



Federal Republic of Somalia

The Upper House

Office of the Speaker

Ref: XG/184/B-11

Date: 01/12/24

To: Speaker of the House of the People of the FPS =Mogadishu=
Cc: Social Service Development Committee of the Upper House =Mogadishu=

Cc: Ministry of Labour and Social Affairs of the FGS =Mogadishu=
Cc: Office of the Attorney General of the Government =Mogadishu=
Cc: Prime Minister of the FGS =Mogadishu=
Cc: President of the Federal Republic of Somalia =Mogadishu=

Subject: Submission of House Resolution on the Draft Bill of the Somali Labour Law

Honourable Speaker,

After greetings, I am submitting to you the Resolution of the Upper House of the Federal Parliament of Somalia reference number Ref: GAS/B-11/KF5/24/2024 dated 25th November, 2024, by which the House approved **the Draft Bill of the Somali Labour Law**.

- Attended by: 29 Senators
- Voted by: 28 Senators
- Approved by: 28 Senators
- Voted against: None
- Abstained: None

Therefore, Honourable Speaker, attached herewith is the above mentioned Resolution of the Upper House of the FPS and a copy of the Draft Bill that was approved by the House, so that you may perform the constitutional duty that you have been assigned.

Please receive my appreciation.

Sen. Abdi Hashi Abdullahi

Speaker of the Upper House of the
Federal Parliament of Somalia



APPROVAL OF THE DRAFT BILL OF THE SOMALI LABOUR LAW

Senators who voted	In Favour	Against	Abstained
28	28	0	0

Speaker of the Upper House of the Federal Parliament of Somalia

Date: 25 November 2024

Sen. Abdi Hashi Abdullahi

First Deputy Speaker of the Upper House of the Federal Parliament of Somalia

Date: 25 November 2024

Sen. Ali Shaban Ibrahim

Second Deputy Speaker of the Upper House of the Federal Parliament of Somalia

Date: 25 November 2024

Sen. Abdullahi Ali Hirsi



THE UPPER HOUSE
FEDERAL PARLIAMENT OF SOMALIA

HOUSE RESOLUTION
APPROVAL OF THE DRAFT BILL OF THE SOMALI LABOUR LAW

Mogadishu,
25th November 2024

Ref: GAS/B-11/KF5/24/24
2024
Session 5th
Meeting 22nd

Date: 25 November

THE UPPER HOUSE OF THE FEDERAL PARLIAMENT OF SOMALIA

- HAVING READ:** The Draft Bill of the Somali Labour Law, the first version of which was drafted by the Federal Government of Somalia and was approved by the House of the People of the Federal Parliament of Somalia and received by the Upper House on 17th August 2024, so it performs the constitutional duty that it was assigned.
- HAVING SEEN:** Art. 82 and Art. 83 of the Provisional Constitution and Art. 50 and Art. 51 (4) of the Rules of the Upper House.
- HAVING SEEN:** Art. 61 (1) (3) of the Provisional Constitution.
- HAVING CONSIDERED:** The good way in which the Committee of Social Service Development, Humanitarian Affairs, Information and Culture of the Upper House of the FPS has worked on **the Draft Bill of the Somali Labour Law**.
- HAVING REALIZED:** That the public interest of the country is in approving **the Draft Bill of the Somali Labour Law**.

MEETING IN: The 5th Session, 22nd meeting, attended by 29 Senators (twenty nine Senators).

HAS RESOLVED THE ARTICLES MENTIONED BELOW:

Art. 1

APPROVAL OF THE DRAFT BILL

The Upper House has approved **the Draft Bill of the Somali Labour Law** by a majority vote with making some amendments.

Art. 2

SUBMISSION OF THE RESOLUTION OF THE UPPER HOUSE

The Resolution of the Upper House shall be submitted to the House of the People of the Federal Parliament of Somalia.

Sen. Abdi Hashi Abdullahi
Speaker of the Upper House of the
Federal Parliament of Somalia



Federal Republic of Somalia

**Federal Parliament
The Upper House**

Committee on the Development of Social Welfare, Humanitarian Affairs, Information and Culture

**Ref: GHABABWD /B-11/07/2024
25/11/2024**

Date:

**To: Speaker the Upper House
To: Members of the Upper House**

Subject: Proposal of the Report on the 3rd Reading of the Draft Bill of the Somali Labour Law

**Honourable Speaker,
Honourable Senators,**

The Committee on the Development of Social Welfare, Humanitarian Affairs, Information and Culture of the Upper House of the FPS, considering your positive debates and recommendations that you made on the debate of the 2nd reading of the Draft Bill of the Somali Labour Law, met on 24th November 2024.

After having a lengthy discussion and analysis on your recommendations and proposals on the Draft Bill of the Somali Labour Law, has decided to present to the Plenary a brief report on the decisions made by the Committee on the article that were proposed to be amended, which are:

- 1. All fines in this Draft Bill were agreed to be harmonized with the Somali Penal Code.**
- 2. Article 6 which is titled “equality and non-discrimination” the committee decided to add a new paragraph which was made to be the 2nd paragraph, in order to strengthen the punishment of such violations, and that paragraph has been drafted as follows:
“Discrimination if a criminal act punishable with a penalty in accordance with the law of the country”.**
- 3. Article 6, Paragraph 3, which is titled “equality and non-discrimination” it was agreed to strengthen the medical examinations of the expatriate workers who have the legal residency of the country.**
- 4. Article 8, Paragraph 3, which is titled “violation of sexual desire and harassment” it was agreed to add “while submitting it to the legal institutions in order to press charges”.**
- 5. Article 38, Paragraph 1, letter (x), was added “and place of worship”.**
- 6. Article 65, Paragraph 4, letter (x) which is titled “national holidays” it was agreed to amend it, and make “The Somali Language Orthography Day 21st January”.**

Finally, we respectfully request you to approve the Draft Bill of the Somali Labour Law.

Thank You All.

Members of the Committee

1. Sen. Dr. Prof. Osman Mahamud Mohamed Dufle
2. Sen. Samsam Abdullahi Ahmed
3. Sen. Dr. Hussein Mohamed Dahir
4. Sen. Osman Obokar Mohamed
5. Sen. Farhan Ali Hussein
6. Sen. Muse Sudi Yalahow
7. Sen. Samira Mahamud Haji

Sen. Dr. Prof. Osman Mahamud Mohamed Dufle

**Chairman of the Committee on Development of Social Welfare, Humanitarian Affairs, Information
and Culture of the Upper House of the FPS**



FEDERAL REPUBLIC OF SOMALIA

DRAFT BILL OF THE SOMALI LABOUR LAW

November 2024

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**PART I
GENERAL PROVISIONS AND REGULATIONS**

**CHAPTER 1
NAME AND INTERPRETATIONS**

**Article 1
Name of the Law**

This Law shall be referred to as the **“Somali Labour Code.”**

**Article 2
Definitions of Terms**

Unless specified differently within this Law, the terms listed below shall carry the following meanings:

1. ‘Air pollution’ means contamination of air by substances which are harmful to health or are otherwise dangerous;

2. 'Authorized officer' means any officer given authority to carry out any act or to provide any service under this Code as, or on behalf of, the Federal Labour Commissioner, the Director of Employment, or the Director of Occupational Safety and Health;
3. 'Casual/daily laborer' means any person who performs a specific task, working under the terms of the job, in return for which he receives the money he earned when the work is completed.
4. 'Code of practice' means any documentary form of practical guidance intended to achieve good practice in any profession, occupation, industry or enterprise;
5. 'Child' means a person who has not attained the age of 18 years.
6. "Collective Bargaining" means negotiations between an employer, a group of employers or more than one employer's organization or more than one trade union for the purpose of:
 - a) Determining the conditions of work and terms of employment.
 - b) Regulating the relations between the two parties, employer and employee.
 - c) Regulating the relations between employers' organizations or trade unions.
7. 'Collective agreement' means a registered agreement concerning any terms and conditions of employment made in writing between a trade union and an employer, a group of employers or an employers' organization';
8. "High Commission" means the High Commission for Federal Labor established under Article 25 of this law.
9. 'Competent person' means a person with relevant qualifications, and adequate training and experience to enable him or her to perform a particular duty or function.
10. 'Contract of service' means an express or implied agreement, in whatever form, to employ or to serve as an employee for a period of time, including a contract of apprenticeship;
11. 'Dependent' means a member of an employee's family or a relative who substantially depends on that employee for his or her livelihood;
12. 'Director' means the Director of Employment or Occupational Safety and Health as the case may be;
13. 'Disability' means any physical, mental, sensory or other condition, which impairs a person's visual, hearing, learning, thinking or physical capability, and impacts negatively on such person's socio-economic participation.
14. 'Employee' means a person who undertakes 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, in return for remuneration.
15. 'Employer' means a physical or juridical person who uses, directs and remunerates the services of an employee, whether continuously or not, and, where appropriate, includes:
 - (a) the State or state-owned or controlled or public enterprises.
 - (b) an heir, successor, assignee or transferor of an employer; or
 - (c) an agent, director, or any person authorized to represent an employer, and

(d) for purposes of equality of opportunity and non-discrimination, an employment agency, whether public or private.

16. 'Employers' Organisation' means any association established by employers for the purpose of furthering and defending the interests of employers.
17. "Employment Agency" means any person, company, organization, agency or other entity, whether public or private, that acts as an intermediary between employers and employees, with the purpose of providing employment to people for their benefit, and receives a profit, a fixed fee, such as a fixed entry/registration fee, or other fees for services.
18. "Negligence" means the extent to which an employee receives from the workplace either surface, internal or hidden injuries that occur through negligence.
19. 'Federation' means a registered federation having two or more trade unions or two or more employer's organizations, or two or more federations as its members.
20. "Forced or Compulsory Labor" means any work or service which is exacted from any person under the threat or threat of punishment, such as deprivation of rights or honor killings, or any other similar act contrary to the law of labor.
21. 'Fume': includes gas or vapour
22. 'Highly flammable liquid' means any liquid, liquid solution, emulsion or suspension which gives off a flammable vapour at a temperature of less than 32 degrees centigrade;
23. 'Improvement notice' means a notice issued requiring a person who is deemed to be contravening safety and health provisions of this Code or any regulations made under it to remedy the contravention within a specified period;
24. 'Industrial undertaking' includes:
 - a) mining, quarrying, and other activities involved in extracting any material from beneath the earth's surface.
 - b) a workshop, manufactory or factory or a place where raw materials or other goods are manufactured, processed or packaged.
 - c) the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland water way, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephone installation, electrical undertaking, gas work, water work or other work of construction, as well as the preparation for or laying of the foundations of any such work or structure;
 - d) transport of passengers or goods by road, rail, or inland waterway, and connected handling of passengers or goods;
 - e) any other place or activity which the Minister, having regard to the nature of the work involved declares an industrial undertaking by order.

25. 'Labour or trade dispute' means any dispute between:

- (a) employers and employees, or
- (b) employers' organization and trade union, or
- (c) a federation of employers' organisations and a federation of trade unions, or
- (d) employees and other employees,
- (e) a trade union and other trade union, or
- (f) an employee and a trade union, or
- (g) a trade union and a federation of trade unions, or
- (h) an employers' organization and a federation of employers' organisations,

which is connected with:

- (a) the employment or non-employment, or
- (b) the terms of employment, or
- (c) the conditions of labour of any employee, or
- (d) membership or areas of operation or coverage,
- (e) any other matter that is relevant to a contract of service.

26. 'Light work' means which is not:

- (a) likely to be harmful to the health or development of a child; and
- (b) such as to prejudice a child's attendance at school, the child's participation in vocational orientation or training programmes approved by the Minister or the child's capacity to benefit from the instruction received.

27. 'Lockout' means the closing of a place of employment or the suspension of work or refusal by an employer to employ any employees for the purpose of compelling such employees to accept any demand in respect of an existing trade dispute.

28. 'Machinery' means any article or combination of articles which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.

29. 'Major hazard installation' means an installation—

- (a) where more than the prescribed quantity of any substance is kept for whatever period; or
- (b) where any substance is produced, processed, used, handled or stored in such a form that it has the potential to cause a major incident.

30. 'Major incident' means an occurrence of catastrophic proportions resulting from the use of plant or machinery or from activities at a workplace.

31. 'Medical surveillance' means a planned programme of periodic examination, which may include clinical examinations, biological monitoring or medical tests of persons employed by a designated health practitioner or by an occupational medical practitioner.
32. 'Migrant employee' means any person who has voluntarily arrived in Somalia to work, including those who are permitted to work as immigrants and are not border crossings, artists or scholars staying for a short period of time, and seafarers.
33. "Minister" means the Federal Minister for the time being in-charge of labour affairs.
34. "Ministry" means the Ministry for the time being responsible for labour affairs.
35. "Noise/Rumble" refers to all energy-related sounds or vibrations from engines that can cause hearing loss, damage to the health of the worker, or pose other hazards.
36. "Occupational hygiene" means the prevention and control of work-place conditions which may cause illness or adverse health effects to person/employee.
37. "Occupational safety and health officer" means any officer appointed under this Code and includes the Director.
38. "Occupier" means the person or persons who actually work in a workplace, whether as the owner or not and includes an employer.
39. "Out-site employee" means any person employed to do some work for an employer but who performs the work at home or in premises outside the employer's designated premises.
40. "Owner" means the person for the time being receiving the rents or profits of premises whether on his own account or as agent or trustee of another person, or who would receive the rents and profits if the premises were leased;
41. 'Piecework' means any work or service for which the rate of payment is based on the amount of work done irrespective of the length of time within which it is done.
42. 'Plant' includes any equipment, gear, machinery, apparatus or appliance or any part of it;
43. 'Premises includes any place and, in particular:
 - a. any vehicle, ship, aircraft or hovercraft (vehicle that's used on both water and land), whether moving or still.
 - b. any installation on land or water, or any other installation, whether floating, or resting on the seabed or its subsoil, or resting on other land covered with water or its subsoil;
 - c. any tent or movable structure.
44. 'Prime mover' means every engine, motor or other appliance which provides mechanical energy;
45. 'Probationary contract' means a contract of employment which is of not more than 12 months' duration or less, is in writing, and expressly states that it is for a probationary period;
46. 'Probationary period' means a period during which an employer and an employee test each other's suitability as employee or employer, respectively.
47. "Motor Drive Process" means the use of any device that moves, drives, or facilitates the movement of a metal or engine.

48. 'Special/Prohibition notice' means a notice issued to any person who is engaged in or is in control of any activities which:
- a. are in contravention of the provisions of this Code or any regulations made under it, and
 - b. involve or may, in future, involve a risk of serious personal injury, directing that such activities not be carried on unless:
 - (i) conditions stated in the notice are satisfied or,
 - (ii) contraventions are remedied.
49. "Adequate/Appropriate premises" means a workplace that provides the necessary facilities and accommodation, including necessary and appropriate adjustments, and does not impose undue burdens on persons with disabilities, and ensures that persons with disabilities are able to enjoy and exercise their rights and freedoms on an equal basis with others, while respecting all human rights and fundamental freedoms.
50. 'Employees Downsizing' means the loss of employment, occupation, job or career by involuntary means through no fault of an employee, involving termination of employment at the initiative of the employer, where the services of an employee are superfluous, including the practices commonly known as abolition of office, job or occupation and loss of employment.
51. 'Registrar' means the Registrar of Employees' and Employers' Organizations appointed under this Code.
52. 'Bonus' means all payments made to an employee for performance or excellence in their work, including any incentives given to an employee.
53. "Hazard" refers to the possibility of an event that has a negative impact on life, such as disability, resulting from a substance that could cause harm to people or the environment, and which could have serious consequences.
54. "Proper sanitation" refers to the improvement of urinals, toilet flushes, water closets, garbage chutes, garbage cans, toilets, toilet cisterns and anything similar that is suitable for people with disabilities and in any way facilitates the sanitation service in the workplace.
55. 'Self-employed person' means an individual who works for gain or reward otherwise than under a contract of employment.
56. 'Steam boiler' means any closed vessel in which for any purpose, steam is generated under pressure greater than atmospheric pressure, and includes any economizer used to heat water being fed to any such vessel, and any superheated container used for heating to obtain steam;
57. 'Strike' means the cessation of work by employees acting in combination, or a concerted refusal or a refusal under a common understanding of employees to continue to work, for the purpose of compelling their employer or an employers' organization of which their employer is a member, to accede to any demand in respect of a trade dispute according to this Code.
58. 'Subcontractor' means a person who, himself or herself recruiting the necessary employees, enters into a written agreement with a contractor to carry out specified work or to furnish specified services for an agreed price.

