



DECENT WORK CHECK

MONGOLIA 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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Bibliographical information

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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!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Minimum Wage Law, 2011
2. Labour Law of Mongolia (Revised Version), 2021.
3. Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994
4. Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors 1999
5. Law on Occupational Safety and Health 2008
6. Law on State Inspections 2003
7. Citizens' Health Insurance Law 2003
8. Law on Unemployment Benefits Paid from Social Insurance Funds, 1994
9. Constitution of Mongolia 1992
10. Mongolian Law on Promotion of Gender Equality 2011
11. Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999)
12. Law on the Protection of the Rights of the Child 1996
13. Mongolian Criminal Code, 2017
14. Mongolian Law on Trade Union Rights, 1991

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

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

Mongolia has not ratified the above-mentioned Conventions.

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:

- Minimum Wage Law, 2011
- Labour Law of Mongolia (Revised Version), 2021

Minimum Wage

Minimum wage is regulated under the Labour Law and the Law on Minimum Wage. Minimum wage is the wage payable to a worker executing simple work or a job that does not require specified qualifications and special skills.

Minimum wage is fixed by the National Tripartite Committee on Labour and Social Consensus which comprises the representatives from government and social partners (workers and employers). The National Tripartite Committee exercises the following full powers concerning fixture of minimum wage:

- issuing an order to fix or adjust minimum wage;
- Collecting and analyzing information concerning minimum wage;
- Issuing a methodology and guidelines to fix and ensure implementation of minimum wage; and
- maintain a professional research team specialized in labour productivity and wage for supporting the work to fix minimum wage;

Minimum wage can be fixed at higher level than that fixed by the National Tripartite Committee on Labour and Social Consensus upon agreement between worker and employer representative organizations through a sectoral or inter-sectoral agreement.

The minimum wage is a minimum rate of basic pay and wage that is followed by public and determined by competent authorities for the purpose of protecting legitimate interests of an employee or worker or employee. Setting an employee's hourly basic pay at the minimum wage level is forbidden if they are working under an employment contract, contract for hire, or similar contracts that involve work requiring specific education, professional expertise, or skills. On the other hand, the Minimum Wage law allows employees to receive wages higher than the minimum wage, and employers are also permitted to pay wages exceeding the minimum wage.

While fixing or adjusting minimum wages, the following factors must be taken into account: changes in cost of living; the proper ratio between the productivity of labour and average wage; levels of social insurance, welfare pensions, and welfare benefits; and economic growth and employment rate in the country.

The minimum wage rates are fixed and revised on the basis of alterations in the living cost of the population, the proper ratio between the productivity of labour and average wage, social insurance levels, welfare pension, and welfare benefits, along with economic growth and employment rate in the country.

National Tripartite Committee on Labour and Social Consensus must fix a minimum wage at least twice a year taking into account factors specified above. The minimum wage can be renewed/adjusted if either of the parties or parties that are represented in the National Tripartite Committee proposes to fix or adjust minimum wage. In emergency situations such as economic crisis, natural calamity (force majeure), or state of emergency, the

government can propose to retain the minimum wage rate for a certain period of time in the public interest (wage freeze) or to lower it temporarily where other types of social protection measures can be used in complement.

A worker or a trade union may file a complaint with a labour inspector or court regarding violation of Minimum Wage law. A judge or labour inspector can impose a fine of 0.6 million to one million tug rug on an enterprise for violation of the provisions of minimum wage law.

An apprentice's basic salary must be agreed with the apprentice taking into account the nature of the work to be done, and the experience and skills the apprentice is expected to acquire. The salary cannot be lower than 70 percent of the salary of the regular worker performing the same work and duties. The premiums paid to an employee is also calculated on the basis of the minimum wage prescribed in accordance with the law.

Additional pay can also be given to an employee on the basis of his/her skills, years of work, professional qualifications, work in harsh working conditions, or any other such relevant criterion.

Source: §63, 107-108, 116, and 151 of the Labour Law of Mongolia (Revised Version), 2021; §2-7 of the Minimum Wage Law 2011

Regular Pay

Under the Labour Law, a salary consists of basic wages, additional pay, extra pay, annual leave pay and bonuses.

The principles governing remuneration include equal pay for work of equal value, consideration of cost of living and inflation,

alignment with employee skills, performance, and productivity, non-discrimination, and transparency in calculating remuneration. Employers are responsible for implementing internal labour regulations related to remuneration, including job lists, descriptions, labour norms, and remuneration regulations. Remuneration should be paid at least twice a month on fixed paydays, with adjustments for weekends and public holidays. If a payday falls on a weekend or public holidays, it shall be moved to the preceding workday.

Employers must provide written or electronic information about the composition of remuneration and amount and nature of deductions from remuneration. Remuneration can be calculated and paid on an hourly, daily, or weekly basis with prior agreement. Advance payment of remuneration is possible upon request. Payment of remuneration must be made directly to the employee and failure to comply with payment regulations may result in liability under relevant laws. Employees' basic salary, annual leave pay, additional pay, extra pay and allowances must be paid in monetary form in the national currency.

Source: §101 – 105 of the Labour Law of Mongolia (Revised Version), 2021

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Mongolia has not ratified both the Conventions 01 & 171.

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 Law of Mongolia (Revised Version), 2021

Overtime Compensation

Working hours are regulated under the Labour Law. The normal working hours are eight hours a day and forty hours a week. Labour Law allows for averaging and aggregation of hours if the nature of work or the manufacturing process makes it impossible to follow daily or weekly working hours.

Working hours are reduced in the following cases:

- a) For hazardous and obnoxious workplaces, based on the recommendation of a labour inspection authority;
- b) For any employee, pursuant to the decision of a medical labour commission;
- c) For workers attending professional and retraining courses; and
- d) for pregnant and breastfeeding workers, based on their medical needs.

The maximum weekly working hours for minors are 30 hours. Weekly hours of part-time employees must not exceed 32 hours.

Working in excess of the daily hour limit (8 hours) is considered overtime work. Weekly maximum working hours including overtime must not exceed 56 hours. Daily overtime hours must not exceed 4 hours. Making workers work overtime is prohibited unless agreed in an employment contract or collective agreement. Employers are required to maintain a register of hours that the employees

worked. Overtime is allowed under the Labour Law in the following exceptional circumstances:

- (a) to perform work necessary for the defense of the country, or to protect human life or health;
- (b) to prevent or take immediate remedial actions vis-à-vis the consequences of natural disasters, public disturbances, or industrial accidents;
- (c) to remedy disruption of water, electricity or heating supply, transportation, or communication facilities; or
- (d) To perform unforeseen works which are needed to be performed urgently to prevent disruption of the normal functioning of a business entity or organization, its branch or unit.
- (e) Unless an employee agrees, it shall be prohibited to engage expectant mothers and employees with children under three years of age in overtime work.

Engaging minors under the age of 18 years in overtime work is prohibited. Moreover, it is prohibited to engage expectant mothers and employees with children under the age of three years in overtime work.

For overtime work, there is a pay raise of 50% over the usual wage when no compensatory rest is provided.

