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PREZZO: Sh. So. 5 per numero - Arretrati il doppio - **ABBONAMENTI:** Annuo per la Somalia Sh. So. 100. Estero Sh. So. 150 - L'abbonamento in qualunque tempo richiesto, decorre dal 1° Gennaio e l'abbonato riceverà i numeri arretrati - **INSERZIONI:** per ogni riga o spazio di riga Sh. So. 2 - Le inserzioni si ricevono presso la Direzione del Bollettino. L'importo degli abbonamenti e delle inserzioni deve essere versato all'Ufficio Imposte sugli Affari.

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LEGGI E' DECRETI



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PARTE SECONDA

DISPOSIZIONI, COMUNICATI, AVVISI, VARIE

N. N.

Stamperia dello Stato — Mogadiscio

PARTE PRIMA**LEGGI E DECRETI**

LEGISLATIVE DECREE No. 5 of 10 August 1969.

LABOUR CODE.

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN Article 62 of the Constitution;

HAVING SEEN Law No. 8 of 12 January, 1969, delegating to the Government the power to issue the Labour Code revised;

HAVING SEEN the final text of the Labour Code;

ON THE PROPOSAL of the Minister of Health and Labour;

TAKING NOTE of the approval of the Council of Ministers;

DECREES:

Single Article

The text of the Labour Code attached hereto is hereby approved and shall come into force on the 30th day following the date of its publication in the Official Bulletin.

Mogadiscio, 10th August, 1969.

ABDIRASCID ALI SCERMARKE

The Prime Minister

MOHAMED IBRAHIM EGAL

The Minister of Health and Labour

MOHAMED SCEK MOHAMED DAHIR

A T T E N T I O N

CORRIGENDUM

Art. 90 — Pag. 1299

- line 3' par. (1) between the words «period» and «in» insert the word «to 10 hours».

Art. 121 — Pag. 1313

- line 15 par. (5) substitute the number «5» to «4».

Art. 123 — Pag. 1314

- line 3' substitute the word «inspectorate» for «inspector».
- line 3' substitute the word «him» to «it».

Art. 131 — Pag. 1316

- line 13' par. (5) substitute the number «5» to «4».

Art. 139 — Pag. 1319

- line 16' par. (3) substitute the word «General» for «Central».

LABOUR CODE

PART I.

GENERAL PROVISIONS

Article 1

Definitions

In this Code, unless the context otherwise requires:

«*court*» or «*competent court*» means a territorially competent Regional Court;

«*employers*» means a physical or judicial person who uses, directs and remunerates the service of a worker, whether continuously or not, and includes the Government;

«*go-slow*» means an organised, deliberate and purposeful slowing down of normal output of work by a body of workers in a concerted manner, and which is not due to any mechanical defect, break-down of machinery, failure or defect in power supply or in the supply of normal materials and spare parts of machinery;

«*lock-out*» means the closing of a place of employment or part of such place, or the suspension, wholly or partly, of work by an employer, or refusal, absolute or conditional, by an employer to continue to employ any number of persons employed by him in consequence of a trade dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

«*Minister*» and «*Ministry*» means respectively the Minister and the Ministry responsible for labour matters;

«*Registrar*» means the Registrar of Trade Unions and Employers' Associations appointed under Article 14;

«*remuneration*» includes ordinary basic or minimum wage or salary or share in profits or commission or allowances and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;

«*strike*» means the cessation of work by a body of persons employed, acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a trade dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer, or any persons or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;

«*trade dispute*» or «*labour dispute*» means any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment or with the terms of the employment or with the conditions of labour of any person;

«*trade union*» or «*employers' association*» means any combination whether temporary or permanent, the principal purposes of which are under its constitution, the regulation of the relations between workers and employers, or between workers and workers, or between employers and employers, whether such combination would or would not, if this Code had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade;

«*undertaking*» means any place or premises where workers are employed;

«*worker*» means a person who undertakes in return for remuneration to perform manual or non-manual work for an employer under a special or general, oral or written agreement, or by way of apprenticeship or probation.

Article 2

Application of the Code

1. The provisions of this Code or regulations made hereunder shall apply to all employers and workers including those employed in the public service or public institutions in so far as any of their terms and conditions of service are not governed by any other law.

2. The provisions of this Code or regulations made hereunder shall not apply to Armed Forces, Police Forces and para-military forces of the State.

Article 3

Right to follow any occupation

1. Every person has the right to follow any occupation, he chooses and has the right to equality of opportunity and treatment in respect of employment and occupation without discrimination on

the basis of language, race, colour, sex, religion, political opinion, national extraction or social origin and has the duty to afford such equality to other persons.

2. Every person has the duty, in following his or her occupation, to contribute to the material and moral progress of the Nation.

Article 4

Legal protection of labour

The State shall protect labour in all its forms and applications, whether organizational or executive, intellectual, technical or manual. It shall also promote such conditions as permit the effective exercise of the rights, and discharge of the duties proclaimed in Article 3.

Article 5

Freedom of labour

Forced or compulsory labour is forbidden in any form.

Provided that labour may be imposed in accordance with law by military or civil necessity or as a result of a criminal conviction.

Article 6

Workers' rights not subject to renunciation

Subject to the provisions of this Code, the rights conferred on workers shall not be subject to renunciation, composition or limitation by agreement. Any agreement to the contrary shall be null and void.

Provided that any benefits already granted by employers of their own accord or by agreement and which are more advantageous for the workers shall take precedence over those prescribed by this Code.

Article 7

Law applicable to labour disputes

Disputes to which no provision of this Code or of any contract of employment is applicable shall be decided according to the principles of equity, general principles of labour legislation, the Conventions or Recommendations of the International Labour Organization ratified by the Republic, the principles of the ordinary law which are not contrary to those of labour legislation, legal doctrine, case law and local custom or usage.

Provided that where there is doubt as to the interpretation or application of any provision concerning labour matters, the interpretation or application which is more favourable to the workers shall be adopted.

PART II.

**TRADE UNIONS, EMPLOYERS' ASSOCIATIONS,
FEDERATIONS AND CONFEDERATIONS**

Chapter I.

Trade Unions and Employers' Associations

Article 8

Organization and purposes

1. The organization of trade unions and employers' associations shall be free.

2. A registered trade union or registered employers' association shall have as its purpose to study, protect and regulate the relations between workers and employers or between workers, and workers or between employers and employers, as the case may be.

Article 9

Establishment

1. Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union or an employers' association.

2. Every person is free to join a registered trade union or a registered employers' association within the framework of his occupation.

3. A trade union or an employers' association shall be established by a notarial act. A trade union shall have a minimum of 50 members and an employers' association a minimum of 5 members.

Article 10

Right to join or withdraw

Subject to the provisions of this Code:

- (1) any person of the age of 18 years or above may join a registered trade union or a registered employers' association:

Provided that a person under 18 but over 15 years of age may join if there is no objection from his father or

the person legally substituted for his father. However, a person under 18 years of age shall not be nominated, elected or appointed as an executive of the union or the association;

- (2) any member of a registered trade union or a registered employers' association may withdraw from it at any time, notwithstanding any stipulation to the contrary.

Article 11

Autonomy

Every trade union or employers' association shall have the right within the law to draw up its own constitution and rules, to elect its representatives in full freedom, to organise its administration and activities, according to democratic principles and to formulate its programme.

Article 12

Freedom of association

1. It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association, and more particularly to:

- (1) make the employment of a worker subject to the condition that he shall not join a registered trade union or shall relinquish trade union membership;
- (2) cause the dismissal of or perjure a worker in any other way by reason of trade union membership or because of participation in trade union activities.

2. It shall also be unlawful for any employers' association to engage in any act of interference, including financial interference, in the establishment or functioning of a registered trade union, and vice versa.

Article 13

Civil and criminal liability

1. The purposes of any registered trade union or registered employers' association shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union or employers' association liable to criminal prosecution for conspiracy or otherwise.

2. The purposes of any registered trade union or registered employers' association shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

Article 14

Compulsory registration

1. The Minister shall appoint an officer of the Labour Department as Registrar of Trade Unions and Employers' Associations.

2. To be considered juridical persons according to law, every trade union or employers' association shall get itself registered with the Registrar in accordance with the provisions of this Code and regulations made hereunder. If it fails to do so it shall not be considered as a trade union or employers' association for any of the purposes of this Code.

Article 15

Representatives and officers

The representatives and officers of a registered trade union or registered employers' association shall:

- (a) be persons who are actually working in the same occupation, or trade, or in related occupations or trades;
- (b) be domiciled in the Republic;
- (c) be in possession of their civil rights;
- (d) not have been debarred from holding public office.

Article 16

Rules for registration

With respect to the registration of a trade union or employers' association, the following provisions shall apply:

(1) An application to register the trade union or employers' association shall be sent to the Registrar with notorally certified copies of its constitution and rules and a list of the names and titles of its office bearers.

(2) The Registrar upon being satisfied that the trade union or employers' association has complied with the provisions respecting registration shall, subject to the provisions of Article 19, register the trade union or the employers' association.

