

**REPUBLIC OF YEMEN**

**Ministry of labour & Vocational  
Training Deputy Minister's Office**



**Republican Decree on  
Law NO. 5 of 1995 Concerning  
The Labour Law and its  
Amendments in  
Law NO. 25 of 1997**

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**Presidential Decree on  
Law No.5 of 1995  
Concerning the Labour Law**

The President of the Republic had, after referring to the constitution of the Republic of Yemen, upon what was presented by the Council of Ministers, and following its approval, decided.

**First Section  
General Rules**

Article 1: This law is called the Labour Law.

Article 2: The phrases and expressions mentioned in this law have the meaning shown below, unless the context indicates the contrary:

- The Republic: The Republic of Yemen.
- The Ministry: The Ministry of Labour and Vocational Training.
- The Minister: The Minister of Labour and Vocational Training.
- The Minister concerned: The Minister within whose jurisdiction or specialty lies the employer's activity.
- Arbitration committees: Arbitration committees formed in the capital and other governorates of the Republic to settle labour disputes.
- Employers' representatives: The General Federation of Chambers of Commerce and Industry.
- Employees' representatives: The General Federation of Trade Unions or the relevant general trade union.
- The general trade union: The relevant employee's union.
- The trade union committee: The trade union committee elected at the work place.

**The employer:** Any person, real or corporeal, who employs a person or more in return for a wage in the various work sectors that come under the rules of this law.

**The employee:** Any person working for, and is under the administration of an employer even if out of sight in return for a wage in accordance with a written or un written contract; including men, women, minors and those under a trial or training period.

**Basic Wage:** What the employer pays the employee in return for his/her labour, monetary or in kind that can be evaluated in currency terms, excluding any type of benefits other than the basic wage.

**Full Wage:** What the employer pays the employee in return for his/her labour, monetary or in kind that can be evaluated in currency terms, in addition to all other benefits, of any type.

**Labour:** All mental and or physical efforts expended by the employee, temporary or long term, in return for a particular wage.

**Casual labour:** Any work that does not come within the employer's activity and does not take more than four months to finish.

**Seasonal labour:** Any work that is, by its nature, implemented in specific seasons of the year and does not take more than six consecutive months to finish.

**A minor:** Any male or female under fifteen years of age.

Temporary labour: Any work that, by its nature, required a limited time or is related to a specific work that ends when the latter ends.

Article 3: A: The rules of this law are valid for all employers and employees, except those who are mentioned in a special text in this law.

B: This law is not valid for the following groups:

- 1- Employees of the state's administrative apparatus and the public sector.
- 2- Those who occupy judicial, diplomatic, or consular jobs.
- 3- Individuals who enroll in the military or security establishments.
- 4- Foreigners who are seconded to work with the state.
- 5- Foreigners working in the Republic according to international agreements to which the republic is a party, the exception is within the limits of the agreement.
- 6- Foreigners who hold special or diplomatic passports, have visas, and work in the Republic within the diplomatic visas they are granted.
- 7- Employees doing casual work.
- 8- Dependents of the employer who work with him and are actually and completely up kept. by him, irrespective of their degree of kinship.
- 9- Domestic servants and the like.
- 10- Persons working in pastures and agriculture except;
  - A: Persons working in agricultural companies, establishments, and associations and the establishments which process or market their products.
  - B: Persons who permanently work in operating or repairing mechanical equipment necessary for agriculture or permanent irrigation work.
  - C: Persons working in poultry farming or cattle rearing.

Article 4: It is allowed to regulate the conditions of some of the groups in points 7,9, and 10 of Article 3 according to the rules of this law, and to apply some of its rules to them through decrees issued by the Council of Ministers, in accordance with what is presented by the Minister.

Article 5: Work is a natural right for every citizen and a duty on every able person on equal conditions, opportunities, guarantees, and rights without any discrimination because of sex, age, race, colour, belief, or language. The state regulates, as much as possible, the right to get employment through the developmental planning of the national economy.

Article 6: The rules of this law represent the minimum level of employee rights and work conditions. Whenever a special system of labour relations is found with better conditions and guarantees, then the best rules of this law or the special system will be applied to the employees.

Article 7: Labour relations are conditioned with the rules of this law according to the following bases:

1-It is not allowed to forfeit or waive any employee rights as stipulated by the contract if that contravenes three rules of this law.

2-The work rights and conditions specified by this law will be valid for the employees unless better conditions are stipulated by the contract.

3-Work contracts, effective at the time of issuing this law, will remain valid if they are better for the employees, and their renewal will not lessen the work conditions and rights,

even if they were not below the minimum level of work conditions as specified by this law.

Article 8: The money due to the employee or his/her beneficiaries, according to the rules of this law, will have an advantage over all the indebted employer's, assets whether movable or non-movable. These dues will be levied before the rest of the debts, including legal fees and money owed to the public treasury.

Article 9: In implementing the rules of this law, a year is 365 days and a month is 30 days unless otherwise stated.

Article 10: The Arabic language is the language adopted in all labour relations records and documents in the Republic. It is not allowed to face an employee using a document written in a foreign language even if it were signed by that employee. If a document is written in Arabic and a foreign language, then the one in Arabic is alone the basis for interpretation and implementation.

Article 11: On a decree by the council of Ministers, based on a suggestion by the Minister, a labour council is formed which will consist of representatives of the Ministry, employer, and employers to set the guide lines and submit recommendations to the government in the following fields:

A: Draft labour laws and regulations.

B: General policies for wages, incentives and other benefits.

C: Vocational training and qualifying for the employees.

D: The Council of Ministers' decree will specify the names of the members of the labour council and the system of its activity.



## **Second Section**

### **Employment Regulations**

Article 12: An employer, on starting his/her activities, has to submit to the Ministry or its specialized office the following data:

- 1-The name of the establishment and the place and date of its founding.
- 2-The nature of the work carried out by the establishment and the size of the labour force it employs
- 3-The name of the person responsible for managing the establishment.
- 4- Any other data required by the Ministry or its specialized office.

Article 13: 1- Anyone able to work or wishes to work can register his/her name at the Ministry or in any of its offices which lies near his/her place of residence, in addition stating the age, profession, qualifications past experience, and current address. The side which receives the applications has to immediately register them in special registers under serial numbers, it must also provide the applicant, without fee, a certificate of registration which specifies the date and time of submitting the application, the registration number, and other necessary data.

2- The Ministry or any of its offices has to nominate those registered with it to the appropriate jobs for them and are compatible with their age and professional competence, taking into consideration the precedence in registration.

Article 14: 1- Every employer has to inform in writing the Ministry or one of its offices, in the area where his/her work place lies, of any vacant or new job opportunity of whatever type, specifying the

type of job, the allocated wage, and the date he specifies to fill it. This must be done within seven days of the post becoming vacant or the creation of a new post.

The employer has, within ten days of an employee starting his work, to return the employee's certificate of registration to the body which issued it accompanied by a statement showing the date of the employee starting work, the wage allocated to him/her, and the type of work. The employer has to write down the certificate of registration number and date opposite the employee's name in the work register at the establishment.

2- When the Ministry or its specialized office does not nominate people for the vacant posts within fifteen days of receiving the employer's notification in accordance with the previous paragraph, the employer may fill these posts from among the applicants who satisfy the work criteria. The employer must notify the Ministry within seven days of filling these posts.

3- The Minister will determine by a decree the establishments and employers for which the rules of this article will be valid.

Article 15: Employers will according to the capabilities and opportunities available, employ handicapped people nominated by the Ministry or its offices by no more than 5% of the employer's total size of the labour force. Employment will be in the jobs and professions that are compatible with their abilities and capacities in a way that they enjoy all the rights specified by this law.

Article 16: It is prohibited for any person, real or a legal personality, to practice the profession of recruiting or supplying employees for any employer.

Article 17: A decree by the Minister will determine the system of employing minors and the circumstances and conditions within which they are employed as well as the jobs, vocations, and industries they can be employed in.

Article 18: All paper work related to employing Yemenis is free and excepted from all financial charges.

Article 19: 1- A non-Yemeni employee is not allowed to practice work unless he/she holds an official work permit from the Ministry or one of its offices. Also, an employer is prohibited from employing a non-Yemeni unless he/she holds that permit.

2- The rules of this article are valid for the non-Yemeni employees who work in the sectors that are not covered by the rules of this law.

Article 20: The following conditions must be satisfied to complete the employment of non-Yemenis:

1- Holding a residence visa and a work permit.

