



DECENT WORK CHECK

LIBYA 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Libya. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

Bibliographical information

Ahmad I, Tahir T (2023) *Libya Decent Work Check 2023*. Amsterdam, WageIndicator Foundation, May.

For an updated version in the national language, please refer to <https://rawateb.org/libya>

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WageIndicator Foundation, 2023

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

The text in this document was last updated in May 2023. For the most recent and updated text on Employment & Labour Legislation in Libya in Arabic, please refer to: <https://rawateb.org/libya>

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Libya, 2011
2. Labour Relations Law, 2010
3. Social Security Law 1980
4. Trade Unions, Federations and Professional Associations Law, 1998
5. Trade Unions Law, 1985
6. Industrial Safety and the Protection of Workers Law 1976
7. Libyan Penal Code, 1953
8. Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Libya has ratified Convention 131 (1970) only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Constitution of Libya 2011
- Labour Relations Law, 2010

Minimum Wage

Following Libya's Constitution of 2011, the state must ensure equal opportunity and work to ensure that every person has a decent quality of life, the right to employment, education, medical care, and social security. In addition, individual and private property must be protected by the state. It must also ensure that national wealth is distributed fairly among residents and the many cities and regions of the country.

Under the 2010 Law, the General People's Congress (GPC) may issue a resolution to establish a "Consultative Council on Wages" to propose a general wage policy and define its functions. The Council is composed of representatives of workers and employers. The Council is headed by a government representative, nominated by the competent authority. The Council shall base its suggestions on setting and revising wages on customs, fairness, and overall social and economic situation to enhance production and meet workers' basic needs. On presentation of a request from the concerned authority and the suggestion of the related consultant council, the GPC will issue decisions establishing minimum salaries or amending them.

Employees who have been nominated by GPC based on a presentation by the relevant authority have the right to examine workplaces whether these are compliant with the requirements of law. The approved personnel for inspection have the authority of judicial control officers over

implementing this law, executive regulations, and judgments, and they shall carry identification cards demonstrating this authority. A non-compliant enterprise shall be punished with a fine ranging between 200-500 dinars.

Source: §8 of Libya's Constitution of 2011; §19-20 and 121 of Labour Relations Law, 2010

Regular Pay

The 2010 Labour Relations Law defines wages as; "what is given to the worker for his effort according to a work contract, whether a share or revenue from the production or service or a monetary sum, to which bonuses, allowances, and other benefits are due according to the legislation in force are added". While there is no explicit provision on regular and timely payment of wages, in cases where the work remuneration is a share of the production or the revenue of the service, the 2010 law requires employers to grant the worker an agreed-upon cash remuneration every month or part of the month to cover the daily expenses of worker and their family. Such remuneration is calculated as production expenses and deducted from the income to be distributed at the end of the year or upon the completion of the production process, similarly to other expenses. The 2010 law refers to various kinds of deductions. For example, it specifies that alimony payments cannot exceed 25% of the remuneration. Similarly, the loan payments cannot exceed 25% of the worker's monthly wage. Furthermore, in case of warnings or sanctions, wage deductions may not exceed three days' earnings.

Employers are required to maintain a record of remuneration paid to a worker along with the personal and work-related details of a worker, including but not limited to the worker's name, designation, personal identity number, residential address, copy of the employment contract, other documents, leave days, bonuses, duties, and penalties.

Source: §5, 47, 50, and 118 of the Labour Relations Law, 2010

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Libya has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Relations Law, 2010

Overtime Compensation

The general working hours in Libya are 10 hours a day and 48 hours a week. The daily working hours include the prayer, meal & rest break of a maximum of 60 minutes. Workers must get a rest break before six consecutive hours of work. Some industries and jobs may have their working hours reduced due to a GPC decision based on the employer's proposal.

A worker may be required to work after official working hours upon assignment from the employer if the work interest so requires.

Workers may be required to work overtime hours; however, depending on the nature of the enterprise, the overtime hours may not exceed three hours per day. Law does not specify a weekly overtime hour limit for general workers. Workers can be required to work overtime, if necessary, to cope with unusual work exigencies or exceptional conditions. The compensation for overtime work is 150% of the regular hourly salary.

Source: §13, 16 & 17 of the Labour Relations Law, 2010

Night Work Compensation

Under the Labour Relations Law, night work is done between sunset and sunrise. The law does not stipulate a premium rate for night workers. Therefore, there is no discussion on the provision of premium

rate or reducing working hours for the night workers.