Labour Code prohibits an employer from compelling an employee to work two consecutive work shifts. No other limits on the amount of overtime could be identified. Labour Code requires time-off in lieu of overtime work. If time-off is not given, worker must be paid 150% of his normal wages for those hours of work. However, a collective agreement or employment contract may prescribe a higher overtime

rate. Lastly, an employer may elect to give employee days off in lieu for overtime worked, instead of paying the overtime penalty rate.

Source: §84, 91, and 109 of the Labour Law of Mongolia (Revised Version), 2021

Night Work Compensation

Labour Law defines night work as the work done between 22:00 and 06:00. An employee who worked during night hours shall have the next day a rest period of no less time than the duration of the night work. Employees who regularly work at night shall undergo preventive health check-ups at the employer's expense at intervals specified in the Law on Occupational Safety and Hygiene. An employer shall have a duty to transfer an employee to day work or to another work of a similar quality if the medical labour expertise committee prohibits night work for the employee.

Furthermore, employees, who worked at night and were not provided with compensatory rest, shall be paid extra pay equalling 1.2 times or higher of their average remuneration (20% extra wages). The additional pay rate for those working night hours is determined under the employment contract or the collective agreement.

An employer may not require a pregnant worker, a worker with a child under 3 years of age, a worker medically unfit to do nightwork, and minors, to be engaged in night work.

An employee who is working overtime during the night is paid in addition to the average remuneration.

Source: §88 and 109 of the Labour Law of Mongolia (Revised Version), 2021

Compensatory Holidays / Rest Days

Working on weekly rest days and public holidays is generally prohibited under the Labour Law. Labour Law allows working on weekly rest days and public holidays in the following cases:

- a) to perform work necessary for the defence of the country, or to protect human life or health;
- b) to prevent or take immediate remedial actions with respect to the consequences of natural disasters, public disturbance, or industrial accidents;
- c) to remedy disruption of water, electricity or heating supply, transportation, or communication facilities;
- d) to perform unforeseen works which are needed to be performed urgently to prevent disruption of the normal functioning of a business entity or organization, its branch or unit; or
- e) continuous manufacturing process, provision of public services, urgent repair work, and loading and unloading works.

During unforeseen circumstances, work on weekends/rest days is allowed and the first option for compensating overtime work on weekends, is the provision of adequate compensatory rest. If this is not possible, workers are paid premium wages at the rate of 150% of the normal wage rate (50% extra).

Source: §91 and 109 of the Labour Law of Mongolia (Revised Version), 2021

Weekend/Public Holiday Work Compensation

The employee is not supposed to work on public holidays and weekends unless continuous production in the workplace is required, provision of public services, transportation, communications, and other essential services, or under other permissible reasons for doing overtime work mentioned above.

The employees who worked overtime on public holidays and were not provided with adequate compensatory rest under the law are paid twice or more of their usual salary (200% of the normal wage rate).

Source: §91, 98, and 109 of the Labour Law of Mongolia (Revised Version), 2021

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.

Mongolia has not ratified the above-mentioned Conventions.

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 Law of Mongolian (Revised Version), 2021

Paid Vacation/ Annual Leave

Annual leave or paid vacation is regulated under the Labour Law. Annual leave is divided into basic and additional leave. Additional leave is dependent on the length of service with the employer. Basic annual leave is 15 working days. Basic annual leave for minors and those engaged in difficult working conditions is 20 working days. Additional leave starts from 6th year of service with the employer. Additional annual leave is as follows:

- (i) 3 working days for 6-10 years of employment;
- (ii) 5 working days for 11-15 years of employment;
- (iii) 7 working days for 16-20 years of employment;
- (iv) 9 working days for 21-25 years of employment;
- (v) 11 working days for 26-31 years of employment; and
- (vi) 14 working days for more than 32 years of employment.

Workers working under obnoxious working conditions are also entitled to additional leave days as set by the collective agreement, which is as follows:

- (i) 5 working days for 6-10 years of employment;
- (ii) 7 working days for 11-15 years of employment;
- (iii) 9 working days for 16-20 years of employment;
- (iv) 12 working days for 21-25 years of employment;

- (v) 15 working days for 26-31 years of employment; and
- (vi) 18 working days for more than 32 years of employment.

Workers are entitled to their regular pay during the vacation period. The amount of the regular vacation payment is determined on the basis of the employee's average salary for the respective year. Matters of payment during leave are governed by internal labour regulations, collective agreements, and employment contracts. An employee is allowed to take his or her annual vacation in separate parts during the year at his or her request and the employer is entitled to entertain such a request.

If an employee doesn't take his annual leave, he is paid 1.5 times his annual leave pays. If an employee's contract is terminated, he will be given pay for his unavailed leave in correspondence with the time he spent in the workplace.

Annual leave can be taken in parts as well, provided that any part of the annual leave must not be less than 10 continuous working days.

Source: §99 and 110 of the Labour Law of Mongolia (Revised Version), 2021

Pay on Public Holidays

The Labour Law provides for the following public holidays. Public holidays are 14 in number. These are New Year's Day (January 01), Lunar New Year or Tsagaan Sar/White Moon (first three days of the spring according to Lunar calendar); International Women's Day (March 08); Children's Day (June 01); Lord Buddha Day: 15th day of the first month of the summer according to the

Lunar calendar; National Naadam holiday/Anniversary of the Mongolian People's Revolution (July 11-15); Republic Day (November 26); Genghis Khan's Birthday (First day of the first winter month of the year); and Independence Day (December 29).

Public holidays are fully paid days. Workers engaged on public holidays are entitled to compensatory rest day. In case the time-off is not provided, workers are entitled to 200% of the normal wage rate.

Source: §97 and 109 of the Labour Law of Mongolia (Revised Version), 2021

Weekly Rest Days

Labour Law provides for two days in a week as weekly rest days. These are Saturday and Sunday. If an employee is not able to take rest on Saturday and Sunday due to the special nature of his work, he is given 2 consecutive rest days on other days of the week.

Source: §96 and 109 of the Labour Law of Mongolia (Revised Version), 2021

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Mongolia has not 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 Law of Mongolia (Revised Version), 2021

Written Employment Particulars

Labour Law regulates the employment contracts. An employment contract should be mutually agreed upon by both the employer and the employee. To be considered an employer, an individual must possess full legal capacity. The employer is obligated to execute a written employment contract, with both parties signing it, and provide a copy to the employee. In cases where there are valid reasons for not having a written contract initially, the employer must retroactively execute the contract within 10 working days from the start of the employee's work. However, even in the absence of a written contract, an employment relationship is considered to have been established from the moment the employee began working and carrying out their duties. The following basic terms are, inter alia, set forth in an employment contract:

- job title or position name;
- job duties specified in the position description;
- amount of basic or position salary;
- Labour/working conditions.

Parties may add the following provisions to an employment contract:

- hours of work and rest;
- procedures for paying remuneration;
- the grounds for terminating or ending an employment contract;
- labour discipline, and the procedures for filing complaints;

- level of skills and abilities required of the job; and
- other provisions as mutually agreed by parties.

In view of the characteristics of the job and in addition to provisions listed above an employment contract may contain by mutual agreement supplementary provisions on material liability, confidentiality, training and non-competition.

