

## TITLE THREE EMPLOYMENT CONTRACTS , RECORDS AND WAGES

### CHAPTER ONE

#### INDIVIDUAL EMPLOYMENT CONTRACT

##### **Article 35 –**

Subject to the provisions of Article 2 , the employment contract shall be written in duplicate , one copy handed to the worker , and the other to the employer . Should there not be a written contract , all conditions thereof may be established by all legal means of evidence .

##### **Article 36 –**

The employment contract shall determine in particular the date of conclusion thereof , the date of commencement of work , the type , location and duration thereof , should it be of a determined period , as well as the amount of the wage .

##### **Article 37 –**

**As amended by Federal Law no . 12 dated 29/10/1986 :**

The worker may be employed for a probation period not exceeding six months where the employer may terminate the services of the worker without notification or end of service gratuity . The worker may not employed by the same employer for more than one probation period . Should the worker successfully completes the probation period and pursues in his job , the said period shall be deemed as a part of the service period .

##### **Article 38 –**

The employment contract shall be for a determined or an undetermined term . Should it be for a determined term , it may not exceed four years . Such contract may be renewed by mutual agreement of the parties for one or more similar or shorter terms .

Should the contract be renewed , the new term ( s ) shall be deemed an extension of the original term and shall be added thereto upon the calculation of the total service period of the worker .

### **Article 39 –**

The employment contract shall be deemed of an undetermined term since the establishment thereof in any of the following cases :

1 – If it is not made in writing .

2 – If it is concluded for an undetermined term .

3 – If it is made in writing and concluded for a determined  term , and the parties continue to apply it after the expiry thereof without a written agreement between them .

4 – If it is concluded for a specific job with undetermined term , or which is recurrent by nature , and the contract continues after the completion of the agreed job .

### **Article 40 –**

Should the parties pursue the application of the contract after the expiry of the original period thereof or the end of the agreed job without an explicit agreement , the original contract shall be deemed implicitly extended under the same conditions mentioned therein with the exception of the term .

### **Article 41 –**

Should the employer subcontract a third party for the performance of any of the original tasks or a part thereof , the latter shall be solely liable for the rights of the workers thereof carrying out such subcontracted task in pursuance of the provisions hereof .

## **CHAPTER TWO**

## **PROFESSIONAL TRAINING CONTRACT**

### **Article 42 –**

The professional training contract is the contract whereby the owner of the establishment undertakes to give a complete professional training that is consistent with the standards of the profession to a third party having completed at least twelve years of age . The latter shall , in turn , undertake to work during the training period for the employer in accordance with the condition and duration agreed upon . The training contract shall be in writing , otherwise it shall be deemed void . The employer or the trainer shall enjoy the sufficient qualifications and expertise in the relevant profession or craft for which the training is made . Furthermore , the firm must itself meet the technical conditions and capacities necessary for the provision of such training on the profession or craft .

### **Article 43 –**

The trainee having reached the maturity age shall conclude the contract by himself . Whoever is under eighteen years of age may not enter into a direct contract with the employer for the training . The trainee shall be represented by the parent , legal trustee or guardian thereof .

### **Article 44 –**

1 – The training contract shall be made in three copies at least , one copy is deposited with the competent labor department for registration and authentication . Each party shall keep an authenticated copy thereof .

2 – Should the training contract to be authenticated contain a provision that contradicts the law , the regulations executive decisions issued in application of the provisions thereof , the competent labor department may request that the contracting parties delete such breach .

3 – Should the competent labor department not express any observation or objection within a period of three months from the deposition of the training contract therewith , the contract shall be deemed duly authenticated as of the date of the deposition thereof .

#### **Article 45 –**

The training contract shall include particulars regarding the identity of the contracting parties or the representatives thereof , as the case may be , the method of training , the duration , phases and subject of the training .

#### **Article 46 –**

The employer shall grant the trainee sufficient time to receive the theoretical training . He must train the worker on the profession standards and the skills for which he is recruited and such for the period set in the contract , and must grant the trainee a certificate upon the completion of each phase of training in accordance with the provisions set forth in the present Chapter , and a final certificate at the end of the training period . Such certificate may be authenticated by the competent labor department in accordance with the principles and procedures determined by virtue of a decision issued by the Minister of Labor and Social Affairs .

#### **Article 47 –**

The worker may undertake in the training contract to work subsequent to the completion of the training period for the employer or in the establishment where the training took place and such for a period not exceeding twice the training period . Similarly , the employer may undertake in the training contract to employ the worker subsequent to the completion of the training period .

#### **Article 48 –**

Payable wages for every phase of training shall be determined in the training contract . Such wages paid in the last phase must not be less than the minimum set for a similar work , and shall under no circumstances be determined based on the piece or the production .

#### **Article 49 –**

The trainee whose age is less than eighteen years old shall undergo a medical examination to assess the health condition and capacity thereof to carry out the tasks of the profession for which a training is to be given , and such prior to the commencement of the training thereof . Should such profession require special physical and health conditions , the medical report shall mention the meeting by the training candidate of such conditions , being physical or psychological .

### **Article 50 –**

The Minister of Labor shall , by a decision therefrom , regulate the training of professions and crafts that require training , and determine the duration of such training for the professions and crafts , the theoretical and practical programs , the conditions of examination and the certificate granted upon the completion of the training period .

The decisions of the Minister in this regard shall be issued after the consultation of the pertinent public institutions . In all cases , the Minister may nominate one or more experts in the affairs of the profession or craft for which a training is to be regulated in order to advise him thereon .

### **Article 51 –**

The Minister of Labor may decide to establish centers for professional training , whether independently or in cooperation with the professional or philanthropic , national , foreign or international entities . The decision issued for the establishment of the center shall determine the profession for which the training is held , the conditions of admission in the center , the theoretical and practical programs , the examinations system and the professional certificates and any other provisions necessary for the good operation of the center .