Source: §5 of the Labour Relations Law, 2010

Compensatory Holidays / Rest Days

Workers may perform work on weekly rest days and public holidays in extraordinary circumstances. According to the 2010 Labour Relations Law, if workers work on their weekly rest day, they are provided an alternate day during the next three days or paid 200% of the regular wages for hours worked on a weekly rest day. Instead of getting a compensatory rest day, workers get a choice between the compensatory day off and premium payment instead of the rest day during the following week. There is no provision for a compensatory paid holiday for workers working on a public holiday.

Source: §16 of the Labour Relations Law, 2010

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances, when employees have to work on weekly rest days, the worker should be given a choice between an alternative day during the next three days or paid 200% of the compensation for the hours worked during his holiday.

Source: §16 of the Labour Relations Law, 2010

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Libya has ratified the Convention 132 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.

Regulations on annual leave and holidays:

- Labour Relations Law, 2010
- Official Holidays Law 2012

Paid Vacation / Annual Leave

Labour Relations Law provides for paid annual leave of 30 days. The duration of paid annual leave is 45 days for workers over fifty years of age or who have more than 20 years of service. The employers shall prepare a schedule for the annual vacations of their employees, taking into account the regularity and continuity of work. Workers cannot waive their leave, and the annual leave may not be prevented, postponed, or reduced except as necessitated by the work interest or on the request by the worker. For example, a worker might receive compensation instead of annual leave if the employment contract was terminated before the worker could take the already accrued leave. However, the labourer or employee is not entitled to any payment in place of annual leave if the leave was postponed at the worker's request beyond 6 months from the date it was accrued. Labour Relations Law allows splitting annual leave; however, the minimum term is 15 consecutive days.

Annual leave also increases with the length of service. A worker is entitled to 45 days of annual leave after 20 years of service with an employer. Annual leave is independent of public holidays, official days off and weekly rest days.

Source: §30 & 32 of the Labour Relations Law, 2010

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Muslim origin). The public holidays in Libya are usually 14 in number.

Public holidays are regulated under Law No. 5 of 2012 regarding official holidays, which are fully paid. These are the first day of the month of Moharram (The Hijra New Year), the twelfth day of Rabi'el Awwal (Birthday of the Prophet PBUH), the first three days of the month of Shawal (Eid el Fitr, on completion of Ramadan), The Day of "Arafat" (day of Hajj/Pilgrimage), Eid-al-Adha or Feast of Sacrifice (3 days), Libyan Revolution Day (17 February), Labour Day (01 May), Liberation Day (23 October), Martyr Day (16 September), and Independence Day (24 December).

Source: Official Holidays Law 2012

Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week after 6 continuous working days. The weekly rest period is reckoned as a paid time. The weekly rest day is generally Friday.

For those workers engaged in work in the far-flung areas or in jobs where the nature of work requires continuous operations, the weekly rest days and public holidays may be combined and given at the end of 8 weeks.

During the daily working hours, the rest break (for prayers, meals, and rest) should not exceed one hour, and workers should not work continuously for more than six

hours.

Source: §14 & 17 of the Labour Relations Law, 2010

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Libya has ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Relations Law, 2010

Written Employment Particulars

An individual employment contract is a contract under which a worker undertakes to work with and under the management of supervision of an employer in return for a wage. The employment contract may be of definite or indefinite periods must be concluded in writing. After determining its legal form and agreement with the law, the contract should include all necessary details to specify the parties' rights and obligations and be written in Arabic in three copies; one copy will be delivered to each party after approval, while the third copy will be kept with the concerned employment office. The registration expenses for individual work contracts are waived. The employment contract should be concluded while considering the model employment contract by the competent authority.

Each labourer's name, occupation, social status, number of personal identities, residential address, wages, copy of the contract and other papers, leave days, awards, duties, and sanctions imposed should be kept in a separate file by the employer.

Source: §10 & 67 of the Labour Relations Law

Fixed Term Contracts

According to the Labour Relations Law, if the contract is for a specific period, whether indicated in the contract or based on the nature of the work, the period could not exceed two years/24 months. The

maximum length of fixed-term contracts, including renewals, is 48 months. A fixed-term contract terminates on the expiry of the contract period without any requirement of notice or warning. A fixed-term contract turns into an indefinite term contract if the length of a fixed-term contract, including renewals, exceeds 48 months or where parties continue working after the expiry of a contract without an agreement to renew the contract.