Source: §4, 49, and 71 of the Labour Law of Mongolia (Revised Version), 2021

Fixed Term Contracts

An employment agreement may be concluded for a specified/fixed term or indefinite term.

Employment agreements with specified term are treated as indefinite agreements if the combined duration of the initial term and any extensions exceeds two years. An employment contract is generally considered to be of indefinite term, except in the following cases:

- a. Apprenticeship;
- b. Probation period;
- c. Performance of work of seasonal nature;
- d. Replacement of an employee who has a secure employment (and is on statutory leave);
- e. Work at the temporary job; and
- f. Performance of work that is limited in time due to financing or scope of such work.

Source: §50 of the Labour Law of Mongolia (Revised Version), 2021

Probation Period

For ascertaining the job fitness of an employee, the employer can engage a worker on a probationary employment contract for a time period not exceeding three months. Such an employee will be paid the minimum wage, or any other remuneration provided under the law.

Employees working under a probationary employment contract must receive a basic salary that is at least equal to the basic salary for their specific workplace. In addition, they are entitled to supplemental payments, added payments, bonuses, and allowances as stipulated by the relevant laws.

Probationary employment contracts cannot be offered to employees hired for seasonal jobs on a one-time basis, to those filling in for an employee on statutory leave, or to those hired for temporary positions.

Employees with probationary employment contracts are afforded the same rights and protections as other employees under labour legislation, collective contracts, collective agreements, and internal labor regulations.

Source: §64 of the Labour Law of Mongolia (Revised Version), 2021

Notice Requirement

An employment agreement may be terminated at the employee's initiative or at the employer's initiative. A contract of employment may be terminated on the following grounds: mutual agreement between the parties; death of either party; expiry of the contract term; on the order of

an authority under law; reinstatement of another employee to previous job after being wrongly dismissed; called to active military service; court judgment awarding punishment to the worker thus preventing him from performing the job duties; and any other cases as provided under legislation, collective agreement or employment contract.

A worker may terminate an employment contract by serving a 30-day notice. For valid reason or by mutual agreement, a contract of employment may be terminated prior to the 30-day notice requirement. The required notice period varies between 30-45 days depending on the scope of termination. The required notice is 30 days in the case of economic redundancy or in cases where employer fails to meet the job requirements due to lack of qualifications and skill or health reasons. A thirty-day contract termination notice is required to be given to the employee representatives in cases of termination of employment of all workers.

Source: §78 – 81 of the Labour Law of Mongolia (Revised Version), 2021

Severance Pay

Severance pay is regulated under the Labour Law. Severance pay is provided in the following cases:

- the employee has been called to active duty in the army;
- the employer's business entity (or a branch or unit) has been dissolved, or the job or position within it has been discontinued or the number of employees has been reduced;
- the employee fails to meet the job's requirements due to the lack of

- professional qualifications or skill, or health reason; and
- the employee has reached 60 years of age and is eligible to receive a pension.

Severance pay is dependent on length of service with the enterprise as follows:

1. At least one monthly salary for a worker with six months to two years of service;
2. At least two monthly salaries for a worker with two to five years of service;
3. At least three monthly salaries for a worker with five to ten years of service; and
4. At least four monthly salaries for a worker with more than ten years of service.
5. In case of mass termination of employees, or when an employee is retired, the rate of severance pay remains the same as mentioned above.

Source: §82 of the Labour Law of Mongolia (Revised Version), 2021

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

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

Mongolia has not ratified the Convention 156 and 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:

- Labour Law of Mongolia (Revised Version), 2021

Paternity Leave

The father of a newborn child is entitled to get paid paternity leave of at least 10 working days. His remuneration during this time period is equal to his average remuneration for this time period. As for the adopted child, either the father or mother may get leave until the child reaches 60 days of age if they request.

Source: §137 and 138 of the Labour Law of Mongolia (Revised Version), 2021

Parental Leave

Parental leave is regulated under the Labour Law and is referred to as “child care leave”. An employer may grant such child care leave to a mother who has used all her maternity leave and annual leave and has a child under three years of age. Childcare leave can also be requested by fathers.

Employment of a worker is secure during child care leave. The employer is required to engage the worker in prior work if such a request is submitted prior to or on the expiration of childcare leave. In case the work or position has been eliminated or the number of staff has been reduced, the employer is required to provide the worker with another job or position. This provision is equally applicable to parents adopting a child under three years of age.

Payment of an allowance during the period of such leave is regulated by applicable

legislation, collective contracts, collective agreements, employment contracts and internal labour regulations.

Women and single fathers adopting a newborn child are granted the same leave as a mother who gives birth to a child until the child reaches the age of 60 days.

Source: §139 of the Labour Law of Mongolia (Revised Version), 2021

Flexible Work Option for Parents / Work-Life Balance

Expecting mothers and employees that have children under three years of age can engage in work-from-home or telework after having an agreement with an employer.

Source: §140 of the Labour Law of Mongolia (Revised Version), 2021

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.

Mongolia has ratified the 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:

- Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994.
- Labour Law of Mongolia (Revised Version), 2021
- Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors 1999.
- Citizens' Health Insurance Law, 2003

Pregnancy Inquiry

It is prohibited for an employer prior to and during an employment relationship to ask an employee any questions or collect information not related to the work, or demand employees to undergo health, psychological, HIV or pregnancy tests unless authorized to do so by law.

Source: §6.4 of the Labour Law of Mongolia (Revised Version), 2021

Free Medical Care

Persons employed on a contractual basis by business entities, organizations or individuals, and government servants are subject to compulsory insurance, unless otherwise provided by law. Self-employed may be affiliated voluntarily to the social insurance. Social Insurance includes health insurance and free health care is provided under it. The premium of health insurance is defined under the Citizens' Health Insurance Law.

Source: §3, 4, & 10 of the Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994; §4 of the Citizens' Health Insurance Law, 2003

No Harmful Work

Pregnant women, women with children under 8 years of age, and single parents with children under 16 years of age may only work on night shifts and overtime with their prior consent. However, work on rest days is not prohibited for pregnant workers and no time off is provided under the law for medical examinations either.

Pregnant women or nursing mothers are entitled to work reduced hours on the basis of a medical certificate. Furthermore, a pregnant woman or a breastfeeding mother is transferred to another job that is not detrimental to their health if relevant medical authorities determine such action is appropriate.

Although the specific professions in which pregnant women are prohibited from being employed are not mentioned within the law, there are general provisions that restrict women from lifting and carrying weights heavier than those approved by government regulations. Moreover, the Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors law prescribes an exhaustive list of professions considered hazardous.

In accordance with the medical report of a female employee, she can be temporarily transferred to another job while she is expecting or nursing her child, and her hours of work can be reduced in accordance with the medical certificate issued to her. No night work, overtime work, going on business trips, or work on public holidays and weekends, for pregnant or nursing women is allowed without their consent.

Source: §58, 85, 88, 91, 98, and 141 of the Labour Law of Mongolia (Revised Version), 2021; Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors 1999

Maternity Leave

Maternity leave is regulated under the Labour Law. Women are entitled to 120 days of leave (60 days prenatal and 60 days postnatal leave). The duration of maternity leave is extended to 140 days if a woman gives birth to twins.