59. 'Substance' means any natural or artificial matter or material whether in solid or liquid form or in the form of a gas or vapour;
60. 'Supplier' means a person who provides articles or substances by way of sale, lease, hire or hirepurchase, whether as principal or agent.
61. 'Task' means such amount of work as can, in the opinion of an authorised officer, be performed by an employee in an ordinary working day;
62. 'Trade Union' means any organisation of employees for furthering and defending the interests of employees.
63. 'Transmission machinery' means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other devices by which the motion of a prime mover is transmitted to or received by any machine or appliance;
64. 'Workplace' means any place or premises where employees are employed.
65. 'User' in relation to plant or machinery, means the person who uses plant or machinery for his own benefit or who has the right of control over the use of plant or machinery, but does not include a lessor of, or any person employed in connection with, that plant or machinery.
66. 'Vibration' means mechanical energy transmitted to a person's body from a source of oscillations and is harmful to health or otherwise dangerous.
67. 'Woman' means a female of the age of eighteen years or above.
68. 'Employee' means a person who undertakes 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, in return for remuneration
69. 'Workplace' includes, any land, premises, location, vessel or thing, at, in, upon, or near which, an employee is, during the course of employment.
70. 'Workroom' means any room or cubicle in which work is done by persons employed;
71. 'Worst forms of child labour' means their employment, engagement or usage in any activity comprising of:
 - (a) all forms of slavery or practices similar to slavery, including the sale and trafficking of children, debt bondage and serfdom and forced or compulsory recruitment of children for use in armed conflict.
 - (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
 - (c) the use, procuring or offering of a child for illicit activities, including the production and trafficking of drugs as defined in the relevant international conventions or treaties;
 - (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the child.
72. "Labor Inspector" means a District Labor Inspector or a Regional Labor Inspector.
73. "Competent Court" means a Regional Court, the Supreme Court.

Article 3

Application of this Law

- (1) The provisions of this Code or regulations made under it apply to all employers and employees, including those employed in public service or public institutions to the extent that any of their terms and conditions of service are not governed by any other law.
- (2) The provisions of this Law or the regulations under it do not apply to armed forces such as (National Forces, Police, Corrections and Security) except for those employed under a civilian system.

CHAPTER 2

GENERAL PRINCIPLES

Article 4

Right to freedom of occupation

Every person has the right to choose any occupation he or she wants.

Article 5

The responsibility of the protection of the Labour Code and the recognition of the role of employees belongs to the government.

1. The State has the responsibility to protect labour in all its forms and applications, whether organizational or executive, intellectual, technical or manual.
2. To promote such conditions as permit the effective exercise of the rights and discharge of the duties provided for in section 4 of this code.
3. To recognize the important role of the employees in the development of the national economy by encouraging and ensuring their participation in the planning and management of production.

Article 6

Equality and non-discrimination

- (1) Every person has the right to equality of the employment opportunities and professions without discrimination on grounds of race, colour, gender (male and female), language, religion, political

or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status, age or human immuno-deficiency virus (HIV) status, and the employee also has the duty to afford the above-mentioned rights of equality and non-discrimination to other persons.

- (2) Discrimination is a criminal act punishable in accordance with the laws of the country.
- (3) It is the duty of the Minister and all officers working within the Ministry, all state institutions and employers to promote and guarantee equality of opportunity in order to eliminate discrimination in employment.
- (4) The right to equal opportunity and treatment in respect of employment and occupation and the duty to promote and guarantee equality of opportunity in employment applies equally to a person who is a migrant employee or a member of the family of the migrant employee lawfully within the Republic.
- (5) Without prejudice to the generality of the third paragraph of this article relating to migrant workers, in order to prevent and eliminate any abuses that may be committed against migrant workers and their families, the Minister is required, in consultation with other relevant government agencies and representatives of employers' organizations and workers' representatives:
 - a) To ensure the application of non-discrimination in relation to nationality, race, religion or sex (male and female) to all persons legally resident in the Federal Republic of Somalia, and to provide them with the same treatment as nationals, such as: respect for employment and employment opportunities, terms and conditions of employment, training, freedom to participate in and negotiate collective bargaining, social security, legal procedures, employment benefits, workers' insurance benefits, job security guarantees, access to alternative employment, relief from work and retraining of workers;
 - b) To take all necessary and appropriate measures:
 - i To control the illegal recruitment of foreign workers and the illegal recruitment of foreign workers;
 - ii To effectively detect illegal recruitment of foreign workers, and to define and impose penalties for organizing illegal recruitment activities, for profit or otherwise;
 - iii To prevent the organizers of illegal activities, including the judiciary, against migrants leaving, transiting, and entering the borders of the Federal Republic of Somalia, and preventing those who employ foreign workers who illegally enter the country;
 - iv Preventing the facilitation of the export, travel and reception of foreign workers for the purpose of employment.
- (6) An employer:
 - (a) must strive to eliminate discrimination in any employment policy or practice, and
 - (b) is not permitted to discriminate, directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee—

- (i) on grounds of race, colour, gender (male and female), language, religion, political views or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status, age or human immunodeficiency virus (HIV) status;
 - (ii) on the basis of such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Minister after consultation with representative employers' and workers' organisations, where such exist, and with any other relevant bodies.
 - (iii) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or any other matters relating to employment.
 - (iv) Based on trade union membership or the legitimate activities of trade unions.
- (7) It is unlawful to discriminate against an employee or any person seeking employment whose rights are recognized in this law.
- (8) The following are not discrimination within this Code:
- (a) any measures of affirmative action in order to promote equality or eliminate discrimination in the workplace;
 - (b) to distinguish, exclude or prefer any person in respect of a particular job because of the inherent requirements of the job.
- (9) An employer is under a duty to pay his or her employees equal remuneration for work of equal value.
- (10) Where any allegations of discrimination are made in any proceedings, it is the burden of the employer to prove that the discrimination did not take place as alleged, and that the discriminatory act or omission is not based on any of the grounds specified in the provisions of this Law.

Article 7

Forced labour

- (1) Forced or compulsory labour of any form is forbidden.
- (2) No person is permitted to assist any other person to recruit, traffic or use forced or compulsory labour.
- (3) The term 'forced or compulsory labour' does not apply to:
 - (a) any work or service required by law in respect of military service for work of a purely military character, including the organization for national defence or in case of a national calamity or emergency, but not including forced or compulsory recruitment of children for use in armed conflict;

- (b) any work or service required of a prisoner in pursuance of a sentence passed by a competent court which must not include the person being hired out to or placed at the disposal of private persons, companies or associations, and which work or service is carried out under the supervision and control of a public authority;
 - (c) any minor work or service performed by members of a community in their direct interest which is considered part of the normal civic obligations of the citizens of the Republic, and in respect of which members of the community or their representatives have the right to be and have been consulted;
 - (d) any work or service exacted in cases of emergency and, in general, any circumstance that would endanger the existence or the well-being of the whole or part of the population.
4. Anyone found violating this provision shall be brought before a competent court, and the procedures set forth in the Somali Penal Code and other laws of the country shall be followed.

Article 8

Violation of Sexual Desire and Harassment (Harassment or Indecent Assault)

- (1) Violation, disrespectful behavior, sexual harassment against of an employee occurs in workplace when employer or a representative of the employer or a co-employees:
- (a) requests, whether directly or indirectly, the employee for sexual intercourse, sexual contact or any other form of sexual activity that contains
 - (i) promise of preferential treatment in employment;
 - (ii) threat of detrimental treatment in employment; or
 - (iii) threat about the present or future employment status of the employee, whether such promise or threat is implied or express;
 - (b) uses language of a sexual nature, whether written or spoken;
 - (c) uses visual material of a sexual nature; or
 - (d) shows physical behaviour of a sexual nature that:
 - (i) is offensive or inoffensive to targeted employee and
 - (ii) by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.
 - (iii) aims at creating an intimidating, threatening, disruptive and hostile work environment.
- (2) An employer is under a duty to, in consultation with the employees or their representatives, issue and bring to the attention of employees a policy statement on violation sexual desire and harassment which must contain:

- (a) the definition of violation sexual desire and harassment in accordance with this section;
 - (b) a statement:
 - (i) that prohibits violation of sexual desire and harassment;
 - (ii) containing an assurance that the employer will take steps to ensure that no employee is subjected to violation of sexual desire and harassment;
 - (iii) that appropriate disciplinary action will be taken against any person who subjects any employee to violation of sexual desire and harassment;
 - (iv) containing how complaints of violation of sexual desire and harassment may be brought to the attention of the employer; and
 - (v) that the employer will keep the name of a complainant or the circumstances related to the complaint confidential except where disclosure is necessary for the purpose of corrective action.
- (3) The employer must promptly and independently investigate any complaint of violation of sexual desire and harassment, and as soon as the complaint is substantiated, shall refer the complaint to the appropriate legal authorities for prosecution in accordance with the Somali Penal Code and other laws of the country.

Article 9

Freedom of association

- (1) Every employee has the right to:
- (a) participate in forming a trade union or federation of trade unions;
 - (b) join a trade union; or
 - (c) leave a trade union.
- (2) An employee or any person seeking employment must not be discriminated against for exercising any right conferred under this Code.
- (3) Every employer has the right to:
- (a) participate in forming an employers' organisation or a federation of employers' organisations.
 - (b) subject to its constitution, join an employers' organisation or a federation of employers' organizations; or
 - (c) leave an employers' organization or federation.
- (4) An employer must not be discriminated against for exercising any right conferred under this Code.
- (5) Every employee or employer has the right not to join an employees' or employers' association or federation without loss of lawful entitlements.

Article 10

Employees' rights not subject to renunciation

- (1) Subject to the provisions of this Code, the rights conferred on employees must not be subject to renunciation, composition or limitation by agreement and any such agreement is deemed null and void.
- (2) Any rights or benefits already granted by employers of their own accord or by agreement and which are more advantageous for the employees take precedence over those prescribed by this Law.

Article 11

Law applicable to labour disputes

- (1) Disputes that cannot be resolved through the provisions of this law and the employment contract signed with the person must be resolved in accordance with Islamic law, the principles of equality, the general principles of labour laws or the conventions and recommendations of the International Labor Organization to which the Federal Republic of Somalia has signed, and the principles of customary international law that do not conflict with those of labour law and the customs.
- (2) 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 employees must be adopted.

PART II

LABOUR ADMINISTRATION, SUPERVISION AND INSPECTION

CHAPTER 3

ADMINISTRATION AT MINISTER'S LEVEL

Article 12

The Minister

- (1) The Minister in charge of labour affairs is appointed in accordance with the Constitution of the Federal Republic of Somalia.
- (2) The Minister is the administrative head of the Ministry in-charge of labour affairs.
- (3) The powers and functions of the Ministry include:

- (a) to ensure compliance with the provisions of this Code or regulations made hereunder or any other law for the regulation of labour and employment and the protection and welfare of employees;
 - (b) to develop policies, guidelines, codes and programmes with respect to labour and employment
 - (c) to assist, on request, the registered trade unions and registered employers' associations or employers or their federations or in drawing up collective labour agreements;
 - (d) to take such steps as are appropriate to settle labour disputes arising at the national level or disputes of major importance;
 - (e) to direct the education and vocational training of employees and the placement of the unemployed;
 - (f) to be responsible for all matters connected with employment relationships, conditions of work, employment of employees, manpower movements and labour statistics
 - (g) to appoint such officers as are necessary to exercise the powers and carry out the functions of the Ministry and to provide guidelines as appropriate for such exercise and performance.
- (4) Subject to this Code and the laws governing the public service, the Minister appoints the following officers:
- (a) the Federal Labour Commissioner;
 - (b) the Director of Employment;
 - (c) the Director of Occupational Safety and Health;
 - (d) the Registrar of Employees' and Employers' Organisations; and
 - (e) such other officers as may be necessary for purposes of administration of laws relating to labour and employment.
- (5) The Minister, before appointing the above-mentioned officials, shall ensure that they are selected through a competitive and transparent process.
- (6) The Minister shall ensure that the appointed officials exercise their powers and perform their duties in an orderly and diverse manner to achieve the standards of the Ministry's activities.
- (7) The Minister, in exercising his powers and performing his duties, shall constantly observe the principles and content of the tripartite system, and shall consult with representatives of workers and employers on matters related to policies, regulations and practices that concern or affect the interests of workers and employers.

Article 13

[Federal] Higher Labour Commission

- (1) The Federal Higer Labour Commission is responsible for the regulation and supervision of labour and employment relations and monitoring or enforcing compliance with this Code and any other labour law to the extent that they regulate labour and employment relations.
- (2) The Commission may, in writing, delegate to any labour officer any of the Commissioner's powers, functions and duties and may:
 - (a) attach conditions to such delegation and may amend or revoke a delegation at any time;
and
 - (b) vary or set aside any decision made by a person acting under such delegated authority.

Article 14

Director of Labour

- (1) The Director of Labour is responsible for the regulation and supervision of employment management and monitoring or enforcing compliance with this Code and any other labour law to the extent that they regulate employment management.
- (2) The Director of Employment may, in writing, delegate to any employment officer any of the Director's powers, functions and duties and may:
 - (a) attach conditions to such delegation and may amend or revoke a delegation at any time;
and
 - (b) vary or set aside any decision made by a person acting under such delegated authority.

Article 15

Director of Occupational Safety and Health

- (1) The Director of Occupational Safety and Health is responsible for the registration, regulation and supervision of all work-places and monitoring or enforcing compliance with this Code and any other labour law to the extent that they regulate safety, health and welfare in the work-places.
- (2) The Director of Occupational Safety and Health may, in writing, delegate to any occupational safety and health officer any of the Director's powers, functions and duties and may:
 - (a) attach conditions to such delegation and may amend or revoke a delegation at any time;
and
 - (b) vary or set aside any decision made by a person acting under such delegated authority.

Article 16

Other Officers: Designation, Powers and Functions

(1) The officers appointed by the Minister under section 12(4)(e) may be designated as:

- (a) labour officers;
- (b) employment officers; or
- (c) occupational safety and health officers.

(2) A labour officer may, for the purpose of monitoring or enforcing compliance with this Code and any labour law relating to labour and employment relations:

- (a) require the production of employment records kept by an employer and to:
 - (i) inspect and examine those records, and
 - (ii) copy any material part thereof;
- (b) require any person giving out work and any out-employee to give any information which is in that person's power to give with respect to:
 - (i) the names and addresses of the persons to whom the work is given or from whom the work is received, and
 - (ii) the payments to be made for the work;
- (c) examine:
 - (i) any person whom the labour officer has reasonable cause to believe to be or to have been an employee or
 - (ii) the employer of any such person or a servant or agent of the employer employed in the employer's business to require such person to sign a declaration of the truth of the matters in respect of which he or she is so examined;
- (d) at all reasonable times, enter, inspect and examine any land or building, other structure on or in which the officer has reasonable ground to believe that an employee is residing or is employed to determine compliance with this Code.
- (e) The labor officer may freely and without notice demand at any hour, night or day:
 - (i) an employer to produce an employee and a document relating to the employment of any employee, and
 - (ii) require an employee to produce any document relating to the his or her employment;
- (f) examine and make copies of a register, record, book or other document relating or appearing to relate to employment, and seize any register, record, book or other

document which he or she has reasonable ground to believe to be or to contain evidence of an offence under this Code or any other labour law;

- (g) enter, inspect and examine all latrines[male and women] and other sanitary arrangement or water supply;
- (h) inspect and examine all food provided or appearing to be provided for the employees, and take samples thereof in duplicate, in the presence of the employer or the employers representative, which samples must be sealed and one sample so sealed be left with the employer;
- (i) order that all buildings and premises where employees are housed or employed be kept in a clean and sanitary condition.
- (j) without prejudice to the powers of the other federal prosecuting authority or person, institute criminal or civil proceedings in respect of any contravention of any provision of this Code or for any offence committed by an employer under this Code or any other labour law;
- (k) take into custody and return to his or her parent or guardian, or other appropriate person any child whom he or she reasonably suspects to be employed in contravention of this Code or any other labour law, or
- (l) make orders requiring an employer to comply with the provisions of this Code, and
- (m) carry out such other functions and instructions and exercise such other powers as may be given by the Federal Labour Commissioner.

(3) Where a labour officer seizes a register, record, book or other document in the performance of his or her duties, the officer must give to the employer or his or her representative a receipt.

(4) A labour officer may, for the purpose of resolving disputes under this Code and any labour law relating to labour and employment relations, conduct conciliation proceedings for the parties involved in the dispute.

(5) An employment officer may, for the purposes of collecting labour market data, exercise the following powers and carry out the following functions independently or in collaboration with the labour officer:

- (a) require the production of employment records kept by an employer and to:
 - (i) inspect and examine and insure those records, and
 - (ii) Make copy any material needed there of;
- (b) require any person giving out work and any out-employee to give any information which is in that person's power to give with respect to:
 - (i) the names and addresses of the persons to whom the work is given or from whom the work is received, and
 - (ii) the payments to be made for the work.

(c) The labor officer may freely and without notice demand at any hour, night or day:

- (i) an employer to produce an employee and a document relating to the employment of any employee, and
 - (ii) require an employee to produce any document relating to his or her employment;
 - (d) examine
 - I. Any person whom the labour officer has reasonable grounds to believe is an employee or former employee.
 - II. That the employer, or his agent or servant, employed that person in the employer's workplace, and that person shall be required to sign a declaration attesting to the truthfulness of the information recorded and all matters examined.
 - (e) Examine and make copies of records, ledgers and other documents relating to or appearing to relate to the employment of the employee. He may also seize documents containing the records, ledgers or other records if he has reasonable grounds to believe that they contain evidence of a violation of this Code or other employment laws.
 - (f) inspect and copy any material part of any list of out-workers kept by an employer or other person giving out work to out-workers, or
 - (g) make orders requiring an employer to comply with the provisions of this Code, and
 - (h) To facilitate the placement of employees; and
 - (i) To carry out any tasks and instructions issued by the director of labour, using his/her work powers as specified in this law;
- (6) Where an employment officer seizes a register, record, book or other document in the performance of his or her duties, the officer must give to the employer or his or her representative a receipt.
- (7) An occupational health and safety officer may, for the purposes of this Code, exercise the following powers and carry out the following functions independently or in collaboration with the labour officer:
- (a) at all any times day or night, enter, inspect and examine any land or building, other structure on or in which the officer has reasonable ground to believe that an employee is residing or is employed to determine compliance with this Code;
 - (b) The labour officer may freely demand without notice at any hour of the day or night:
 - (i) an employer to produce an employee and a document relating to the employment of any employee, and
 - (ii) require an employee to produce any document relating to his or her employment;
 - (c) examine
 - I. Any person whom the labor officer considers to be or has been an employee.