Source: §70 the Labour Relations Law, 2010

Probation Period

Under the Labour Relations Law, the probation period may not exceed 3 months. There is no provision for renewal of the probationary period. If the employer does not decide to terminate the employment contract at the end of the probation period, it is considered a confirmation of employment.

Source: §69 of the Labour Relations Law

Notice Requirement

Under the Labour Relations Law, there is no requirement for serving a warning or notice before the termination or expiry of a fixed-term contract. For an indefinite term contract, either party may terminate the contract by giving the other party 30 days' written notice. Where the employer terminates the contract, the worker must be given at least two hours in a working day to look for employment elsewhere during the notice period. The legislation requires payment instead of in cases where the employment contract was terminated without complying with the notice requirements.

The employee may terminate the contract without notice in the following cases: if the employer was found guilty by not performing his obligations mentioned in the contract, submission of incorrect information, during the probation period, in case of committing a mistake that resulted in heavy loss of the employer, absence without justified reason for more than 20 days in a year or 10 consecutive days, divulges the secret of his work, or in case of misbehaviour with colleagues or superiors. Such workers should not be entitled to compensation from the employer or any other source.

A worker may also terminate the employment contract without notice in the following cases: where the employer breaches its basic contractual obligations; where the employer uses a means of fraud during the hiring process concerning the conditions of employment; if the acts against morality or honour are committed against the worker by the worker's supervisors or officers; if there is a danger to the worker's safety or health, provided the employer is aware of such danger and has not taken the safety measures prescribed or imposed by the competent authorities.

The employer may not dismiss a worker without cause. The worker may not be dismissed unless they commit a mistake, a list of which is provided in the labour law. The employer is prohibited from directly dismissing the worker. Instead, a request of dismissal and the reason(s) for dismissal is submitted to the concerned employment office for prior approval to dismiss the worker.

A worker's employment contract may not be terminated on the ground of trade union membership. The employment

contract may not be terminated during any type of statutory leaves (annual, sick, maternity leave, etc.) or because the worker files a complaint or institutes proceedings against the employer. An employment contract may be terminated due to a worker's inability to work, low performance, misconduct, or work requirements, including restructuring or economic reasons.

Source: § 71 & 77 of the Labour Relations Law

Severance Pay

Severance pay is regulated under the Labour Relations Law, 2010. A foreign or expatriate worker is entitled to severance pay (end of service award) at half monthly wage (15 days' wage) per year for the first five years of service with the employer. The rate of severance pay increases to one monthly wage per year of service for years of employment beyond the first five years. Severance pay is payable only where the worker is not registered with the social insurance system. Severance pay is not awarded if a worker terminates the contract without notice.

If an employment contract is unjustifiably terminated, the affected party (generally the worker) has the right to compensation estimated by the court, taking into account the type of work, the amount of damage, the period of service, and the custom in force at the time of occurrence of employment termination.

Source: §76 & 78 of the Labour Relations Law, 2010

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Libya has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

Paternity Leave

No provisions could be located in the law allowing paternity leave to new fathers.

Parental Leave

No provisions could be located in the law allowing parental leave for parents after exhaustion of maternity leave and paternity leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Libya has ratified Convention 103 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Relations Law, 2010
- ISSA Country Profile for Libya, 2019

Free Medical Care

A worker registered with the Social Security Fund and subject to certain qualifying conditions is entitled to medical benefits during maternity. These benefits include prenatal, childbirth and post-natal care.

No Harmful Work

No provisions could be located in Labour Relations Law regarding the prohibition of unwholesome and hazardous work to women during pregnancy and after childbirth to protect the mother and child. According to the 2010 Law, working hours may be reduced for women in some professions and works determined by the General People's Congress, considering the needs of the work commensurate with the number of male and female workers. However, no executive regulations or decisions by the GPC could be located.

Source: §24 of the Labour Relations Law, 2010.

Maternity Leave

Maternity leave is provided and regulated under labour law. No provisions could be located in the law regarding pregnancy inquiry and its prohibition during recruitment.