(3) No trade union or employers' association shall be registered under a name identical with that by which any other existing trade union or employers' association has been registered or so nearly resembling such name as to be likely to deceive their members or the public.

(4) The Registrar upon registering a trade union or employers' association shall issue a certificate of registration in the form as may be prescribed by regulations made hereunder.

Article 17

Contents of constitution and rules

The constitution or rules of every registered trade union or employers' association shall contain provisions in respect of the following matters:

- (1) the name and address;
- (2) the location of its office;
- (3) the total number of members;
- (4) the objects for which it is established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member;
- (5) the manner of making, altering, amending and rescinding constitution and rules;
- (6) the provisions for the appointment and removal of a general committee of management, of a treasurer and other officers to be elected by the majority of the members;
- (7) the provisions for keeping of full and accurate accounts by the treasurer;
- (8) the provision for the investment of the funds or their deposit in a bank and for an annual or periodical audit of accounts;
- (9) the inspection of the books and names of members by every person having an interest in its funds;
- (10) the manner of dissolving the trade union or employers' association.

Article 18

Alteration of constitution and rules

1. Every alteration of the constitution and rules of a registered trade union or registered employers' association shall be registered with the Registrar and shall take effect from the date of registration unless some later date is specified therein.

2. The constitution and rules shall not be altered so that they cease to contain provisions in respect of the several matters set out in the last preceding Article.

Article 19

Refusal to register

1. The Registrar may refuse to register any trade union or employers' association if he is satisfied that:

- (a) it does not have a separate office of its own; or
- (b) it is used for unlawful purposes; or
- (c) the principal objects are not in accordance with those set out in the definition of «trade union» or «employers' association» contained in Article 1; or
- (d) its accounts are not being kept in accordance with the provisions of this Code or regulations made hereunder; or
- (e) it has not complied with the provisions of this Code or any regulations made hereunder; or
- (f) any of its objects or its constitution or rules are unlawful or conflict with any such provisions.

2. When the Registrar refuses to register a trade union or employers' association he shall notify the applicants in writing of the ground of such refusal.

Article 20

Cancellation of registration

1. The registration and the certificate of registration of a registered trade union or employers' association may be cancelled by the Registrar:

- (a) at the request of the trade union or employers' association upon its dissolution, to be verified in such manner as the Registrar may require; or

- (b) if he is satisfied that the trade union or employers' association has ceased to have its own separate office or has ceased to exist.

2. The registration and the certificate of registration may also be cancelled by the Registrar if he is satisfied:

- (a) that the registration was obtained by fraud, misrepresentation or mistake; or
- (b) that any of the principal objects of the trade union or employers' association is unlawful; or
- (c) that the constitution and rules of the trade union or employers' association are unlawful; or
- (d) that the trade union or employers' association is being used for any unlawful purpose; or
- (e) that the trade union or employers' association has wilfully and after notice from the Registrar contravened any provision of this Code or regulations made hereunder; or
- (f) that the accounts of the trade union or employers' association are not being kept in accordance with the provisions of this Code or regulations made hereunder; or
- (g) that the trade union was at the time of its registration, or has subsequently become, a branch of a trade union other than a registered trade union.

3. Except in a case falling within paragraph 1 of this Article, not less than one month's previous notice in writing specifying the ground on which it is proposed to cancel the registration shall be given by the Registrar to a trade union or employers' association before such registration is cancelled.

4. A trade union or employers' association served with a notice under the preceding paragraph may at any time within a period of one month show cause in writing against the proposal to cancel its registration, and if such cause is shown, the Registrar shall hold such inquiry as he may consider necessary in the circumstances.

5. The Registrar may, after the expiration of the period of one month referred to in the preceding paragraph, cancel the registration of any trade union or employers' association which has failed to show cause under that paragraph or which, having so shown cause, has failed to satisfy him that its registration should not be cancelled.

6. An order made by the Registrar under this Article cancelling the registration of any trade union or employers' association

shall specify briefly the grounds for the cancellation of the registration and shall forthwith be served on the trade union or employers' association affected thereby.

Article 21

Appeal against Registrar's order

1. Any trade union or employers' association aggrieved by the Registrar's order of refusal under Article 19 or of cancellation under Article 20 may appeal to the Minister within 30 days of the order giving at the same time a copy of the memorandum of appeal to the Registrar. The Minister shall give his decision within 30 days of the receipt of the appeal.

2. If the trade union or the employers' association is not satisfied with the Minister's decision, it may petition to the Supreme Court in the manner and within the time limit prescribed by law. The Supreme Court, pending the disposal of such petition, may, for sufficient reason, suspend the operation of the Registrar's order of cancellation.

3. The Registrar shall be entitled to be heard on any such appeal or petition.

Article 22

Rendering of accounts

1. The treasurer of a registered trade union or a registered employers' association shall render to the members thereof, at such times as by the rules thereof he should render, a just and true account of all moneys received and paid by him since he last rendered the like account, the balance remaining in his hands, and of all bonds and securities.

2. Such account shall be audited by some qualified person or persons to be appointed by the registered trade union or registered employers' association.

3. Upon the account being audited the treasurer shall, if thereupon required, hand over to the registered trade union or registered employers' association the balance which on such audit appeared to be due from him, and shall also if required hand over all securities and effects, books, papers and property of the trade union or employers' association in his hands or custody.

4. If the treasurer fails to hand over such things and documents as in the preceding paragraph required, the committee of management of the registered trade union or registered employers' as-

sociation or any member for and on its behalf may sue him in a competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all moneys since received by him on account of such trade union or employers' association and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of such trade union or employers' association, and in any such action the plaintiff shall be entitled to recover such costs as may be determined by the court.

Article 23

Audited accounts to be sent to Registrar

Every registered trade union or registered employers' association shall transmit to the Registrar the accounts prepared and audited in accordance with the last preceding Article within one month of its submission to its members.

Article 24

Legal status

The organization, administration, extinction and dissolution of the registered trade union or registered employers' association shall be governed by the general provisions relating to incorporated associations having their headquarters in the Republic.

Article 25

Juridical personality

Registered trade unions or registered employers' associations shall be juridical persons. They may sue or be sued and may acquire movable and immovable property in accordance with law.

Provided that no suit for compensation shall lie against them or their officers or members for any acts or omissions in furtherance of their lawful activities.

Article 26

Freedom from political or foreign influence

1. Registered trade unions or registered employers' associations shall keep themselves free from the influence of political parties or foreign bodies.

2. It shall be unlawful for them to accept or receive any subsidy or financial aid from any political party or foreign body.

Article 27

Rights of registered trade unions and registered employers' associations

A registered trade union or registered employers' association shall have the following rights:

- (a) to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal action arising out of such contracts or based on the law;
- (b) to report to the competent authority all acts which cause prejudice to the collective interests of the occupation which it represents;
- (c) to acquire ownership rights over movable and immovable property to be used exclusively for the purpose for which the trade union or the employers' association was established;
- (d) to do any lawful act for the achievement of the aims and objects for which it was established.

Article 28

Obligations of registered trade unions and registered employers' associations

A registered trade union or registered employers' association shall have the following obligations:

- (a) to inform the Registrar within ten days of all changes in the membership of the managing committee and any amendment to its constitution or rules, with notorally certified copies of the relevant documents;
- (b) to inform each year to the Registrar the number of new members who have joined and those who have left it;
- (c) to submit to the Registrar all the necessary information and data to enable him to ascertain whether it is operating in accordance with the provisions of this Code and regulations made hereunder;
- (d) not to take part in political activities of any kind;
- (e) to carry out any other obligation imposed by this Code or regulations made hereunder or any other law.

Chapter II.

Federations and Confederations

Article 29

Formation of federations or confederations

Registered trade unions or registered employers' associations may freely join together to form federations or confederations for the study and protection of their common interests.

Article 30

Withdrawal from a federation or confederation

An affiliated registered trade union or registered employers' association may withdraw at any time from a federation or confederation notwithstanding any stipulation to the contrary.

Article 31

Application of the provisions of the Code

All the provisions of this Code or regulations made hereunder concerning the registered trade unions or registered employers' associations shall also apply, mutatis mutandis, to their federations or confederations.

PART III.

CONTRACTS OF EMPLOYMENT

Chapter I.

Collective Labour Agreements

Article 32

Parties to and subject of collective labour agreements

A collective labour agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more registered trade unions on the one hand, and the representatives of one or more registered employers' associations or one or more employers, on the other hand.

Article 33

Procedure for drawing up of collective labour agreements

1. A collective labour agreement shall be drawn up in the form of a written instrument and two copies thereof shall be forwarded to the Labour Department through the competent labour inspectorate.

2. The agreement shall take effect only when it has been approved and registered by the Labour Department unless a later date is stipulated therein.

Article 34

More favourable provisions

1. A collective labour agreement may contain provisions more favourable to the workers than those of this Code and regulations made hereunder or any other law but shall not conflict with any mandatory provisions laid down therein.