The maternity leave is also granted to a woman who has delivered a stillborn child or has had pregnancy interrupted by medical procedure after the 196th day of pregnancy and to a woman who has delivered a child before the 196th day of pregnancy who is able to live.

If a woman has delivered a stillborn child or has had pregnancy interrupted by a medical procedure before the 196th day of pregnancy, she is entitled to medical leave under the regular procedure after ascertainment from a competent medical doctor.

Source: §137 of the Labour Law of Mongolia (Revised Version), 2021

Income

An insured female employee or a civil servant who gives birth prematurely after at least 196 days of pregnancy, who has a miscarriage or an abortion, or who gives birth before 196 days of pregnancy to a child who survives, is entitled to maternity benefits.

Mothers, who have paid contributions for social insurance for at least 12 months, (of which six months must be prior to the maternity leave), are eligible for a maternity benefit. Mothers satisfying the contribution requirement are eligible for maternity benefits in the following cases: those who give birth prematurely before the expiry of 196 days of pregnancy or have an abortion or interruption of pregnancy through medical intervention in addition to those who give birth to a surviving baby able to survive although it was born prior to the expiry of 196 days. Working mothers, who give birth while they were on childcare leave, are also entitled to a maternity benefit.

Maternity benefits are calculated on the basis of working days and a worker is eligible for the benefit during the full term of maternity leave (120 days/4 months). Maternity benefits are calculated at a rate of 100 percent of the average salary over the preceding 12 months, or comparable income. The voluntarily insured women workers receive 70 percent of their average salary over the preceding 12 months as maternity benefit.

Source: §19(2) of the Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994

Protection from Dismissals

An employer may not dismiss a pregnant woman or a single parent with a child under 3 years of age except in the event of liquidation of the employer's business entity or organization.

No woman in Mongolia can be discriminated on the basis of her marital status, or her pregnancy/childbirth. The

employment relationship with an expectant mother or a single parent caring for a child under three years of age cannot be ended, except in cases like when an enterprise or organization is dissolved.

Source: §6 and 135 of the Labour Law of Mongolia (Revised Version), 2021

Right to Return to Same Position

Labour Law stipulates that the employee must retain a job or position where the employee is on pregnancy, maternity, or childcare leave. Furthermore, after the expiration of child care leave, the employee is entitled to resume to previous work or position. If an employee's job or position has been eliminated due to business reasons, the employer must assign her to another job or position.

If an employee was temporarily transferred from one job to another because she was expectant or was nursing her child, she can be reinstated on her previous job after the prescribed duration for it ends. However, if a relevant medical report mentions that she cannot be reinstated to her previous post as her fitness for such work will not be regained, she can continue either her temporary work or can be assigned another suitable job.

Source: §58 of the Labour Law of Mongolia (Revised Version), 2021

Nursing/Breastfeeding Breaks

Nursing breaks are guaranteed under the Labour Law. Women workers are entitled to two hours of additional break a day for childcare or feeding if the child is under six months of age or twins under one year of age. The duration of an additional (nursing)

break is one hour when the child is aged between 6 to 12 months. The nursing break is one hour when a child is over one year however in need of special care as determined by relevant medical authorities. Breaks for breastfeeding and childcare are treated as working hours.

A nursing mother is transferred to another job that is not detrimental to her and her child's health on the recommendation of relevant medical authorities. Employer are required to take measures within reasonable limits to provide employees with facilities for breastfeeding.

Source: §136 of the Labour Law of Mongolia (Revised Version), 2021

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)

Mongolia has ratified the Convention 155 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:

- Law on Occupational Safety and Health 2008
- Law on State Inspections 2003
- Labour Law of Mongolia (Revised Version), 2021

Employer Cares

Employers are required to maintain safe and healthy working conditions. The Law on Occupational Safety and Health has detailed instructions for employers with regard to use of machinery and equipment, machineries for lifting, delivering and transporting as well as fire safety requirements. Employers are required to arrange free-of-cost preliminary and periodic medical check-ups (related to their work performance) for all workers.

Employers' responsibilities are enumerated in the Law on Occupational Safety and Health and some of those include: the provision and creation of safe and healthy working conditions; stopping work in the face of imminent danger; conducting risk evaluation for eliminating and controlling possible dangers and accidents at the workplace; evaluation of working conditions and provide training on safe operations and prohibiting employees from work who did not attend training. Workers also have a right to work at safe and healthy workplaces, have medical insurance to cover industrial accidents and suspend work in the face of imminent danger.

The matters pertaining to occupational health and safety are primarily dealt with under the provisions of the law on occupational safety and hygiene. Nevertheless, the labour law states that the employer holds the responsibility to

effectively and systematically ascertain an employee's life and health, preventing industrial accidents and occupational diseases in accordance with the requirements and standards of occupational safety and hygiene.

The employer has to make sure that he is following the relevant laws, requirements, and standards of occupational safety and hygiene. If the employee demands something for the sake of his occupational safety and hygiene, the employer must provide it.

Source: §120 and 121 of the Labour Law of Mongolia (Revised Version), 2021

Free Protection

The law on Occupational Safety and Health requires employers to provide workers (at no cost) with personal protective equipment and special garments, which fit their working conditions and work performance. The employer has to bear all expenses related to testing, purchasing, storing, cleaning, repairing, and disinfecting personal protective equipment.

Source: §15 of the Law on Occupational Safety and Health, 2008

Training

Employers are required to arrange health and safety training for newly employed workers, workers who are being transferred from one job or workplace to another, and workers who work at places under toxic and dangerous industrial impact or similar conditions.

Employers are required to conduct training on occupational safety and health at least twice a year and must test their knowledge by testing methods.

As per the labour law, the employer has the duty to follow the laws, requirements, and standards vis-à-vis occupational safety and hygiene. Consequently, allowing training of the employees is the duty of the employer according to the law on occupational safety and health. It is the duty of employer to provide employees with work, and provide them with instruction, equipment, tools, documents and other items necessary for performing their work and duties.

Source: §43 & 120 of the Labour Law of Mongolia (Revised Version), 2021.

Labour Inspection System

Labour Inspection system is provided under the Mongolian labour and occupational safety & health laws. There is a separate Law on State Inspections. The Law on State Inspection defines the rights and responsibilities of state inspectors, the professional labour inspection body, and its officials.

State Inspectors exercise the following powers: supervise the implementation of the special rules established by the law or by the state authorised organizations, and to ensure the rules are adhered to; have free access to the establishments to be inspected; involve relevant professionals in the inspection based on agreement with the concerned organizations and ensure that the professional organization has the expertise to conduct laboratory analyses and verification; have free access to information and other relevant documents to be provided by the organizations for the

purpose of inspection work; obtain, free of charge, a sample of products for the purpose of analysis; completely or partially stop any work, production, or services considered to be directly, indirectly, or potentially harmful to human life, health and the environment until the dangers are eliminated, if there is failure to implement these decisions, completely stop the concerned production and services, unless otherwise stipulated by law; stop any breaches and shortcomings identified in the course of inspection, and demand that the concerned organization implement tasks assigned to them.

