

## TITLE FOUR WORKING HOURS AND LEAVES

### CHAPTER ONE

#### WORKING HOURS

##### **Article 65 –**

The maximum number of ordinary working hours for adult workers shall be eight hours per day , or forty eight hours per week . The number of hours may be increased to nine hours per day for people employed in trade , hotels , cafeterias , security and other jobs whose addition may be made by virtue of a decision from the Minister of Labor . Furthermore , the daily number of working hours may be reduced for strenuous or harmful works and such by virtue of a decision from the Minister of Labor and Social Affairs .

The ordinary working hours shall be reduced by two hours during Ramadan .

The commutation periods spent by the worker from the place of residence to the work site thereof shall not be calculated within the working hours .

##### **Article 66 –**

The daily working hours shall be regulated so that the worker does not work more than five consecutive hours without intervals for rest , meals and prayer , whose total period shall not be less than one hour . Such intervals shall not be included in the working hours .

As for the factories and workshops where work is carried out in successive shifts around the clock , or for works that require uninterrupted work for technical and economic reasons , the Minister shall regulate the method whereby workers are granted the periods of rest , meals and prayer and such by virtue of a decision issued thereby .

##### **Article 67 –**

Should the work circumstances require the carrying out by the worker of a work for more than the ordinary working hours , the additional period shall be deemed an overtime , for which the worker shall be paid a wage equivalent to the ordinary hourly wage with an addition of at least 25 % of the said wage .

#### **Article 68 –**

Should the work circumstances require the carrying out by the worker of an overtime work between 9 pm and 4 am , the worker shall be entitled , in counterpart for the overtime , to a wage equivalent to the ordinary hourly wage with an addition of at least 50 % of the said wage .

#### **Article 69 –**

Effective overtime working hours may not exceed two hours per day , unless such work is necessary for the prevention of the occurrence of a colossal loss , a serious accident or the removal or mitigation of the consequences thereof .

#### **Article 70 –**

Friday shall be the ordinary weekly rest for all workers with the exception of the daily worker . Should the circumstances require that the worker work on this day , the worker shall be entitled to a substitute rest day , or to the basic wage for the ordinary working hours in addition to 50 % at least of the said wage .

#### **Article 71 –**

The worker may not be requested to work for more than two consecutive Fridays with the exception of the day workers .

#### **Article 72 –**

The provisions of the present Chapter shall not apply to the following categories :

1 – Persons occupying high – ranked managerial or supervisory positions , should such positions confer upon the occupants thereof powers of the employer over the workers . A decision of the Minister of Labor and Social Affairs specifying such category shall be issued .

2 – Workers constituting the crew of naval vessels , and sea workers who shall enjoy special service conditions due to the nature of their work , with the exception of the port workers engaged in the loading and unloading and related operations .

### **Article 73 –**

The employer shall place on the main entrances used by the workers and in prominent locations in the working site a schedule of the weekly day off , working hours and rest periods for all workers categories , and shall dispatch a copy thereof to the competent Labor Department .

Should the work site not abide by the weekly day off , the employer must mention in the locations referred to in the previous paragraph a timetable showing the weekly rest day for each category of the workers .

## **CHAPTER TWO**

### **LEAVES**

### **Article 74 –**

The worker shall be entitled to an official leave with full payment in the following occasions :

- a – New Year's Day ( Hejir ) – One day .
- b – New Year's Day ( Gregorian ) – One day .
- c – Eid al Fitr – Two days .
- d – Eid al Adha and Arafat Day – Three days .


e – Prophet Mohammed Birthday Anniversary – One day .

f – Isra and Mi'raj – One day .

g – National Day – One day .

### **Article 75 –**

The worker shall be entitled during every year of service an annual leave of no less than the following periods :

a – Two days for each month should the period of service of the worker be of six months  at least and a year at most .

b – Thirty days for each year should the period of service of the worker exceed one year .

