

## **TITLE SIX DISCIPLINARY RULES**

### **Article 102 –**

The disciplinary rules that may be inflicted by the employer or the representative thereof shall be :

1 – Warning .

2 – Fine .

3 – Suspension with reduced pay for a period not exceeding ten days .

4 – Deprivation from or deferment of periodic bonus in establishments containing a system for such bonuses .

5 – Deprivation from promotion in establishments applying a system for such promotion .

6 – Dismissal from work without prejudice to the end of service gratuity .

7 – Dismissal from work and deprivation from the total end of service gratuity or a part thereof . Such penalty shall not be inflicted for reasons other than the ones mentioned exclusively in Article 120 hereof .

### **Article 103 –**

The disciplinary rules shall determine the cases where each disciplinary sanction set forth in the preceding Article shall be inflicted .

The Minister of Labor and Social Affairs shall issue , by means of a decision thereof , a model list of disciplinary rules and rewards to guide the employers in setting their own rules in this regard .

### **Article 104 –**

The fine may be a specific amount or an amount equal to the wage of the worker for a specific period . The fine prescribed with regards to one breach may not exceed the wage of five days . Furthermore , for the settlement of the fines imposed on the worker , a maximum amount equal to the wage of five days may be deducted from the wage of the worker per month .

#### **Article 105 –**

Fines imposed on workers shall be recorded in a special register along with the cause and circumstances of imposition thereof as well as the name and wage of the worker . A special account shall be allocated therefore and the monthly proceeds thereof shall be used for the social welfare of the workers in accordance with the decisions issued by the Minister of Labor and Social Affairs in this regard .

#### **Article 106 –**

The penalty of deprivation of the periodic allowance may only be imposed once per year . Such allowance may not be deferred for more than six months .

#### **Article 107 –**

The penalty of deprivation of the promotion may not be imposed for more than one promotional cycle . The penalized worker shall be then promoted during the following promotional cycle should he meet the necessary conditions for such promotion .

#### **Article 108 –**

The financial differences from the deprivation of the promotion or allowance or the deferment thereof , of which the employer shall benefit , shall be registered in a special register along with the cause and circumstances of the imposition as well as the name and wage of the worker . A special account shall be allocated therefore and the monthly proceeds thereof shall be used for the social welfare of the workers in accordance with the decisions issued by the Minister of Labor and Social Affairs in this regard .

### **Article 109 –**

No disciplinary sanction may be imposed on the worker for an act perpetrated thereby outside the work place , unless such act is connected to the work , the employer or the responsible manager . Furthermore , it shall not be permissible to impose more than one sanction or combine any disciplinary sanction with the deduction of any part of the wage of the worker in accordance with the provision of Article 61 hereof .

### **Article 110 –**

It shall not be permissible to impose on the worker any of the sanctions set forth in Article 102 unless after the notification thereof in writing with regards to charges made against him , after having heard the worker and the defense thereof investigated , and after having recorded the matter in a minutes deposited in his personal file . The sanction shall be noted at the end of such minutes .

The worker shall be notified in writing of the sanctions imposed thereupon , the type and amount thereof , the causes of imposition and the sanction to be imposed in case of recidivism .

### **Article 111 –**

The worker may not be accused of a disciplinary offense after thirty days of the discovery thereof . Furthermore , no disciplinary sanction may be imposed after sixty days from the date of the end of the investigation in the offence of which the worker is found guilty .

### **Article 112 –**

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

The worker may be temporary suspended from work upon the charging thereof of a deliberate crime against life , property , honor , honesty or of carrying out a strike .

The suspension period shall commence on the date of the notification of the incident to the competent authorities and until the issuance of a decision thereby in such regard . The worker

shall not be entitled to his wage during the said suspension period . Should a decision be issued for the non – prosecution or the acquittal of the worker , the latter shall be reinstated and paid the full wage for the suspension period , should such suspension be arbitrary from the employer .