The Law on Administrative Supervision and the General Statute of the State Professional Inspection Agency (SPIA) regulate certain powers of State Inspectors.

The control over the implementation of the labour law is exercised by the state inspection agency and the state labour inspectors.

Source: §19, 22, 23, and 32 of the Law on Occupational Safety and Health 2008; Law on State Inspections 2003; §161 – 164 of the Labour Law of Mongolia (Revised Version), 2021.

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

Mongolia has not ratified the Convention 102, 121 and 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:

- Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994
- Citizens' Health Insurance Law 2003
- Labour Law of Mongolia (Revised Version), 2021
- Law on Pensions and Benefits Paid by the Social Insurance Fund against Industrial Accidents and Occupational Diseases, 1994

Income

The sick leave is compensated from the Government-run social insurance program, except for the first five days of the leave. Leave is provided as determined by the designated medical commission at the local hospital. The compensation rate is determined by social security legislation and depends on the number of years the employee has worked. In general, an employee is entitled to a one-time pro-rated medical leave allowance as follows:

Between 3 months – 5 years -	50% of their monthly salary
Between 5 years – 14 years -	55% of their salary
More than 14 years -	75% of their salary

The first five days of the leave are to be paid by the employer. In general, the allowance is paid until the illness is over or the sick leave is classified as “disability leave.” The length of the sick leave is again determined by the designated medical commission at the local hospital, but cannot exceed 66 days. In the case of tuberculosis and cancer, benefits can be provided for 132 days. If the

sick leave is longer than 66/132 days, it must be treated as “disability leave”.

Source: §17-19 of the Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994

Free Medical Care

Under the Citizens' health insurance scheme, both inpatient and outpatient healthcare services are provided to insured persons. The law on Citizens' Health Insurance requires compulsory insurance for all people.

Source: §6-9 & 12 of the Citizens' Health Insurance Law 2003

Job Security

Employment of a worker is secure during the term of sick leave. However, the length of sick leave ranges between 66 and 132 days depending on the type of illness.

When an employee is not performing his or her work or duties (due to sickness), the employer has to preserve such an employee's job.

Source: §19 of the Mongolian Law on Pensions and Benefits Paid from Social Insurance Fund, 1994; §60 of the Labour Law of Mongolia (Revised Version), 2021

Disability/Work Injury Benefit

Under the law, there is a provision for benefits in the case of industrial accidents and occupational diseases if the accident occurred at the workplace or in the discharge of duties elsewhere, before or after work, and on the way to and from work. The Social Insurance Fund against

Industrial Accidents and Occupational Diseases provide the following benefits to the insured persons: Disability pension; Dependent's pension; Temporary disability benefit; and Rehabilitation costs.

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

An insured person who is incapacitated temporarily or permanently due to an industrial accident or occupational disease is eligible for a disability pension. The percentage and duration of disability pension are determined by the medical labour accreditation commission. Disability pension depends on the percentage loss of work capacity above 10%. The disability pension for a worker who has lost work capacity of at least 30% cannot be less than 75% of the national minimum wage. If the loss in a work capacity is under 30%, the insured person has the right to receive disability benefits as a lump sum payment for 6 months or for a period determined by the medical commission.

Temporary disability benefit is 100% of the average wage regardless of the length of service and is granted for each day of incapacity for work. Temporary disability benefit is paid until recovery or declaration of permanent disability (and grant of disability pension). The maximum duration of disability benefits cannot exceed 190 days in a 12-month period.

In the event of the insured worker's death, dependent family members are eligible for the dependent's pension. The rate of the dependent's pension is determined as a percentage of the insured workers' average

wage and depends on the number of dependents. It is 100% for three or more dependents; 75% for two dependents; and 50% for one dependent. The dependent's pension is payable for disabled dependents until death and for children under 19 years. If an insured person has lost at least 30% of the work capacity due to an industrial accident or occupational disease, he is eligible for a rehabilitation payment for the purpose of prosthetic appliances and orthopaedics, and mineral water therapy in a sanatorium.

Source: §3-16 of the Law on Pensions and Benefits Paid by the Social Insurance Fund against Industrial Accidents and Occupational Diseases, 1994

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).

Mongolia has not ratified the above-mentioned Conventions.

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:

- State Law on Pension and Benefits Paid from Social Insurance Funds, 1994
- Law on Unemployment Benefits Paid from Social Insurance Funds, 1994

Pension Rights

The State Law on Pension and Benefits from Social Insurance regulates old age pensions. The pensionable age for men is 60 years with at least 20 years of contributions. The pensionable age for women workers is 55 years. A woman worker who has four or more children of her own or adopted them (under the age of 3) and raised them until the age of 6 years and who has paid insurance premiums for at least 20 years is eligible for early pension at the age 50. The pensionable age can be reduced to 55 years (subject to various conditions) for workers who worked underground, in hazardous or difficult working conditions.

Retirement pensions are granted at 45 percent of the average monthly wage or similar income. For each extra year above 20 years for which pension insurance premiums were paid, a supplement is also paid in the amount of 1.5 percent of the salary for which the retirement pension is granted. A pension of an insured that was granted while he or she was receiving a disability benefit will be increased by 1 percent for each year of complete loss of ability to work. The minimum level of retirement pension cannot be less than the minimum wage fixed by the Government.

Source: §3-6 & 22-28 of the State Law on Pension and Benefits Paid from Social Insurance Funds, 1994

Dependents' / Survivors' Benefit

If a worker dies as a result of normal disease or domestic injury, the following family members who lack the ability to work and who were dependent are entitled to a survivor's pension:

- 1) kindred or adopted child under the age of 16 (19 years for full-time students);
- 2) grandchildren and kindred junior brothers and sisters without a person legally assigned for their care;
- 3) children, grandchildren, kindred sisters, and brothers who are invalids from the time of their birth or became invalids under the age of 16 and who are dependent on the bread-winner;
- 4) men who have reached 60 and women who have reached 55, or invalid parents or spouse, grandparents, and kindred sisters and brothers without any other person legally assigned for their care;
- 5) unemployed parents of either spouse, regardless of their age or ability to work who are taking care of children under the age of 8 or kindred junior sisters and brothers who do not have anyone legally assigned to take care of them.

In case of the death of a bread-winner who has paid retirement pension premiums for a total period of not less than 5 years and in which the premium for the last year was paid regularly, family members without the ability to work are entitled to a survivor's pension in the proportion to the total period of payment of premiums.

Citizens who are invalids and who have lost their breadwinner and who are not entitled to other types of pensions are entitled to a

survivor's pension for the complete period of loss of ability to work.

The survivor's pension is calculated in the following proportion to the percentage of the insured's wages and depends on the number of dependents without working ability: The survivors' benefit is 100% for three or more family members without working ability; 75% for two family members and 50% of the applicable benefit for one family member without working ability.

In the case of the death of a breadwinner who was receiving an invalid pension, the survivor's pension is increased by 1.0% for each year of complete loss of ability to work.