- II. That the employer, or his agent or servant, has employed such person in the employer's place of business, and that person shall be required to sign a declaration certifying that he has told the truth in the information written and in all matters examined;
- III. Examine and make copies of records, books of account and other documents relating to or purporting to relate to the employment. He shall also seize documents containing records, books or other records if he has reasonable grounds to believe that they contain evidence of a violation of this Code or other labor laws;
- IV. Enter, inspect and check all toilets (male and female), other areas of hygiene and water supply;
- V. examine and verify all food served or likely to be served to the workers, and shall take two samples for testing, in the presence of the employer or his representative, and shall keep both samples securely, one of which shall be kept by the worker;
- VI. order that all buildings and places where the workers reside or work be kept in a clean and sanitary condition;
- VII. Without prejudice to the other powers of the federal or other law enforcement agencies, he shall institute civil or criminal proceedings for any violation of this Act or any violation by the employer of any law or regulation of the workplace.
- VIII. Order the hospitalization of any sick employee who is not otherwise able to be treated in the workplace, and the employer shall be responsible for the cost of the hospitalization.
- IX. Withhold any food from the workplace that is not fit for consumption. Such food shall be disposed of in the presence of the workplace safety and health officer.
- X. order at the expense of the employer, such variety of food for an employee as he may deem necessary at a cost that does not exceed the normal cost of rations ordinarily supplied by employers to employees;
- XI. condemn any building or other structure in which an employee is residing or is employed if, in his or her opinion, it is unfit by reason of its construction, situation or condition for the purpose to which it is put;
- XII. order the employer to supply an employee working under a written contract of service with one or more blankets or with clothing, the reasonable cost of which must be paid by the employee and may be deducted from the remuneration for the employee; or
- XIII. inspect all drugs and medicine provided for the use of employees, or
- XIV. make orders requiring an employer to comply with the provisions of this Code, and

- XV. carry out such other functions and instructions and exercise such other powers as may be given by the Director of Occupational Safety and Health.

Article 17

Certificate of Authority and Identification Card

- (1) The Minister shall issue the authorization letter and identity card to every authorized officer, the Federal High Labour Commission, the Director of Labour, and the Director of Occupational Workplace Safety and Health.
- (2) The Federal Labour Commissioner shall issue the letter of authorization and the identification card to the officers working with it. The Labour officer shall be issued with the authorization letter and identity card by the Director of Labour. The Officer from the Directorate of Occupational Safety and Health shall be issued with the authorization letter and identity card by the Director of Occupational Safety and Health.
- (3) An authorised officer, when performing his duties under this Code, must always show his or her certificate and identification card to the concerned person who correctly requests him to do so.

Article 18

Powers to Enter Workplace

- (1) An authorised officer is permitted to enter any premises or place where persons are, or may be, employed for the purpose of performing his or her duties under this Code or any other labour law.
- (2) Such an authorised officer must notify the employer or his or her representative of his or her presence for that purpose at the first practicable opportunity, unless it is considered that the notification may be prejudicial to the object or performance of his or her duties.
- (3) An authorized officer must not be obstructed or hindered in the exercise of his or her duties under this Code and any person who:
 - (a) intentionally obstructs or hinders the officer, or
 - (b) neglects or fails to comply with any requirement or order made or given by the officer, will be punished according to the procedures set out in the Somali Penal Code and other laws of the country.

Article 19

Cooperation with Government Institutions

Authorized officers may, where necessary, seek the co-operative assistance of any government authorities for implementation of the provisions of this Code and its regulations.

Article 20

Prohibitions

An authorised officer must not:

- (a) have any direct or indirect interest in any undertaking.
- (b) 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;
- (c) divulge the source of any complaint bringing to their notice a defect or breach of legal provisions or give any intimation to the employer or his or her representative that a visit of inspection was made in consequence of receipt of such a complaint.

Article 21

Powers similar to that of police officers

Authorised officers have, within the limits of the powers and duties assigned to them under this Code or regulations made under it or any other law, the stature and powers of police officers.

Article 22

Submission of reports and confidentiality

- (1) The Federal Labour Commissioner, the Director of Employment and the Director of Occupational Safety and Health are required to prepare and publish annual reports of their respective activities, which must include the following information:
 - (a) In the case of the Federal Labour Commissioner and its representatives:
 - (i) development of relevant laws and regulations.
 - (ii) staff.
 - (iii) statistics of workplaces and employees (including persons with disabilities and any aid being provided), proceedings of labour disputes and their disposal, and work stoppages according to sectors affected.
 - (iv) inspection findings;
 - (b) In the case of the Director of Employment:
 - (i) Development of employment-related policies;
 - (ii) Staff.
 - (iii) productivity level; and

(iv) labour market information and employment trends.

(c) In the case of the Director of Occupational Safety and Health:

(i) development of relevant laws, regulations and codes of practice;

(ii) staff.

(iii) state of workplaces, statistics of workplaces and employees (including persons with disabilities and any aid being provided), industrial accidents and occupational diseases; and

(iv) inspection findings.

(v) Statistics on violations detected and fines imposed.

(2) Disclosure by an authorised officer or other person of information generated as part of the administration of this Code is prohibited, except:

(a) in accordance with any written law; or

(b) for the purpose of any legal proceedings or the proper administration of this Code.

Article 23

Registration of Employees' and Employers' Organisations

(1) The Registrar of Employees' and Employers' Organisations is responsible for the registration and regulation of trade unions, employers' organisations and any federations formed by the two associations, respectively.

(2) The Minister may appoint a registrar, deputy registrar, assistant registrars and such other officers as may be required for the purposes of this Code.

(3) The Registrar may, in writing, delegate to the Deputy Registrar any of his or her powers, functions and duties.

(4) The Registrar may—

(a) attach conditions to a delegation and may amend or revoke a delegation at any time; and

(b) vary or set aside any decision made by a person acting on delegation.

Article 24

Devolution of powers and functions of the officers

(1) The Minister may devolve and establish the offices of the Federal Labour Commissioner, the Director of Employment and the Director of Occupational Safety and Health to the levels below the federal level as is deemed necessary, with jurisdictions, powers and functions as appropriate for each level.

- (2) The Minister may devolve the offices of the labour, employment and occupational safety and health officers to the levels below the federal level as is deemed necessary, with jurisdictions, powers and functions as appropriate for each level.

CHAPTER 4 FEDERAL LABOUR COMMISSION

Article 25 Establishment of the Commission

The Federal High Commission for Labor is hereby established in accordance with Article 12, paragraph 4.

Article 26 Composition and appointments

- (1) The Central Labour Commission is composed of:
- (a) Chairman of the Federal Labor High Commission.
 - (b) the Director of Employment.
 - (c) the Director of Occupational Safety and Health;
 - (d) the Registrar of Employees' and Employers' Organisations;
 - (e) a representative of the Federal Alternative Dispute Resolution Commission, and
 - (f) the following persons may be appointed by the Minister:
 - (i) a member [the chair] who has experience and expertise in labour relations matters;
 - (ii) the general secretary of the most representative federation of trade unions;
 - (iii) the chief executive of the most representative federation of employers' organisations;
 - (iv) one (1) member appointed from nominees of the most representative federation of employers' organisation dealing with labour matters;
 - (v) one (1) member appointed from nominees of the most representative federation of trade unions;
 - (vi) one (1) independent member, who has vast knowledge of labour relations matters or labour law;
- (2) The office of the Federal Labour Commissioner is the Secretariat of the Commission.

Article 27

Powers and Functions of the Commission

- (1) The main function of the commission is to advise the Minister on matters related to labour affairs in general, labour and employment relations, employment, and workplaces, including conditions of service and welfare of employees.
- (2) Without limiting the general powers and functions of the Commission, it may advise the Minister on:
 - (a) legislation in relation to labour and employment, administration of the labour laws and codes of good practice;
 - (b) formulation and development of policies;
 - (c) public employment services.
 - (d) labour relations and trade unionism, and regulation and supervision of collective labour relations;
 - (e) vocational guidance, vocational training and the employment of persons with disabilities;
 - (f) human resource development;
 - (g) systems of labour inspection;
 - (h) productivity measurement and improvement;
 - (i) appointment of a remuneration council;
 - (j) the setting of compensation benefits in accordance with the provisions of the laws relating to occupational accidents and diseases;
 - (k) registration, suspension and deregistration of trade unions and employers' organisations and their respective federations, and
 - (l) any other matter related to any of the Commission's functions, or on which the Minister may require advice.
- (3) The Federal Labour Commission:
 - a) may conduct any investigations it may consider necessary and research into labour, economic and social policy.
 - b) determine its own procedure for the performance of its functions.

Article 28

Formation of Committees

The Supreme Labor Committee may form subcommittees if it deems it necessary for the efficient performance of its duties, the effectiveness of its powers, and the performance of the committee's activities.

Article 29

Rights of the commission

The Chairman and members of the Commission are paid such remuneration, fees or allowances for the purpose of exercising their various functions, as determined by the Minister in consultation with the Minister of Finance.

Article 30

Rules of procedure

The Commission may determine its own rules procedure for the exercise of its powers and the performance of its functions.

PART III

ESTABLISHMENT OF REGULATION OF WORK-PLACES

CHAPTER 5

ADMINISTRATION AND ENFORCEMENT

Article 31

The Director

- (1) The Director of Occupational Safety and Health is responsible for the administration and enforcement of this part of the Code.
- (2) The Minister may appoint such number of Deputy and Assistant Directors as may be necessary to assist the Director.

Article 32

Powers and functions of the Director

- (1) The powers and functions of the Director include:
 - (a) registration of work-places;

- (b) development, implementation and enforcement of occupational safety and health standards, regulations and codes of practice, including regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which may endanger the health or safety of employees.
 - (c) promotion of occupational safety and health in all workplaces and in the community to encourage a safety and health culture in workplaces.
 - (d) Facilitating the establishment of programs related to jobs that are tailored to the needs of people with disabilities to enable them to move from sheltered employment to the open labor market.
 - (e) establishment of programmes of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illness.
 - (f) examination and testing of plants and equipment in the workplaces.
 - (g) conduct of medical examination of employees, medical surveillance on the health of persons employed and safety and health audits of workplaces;
 - (h) conduct of education and training in occupational safety and health for enterprises, self-employed persons, individuals and occupational safety and health officers.
 - (i) collection and dissemination of information on occupational safety and health.
 - (j) conduct of research, experiments and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques and approaches of dealing with occupational safety and health problems, and new problems created by new technology
 - (k) development of criteria to deal with toxic material and harmful physical substances and agents which describe exposure levels that are safe for various periods of employment;
 - (l) development and maintenance of an effective programme of collection, compilation and analysis of occupational safety and health statistics which covers work injuries and illnesses.
 - (m) Licensing and Accreditation of organizations providing training related to occupational safety and health in the workplace.
 - (n) any other powers and functions necessary for the efficient and effective exercise of the powers and performance of the functions under the Code.
- (2) The Director may advise the Minister on:
- (a) the formulation and development of national occupational safety and health policy framework.
 - (b) legislative proposals on occupational safety and health in the workplace, including measures to implement recommendations and agreements of international and regional labor organizations, as well as other agreements and systems related to occupational

safety and health in the workplace, compensation and other services for the rehabilitation of workers.

- (c) strategic means of promoting the best practices in occupational safety and health;
 - (d) the establishment, maintenance and development of a safety and health preventative culture in workplaces.
 - (e) reviewing the provisions of this Code, rules and regulations, standards, private industry codes of practice.
 - (f) the statistical analysis of work-related deaths and injuries; and
 - (g) such other matters affecting occupational safety, health, as the Director considers desirable in the interest of improving the quality of working life.
- (3) The Director may establish technical advisory committees or panels to assist him or her in the exercise of his or her powers and the performance of his or her functions.
- (4) The Director, or any authorized officer working under him or her may prosecute, conduct or defend before a magistrate's court any charge, information, complaint or other proceeding arising under this Code, or in the discharge of his or her duty
- (5) The Director, or any authorized officer working under him or her may at any time, after informing the person who works in the location or his or her agent in the workplace, take for analysis sufficient samples of any substance used or intended to be used in a workplace in respect of which he or she suspects a contravention of any rule made under this Code, or which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed.
- (6) The Director, or any authorized officer working under him or her, may seize and cause to be rendered harmless (whether by destruction or otherwise) any article or substance found by him or her in any premises which he or she has reasonable cause to believe is a cause of imminent danger or serious personal injury.
- (7) The Director, or any authorized officer working under him or her may serve an improvement notice on any person who in his or her opinion:
- (a) is contravening any of the provisions of this Code or rules made under it; or
 - (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated.
- (8) The Director, or any authorized officer working under him or her, may serve on a person prohibition notices if he or she is of the opinion that any activities being carried on or are about to be carried on by or under the control of the person involve or will involve a risk of serious personal injury.
- (9) The Director or any officer authorized by him or her shall issue orders prohibiting the carrying out of any work or activity which is or is about to be carried out, and which is under the control and authority of the person concerned, to constitute a manifest danger to the safety and health of the workers.

- (10) Any person who has been given a warning to stop work in accordance with this section, if he continues to carry out the work which has been stopped or takes any other action in violation of the warning given, shall be liable to punishment in accordance with the procedures laid down in the Somali Penal Code and other laws of the country.
- (11) If the notice is continued or in any way contradicted, the fine and penalty referred to in paragraph 10 above shall be doubled.
- (12) Any person who disputes the direct warning or termination notice issued may, within four to ten (14) days from the date of the warning, file a complaint with the Director General (if the warning was issued by the Occupational Safety and Health Officer) or may file a complaint with the Minister (if the warning was issued by the Director).
- (13) The Director General or the Minister, upon receipt of a complaint, may, after examining the complaint, either terminate the complaint in writing or agree to the warning given to the person concerned.
- (14) Any person who is not satisfied with the decision of the Minister may appeal to the competent court.

CHAPTER 6 ESTABLISHMENT AND REGISTRATION

Article 33 Register of workplaces

- (1) The Director is under a duty to keep a register of workplaces in which he or she enters such particulars in relation to every workplace required to be registered under this Code as he or she may consider necessary.
- (2) Such particulars may include:
- (a) name and contact details of the employee, and the owner where the employees is not the owner;
 - (b) the place where the workplace is situated;
 - (c) address to which communications relating to the workplace
 - (d) nature of work carried on, or proposed to be carried on, in the workplace
 - (e) number and categories of persons working in the workplace;
 - (f) the type of plant, machinery, tools or equipment installed or to be installed in the workplace and any known or potential risks involved;
 - (g) list of chemical substances used or intended to be used in the workplace;
 - (h) whether mechanical power is used or intended to be used, and

- (i) date and serial number of the certificate of registration or renewal of registration.

Article 34

Registration of workplaces

- (1) Any person who intends to establish a business, work premise or use any premises as a workplace must apply for the registration of the premises by sending to the Director a written notice containing the following particulars:
 - (a) name and address of the owner of the premises or building;
 - (b) address to which communications relating to the workplace may be sent;
 - (c) nature of the work carried on, or proposed to be carried on, in the workplace;
 - (d) details of the manager of the workplace in accordance with this Code;
 - (e) the list of chemical substances used or intended to be used in the workplace;
 - (f) whether mechanical power is used or intended to be used and, if so, its nature;
 - (g) whether power presses are in use or intended to be used and if so, type, description and distinctive number, and country and year of manufacture;
 - (h) whether passenger or goods lifts are used or intended to be used and, if so, the type, description and distinctive number, country and year of manufacture, date of the last thorough examination and name of the person by whom the examination was made, and maximum permissible working load;
 - (i) whether steam boilers are used or intended to be used and, if so, type, description and distinctive number, country and year of manufacture, date of the last thorough examination and name of the person by whom the examination was made, and maximum permissible working pressure in pounds per square inch, and
 - (j) total number of persons employed, or intended to be employed, in the workplace.
- (2) On receiving the notice of registration, the Director must take necessary steps to verify that the work or business premises are suitable for use as a workplace of the nature stated in the notice of registration.
- (3) Upon being satisfied, the Director shall register the work or business premises and issue to the applicant a certificate of registration.
- (4) Any person who works at a work or business premises, without having a registration permit, if convicted, shall be subject to the procedures of the Public Financial Management Law.
- (5) If the contravention continues after the conviction, such person shall commit a further offence and the penalty shall be doubled through the Public Financial Management Law.
- (6) Where the Director refuses to issue a certificate of registration, he or she must state, in writing, the grounds of such refusal.