2. Except where they are more favourable to the workers all stipulations contained in collective labour agreements and individual contracts of employment which are in force on the date of commencement of this Code but which are not in conformity with its provisions shall be amended accordingly within six months of the said date.

Article 35

Exemption from stamp duties and registration fees

A collective labour agreement shall be exempt from all stamp duties and registration fees.

Article 36

Territorial coverage and period of validity

1. A collective labour agreement may be concluded on a national, regional, district or local basis, or at factory, plant or firm level.

2. It shall stipulate the period of its validity which shall not exceed five years and shall not be less than one year.

3. It shall remain in force throughout its period of validity unless there is a substantial change in the situation. In that case, a petition to change or terminate the agreement may be submitted to the competent court after the prescribed conciliation procedure has been followed.

4. Where such an agreement is not repudiated by either party on the date of its expiry, it shall be deemed to have been renewed for a period equal to that for which it was originally made.

5. Notice of repudiation must be given at least three months before the date of expiry of the agreement.

Article 37

Subsequent participation

Any registered trade union, registered employers' association or an employer not associated in the making of a collective labour agreement may subsequently become a party to it.

Article 38

Application of collective labour agreements

1. A collective labour agreement shall specify the category of employers and workers to which it relates and also the area it covers. In the absence of such specification, it shall be binding on all employers and workers represented by the registered trade unions and registered employers' associations or their federations or confederations or employers, which are parties to it.

2. A collective labour agreement whose parties represent the majority of the persons belonging to a category may be extended by the Minister at the request of any of the parties, or on his own, to other workers of the same category who are not members of a registered trade union and are employed by the contracting employer or employers represented by the contracting employers' association. It may also be extended to workers belonging to the same category who are members of any other registered trade union provided that such union agrees to the extension.

3. Where an employer carries on various independent types of business, the collective labour agreement governing the individual types of business shall apply to the employment relationship concerned.

4. Individual contracts of employment shall not conflict with collective labour agreements except in the case of clauses containing stipulations more favourable to the workers.

Article 39

Termination of collective labour agreements

Subject to the provisions of this Code, a collective labour agreement may be terminated:

- (a) by mutual consent of the parties or for reasons agreed to in the agreement itself; the Labour Department to be notified in each case by the parties; and
- (b) by fortuitous circumstances or force majeure, with the approval of the Labour Department.

Article 40

Special collective labour agreements

1. The Minister may on his own initiative in appropriate cases, convene the representatives of the registered trade unions and registered employers' associations belonging to a particular sector of economic activity, with the object of making collective labour agreements to regulate the employment relationships in that sector at the national, regional, district, local, factory, plant or firm level.

2. On application being made by one or more registered trade unions or registered employers' associations which are parties to such an agreement or on the initiative of the Minister, the provisions of the collective labour agreement mentioned in the preceding paragraph may be extended to all the employers and workers coming within the occupational and territorial coverage of such agreements.

Article 41

Supplementary labour agreements

With the object of adapting the provisions of collective labour agreements to the special conditions of an undertaking, supplementary agreements may be drawn up between the employer and the registered trade union concerned.

Article 42

Employment relationships not subject to collective regulations

1. Employment relationships governed by decisions of a public authority in accordance with law shall not be subject to regulation by collective labour agreement.

2. Employment relationships established in connection with personal or domestic service shall likewise not be subject to regulation by collective labour agreement.

Chapter II.

Individual Contracts of Employment

Article 43

Contracts of employment

An individual contract of employment is an agreement under which a worker undertakes to perform a task or do a service for an employer, under the latter's guidance and authority, for remuneration of any kind whatsoever.

Article 44

Contracts to be subject to the Code

Irrespective of the place where the contract is made or the residence of the parties, all individual contracts of employment intended to be executed in the Republic shall be subject to this Code and regulations made hereunder and other laws governing labour and social security in the Republic:

Provided that, if such a contract contains provisions more favourable to the workers than those prescribed by laws the former shall prevail.

Article 45

Exemption from stamp duties and registration fees

Individual contracts of employment shall be exempt from all stamp duties and registration fees.

Article 46

Duration

An individual contract of employment may be concluded for an indefinite or a definite period. If the contract is for a definite period and the worker's services continue after the expiry of its term, the contract shall be deemed to be concluded for an indefinite period, unless the parties agree otherwise.

Article 47

Probation

1. The engagement of a worker on probation shall be confirmed in writing. The probationary period shall not be longer than is

necessary to ascertain the abilities of the person so engaged, having regard to the nature of the work. In no case shall the probationary period be longer than three months.

2. Once the probationary period has been completed the engagement shall be definite and the probationary period shall count towards the worker's length of service.

Article 48

Work rules

1. Rules governing the discipline, technical or administrative organization of the work done in an establishment may be issued by an employer in the form of work rules, in consultation with the workers' representatives, if any, or registered trade unions.

2. Such rules shall be submitted for the approval of the competent regional labour inspectorate and then brought to the attention of the workers by being posted up in the workplace.

3. Such rules shall not conflict with the mandatory provisions contained in this Code or regulations made hereunder, except where they contain provisions more favourable to workers.

Article 49

Workers' obligations

A worker shall have the following obligations:

- (1) he shall exercise due care having regard to the nature of the services required of him, the interest of the undertaking, and the higher interests of national production;
- (2) he shall also observe such instructions regarding the execution and organization of the work as may be issued by the employer or by those of his assistants placed in authority over him;
- (3) he shall not do business, either on his own account or on behalf of any other person, in competition with the employer, divulge information relating to the organization or methods of production of the undertaking or make use of such information in any manner that might prejudice the interests of the undertaking.

Article 50

Employers' obligations

An employer shall have the following obligations:

- (1) pay the agreed wages, observing the conditions, times and places for payment agreed upon in the contract or prescribed in this Code or regulations made hereunder or collective agreements, or, failing any of these, dictated by custom;
- (2) adopt, in accordance with laws and regulations, adequate measures to create and maintain better conditions of industrial health and safety, including the prevention of employment injuries;
- (3) issue free of charge to the worker at his request a certificate relating to his service;
- (4) give due consideration to the justified complaints of the workers;
- (5) fulfil any other obligations imposed by this Code or regulations made hereunder or any other law;
- (6) not to make any deduction from or withhold any moneys forming part of the wages and cash payment due to the workers, except in the manner and subject to the limits prescribed by law;
- (7) not to demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment;
- (8) not to compel or encourage workers to buy consumer goods in any particular shop or place;
- (9) not to influence the political convictions or trade union loyalties of the workers.

Article 51

Notice for termination of contract

1. Either of the contracting parties may terminate a contract of employment by giving written notice as under:

- (a) not less than 10 days in the case of manual workers;
- (b) not less than 30 days in the case of non-manual workers:

Provided that no notice need be given in case the duration of contract does not exceed one month.

2. During the period of notice the employment relationship shall continue to apply in its original form and shall retain all its original force unless the party to whom the notice has been given wishes to dispense with the period of notice or any part of it.

Article 52

Compensation in lieu of notice

Except for force majeure, where notice is not given in accordance with the last preceding Article or where the period of notice is not observed, the party withdrawing from the contract shall pay the other party compensation equal to the amount of remuneration that would have been due for the period of notice.

Article 53

Gratuity for length of service

1. On the termination of a contract of employment by either party for any reason, after a year's continuous service, the worker or in case of his death, his heirs, shall be entitled to gratuity for length of service equal, unless more favourable terms have been agreed, to 15 days' remuneration for every year of service. He shall also be entitled to a proportionate gratuity consisting of as many twelfths as there have been months, or fractions of months above a fortnight, of actual service:

Provided that such gratuity shall not be payable if the worker is convicted of an offence causing damages to the employer.

2. For the purpose of calculation of the gratuity, the period of service shall be reckoned from the date of actual admission to employment of the worker, and the remuneration shall be that payable at the time of the termination of the service.

Article 54

Death benefit

In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services:

Provided that the worker had been in his employment for not less than one year.

Article 55

Damages for unjustified termination

Unilateral withdrawal, otherwise than for reasonable cause, from a contract of employment concluded for a definite period shall entitle the party not withdrawing from the contract to damages.

Article 56

Transfer of undertakings

Where an undertaking is legally transferred between living persons or on account of death, or where it is used by or leased to any third party, existing contracts of employment shall remain in force between the new employer and the workers.

Article 57

Suspension of the employment relationship

1. An employment relationship shall be suspended if the work of the undertaking temporarily ceases and the employer has given 7 days written notice of the fact to the workers or posted it up within the undertaking.

2. Such notice shall also be communicated within the period mentioned above to the appropriate district labour inspectorate, with reasons for the temporary cessation of work and of its probable duration.

3. The suspension of the employment relationship shall not exceed 30 days:

Provided that the Central Labour Inspector may authorise a prolongation of the suspension of the employment relationship up to a total of 90 days, if special circumstances or local or seasonal requirements so warrant.