2-Satisfying the conditions of filling the vocation and the permitted person must be in completely good health.

3- Must practice the vocation he/she is permitted to practice.

4- Must hold a permit to practice the vocation for the vocations which require a special permit to practice.

5- Employment must be in a trade or vocation for which no Yemeni expertise is available.

Article 21: The number of non-Yemeni employees working for any one employer must not exceed 10% of the total number of Yemeni employees. The Minister may increase or decrease this

proportion when necessary in accordance with the directions determined by the council of Ministers.

Article 22: A: Every employer wishing to employ foreigners has to submit an application for an acceptance to bring them according to the model form specified by the Ministry. The application must include the following information:

1- The employer's name, nationality, profession, and the main place of his/her work.

2- The name of the employee to be brought, his surname, nationality, religion, date of birth, original place of residence, and marital status.

3- The type of work he/she will do and his/her previous work.

4- The period within which the employee is expected to be employed.

5- Stating whether the employee had previously entered the Republic and the reason and date as well as stating the date and reasons of leaving.

6- Stating the total number of foreign employees working for the employer and stating the how many of them work in the same vocation in which the employee asked to be brought will work. Also, stating the number of Yemeni employees working for him/her.

7- Any other information demanded by the Ministry or its specialized office.

B: The application mentioned in the previous paragraph must be accompanied by the following documents:

1- A certificate from the Ministry or its specialized office indicating that no Yemeni element is available to do the work for which a foreign employee is to be brought.

2- The certificate and technical qualifications of the employee required to be brought as well as his/her CV. accompanied by an Arabic translation if they were written in a foreign language.

3- A copy of the work contract that is to be made with the employee showing the amount of the wage, the incentives, and the monetary and corporeal privileges that will be granted to him/her all sufficiently clarified.

4- A statement indicating the projects and work practiced by the employer at the time of submitting the application, supported by the necessary documents.

5- Any documents or information demanded by the Ministry or its specialized office.

Article 23: A: An employee has to submit to the Ministry or its specialized office the application to renew the work permit of a non-Yemeni by at least a month before its expiry.

B: The Ministry or its offices has to complete the renewal paper work mentioned in paragraph A within a maximum of two week of the permit's expiry, according to the law.

Article 24: 1- A non-Yemeni employee is granted, upon his/her registration, a work card for a financial fee in which are written the necessary information about the employee, his/her work, the permit duration, and place of his/her residence in the Republic.

2- A non-Yemeni employee does not have to pay a fee for getting a work card issued in the cases where the rule of similar treatment applies.

3- The financial fees levied for issuing and renewing work cards are to be specified by a council of Ministry decree. The same applies to issuing a replacement for a lost card or a copy thereof as well as the value of the forms allocated for these purposes.

Article 25: Every employer with a non-Yemeni employee must do the following:

1- Registering the employee's name and all the information specified in the work card in a special register within two weeks of the employee starting work.

2- Appointing a Yemeni counterpart for the non-Yemeni employee when the local counterpart is available and has the appropriate qualification and proficiency. This is to be done throughout the non-Yemeni employee's tenure and the training period is compulsory for the non Yemeni employee and his/her counterpart.

3- The Ministry or its specialized office must be notified of any changes in the non-Yemeni employees' conditions.

Article 26: Non-Yemenis are prohibited from being employed in one of the following cases:

1- If he/she had previously worked in the Republic and was dismissed for bad behavior or because of a court decision against him/her.

2- If he/she had left the employer's service or the service of an administrative body or one of its establishments.

3- If he/she had entered the Republic for a purpose other than employment.

4- If the Ministry is able to nominate an employee for the advertised job.

### **Third Section**

#### **Work Contracts**

#### **First Chapter**

##### **Regulating Work Contracts**

Article 27: A work contract is an agreement between the employer and employee, which includes specifying the work conditions. According to the contract, the employee undertakes to work, under the management & supervision of the employer, for a wage.

Article 28: On signing the contract, an employee may undergo a trial period of no more than six months with the same employer, as must be stipulated in the contract. It is not allowed to put the employee under trial more than once in the same vocation.

Article 29: 1- The contract duration is considered unlimited for a Yemeni employee. It can be specified with the two parties' agreement.

2- The work contract is considered valid for the same previous period when it expires and the actual work relations continue between the two parties.

3- An employee's service is considered continuous during the validity of the work contract. Its continuity is not cut by the legal vacations, with or without salary, that take place through it nor by another unforeseen circumstance mentioned by this law.

Article 30: 1- An individual contract is prepared of three copies, the original for the employee, a copy for the employer, and a copy for the Ministry's specialized office. All copies must be signed



by the contract's two parties. In the case of the absence of written contract, the employee has to prove his/her rights by all means of proof.

2- A work contract has to basically contain the wage amount, type of work, its place, the date of starting work, and its duration.

3- An employee may ask the employer for a receipt for the documents, papers, or certificates he/she entrusted to the employer.

4- Undertaking, to work with cooperative associations are considered as work contracts. Each employer is to be given a copy of these contracts upon starting work.

5- Measures taken by an employer to implement the clauses of the contract must be put down in writing, and a copy of which is given to the employee.

Article 31: 1- If the contract has not expired when the employer is changed for any reason, the substitute employer is considered responsible for all the obligations incurred in the previous work contract, unless otherwise agreed in the contract.

2- If a subcontract is made by a contractor, then the original employer is considered jointly and severally responsible for implementing the work contract obligations if the subcontractor is unable to do so, or if circumstances precluded that.

Article 32: 1- A group contract must be written according to a sample form adopted by the Ministry, and must include the main clauses that are related to the work methods, specifying the wage payment obligations and methods, times of work and rest, financial incentives, work protection conditions, the specifications of the vocation covered by the contract, or any stipulation agreed upon by the employer and the trade union committee or the employees' representative in accordance with the enacted legislations.

2- The trade union committee or the employees' representatives will collectively discuss the draft group work contract, agree on it, and sign it in a general meeting on behalf of the employees. The contract is then binding for all employees. Any group work contract is considered null and void if it is not collectively discussed with the employees.

3- The rules of a group work contract are valid for all employees who join the service of the employer after putting the contract into effect.

4- a) It is not allowed to sign individual work contracts with stipulations that contravene the group work contract. This goes for the types of work included in the group work contract.

b) The rules of this article do not affect the signing of individual work contracts during the validity of the group work contracts, provided the work conditions in the individual work contract are not less than the conditions specified by the group work contract. Also, its duration must not exceed the time period allocated for completing the temporary worked included in the group work contract.

5- The trade union committee or the employees' representatives have to present any amendments or additions to the contract suggested by the employer to the employees in a general meeting.

6- It is considered not valid any conditions in the group work contract that can be detrimental to the security or the economic interests of the country, contravene the relevant enacted law and charters, or go against public order or morals.

Article 33: 1- Employers and trade union committees or the general trade union, which represents the employees in more than one location, are allowed to sign a joint group work contract.

2- Un contracted employers and trade union committees may independently join the group work contracted upon a written agreement between the two parties asking to join. There is no need for the acceptance of the original signatories. The application to join is to be submitted to the specialized Ministry office, signed by the two parties asking to join.

Article 34: 1- A group work contract is to be made into several copies. A copy is to be given to each of the signatory parties, a copy to the Ministry and a copy to the general trade union. The employees are to receive a copy of the contract and copies of the documents used to join it.

2- A group work contract is not binding unless it is reviewed and registered by the Ministry or its specialized office. In the case of any objection, the Ministry or its specialized office has to inform the parties concerned of the reasons of this objection within thirty days of receiving the contract. If no objection is

made during this period, the contract is considered valid. Any of the contract's two signatories may refute the objection in front of a special arbitration committee within thirty days of the objection's date.

3- The Ministry or its specialized office is to note in its group contracts register any amendments, completion, renewal, termination or expiry of the group contracts.

4- Every person included in the contract has the right to obtain, from the Ministry or its specialized office, a true copy of group work contract and the documents used to join it, after paying the specified fees.