- (7) The person who works at or is the owner of a registered workplace must notify the Director in writing of any proposed change in the registered particulars of that workplace prior to the change.
- (8) A person who works at or is the owner and whose name is registered who does not notify the Director commits of the new changes, shall commit an offence similar to the same penalty as provided for in paragraphs (4) and (5) above of this article.
- (9) A person who is aggrieved by a decision of the Director regarding registration may appeal to the Minister within (14) days, from the date of the decision.
- (10) The Minister shall appoint a Committee consisting of representatives from employees and employers associations, led by the Director General of the Ministry, to investigate the causes of the complaint and then submit a report, so that an appropriate decision can be made.
- (11) It is prohibited to exempt a business or workplace from a registration permit for whatever reason.
- (12) The business registration fee should be between Five Dollars and Twenty-Five Dollars (\$5 to \$25), depending on the size of the business.

CHAPTER 7

CONDITIONS IN WORKPLACES

Article 35

General duties of the person who is responsible for the workplace

- (1) The following are the general duties of the person responsible:
 - (a) To generally ensure the safety, health and welfare at work of all persons working in his or her workplace, including:
 - (i) taking the necessary precautions in his or her establishment to protect the life, health and morality of the employees;
 - (ii) ensuring that his or her staff receive the necessary instructions for the prevention of industrial accidents, occupational diseases and other risks inherent in their occupation;
 - (iii) maintaining machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
 - (iv) providing the necessary safety appliances adapted to machinery and plant;
 - (v) maintaining fire-fighting appliances and staff trained in their use;

- (vi) providing and maintaining plant and systems and procedures of work that are safe and without risks to health;
 - (vii) arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
 - (viii) maintaining means of access to and egress from it that are safe and without such risks to health;
 - (ix) informing all persons employed of any risks from new technologies and imminent danger, and ensuring that every person employed participates in the application and review of safety and health measures;
 - (x) providing wheelchairs, wheelchairs, and other supports required for the use of people with disabilities.
- (b) to carry out appropriate risk assessments in relation to the safety and health of persons employed and, on the basis of these results, adopt necessary preventive and protective measures;
- (c) to send a copy of a report of risk assessment carried out under this section to the area occupational safety and health officer;
- (d) to take immediate steps to stop any operation or activity where there is an imminent and serious danger to safety and health and to evacuate all persons employed as appropriate;
- (e) to prepare and, as often as may be appropriate, revise a written statement of the general policy with respect to the safety and health at work and arrangements for carrying out the policy, and to bring the statement and any revision of it to the notice of all of his or her employees;
- (f) not to dismiss an employee, injure the employee or discriminate against or disadvantage an employee in respect of the employee's employment, or alter the employee's position to the detriment of the employee because the employee:
- (i) has made a complaint about a matter which the employee considers is not safe or is a risk to his or her health;
 - (ii) is a member of a safety and health committee established pursuant to this Code; or exercises any of his or her functions as a member of the safety and health committee.
- (g) to establish a safety and health committee at the workplace in accordance with regulations prescribed by the Minister if:
- I. there are twenty or more persons employed at the workplace; or
 - (ii) the Director directs the establishment of such a committee at any workplace.
- (h) not to make, contrary to this Law, any deduction from an employee's remuneration in respect of safety and health;

- (i) to conduct a thorough safety and health audit of the workplace at least once in every period of twelve months by a safety and health advisor, who must issue a report and send a copy of the report to the Director.
- (2) Every person who fails to comply and falls short of complying with any of the duties imposed under this section, shall be punished in accordance with the procedures set out in the Somali Penal Code and in the other laws of the Country.
- (3) Every person who is an employee who believes that due to the negligence of the employer, his life is unsafe, in danger, or facing a clear threat to his health and safety has the right to submit a written notification to the employer detailing the threat. Accordingly, the employee shall not be subject to fines, suspensions, or other action that may prejudice the exercise of his rights.

Article 36 **Welfare**

- (1) Every official has an obligation:
 - (a) To prepare a sitting area, suitable for every group working in a standing position, and to provide an opportunity for employees to rest for a specified time and return to work;
 - (b) provide an adequate supply of drinking water easily accessible to all employees during working hours;
 - (c) install first aid facilities and take steps to provide the necessary first aid in urgent cases to employees involved in accidents or falling sick during work;
 - (d) too provide a separate changing room and prayer room for men and women at the workplace – for the use of employees;
 - (e) to provide a comprehensive care for employees who are persons with disabilities covering their needs during work;
- (2) Every official who fails to comply with any of the duties imposed under the above paragraph of this section, shall be punished in accordance with the procedures set out in the Somali Penal Code and other laws of the country.

Article 37 **Health in Work Places**

Every official has an obligation:

- (1) To ensure that effective and suitable provision is made, by the circulation of fresh air in each workroom, for the adequate ventilation of the room.
- (2) The official must ensure that:

- (a) the workplace is not, while work is carried on, so overcrowded as to cause risk of injury to the health of the persons employed in the workplace;
 - (b) the workplace is of sufficient size for work to be carried out with ease and has the necessary free space and, taking into account the nature of the work, an adequate amount of air for each employee.
- (3) Every official must ensure that effective provision is made for sufficient and suitable lighting, whether natural or artificial, in every part of the workplace in which persons are working or passing.
- (4) Every official must ensure that the workplace is kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance
- (5) Every official must ensure drainage of residual waters where any process is carried on which renders the floor wet.
- (6) Every official must provide suitable installations for the removal of refuse.
- (7) Every official must provide sufficient and suitable toilet and washing facilities, separately for men and women employees, which are conveniently accessible and kept in a clean and orderly condition.
- (8) An official who fails to comply with this article shall be punished in accordance with the procedures set out in the Somali Penal Code and other laws of the country.

Article 38

Safety of Work Places

- (1) All plants, heavy machinery and other equipment:
 - (a) whether fixed or mobile for use either at the workplace or as a workplace, must only be used for work which they are designed for and be operated by a competent person.
 - (b) must be subjected to periodic inspection by a qualified and competent person to ensure that they are in reasonably good working condition and do not pose any risk to the safety and health of employees and any other person who may enter the workplace.
- (2) Every person who operates or in any other way works with or uses any plant, machinery and equipment must be sufficiently trained to ensure that such operation, work or use does not pose a risk to the safety and health of such person, other employees or any other person who may enter the workplace.
- (3) No person undergoing apprenticeship is allowed to attend to any machinery, equipment, tools, plant or process unless adequate supervision and protection against hazardous work conditions and environment is provided and maintained.
- (4) No person is employed at any machine or in any process, being a machine or process liable to cause ill-health or bodily injury, unless he or she has been fully instructed as to the dangers likely to arise in connection with it and the precautions to be observed, and:

- (a) has received sufficient training in work at the machine or in the process; or
 - (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process.
- (5) The training referred to in subsection (4) must be carried out on:
- (a) recruitment;
 - (b) transfer or change of job;
 - (c) the introduction of new work equipment or materials or change in equipment or materials, and
 - (d) introduction of new technology.
- (6) The training must be:
- (a) adapted to take into account new changed risks;
 - (b) repeated periodically;
 - (c) not bear the expense of the employee, and must take place during working hours.
- (7) Every official must ensure that other employees and contractors operating in the workplace receive appropriate instructions regarding occupational safety and health risks and must be informed of emergency procedures available at the workplace during the activities and action to be taken in case of an emergency.
- (8) Every official must organize special afternoons for employees, including afternoons to prevent hazards, and those for employees who are persons with disabilities in the workplace and the environment, and appropriate measures must be taken to prevent injuries and incidents in the workplace.
- (9) The Minister may issue guidelines after consultation with trade unions and employers' organisations for the appropriate medical examination of workers or groups of workers working in a workplace, and for the development of a reasonable plan to protect safety and health at various levels in the workplace, including:
- a) Diseases observed in the workplace and he has reasonable grounds to believe that they are caused by the nature of the work or the conditions of the workplace;
 - b) That they are due to changes in the way of work, materials used in a new way of working or other materials introduced into the way of working, which may lead to a risk of injury to the health of the person working in the workplace;
 - c) That there may be a risk of injury to the health of the worker, from exposure to new materials or substances brought into the factory for use, and from any change in the general conditions of the factory.
- (10) Regulations made under this section may require the medical surveillance to be carried out by persons registered by the Director, and may prescribe the qualifications and other conditions which are to be satisfied in order to be registered for the purpose of this section.

- (11) Where the Minister is satisfied that any work involves a risk to the health of employees, he or she may make rules requiring:
- (a) medical examination of the employees before they are employed, during their employment, and after the termination of their employment; and
 - (b) regular or individual examinations or surveys of health conditions from the point of view of industrial medicine and industrial hygiene.
- (12) The costs of the examinations referred to in subsection (10) are paid by the employer.
- (13) An employer must ensure that the examination specified in this section takes place without loss of earnings for the employees and, if possible, within normal working hours during their employment.
- (14) An employee and former employee of the employer under this section is under an obligation to undergo examination in accordance with the regulations.
- (15) Every employer must provide and maintain for the use of employees in any workplace where employees are employed in any process involving exposure to wet or to any injurious or offensive substance, adequate, effective and suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings.
- (16) Every employer must provide suitable goggles or effective screens to protect the eyes of persons engaged in any of the processes that may pose a risk to or injure the eyes of an employee.
- (17) Every employer must ensure that where in any workplace electric arc welding is carried on, effective provision is made, by screening or otherwise, to prevent employees, other than employees engaged in the welding process, being exposed to the electric arc flash.
- (18) Every person who contravenes the provisions of this section or its regulations shall be punished in accordance with the procedures set out in the Somali Penal Code and other laws of the country.

Article 39

Record of Periodic or Initial Training

- (1) Every employer of a workplace is under a duty to establish a register in which details of all initial and periodic training given to persons working in the workplace are entered.
- (2) The particulars in the register must include:
- (a) The date, length, methodology and nature of training;
 - (b) The persons providing the training and their qualifications and experience in respect of the area and methods of training;
 - (c) The persons trained and the positions they hold in the workplace;
 - (d) Nature of evaluation of the effectiveness of the training.

Article 40

Notification of Occupational Diseases and Accidents

- (1) Every employer is under a duty to notify the director or the occupational safety and health official in his area of all accidents, permanent or non-permanent disability, death, injury and occupational diseases resulting from the work, and to maintain it in a special registry.
- (2) The register must contain particulars which must include:
 - (a) The date and nature of accident;
 - (b) The persons injured and the nature of injury, or who have died, as consequence;
 - (c) The nature of, and the person or persons affected by, the occupational disease and when this was established and by who;
 - (d) The steps taken by the after the accident or discovery of the occupational disease.

Article 41

Notification of Information on Occupational Accidents and Diseases

- (1) Every employer is under an obligation to immediately submit to the Director or the area occupational safety and health officer in his area all accidents resulting in injury, permanent disability or caused death and injury that healed and cases of occupational diseases found in the workplace.
- (2) The report must be in writing and must contain the particulars which are stated in Article 40, paragraph 2.
- (3) The report must be accompanied by a copy of any inspection, investigation or medical report which has been prepared.

Article 42

Medical Facilities

- (1) Every workplace in which normally more than ten (10) employees work shall maintain a box of first aid kit and must have a trained first aid worker available.
- (2) Every workplace or private centre in which normally more than 100 employees work shall have a dispensary and medical staff with adequate training.

Article 43

Rescue and Conveyance of Injured and Sick Employees

The employer must have a system in place to transport to health facilities the employees who become ill or injured at work, whose medical conditions cannot be treated at the workplace, as quickly as possible, and any costs incurred in such transport shall be borne by the employer.

Article 44

Setting Occupational Health and Safety Procedures for Employees

- (1) Every employer is under an obligation to communicate the procedure and rules concerning occupational safety and health to all employees in the workplace and to post the same procedure in a place where the employees can read.
- (2) The occupational safety and health procedures and rules must be written in a language that the employees can understand.

Article 45

Enactment of Specific Laws and Regulations Dealing with Safety in the Workplace

The Minister may make other laws and regulations dealing with safety and health, and safety and health standards either generally or in respect of a class of workplaces or undertakings, including with regard to:

- (a) Plant, machinery and equipment, including:
 - (i) prime movers;
 - (ii) transmission other machinery;
 - (iii) hand held and portable power tools and equipment;
 - (iv) construction and maintenance of fencing in use;
 - (v) construction and disposal of new machinery;
 - (vi) self acting machines;
 - (vii) hoists and lifts;
 - (viii) chains, ropes and lifting tackle;
 - (ix) cranes and other lifting machines;
 - (x) steam receivers and containers.
 - (xi) cylinders for compressed, liquefied and dissolved gases, and
 - (xii) refrigeration plants;

- (b) Safety clothing and equipment;
- (c) Fire prevention and control;
- (d) Hazardous chemicals;
- (e) Dangerous emissions;
- (f) Air pollution, noise and vibrations, and
- (g) Safety drills and evacuation procedures.

PART IV: EMPLOYMENT

CHAPTER 8 ORDINARY CONTRACTS OF SERVICE

Article 46 Form of contract

1. An employment contract may be oral or written.
2. The employer shall be responsible for proving or refuting any allegations of employment conditions made in an oral, semi-oral and partly written agreement.
3. Every employment contract shall be of a fixed term, if its term of employment is three (3) months.
4. Before the employment contract is put into effect, the competent employment officer shall ensure that the contract complies with the provisions of this Act, the regulations or other laws relating to employment.
5. If the competent employment officer finds that there is any contradiction with the provisions of this Act, the regulations or other laws relating to employment, the officer shall:
 - a) Order the parties to revise the contract in order to ensure that the contract complies with the provisions of this Act;
 - b) It provides that if the parties fail to comply within a period of 30 (thirty) working days from the date of the agreement, the amendment made to the agreement shall be deemed null and void, however, the rights of the parties as defined in this Law shall be preserved, and the employee's employment rights shall remain valid during the period of employment.

Article 47 Employment Particulars

- (1) Subject to the provisions of this Code or regulations made under it, a written contract of employment must specify the following:
 - (a) name, age, sex, address and occupation of the employee;
 - (b) in case the employee is disabled, the kind of disability;
 - (c) name of the employer;
 - (d) the job description of the employment;
 - (e) the date of commencement of the employment;
 - (f) duration of contract;
 - (g) hours and place of work;

- (h) remuneration payable to the employee and the intervals at which it is paid, scale or rate of, the method of calculating the remuneration and details of any other benefits;
- (i) any terms and conditions relating to:
 - i. annual leave and other holidays and holiday pay;
 - (ii) incapacity to work due to sickness or injury, including any provision for sick pay, and
 - (iii) pensions and pension schemes;
- (j) the length of the period of notice by which the employee is obliged to give and entitled to receive to terminate his or her contract of employment;
- (k) any collective agreements which directly affect the terms and conditions of the employment;
- (l) where the employee is required to work outside the Republic for a period of more than one month:
 - (i) the period for which that employee is to work;
 - (ii) the currency in which remuneration is to be paid;
 - (iii) any additional remuneration payable to the employee, and any benefits due to the employee because of the employee working outside, and
 - (iv) any terms and conditions relating to the employee's return; (l) procedure for suspension or termination of contract; (m) statement on disciplinary rules.
- (m) Procedures for suspension or termination of the contract;
- (n) Rules and other provisions relating to the disciplinary procedure.

(2) A statement of particulars may make reference to other documents for some particulars, but such documents must be made accessible to the employee.

(3) Where any matter contained in the statement of particulars changes, the employer must, in consultation with the employee, revise the contract to reflect the change and notify the employee of the change in writing.

Article 48

Employer's Duties

1. An employer has the following obligations:

- (a) to 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;
- (b) to 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;

- (c) to issue free of charge to the employee at his or her request a certificate relating to his or her service;
- (d) to give due consideration to the justified complaints of the employees;
- (e) to fulfill any other obligation imposed by this Code or regulations made under it or any other labour law;
- (f) not to make any deduction from or withhold any moneys forming part of the wages and cash payments due to the employees, except in the manner and subject to the limits prescribed by law;
- (g) not to demand or accept from employees 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;
- (h) not to compel or encourage employees to buy consumer goods in any particular shop or place;
- (i) not to influence the political convictions or trade union loyalties of the employees.

Article 49

Employees' Duties

1. An employee has the following obligations:
 - (a) to exercise due care, having regard to the nature of the services required of him or her, the interest of the undertaking, and the higher interests of national production;
 - (b) to observe such instructions regarding the execution and organization of the work as may be issued by the employer or by those of his or her assistants placed in authority over him or her;
 - (c) to take utmost care of the property of the undertaking entrusted to him or her.

CHAPTER 9

CONTRACT OF APPRENTICESHIP

Article 50

Definition, Objectives and Exemptions

- (1) 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 or her service such instruction in the undertaking as will enable him or her to acquire the technical proficiency necessary to become a skilled employee, while using the services of such apprentice in undertaking. Such a contract shall be in writing.
- (2) The vocational training of an apprentice consists of practical training and related instruction.
- (3) The object of the practical training is to give the apprentice the necessary skill for the work in which he or she is to be employed by gradually accustoming him or her to the work.

- (4) The object of the related instruction is to give the apprentice such technical knowledge as he or she needs to become fully skilled.
- (5) Any fee for such instruction is payable by the employer.
- (6) A contract of apprenticeship is exempt from all stamp duties and registration fees.

Article 51

Particulars

1. Every contract of apprenticeship must contain the following particulars:
 - (a) name, trade or occupation and address of the employer;
 - (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 the apprenticeship;
 - (g) conditions for the board, lodging and education of the apprentice.