4. An employment relationship shall also be suspended:

- (a) if the worker is called up for military service;
- (b) if the worker is absent by reason of illness or accident for a period not exceeding three months, except where the employer agrees to an extension.

Article 58

Guarantees

A collective labour agreement or individual contract of employment may require specific categories of workers to afford a guarantee by way of a deposit with a bank or some other form of guarantee.

PART IV.

APPRENTICESHIP

Article 59

Contract of apprenticeship

A contract of apprenticeship is a special employment relationship by which the employer undertakes to give or cause others to give the apprentice in his service such instruction in the undertaking as will enable him to acquire the technical proficiency necessary to become a skilled worker, while using the services of such apprentice in the undertaking. Such a contract shall be in writing.

Article 60

Conditions and period of apprenticeship

1. Young persons may be employed as apprentices if they are at least 15 and not more than 30 years of age, subject to the restriction as to age and to the prohibitions and limitations on employment laid down in this Code or regulations made hereunder or by any other law.

2. The duration of an apprenticeship contract shall not exceed three years.

3. Periods served as an apprentice with two or more employers shall be added together for the purposes of calculating the maximum period of apprenticeship, on condition that no two such periods are separated by an interval of more than one year and that they relate to the same occupation.

Article 61

Exemption from stamp duties and registration fees

A contract of apprenticeship shall be exempt from all stamp duties and registration fees.

Article 62

Hours of work

1. The hours of work of an apprentice shall not exceed 8 a day and 44 a week.

2. Time devoted to related instructions shall be treated for all purposes as hours worked.

3. Work shall, in all cases, be prohibited between 10 p. m. and 6 a. m.

Article 63

Medical examination

Before an apprentice is employed, the employer shall provide for him to be medically examined to ensure that he is fit for the work for which he is to be employed.

Article 64

Contents of contract of apprenticeship

Every contract of apprenticeship shall contain at least the following information:

- (a) name, trade or occupation and address of the employers;
- (b) name, age, civil status, nationality and address of the apprentice;
- (c) occupation, art or trade which is the object of the apprenticeship;
- (d) services which the apprentice undertakes to give;
- (e) duration of the apprenticeship and place where it is to be followed;
- (f) remuneration payable to the apprentice in the form of wages and other benefits during apprenticeship;
- (g) conditions for the board, lodging and education of the apprentice.

Article 65

Duties of employers

It shall be the duty of the employer:

- (1) to give or cause others to give every apprentice in his service such instruction in the undertaking as will enable him to acquire the proficiency necessary to become a skilled worker;
- (2) to cooperate with public and private bodies responsible for organising the courses of instruction serving to supplement the practical training;
- (3) to remunerate the apprentice in a just and fair manner;
- (4) to ensure that the apprentice is not employed on work beyond his physical strength or work unconnected with the occupation or trade for which he has been engaged;

- (5) to give the apprentice, without in any way reducing his remuneration, the necessary time off to attend compulsory course of related instructions and to ensure that he attends such courses;
- (6) to give the apprentice the necessary time off to take the examination entitling him to receive the appropriate diploma;
- (7) to inform the person exercising paternal authority over the apprentice the progress made by the apprentice in his training;
- (8) to ensure that the apprentice is not employed as a labourer.

Article 66

Duties of apprentice

It shall be the duty of the apprentice:

- (1) to obey the employer or the person entrusted by the employer with his training and to carry out the instructions that are given to him;
- (2) to do his work in the undertaking conscientiously;
- (3) to maintain regular attendance at related instruction courses;
- (4) to observe the terms of his contract.

Article 67

Training of apprentice

1. The vocational training of an apprentice shall consist of practical training and related instructions.

2. The object of the practical training shall be to give the apprentice the necessary skill for the work in which he is to be employed, by gradually accustoming him to the work.

3. The object of the related instruction shall be to give the apprentice such technical knowledge as he needs to become fully skilled. Any fee for such instructions shall be payable by the employer.

Article 68

Proficiency tests

1. On completing their practical training and related instructions, apprentices shall undergo tests to determine their proficiency in the trade in which they have served their apprenticeship.

2. The qualifications obtained at the end of the period of apprenticeship shall be recorded in the work book.

Article 69

Counting of period of apprenticeship

If on the expiry of the period of apprenticeship the contract is not terminated, the apprentice shall continue to be employed in a capacity corresponding to the qualifications obtained in the proficiency tests, and the period of apprenticeship shall count towards his length of service.

Article 70

Compulsory employment of apprentices

An employer employing 50 or more workers shall employ at least one apprentice for every 50 workers employed by him.

PART V.

REMUNERATION

Chapter I.

Fixing of Remuneration

Article 71

Adequacy and equality of remuneration

1. Every worker shall have the right to receive remuneration which shall be in proportion to the quality and quantity of his work and which shall ensure an existence consistent with human dignity.

2. In fixing rates of remuneration, no discrimination shall be made on account of age, sex, nationality, religion or political or trade union activities.

3. Equal remuneration shall be given for work which is equal as regards value, efficiency, type of work or duration.

Article 72

Forms of remuneration

1. Remuneration may be fixed according to unit of time (month, fortnight, week, day or hour) or by unit of work (piece work or by the job).

2. The employer shall notify the worker beforehand of the constituent elements of the piece rate applicable to him, the work to be performed and the rate payable per unit. He shall also notify the worker of the quantity of work done and the time taken to do it.

3. The employer and workers may agree that a part of the remuneration may take the form of a share in profits, commission or allowances in kind.

4. Except as otherwise provided in the collective labour agreement or individual contract, a worker's share in profits shall be determined on the basis of the net profits of the employer.

5. In the absence of a collective labour agreement or other arrangement between the parties, individual disputes as to the amount of remuneration shall be settled by a court on the basis of local custom and usage or in their absence or if they are considered by the court to be inequitable, on the basis of equity.

Article 73

Minimum wages

Taking into consideration the economic and social conditions of the country and in consistence with the provisions of Article 71, the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister having heard the Central Labour Commission, and with the approval of the Council of Ministers.

Article 74

Fringe benefits

The Minister may, by decree, determine:

- (1) the cases in which the workers have to be provided with accommodation, and the requirements to be met thereby;
- (2) the areas and categories of workers in which and to whom food has to be provided, and the manner of providing it;

- (3) the cases in which other fringe benefits have to be provided, such as materials, special allowances for transfers, and the reimbursement of expenses incurred through transfers.

Article 75

Idd bonus

1. Every worker shall be entitled to an Idd bonus equal to 15 days' remuneration, half being paid at the end of Ramadan and the other half at the beginning of Arafat:

Provided that the bonus due to non-Muslim workers may, if such workers so request, be paid in a single sum at the end of the solar year.

2. Workers who have not completed one year's service shall be entitled to a proportionate bonus, consisting of as many twelfths as there have been months, or fractions of months above a fortnight, of actual service.

3. Where a worker's services are terminated, a proportionate bonus in respect of the months, or fractions of a month above a fortnight, of actual service shall be paid to him when his accounts are settled.

4. In the case of workers remunerated at piece rates or on commission, the bonus shall be calculated on the average earnings at piece rates or on the average commission received during the last three months or lesser period, after deduction of any expenses borne by the worker himself, whether or not such expenses are determined in the forms of a lump sum.

Chapter II.

Payment of Remuneration

Article 76

Method of payment

1. Subject to the provisions of this Code or regulations made hereunder, the remuneration to a worker shall be paid in legal currency.

2. Payment shall be effected at the place of work and on the last day of the pay period.

Article 77

Periodicity of payment

1. Except where common usage requires otherwise, remuneration shall be paid at regular intervals of not more than a fortnight in the case of a worker paid by the day, and not more than a month in the case of other workers.

2. In the case of piece work lasting longer than a fortnight a worker may request to be paid a fortnightly amount on account in proportion to the amount of work done, subject to a maximum of 80 per cent.

3. Except as otherwise agreed in writing, workers remunerated on commission shall be entitled to receive the rate of commission customary in the branch of activity concerned.

4. Commission on business transacted during a given quarter shall be paid by the end of the following quarter.

5. A share of profits made during a given financial year shall be paid during the following year.

Article 78

Receipts

The payment of remuneration shall be proved by a receipt or similar document signed by the worker, or authenticated by his finger-print if he is illiterate. Such document shall be preserved by the employer with his other accounting records and shall be produced at the request of the competent central, regional or district labour inspector.

Article 79

Priority of wages

Wages owing to a worker shall enjoy a general claim on the assets of the employer and shall have priority over the debts of all creditors of the undertaking.

Article 80

Workers' remuneration not to be attached

The remuneration of a worker shall not be liable to be assigned or attached except for an amount not exceeding one-fourth of the remuneration.

Article 81

Protection of employer's assets from seizure

Payments due from the State or from public institutions for work done shall not be seized by third parties, in so far as they relate to the remuneration payable by the employer to the workers.

Article 82

Limitation

All entitlements of a worker to payments under the employment relationship shall be barred by limitation after three years from the date on which they became due.

Chapter III.