## **Second Chapter**

### **Work Contract Termination**

Article 35: **First**, an employer may terminate the contract from his side without a written notification or paying the wage for the cautionary period in the following cases:

- a- If the employee impersonates another person or submits false certificates or documents.
- b- If the employee is convicted, in a final court decision, of a crime detrimental to honour, trust, or public morals.
- c- If the employee is found during working hours in a state of drunkenness or under the influence of an anesthetic drug.
- d- If the employee commits an assault, punishable by law, against the employer, the employer's representative, or his direct boss during work or because of it. Or if the employee commits a physical assault on one of the other employees in the work place or because of it.
- e- If the employee does not prove his/her competence during the trial period.
- f- If the employee commits an error causing material loss for the employer, provided that the employer notifies the organs concerned with forty-eight hours of the time of knowing about the incident and reports its type.
- g- If the employee does not observe the instructions necessary for the employee's and work's safety and was cautioned in

writing, provided that these instructions written and displayed in a conspicuous place.

h- If the employee does not fulfill his/her basic obligations as stipulated by the work contract.

l- If the employee carries a firearm at the work place, except for those whose work requires that.

j- If the employee divulges the secrets of the work he/she does or those secrets he/she gets to know by virtue of his/her work.

k- If the employee refuses to implement a final decision issued in accordance with the rules of the First Chapter of the Twelfth Section of this law or in the case of the employees' non-adherence to the rules of this law.

**Second,** an employee may terminate a contract without a prior written notification to the employer in one of the following cases:

a- If the employer or his/her representative has, on signing the contract, cheated the employee regarding the work conditions.

b- If the employer or his/her representatives carries out an immoral act against the employee or one of his/her family.

c- if the employer or his/her representative assaults the employee.

d- If the employee's health or safety is in real danger, provided that the employer knew about the existence of the

danger and has not implemented the specified measures or those imposed by the relevant body at the specified time.

e- If the employer has not fulfilled his/her obligations towards the employee, as specified by the contract.

f- If the employer drastically changes the employee's vocation without his/her acceptance.

**Third,** the contract may be terminated without prior notification by any of signatories in one of the following cases:

a- If the two parties agree, in writing, to terminate the contract.

b- If contract's specified duration is over, unless it is implicitly renewed by the continuation of the actual work relation.

c- If a final court ruling is issued to terminate the contract.

d- If the employee dies.

Article 36: Any one of the contract's two parties may terminate the contract, provided that the party desiring the termination notifies the other party in one of the following cases:

a- If one of the two parties does not fulfill the contract's conditions or breaks other labour legislation's.

b- If work is partially or wholly over in a permanent way.

c- If the number of employees is reduced for technical or economic reasons.

d- If the employee is absent from work without a justifiable excuse for thirty non-consecutive days or fifteen consecutive days during one year, provide that the contract termination is preceded by a written caution from the employer fifteen days after the employee's absence in the first case and seven days in the second case.

e- If the employee reaches pension age, as specified by labour legislations.

F- If the employee becomes health-wise unfit for work, as decided by a specialized medical committee.

Article 37: An employer is not allowed to terminate the work contract in any of the following cases:

1- When the employee is on a vacation specified by this law or its executive statutes.

2- During the adjudication of a conflict between the employer and employee, provided that the adjudication period does not exceed four months, unless the employee commits another short coming that justifies dismissal.

3- During the employee's detention by the relevant bodies until a final decision is made in the case.

Article 38: 1- If the contract is terminated by one of the two signatories in accordance with Article 36, the party terminating the contract must notify the other party before terminating the contract by a



period equal to the periods specified to pay the wage, or pays that period's complete wage instead of the notification.

2- If any of the two parties refuses to receive the notification to terminate the contract, then it may be entrusted to the Ministry or one of its offices.

3- The notification period specified in paragraph 1 of this article is to be calculated as follows:

- a- Thirty days for those getting a monthly salary.
- b- Fifteen days for those getting a bi-monthly salary.
- c- One week for those working on the basis of production, by piece, hour, day, or week.

4- If an employee's wage is calculated according to b and c of paragraph 3 and is paid at the end of every month, then the duration and wage of the notification period are calculated on thirty-day basis.

Article 39: An employee is eligible for a special compensation for the damages inflicted on him/her because of the work contract's termination by the employer, whether wrongfully or according to the second paragraph of Article 35. In addition, the employee is eligible for a notification-period wage and other dues stipulated by this law and its executive statutes. In all cases, the compensation is determined by a specialized arbitration committee, provided it does not exceed a six-month wage.

Article 40: If the work contract has expired at the end of the specified period and negotiations are underway to renew or extend, then it remains valid during the negotiations up to a maximum of

three months. If the negotiations do not result in a positive outcome during that period, then the contract is no longer valid.

Article 41: An employer has to grant the employee, free of charge, at the termination of the contract a dissociation document. It must state the date of joining work, the date of end of service, the type of work conducted, and the wage.

**Fourth Section**  
**Regulating Women's and Minors' Work**

**First Chapter**  
**Regulating Women's Work**

Article 42: Women are equal to men in all the work's conditions, rights, duties and relation without any discrimination. Equality must be achieved between men and women in employment, promotion, wages, training, qualifying and social insurance. It is not considered as discrimination what the work and vocation description require.

Article 43: 1- A women's daily working hours are limited to five if she is six moth pregnant or up to six months in the post natal period. This time can be reduced for health reasons, according to a certified medical report.

2- The working hours for a post natal woman are to be calculated from the first day following the end of the maternity leave and up to the end of the sixth month.

Article 44: A woman must not be made to work overtime, starting from the sixth month of pregnancy and during the six months of resuming work following the maternity leave.

Article 45: 1- A pregnant female employee has the right to get a full wage, sixty day maternity leave.

2- A working woman must not be made to work, in any circumstances during the maternity leave.

3- A pregnant female employee may be granted twenty extra days to the period mentioned in paragraph 1 in the following two cases:

a- If she has a complicated delivery, as proved by a medical report.

b- If she gives birth to twins.

Article 46: A- It is prohibited to employ women in dangerous, arduous, or healthily or socially detrimental work or industry. Dangerous jobs are to be specified by a ministerial decree.

B- Women must not be made to work at night, except during the Holy Month of Ramadhan and in the jobs to be determined by the Minister.

Article 47: An employer employing women must announce in a conspicuous part of the work place, the system of the women's work.

## **Second Chapter**

### **Regulating Minors' Work**

Article 48: 1- A minor may not be employee without the consent of his/her guardian and notifying the Ministry's specialized office.

2- Minors are not allowed to be employed in remote areas that are distant from urban centers.

3- An employee must provide a safe and healthy work environment for minor employees, according to the conditions and situations determined by the Minister.

4- Minors must not be employed in arduous jobs, harmful industries, or socially detrimental jobs. The Minister may determine, in a decision, these jobs and industries.

Article 49: 1- A minor is eligible for an annual thirty-days vacation for every year of actual service, at the rate of two and a half days for every month of actual service.

2- An employer must grant the minor employee his/her whole annual vacation at its set date.

3- A minor or his/her guardian may not give up the annual vacation or part thereof, whether in return for compensation or not.

Article 50: An employer employing minors must do the following:

1- Keep a register of the minors, and their social and vocational conditions. It must show the minor's name, age,

guardian, date of starting work, place of residence, and any other data specified by the Ministry.

2- Arrange a primary medical examination for the minor and regular medical examination whenever necessary to make sure of his/her health fitness, and keep a medical file for every minor related to all aspects of his/her health.

3- Announce in a conspicuous part of the work place the system of the minors' work.

Article 51: An employee must pay the minor a fair wage in return for the work he/she does in the vocations that are similar to the adults' vocations. The wage must not, in any circumstances, be below two thirds of the minimum wage for that particular vocation. The wage must be paid to the minor himself/herself. The Council of Ministers may, upon the presentation of the Minister and the recommendation of the Labour Council, issue a decree specifying the minimum wage levels for some jobs and vocations in which minors work.

Article 52: Excepted from the rules of this chapter are the minors who work amongst their families under the supervision of the head of the family, provided that the work is done under suitable health and social conditions.

**Fifth Section**  
**Wages and Re-imbursements**

**First Chapter**  
**Wages**

Article 53: The groups, categories and amounts of wages for various jobs and vocations according to the volume and type of work and the following principles:

- 1- The nature of tasks duties and responsibilities.
- 2- The qualifications and experience needed.
- 3- The imports of the work and its role in developing the production quality.
- 4- The work's return.
- 5- Work conditions and its place.
- 6- Efforts made by the employee.

Article 54: 1- The minimum wage of an employee must not below the minimum wage in the state's administrative apparatus.

2- The average daily wage of an employee, based on production or piece of work, must not be bellow the minimum level specified for the daily wage for the a particular vocation or craft. The daily wage of an employee who does not get his/her wage by month, week or day, on the basis of the average wage received by a counter part employee in return for his/her actual working days with one employer during the last year, or during his/her work period if is less than one year.