Should the service of the worker be terminated , the worker shall be entitled to an annual leave for the fractions of the last year .

### **Article 76 –**

The employer may determine the date of the commencement of the annual leave , and may divide it if necessary to two or more periods . The division provision shall not apply to the leave of youths .

### **Article 77 –**

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

The holidays set by law or by agreement , or any other leaves caused by illness should it occur during such holiday shall be included in the annual leave and deemed a part thereof .

### **Article 78 –**

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

The worker shall receive a basic wage and a housing allowance , if any , for the days of the annual leave . Should the work circumstances require that the worker work during his total annual leave or a part thereof , and should the leave during which the worker worked is not carried forward to the next year , the employer must pay the worker the wage thereof , in addition to a leave allowance for the days of work , equal to his basic wage .

In all cases , the worker may not be required to work during the annual leave for more than once within two consecutive years .

### **Article 79 –**

The worker shall be entitled to receive the any sums for accrued annual leave days should he be dismissed or should he leave work after the duly determined notice period . Such payment shall be calculated on the basis of the wages paid to the worker at the time of such leave .

### **Article 80 –**

The employer shall pay to the employee , prior to the annual leave thereof , the entire wage due thereto in addition to the leave pay determined by virtue of the provisions hereof .

### **Article 81 –**

Should the work circumstances require that the worker work during holidays or leaves for which a complete or partial payment is paid thereto , the worker shall be granted a substitute leave as well as an increase in the wage amounting to 50 % thereof . Should he not be granted a substitute leave , the employer shall pay to the worker an additional sum to the basic salary thereof amounting to 150 % with regards to the days of work .

### **Article 82 –**

Should the worker sustain an illness not caused by an occupational injury , he must notify the employer thereof within two days at most . The employer shall take the necessary

procedures to expose the worker to a medical examination immediately in order to verify the illness thereof .

### **Article 83 –**

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

1 – The worker shall not be entitled to any paid sick leave during the probation period .

2 – Should the worker spend more than three month after the end of the probation period in the continuous service of the employer and contracted an illness , he shall be entitled to a sick leave not exceeding 90 consecutive or non consecutive days for every year of service , calculated as follows :

a – The first fifteen days with full pay .

b – The following thirty days with half pay .

c – The following periods without pay .

### **Article 84 –**

The worker shall not be entitled to the wage during the sick leave should the illness directly arise from the ill behavior of the worker such as the consumption of alcohols or narcotics .

### **Article 85 –**

The employer may terminate the service of the worker subsequent to the exhaustion thereby of the sick leaves set forth in Articles 82,83 and 84 hereof , should he not be able to report back to his work . In such case , the worker shall be entitled to the end of service gratuity in accordance with the provisions hereof .

### **Article 86 –**

Should the worker resign from service by reason of illness before the expiry of the first forty five days of the sick leaves , and the governmental physician or the physician appointed by the employer consents to the cause of resignation , the employer must pay to the resigning worker the wage due to him with regards to the remainder of the first forty five days referred to hereinabove .

### **Article 87 –**

The worker shall be granted for the entire duration of his employment and for one time a special leave without pay for the pilgrimage . Such leave shall not be included in the other leaves and may not exceed thirty days .

### **Article 88 –**

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

During the annual or sick leave set forth in the present Chapter , the worker may not work for another employer . Should the employer establishes such action , he shall be entitled to terminate the employment of the worker without notice and to deprive him of his wage for the duration of the leave .

### **Article 89 –**

Subject to the provisions set forth herein , every worker who does not report back directly to his job upon the end of his leave shall be deprived of the wage thereof for the period of his absence as of the day that follows the end of the leave .

### **Article 90 –**

Without prejudice to the cases in which the employer is entitled to dismiss the worker without notice or gratuity set forth herein , the employer may not dismiss the worker or give him a notice thereof while the worker is on a leave set forth in the present Chapter .