

## TITLE TEN LABOR INSPECTION

### **Article 166 –**

Labor inspection shall be carried out by specialized inspectors affiliated to the Ministry of Labor and Social Affairs . They shall have the powers and jurisdictions set forth herein .

Labor inspectors shall carry cards stating their capacity , issued thereto by the Ministry of Labor and Social Affairs .

### **Article 167 –**

Each labor inspector shall have jurisdiction to carry out the following :

a – Supervise the proper compliance with the provisions hereof , namely the provisions related to employment terms , wages and protection of workers during the performance of their work , and matters related to the health and safety of workers and the employment of youths and women .

b – Grant the employers and workers the technical information and instructions that enable them to adopt the good measures in view of the execution of the provisions of the law .

c – Notify the competent authorities of any lacks that the effective provisions fail to address , and suggest the necessary measures therefore .

d – Record violations of hereof , the regulations and decisions issued in application thereof .

### **Article 168 –**

Prior to their assumption of their duties , labor inspectors shall take oath before the Minister of Labor and Social Affairs that they will respect the law , perform their duties honestly and faithfully , and not divulge any industrial secret , patent right or other secrets that come to their knowledge in the course of their duties even after leaving the service . Complaints referred

thereto shall be treated with absolute confidentiality , and shall not be divulged to the owner or the representative thereof .

### **Article 169 –**

Employers and representatives thereof shall provide inspectors entrusted to carry out labor inspection with the necessary facilities and information for the performance of their duties and shall respond to any summons by appearing personally or sending representatives , if so requested .

### **Article 170 –**

A labor inspector may take any of the following measures :

1 – To enter any establishment subject to the provisions hereof at any hour of the day or night without prior notice , provided that it is within the working hours .

2 – To carry out any examination or investigation necessary to verify due compliance with the Law . More particularly , he may :

a – Interrogate the employer or the workers , either privately or in the presence of witnesses , about any matters related to compliance with the provisions hereof .

b – Peruse and obtain copies and extracts of all documents required to be kept in accordance herewith and the decisions issued in application thereof .

c – Take sample ( s ) of materials used in industrial or other operations subject to inspection , where such materials are suspected to have a harmful effect on the health or safety of the workers , and such for the purpose of the analysis thereof in official laboratories and ascertaining the degree of impact . He shall then notify the employer or the representatives thereof of the result , and take necessary measures in this regard .

d – Ensure that notices and announcements are posted at the workplace as required by this Law .

Should the inspection be related to health aspects of work , the inspector shall , upon the consent of the head of the competent labor department , be accompanied by a specialized physician from the Ministry of Health or a physician appointed for the purpose .

#### **Article 171 –**

The Minister of Labor and Social Affairs shall issue the executive regulations necessary for the regulation of the inspection operations set forth in the preceding Article .

#### **Article 172 –**

Without prejudice to the provisions of Article 169 , any person carrying out an inspection shall notify the employer or the representative thereof of his arrival , unless he considers that the inspection mission requires otherwise .

#### **Article 173 –**

The labor inspector may require employers or the representatives thereof , in view of ensuring the compliance with the provisions regarding health and safety of workers , to make alterations to the installations or tools used in their facilities , within such timeframe determined thereby . In addition , he may , in the event of an imminent threat to the health or safety of the workers , require the adoption of such measures , as he deems necessary to avert such threat forthwith .

#### **Article 174 –**

Should the inspector , in the course of inspection , establishes the occurrence of any violation hereto , of its executive regulations or decisions issued in application thereof , he shall draw a minutes in which he establishes the violation . Such minutes shall be submitted to the competent labor department to enable it to take the necessary action against the violator .

#### **Article 175 –**

A labor inspector may , if need be , request the competent administrative authorities and the police to provide any necessary assistance .

Should the inspection be related to health aspects of work , the inspector shall , upon the consent of the head of the competent labor department , be accompanied by a specialized physician from the Ministry of Health or a physician appointed for the purpose .

### **Article 176 –**

The chief labor inspector in the area shall draw a monthly report with regards to the labor inspection activities , inspection aspects , establishments inspected , and number and types of violations committed . He shall also draw an annual report with regards to inspection in the region , containing the results and effects of inspection in addition to his comments and proposals . Copies of the monthly and annual reports shall be sent to the Labor Department .

### **Article 177 –**

The Ministry of Labor and Social Affairs shall draw an annual report on inspection activities in the State , containing all matters related to the Ministry's supervision of the implementation of the Labor Law and , in particular , the following matters :

- 1 – The provisions regulating the inspection .
- 2 – The officials in charge of inspection .
- 3 – Statistics of the establishments subject to inspection , number of workers employed therein , the number of inspection visits and tours made by the inspectors , the violations committed and penalties imposed , and the occupational injuries and diseases .

### **Article 178 –**

The Ministry of Labor and Social Affairs shall set forms for violation reports , inspection records , reminders and warnings . It shall also set the necessary rules for the maintenance and use of such forms , and shall circulate them to the Labor Departments in various regions .

## **Article 179 –**

Subject to priority right given to nationals in the employment and in addition to the general conditions related to the appointment of employees , labor inspectors shall :

- 1 – Be completely impartial .
- 2 – Have no direct interest in the establishments they inspect .
- 3 – Pass a special test of professional ethics after having completed a period of training of at least three months .

## **Article 180 –**

Special sessions for training labor inspectors particularly shall be held by the Ministry of Labor and Social Affairs . Such sessions shall observe the training of inspectors in a special manner as follows :

- 1 – Rules of regulation of inspection visits , and the contact of employers and workers .
- 2 – Rules of auditing of records and books .
- 3 – Rules of guidance of employers on how to interpret legal texts and the advantages of applying such texts and assisting them in doing so .
- 4 – Basic rules in industrial technology and means of protection against occupational injuries and diseases .
- 5 – Basic rules in production efficiency and its connection with the provision of favorable conditions for performance of work .