Article 55: Wages for overtime work are calculated according to the following rates:

A- One hour of work is equivalent to an hour and a half of the basic wage for overtime work done on ordinary working days.

B- One hour of work is equivalent to two hours of overtime work done during nighttime, the weekend, and public holidays, in addition to the wages due to the employee on such holidays.

Article 56: 1- An employee is entitled an imbursement equivalent to 15% of the basic wage in addition to what he/she is entitled to for ordinary working hours when the work is during nighttime.

2- An employee is entitled to an inbursement of 10% of the basic wage in addition to what he/she is entitled to for ordinary working hours when the work is in shift.

3- An employee is entitled to inbursement for night time or shift work if he/she works for more than 10 continuos days or intermitent days during one month. It is not allowed to collect imbursements for both night time and shift work simultaneously.

Article 57: An employee is entitled to his/her basic wage during attending a training course inside the Republic or abroad, endorsed by the employer.

Article 58: Considering the rules of articles 98 and 99 of this law, an employee is entitled to a full wage during the period of his/her suspension because of a work related case, provided that what is paid is not less 50% of the basic wage. The rest of the wage is to be paid when the employee's innocence is proven. The employer has the right to retrieve what was paid during the



suspension period if the employee is convicted by a final court decision.

Article 59: An employee working on a monthly-salary basis may not be transferred to the list of those paid on weekly, daily, hourly or by piece basis; unless he/she agrees to do so.

Article 60: Wages and other sums of money to which an employee is entitled are paid in the legally circulating currency on a working day at the work place, taking the following in to considerations:

1- They are paid every month to those who work on a monthly wage base at a date not exceeding the sixth day of the following month.

2- They are paid every half a month to those who work on a bi-monthly wage basis at a date not exceeding the third day following the end of every half months.

3- They are paid at least once a week to those who work on an hourly, a daily or a weekly basis.

4- Wages are paid to those who work on the basis of the amount of production or work piece according to the agreement between the two sides.

Article 61: An employer may not impose any restrictions on an employee's freedom to use his/her wage, or oblige the employee to buy things produced by the employer or from certain other places.

- Article 62: The wages to which an employee is entitled may not be withheld according to this law without a final court decision, unless there is an agreement between the employer and employee to the contrary.
- Article 63: Taking into consideration Article 98, the monthly instalment paid by an employee as a compensation for damages or material losses caused by him/her may not exceed 25% of his/her basic wage when the damage is caused through negligence or failure to do the work properly.
- Article 64: A wage is paid on the day following the expiry of the contract. When an employee willingly leaves work, the wage to which he/she is entitled is paid within six days of leaving work.
- Article 65: 1- An employer must keep the necessary documents for wage payment, which clarify the details of employee wage, deductions, and net wage paid. These documents must be free of any extra spaces, deletion, or margin.
- 2- An employer is not exempt from paying the wage until the employee signs the document on his/her wage entitlements and other additions, whether mentioned in the signed document or not.
- Article 66: 1- A female employee is entitled to an equal wages as the male employee, if she does the same job under the same conditions and characteristics.
- 2- Employers must give equal wages to Yemeni and non-Yemeni employees, if the work conditions, qualifications, experience, and competency are the same.

## **Second Chapter**

### **Re-imbursements**

- Article 67: If an employee is assigned a particular task in an area far from his/her work place, inside or outside the Republic, then he/she is entitled to a re-imbursement. It must be compatible with the nature of the task, whether these re-imbursements are concerned with his/her representation, transport, or accommodation. The Council of Ministers, according to the Minister's presentation and Labour Council's recommendations, will issue a special re-imbursements system.
- Article 68: Every employer has to provide means of transport for the employees from their places of residence or a particular gathering center to the work place. Or he/she must pay them monetary re-imbursements instead.
- Article 69: An employer has to provide, suitable accommodation and food for employees working away from urban areas, according to criteria issued by the Minister.

**Sixth Section**  
**Work Hours, Breaks, and Vacations**

**First Chapter**  
**Regulating Work Hours**

Article 70: 1- Official working hours must not exceed 8 hours per day or 48 hours per week. Weekly working hours must be distributed over 6 work days, followed by a day of rest with full wage.

2- Official working hours during the Holly Month of Ramadhan must not exceed 6 hours per day or 36 hours per week.

3- Official working hours may be reduced by a Minister's decision for some vocations, jobs, or industries where work conditions are hard or harmful to health. The decision is to specify these vocations and jobs as well as the hours reduced, in consultation with the relevant bodies, including employer's and employees' representatives.

4- Official working hours must include one break or more, including the time of prayer and having food, of no more than an hour. It must be taken into consideration, when determining this period, that continuous work must not exceed 5 hours. The break is not counted within the work hours.

Article 71: If an employee comes to the work place at the specified work time and is ready for work, but is prevented by causes attributed to the employer from starting work, then he/she is considered to have done actual work.

Article 72: 1- Work is considered to be a night work if it is conducted between 8 PM and 5 am. An employee must not be made to work on night shifts continuously for more than one month.

2- Morning working hours are considered within the night shift if their end overlaps with the night working hours for a period of no less than half of the normal working hours.

Article 73: 1- An employee may be made to work during daily breaks, weekly rest periods, and public holidays if it is necessary to increase production or provide public service in the case of disasters, doing maintenance to the means of production, or answering the society's general interest.

2- Normal working hours or overtime must not exceed 12 hours per day.

Article 74: 1- Taking into consideration the rules of Article 55, an employee- of any vocation- assigned to work overtime is entitled to be compensated with paid rest periods. According to the following rates:

a- One and a half times on normal workdays.

b- Two times in case of overtime night work.

2- An employer has to pay the employee the compensation specified for the weekly rest day, vacation days, and public holidays within a period of no more than a month.

Article 75: An employer must display, on the main gate through which the employees enter and in a conspicuous position at the work place, a time table showing weekly closing times, working hours, rest periods, and vacations.

## **Second Chapter**

### **Regulating Vacations**

Article 76: Friday is to be the weekly rest day. It can be substituted with another day of the week for all or some of the employees if work conditions necessitates that.

Article 77: An employee is entitled to a full-wage vacation on all public holidays, according to enacted laws.

Article 78: 1- An employee is entitled to a vacation of no less than 30 days with full wage for each year of actual service at a rate of no less than two and a half days for each month.

2- Public holidays lying within an employee's annual vacation are not counted within the annual vacation.

3- The vacation given to an employee from the credit of the annual vacation must not be less than two days at a time.

4- An employer has to grant the employee the vacation he/she is entitled to annually. However, it is not allowed for reasons related to the interest of one of the parties to postpone taking half of the vacation to the next year.

5- Work is to continue with proportions and rate of vacations gained by the employees according to the best conditions.

6- An employee may not give up his/her vacation in return for a monetary compensation.

7- Vacations rates may be increased for some vocations or employee groups by a Minister's decision.

Article 79: 1- In case of illness, an employee is entitled to a sick leave, continuous or intermittent, according to the following rates:

a- A full-wage sick leave on the first and second months of the illness.

b- A sick leave with 85% of the wage during the third and fourth months of the illness.

c- A sick leave with 75% of the wage during the fifth and sixth months of the illness.

d- A sick leave with 50% of the wage during the seventh and eighth months of the illness.

2- An employee may take advantage of the annual vacations credit in addition to the entitlement of sick leaves. If they are all used up, the employee may be granted a leave without pay until he/she is cured or his/her physical unfitness is proved by the relevant bodies.

3- Every period spent by an employee in hospital for receiving treatment is considered as a sick leave.

Article 80: A- To grant a sick leave, the following is stipulated:

1- In case of ordinary illness, it is to be granted by the doctor entrusted by the employer to treat the employees or by the medical establishment assigned this task.

2- It must be issued by a medical establishment in the Republic if the employer does not entrust a particular doctor or medical establishment to treat his/her employees.

3- It must be endorsed by an emergency unit in any place or by other hospitals in the area to which the employee is assigned or in which he/she is spending his/her annual vacation.

B- In the case of giving the employee a sick leave by a private clinic or medical establishment, an employee may ask for it to be endorsed by the specialized medical bodies.

Article 81: 1- An employer may take into account the sick leave and discount it from the annual vacation if the employee becomes ill during this vacation.

2- The interrupted annual vacation may be continued if the sick leave is taken into account according to the previous paragraph.

3- An employer may demand the sick leave to be endorsed by medical body or by the his/her assigned doctor, if it exceeds 10 days.