When a woman submits a medical certificate confirming the expected maternity date, she is entitled to 14 weeks of paid maternity leave. The compulsory

post-natal leave is at least 6 weeks. However, the maternity leave can be extended to 16 weeks in case of multiple births.

Source: § 25 of the Labour Relations Law, 2010

Income

In line with the 2010 Law on Labour Relations, maternity leave is a fully paid leave, and workers are entitled to their full wages during such leave. In this case, maternity leave is employer liability.

Under the 1980 Law on Social Security, female workers are also entitled to social insurance benefits through the Social Security Fund. To receive benefits under the 1980 legislation, a worker must be in employment for at least six months before the expected date of childbirth and four months of contributions in the last six months. The cash maternity benefit is 100% of the worker's last daily wage payable for six months, three months before and three months after the childbirth. There is also a provision for pregnancy benefit, which is paid at 3 dinars per month from the fourth month of pregnancy. A birth grant of 25 dinars per childbirth is also provided under the Social Security Law.

Source: §25 of the Labour Relations Law, 2010; Social Security Law 1980; ISSA Country Profile for Libya 2019

Protection from Dismissals

Labour law states that a woman worker's employment may not be terminated during pregnancy or maternity leave unless there are compelling grounds

unrelated to pregnancy, motherhood, birth problems, or nursing.

Source: §25 of the Labour Relations Law

centre for women workers' children.

Source: §25 & 26 of the Labour Relations Law, 2010

Right to Return to Same Position

There is no specific provision in the law granting a worker the right to return to the same position after her maternity leave. However, it is implied from article 25 of the Labour Relations Law that a worker cannot be dismissed during her pregnancy and maternity leave, which means that the right to return to work is guaranteed under the law. Furthermore, the right to return to the same position is provided under the executive regulation, framed under 2010 law, which requires that a worker should occupy their original job if it is vacant or any other job of the same rank after availing their leave.

Source: §25 of the Labour Relations Law; §21 of the Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

Breastfeeding/ Nursing Breaks

The Labour Relations Law provides for fully paid nursing breaks to the nursing mothers until the child is 18 months old. The duration of nursing breaks is at least one hour during a workday. The nursing breaks can be provided in multiple periods, provided that the total duration is around one hour.

The Labour Relations Law further requires employers who employ women with children to allocate nursery spaces for their children. Two or more employers may jointly establish a nursery space or daycare

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Libya has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Relations Law, 2010

Employer Cares

The Labour Relations Law requires employers to take all the necessary precautions to protect workers from health risks or occupational hazards while performing their work. Before starting work, the employer should arrange for a medical examination for the employee to determine their safety and health condition concerning the type of work they are required to perform. The periodic health check-ups are also a requirement under the law. In addition, the employer should offer required insurance for labourers or employees against diseases and occupational dangers and health care and social security for them and their families.

The employer should inform workers about the risks before starting work, require them to use the necessary personal protective equipment, and take the necessary precautions to protect them from health harms and work risks while they are at work. The workers should use the essential protective equipment and pledge to maintain it and follow and execute the issued instructions to safeguard their health and avoid work injuries; they should not obstruct the execution of instructions or misuse or damage the tools provided for labourer protection and safety.

In enterprises employing more than 10 workers, the employer must make a list of mechanical and chemical hazards at the workplace. The list should include the preventive measures, the initial steps in

case of exposure to a hazard, and the closest treatment sources.

Source: §37-39 of the Labour Relations Law, 2010; §6 of the Industrial Safety and the Protection of Workers Law 1976.

Free Protection

Labour Law requires employers to provide personal protective equipment (means of protection) to workers involved in hazardous work. The employer should adequately train the labourer or employee for the job or function, inform them about the risks before returning to work, and provide them with protection, including personal protective equipment. The employer should not charge workers any expenses or deduct any amount from their wages to provide personal protective equipment and should take the necessary precautions to protect them from health harms and work risks while they are at work.

Source: §39 of the Labour Relations Law, 2010.

Training

The employer should instruct and train the employee on the proper basis for performing the activity or function and advise them of the hazards before starting work.

Source: §39 of the Labour Relations Law, 2010

Labour Inspection System

The Labour Relations Law stipulates a vibrant labour inspection system (Chapter V). Employees appointed by the decision of

the General People's Congress based on a nomination by the competent authority are entitled to inspect workplaces governed by the provisions of Labour Relations Law.