### **Article 52 –**

The Minister of Labor and Social Affairs may impose on the establishments , companies and owners of industrial , professional and crafts entities determined thereby , the acceptance for employment of a certain number or percentage of trained nationals and such in accordance with the conditions , situations and terms determined thereby .

Furthermore , the Minister may impose on the establishments , companies , and owners of industrial , professional and crafts entities determined thereby the acceptance for training purposes and the completion of the practical expertise the employment therein of a certain number or percentage of students of industrial and professional institutes and centers , and such in accordance with the conditions , situations and terms agreed upon with the administration of the pertinent establishment .

## **CHAPTER THREE**

### **RECORDS AND FILES**

#### **Article 53 –**

**As amended by Federal Law no . 12 dated 29/10/1986 :**

The employer employing five or more workers shall observe the following :

1 – Keep a personal file for each worker , mentioning the worker's name , profession or occupation , age , nationality , address , marital status , date of employment , wage and any adjustment thereto , penalties inflicted thereupon , occupational injuries and diseases sustained thereby as well as the date of termination of service and reasons thereof .

2 – Prepare for each worker a Leave card deposited with the worker file . Such card shall be divided into three sections : annual leaves , sick leaves and other leaves . The employer or the representative thereof shall record on such card the leaves taken by the worker and such for reference upon the request for any leave .

#### **Article 54 –**

**As amended by Federal Law no . 12 dated 29/10/1986 :**

The employer employing fifteen or more workers shall keep in every work location or branch the following records and documents :

1 – Payroll : In which the names of workers are mentioned in accordance with the date of the employment thereof , as well as the amount of daily , weekly or monthly wage , fringe benefits , or the wage by piece or commission , the days of work and the date of final termination of work .

2 – Occupational Injuries Record : In which occupational injuries and diseases are recorded , and such upon the knowledge thereof .

3 – Basic Work Regulations : It shall contain in particular the daily working hours , the weekly rest period , holidays , as well as the necessary measures and precautions taken for the prevention of occupational injuries and fire hazards . Such regulations shall be placed in a prominent place at the work site . The implementation of such regulations  and the amendments thereto shall require the approval thereof by the Labor Department and such within thirty days from the date of submission thereto .

4 – Disciplinary Measures : To be placed in a prominent place at the work site . They shall include the penalties to be imposed on defaulting workers and the conditions and cases of such imposition . The implementation of such measures and the amendments thereto shall require the approval thereof by the Labor Department and such within thirty days from the date of the submission thereof .

## **CHAPTER FOUR**

### **WAGES**

#### **Article 55 –**

Wages shall be paid on a working day and at the work site , in the national currency of the State .

#### **Article 56 –**

Workers employed in return for an annual or a monthly wage shall be paid at least once per month . All other workers shall be paid at least once every fortnight .

### **Article 57 –**

The daily wage of workers employed on the basis of the piece shall be calculated as the equivalent of the average daily wage received by the worker for the effective working days during the six months that precede the termination of the service .

### **Article 58 –**

The payment to the workers of the wage due thereto , regardless of the value or nature thereof , may only be evidenced in writing or by means of admission or oath . Every agreement made in contrary thereto , even if made prior to the coming into force of the present Law , shall be deemed void .

### **Article 59 –**

The worker may not be required to purchase food or other goods from certain stores or from the products of the owner .

### **Article 60 –**

No sum may be deducted from the wage of the worker in return for special rights unless in the following cases :

a – The recovery of any advances or sums paid to the worker in excess of his entitlements , provided that the deducted sum does not exceed in such case 10 % of the periodical wage of the worker .

b – Installments legally payable by the workers from the wages thereof such as the social security and insurance systems .

c – Contributions of the worker in the saving fund or loans due thereto .

d – Installments of any social project or any other privileges or services granted by the employer and approved by the Labor Department .

e – Fines imposed on the worker for any breaches perpetrated thereby .

f – Every debt paid in application of a judicial ruling , provided that the sum deducted in application of the ruling does not exceed one quarter of the wage due to the worker . Should there be numerous debts or debtors , the maximum deduction shall be equal to half the wage , and the sums required for retention shall be proportionally distributed among the beneficiaries after the payment of the legal alimony debt at the rate of one quarter of the wage .

## **Article 61 –**

**As amended by Federal Law no . 12 dated 29/10/1986 :**

Should the worker cause the loss , damage or destruction of tools , machines , products or materials owned by the employer or under the custody thereof , and such due to a default or breach by the worker of the instructions of the employer , the latter may deduct from the wage of the worker the necessary sum for the repair or restoration thereof , provided that the sums deducted for such purpose do not exceed the wage of five days every month . The employer may request the competent court via the competent labor department the permission to deduct a longer sum should the worker have money or another source of income .

## **Article 62 –**

The employer may not transfer a worker paid on a monthly basis to the corps of daily workers , or the corps of workers paid on a weekly , hourly or by piece basis , and such without a written consent therefrom .

## **Article 63 –**

By virtue of a decree – law issued upon the proposal of the Minister of Labor and Social Affairs and the consent of the Cabinet , the minimum wage and cost – of – living index shall be determined either in general or for a particular area or a particular profession .

The Minister shall submit his proposal to determine or reconsider the minimum wages upon the consultation of the competent authorities and the professional entities of the employers and

workers , if any , and based on the studies and tables of fluctuation of the cost – of – living set by the competent authorities in the State , in view of ensuring that the minimum limits are sufficient to fulfill the basic requirements of the workers and guarantee the livelihood thereof .

**Article 64 –**

The minimum wages or adjustments thereon shall enter into effect as of the date of publication of the determining decree thereof in the Official Gazette .