Deduction and disciplinary penalties

Article 83

Deductions from remuneration

No deductions other than those prescribed by this Code or regulations made hereunder or any other law or collective labour agreement shall be made from worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

Article 84

Voluntary absence and disciplinary penalties

1. Voluntary absence of a worker from his work shall entail the loss of all remuneration for the period of the absence.

2. In cases where the worker has defaulted his contractual obligations without warranting the immediate termination of his employment relationship, he shall be liable to disciplinary penalties (including fine or suspension) commensurate with the gravity of his default. Any fine shall not exceed a day's remuneration and any suspension shall not exceed one week.

3. The employer shall immediately notify the worker of the measures to be taken against him under the preceding paragraph.

Article 85

Fines Fund

1. The amount of the fines mentioned in the last preceding Article shall be paid by the employer to the Ministry at the end of each month. This amount shall be credited to the Fines Fund maintained by the Ministry.

2. The Minister may, after consultation with the Central Labour Commission, utilise any amount out of the Fines Fund for assistance projects for the benefit of workers.

PART VI.

CONDITIONS OF WORK

Chapter I.

Hours of Work

Article 86

Hours of work

«Hours of work» means the period during which a worker is at the disposal of the employer, excluding any rest periods prescribed or agreed within the limits fixed by this Code or regulations made hereunder or by any other law.

Article 87

Normal hours of work

1. The normal hours of work of a worker, whether at time rates, piece rates or job rates shall not exceed 8 a day or 48 a week.

2. Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration which shall in no case be less than 25 per cent of the normal remuneration:

Provided that work done on national and public holidays shall be paid as under:

- | | |
|--|---|
| (a) 1st July (National Commemorative Day) | 200 per cent more than the normal remuneration. |
| (b) Other National holidays | 100 per cent more than the normal remuneration. |
| (c) Public holidays other than National holidays | 50 per cent more than the normal remuneration. |

Article 88

Intermittent work

In occupations that involve intermittent duty or mere presence or caretaker activity, the normal hours of work shall be 10 a day and 60 a week.

Chapter II

Night Work

Article 89

Night work for women and young persons

1. For the purposes of this Chapter, the term «night work» means any work done between 10 p. m. and 5 a. m.

2. It shall be unlawful to employ young persons under the age of 18 years or women on night work in industrial, commercial and agricultural undertakings and their ancillary establishments; except undertakings in which only members of the same family are employed:

Provided that this prohibition shall not apply to workers of either sex who have attained the age of 16 years:

- (a) if they are employed on work which, by its nature, must be continued night and day;
- (b) in a case of force majeure which prevents the normal operation of the undertaking.

3. In cases covered by sub-paragraph (b) above the employer shall immediately notify the competent district labour inspectorate, indicating the circumstances of the case of force majeure, the number of women and young persons employed, the hours of work adopted and the probable duration of the night work.

4. Night work shall be remunerated by an increase of not less than 25 per cent of the normal remuneration, except in the case of work done on regularly recurring shifts.

Article 90

Power of the Minister

Notwithstanding the provisions of the last preceding Article, the Minister may, by decree:

- (1) reduce the length of the night period in places where special climatic conditions so warrant;

- (2) authorise and prescribe conditions for the employment of women on night work during seasons and in cases when such work is concerned with raw materials which are being processed and are likely to deteriorate rapidly, if such action is necessary to save the materials from loss;
- (3) authorise, in particularly serious circumstances, the employment of young persons who have attained the age of 16 years on night work if the public interest so warrants.

Chapter III.

Work of women, children and young persons

Article 91

Prohibited work

1. The Minister may, by decree, prescribe the types of work prohibited for women, expectant and nursing mothers, children and young persons.

2. For the purposes of this Chapter, the term «children» means persons of either sex who have not attained the age of 15 years and the term «young persons» means those who have attained the age of 15 years but have not attained the age of 18 years.

3. Where the age is uncertain, medical opinion shall be obtained.

4. The Minister may, by decree, prescribe the types of work that are dangerous or unhealthy or that demand considerable strength or concentration, thus necessitating changes in the minimum age fixed for children and young persons in this Chapter. The maximum weights to be carried, pulled or pushed by children, young persons and women shall be prescribed in the same manner.

Article 92

Expectant and nursing mothers

1. No woman worker shall be discharged during a period of pregnancy, as duly confirmed by a medical certificate, until the end of the period of leave mentioned in the next succeeding paragraph or until the child is one year old:

Provided that this rule shall not apply in the following cases:

- (a) the cessation of the activity of the undertaking in which the woman worker is employed;

- (b) the completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.

2. A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement to 14 weeks' maternity leave of which at least 6 weeks shall be taken after her confinement; provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

3. If the confinement takes place after the expected date, the prenatal leave shall be extended until the actual date of the confinement; the six-week period of leave after the confinement shall not be reduced.

4. A woman worker who is on maternity leave shall receive from her employer half the remuneration due to her at the time she proceeded on leave.

Article 93

Nursing breaks

A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

Article 94

Unlawful to employ children

1. It shall be unlawful to employ children under the age of 15 years:

Provided that this restriction as to age shall not apply to:

- (a) pupils attending public and State-supervised trade schools or non-profit-making training workshops;
- (b) members of the employer's family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.

2. Notwithstanding the provisions of the preceding paragraph, the Minister may authorise the employment of children of not less than 12 years of age, on condition that the work is compatible with the proper protection, health and moral welfare of such children and in cases where it is necessitated by special business or local conditions and by the special technical requirements of the work, or is essential to the learning of the trade.

Article 95.

Minimum age for certain types of work

1. The minimum age for employment on a vessel as a trimmer or stoker or on underground work in quarries or mines shall be 18 years:

Provided that the minimum age for any other employment on a vessel (including fishing vessel) shall be 15 years.

2. Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance or repair of buildings.

Article 96

Medical examination

1. Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on which they are to be employed. Thereafter the employer shall arrange a medical examination once a year of children and young persons until they reach the age of 18 years.

2. Officials of the health services shall carry out such medical examination and issue the appropriate certificates.

3. Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

Chapter IV.

Weekly rest, public holidays and annual leave

Article 97

Weekly rest

1. Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. Subject to the exceptions mentioned in paragraph 5 of this Article, it shall consist of at least 24 consecutive hours each week.

2. As far as possible, the weekly rest shall be granted simultaneously to all workers employed in an undertaking.

3. Workers shall also be entitled to a rest day on public holidays recognised as such by the State.

4. A worker shall be entitled to remuneration on National holidays.

5. The Minister may specify the occupations in which the rest day may be granted in rotation or replaced by other traditional holidays or granted in respect of periods longer than a week.

Article 98

Annual leave

1. Workers shall be entitled to 15 days leave with pay for every year of continuous service. On the termination of his service after a year of continuous service a worker shall be entitled also to proportionate leave consisting of as many twelfths as there have been months or fractions of months above a fortnight of actual service.

2. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

Provided that aggregate service shall also be counted up to a maximum of two years.

3. Where the employment relationship ceases before the worker has taken the leave to which he is entitled, he shall be paid remuneration in lieu of any leave not taken.

4. The period of annual leave, which shall normally be taken continuously, shall be granted at a time to be fixed by the employer having regard to the needs of the undertaking and the interests of the workers.

5. The employer shall notify the worker beforehand of the period fixed for him to take his annual leave.

6. Shorter periods of not less than 6 continuous working days may be substituted for the continuous period of leave if the needs of the work so require.

Provided that the aggregate shall not be less than the minimum period prescribed by this Code.

7. The period of notice prescribed in Article 51 shall not be included in the annual leave.

8. The rate of remuneration payable to the worker at the beginning of his annual leave shall be paid to him throughout the leave period.

Article 99

Leave Register

Every employer shall maintain a Leave Register showing the date of entry into service of each of his workers, the date on which each worker takes his annual leave, the duration of such leave and the corresponding remuneration.

Chapter V.

Company Stores

Article 100

Conditions of operation of company stores.

1. Any organisation shall be deemed to be a company store if it is used by the employer, either directly or indirectly, to sell consumer goods to the workers in the undertaking.
2. Company stores shall be permitted to operate subject to the following conditions:
 - (a) that the goods sold are intended exclusively to meet the normal requirements of the workers and are not a source of profit to the employer;
 - (b) that the accounts of such stores are kept completely separate and are under the supervision of a committee composed of representatives of the workers and of the employer.
3. The prices of the goods for sale shall be posted up legibly inside the store.
4. It shall be unlawful to sell alcoholic beverages both in the stores and in the workplaces of the employers.

Article 101

Administrative supervision

1. The opening of a company store, subject to the conditions laid down in the last preceding Article, shall require the prior authorisation of the competent district labour inspectorate.
2. The opening of such store may be made compulsory in certain undertakings if the Minister so directs:
Provided that no worker shall be compelled to make purchases at such a store.

3. The operation of such store shall be supervised by the competent district labour inspectorate. If irregularities are observed in its operation, the competent regional labour inspectorate on the report of the competent district labour inspectorate may order it to be closed, either temporarily or permanently.