The survivor's pension is paid to children from the day of death until the age of 16 (19 years for students), to invalids for the period of loss of ability to work, and to citizens who have reached the age of retirement until the month following the death.

Source: §12-16 of the State Law on Pension and Benefits Paid from Social Insurance Funds, 1994

Unemployment Benefits

Unemployment Benefits are regulated under the Law on Unemployment Benefits are Paid from Social Insurance Funds. A worker must have paid insurance contributions for at least 24 months (including the last 9 consecutive months) before becoming unemployed. For receiving benefits again, a worker must have paid unemployment insurance fees for 12 months.

Unemployment benefit is calculated as a percentage of the average wage of the last three months and depends on the length of service as follows: 45% of the average wage for service under 5 years of service; 50% of the average wage for 5-10 years of service; 60% of the average wage for 10-15 years of service; and 70% of the average wage for 15 or more years of service. The minimum rate of unemployment benefit cannot be less than 75% of the minimum wage determined by the national tripartite committee on labour and social consensus. The unemployment benefits are payable for a period of 76 working days. Unemployment benefits are paid twice a month.

Unemployment benefits may be suspended in the following cases: if the worker twice refused to accept a reasonable offer considering the level of education and professional orientation; missed the temporary wage jobs organized by the employer or employment promotion unit; did not participate in vocational training paid and organized by insurance organizations and if the court decision regarding worker imprisonment becomes effective. If the unemployment benefit is not used by the workers of a specific enterprise for five consecutive years, the insurance contribution can be reduced by 10%.

Source: §2-12 of the Law on Unemployment Benefits Paid from Social Insurance Funds, 1994

Invalidity Benefits

Invalidity Benefits are regulated under the State Law on Pensions and Benefits Paid from Social Insurance Funds. An insured person who lost at least 50% of his/her

working capacity permanently or for a long duration due to non-occupational disease or injury is entitled to invalidity benefit provided that he/she has paid contributions for at least 20 years or for three years during the last five years immediately preceding the commencement of invalidity. If a person does not meet the above contribution requirements, he/she is eligible for a reduced invalidity pension in proportion to paid contributions provided that he/she has paid contributions for at least three years.

Invalidity may be classified as total or partial. The percentage loss in working capacity and the length of disability is determined by the Medical Labour Accreditation Commission. The rate of invalidity benefit is similar to the old age pension. Retirement pensions are granted at 45 percent of the average monthly wage or similar income. For each extra year above 20 years for which pension insurance premiums were paid, a supplement is also paid in the amount of 1.5 percent of the salary for which the retirement pension is granted.

An insured person who has lost less than 50% of the working capacity is paid an invalidity benefit in proportion to the above-referred rate. The minimum invalidity pension is equal to the minimum retirement pension. The invalidity pension is paid from the day of invalidity to the day of rehabilitation or in the month following the death of a worker.

Source: §07-11 of the State Law on Pension and Benefits Paid from Social Insurance Funds, 1994

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.

Mongolia 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 Mongolia 1992
- Mongolian Law on Promotion of Gender Equality 2011
- Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999)
- Labour Law of Mongolia (Revised Version), 2021.

Equal Pay

In accordance with the Labour Law, male and female employees performing the same work must receive the same salary.

An employer has the responsibility to prevent gender discrimination in employment policies and labour relations. The employer is further required to ensure gender equality at the workplace by carrying out monitoring and evaluation of legal provisions on equal pay for equal work and equal working conditions and take action to eliminate identified breaches.

The remuneration is set for Mongolian employees in a way that equal remuneration is given to employees performing the work of equal value.

Source: §102 of the Labour Law of Mongolia (Revised Version), 2021; §11 of the Mongolian Law on Promotion of Gender Equality 2011

Sexual Harassment

Under the Gender Equality Law, “sexual harassment” is defined as an unwelcome sexual advance made in verbal, physical, and/or other forms, intimidation, threat,

and/or other forms of coercion that makes sexual intercourse an unavoidable option for the victim or that creates an unbearable hostile environment and/or causes damage in terms of the person’s employment, professional, economic, psychological and/or any other form of well-being. Gender-based violence and sexual harassment are seen as constituting gender discrimination, which is prohibited in employment and labour relations.

In order to prevent and keep the workplace free of sexual harassment and to maintain zero tolerance for such harassment, an employer is required to take the following measures:

- Incorporate in the organization’s internal procedures specific norms for the prevention of sexual harassment in the workplace and the redress of such complaints;
- Design and conduct a training and retraining program geared toward creating a working environment free from sexual harassment, and report on its impact in a transparent manner.

An employee has the following rights and duties in promoting gender equality;

Rights:

- receive information and education and be trained on gender discrimination and sexual harassment;
- file a complaint and testify on one’s own behalf or on behalf of a victim in a case of gender discrimination or sexual harassment;
- Inform the employer and/or the management of the acts violating legal provisions of the Labour Law of Mongolia and demand

accountability for the perpetrator(s) and redress of the damage.

Duties:

- refrain from sexually harassing a fellow employee, client, and/or customer;
- Duly observe norms effected for the purpose of preventing gender discrimination and sexual harassment.

It is the duty of the employer to ensure that the workplace is intolerable towards any act of harassment or sexual harassment, or any other kind of violence towards the employees. The employer can also devise internal labour regulations to enforce these provisions. A perpetrator of harassment, violence or sexual harassment is liable under the Law on Violations and the Criminal Law. Nevertheless, this will not preclude the employer of the workplace to impose disciplinary sanctions on such perpetrator(s) within the workplace.

Source: §4, 6, and 11 of the Mongolian Law on Promotion of Gender Equality 201; §7 of the Labour Law of Mongolia (Revised Version), 2021

Non-Discrimination

Under the Constitution of Mongolia, no person may be discriminated against on the basis of ethnic origin, language, race, age, sex [gender], social origin and status, property and assets, employment occupation and official position, religion and conscience, conviction and opinion, and education.

The Labour Law also stipulates that setting limitations or privileges in labour relations based on nationality, race, sex, social origin

or status, wealth, religion, or ideology is prohibited and an employer found to be involved in the offence of discrimination will be subject to a fine ranging from 5,000 to 100,000 togrogs.

As far as specific provisions with respect to gender discrimination are concerned, the term “gender discrimination” is defined as any action or inaction resulting in discrimination, exclusion, or restriction based on sex or attributes of sex and marital status of men and women in political, economic, social, cultural, family and other spheres.

Men and women are guaranteed enjoyment of human rights and freedoms without any discrimination or restriction on the basis of differences in terms of their age, sex, vocation or rank, views, marital status, or education and gender discrimination will be prohibited in political, economic, social, cultural and family spheres.

Gender discrimination in employment and labour relations is prohibited. It is also prohibited to treat preferentially, to restrict or to dismiss an employee based on his/her sex, pregnancy, childcare roles, or family status. Collective bargaining agreements must include provisions for the creation of opportunities for men and women to combine work and family, to bear and take care of children, to enjoy occupational safety, equal pay for equal work, and to enjoy equal working conditions.