Article 52

Duration and Conditions 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 under it or by any other law.
- (2) The duration of an apprenticeship contract must not exceed three years.
- (3) Periods served as an apprentice with two or more employers must be added together for the purpose 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.
- (4) The hours of work of an apprentice must not exceed eight hours a day and 44 hours a week.
- (5) Time devoted to related instruction are treated for all purposes as hours worked.
- (6) Work is, in all cases, prohibited between 10 p.m. and 6 a.m.

Article 53

Medical Examination

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

Article 54

Continuation of Employment

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

Article 55

Duties of Employer

1. It is the duty of the employer of an apprentice:
 - (a) to give or cause others to give every apprentice in his or her service such instruction in the undertaking as will enable him or her to acquire the proficiency necessary to become a skilled employee;
 - (b) to co-operate with public and private bodies responsible for organizing the courses of instructions serving to supplement the practical training;
 - (c) to remunerate the apprentice in a just and fair manner;
 - (d) to ensure that the apprentice is not employed on work beyond his or her physical strength or work unconnected with the occupation or trade for which he or she has been engaged;
 - (e) to give the apprentice, without in any way reducing his or her remuneration, the necessary time-off to attend compulsory courses of related instruction and to ensure that he or she attends such courses;
 - (f) to give the apprentice the necessary time-off to take the examination entitling him or her to receive the appropriate qualification;
 - (g) to inform the person exercising paternal authority over the apprentice of the progress made by the apprentice in his training;
 - (h) to ensure that the apprentice is not employed as a labourer.

Article 56

Duties of Apprentice

1. It is the duty of the apprentice:
 - (a) to obey the employer or the person entrusted by the employer with his or her training and to carry out the instructions that are given to him or her;
 - (b) to do his or her work in the undertaking conscientiously;
 - (c) to maintain regular attendance at related instruction courses;
 - (d) to observe the terms of his or her contract.

Article 57

Evaluation Tests

- (1) On completing their practical training and related instruction, apprentices must 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 must be recorded in the work book.

Article 58

Compulsory Employment

Every employer employing (20) or more employees must employ at least one apprentice.

CHAPTER 10

SUB-CONTRACTS

Article 59

Notice and Submission of Copies

- (1) A subcontractor must, in a notice permanently and prominently displayed in all workshops and other business undertakings run by him or under a subcontract, indicate that he or she is a subcontractor and must give the name, occupation and address of the contractor.
- (2) Where there is a written agreement between a sub-contractor and a contractor, the contractor is under a duty to forward two copies of the contract to the competent labour officer, indicating the location of the workplace being used.

Article 60

Liability

- (1) Where the work is carried out in the workshops or other business undertakings of a contractor or elsewhere than in the workshops or other business undertakings of a contractor, a contractor must be substituted for the sub-contractor as regards the latter's obligations towards the employees if the sub-contractor becomes insolvent, unless otherwise stipulated in the agreement between the contractor and the subcontractor.
- (2) An employee who has suffered loss is entitled, in such cases, to a right of action directly against the contractor.
- (3) The employees of the sub-contractor are entitled to get the same economic and social benefits as similar categories of employees who may be employed by the contractor in connection with the same contract of which the sub-contract forms part, unless more favourable provisions are included in the agreement between the sub-contractor and his or her employees.

CHAPTER 11 TERMS AND CONDITIONS

Article 61 Basic Minimum Conditions of Employment

- (1) The provisions of this Chapter constitute basic minimum terms and conditions of contract of service.
- (2) Where the terms and conditions of a contract of service are regulated by any regulations, as agreed in any collective agreement or contract between the parties or enacted by any other written law, decreed by any judgment award or order of the a relevant court are more favourable to an employee than the terms provided in this Chapter, then such favourable terms and conditions of service apply.

Article 62 Hours of work

- (1) 'Hours of work' means the period during which an employee is at the disposal of the employer, excluding any rest periods prescribed or agreed on within the limits fixed by this Code or regulations made under it or by any other law.
- (2) The normal hours of work of an employee, whether at time rates, piece rates or job rates, must not exceed eight a day or 48 a week.
- (3) Hours worked in excess of the normal hours of work:
 - (a) must not exceed 12 a week, and
 - (b) entitle an employee to a proportionate increase in remuneration, which must not be less than 50 per cent of the normal remuneration.

Article 63 Intermittent work

In occupations that involve intermittent duty or mere presence or caretaker activity, the normal hours of work are ten (10) hours a day or 60 hours a week.

Article 64 Weekly Off Leaves

- (1) Every employee is entitled to one day's rest each week, which should normally fall on Friday.
- (2) Subject to the exceptions mentioned in subsection (5) of this section, a rest day consists of at least 24 consecutive hours each week.

- (3) As far as possible, the weekly rest must be granted at the same time to all employees employed in an undertaking.
- (4) Employees are also entitled to a rest day on public holidays recognized as such by the State.
- (5) The Minister may specify the occupations in which the rest day:
 - (a) may be granted in rotation, or
 - (b) replaced by other traditional holidays, or
 - (c) granted in respect of periods longer than a week.

Article 65

National Holidays

1. An employee shall be entitled to receive full pay on National Holidays or public holidays.
2. An employee who works on a public holiday shall be entitled to an increase in his/her salary of not less than fifty percent (50%) per hour.
3. If an employee works on National Holidays or public holidays, he/she shall be entitled to fifty percent (50%) of his/her basic salary per hour.
4. National Holidays are as follows:
 - a) Labour Day on 1 May (One Day)
 - b) Union Day on 1st July (One Day)
 - c) Somali Language Writing Day on 21st January (One Day)
 - d) Eid-ul-Fitr Day (Two Working Days)
 - e) Eid-ul-Adha Day (Three Working Days)
 - f) Independence Day on 26th June (One Day)
 - g) Birthday of Prophet Muhammad (PBUH) on 12th of Rabi'ul-Awal (One Day)
 - h) Other regular holidays as approved by the Government and published in the official gazette.

Article 66

Water

An employer must provide a sufficient supply of wholesome water for the use of his or her employees at the place of employment and, as the case may be, within a reasonable distance of any housing accommodation provided for the employees by the employer.

Article 67

Food

- (1) An employer is only under a duty to provide food to his or her employee where this has been expressly agreed to in, or at the time of entering into, a contract of service.

- (2) Where this is the case, the employer must ensure that an employee is properly fed and supplied with sufficient and proper cooking utensils and means of cooking, at the employer's expense.
- (3) The provisions of this section do not impose upon an employer any liability in respect of an employee during the time the employee is absent from his or her place of employment without the permission of the employer or without other lawful excuse.

Article 68

Health Care

1. The employer is responsible for the health care of employees if it is specified in the employment contract or the employer's policy if it does not contradict the provisions of this law.
2. The employer must ensure that employees who are physically disabled receive appropriate health care while at work.
3. The employer must take all appropriate steps to notify the employee of the illness of a member of staff, as soon as the illness is first noticed.
4. The employer is exempt from liability if:
 - a) He can prove that he was not aware that the employee was ill;
 - b) He took all necessary steps to notify him;
 - c) There are circumstances beyond his control that prevented him from knowing that one of his employees was ill.
5. This article does not apply to the following cases:
 - a) If the employee is ill or injured, he is absent from work illegally or without justification.
 - b) If it is proven that the employee is the cause of his illness or injury;
 - c) If the medical treatment of such employee is paid for free by the government or by an insurance scheme intended to supplement the employee, which is based on a specific law.

Article 69

Annual leave

- (1) An employee is entitled to 30 working days of leave with full pay for every year of continuous service after a full year of continuous service.
- (2) On the termination of his or her service after a year of continuous service an employee shall be entitled one month of leave for every 12 months of employment, on the other hand if the work of the employment is terminated before full year, the leave will be calculated based on the months of that year including the last month that person worked if its more than 15 days.

- (3) Where the employment relationship ceases before the employee has taken the leave to which he or she is entitled, he or she must be paid remuneration in lieu of any leave not taken.
- (4) The period of annual leave, normally taken continuously, is to be granted at a time to be fixed by the employer taking into the needs of the undertaking and the interests of the employees.
- (5) The employer must notify the employee beforehand of the period fixed for him or her to take the annual leave.
- (6) Shorter periods of not less than six continuous working days may be substituted for the continuous period of leave if the needs of the work so required.
- (7) The period of notice provided for termination of employment by either party must not be included in the annual leave.
- (8) The rate of remuneration payable to the employee at the beginning of his or her annual leave must be paid to him or her throughout the leave period.

Article 70

Sick Leave

1. Any employee who has completed the probationary period and falls ill while at work shall be obliged to:
 - a) Provide a medical certificate stating that he/she is unable to work due to illness, certified by an official doctor who is familiar with the illness he/she claims;
 - b) Notify the employer as soon as possible, and the employer shall notify the employee of the illness;
 - c) For the duration of the employee's illness:
 - i. If it is (3 to 7) working days, he/she shall be entitled to 100% of the contractual salary;
 - ii. If it is (8 to 14) working days, he/she shall be entitled to 75% the salary of the employee;
 - iii. For a period of illness of one (30) working days, he shall be entitled to 50% of the salary of the employee;
 - iv. In any case, the period exceeding (30) working days shall depend on the type of agreement entered into by the parties;
 - v. Any employee who has not completed the probationary period and falls ill while at work shall be subject to the provisions of the agreement between the parties; however, if there is no such provision in their agreement, the agreement between the parties shall be considered.

Article 71 Special Leave

1. The employer shall grant the employee special leave, with full pay, which may be as follows:
 - i. Marriage leave, which shall be (3 to 7) working days;
 - ii. Hajj or Umrah leave, which shall be for the duration of the Hajj or Umrah affairs;
 - iii. The situation mentioned in clause (ii) shall be subject to the presence of a Hajj or Umrah visa;
2. The employer may, at its discretion, grant the employee a leave of absence or a leave of absence, so that the employee may engage in his own work, and as a form of encouragement.

Article 72 Leave Register

1. The employer must maintain a general record showing information on vacations:
 - a) Date of employment of each employee;
 - b) Date of termination of employment;
 - c) Duration of vacations;
 - d) Type of vacations;
 - e) Employee rights.

CHAPTER 12 DETERMINATION AND PROTECTION OF REMUNERATION

Article 73 Remuneration

1. Remuneration is the amount paid or to be paid in cash to the employee by his or her employer clear of any deductions, except any deduction lawfully made:
 - (a) for the purpose of a contribution to any provident fund or superannuation scheme;
 - (b) in respect of rations supplied by an employer which the employer is permitted to make under a wages order;

- (c) under any provision of any other written law for the time being in force which provides for or permits deductions to be made from an employee's wages by the employer; or
- (d) at the request, in writing, of the employee, for any purpose in which the employer has no direct or indirect beneficial interest.

Article 74

Adequacy and Equality

1. Every worker has the right to adequate remuneration for work performed, which guarantees a life worthy of human dignity and respect.
2. In determining the level of remuneration, there shall be no discrimination on the grounds of sex, colour, race, age, nationality, language, religion, origin, disability, pregnancy, HIV/AIDS, political opinion or membership of a political or trade union. All workers shall have the same rights and obligations under this labour code.
3. The same remuneration shall be granted to persons performing the same work, regardless of the type, quality, value and duration of the work.
4. Any assessment of the equality of rights shall always be based on the objectives and standards relevant to the work.

Article 75

Forms of Remuneration Payment

- (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 must notify the employee:
 - (a) beforehand of the constituent elements of the piece rate applicable to him or her, the work to be performed and the rate payable per unit, and
 - (b) of the quantity of work done and the time taken to do it.
- (3) The employer and employees may agree that a part of the remuneration may take the form of a share in profits, commission or allowances in kind, however:
 - a) Such allowances shall be proportionate to the physical use and benefits of the workers and their families;
 - b) The conditions attached

- (4) Except as otherwise provided in the collective labour agreement or individual contract, an employee's share in profits is to 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 are resolved on the basis of local customs and usage or, in their absence or if they are considered by the court to be inequitable, on the basis of equity.

Article 76

Minimum Wages

Taking into consideration the economic and social conditions of the country, the minimum wages for any category of employees may be determined by the Minister, having considered the recommendations of a remuneration council, and heard the Central Labour Commission.

Article 77

Additional Benefits

- (1) An employer must provide:
 - (a) Accommodation when an employee is required to be away from his or her normal residence;
 - (b) Free food to an employee, or subsistence allowance in its place, when the employee is required to work away from his or her normal residence and there are no suitable messing facilities;
 - (c) Free transport to and from the place of work, when an employee is required to work in a town or locality away from his or her normal residence.
- (2) The Minister may also determine:
 - (a) other cases in which employees must be provided with accommodation, transport or messing facilities;
 - (b) any other fringe benefits, to be met by the employer.

Article 78

Eid Holiday Bonuses

- (1) Every employee is entitled to an Eid bonus year.
- (2) Employees who have not completed one (1) year service are entitled to a proportionate bonus, consisting of as many twelfths as there have been months, or fractions of months above a fortnight, which will be considered a [full] month.
- (3) Where an employee's services are terminated, a proportionate bonus in respect of the months, or fractions of a month above a fortnight, of actual service must be paid to him or her when his or her accounts are settled.

- (4) In the case of employees remunerated at piece rates or on commission, the bonus are 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 employee himself, whether or not such expenses are determined in the form of a lump sum.

Article 79

Type and Period of Money Payment

- (1) Subject to the provisions of this Act or regulations made under it, the remuneration to an employee must be paid in legal currency.
- (2) Payment must be effected at the place of work and on the last day of the pay period.
- (3) The money must be paid at the workplace and on the last day of the pay period.
- (4) Except where common usage requires otherwise, remuneration must be paid at regular intervals of not more than a fortnight in the case of an employee paid by the day, and not more than a month in the case of other [permanent] employees.
- (5) In the case of piece work lasting longer than a fortnight, an employee 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.
- (6) Except as otherwise agreed in writing, employees remunerated on commission are entitled to receive the rate of commission customary in the branch of activity concerned.
- (7) Commission on business transacted during a given quarter must be paid by the end of the following quarter.
- (8) A share of profits made during a given financial year must be paid during the following year.

Article 80

Payment Receipts

- (1) The payment of remuneration is proved by a receipt or similar document signed by the employee, or authenticated by his or her finger-print if he or she is illiterate.
- (2) Such documents must be preserved by the employer with his or her other accounting records and must be produced at the request of the labour officer.

Article 81

Establishment of Remuneration Councils

1. The Minister shall establish a Federal Rights Commission to determine the rights, duration and conditions of employment at the Federal level.
2. The Minister shall approve the Rights Commissions established by the Ministers of Labor at the Regional Administration level, which shall determine the rights, duration and conditions of employment at the Regional Administration level and below.
3. The appointment of the Commissions shall be made by a decree published in the Official Gazette of the Government, which shall:
 - a) Specify:
 - i. Their terms of reference, including the period of their employment;
 - ii. The names of the appointed members;
 - b) Specify the period of time required by the Commission to conduct its investigation and prepare a report for the Minister;
 - c) Summon representatives of interested parties.
4. The Federal Rights Commission, appointed by the Minister, shall consist of the following members, who shall have the qualifications and experience to determine the minimum terms and conditions of employment, and shall consist of:
 - a) Chairperson;
 - b) Three (3) members appointed by representatives of workers' organizations;
 - c) Three (3) members appointed by representatives of employers' organizations;
 - d) Three (3) independent members.

Article 82

Functions and powers

- (1) The functions of a council are to:
 - (a) investigate remuneration and conditions of employment;
 - (b) invite and consider written and oral representations from interested parties; and
 - (c) make recommendations to the Minister on minimum remuneration and conditions of employment.
- (2) In the performance of its functions, a council may take into consideration the following matters:

- (a) the needs of employees and their families, taking into account the general level of wages in the country, the cost of living, social security benefits and the relative living standards of other social groups;
 - (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment and the need to encourage investment;
 - (c) the ability of employers to carry on their business successfully;
 - (d) the operation of small, medium and micro enterprises;
 - (e) the cost of living;
 - (f) the alleviation of poverty;
 - (g) the minimum subsistence level;
 - (h) the likely impact of any proposed conditions of employment on current employment or the creation of employment; and
 - (i) any other relevant factor.
- (3) In the performance of its functions, a council may:
- (a) question any person who may be able to provide information relevant to the investigation;
 - (b) in writing, require any person to provide any information, book, document or object relevant to the investigation; and
 - (c) conduct public hearings.
- (4) A person who without lawful excuse refuses and or neglects to:
- (a) answer any question relevant to an investigation; or
 - (b) furnish any information, book or document requested by a council [commits an offence] and shall be punished according to the procedures set forth in the Somali Penal Code and other laws of the country.

Article 83

Remuneration Orders

- (1) The recommendations of the remuneration council to the Minister are gazetted as 'Remuneration Orders'.
- (2) Before gazetting a Remuneration Order, the Minister must publish a notice:
 - (a) specifying that he or she proposes to make a wages order;
 - (b) specifying where copies of a draft of the order can be obtained; and
 - (c) inviting comments within a reasonable period on the draft order, which may not be less than thirty days from the publication of the notice.