PART VII.

OCCUPATIONAL HEALTH AND SAFETY

Article 102

Protection against possible risks

All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose the employer shall:

- (1) maintain a perfect state of safety and hygiene to avoid the risks of accident or damage to health;
- (2) take suitable measures to prevent contamination of workplaces from toxic gases, vapours, dust, fumes, mists and other emanations;
- (3) provide sufficient and suitable toilet and washing facilities, separately for men and women workers;
- (4) provide an adequate supply of drinking water easily accessible to all workers;
- (5) maintain fire-fighting appliances and staff trained in their use;
- (6) provide the necessary safety appliances adapted to machinery and plant;
- (7) maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
- (8) provide suitable cloak room facilities for the staff;
- (9) provide suitable installation for the removal of refuse and drainage of residual waters;
- (10) take the necessary precaution in his establishment to protect the life, health and morality of the workers;
- (11) ensure that his staff receive the necessary instructions for the prevention of industrial accidents, occupational diseases and other risks inherent in their occupations;

- (12) post up in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
- (13) inform the competent district labour inspectorate, for the purposes of regulating factory inspection, whenever steam plant or boilers or any pressure vessels or compressed air or compressed gas vessels are being installed;
- (14) supply the workers with the apparatus and instruments to guard against the risks inherent in the work;
- (15) take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

Article 103

Notification of industrial accidents and occupational diseases

1. The employer shall immediately notify the competent district labour inspectorate of all accidents resulting in injury or death.
2. Similar notification shall be given in cases of occupational diseases.

Article 104

Medical facilities

1. Every undertaking normally employing more than 10 workers at a single centre shall maintain a first aid chest.
2. Every undertaking normally employing more than 100 workers at a single centre shall also have its own dispensary and adequate medical staff.

Article 105

Conveyance of injured and sick workers

It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Article 106

Health and safety regulations

Without prejudice to the provisions contained in this PART, the Minister may make any other health and safety regulations generally or for any class of undertakings.

PART VIII.

**ADMINISTERING AUTHORITIES AND
METHOD OF IMPLEMENTATION**

Chapter I.

Administrative and Supervisory Authorities

Article 107

Central Labour Authority

1. The Ministry shall be the Central Labour Authority for the purposes of this Code.

2. The Central Labour Authority through the Labour Department shall:

- (a) ensure compliance with the provisions of this Code or regulations made hereunder or any other law for the protection and welfare of the workers;
- (b) assist, on request, the registered trade unions and registered employers' associations or employers or their federations or confederations in drawing up collective labour agreements and take such steps as are appropriate to settle by conciliation disputes arising at the national level or disputes of major importance;
- (c) direct the education and vocational training of workers and the placement of the unemployed;
- (d) be responsible for all questions connected with employment relationships, conditions of work, employment of workers, manpower movements and labour statistics.

3. The Head of the Labour Department shall have the rank of Central Labour Inspector.

Article 108

Subordinate labour authorities

1. The following authorities shall be subordinate to the Labour Department:

- (a) the regional labour inspectorates;
- (b) the district labour inspectorates.

2. A regional labour inspectorate shall have its office in the regional headquarters concerned. It shall be directed by an official having the rank of regional labour inspector, who shall be appointed by the Minister. In the absence of the regional labour inspector or where no regional labour inspector is appointed the Regional Governor shall act as the regional labour inspector.

3. A district labour inspectorate shall have its office in the district headquarters concerned. It shall be directed by an official having the rank of district labour inspector, who shall be appointed by the Minister. In the absence of a district labour inspector or where no district labour inspector is appointed, the district commissioner shall act as the district labour inspector.

4. Any regional or district labour inspector may be made responsible for two or more inspectorates simultaneously.

Article 109

Duties of regional labour inspectors

The regional labour inspector shall:

- (a) ensure strict compliance with the provisions of this Code or regulations made hereunder;
- (b) carry out the orders and instructions issued by the Central Labour Authority;
- (c) report on the material circumstances and moral welfare of the workers, the general manpower situation and the migration of labour;
- (d) promote all schemes for improving the level of welfare and skill among the workers;
- (e) conciliate in labour disputes falling within his competence;
- (f) put forward to the Central Labour Authority such proposals as he deems appropriate to improve the system of employment relationships and protect the various categories of workers;
- (g) maintain such records and registers as prescribed by this Code or regulations made hereunder or required by the Central Labour Authority;
- (h) supervise the functioning of the district labour inspectorates within his region.

Article 110

Duties of district labour inspectors

The district labour inspector shall:

- (a) ensure strict compliance with the provisions of this Code or regulations made hereunder;
- (b) arrange for the placement of workers;
- (c) report on the circumstances of the workers in his district;
- (d) conciliate in labour disputes falling within his competence;
- (e) maintain such records and registers as prescribed by this Code or regulations made hereunder or as required by the Central Labour Authority;
- (f) carry out the orders and instructions issued by the Central Labour Authority and the competent regional labour inspector.

Article 111

Cooperation and assistance from Government authorities

The Central Labour Inspector and the regional and district labour inspector may, where necessary, seek the cooperation and assistance of any Government authorities for the implementation of the provisions of this Code and regulations made hereunder.

Article 112

Powers of inspectors

The Central Labour Inspector and the regional and district labour inspectors, possessing proper identity cards, shall have power:

- (1) to enter freely without previous notice at any hour of the day or night any workplace liable to inspection;
- (2) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- (3) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
- (4) to interrogate, alone or in the presence of witnesses, the employer or the workers, on any matters concerning the application of this Code or regulations made hereunder;
- (5) to require the production of any books, registers or other documents concerning the workers and their terms and

conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom;

- (6) to enforce the posting of notices required by the provisions of this Code or regulations made hereunder;
- (7) to take evidence and to obtain samples for the purposes of analysis or study;
- (8) to arrange for themselves to be accompanied in the course of their inspection by representatives of the employer and of the workers employed in the undertaking and, if necessary, the representatives of other Government authorities mentioned in the last preceding Article and by such interpreters as may be necessary;
- (9) to require the employer to submit to them such information and statistics concerning the workers or their terms and conditions of service as is considered necessary;
- (10) to draw up reports, which shall be deemed to be true until the contrary is proved, of any breaches of this Code or regulations made hereunder, which they have observed;
- (11) to give due warning to employers, in cases where breaches of this Code or regulations made hereunder have been observed, and to fix a time limit within which the irregularities shall be rectified;
- (12) to invite the parties to a labour dispute to attend conciliation proceedings and produce any books, registers or other documents which may be required for the settlement of the dispute.

Article 113

Prohibitions

The Central Labour Inspector and the regional and district labour inspectors shall not:

- (1) have any direct or indirect interest in any undertaking;
- (2) reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties;
- (3) divulge the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of receipt of such a complaint.

Article 114

Powers as police officers

The Central Labour Inspector and the regional and district labour inspectors shall, within the limits of the powers and duties assigned to them under this Code or regulations made hereunder or any other law, have the status and powers of police officers.

Chapter II.

Advisory Authorities

Article 115

Central Labour Commission

1. The Central Labour Commission is hereby established under the Ministry. It shall consist of:

- | | | |
|-----|---|---------------|
| (a) | The Minister or in his absence the Under Secretary of State of the Ministry | Chairman |
| (b) | Director General of the Ministry | Vice Chairman |
| (c) | Head of Labour Department | Member |
| (d) | Director General, Ministry of Industry and Commerce | Member |
| (e) | Director General, Ministry of Agriculture | Member |
| (f) | Director General, Ministry of Planning and Coordination | Member |
| (g) | Director General, Cassa per le Assicurazioni Sociali della Somalia | Member |
| (h) | two representatives of workers, to be nominated one each by two most representative registered trade union federations or confederations | Members |
| (i) | two representatives of employers, to be nominated one each by two most representative registered employers' federations or confederations | Members |

2. The Members of the Commission shall be appointed every two years by decree of the Minister.

3. The Chairman may invite not more than two persons concerned with the question on the agenda to attend meetings of the Commission, but without the right to vote.

4. The Commission may be convened by the Chairman as and when necessary.

5. The Commission may, through its Chairman, request the appropriate Government departments and private undertakings to furnish such documents and other information as it needs for the discharge of its duties.

Article 116

Functions of the Commission

The Commission shall advise the Minister, as and when required by him on any matter referred to it concerning the employment, conditions of service and welfare of workers.

Chapter III.

Workers' Representatives

Article 117

Election of workers' representatives

1. An employer employing 50 or more workers shall arrange to have two workers' representatives who shall be elected by the workers of the undertaking. Such representatives shall be eligible for re-election each year.

2. The election of the workers' representatives shall be by secret ballot and at least half the workers employed in the undertaking shall take part for the election to be valid.

Article 118

Duties of workers' representatives

It shall be the duty of the workers' representatives to represent and protect the workers' interests within the undertaking without prejudice to a worker's right to approach directly the employer or the competent district labour inspector.