Participants in occupational and labour relations have to adhere to the principle of non-discrimination in the workplace. It is prohibited in Mongolia to discriminate, whether directly or indirectly, restrict rights or provide preferential treatment in occupation and labour relations on the basis of nationality, ethnicity, language,

skin colour, age, sex, social origin, social and marital status, wealth, religion, beliefs, political beliefs, medical condition, pregnancy and/or childbirth, sexual and gender orientation and expression or developmental challenge and appearance. Furthermore, both the direct and indirect forms of discrimination are prohibited to cut off both implicit and explicit forms of discrimination in the workplace.

The employer also holds the responsibility of providing a discrimination-free environment in the workplace. Employers and their representatives also have to make sure that they quash any unfair labour practice that demands discrimination in the workplace. While setting the wage of an employee, there should be no discrimination on the basis of a worker's gender or any other discriminatory factor. The labour inspectors also have to inspect workplace(s) to make sure that working environments are free of any form of discrimination.

Source: §14 of the Constitution of Mongolia 1992; §5, 6, 11, 102, and 162 of the Labour Law of Mongolia (Revised Version), 2021; §4 – 6 & 11 of the Mongolian Law on Promotion of Gender Equality 2011

Equal Choice of Profession

Under the Constitution of Mongolia, people are guaranteed the right to free choice of employment, to be provided with the enabling conditions for labour, to receive salary and remuneration, to rest and leisure, and to engage in private enterprise. No one shall be illegally forced to work. Furthermore, the citizens of Mongolia have a duty to work, protect their health, raise and educate their children, as well as to protect the nature and environment.

Under the gender equality law, the principle of gender equality stipulates that men and women have opportunities and conditions to enjoy equal rights in political, economic, social, cultural, family, and other relations, and to equally participate in social life and equally access benefits of development and social wealth.

However, women are prohibited from doing jobs that are perceived dangerous for their health and a full list of the occupations prohibited for women is provided in the Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999)

Source: §16 & 17 of the Constitution of Mongolia 1992; §5 & 11 of the Mongolian Law on Promotion of Gender Equality 2011; Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999)

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Mongolia 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 Law of Mongolia (Revised Version), 2021
- Law on the Protection of the Rights of the Child 1996
- Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999)

Minimum Age for Employment

The minimum age for employment is 15 years and a person who has attained 15 years of age has the right to enter into an employment agreement. A worker aged 15-18 years is considered a minor and cannot work for more than thirty hours per week. The workers below the age of 15 years cannot be hired without parental consent. Children between the age of 13 and 15 can be hired with such consent from the parents or guardians for doing lightwork in safe workplaces. The work must not hinder their health and development, and should not affect their education. With the written consent of the parents/guardians, and by seeking permission from a state child inspector on a case-to-case basis according to the accounts of the hours of work and employment conditions, children below the age of fifteen can be hired for work pertaining to sports, cultural programs, and commercials.

Source: §4, 5, 84, 88, 91, 92, and 142 of the Labour Law of Mongolia (Revised Version), 2021

Minimum Age for Hazardous Work

Under the Labour Law, an employer may not employ a minor in a job that can adversely affect his or her intellectual

development or health. The minimum age for hazardous work is 18 years. It is prohibited to employ the child in any work that is likely to be harmful to the child's health and moral development. It is further prohibited to pay an unjust wage or engage children in begging and illegally conduct profit-making activities on their behalf.

A minor employee may be employed subject to the approval of the relevant medical authority after he or she undergoes a medical examination, and further biennium medical examinations are required until he or she attains 18 years of age. It is prohibited to require a minor employee to work overtime, on public holidays and weekends. In addition, minor employees cannot be employed in jobs with obnoxious labour conditions (means workplace conditions adverse impact of which is not possible to eliminate and those which do not meet the labour standards). Lastly, it is prohibited to require a minor employee to lift or carry loads that exceed weight limits established by the member of Government in charge of labour matters.

A full and exhaustive list of professions in which the minor may not be employed are set out in Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999). In February 2016, an updated list of hazardous jobs prohibited for minors (order A/36 of 2016) was issued by the Ministry of Labour. Applicable to both formal and informal sectors, it forbids under 18s from working in jobs and under conditions harmful to their lives, health, ethics, safety and development. The Order further prohibits minors from working with certain materials, such as dangerous chemicals and flammable materials, lifting loads above a certain weight (dependent on sex and age) and working in particular

occupations including construction and mining. A recent addition to the list was horse racing and training between 1 November and 1 May, which is the most dangerous time of year due to adverse weather conditions. However, during the summer Naadam festival, children as young as 7 years old are still able to participate in horse racing.

In line with the Mongolian Criminal Code, forcing children to engage in the worst forms of child labour is punishable by a fine, up to 1-year restricted movement (such as house arrest or prohibiting international travel), or up to 1-year imprisonment. Forcing children to beg, child prostitution, promoting child pornography, and using children in the preparation, sale, distribution, or storage of pornography are also offences.

Under the Law on Education, the minimum age for compulsory education is 16 years.

The minors cannot be employed in roster/shift work, overtime work, and night work.

Source: §84, 88, 91, and 92 of the Labour Law of Mongolia (Revised Version), 2021; §6 of the Law on the Protection of the Rights of the Child 1996; Order of the Minister for Health and Social Welfare establishing the lists of the jobs prohibited to women and minors (No. A/204 of 1999); §16 of the Mongolian Criminal Code 2017

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.

Mongolia 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:

- Constitution of Mongolia 1992
- Labour Law of Mongolia (Revised Version), 2021
- Mongolian Criminal Code, 2002

Prohibition on Forced and Compulsory Labour

The Constitution of Mongolia guarantees that no one may be illegally forced to work.

According to the Labour Law, “forced labour” means job duties that are required to be performed by an employee with the view to enforce labour discipline, to avenge for participation in a strike, as well as for the expression of one’s opinion on the political, social and economic regime, or with the purpose of discriminating on the basis of social origin, ethnicity, race, and religion, or those duties that are required despite the danger that arises to the employee’s life and health.

It is prohibited to illegally force someone to work, and an official who illegally forces an employee to work is subject to a fine of 5,000 to 30,000 togrogs, while a business entity or organization is subject to a fine of 100,000 to 250,000 togrogs.

Under the Criminal code of Mongolia, illegally forcing a child to labour is punishable by a fine equal to 51 to 250 amounts of minimum wage or imprisonment for a term of up to 4 years. Under the new Criminal Code, forced labour is punishable by a fine or up to 8 years of imprisonment.

Forced labour is defined as “engaging any person in work or services against his or her will under the threat of any fines or

imposition of punishment, through the use of force or the threat of the use of force.” It is prohibited to engage any person in forced labour. Nevertheless, obtaining basic education, doing work of military nature, performing light maintenance and cleaning work as part of being a community, etc are not considered forced labour. The punishment for forcing someone to do forced labour is provided under the criminal code.

Source: §16 of the Constitution of Mongolia 1992; §8 of the Labour Law of Mongolia (Revised Version), 2021; §21 of the Mongolian Criminal Code, 2002; §13 of the Mongolian Criminal Code 2017

Freedom to Change Jobs and Right to Quit

Mongolian law gives a worker freedom to change jobs and the right to quit. In accordance with the provisions of the Constitution as discussed earlier, the citizens of Mongolia have a right to free employment and no one can be illegally forced to work. A worker has the right to leave his or her workplace by serving a 30-day notice.