- (3) Any person may submit written comments on a draft order within the specified period, setting out their views on the order and, if they object:
 - (a) the specific grounds of objection; and
 - (b) the deletions, additions or modifications proposed.
- (4) The Minister:
 - (a) must refer the objections to the proposed wages order and any other comments consideration; and
 - (b) may request the Commission to consider and advice on the objections.
- (5) If the Minister receives any objections, suggestions, or otherwise accepts the request; and if no objections are received, the Minister shall submit the draft of the Request for Rights to the Council of Ministers within twenty-one (21) working days in accordance with this law. The decision of the Council of Ministers on the request for rights shall be published in the Official Gazette of the Government;.
- (6) Remuneration Order:
 - a) Sets out the minimum entitlement;
 - b) Specifies the circumstances in which an employer may deduct money from an employee's entitlement and the maximum amount that may be deducted;
 - c) Specifies the maximum amount that an employer may deduct in cash from the food provided to an employee after the employee and the employer have agreed on the quality of the food and its cost and the approval of the employment officer;
 - d) Distinguishes between task-based and piecework work;
 - e) Distinguishes between outsourced work, casual work and contract work;
 - f) Employer's premises; sagey hecenaka ueu hoeya fayatoeta sthapalata dogean
 - g) Clarify any matter relating to payment of entitlements or working conditions;
 - h) It may prescribe different provisions for different levels of employment; it may amend certain provisions and may repeal existing entitlements.
- 7) When a Rights Order is established:
 - a) It shall contain the minimum terms and conditions of employment;
 - b) It shall form part of any individual or collective agreement, except where the agreement contains a provision in the interest of an employee or all employees;
- 8) An employer who fails to:
 - a) Provide the employees to whom this order applies with the minimum entitlements set out in this order;
 - b) The employee who fails to comply with the conditions of employment specified in the order shall be guilty of an offence and the competent Court may order him, together with a fine, to pay a sum equal to the difference between the amount stipulated in the order for wages and the amount actually paid by him.

- 9) The labour officer may, on behalf of the employee, bring an action against the employer for the recovery of the amount due to the employee, on the grounds that the employer has failed to:
 - a) Provide the employee with the minimum rights permitted by the order;
 - b) Apply the conditions of employment specified in this order to the employee.

Article 84 Protection

- (1) Wages owing to an employee enjoy a general claim on the assets of the employer and have priority over the debts of all creditors of the undertaking.
- (2) The remuneration of an employee is not be liable to be assigned or attached except for an amount not exceeding one-fourth of the remuneration.
- (3) Payments due from the state or from public institutions for work done cannot be seized by third parties, in so far as they relate to the remuneration payable by the employer to the employees.
- (4) All entitlements of an employee to payments under the employment relationship are barred by limitation after three years from the date on which they become due.
- (5) An employer who is not incorporated or resident in the Republic may be required by the Minister to pay a bond assessed at the equivalent of one month's wages for all employees employed or to be employed by the employer.
- (6) A bond paid by any employer is held by the Minister on behalf of that employer in a separate interest bearing account and must not be used for any purpose other than paying wages and other entitlements to that employer's employees in the event of default by that employer.
- (7) When the death of an employee from any cause whatsoever is brought to the notice or comes to the knowledge of the employee's employer, the employer must, as soon as practicable thereafter, give notice of the death in the prescribed form to the labour officer or, if there is no labour officer, to the district commissioner of the district in which the employee was employed.
- (8) Upon the death of an employee during the term of a contract of service, the legal representatives of the employee are entitled to be paid wages and any other remuneration and property due to the employee as at the date of death within thirty days of submitting the proof.
- (9) The employer of the deceased employee must, within seven days of such payment, provide the labour officer with evidence of the payment.
- (10) Where on expiry of three months after the employee's death:
 - (a) no legal representative has laid claim to the wages or property of the employee; or

- (b) where the employer is in doubt of or has rejected any claim made to the wages or the property of the employee, the employer, must deliver to the labour officer, all wages due to the employee at the date of his or her death and must deliver to him or her all property of the deceased employee to be held by the labour officer in trust subject to the law relating to succession or any other written law applicable to the disposal of a deceased persons property.
- (11) Where an employee is, during the course of his or her employment killed or incapacitated by injury for a period exceeding three days, his or her employer must, as soon as practicable, send to the labour officer a report.

Article 85

Deductions and Disciplinary Fines

- (1) No deductions other than those prescribed by this Code or regulations made under it or any other law or collective labour agreement may be made from an employee's remuneration, except for repayment of advances received from the employer and evidenced in writing.
- (2) Voluntary absence of an employee from his or her work entails the loss of all remuneration for the period of absence.
- (3) Voluntary absence of an employee from the service for a period of seven or more consecutive days without justification is considered as if he or she has resigned from the service of his or her own accord.
- (4) In cases where the employee has defaulted on contractual obligations without warranting the immediate termination of his or her employment relationship, he or she is liable to the following disciplinary penalties:
- (a) warning;
 - (b) suspension from work for a period not exceeding seven days without pay.
- (5) The employer must immediately notify the employee of the measures to be taken against him or her under the preceding paragraph.

CHAPTER 13

EMPLOYMENT RECORDS

Article 86

Records to be kept by Employer

- (1) An employer is under a duty to keep the following records:

- (a) list of all employees employed by him, with whom he has entered into a contract, whether oral or written;
 - (b) Particulars of children employed;
 - (c) any policy statements or codes of practice required by this Code, including on sexual harassment;
 - (d) written contracts and collective agreements;
 - (e) any particulars that the employer is obliged to maintain;
 - (f) any registers that the employer is required to establish and maintain;
 - (g) statement of statutory deductions;
 - (h) security bond for wages;
 - (i) warning letters;
 - (j) notice to terminate contract by either employee or employer;
 - (k) letters of dismissal;
 - (l) particulars of maternity leave;
 - (m) particulars of sick leave;
 - (n) where the employer provides housing, particulars of the accommodation provided
 - (o) where the wage rates are deconsolidated, particulars of the house allowance paid to the employee, and
 - (p) particulars of food rations where applicable.
- (2) An employer must permit an authorised officer who may require an employer to produce for inspection the record for any period relating to the preceding thirty six months to examine the record.

Article 87

Forged Entries

Every person who makes, causes to be made or allows to be made a forged entry in a record or some other document required to be established, kept or maintained under this Act, knowing that the information to be entered into that record or document is a fake/forged one or he took part in the forgery, and then submitted to the authorized official, shall be punished in accordance with the procedures set out in the Somali Penal Code and other laws of the country.

CHAPTER 14

INSURANCE AND PROTECTION OF THE EMPLOYEES

Article 88

Insurance and Protection of employees

The Minister is responsible, in consultation with trade unions and employers' organisations, for developing policies, enacting specific laws and establishing rules and regulations relating to the regulation and strategies for the protection of workers, including worker assistance, worker insurance and worker equality mechanisms and for monitoring and responding to changes in the labour market.

CHAPTER 15

FOREIGN CONTRACTS OF EMPLOYMENT

Article 89

Authority to Enter into Agreement

- (1) A foreign contract of service is a contract that is made within the Republic and that is to be performed either wholly or in part outside the Republic and where the employee is required to spend a substantial part of the contract term outside the Republic.
- (2) A foreign contract of service must be in the prescribed form, signed by the parties thereto, and attested by the Minister or an authorized officer on his or her behalf.
- (3) No person is permitted to enter into a foreign contract of service except with the authority of the Minister.
- (4) Prior to granting authority, the Minister must satisfy himself or herself of the absence of any fraud, coercion or undue influence, and any mistake of fact, or misrepresentation which might have induced the employee to enter into the contract, and that:
 - (a) the consent of the employee to the contract has been obtained;
 - (b) the contract is in the prescribed form;
 - (c) the terms and conditions of employment contained in the contract comply with the provisions of this Code and have been understood by the employee;
 - (d) the employee is medically fit for the performance of his duties under the contract; and
 - (e) the employee is not bound to serve under any other contract of service during the period provided in the foreign contract.

Article 90 Guarantee

1. When it appears to the competent department of the Ministry that an employer entering into an employment contract with a foreigner who is not resident or has no business in the Federal Republic of Somalia, the employer shall deposit a deposit in accordance with the prescribed form, and two sureties residing in the Federal Republic of Somalia approved by the competent department of the Ministry.
2. If the employer is represented by a legal representative, resident in the country, the competent department of the Ministry may require the representative to provide the deposit, and the representative shall personally undertake to comply with the terms of the deposit agreement, without being required to notify the person who represents him/her.

Article 91 Inducing or Forcing Employment Abroad without Contract

- 1) A person who:
 - (a) who employs, or knowingly assists in employing or engaging a person for the purpose of such employment being sent to work outside the Federal Republic of Somalia.; or
 - (b) Instigating, attempting to obstruct, coercing or attempting to coerce an employee to travel outside the FRS in a manner inconsistent with this law, such person shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.;

CHAPTER 16 EMPLOYMENT MANAGEMENT

Article 92 Director and Authorized Officer

In this Chapter:

- (a) 'the Director' means the Director of Employment, and
- (b) any reference to 'authorised officer' includes the Director of Employment and an employment officer.

- 2) Without derogating from their general functions and duties, the Director of Employment and the Authorized Officer shall facilitate the monitoring and development of:
 - a) Rehabilitation, rehabilitation and services for persons with disabilities, including training programs for personnel engaged in such services.
 - b) Programs for vocational training and employment services for persons with disabilities.

Article 93

Notifications

- (1) An employer is required to notify the Director of every vacancy occurring in his establishment, business or workplace in a prescribed form giving the following details:
 - (a) the employer's name and full address;
 - (b) details of the vacant post;
 - (c) minimum qualification required of the person seeking to be employed;
 - (d) the place and type of work, whether casual, permanent or term contract, and
 - (e) such other information as the Director may require.
- (2) A vacancy is deemed to occur on the date:
 - (a) an employer creates a post to be filled by an employee or decides to engage one;
 - (b) an employee's services are terminated by the employer and the employer abolishes the post.
- (3) When a post, which has been notified to the Director as vacant, has been filled or has been abolished, the employer must notify the Director of this in writing within two weeks.
- (4) An employer is required to notify an authorized officer within five days of the names and skills of any employees who, for whatever reason, cease to be employed by him or her.
- (5) An employee registered in the general employment register is required to notify the authorized officer within seven days of his or her starting work if he or she is employed directly under the provisions of this Chapter.
- (6) A person registered in the general employment register is required, if he or she continues to be unemployed, renew his or her registration with the authorized officer every three months from the date of registration.

Article 94

Registration of Employees

- (1) Every person wishing to be found employment in the service of another is required to be registered in the general employment register kept by the authorised officer.
- (2) No person is permitted to register himself or herself with more than one authorised officer.

- (3) No person may be registered in the general employment register unless he or she has attained the minimum age prescribed by this Code or regulations made under it or any other law for admission to employment.
- (4) On registration, a person is issued by the authorized officer with a registration card in such form as may be prescribed by regulations made under this Code.
- (5) Every person who applies for registration must be registered in the general employment register in the order in which his or her application is received.
- (6) If a registered person, once employed and discharged, wishes to be found another employment, he or she must be registered again in the order in which his or her subsequent application is received.
- (7) The registered persons must be classified by the authorised officer in separate registers according to their occupational categories.

Article 95

Placement of Employees

Placement is a public service and must be carried out in accordance with the provisions of the Code or regulations made under it.

Article 96

Employment of job seekers

- (1) The employer is free to employ anyone who is suitable for his job application and who meets the employment requirements and select from the general registry of jobseekers.
- (2) This employment does not apply to:
 - (a) The employer's spouse and his or her relatives who are living with him or her and are maintained by him;
 - (b) Persons holding positions of a director or manager of an undertaking;
 - (c) Employees employed in domestic service;
 - (d) Employees intended for industrial, commercial or agricultural undertakings not employing more than four persons;
 - (e) Employees required for casual work not lasting longer than seven days.
- (3) Employees to be employed in the state central and local services, autonomous agencies and public institutions are recruited through the authorized officers in their respective areas, or as result of duly publicized competitive examination at which the Federal Labour Commissioner is represented.

Article 97

Application for Employment of Employees

- (1) Subject to exemptions provided in the section 98, any employer intending to employ employees is required to make an application to the authorized officer in the area where the work is to be done.
- (2) Where the authorized officer is unable to meet the requirements of the employer wholly or in part, it he or she must refer such to any other authorized officer.
- (3) Applications for employees must state:
 - a) the number required in each category and trade;
 - b) the qualifications;
 - c) the terms and conditions of employment, and
 - d) the probable duration of employment.
- (4) Application by name of employees may be permitted in the case of:
 - (a) employees 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) employees who have already been employed by the same undertaking.
- (5) An authorized officer must, when accepting an employer's application, satisfy himself or herself that the terms and conditions offered to employees are in conformity with the provisions of this Code or regulations made under it and with the stipulations of collective labour agreements, if any.

Article 98

Priorities and Reference to Employment

- (1) Except in cases where applications by name are permitted, employees must be found employment in the order of their registration in the general employment register;
- (2) Employees living in the district where the work is to be done have priority in being found employment.
- (3) Employees dismissed from an undertaking owing to reduction of staff have a prior claim to reinstatement in the undertaking for one year, calculated from the date of their dismissal.
- (4) When an employee is referred for employment, the authorized officer must give him or her a letter addressed to the employer.

Article 99
Employers may refuse to accept certain employees

1. An employer has the right to test and select employees to ensure their technical competence or suitability for the work to be performed.
2. An employer may refuse to hire an employee who has previously been dismissed for valid reasons.
3. When an employer hires an employee, the authorized officer of the district shall be present.

Article 100
Direct assignment to the employees

- (1) An employer may employ employees directly in any case where such employment is justified by an urgent need to avoid damage to persons or plant
- (2) Whenever employees engaged directly under this are employed for longer than a week, the employer must notify the authorised officer of their names, indicating the reasons for direct engagement and the conditions of employment.

Article 101
Exemptions

The Minister may exempt any category of employers, any sector of industry or any industry from, or vary the limit of any of the sections of, this Chapter.

Article 102
Offences resulting from violation to Articles of this Chapter

Any employer who violates any of the provisions of this chapter shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.

CHAPTER 17
TERMINATION OF EMPLOYMENT

Article 103
Termination by notice

- (1) Either of the parties may terminate a contract of employment by giving written notice of:
 - (a) not less than ten days in the case of casual employees;

- (b) not less than 30 days in the case of non-casual employees.
- (2) No notice is required to be given where the duration of the contract does not exceed one month.
- (3) During the period of notice, the employment relationship continues in its original form and retains 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 104

Compensation in lieu of termination without notice

Either of the parties to a contract of service may terminate the contract without notice upon payment to the other party of the remuneration which would have been earned by that other party, or paid by him or her as the case may be in respect of the period of notice required to be given under this Code or under the contract.

Article 105

Conversion of casual employment to term contract

- (1) Where a casual employee:
 - (a) works for a period or a number of continuous working days which amount in the aggregate to the equivalent of not less than one month; or
 - (b) performs work which cannot reasonably be expected to be completed within a period, or a number of working days amounting in the aggregate to the equivalent of three months or more, the contract of service of the casual employee is deemed to be one where wages are paid monthly and the conditions therefor apply to that contract of service.
- (2) In calculating wages and the continuous working days under subsection (1), a casual employee is deemed to be entitled to one paid rest day after a continuous six days working period and such rest day or any public holiday which falls during the period under consideration is counted as part of continuous working days.
- (3) An employee whose contract of service has been converted in accordance with subsection (1), and who works continuously for two months or more from the date of employment as a casual employee is entitled to such terms and conditions of service as he would have been entitled to under this Code had he or she not initially been employed as a casual employee.

Article 106

Probationary period

1. The probationary period shall not exceed three (3) months, but may be extended for a further period not exceeding three (3) months, if agreed with the employee.
2. The employer is not allowed to employ an employee for a longer probationary period than that specified in paragraph (1) of this article.
3. Either party to the probationary period may terminate the employment by giving at least seven (7) working days' notice, or if the employer terminates the employment without notice, by giving the employee seven (7) working days' notice.
4. If the employer does not expressly terminate the probationary period and the probationary period expires without notice from either party, the employee shall be deemed to have become a permanent employee.
5. When the probationary period is converted into a permanent one, the period of service of the probationer before its permanentization shall be considered as the period of his service contract.
6. During the probationary period, if illness, accident, performance of national duty, civil duty or natural disaster occurs, unless the contract is otherwise terminated, the probationary period shall be deemed to have been extended in accordance with this law.

Article 107

Redundancy of employees

- (1) An employer is not permitted to terminate a contract of service on account of redundancy unless the employer:
 - (a) where the employee is a member of a trade union, notifies the union to which the employee is a member;
 - (b) notifies the labour officer in charge of the area where the employee is employed of the reasons for, and the extent of, the intended redundancy not less than a month prior to the date of the intended date of termination on account of redundancy;
 - (c) where an employee is not a member of a trade union, notifies the employee personally in writing and the labour officer;
 - (d) has, in the selection of employees to be declared redundant had due regard to seniority in time and to the skill, ability and reliability of each employee or the particular class of employees affected by the redundancy;

- (e) where there is in existence a collective agreement between an employer and a trade union setting out terminal benefits payable upon redundancy, has not placed the employee at a disadvantage for being or not being a member of the trade union;
 - (f) has where, leave is due to an employee who is declared redundant, paid off the leave in cash;
 - (g) has given to an employee declared redundant not less than one month's notice or one month's wages in lieu of notice; and
 - (h) has paid to an employee declared redundant severance pay at the rate of not less than fifteen days pay for each completed year of service.
- (2) Subsection (1) does not apply where an employee's services are terminated on account of insolvency.
- (3) The Minister may make rules requiring an employer employing a certain minimum number of employees or any group of employers to insure their employees against the risk of redundancy through an unemployment insurance scheme operated either under an established national insurance scheme established underwritten law or by any firm underwriting insurance business to be approved by the Minister.