Article 119

Discharge of workers' representatives

The discharge of workers' representatives shall be subject to the prior authorisation of the competent district labour inspector. In case of refusal of such authorisation, the employer may appeal to the Minister whose decision shall be final.

Chapter IV

Methods of Supervision

Article 120

Notification of the opening and closing of undertakings

1. Any person who opens an industrial, commercial or agricultural undertaking normally employing 5 or more workers shall notify the competent district labour inspectorate of the fact within ten days, specifying the nature of the business and the number of workers employed.

2. Similar notification shall be given within the same time limit to the competent district labour inspectorate if the business of the undertaking closes.

3. Every district labour inspectorate shall maintain an up-to-date list of the industrial, commercial and agricultural undertakings in its area.

Article 121

Work Books

Every worker shall be supplied free of charge, with a Work Book by the district labour inspectorate of the area where the worker works in the form prescribed by regulations made hereunder:

Provided that the following shall not be required to have a Work Book:

- (1) the employer's spouse and his relatives, if they live with him and are maintained by him;
- (2) persons holding positions of director or manager of an undertaking;
- (3) persons employed in the Government services and by public authorities and public institutions;
- (4) workers employed in domestic service;
- (5) workers intended for industrial, commercial or agricultural undertakings not employing more than 4 persons;
- (6) workers required for casual work not lasting longer than 7 days.

Article 122

No employment without Work Book

1. Subject to the exemptions mentioned in the last preceding Article no employer shall employ a worker if he is not in possession of a Work Book.
2. No worker shall obtain more than one Work Book.

Article 123

Custody of Work Book

1. A Work Book shall remain in the custody of the competent district labour inspector until the worker is sent by it to an employer for placement.
2. On employing a worker, the employer shall take possession of the Work Book and verify that it is duly completed and is in order.
3. The Work Book shall remain in the employers custody for such time as the worker is employed by him.
4. Where a worker serves two or more employers simultaneously, the Work Book shall remain in the custody of one of them, the other employers being furnished by him with a declaration that the Work Book is in his custody.
5. Within 24 hours of the termination of an employment relationship, the employer shall return the Work Book to the worker, who shall give him a receipt for it. The worker shall return the Work Book to the competent district labour inspectorate for custody.

Article 124

Objections

1. A worker shall be entitled to inspect the Work Book held in the employer's custody.
2. An objection to any entry made in the Work Book by the employer may be lodged by the worker concerned with the competent district labour inspectorate, which may order the correction or deletion of the entry, without prejudice to any legal action.

Article 125

Duplicate Work Book

1. Where a Work Book is lost or damaged, a duplicate may be issued to a worker free of charge or on payment of such fee as may be prescribed by regulations made hereunder.

2. Where a Work Book no longer contains the requisite space for the prescribed entries, the competent district labour inspectorate may issue a new Work Book, in which the number of the previous Work Book shall be recorded. The old Work Book shall remain in the custody of the competent district labour inspectorate.

Chapter V.

Registration of workers

Article 126

Registration

1. Every person wishing to be found employment in the service of another shall cause his name to be registered in the General Employment Register kept by the competent district labour inspectorate.

2. No person shall register himself with more than one district labour inspectorate.

Article 127

Requirements of registration

1. No person may be registered in the General Employment Register unless he has attained the minimum age prescribed by this Code or regulations made hereunder or any other law for admission to employment.

2. On registration, a worker shall be issued by the competent district labour inspectorate with a Registration Card in such form as may be prescribed by regulations made hereunder.

Article 128

Order of registration

1. Persons shall be registered in the General Employment Register in the order in which their applications are received.

2. If a registered person once employed and discharged, wishes to be found another employment, he shall be registered again in the order in which his subsequent application is received.

3. The registered persons shall be classified by the district labour inspectorates in separate registers according to their occupational categories.

Article 129

Employment agents

It shall be unlawful for any person to act as an employment agent, paid or otherwise.

Chapter VI.

Placement of Workers

Article 130

Placement

Placement shall be a public service and shall be carried out in accordance with the provisions of this Code or regulations made hereunder.

Article 131

Compulsory employment

Employers shall be obliged to employ the workers they require from among those registered in the General Employment Register: Provided that this obligation shall not apply to:

- (1) the employer's spouse and his relatives who are living with him and are maintained by him;
- (2) persons holding positions of a director or manager of an undertaking;
- (3) persons employed in the Government services and by public authorities and public institutions;
- (4) workers employed in domestic service;
- (5) workers intended for industrial, commercial or agricultural undertakings not employing more than 4 persons;
- (6) workers required for casual work not lasting longer than 7 days.

Article 132

Application for employment of workers

1. Subject to the exemptions mentioned in the last preceding Article, any employer intending to employ workers shall make application to the district labour inspectorate for the area where the work is to be done.

2. If the inspectorate is unable to meet the requirements of the employer wholly or in part, it shall refer such part as it is unable to meet to any other district labour inspectorate.

3. Applications for workers shall state the number required in each category and trade with qualifications and shall indicate the terms and conditions of employment and the probable duration.

4. Applications by name of workers may be permitted in the case of:

- (a) workers required for positions of trust connected with the custody of workshops, worksites or other property of the undertaking;
- (b) apprentices who have completed their apprenticeship in the undertaking;
- (c) workers who have already been employed by the same undertaking.

5. A district labour inspectorate shall, when accepting an employer's application, satisfy itself that the terms and conditions offered to workers are in conformity with the provisions of this Code or regulations made hereunder and with the stipulations of collective labour agreements, if any.

Article 133

Priorities and reference to employment

1. Except in cases where applications by name are permitted, workers shall be found employment in the order of their registration in the General Employment Register:

Provided that workers living in the district where the work is to be done shall have priority in being found employment.

2. Workers dismissed from an undertaking owing to reduction of staff shall have a prior claim to reinstatement in the undertaking for one year, reckoned from the date of their dismissal.

3. When a worker is referred for employment, the competent district labour inspectorate shall give him his Work Book and a letter addressed to the employer.

Article 134

Employers may refuse to accept certain workers

1. Notwithstanding the provisions of Article 131, employers shall have the right to test workers referred to them for employment, with a view to ascertaining their technical skill or suitability for the job. In case a worker is not found suitable, the employer may ask the competent district labour inspectorate for another worker.

2. An employer may refuse to engage workers whom he has already dismissed for reasonable cause.

Article 135

Direct engagement of workers

1. An employer may employ workers directly in any case where such employment is justified by an urgent need to avoid damage to persons or plant.

2. Whenever workers engaged directly under the last preceding paragraph are employed for longer than a week, the employer shall notify the competent district labour inspectorate of their names indicating the reasons therefor and the conditions of employment.

Article 136

Notification of termination of employment

Employers subject to the placement procedure shall notify the competent district labour inspectorate within 5 days, the names and skills of any workers who, for whatever reason, cease to be employed by them.

Article 137

Compulsory notification by workers

1. Workers registered in the General Employment Register shall be required to notify the competent district labour inspectorate within 7 days of their starting work if they are employed directly under the provisions of the Code.

2. Persons registered in the General Employment Register shall, if they continue to be unemployed, renew their registration with the competent district labour inspectorate every three months

from the date of their registration. Failure to do so shall entail the loss of their position on the General Employment Register except in cases where such failure was due to a serious and duly proved impediment.

Article 138

Administrative appeals

1. Any person aggrieved by a decision of a district labour inspectorate in respect of registration or placement may appeal to the competent regional labour inspector.

2. An appeal against the decision of the regional labour inspector shall be to the Minister whose decision shall be final.

PART IX.

SETTLEMENT OF LABOUR DISPUTES

Article 139

Submission of labour disputes to conciliation

1. An individual labour dispute shall be submitted by any of the parties to the competent district labour inspector for conciliation. If it is not settled, the party concerned shall refer the dispute to the competent regional labour inspector for a further attempt at conciliation.

2. A collective labour dispute arising at the local or district level shall be submitted by any of the parties to the competent district labour inspector for conciliation. If it is not settled, the party concerned shall refer the dispute to the competent regional labour inspector for a further attempt at conciliation. If the dispute still remains unsettled, any of the parties may refer it to the Central Labour Inspector for a further attempt at conciliation.

3. A collective labour dispute arising at the regional level shall be submitted by any of the parties to the competent regional labour inspector for conciliation. If it is not settled, the party concerned shall refer the dispute to the Central Labour Inspector for a further attempt at conciliation.

4. A collective labour dispute arising at the national level shall be submitted by any of the parties to the Central Labour Inspector for conciliation. If it is not settled, the party concerned shall refer the dispute to the Minister for a further attempt at conciliation.

Article 140

Procedure for conciliation

1. When a labour dispute is submitted under the last preceding Article to any conciliator he shall immediately invite the parties for conciliation.

2. Each conciliator shall attempt to settle the dispute within 30 days of its submission to him.

3. In case an attempt at conciliation fails the conciliator shall draw up a report within 7 days of the conclusion of the conciliation proceedings and shall send a certified copy thereof to the parties and to the next conciliator, if any.