The labour inspectors are responsible for controlling the implementation and execution of the labour legislation, providing information and technical advice to employers and employees for the existing labour law to be carried out, identifying the deficiencies within the legislation, controlling the violations of law and the executive decisions and submitting periodic reports on inspection visits.

Without prior notice, labour inspectors have the right to enter workplaces to carry out their duties at any time during office hours, night or day, to inspect or investigate, to view records and books, or any other documents related to work or employees, and to make copies of them; and to request data and information concerning the performance of their duties. Therefore, employers should make inspectors' jobs easier and work with them to get the information and data they need.

Source: §110-112 of the Labour Relations Law, 2010

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Libya has ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Social Security Law 1980
- Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

Income

Under the Social Security Law 1980, a worker is entitled to paid sick leave if the sickness is established and determined by the concerned medical authority. The sickness benefit is paid as specified under the Social Security Law. Workers are entitled to paid sick leaves as follows:

1. 60% of wages in case of typical illness for one year;
2. 70% in the case of temporary disability due to work injury for one year

The sickness benefit is paid for a maximum of one year. Full pension is payable if the insured worker's employment is terminated owing to a workplace injury that renders the worker completely disabled. In the case of partial disability, the worker is entitled to 60% of the wage as a disability benefit. A worker must have at least four months of contributions to be eligible for sickness benefits.

Source: §17 & 25 of Social Security Law 1980; ISSA Country Profile for Libya, 2019

Medical Care

General and specialised care, hospitalisation, maternity care, basic medical supplies, and rehabilitation are all covered and provided to the workers insured through the Social Security Fund.

For some services, cost-sharing may be required. Medical benefits remain available for up to six months after the expiry of financial benefits.

Source: ISSA Country Profile for Libya, 2019

Job Security

The employment of a worker is secure during paid sick leave. An employer cannot terminate an employment contract due to a worker's sickness unless the worker has exhausted sick leave, as determined under social security law, and unavailed annual leave. After returning from the leave period, the employee should occupy their original position if it is vacant or any vacant position of the same rank.

Source: §80 of Labour Relations Law; §21 of the Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

Disability / Work Injury Benefit

Work injuries may be classified based on their consequences as those resulting in: (i) permanent total disability, (ii) permanent partial disability, (iii) temporary disability and (iv) fatal injury leading to the death of a worker.

Work injury benefits are funded through the same contributions made for the Old Age, Disability and Survivors Benefits system. There are no qualifying conditions for accessing work injury benefits.

In the case of permanent total incapacity (assessed degree of disability is at least 60%), the pension ranges between 50-100% of the insured worker's last earnings. Therefore, the minimum pension is 50% of

the insured worker's monthly earnings + the value of the monthly old-age pension. The formula for calculation of old-age pension is given under the Pension rights.

In the case of permanent partial disability (assessed degree of disability ranges between 30-59%), the minimum monthly old-age pension multiplied by the assessed degree of disability is paid to the worker. For example, if the assessed degree of disability is between 5-29%, a lump-sum amount based on 12 times the minimum monthly old-age pension is paid according to the assessed degree of disability.

In the case of temporary disability, 70% of the insured worker's daily wage is paid from the day after the disability began until full recovery or certification of permanent disability. After that, the benefit is paid for a year.

In the case of fatal injury leading to the worker's death, the survivors are paid benefits. The amount of survivor benefit under work injury depends on the number of survivors and their relation to the deceased worker. This benefit is the same as under the topic of Social Security.

Source: §17 of the Social Security Law 1980; ISSA Country Profile of Libya, 2019

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Employment Injury Benefits: Conventions 121 (1964),
Invalidity, Old age and survivors' benefits: Convention 128(1967)
Medical Care and Sickness Benefits: Convention 130 (1969)
Unemployment Benefits: Convention 168 (1988).

Libya has ratified the Conventions 102, 121, 128, and 130.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Security Law 1980

Pension Rights

The Social Security Law of 1980 provides an old-age pension for workers once they reach the superannuation age. The old-age pension is funded through a social insurance system where worker (3.75% of the gross monthly covered earnings), employer (10.5% of the gross covered monthly payroll) and government (0.75% of the covered earnings for insured workers). The old-age pension is also available for self-employed workers, provided that they pay contributions at 15.675% of the gross monthly earnings.