Article 108

Misconduct

1. When an employer dismisses an employee for reasons related to misconduct, incompetence or physical incapacity, he shall inform the employee in a language he understands of the reason for the dismissal, stating the misconduct, incompetence or physical incapacity of the employee, and explaining in a language the employee can understand why the employer is dismissing the employee. In addition, the employee shall have the right to summon a member of the employee or a representative of a labor union of his choice to be present at the hearing of the explanation.
2. Before dismissing the employee without notice, the employee shall hear and consider any evidence in the employee's defense, including documents or witnesses. The employee may bring a complaint.
3. If it is not possible to resolve the dispute at the workplace, the dispute resolution process set out in the provisions of this Act shall be referred to.

Article 109

Proof of reason for termination

- (1) In any claim arising out of termination of a contract, the employer is required to prove the reason or reasons for the termination, and where the employer fails to do so, the termination is deemed to have been unfair within this Code.
- (2) The reason or reasons for termination of a contract are the matters that the employer at the time of termination of the contract genuinely believed to exist, and which caused the employer to terminate the services of the employee.

Article 110

Summary dismissal

- (1) Summary dismissal is deemed to take place when an employer terminates the employment of an employee without notice or with less notice than that to which the employee is entitled under this Code or by a contractual term.
- (2) Subject to the provisions of this section, summary dismissal is prohibited.
- (3) An employer may dismiss an employee summarily when the employee has by his or her conduct fundamentally breached his or her obligations, otherwise referred to as 'gross misconduct,' under the contract of service.
- (4) Any of the following matters may amount to gross misconduct, that is, if:

- a. The employee is absent from the specified place of work without leave or a legitimate reason;
 - b. During working hours, the employee becomes intoxicated, which makes him unprepared or unable to perform his work properly;
 - c. The employee deliberately neglects a job that he is supposed to do; or
 - d. The employee uses abusive or insulting words, or behaves in a manner that is offensive to his employer or to any other person he delegates the work to;
 - e. The employee deliberately ignores or refuses to accept a lawful order given by his employer or any other person he delegates the work to;
 - f. Using the power of arrest in accordance with this Act,
 - g. The employee commits an offence against the employer or its property; or there is reasonable suspicion that the employee has committed an offence.
 - h. An employee who is feared to pose a threat to safety or security (acts of terrorism) may be dismissed from his/her employment.
5. Such circumstances or the employer's decision to dismiss him/her with immediate effect in accordance with paragraph (4) of this Article shall not prevent the employer or the employee, as the case may be, from challenging the allegations made in accordance with the facts; or the existence of reasons not mentioned here that may justify the immediate dismissal of the employee.

Article 111

Unfair termination

- (1) A termination of employment by an employer is deemed unfair if:
- (a) the employer fails to prove that:
 - (i) the reason for the termination is valid;
 - (ii) the reason for the termination is a fair reason related to the employee's conduct, capacity or compatibility; or based on the operational requirements of the employer; and
 - (iii) the employment was terminated in accordance with fair procedure;
 - (b) it is established that the employer did not act in accordance with justice and equity in terminating the employment of the employee, taking into account:

- (i) the procedure adopted by the employer in reaching the decision to dismiss the employee, the communication of that decision to the employee and the handling of any appeal against the decision;
 - (ii) the conduct and capability of the employee up to the date of termination;
 - (iii) the extent to which the employer has complied with any statutory requirements connected with the termination, including the issuing of a certificate of service and the procedural requirements set out in section 122 of this Code;
 - (iv) the previous practice of the employer in dealing with the type of circumstances which led to the termination; and
 - (v) the existence of any previous warning letters issued to the employee.
- (2) Unfair termination of the employment of an employee is prohibited.
- (3) An employee who has been continuously employed by his or her employer for a period not less than thirteen months immediately before the date of termination has the right to complain that he has been unfairly terminated.

Article 112

Complaint of injustice and summary dismissal

- (1) An employee who has been summarily dismissed or whose employment has been unfairly terminated his may, within three months, present a complaint to a labour officer who, after affording every opportunity to both the employee and the employer to state their case, may recommend to the parties what in his or her opinion is the best means of settling the dispute.
- (2) The right of the employee to present a complaint under this section is in addition to his or her right to complain under the procedures in a collective agreement, or to the Labour Court.

Article 113

Remedies for wrongful dismissal and unfair breach of contract

- (1) Any unilateral withdrawal from a contract of employment or termination of employment without a lawful or reasonable cause entitles the other party to damages.
- (2) Where in the opinion of a labour officer an employee's summary dismissal or termination of employment was unfair, the labour officer may recommend to, or the Labour Court may order, the employer to:
- (a) reinstate the employee and treat the employee in all respects as if the employee's employment had not been terminated; or

- (b) re-engage the employee in work comparable to that in which the employee was employed prior to his or her dismissal, or other reasonably suitable work at the same wage.
- (3) The labour officer, before recommending, or the Labour Court, before ordering, reinstatement or re-engagement, must take into account any or all of the following:
- (a) the wishes of the employee;
 - (b) the circumstances in which the termination took place, including the extent, if any, to which the employee caused or contributed to the termination, and the practicability of recommending reinstatement or re-engagement;
 - (c) the common law principle that there should be no order for specific performance in a contract for service except in very exceptional circumstances;
 - (d) the employee's length of service with the employer;
 - (e) the reasonable expectation of the employee as to the length of time for which his or her employment with that employer might have continued but for the termination;
 - (f) the opportunities available to the employee for securing comparable or suitable employment with another employer;
 - (g) the value of any severance pay payable by law;
 - (h) the right to press claims or any unpaid wages, expenses or other claims owing to the employee;
 - (i) any expenses reasonably incurred by the employee as a consequence of the termination;
 - (j) any conduct of the employee which to any extent caused or contributed to the termination;
 - (k) any failure by the employee to reasonably mitigate the losses attributable to the unjustified termination; and
 - (l) any compensation, including ex-gratia payment, in respect of termination of employment paid by the employer and received by the employee.

Article 114

Suspension of the employment relationship

- (1) An employment relationship must be suspended if the work of the undertaking temporarily ceases and the employer has given seven days' written notice of the fact to the employees or posted it up within the undertaking.
- (2) Such notice must also be communicated within the same period to the appropriate authorised officer, 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, subject to the fact that the Labour Officer may authorize a prolongation of the period up to a total of 90 days, if special circumstances or local or seasonal requirements so warrant.
- (4) An employment relationship must also be suspended if:
 - (a) the employee is called up for military service;
 - (b) the employee is detained for a period not exceeding three months under the Public Order Law and returns to work after the period of detention;
 - (c) If the employee is detained for any offence but is finally acquitted and returns to work.
- (5) In the case of subparagraphs 9c) and (d) of the preceding paragraph, the employee is entitled to be reinstated and the period in question is counted towards his or her terminal benefits.
- (6) If an employee is detained in custody for an offence concerning his employment, he or she is entitled to receive from his or her employer one-third of his or her basic salary until he or she is acquitted or convicted and, on acquittal is entitled to receive the arrears of salary and, on conviction, forfeits all his or her benefits under the Code.

Article 115

Insolvency of an employer

- (1) An employer is insolvent for the purposes of this Code:
 - a) if the employer is a person who:
 - (i) has been adjudged bankrupt or has made a composition or arrangement with his creditors, or
 - (ii) has died and his or her estate is to be administered in accordance with the laws relating to succession;
 - b) if the employer is a company:
 - (i) a winding up order or an administration order has been made, or a resolution for voluntary winding up has been passed, with respect to the company;
 - (ii) or a receiver or a manager of the company's undertaking has been duly appointed, or possession has been taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the company comprised in or subject to the charge.
- (2) Where, on an application made to him or her in writing by an employee or his or her representative, the Minister is satisfied that:
 - (a) the employer of an employee has become insolvent,
 - (b) the employment of the employee has been terminated,

- (c) on the appropriate date the employee was entitled to be paid their remuneration,
 - (d) the Minister considers the unpaid remuneration of the employees, therefore, the employer is obliged to pay the employees the remuneration they owed in whole or in part.
- (3) It is important to appoint an Interim Trustee or Liquidator in accordance with a sub-agreement between the employer and the debtor or a trustee who has been transferred the assets of the bankrupt employer, opening a separate account for them. Therefore, the Minister should not order any payment until he receives a letter of intent from the trustee appointed to manage the outstanding debt, which is expected to be received by the employees and then by the other creditors.
- (4) The trustee, in response to the Minister's request, shall prepare a full and detailed report as soon as possible.
- (5) When the trustee board has paid all debts owed to the bankrupt, the minister shall order all remaining assets to remain in the aforementioned Fund, which may be used only in the same circumstances as those referred to in Article 115^a paragraph 2¹ of this law.

Article 116

Transfer of workplace

If two living tenants legally transfer responsibility for a work site; or if a deceased person transfers or leases his responsibility to a third party, the existing work agreement may be amended.

Article 117

Prohibition of termination on certain grounds

1. The following do not constitute fair reasons for dismissal or for the imposition of a disciplinary penalty:
 - (a) a female employee's pregnancy, or any reason connected with her pregnancy;
 - (b) the going on leave of an employee, or the proposal of an employee to take, any leave to which he or she was entitled under the law or a contract;
 - (c) an employee's membership or proposed membership of a trade union;
 - (d) the participation or proposed participation of an employee in the activities of a trade union outside working hours or, with the consent of the employer, within working hours;
 - (e) an employee's seeking of office as, or acting or having acted in the capacity of, an officer of a trade union or a employees' representative;
 - (f) an employee's refusal or proposed refusal to join, or withdrawal from, a trade union;

- (g) an employee's race, colour, tribe, sex, political opinion or affiliation, national extraction, nationality, social origin, marital status, HIV status or disability;
- (h) an employee's initiation or proposed initiation of a complaint or other legal proceedings against his or her employer, except where the complaint is shown to be irresponsible and without foundation; or
- (i) an employee's participation in a lawful strike.

Article 118

Death benefit

In case of death of an employee during his or her contract of employment, the employer must pay to his or her heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

Article 119

Certificate of service

- (1) An employer must issue to an employee a certificate of service upon termination of his or her employment, unless the employment has continued for a period of less than four consecutive weeks.
- (2) A certificate of service issued under this section must contain:
 - (a) the name of the employer and his or her postal address;
 - (b) the name of the employee;
 - (c) The position, job title of the employee he/she held
 - (d) the date when employment of the employee commenced;
 - (e) the nature and usual place of employment of the employee;
 - (f) the date when the employment of the employee ceased; and
 - (g) such other particulars as may be prescribed.
- 3) In accordance with paragraph (1) above, the employer is not entitled to require the employee to provide a testimonial, reference or certificate regarding the employee's character and performance.
- 4) A person who intentionally fails to provide a service certificate to the employee in accordance with paragraph (1) above, or who knowingly provides a service certificate to the employer, shall be transferred to justice authorities.

**PART V:
SPECIAL CARE/PROTECTION**

**CHAPTER 18
GENERAL PROVISIONS**

**Article 120
Definition of 'night work'**

For the purpose of this Part, 'Night Work' refers to any work performed between the hours of 10:00 (PM) and 6:00 (AM).

**Article 121
Prohibited work**

- (1) It is unlawful to employ children 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.
- (2) This prohibition does not apply to employees of 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 an agreement which prevents the normal operations of the undertaking.
- (3) In cases covered by subparagraph (b) above, the employer must immediately notify the competent authorized officer, indicating the necessary circumstances, the number of children employed, the hours of work adopted and the probable duration of the night work.
- (4) Night work is 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 122
Powers of the Minister in respect of night work**

- (1) Notwithstanding the provisions under article 122, the Minister, in consultation with the representatives of workers unions and the employees, may:
 - (a) reduce the length of the night period in places where special climatic conditions so warrant;
 - (b) authorize and prescribe conditions for the employment of children 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.

CHAPTER 19 CHILDREN

Article 123 Meaning of “employment”

In this chapter, ‘employment’ means employment of a child in a situation where:

- (a) Children are given work to help someone else as an assistant, the purpose of which is for the children to earn money;
- (b) There is a contract service, and the service provider is a child, and the children are given work in accordance with the law, and there must be an agreed amount of money, no matter how long it is.

Article 124

Children

1. The Ministry, in consultation with trade unions and employers, shall issue policies and regulations detailing the types of work that are hazardous to the health of children or jobs that require increased strength or alertness. This provision shall be amended to specify the minimum age at which children may work.
2. When the age of a child is uncertain, a doctor with special knowledge of age issues shall be consulted.

Article 125 Employment of children

1. Children between the ages of 13 and 15 who have not yet completed their compulsory education may be permitted to perform light work.
2. The employment of children under the age of 18 years shall be subject to physical and mental capacity.
3. The minimum age for allowing any type of employment or type of work which, if performed under the circumstances and conditions in which it is carried out, is likely to endanger the health, safety or values of children is 17 years.
4. Subject to paragraph (3) of this article, from the age of 16 years, provided that the physical, health, safety and morals of children are fully protected and that they receive adequate instruction or training in the work to be performed.
5. The provisions of this section do not apply to work performed by children in general in ordinary schools, vocational, trade and technical schools, other training centres, or institutions where

children under the age of 15 are employed, and such work shall be carried out in accordance with this law, the policies and labour regulations, and is centred around:

- a. A course of education or training primarily provided by a school or training institution;
 - b. A training programme which is carried out mainly or entirely, which programme has a recognised curriculum; or
 - c. A guidance or orientation programme, which is designed to facilitate the choice of a profession or other form of training.
6. The age limit for employment shall not apply to families and their small businesses producing goods for domestic consumption, which do not regularly provide direct employment.
 7. Notwithstanding any provision of any written law, no person shall employ, use, recruit or expose children to work which constitutes child labour, or to work which is contrary to the minimum age for employment.
 8. The Ministry, in consultation with trade unions and employers, shall issue a regulation specifying any work, activity or agreement that is harmful to the health, safety and dignity of children.
 9. Any person who is accused of committing an offence of child labour as referred to in this Act, and at the time of committing the offence with respect to children of the age in question, shall be subject to the jurisdiction of the court having jurisdiction to hear the case, taking into account the circumstances relating to the age of the children.

The court shall be responsible for establishing the age.

10. Under this Act, no judgment, decision or order of a court shall be set aside on the basis of evidence of the age of a person which has not been previously established in court or which has not been properly established.
11. Whenever the age of a child worker is in question and sufficient evidence is not available, a medical officer shall determine the age of such child worker, by his/her appearance, medical examination or any other information available, and the age so determined shall be used for the purposes of this Act, and until the contrary is proved, such determination shall be the true age of the child worker.
12. Any person who employs, engages in, or uses children in contravention of this Act (the provisions of this Chapter) shall be guilty of an offence.
13. Any person who uses children in any form of child labour or child abuse shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.
14. The person who is extradited shall be free to defend himself if he has reasonable grounds to believe that the children in question are over the age limit for the offence.
15. If a child is disabled, dies or suffers serious physical injury as a result of the employer's use of child abuse in violation of any of the provisions of this chapter, and it reads with other penalties, he shall be brought before the competent court.
16. The employer is not liable for the penalties under paragraph 15 if:

- a. a medical injury occurs, which is not directly or indirectly caused by work violations committed by the employer;
- b. a lawsuit is filed under this law, where the act or negligence caused death or injury, it is proven that the employee left work before the harm occurred.

Article 126

Register of children in employment

1. An employer who employs a child shall keep and maintain a register containing the following particulars of every child he employs:
 - (a) age and date of birth;
 - (b) date of entry into and of leaving the employment;
 - (c) such other particulars as may be prescribed.

Article 127

Medical examination

- (1) Children must 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.
- (2) After the initial medical examination, the employer must arrange for a medical examination once a year for children until they reach the age of 18 years.
- (3) Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
- (4) Where a child is found to be medically unfit to continue his or her job, his or her contract of employment is automatically dissolved.

CHAPTER 20 WOMEN

Article 128 Employment of women

1. The employment conditions of women shall be regulated by detailed policies and regulations, however, the Minister, in consultation with representatives of trade unions and representatives of employers, may, when considering special and urgent situations, issue:
 - a. Orders or regulations specifying the types of work that are exempt from pregnant women and nursing mothers;
 - b. Regulates the conditions of the workplace in order to protect the health and well-being of pregnant women and nursing mothers and their children;
 - c. Specifies special conditions and conditions under which women may work, taking into account their nature, but these conditions shall not be discriminatory.