Article 82: An employee, affected by a vocational illness or is injured during doing his/her work or because of it, is entitled to a sick leave with full wage, according to the recommendation of the specialized committee until a final decision is reached regarding his/her health in accordance with the social insurance law.

Article 83: Every employee, who spend 4 years in actual service of the employer, has the right to have 20 days vacation with full wage to do the pilgrimage duty, including the EID Al-Adha holiday. This vacation is given one during the employment.



The employer has the right to make sure that this vacation is used for the purpose it is intended to.

Article 84: An employer may grant an employee an extra leave with full pay for 10 days a year.

Article 85: An employer may grant an employee, according to his/her request a leave without pay, according to the employer's discretion.

Article 86: A female employee is entitled to a paid leave for 40 days in the case of her husband's death, to be counted from the date of death. She may get a leave without pay for not more than 90 days to complete the "Odda" (3 menstrual periods) if she so wishes.

Article 87: An employee is prohibited from doing any paid work during any one of the paid vacations stated by this law. If it is proven that the employee has worked during the vacation, the employer may retrieve the wage paid, provided this does not lead to terminating the employee's service.

## **Seventh Section**

### **Regulating Work and Penalties**

#### **First Chapter**

##### **Duties**

Article 88: An employer is obliged to achieve the following through his/her administration:

1- Providing the labour circumstances, conditions, guarantees, and precautions stipulated by the labour legislation's, regulations and contracts.

2- Directing and assigning the employees to what is suitable to their academic and practical experiences and competency in order to serve the interests of the work. It is not allowed to change the vocation of a employee to another vocation that is not suitable for his/her qualifications and abilities without his/her agreement.

3- Formulating programs to train and prepare the cadres required by the work plan, and providing the necessary facilities for the employee to be able to develop his/her vocational, technical and intellectual level.

4- Refraining from harming the employee in person and dignity.

5- Keeping special and general registers showing the conditions and affairs of the employees' service, according to the situations and conditions specified by the Ministry.

6- Informing the employees of the work's conditions and affairs, and displaying them in a conspicuous place upon their issuance.

7- Adhering to the rules of this law and the enacted regulations when considering the work's affairs.

8- Making sure that the would be employee has settled his/her affairs with the previous employer or that he/she has not worked before.

9- Involving the employees in discussing the issues leading to develop work, increase production, and address their affairs through the meetings he/she calls for.

Article 89: An employee must be committed to achieve the following:

1- Performing work with seriousness, honesty, and order. He/she must spend work time performing work duties with efficiency, proficiency, and adherence to the directions and instructions of the employer, his deputy, or the employee's direct boss.

2- Working developing production, maintaining its means, and improving the quality of products and services.

3- Conforming to the labour's system, rules, and regulations.

4- Attending work regularly and punctually.

5- Working continuously on developing his/her qualifications and vocational, technical, and intellectual competency. He/she

must also be committed to developing the skills of his/her colleagues.

6- Protecting and maintaining the work's property such as equipment, tools, materials, registers, and files under his/her charge. And he/she must, at the end of the work, return the tools and the un used raw materials.

7- Keeping the work's secrets.

8- Faithfully providing aid and assistance in cases of danger or disaster, which threaten the work's safety, the work place, or the production.

9- Using the best means of work and production under his/her charge, and economically assign the money and other materials.

10- Undergoing a medical check-up whenever requested by the employer.

## **Second Chapter**

### **Penalties**

Article 90: An employer, in an establishment employing 15 employees or more, must formulate a charter of penalties and the conditions of applying them. It must be displayed in conspicuous place. For the charter and any likely amendments to be valid, it must be agreed upon by the trade union committee or the worker's representative, and must be endorsed by the Ministry or one of its offices within one month of submitting it. It becomes valid if that period passes and the Ministry or one of its offices has not agreed or objected to it by writing.

Article 91: 1- The Ministry is to issue samples of the detailed rules of applying penalties to direct employees when putting their own rules.

2- Any employer employing 10 employees or more must put detailed rules for regulating the application of penalties stated in the following article. They must be compatible with nature and character of the activity conducted by the employer, taking into consideration the following:

a- Including the types of violations and appropriate penalties.

b- Showing the investigation procedures in the violation and applying the penalty.

c- Clarifying the penalty application measures in the case of repeating the violation.

3- An employer employing less than 10 employees may formulate the rules regulating the applying of penalties, according to the rules stipulated by this law.

Article 92: An employer may, in the case of an employee violating the duties stipulated by this law or the work contract, apply one of the following penalties:

- 1- Written caution
- 2- Written warning
- 3- Deducting not more than 20% of the basic wage
- 4- Dismissal from work, while the employee keeps his/her rights stipulated by this and other labour legislations.

Article 93: 1- An employer may apply the two penalties stated in 1 and 2 of the previous article without the need for an administrative investigation. Other penalties must not be applied without conducting the investigation stipulated in Article 95, of this law.

2- Before applying any penalty, an employer must take the following into consideration:

- a- The penalty's compatibility with the violation.
- b- The employee's circumstances, productivity, behavior, social status, the measures previously taken against him/her, and the extent of repeating violation at work.

3- An employer may not apply a penalty to an employee in the following cases:

- a- After the passing of 15 days on discovering the violation.

b- If the accusations leveled against the employee are not proven, criminally or administratively.

c- If the violation is stated within the detailed rules of penalties.

4- It is not allowed to apply more than one of the penalties stated in Article 92 of this law for violation committed by the employee.

Article 94: 1- Applying the two penalties stated in paragraphs 1 & 2 of Article 92 of this law is considered annulled after the passing of one year following their application. The employer is obliged to delete them of the employee's personal dossier when his/her behavior has actually improved during the same year.

2- An employer may reduce or cancel any one of the other penalties applied to the employee when his/her behavior improves during the year.

Article 95: When the gravity of the violation demands the application of one of the penalties stated in paragraphs 3 and 4 of Article 92 of this law, the employer must conduct an administrative investigation with the employee. The employee may demand the presence of the trade union representative at the work place or the workers' representative, if there is no trade union committee.

Article 96: 1- When investigating a violation, an employer must do the following:

a- Conduct an investigation within a period of not more than 15 days from the date of discovering the violation.

b- Hear the employee's testimony, his defense of himself, and the testimonies of the defense witnesses he/she bring forward.

c- Conduct a written-down investigation, which must be signed by all parties involved.

d- Hear the testimony of the employees who know about the violation's circumstances and details.

e- Conclude the investigation and apply the penalty in case of conviction within a period of not more than a month.

2- An employee may appeal against the result of the investigation and its consequences to the specialized arbitration committee within a period of not more than a month from the date of informing him/her of the investigation's outcome.

Article 97: 1- An employer may suspend an employee orally for a period of not more than 5 days for the purpose of the investigation. An employer may suspend an employee with a written notice for a period of not more than 30 days, if the investigating committee requests that for the work's or the investigation's interest.

2- An employer must take the following into consideration before taking the suspension decision:

a- The suspension from work is not a penalty, but a precautionary measure dictated by the work's and investigation's circumstances.



b- Reinstating the employee to his/her work after the suspension period when he/she is proven innocent, frankly.

c- Paying the employee's remaining wage or what is deducted from it in the case of acquittal.

3- It is considered a suspension the period of the employee's detention by the bodies specialized in labour cases. The employer has to continue paying 50% of the employee's wage until a decision is reached in his, provided that this period is not more than 3 months.

4- It is not considered suspension from work the period when the employee is detained by the relevant bodies for the purpose of investigating a case(s) not related to labour. In this case, the employee is not entitled to his/her wage or part of it except with the employer's agreement. He/she may not be dismissed from work.

Article 98: An employer is entitled for compensation by the employees, as individuals or groups, after proving their responsibility for damages to the means of work and production that resulted from the employees' unprofessionalism or negligence. This is provided that the employer informs the Ministry, one of its specialized offices, or the relevant authorities of the damage within 48 hours of his/her knowledge of it.

Article 99: An employer may partially or completely stop work or alter the size or activity of the establishment after informing the Ministry or one of its specialized offices if the changes entail laying off some of the employees.

Article 100: 1- An employer must inform the Ministry, its specialized office, or any other relevant organ in the case of a partial or complete stopping of work or of resumption thereof.

2- An employer may reduce the number of employees or lay the off due to a partial or complete stopping of work.

3- An employer is obliged, in the case of resuming his/her stopped work, to give priority to the employees who were made redundant, provided they apply for re-employment within one month of announcing the resumption of work and informing the Ministry or its specialized office.