For full pension, a worker must have attained 65 years of age (60 years for women or those in hazardous working conditions) with at least 240 months (20 years) of contributions. The old-age pension is calculated as per the following formula: 2.5% of the insured worker's average monthly earnings for the first 20 years of contributions + 2% for each year exceeding 20 years. The minimum old pension is 80% of the applicable minimum wage in the country. The maximum old-age pension is 80% of the insured worker's average wage in the last three years.

Source: ISSA Country Profile for Libya, 2019; §14 of the Social Security Law 1980

Dependents' / Survivors' Benefit

The Social Security legislation stipulates survivors' benefits. These have the same funding source as old age pension and Invalidity benefits. The qualifying condition

is that the deceased worker either received or was entitled to receive old age or disability pension. The eligible survivors would include unemployed widow(er)s; unmarried, unemployed sons (up to age 28 depending on the type of continuing education); unmarried, divorced, or widowed daughters (the benefit ceases upon marriage or remarriage); parents without income; and dependent unmarried siblings if the deceased had no children. The amount payable to the survivors under the survivors' benefit depends on the number of family members and their relationship to the deceased worker. The widow(er) receives 40% to 75% of the old-age or disability pension the deceased worker received or was entitled to receive. The orphans receive 40% to 75% of the referred old age or disability pension. A lump-sum death grant is also paid to the survivors.

Source: ISSA Country Profile for Libya, 2019; §21-24 of the Social Security Law 1980.

Unemployment Benefits

A worker is entitled to 6 months of unemployment benefit, payable by the employer, on termination of employment. The unemployment or severance benefit is 100% of the employee's average earnings.

Source: ISSA Country Profile of Libya, 2019.

Invalidity Benefits

The Social Security legislation provides for invalidity benefits in the case of non-occupational accident/injury/disease resulting in permanent invalidity. The legislation provides for both the invalidity pension and disability settlement. It is

calculated similarly to an old-age pension. Minimum invalidity pension is 50% of the old-age pension the worker received or was entitled to receive plus 0.5% of the insured worker's average monthly earnings during the last three years for the first 20 years of the work period and 2% for each extra year of service. Maximum invalidity pension is 80% of the worker's average monthly earnings.

Source; ISSA Country Profile 2019, Libya; §14 of the Social Security Law Law 1980.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Libya has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Libya, 2011
- Labour Relations Law, 2010
- Libyan Penal Code, 1953

Equal Pay

Constitution of Libya, 2011

The Labour Relations Law prohibits discrimination in wages on the ground of sex. Men and women cannot be discriminated against in treatment, employment, and remuneration for work of equal value. The legislation further requires equal remuneration for work of equal value based on sex, religion, race, or colour.

Source: §21 & 24 of the Labour Relations Law, 2010.

Sexual Harassment

There is a general prohibition of sexual harassment under the Labour Relations Law. In addition, the workers are prohibited from sexually harassing other workers or inciting others to any act considered as sexual harassment at the workplace. However, the penalties are unclear for perpetrators of sexual harassment.

Under the Penal Code, anyone who subjects a woman to words, acts, or gestures that violate her decency in a public street or any accessible location, and anyone who incites passers-by to indecency by gestures, words, or acts commits a crime which is punishable by detention for a period ranging between one to six months.

Source: §12 of the Labour Relations Law,

2010; §420 bis of the Libyan Penal Code, 1953.

Non-Discrimination

Following the 2011 Libyan Constitution, the state ensures equal opportunity for all citizens without distinction. The Constitution further states that all citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation or any other reason.

The Labour Relations Law also prohibits discrimination in wages based on sex, colour, race, disability, trade union membership or religion. In the introductory part of the Labour Relations Law, work is a right and duty for all male and female citizens. The right to work is based on equality in employment among citizens or among citizens and other foreigners residing legally in Libya.

Source: §6, 7 & 8 of the Constitution of Libya; §2 & 21 of the Labour Relations Law

Equal Choice of Profession

The Labour Law states that a decision by the General People's Congress may specify that women should not be employed in jobs that are unsuitable for their nature. However, no such decision could be located.

Source: § 24 of Labour Relations Law, 2010

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Libya has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Relation Law 2010

Minimum Age for Employment

The minimum age for employment is 18 years. However, the labour law permits children as young as 16 years to work as apprentices. The Labour Relation Law sets the minimum age for regular employment as 18 years. As an exception, the minimum age for hire can be reduced to 16 years, as long as the adolescent workers' health and safety are not jeopardised, their morals are upheld, and their employment is linked to education or vocational training.

