prejudice to such liability as may be incurred by the members of the trade union committee or the representatives of the workers, who shall be held personally responsible if they are the cause of workers' refusal.

## **CHAPTER XIII. WORKERS' AND EMPLOYERS' ORGANIZATIONS**

### **Article 151**

1. Workers and employers shall have the right freely to establish and join organizations with the aim of protecting their interests, defending their rights and representing them on bodies, councils and meetings and in all matters concerning them.

2. Trade unions and employers' organizations shall have the right to carry on their activity in total freedom, without any interference in their affairs or outside influences.

### **Article 152**

Subject to the provisions of article 35 of this Code, workers' representatives on a trade union committee shall not be dismissed or otherwise disciplined for carrying out their trade union activities in accordance with this Code, the Trade Unions Act and the rules and regulations made thereunder.

## **CHAPTER XIV. PENALTIES**

### **Article 153**

The penalties provided for in the provisions of this chapter shall apply without prejudice to any stronger penalty provided for in another law.

### **Article 154**

Any person who violates a provision of Chapters II, IV, V, VIII, IX and XI of this Code shall be punished with a fine of not less than 1,000 (one thousand) riyals and not more than 20,000 (twenty thousand) riyals.

### **Article 155**

Any employer who violates a provision of Chapters III, IX and X of this Code shall be punishable with a fine of not less than 500 (five hundred) riyals and not more than 1,000 (one thousand) riyals, to be multiplied by

the number of workers in respect of whom the violation was committed.

#### **Article 156**

1. Either party to a dispute who, without an acceptable reason, fails to attend a mediation meeting called by the Ministry or its competent office or the sessions of an Arbitration Committee or appellate court's labour division shall be punishable with a fine of not less than 500 (five hundred) riyals and not more than 2,000 (two thousand) riyals.

2. Any person who provides an Arbitration Committee or the Ministry or its competent office with incorrect information or false documents on the subject of a dispute or who disrupts dispute settlement or mediation proceedings by having recourse to violence or by threatening to use violence shall be punishable with a fine of not less than 1,000 (one thousand) riyals and not more than 10,000 (ten thousand) riyals.

3. Any person who causes a strike to be called or undertaken in disregard of the conditions and rules provided for in this Code or who has recourse to threats or violence to hinder work shall be punishable with a fine of not less than 5,000 (five thousand) riyals and not more than 15,000 (fifteen thousand) riyals.

4. Any employer or employer's representative who hires new workers to replace workers on lawful strike in accordance with the conditions and rules provided for in this Code shall be punishable with a fine of not more than 15,000 (fifteen thousand) riyals, without prejudice to his obligation to reinstate the striking workers in their jobs.

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### **CHAPTER XV. FINAL PROVISIONS**

#### **Article 157**

Cases related to labour disputes and filed by workers or their representatives or, in case of death, by their families in accordance with the provisions of this Code shall be exempt from court fees.

#### **Article 158**

The provisions of this Code regulating occupational health and safety shall apply to the sectors and categories covered by the provisions of the Civil Service Code or any other law.

#### **Article 159**

Employers shall participate in informing workers and making them aware of their rights and duties and of all the basic provisions of this Code and regulations, rules and orders made thereunder.

#### **Article 160**

The Council of Ministers shall, acting upon a submission by the Minister, make an order to specify the fees prescribed under the provisions of this Code.

#### **Article 161**

The Minister shall make all the regulations, orders and instructions to apply this Code and shall do so in a manner which does not contradict its provisions.

#### **Article 162**

The 1970 Labour Act Code (Act No. 5) issued in Sana'a and the 1978 Labour Code (Act No. 14) issued in Aden are hereby repealed together with any text or provision which contradicts the provisions of this Code.

## Article 163

This Legislative Order shall enter into force from the date of its promulgation and shall be published in the *Official Gazette*.



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