4. If a dispute is not settled within 30 days of its submission to the first conciliator, any of the parties may refer the dispute to the next conciliator. If the dispute is not settled even by the second conciliator within 30 days of its submission to him, any of the parties may take action under the next succeeding Article.

5. If a collective labour dispute is settled at any level, the conciliator shall draw up a report of the conciliation proceedings which shall also be signed by the parties to the dispute. The original report shall be kept in the file and certified copies given to the parties.

6. Any settlement of a collective labour dispute under this Article shall have the same effect as a collective labour agreement.

Article 141

Reference to arbitration or court

1. After the conciliation procedure as laid down in this PART has been fully exhausted and the labour dispute remains unsettled, the parties may refer the dispute to arbitration or, if the dispute involves a question of law, any of the parties may apply to the competent court for a settlement. In the case of essential services as specified in Article 146, the Minister shall have the right to refer a labour dispute to arbitration.

2. In the case of reference to arbitration:

- (a) the parties shall draw up a document specifying the terms of reference and notify the last conciliator;
- (b) each party shall nominate not more than two arbitrators and choose a chairman by mutual agreement. - If they do not agree on the choice of a chairman, any of the parties

may request the Minister to appoint a chairman. In the case of essential services, if the parties fail to nominate either their arbitrators or a mutually acceptable chairman, the Minister may appoint an arbitrator or an arbitration board;

- (c) the arbitrators and the chairman shall form the arbitration board and shall give their award within 60 days of the reference of the dispute to them;
- (d) a certified copy of the arbitration award shall be given to each of the parties and also sent by the chairman of the board to the last conciliator;
- (e) all expenses involved in arbitration shall be shared equally by the parties except where a dispute concerning essential services is referred to arbitration by the Minister, the expenses involved may be borne by the State.

3. In the case of reference to court, notwithstanding the provisions of any law to the contrary:

- (a) a dispute referred to it under this PART shall be decided by the court within 60 days;
- (b) an aggrieved party may, within 15 days of such decision, appeal to the Supreme Court which shall decide the appeal within 30 days.

Article 142

Jurisdiction of the Supreme Court

The Supreme Court shall have exclusive jurisdiction over appeals as to the legality of measures taken in labour matters by the Minister.

PART X

STRIKES, GO-SLOW OR LOCK-OUTS

Article 143

Right to strike, go-slow or lock-out

This Code recognises the right to strike, go-slow or lock-out, the legitimate exercise of which shall not exceed the limits laid down in this PART, for the protection of the general interest of workers or employers:

Provided that this right shall not be exercised during the state of emergency proclaimed in accordance with the provisions of Article 70 of the Public Order Law (Law No. 21 of 26 August 1963).

Article 144

Scope of strike, go-slow or lock-out

A strike, go-slow or lock-out shall be limited to the mere act of peaceful suspension of work. Any act of physical or moral coercion or violence against persons and any violation of property rights shall render those responsible liable in civil law and to the penalties prescribed in criminal law.

Article 145

Pre-requisites for strike, go-slow or lock-out

It shall be unlawful to strike or go-slow or lock-out unless:

- (1) the conciliation or arbitration procedure as laid down in PART IX of this Code has been fully exhausted;
- (2) the decision of the court in the issues referred to it by any of the parties is given;
- (3) seven days' notice in writing is given after conciliation or arbitration procedure has been exhausted or after the decision of the arbitration board or of the court is given or the time limit prescribed for giving such decision has expired. Such notice shall be given by the workers or the registered trade union concerned to the employer in the case of a strike or go-slow and by the employer to the workers or the registered trade union concerned in the case of a lock-out. In each case, a written notice shall also be sent by the concerned party to the competent district or regional labour inspectorate or to the Central Labour Inspector, as the case may be.

Article 146

Strike, go-slow or lock-out in essential services

1. It shall be unlawful to strike, go-slow or lock-out in essential services unless:

- (a) the conciliation or arbitration procedure as laid down in PART IX has been fully exhausted;
- (b) the decision of the arbitration board or of the court in the issues referred to it by any of the parties or by the Minister is given;
- (c) at least 15 days' notice in writing is given to the other party and to the Ministry after conciliation or arbitration procedure has been exhausted and the decision of the arbitration board or of the court is given or the time limit for giving such decision has expired;

- (d) the party wishing to go on strike, go-slow or lock-out ensures that the services are maintained by a sufficient number of workers, so that the essential requirements of the public are met.

2. It shall be unlawful to strike, go-slow or lock-out during the pendency of conciliation, arbitration or court proceedings.

3. For the purposes of this Article, the following shall be the essential services:

- (a) water supply;
- (b) supply of electric power and light;
- (c) collection and disposal of refuse and garbage;
- (d) town cleansing and sanitation services;
- (e) public transport services;
- (f) air transport services;
- (g) hospitals, clinics and dispensaries;
- (h) fire extinguishing services;
- (i) postal and telecommunications services;
- (j) national broadcasting, press and information services;
- (k) supply and sale of foodstuff;
- (l) fuel distribution;
- (m) supply and sale of pharmaceuticals and drugs;
- (n) public service within the meaning of the Civil Service Law (Law No 14 of 11 March, 1969).

Article 147

Freedom to work and strike or go-slow

1. It shall be unlawful to take any direct action, whether individual or collective, to compel a worker to take part in a strike or go-slow or to prevent resumption of work:

2. It shall also be unlawful to threaten or take reprisals against a worker, who proposes to take part in a strike or go-slow or who has taken part in a strike or go-slow.

Article 148

Suspension of employment relationships during strike or lock-out

During a strike or lock-out, which is not unlawful under the provisions of this Code, the employment relationship shall be deemed to be suspended.

PART XI

PENALTIES

Article 149

Illegal strike, go-slow or lock-out

1. Any worker who commences, continues or otherwise acts in furtherance of a strike or go-slow which is illegal under this Code, shall be guilty of an offence punishable with imprisonment for a term not exceeding two years or with a fine not less than So. Sh. 200/- and not more than So. Sh. 2000/- or with both such imprisonment and fine.

2. Any employer who commences, continues or otherwise acts in furtherance of a lock-out which is illegal under this Code shall be guilty of an offence punishable with imprisonment for a term not exceeding two years or with a fine not less than So. Sh. 500/- and not more than So. Sh. 5000/- or with both such imprisonment and fine.

Article 150

Instigation of illegal strike, go-slow or lock out

Any person who instigates or incites any other person to take part in, or otherwise acts in furtherance of, an illegal strike, go-slow or lock-out, shall be guilty of an offence punishable with imprisonment for a term not exceeding two years, or with a fine not less than So. Sh. 200/- and not more than So. Sh. 2000/- or with both such imprisonment and fine.

Article 151

Obstruction to labour inspectors

Any person who wilfully obstructs a district or regional labour inspector or the Central Labour Inspector in the performance of their official duties, shall be guilty of an offence punishable with imprisonment for a term not exceeding one year or with a fine not less than So. Sh. 200/- and not more than So. Sh. 2000/- or with both such imprisonment and fine.

Article 152

Other contraventions

Any person who contravenes the provisions of this Code or regulations made hereunder for which no penalty is specifically provided in this PART, shall be guilty of an offence punishable with imprisonment for a term not exceeding six months or with a fine not less than So. Sh. 100/- and not more than So. Sh. 1000/- or with both such imprisonment and fine.

Article 153

Repetition of offences

If an offence under this Code is repeated, the penalty provided herein may be doubled.

Article 154

*Offences by registered trade unions
or registered employers' associations*

1. Where a person committing an offence under this Code is a registered trade union or a registered employers' association or their federation or confederation, the officers or persons concerned with the management thereof, shall unless they prove that the offence was committed without their knowledge or consent, be deemed to be guilty of such offence.

2. The penalty may also carry with it the temporary closure of the trade union or the employers' association or their federations or confederations or the employers' undertaking for a period not exceeding one year.

Article 155

*Cancellation of registration for illegal
strike, go-slow or lock-out*

If a registered trade union or a registered employers' association or their federations or confederations commence, continue or otherwise act in furtherance of a strike, go-slow or lock-out which is illegal under this Code, their registration may be cancelled by the Registrar.

Article 156

Filing of complaints

The district, regional or Central Labour Inspector shall, after giving due warning, if necessary, to the offending party, file a re-

port in respect of the breaches under this Code or regulations made hereunder before the competent court, sending a copy thereof at the same time to the Ministry.

PART XII.

MISCELLANEOUS

Article 157

Regulations

The Minister may, by decree, make regulations for the implementation of this Code which shall be published in the Official Bulletin.

Article 158

Repeal

1. Without prejudice to anything done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder, the Labour Code (Legislative Decree No. 25 of 15 November, 1958), as amended, is hereby repealed.

2. Any other law or measure contrary to or inconsistent or incompatible with this Code is also hereby repealed.

Article 159

English text to prevail

Where there is a conflict between the English text and any other text of this Code and regulations made hereunder, the English text shall prevail.

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