A juvenile worker cannot be made to work for more than six hours a day, and the worker is provided meal and rest breaks. The breaks have to be arranged so that a juvenile worker does not work for more than four continuous hours. A young worker is prohibited from working overtime or on the weekly rest day and official holidays. Juvenile workers cannot be required to work at night times (between sunset and sunrise). A juvenile worker is a worker who is under eighteen years of age or over the age of elementary education; however, under eighteen years.

When employing one or more juvenile workers, employers must post a copy of the legislation for employing juveniles on the job site as well as post a list of work hours and rest periods on the job site. The employer must also notify the employment office regarding the names, ages, dates of employment, and assigned work.

Source: §27, 28 & 29 of the Labour Relations Law, 2010

Minimum Age for Hazardous Work

There were no provisions located in the Labour Relation Law about the minimum age for children doing hazardous work. According to Labour Law, GPC will define the work and circumstances for employing teenagers and the procedures, conditions, and circumstances that are forbidden. However, no such regulation or decision could be located.

Source: §27 & 28 of the Labour Relations Law

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Libya has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Relation Law 2010

Prohibition on Forced and Compulsory Labour

No restrictions could be located on forced labour under the Constitution of Libya; however, labour law does prohibit forced labour. In line with the Labour Relations Law, work in Libya is the right of all citizens and is based on equality principles in employment between them and other foreigners with legal permits. The Labour Relations Law prohibits forced labour and other manifestations of injustice and exploitation.

Source: §2 of the Labour Relation Law 2010

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice to their employer. The required notice period is 30 days. For more information on this, please refer to the section on notice requirements.

Source: §71 of the Labour Relations Law

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. However, total work hours inclusive of overtime must not exceed ten (10) hours per day. Moreover, the law states that overtime hours should not exceed 3 hours per day. Given this information, the maximum work

hours inclusive of overtime are 60 hours per week.

For more information on this, please refer to the section on compensation.

Source: §13 & 16 of Labour Relations Law, 2010

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Libya has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Libya 2011
- Labour Relations Law, 2010
- Trade Unions, Federations and Professional Associations Law, 1998
- Trade Unions Law, 1985

Freedom to Join and Form a Union

The Constitution of Libya stipulates that the State should protect freedom of opinions, collective expressions, press, media, editing and printing, movement, assembly, peaceful sit-in under the legislation. Moreover, the state must provide the freedom to form political parties, associations, and other civil society organisations and enact legislation to regulate them. Secret or armed clubs or societies that violate public order or morals, endanger the state or the integrity of the national territory in any other way, are illegal.

According to Labour Law, a labourer's contract may not be terminated for belonging to a union or participating in union activities after or during working hours with the employer's agreement, taking different sorts of leave, or filing a complaint or legal case against the employer.

The 1998 Law on Trade Unions, Federations and Professional Associations gives workers the right to establish a trade union for persons employed in the same profession or industry. It governs the registration and administration of trade unions and trade union federations. The legislation prohibits the establishment of more than one trade union or association in the same profession. The 1985 Law on Trade Unions regulates the formation of trade unions and other work associations.

The legislation allows all workers to form and join trade unions or other work associations. However, only Libyan citizens may join unions, and regulations do not permit foreign workers to organise.

Source: §14 & 15 of the Constitution of Libya, 2011; §77 of the Labour Relations Law; Trade Unions, Federations and Professional Associations Law, 1998; Trade Unions Law, 1985

Freedom of Collective Bargaining

The legislation allows workers to bargain collectively; however, the agreements must conform to the “national economic interest”. No further information could be located about the right to collective bargaining in Libya.

Right to Strike

Workers have the right to strike; however, the option may be exercised only after exhausting all conciliation and arbitration procedures. The government or one of the parties to the collective dispute may demand compulsory arbitration. A dispute is referred to as a collective dispute if it involves at least a quarter (25%) of the workers, provided the total number of workers is not less than ten. The collective disputes are referred to the Conciliation Council and Arbitration Board.

QUESTIONNAIRE

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Check

DecentWorkCheck Libya is a product of
WageIndicator.org and www.rawateb.org/libya



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |

09/13 Social Security













- | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment



- | | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.




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Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Libya scored 41 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.