Article 101: Employees who are made redundant have the right to appeal to the special arbitration committee, if they realize that the employer's action is unfair and aims to replace them with other employees.

Article 102: If work stops for a temporary period due to reasons related to the employer, a work contract remains valid for no less than two months following the stopping date. The employees are entitled to full wages during this period.

## **Eighth Section**

### **Training**

#### **First Chapter**

#### **Vocational Training**

Article 103: Vocational training means conducting training, theoretical, practical, or both, in order to acquire the skills for a particular vocation or trade before joining work. It also includes the training of workers during their service to raise the level of their vocational skills.

Article 104: 1- An employer may adopt and develop all means and basis of training and provide training incentives for the employees according to the directions specified by the Council of Minister and the following means:

- a- Training at the work place and instituting training and testing programs.
- b- Participating with other employers doing a similar activity in establishing a training center and instituting training and testing programs.
- c- Making annual financial contributions to the Ministry's vocational training programs. The contribution is calculated according to the number of employees. The Council of Ministers determines the amount and proportion of the contribution out of the total employee's wages.

2- A trainee employee is obliged to serve at the employer's establishment a period of time equal to the training period if training is conducted inside the republic, and double the training period if the training is conducted outside the republic. An employer may retrieve all or some of the training costs if the employee does not adhere to the stipulated service period after training, taking into consideration his/her service before and after training.

Article 105: The Ministry organizes the vocational training affairs in coordination with the relevant bodies and to answer the requirements of the economic and social development. For this purpose it can do the following:

- A: 1- Supervising and organizing the affairs of vocational training institutes and centers established by the state.
- 2-Developing all aspects and fields of vocational training.
- 3-Supervising the formulation of training and testing programs.
- 4- Evaluating training levels, curricula, and fields.
- 5- Determining the needs of the trainees and training and qualifying the instructors in coordination with the relevant organs.
- 6-Formulating the admission policy for vocational training institutes and centers.
- 7- Coordinating training affairs with all training bodies so as to achieve the maximum benefit from their training capabilities.
- 8- Formulating plans and programs to assign the graduates of vocational training institutes and centers to the appropriate work places in coordination with the relevant bodies.

B: Technical supervision of the training establishments covered by the rules of this law in the field of curricula, programs, tests, and providing technical advice.

Article 106: The Minister may decide to establish vocational training institutes and centers according to what he sees fit. The decision issued is to specify all the rules necessary for the smooth running of these institutes and centers. Any employer may establish a training institute or a center within the field of his/her activity, provided he informs the Ministry.

Article 107: The Minister, according to the training capabilities available, may specify the conditions for employer participation in training and rehabilitating a specific number of Yemen disabled people and work injured employees. The employers are also to admit a limited number of students, for the purpose of training and acquiring practical experience, at their establishments and center, according to the available training capabilities.

Article 108: 1- The Minister may specify the vocations that will undergo a skill-level measurement as well as the method, its conditions, and the bodies to administer it.

2- The employee whose skill level is measured at his vocation is entitled to get a certificate to prove that.

## **Second Chapter**

### **Vocational Apprenticeship**

Article 109: Vocational apprenticeship means that the employer conduct training on a vocation or a trade for a Yemeni person for the purpose of instilling in him/her the necessary skills for practicing that vocation or trade within a specified period of time.

Article 110: 1- A written vocational apprenticeship contract is to be drawn by the employer and the apprentice. It should specify the type of vocation, the period of training, and the apprentice reward during training.

2- The contract must be drawn by the employer and the apprentice's guardian if the apprentice is juvenile.

3- a- The employer may terminate the contract if it is proven that the apprentice does not have the capability of learning the vocation in a good way, unless it is possible to teach him/her another vocation with the employer.

b- An apprentice may willingly terminate the contract, provided not more than half of the apprenticeship period have elapsed.

c- If the contract is terminated by any one of the two parties contrary to the conditions and circumstances specified in this law, the other part has the right to demand the appropriate compensation for damage incurred because of that.

Article 111: A: The period spent by an apprentice in training for vocation or trade is considered within his/her actual service period if he/she continues to work for the employer for no less than two years.

B: An employer has, when the apprentice finishes the apprenticeship period, to grant him/her a certificate proving his/her enrollement in the apprenticeship, its duration and his/her skill level. The certificate must be authenticated by the Ministry or one of its offices.

## **Ninth Section**

### **Occupational Health and Safety**

Article 112: An employer, when operating any establishment, must provide occupational health and safety conditions in it. The relevant Ministry must make sure of the existence of the conditions and circumstance suitable for occupational health and safety.

Article 113: An employer must take the following rules into consideration:

- 1- Keeping the work place in a healthy and safe state, as demanded by the occupational health and safety conditions.
- 2- Sufficiently ventilating and lighting the work place during the work hours, according to the levels and standards specified by the occupational health and safety bodies.
- 3- Taking all necessary precautions to protect the employees from the dangers of gases, dusts, smoke or any other industrial waste or exhaust.
- 4- Taking all necessary precautions to protect the employees from the dangers of equipment, machinery and the means of conveying, including the dangers of collapse.
- 5- Taking the necessary precautions against the natural dangers and damages of heat, humidity and cold.
- 6- Taking the necessary precautions to protect against the dangers of strong lighting, harmful or dangerous noise, radiation, vibration or the increase or decrease in air pressure inside the work place, including the dangers of explosion.
- 7- Building water closets in easy access places, and allocating separate ones for women.



8- Providing enough drinking water for the employees and facilitating its use.

9- Taking the necessary precautions to deal with fires and preparing the necessary technical means to combat them, including ensuring fire escapes and making them ready for use at any time.

10- Keeping a record of work accidents and occupational diseases, informing the relevant bodies about them, and keeping statistics on work injuries and occupational diseases and submitting them to the Ministry on demand.

Article 114: An employer has to take the necessary precautions to protect the employees from the dangers emanating from work and its means. He/she must not deduct from their wages any amounts in return for the following:

1- Providing the protective equipment, tools, and clothing to protect the employees from occupational injuries and diseases.

2- What is paid to the employees in return for work conditions that are harmful to their health or the meals, according to the requirements of occupational health and safety.

3- What is paid to the employees in return for periodical medical check-ups at any time, as required by the occupational health and safety conditions.

4- Providing first-aid facilities at the work place.

Article 115: The Ministry implements the following tasks:

a- Providing advice and consultation to the employers in the field of occupational safety.

- b- Organizing and implementing training and educational programs related to protection from accidents.
- c- Organizing the exchange of technical information and expertise among the departments of occupational health and safety in various establishments.
- d- Specifying and evaluating the means of accident prevention units.
- e- Assisting in designing information aids in the field of occupational safety.
- f- Studying and analyzing the data and information in the field of occupational safety, monitoring the cases of occupational injuries and diseases, and suggesting the necessary measures to prevent their recurrence.
- g- Specifying and evaluating the means and equipment use to protect against occupational accidents and injuries.

Article 116: 1- Upon a decision by the Council of Minister and the suggestion of the Minister, a supreme occupational health and safety committee is to be formed. The relevant bodies are to be represented at the committee, the tasks and regulatory rules of which are to be specified by the Council of Ministers' decision.

2- It is allowed, by a Minister's decision, to form occupational health and safety sub-committees in the governorates and the sectors and industries he sees fit. These sub-committees must include in their memberships the relevant bodies. The decision

to form the sub-committees is to specify their tasks, specialties, and regulatory rules.

Article 117: 1- An employer must do the following:

a- Informing the employee before joining work of the dangers of the work and vocation and the protection means to be used during work.

b- Continuously directing and monitoring the employees' adherence to occupational health and safety.

c- Displaying directions, instruction, and posters clarifying the work and vocational hazards and the means of protection in conspicuous places, and using all other means of clarifying.

d- Spreading awareness among employees about vocational, safety and health protection, and enrolling them in training courses and seminars related to the above aspects.

2- If an employer refuses to implement the rules for protecting work and the employees and to carry out the vocational safety instructions, an inspector may get an order from the Minister to stop the piece of machinery that is the source of danger for one week, until the source of danger is removed. The Minister has to refer the matter to the specialized arbitration committee in the case extending the partial stoppage order or asking for a complete stoppage. This is done in the case of the persistence of danger or when the employer does not remove it. The employees who stopped working because of this are entitled to receive their full wages.