The termination of an employment contract is allowed to an employee according to labour law.

Source: §79 of the Labour Law of Mongolia (Revised Version), 2021

Inhumane Working Conditions

Under the Law, the general daily working hour limit is 8 hours and the weekly limit is 40 hours. Unless otherwise agreed in the collective or employment agreement, assigning an employee to overtime work is

prohibited, except in certain cases specified under the law. For further info, please refer to overtime section.

Source: §84 of the Labour Law of Mongolia (Revised Version), 2021

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)

Mongolia 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 Mongolia 1992
- Mongolian Law on Trade Union Rights, 1991
- Labour Law of Mongolia (Revised Version), 2021

Freedom to Join and Form a Union

The Constitution guarantees the right to freedom of association in public organizations on the basis of social and personal interests and convictions. These organizations must uphold public order and State security, and respect and enforce the law. Discrimination and persecution of a person for joining an association or for being a member are prohibited.

Citizens are entitled to join a trade union without prior permission, solely on a voluntary basis, without any discrimination whatsoever to exercise their right to work and defend their legitimate interests concerned. There is no compulsion to join or leave a trade union and the restriction of citizens' rights on the freedom to form or join trade unions or discrimination against them on the basis of their being a member or non-member of a union is prohibited.

A trade union can be established under Mongolian labour law. The trade unions are the representatives of the employees. The employers are prohibited from doing any unfair practice that can curtail the establishment of trade unions. The collective contracts have to ascertain that trade unions can carry out their activities in accordance with the law, and it is settled between the employer and the trade union.

Source: §16 of the Constitution of Mongolia 1992; §3 of the Mongolian Law on Trade

Union Rights, 1991; §4, 11, 37, and 38 of the Labour Law of Mongolia (Revised Version), 2021.

Freedom of Collective Bargaining

Collective bargaining is regulated under the Labour Law. Trade unions have the right to negotiate with the employer to conclude collective agreements and monitor their implementation. Trade unions are further empowered to represent and defend the interests of their members at labour dispute settlement institutions.

A collective agreement is defined as an agreement between an employer and workers/trade union ensuring the right to employment and related legitimate interests of all employees on more favourable terms than those guaranteed under the law and providing for matters not specifically regulated by the Labour Law. Labour Law defines a collective bargain as an agreement between employers and employee representatives at the national or regional level or sectoral level.

Employer or relevant state authority is required to provide all required information to employee representatives enabling them to negotiate effectively. Parties to a collective agreement are required to exchange all information on monitoring the performance of a collective agreement. Any party may propose to negotiate or amend a collective agreement by informing the other party in writing.

A collective agreement is applicable to all parties participating in negotiations. A collective agreement may be concluded for a period of one year or longer while a collective bargain may be concluded for a period of two years. A collective agreement

or collective bargain is effective only once it has been registered with the relevant government authority within 10 days of its conclusion (Office of the Governor).

The parties to an agreement can conclude collective agreements and collective contracts by collective negotiations. Parties to such negotiations adhere to the following principles:

- a. Conducting constructive dialogue and negotiations on the relevant matters under consideration, and are willing to reach an agreement through mutual understanding;
- b. Ascertainment of equality of rights;
- c. Ensuring transparency;
- d. Determination of the scope of negotiations under the relevant provisions of labour law;
- e. Taking into consideration gender representation while appointing the negotiators;
- f. Equal representation and no political representation;
- g. The nature of commitments taken by the parties during the course of negotiations.

Either party can propose to start collective negotiations by delivering written proposals to each other according to the aforementioned requirements.

Source: §18 – 20 of the Labour Law of Mongolia (Revised Version), 2021; §5 of the Mongolian Law on Trade Union Rights, 1991

Right to Strike

Under the Constitution, freedom of thought, opinion and expression, speech, press, and peaceful assembly are guaranteed.

Labour Law defines a strike as “an act of employees whereby they voluntarily stop work, completely or partially for a definite period of time with the purpose of resolving a collective labour dispute”. Strikes are organized by employee representatives.

Employment of a worker is secure during a lawfully organized strike. An employee can participate in strikes voluntarily but cannot be compelled to participate in a strike, to not participate in a strike, to continue a strike, or to stop a strike, except as otherwise provided by law.

Employee representatives have the right to start a strike in the following cases: if an employer fails to participate in the reconciliation procedure as provided in the law; if an employer fails to comply with a settlement reached with the participation of an intermediary; if an employer fails to fulfill their own decision based on acceptance of a recommendation of the labour arbitration court; and where even though the collective labour dispute was considered by the labour arbitration court, no decision was issued to accept its recommendation.

A decision to strike will be made at a meeting of the organization representing and protecting employees’ rights and legitimate interests, or a general meeting of employees. A strike may be announced if a majority (more than half) of participants attending the meeting approve the proposal to strike. The following matters are included in the decision to strike:

- the issue that has caused the strike;
- date and time of commencement of the strike, its proposed duration, and a preliminary estimate of the number of participants;
- the name(s) of the person(s) in charge of organizing and

coordinating the strike, and the composition of the representatives of the employees who will participate in the settlement;

- List of steps to ensure the health and safety of people during the strike.

A notice of intention to strike must be delivered to the employer at least five working days prior to the commencement of the strike. If an employer deems that the employees' demands are not acceptable, it may temporarily deny access to the workplace for employees participating in the strike (lockout). In order to prevent an employer from temporarily employing other employees at the workplace during a strike, representatives of the employees may temporarily deny access to the workplace (picket). Strikes are prohibited in organizations charged with the responsibility of state defence, national security, and public order. Strikes are prohibited when a collective dispute is being settled or is being examined by a court or intermediary. If there is a threat to human life and health, strikes can be postponed or suspended for a 30-day period. For public utility services (water, heating, electricity, transportation, etc.), strikes may be postponed by government order for 14 days.

A trade union has the right to start and organize a strike (along with the right to close it) under the lawful grounds given in the labour law. A strike can be initiated under the following principles:

- a. Considering the importance of a disputed matter while deciding whether to initiate a strike or not.
- b. Exhausting all important legal options before using the strike as a last resort.
- c. Restarting normal course of work once the strike ends.

A strike can be initiated on the following grounds:

- a. When an employer does not go for collective negotiations as per labour law;
- b. When the collective negotiations are stuck because of an employer;
- c. When an employer or his representatives are not participating in conciliatory efforts;
- d. When an employer or his representatives refuse to participate in mediation efforts.

An employee can voluntarily participate in a strike, it is immaterial whether he is a member of a trade union or not.

An employee's working conditions cannot be changed, he cannot be sanctioned or dismissed from his work because of participating in a lawful strike.

Source: §16 of the Constitution of Mongolia 1992; §25 and 30 of the Labour Law of Mongolia (Revised Version), 2021

QUESTIONNAIRE

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Check

DecentWorkCheck Mongolia is a product of WageIndicator.org
and mysalary.mn/home



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.

	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.

Mongolia scored 47 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.