3- An employer has the right to appeal against the order or partial or complete stoppage, if it transpires to him/her that it was unjust.

## **Tenth Section**

### **Service Insurance**

Article 118: An employer has to provide health care for his/her employees.  
This care includes the following:

- 1- Conducting a medical check-up for the would be employee before starting work.
- 2- Transferring the employee to a job suitable for his/her health condition, according to a report from specialized medical bodies, if possible.
- 3- Providing the appropriate job for the employee in accordance with recommendations by specialized medical bodies, according to the work's condition and capacity and the social insurance law, if the disease or injury was caused by work.
- 4- Bearing the cost of medical treatment and its requirements for the employees, irrespective of their number, according to the employer's medical charter agreed upon by the Ministry.
- 5- Employing a qualified nurse at the work place or its area, if the number of employees is more than 50.
- 6- Entrusting a doctor or a medical establishment to provide the employees with health care, if their number exceeds 100, at the work place or its area.
- 7- Keeping safely the papers related to the employee's medical treatment submitted by the employee. The employee may obtain copies of the certificates and documents related to

his/her illness and were submitted to the employer by the specialized medical bodies.

B- Employers with a number of employees less than what is specified by this article may entrust a doctor or a medical establishment with treatment of those employees.

C- The Minister may oblige the employers whose employees are less than what is specified by this article to employ a qualified nurse, or entrust their treatment to a doctor in the case of dangerous or physically demanding industries and vocations.

Article 119: 1- An employee is entitled, upon the end of his/her service to a monthly pension or a lump sum reward, according to the rules of the social insurance law or any other special system if its conditions or better for the employee.

2- If the employee is not covered by the social insurance law or any other special system, according to the rules of the previous paragraph, he/she is entitled to an end of service reward at the rate of at least a one month wage for every year of service. This reward is to be calculated according to the salary of the month received by the employee.

3- It is prohibited, whatever the case, to deny an employee his/her entitlement or any part thereof stated by this article, in all cases of work contract termination.

Article 120: An employer bears, unless he/she is insured, the financial responsibility according to this law and the social insurance law for any vocational diseases or injuries sustained by the employee during or because of work.

## **Eleventh Section**

### **Work Inspection**

Article 121: Inspection is conducted on all sectors and employers to whom this law applies. They have to facilitate the tasks of the work inspectors, and provide them with all information and data requested for the purpose of inspection.

Article 122: Work inspectors specialize in doing the following:

- 1- Monitoring the level of implementing labour legislations, rules, and regulations and the decisions issued by the Ministry; and addressing written notifications to employers for any violations demanding their rectification as well as issuing written records of repeated violations in preparation for referring them to the specialized arbitration committee.
- 2- Preparing detailed reports on the out come of each inspection tour, supported by opinions and suggestion that help to avoid short comings, if they exist.
- 3- Contributing to entrenching the concepts of employer-employee relations, and providing them with information to guarantee their understanding and implementation of labour legislations.

Article 123: 1- Inspection of work establishment is to be conducted by employees of the Ministry and its offices. They are to have a judicial enforcement status in implementing the rules of this law and its executing regulations and decisions. They may seek the assistance of experienced doctors, engineers, and technicians when the need arises.

2- Work inspectors are to conduct their work individually or in groups. Inspectors have to keep the secrets of the establishments to which they gain access by virtue of their work. This commitment remains standing even after the leave service.

3- Occupational health and safety inspectors practice the monitoring of implementing occupational health rules and measures. They have to submit periodical reports to the Ministry and other relevant bodies.

4- Work and occupational health and safety inspectors are to be provided with cards proving their identities and jobs. They must carry these cards during carrying out their tasks, and present them to the relevant people when necessary.

5- The inspection charter regulates the forms and data of violations' notifications and the way to issue the relevant records.

Article 124: Work inspectors are to take the following oath before the Minister or his representative before starting their work:

((I swear by almighty God to do my job duties with all honesty, faithfulness, and impartiality; and not to divulge the vocational, industrial, or trade secrets I come across while doing my job)).

Article 125: Work inspector, have the following powers:

1- Entering work places at any time during working hours, getting to know the progress of trade businesses; inspecting documents, contracts, and records related to work; and making sure there no violations to the labour legislation's, rules, and charters.



2- Taking the precautionary measures to stop a machine representing a source of danger by getting an order from the Minister of a period not more than a week. The Minister has to refer it to the specialized arbitration committee, in the case of extending the period or requesting a complete stoppage.

3- Taking samples from the work place when the matter is related to occupational health and safety, and inspecting the documents related to work and employees when doing the inspection tasks.

4- Taking samples from the work place and getting any documents or copies thereof required by the inspection.

Article 126: 1- The Ministry has to provide the necessary protection for work inspectors while carrying out their tasks or after concluding them, according to what it deems liable to achieve that.

2- When work inspectors get exposed to any assault or physical or emotional damage resulting from doing their inspection tasks, the Ministry has to file a law suit on their behalf to the specialized court, demanding compensation. It must bear all costs incurred due to that.

3- Work inspectors are entitled, in return for the efforts they make to ensure the good implementation of labour legislation, a reward to be determined by the Minister.

**Twelfth Section**  
**Labour Disputes & Legitimate Strikes**

**First Chapter**  
**Settling Labour Disputes**

Article 127: Labour disputes mean the differences that arise between employers and employees about the enactment of the rules of this law, other labour legislations, and individual and group work contracts.

Article 128: 1- The two disputing parties or their representatives must hold joint sessions to solve the dispute amicably through negotiations within a period of one month. The minutes of the meetings must be recorded, signed by both parties, and kept confidential.

2- If an amicable settlement is not possible between the two parties, the subject of the dispute is then referred to the Ministry or its specialized office. It has to summon the disputing parties to settle the dispute within not more than two weeks of the referral date.

3- Every trade union organization or committee included in a group work contract may file a law suit, resulting from breaking this contract, on the behalf of anyone of its members, without the need for his giving a power of attorney. This member may intervene in the law suit filed on his/her behalf. He/she may also file the law suit independently from the trade union organization or committee, in the case of not filing the law suit by his/her trade union.

Article 129: If the intermediation does not lead to a final settlement to the dispute, any one of the two parties is entitled to submit the case to the specialized arbitration committee within not more than two weeks of the date of recording the failure of the intermediation.

Article 130: By a Minister's decision, one or more arbitration committee is to be formed in the capital and other governorates to sit in judgment in labour disputes, as follows:

1- A Ministry's representative as a president.

2- An employer's representative, nominated by the General Federation of the chambers of Commerce and Industry, as a member.

3- An employees' representative, nominated by the General Federation of Trade Unions, as a member. The employers' and employees' representatives must have enough experience in labour issues.

Article 131: Arbitration committees specialize in looking into the following:

A- Disputes and differences arising between employers and employees regarding the enactment of this law and its rules as well as the work contracts.

B- The violations that are referred to it and related to the inspection of work establishments.

C- Other issues related to the specialization of arbitration committees as stated by the relevant laws.

Article 132: Arbitration committees have the authority to summon any body for questioning. They also have the power to hear the accounts of witnesses on oath and entering and inspecting any work place, as required by the process of looking into the dispute. The committee may empower one of its members to do these tasks, and it can seek the assistance of experts. It can also look into all documents and information it deems necessary.

Article 133: 1- Arbitration committee decisions are issued by a majority of its members.

2- Arbitration committee decisions are to be reasoned and signed by all members. An objecting member may ask to write down his/her objection on the draft decision.

Article 134: 1- Taking into account the Arbitration law, arbitration committee decisions are to be final and can not be refuted in the following litigations:

A- Litigation not exceeding 60,000 Riyal.

B- Litigations related to annulling dismissal from work decisions.

C- Litigations related to imposing fines on the employees.

2- Arbitration committees may not impose freedom taking punishments.

Article 135: 1- All litigations related to labour disputes of any kind are to be submitted to the arbitration committees.

2- Litigations must be signed by one of the disputing parties or their legal representatives.

3- Litigation procedure rules stated by the litigation law are to be applied in filing law suits when there is relevant mention in this law.

4- Litigations related to labour issues are considered urgent cases.

5- A labour litigation is not accepted after the passing of the time period specified by the enacted laws.

Article 136: 1- The president of the arbitration committee sets the date of the first session to look into the dispute within a period of not more than days from the date of submitting the litigation.

2- Arbitration committees must conclude reviewing the litigation and issue a decision within a period of not more than 30 days from the date of the first session.

Article 137: The president and members of the arbitration committee are to take an oath before the Minister, swearing to carry out their tasks with honesty, faithfulness, and impartiality before assuming their tasks.

Article 138: 1- If one of the disputing parties wishes to appeal against the arbitration committee's decision, he/she has to submit an appeal petition to the section of labour case at the specialized appeal court within a period of not more than month of being notified of the decision.

2- The head of labour cases section sets the date of the first session for looking into the submitted appeal within a period of not more than 15 days from the date of lodging the appeal.

3- The labour cases section has to settle the dispute with a final ruling within a period of not more than 30 days from the date of the first session.

Article 139: A section called the "labour cases section" is to be established at appeal courts in the capital and other governorates, in accordance with Judicial Authority Law. It specializes in the following:

1- To rule, finally and absolutely, in all appeals against decisions issued by arbitration committees and submitted to it according to this law.

2- Any other litigations in which it specializes according to this law or other labour legislations.

Article 140: Arbitration committees labour cases sections at appeal courts may not refuse to settle a dispute under the excuse of there being no relevant article in this law. In this case they are obliged to settle the dispute according to the Islamic Sharia Law and the common customs and rules of justice.

Article 141: During the progress of the settlement procedures at the arbitration committees or the labour cases sections in the courts of appeal, an employer may not change the work conditions which existed before the dispute which may harm the employees. Also, he/she may not dismiss or penalize anyone of them.

Article 142: If the opponents reconcile with each other or reach a settlement, they must prove this in a written affidavit in front of the body looking into the dispute. After ratifying the affidavit, this body must rule in implementing it.

## **Second Chapter**

### **Legitimate Strike**

Article 143:1- Representatives of the employees' or the trade union committee may not call for a strike and a stopping of work before the materialization of a final and irrefutable decision regarding the dispute, whether for not appealing against it within the period specified by Article 139 of this law- if it was issued by an arbitration committee or if it is issued by a labour cases section at a court of appeal and the employer refuses to implement the decision despite the passing of 7 days after being notified by the body that issued the decision.

2- Representatives of the employees or trade union committees are prohibited from calling the employees to strike to achieve political demands or objectives.

Article 144: Without contravening the rules of the previous articles, representatives of the employees or the trade union committee may not call for a strike unless the following conditions are satisfied:

1- Submitting the proposal to go on strike to the employees in a general meeting, provided the rate of presence is not less than 60% of the overall number of employees and the agreement of 25% of them in a secret ballot.

2- A strike is not declared or practiced before the proposal is submitted to the general trade union concerned, the signing of two thirds of its members, and the employees' representatives or the trade union committee obtaining a written permission by the executive office of the General Federation of Trade Unions in the Republic.

3- The issue of dispute must concern more than two thirds of the employees at a particular establishment.

4- The trade union committee or the employees' representatives must notify the employer and the Ministry or its specialized office before going on strike by at least 3 weeks prior to its set date.

Article 145: A strike is to be conducted gradually and peacefully, after satisfying the necessary conditions for its implementation stated in the previous article of this law, as follows:

1- A red armband is to be worn by every employee in the establishment for 3 successive days before going on a strike, as a notification of intending to strike.

2- Stopping work in some of the establishment's departments for a limited period during working hours. This period is to be increased gradually so that total work stoppage in all departments takes place after 4 successive days.

3- Stopping work in all departments of the establishment for a limited period during working hours, to be gradually increased that total work stoppage in all the establishment after one week from the date of going on strike, if nothing transpires to stop it.

Article 146: The trade union or employees' representatives must cancel the call to strike or immediately end it if the employer agrees to implement the decision to settle the dispute, according to the rules of Article 143.



Article 147: 1- Labour relations, between the employer and the employees, or their representatives, are not to be severed during the strike period.

2- If the strike is conducted according to the law, no penalties -including dismissal - are to be imposed on some or all of the employees.

Article 148: Not contravening any other, more severe punishment stated by another law, infringing an employee's freedom is considered a serious professional misconduct punishable by law. Within this falls any act done by the striking employees that is liable to prevent other employees, the employer, or his/her representative to enter the work place or practice his/her regular activity. This is valid whether the prevention is done by action, threatening, violence, assault, occupation of work places, or damaging property.

Article 149: 1- A minimum level of obligatory service is to be organized at the public service establishments, in which a work stoppage is likely to endanger the citizens' life, safety, or health or is likely to cause an economic crisis. Service establishments in particular include the following:

A- Hospitals, health centers, medical compounds, and on duty clinics and pharmacies.

B- Establishments related to wire and wireless communications and the radio and TV

C- Establishments related to electricity, water, gas, and petroleum materials.

D- Sanitation and environmental health works.

E- Banks.

F- Work stations in airports and loading and unloading stations in sea, air and land ports as well as customs offices.

G- Establishments related to the provision of food commodities and bakeries.

H- Establishments, related to cattle, sheep and poultry farms, farm irrigation and crop harvesting and transport as well as fish transport.

I- Services related to prisons.

2- Upon the Minister's proposal, the Council of Ministers may specify other fields where it is obligatory to provide a minimum service or the occupations where striking is banned.

3- An employer is prohibited from refusing to do obligatory service. Such a refusal is considered a serious misconduct punishable by law. Members of trade union committee or employees' representatives are not exempted from this responsibility. They are to be accountable in their individual capacities if they cause that.

### **Thirteenth Section**

#### **Trade Union Organizations**

Article 150: 1- Employers and employees have the right to voluntarily create and join their respective organizations to look after their interests, defend their rights, and represent them in corporations, councils, conferences, and in all other relevant issues.

2- Workers trade unions and employers' organizations have the right to practice their activities with total freedom and without any inference or influence on their affairs.

Article 151: Considering the rules of Article 35 of this law, the penalty of dismissal or any other penalty may not be imposed on the employees' representatives in trade union committees because of practicing their trade union activities, in accordance with this law and the law organizing trade unions and their executive rules and regulations.

## **Fourteenth Section**

### **Punishments**

Article 152: The different punishments stated in this section are to be imposed without contravening other more severe punishments state in any other law.

Article 153: Not contravening the another more severe punishment in another law, anyone violating any of the rules stated in the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th sections of this law is punished with a prison sentence not exceeding 3 months or with a fine not less than YR. 5,000 and not more than YR. 20,000.

Article 154: 1- Not contravening another more severe punishment in another law, any one of the disputing parties who is absent from the first and second sessions of intermediaiton, which are called for by the Ministry or its specialized office or the arbitration committees, or the labour cases section, is punished with a fine not less than YR. 500 and not more than YR. 2,000.

2- Every one who provides the arbitration committees, the Ministry, or its specialized office with incorrect information, false documents about the disputed issue or cause the stopping of the settlement or intermediation measures by violence or the threat thereof, if punished with a fine not less than YR. 1,000 and not more than YR. 10, 000.

3- Everyone who calls for or goes on a strike without due consideration to the conditions and regulations state by this law, or commits acts of threatening or violence to impede

work, is punished with a fine not less than YR. 5,000 and not more than YR. 15, 000.

4- Any employer or his/her representative who employs new employees to replace the ones who are on a legitimate strike, according to the conditions and regulations stated by this law, is punished with a fine not more than YR. 15, 000. Imposing this punishment does not preclude the necessity for these employees to return to their jobs.

## **Fifteenth Section**

### **Concluding Rules**

Article 155: Litigations related to labour disputes, made according to the rules of this law and submitted by the employee, their representatives, or families in case of death, or exempted from law-suit fees.

Article 156: Rules stated by this law to regulate occupational health and safety are valid in the sectors and groups that come under the rules of the Civil Service Law or any other law.

Article 157: Employers have to participate in raising the employees' awareness of their rights, duties, and other basic rules stated by this law and its executives regulations and decisions.

Article 158: Upon the Minister's proposal, a decision by the Council of Ministers will determine the fees stipulated by the rules of this law.

Article 159: The Minister issues all this law's executive regulations, decisions, and instruction in a way not contravening its rules.

Article 160: To be annulled are Labour Law No. 5 of 1970 issued in Sana'a and Labour Law No. 14 of 1978 issued in Aden. Also annulled is every stipulation or rule contradicting the rules of this law.

Article 161: This law is enforced from the date of its issuance, and is published in the official gazette.

*Issued by the Presidential Office*

*On 8 Shawal, 1415 H.*

*9 March, 1995*

*Abdul Aziz Abdul Ghani*  
*Prime Minister*

*Gen. Ali Abdullah Saleh*  
*President of the Republic*