Article 129 Maternity leave

1. It is prohibited to dismiss a female employee during her pregnancy, after a medical certificate has been issued and she has presented a certificate of pregnancy, except in the following cases:
 - a. If the place where the woman worked is closed or goes bankrupt;
 - b. If the term of her employment contract expires.
2. A female employee is entitled, upon presentation of a medical certificate stating the expected date of delivery, to 14 weeks of maternity leave, with full pay, of which at least 6 weeks are paid, and which she shall take before giving birth, provided that she has been working for the employer for at least six consecutive months, except in the case of a serious illness certified by a doctor.
3. Upon the expiration of the maternity leave, the woman is obliged to immediately return the work she was doing before taking the maternity leave.
4. A female employee shall be entitled to maternity leave only by giving notice to her employer within seven (7) working days, before or after the time when it is reasonable for her to arrange for the delivery of the child and the period during which she will return to work thereafter.

5. A female employee shall be entitled to annual leave in addition to maternity leave.

6. A male employee who has given birth is entitled to two (2) weeks of leave, with full pay, upon the birth of his wife.

Article 130 Breastfeeding

A female employee who is breastfeeding has the right to breastfeed twice a day (one hour each) for a maximum of one year after the birth. Breastfeeding is counted as working hours and her rights are normal.

CHAPTER 21 PERSONS WITH DISABILITIES

Article 131 Right to employment and non-discrimination in employment

1. People with disabilities have the right to work, on an equal basis with others, including: that employment opportunities are equal to others, and they have the right to freely choose their occupation in accordance with the labor market and the month, and shall not be discriminated against in employment on the grounds of their disability, whether at the time of job advertisement, recruitment, during the course of employment or at the end of it
2. The Minister, the Chairman of the Federal High Commission for Labor, the Director of Employment, the Director of Occupational Safety and Health and the Registrar of Trade Unions and employers' organizations, taking into account each of their respective capacities in this law, have the duty to protect, promote and ensure the right to employment of people with disabilities, by taking appropriate measures such as:
 - b) To protect the rights of persons with disabilities, on an equal basis with others, to employment, favorable working conditions, equal opportunities, equal rights and benefits in the workplace, safety and health at work, protection from abuse and prompt redress of their grievances;

- c) to ensure that persons with disabilities have the opportunity to work, the right to join trade unions on an equal basis with others
- c. To enable persons with disabilities to access general vocational training, vocational guidance programmes, specific skills, job placement services, and continuous professional development training to improve their knowledge and skills;
- d) To promote employment opportunities for persons with disabilities and the development of their skills relevant to the labour market, as well as to assist and protect them in their current jobs, and to provide job replacement for those who have been dismissed for unreasonable reasons;
- e) To create opportunities for self-employment for persons with disabilities, and to prepare an environment that will enable them to create new business ideas, as well as to develop the capacity of existing cooperatives, and ultimately to enable them to start their own businesses;
- f) To promote employment opportunities for persons with disabilities in both public and private institutions, through policies and standards that serve as special incentives for persons with disabilities;
- g) To ensure that persons with disabilities have access to welcoming workplaces, reasonable incentives and a working environment that is appropriate to their particular circumstances;
- h) To promote that persons with disabilities gain work experience that is appropriate to the open labour market;
- i) To promote the skills of persons with disabilities, their vocational rehabilitation, their retention in the workforce and their reintegration into employment programmes for persons with disabilities;
- j) To ensure that persons with disabilities are not subjected to humiliation, harassment, coercion or obligation at work to perform work that they cannot perform due to their particular circumstances, and that they enjoy the same rights as other workers;
3. Any employee with a disability shall not be discriminated against in employment on the basis of his or her disability, whether during the recruitment or employment process, taking into account the types of employment, dismissal and any matters relating to his or her professional development, safety and health in the workplace.

Article 132

Deployment in appropriate work

Every employer must ensure that an employee with disability in employment is deployed in a manner that recognizes the nature and the limitations of his or her disability and must not be deployed to work in a place that poses a risk or danger to his or her safety and health owing to the nature and limitations of his or her disability.

Article 133
Provision of necessary support

Every employer must ensure that an employee with disability is given the support necessary to enable him or her perform his or her duties with reasonable comfort.

PART VI
OCCUPATIONAL ACCIDENTS, INJURY AND DISEASE

CHAPTER 22
ADMINISTRATION

Article 134
The Director

- (1) For purposes of this part, 'Director' means the Director of Occupational Safety and Health.
- (2) The following are the powers and functions of the Director with respect to matters covered by this Part:
 - (a) register employers;
 - (b) supervise the implementation of this Part of the Code;
 - (c) ensure that all employers insure their employees;
 - (d) ensure and give appropriate protection to the persons with disabilities; to prevent occupational accidents, injuries and diseases, as well as anything that causes further disability.
 - (e) receive reports of accidents and carry out inquiries or investigations into such accidents; and
 - (f) ensure that employees who are injured are compensated in accordance with the provisions this Code and any regulations made under it.
- (3) The Director is assisted in the exercise of his or her powers and the performance of his or her functions by such other officers as are necessary for the proper administration of the provisions of this Part of the Code.

Article 135
Objections and appeals against the Director's decisions

- (1) Any person aggrieved by a decision of the Director on any matter under this Part, may within sixty days of such decision, lodge, in writing, an objection with the Director against such decision Objections to decisions of, and submission of particulars to, Director

- (2) The Director is required to, within fourteen days after the receipt of an objection:
- (a) give a written answer to the objection, varying or upholding his or her decision and giving reasons for the decision objected to, and
 - (b) send a copy of the statement to any other person affected by the decision.
- (3) Where an aggrieved person disagrees with the Director's reply, he or she may appeal to the Labour Court within thirty days after receiving the Director's reply.

CHAPTER 23
THE DUTIES OF THE DIRECTOR, EMPLOYER'S AND EMPLOYEE'S TOWARDS
OCCUPATIONAL ACCIDENTS, INJURY AND DISEASES

Article 136
Employer's general duties

1. In this regard, the following matters shall be the responsibility of the employer:
 - a. To ensure and adequately protect persons with disabilities, by preventing occupational accidents, injuries and occupational diseases so that they do not cause further disability;
 - b. Employers shall have their own insurance policy that is in accordance with the national insurance policy;
 - c. To register, and within the period specified by the Director, to submit all details and information related to his work, and any other information requested by the Director;
 - d. Within thirty (30) working days, if there is a change in the information and details submitted, the Director shall be notified;
 - e. All records, other records of earnings and employee information shall be kept for a period of at least six (6) years from the date of the last entry, and the above documents shall be made available to the Director for inspection, recording or re-production at a later date, if necessary;
 - f. The Director shall be notified as soon as possible within seven (7) working days after the occurrence of an accident or occupational disease, if any, of an employee being injured in an accident or occupational disease;
 - g. Employees and their dependents shall be provided with a copy of the accident notice submitted by the employer to the Director, if they so request, in connection with a claim for workers' compensation for their employees or their dependents;
 - h. Within seven (7) business days after receipt of any medical report or other document or information relating to the claim, the report, or information shall be forwarded to the Director;
 - i. Any claim for compensation shall be settled by the Director.
2. An employer who fails or neglects to fulfill any of his obligations shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.

Article 137

Employee's general duties

(1)The following are the duties of the employee under this Part:

- (a) to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace;
- (b) to give written or verbal notice of any accident which occurs during employment to the employer and to send a copy of the written notice or a notice of the verbal notice to the Director within twenty-four hours of its occurrence in the case of a fatal accident;
- (c) to, when reporting the accident or thereafter at the request of the employer or Director, furnish such information and documents as may the employer or Director may request;
- (d) to, once he or she claims compensation or receives compensation, when required by the Director or the employer and after reasonable notice, submit himself or herself at the time and place mentioned in the notice to an examination by the medical practitioner designated by the Director or the employer with the approval of the Director, and
- (e) to lodge a claim for compensation in accordance with this Code in the prescribed manner within twelve months after the date of the accident; in the case of death, this duty falls upon the person claiming on behalf of the employee.

(2)A right to benefits in accordance with this Code lapses if the accident is not reported to the employer within twelve months after the date of such accident.

(3)Failure to report an accident to an employer is not a bar to compensation if it is proved that the employer had knowledge of the accident from any other source.

(4)Failure to report an accident to an employer, or any error or inaccuracy in such a notice, is not a bar to compensation if:

- (a) the employer is not or would not be seriously prejudiced by such failure, error or inaccuracy if notice is then given or the error or inaccuracy is corrected; or
- (b) if such failure, error or inaccuracy was unforeseeable or was caused by the employee's absence from the Republic.

Article 138

Director's duties

(1) Where an employer fails to report an accident or to provide information requested by the Director as specified in the request, the Director may:

- a. conduct an investigation and recover the cost of the investigation from the employer as a debt due from the employer; or
 - b. levy a penalty on the employer.
- (2) After having received notice of an accident or having learned that an employee has been injured in an accident, the Director is required to make such inquiries as are necessary to decide upon any claim or liability in accordance with this Code.
- (3) Where the Director approves any claim against an employer or an insurer, he or she is required to lodge the claim with the employer or the insurer and to require them to settle the claim within ninety days of the lodging of the claim.
- (4) The Director is under a duty to, within thirty days of receipt of the money claimed by or on behalf of an employee, pay the money to the employee who made the claim or his or her dependants.
- (5) An employer or an insurer who fails to pay the compensation claimed, shall be punished the provisions stated in the Somali Penal Code and the other laws of the country.

Article 139

Medical care

- (1) An employer is under a duty to provide and maintain such appliances and services for the rendering of first aid to his or her employees in case of any accident.
- (2) Any employer who fails to comply with the provisions of subsection (1) commits an offence.
- (3) The Minister may, after consultation with the Director, by notice in the Gazette, exempt an employer or class of employers from application of this section if the employer has or class of employers have made alternative arrangements for addressing accidents.
- (4) If an employee is injured in an accident which necessitates his or her conveyance to a hospital medical facility or from a hospital or medical facility to the employee's residence, the employer must make the necessary conveyance available.
- (5) An employer must defray any expenses reasonably incurred by an employee as the result of an accident arising out of, and in the course of the employer's employment in respect of the following matters:
 - (a) dental, medical, surgical or hospital treatment;
 - (b) skilled nursing services;
 - (c) the supply of medicine and surgical dressing;
 - (d) travelling and subsistence in connection with the employee's journey to and treatment in a place within the Republic where he or she was directed by his or her medical practitioner to go for treatment; and
 - (e) the supply, maintenance, repair and replacement of artificial limbs, crutches, and other appliances and apparatus used by persons who are physically disabled.

- (6) Any damage to any appliance or apparatus specified in paragraph (1) (e) is deemed to be an injury.
- (7) A medical practitioner who examines an employee must, within fourteen days after the first examination of the employee injured in an accident or within fourteen days after having diagnosed an occupational disease, furnish a medical report to the Director.

CHAPTER 24

COMPENSATION, OFFENCES AND SPECIFIC LAWS AND REGULATIONS

Article 140

Right to compensation

- (1) An employer is liable to pay compensation in accordance with the provisions of this Code to an employee injured while at work.
- (2) An employee is not entitled to compensation if an accident, not resulting in serious disablement or death, is caused by the deliberate and wilful misconduct of the employee.
- (3) An occupational accident or disease resulting in serious disablement or death of an employee is deemed to have arisen out of and in the course of employment if the accident was due to an act done by the employee for the purpose of, in the interests of or in connection with, the business of the employer despite the fact that the employee was, at the time of the accident acting:
 - (a) in contravention of any law or any instructions by or on behalf of his employer; or
 - (b) without any instructions from his or her employer.
- (4) The conveyance of an employee to or from the employee's place of employment for the purpose of the employee's employment by means of a vehicle provided by the employer is deemed to be in the course of the employee's employment.
- (5) An injury is only deemed to result in serious disablement if the employee suffers a degree of permanent disablement of forty percent or more.
- (6) The Director may refuse to grant compensation to an employee under this Code if:
 - (a) the employee at any time knowingly and falsely represented to the employer that he or she was not suffering from or had not previously suffered from a serious injury or occupational disease or any other serious disease, and such an accident or occupational disease was caused by, or the death or the disablement resulted from or was aggravated by, such injury or disease; or
 - (b) in the opinion of the Director, the death was caused, or the disablement was caused, prolonged or aggravated by the unreasonable refusal or willful neglect of the employee to submit to medical aid in respect of any injury or disease, whether caused by the accident or existing before the accident.

- (7) If, in a claim for compensation under this Code, it appears that the contract of service or apprenticeship of the employee is invalid, the Director may approve compensation for the claim as if the contract was valid at the time of the accident.
- (8) Notwithstanding any provision to the contrary in any written law, compensation must not be:
 - (a) assigned or pledged;
 - (b) capable of attachment or any form of execution under a judgment or order of a court of law; or
 - (c) set off against any debt of the person entitled to the compensation.
- (9) Any provision of an agreement in terms of which an employee assigns, purports to assign, relinquishes or purports to relinquish any right to benefits in accordance with this Code is void.
- (10) Compensation paid under this Code for the death of an employee is not part of the employee's estate.

Article 141

Offences and penalties

- (1) Any person who in connection with a claim for compensation in accordance with the provisions of this Law, or in any return, notice, report or statement to be given, made or furnished under this Law, knowingly makes or causes to be made any statement which is false in any material respect commits an offence.
- (2) Any person found guilty of the crime referred to in paragraph 1 of this article, based on this law and without any other punishment, shall be punished according to the procedures set forth in the Somali Penal Code and other laws of the country.
- (3) Any person required to submit information requested in accordance with paragraph 1 of this article or its regulations shall:
 - a) Fails to submit within the time specified;
 - b) Requests or causes to be requested information, which he knows to be false;
 - c) Fails when requested to provide information or explanation related to the right he is requesting, shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the Country.
 - d) If the violation of the law by the convicted person continues, it shall be a further offence punishable by a fine not exceeding US\$ 25 for each day the violation continues.
- (4) Where a person convicted of an offence under this section is a company, the chairman, every director and every officer of the company is guilty of a like offence unless that person proves

that the act or omission constituting the offence took place without the person's knowledge or consent.

Article 142

Passing of specific laws and regulations dealing with compensation for occupational accidents, injury and disease

- (1) The Ministry in consultation with representatives of labour unions and employers will develop policy, regulations and other laws dealing with occupational accidents, injury and diseases, including with regard to:
 - (a) determination of level of injury;
 - (b) occupational accidents occurring while employee is in training or performing emergency services;
 - (c) occupational accidents, injury and disease occurring while employee is deployed outside the country;
 - (d) manner of calculating employee's earnings;
 - (e) determination of type or amount of compensation, including:
 - (i) compensation for an employee requiring constant assistance;
 - (ii) compensation and expiry of compensation for temporary total or partial disablement;
 - (iii) compensation for permanent disablement;
 - (iv) compensation to employee previously in receipt of compensation, and
 - (v) amount of compensation in case of death;
 - (f) The method of payment of compensation;
 - (g) claims related to third parties.
- (2) The Minister may make regulations for the purpose of giving better effect to the provisions of this Code and, without prejudice to the generality of the foregoing power, the Minister may make Regulations:
 - (a) prescribing procedure, forms and fees;
 - (b) prescribing anything which is to be or may be prescribed under this Code; and
 - (c) requiring employers and insurers carrying on in the Republic the business of insuring employers against their liabilities under this Code to make periodic or other returns as to such matters as the Minister may think fit, and prescribing a time limit for the making of such returns.

PART VII
COLLECTIVE LABOUR RELATIONS

CHAPTER 25
FREEDOM OF ASSOCIATION

Article 143
Employee's right and freedom of association

- (1) It is unlawful to engage in any act of discrimination or any act restricting the right of freedom of association, and more particularly to:
 - (a) make the employment of an employee subject to the condition that he or she shall not join a trade union or shall relinquish trade union membership;
 - (b) cause the dismissal of or prejudice an employee in any other way because of trade union membership or because of participation in trade union activities.
- (2) It is unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a trade union.
- (3) Every employee has the right to:
 - (a) participate in forming a trade union or federation of trade unions;
 - (b) join a trade union; or
 - (c) leave a trade union.
- (4) Every member of a trade union has the right, subject to the constitution of the union to:
 - (a) participate in its lawful activities;
 - (b) participate in the election of its officials and representatives;
 - (c) stand for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and
 - (d) stand for election or seek for appointment as a trade union representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Code or a collective agreement.
- (5) Every member of a trade union that is a member of a federation of trade unions has the right, subject to the constitution of the federation to:
 - (a) participate in its lawful activities;
 - (b) participate in the election of any of its office bearers or officials, and
 - (c) stand for election or seek for appointment as an office bearer or official and, if elected or appointed, to hold office.

- (d) To stand for election or seek appointment as a representative of the association, if elected or appointed, he shall perform the functions of the representative in accordance with the provisions of this law or the collective agreement.

Article 144

Protection of employees' rights

1. The State shall protect all workers of all kinds and categories, whether they are unions, executives, , consultants and self-employed persons, and shall promote conditions that allow workers to effectively pursue their rights and fulfill the obligations set forth in this Law.
2. The rights of workers under the provisions of this Law shall not be denied, or limited by agreement. Any agreement that conflicts with this Law shall be null and void, and any benefit granted to the worker or agreement made by him that is more beneficial or advantageous to the worker shall prevail over this Law.
3. Paragraph 2 of this Article shall not prevent the parties from discussing and reaching an agreement on how to resolve such dispute. It shall be determined in accordance with the principles of equality, the principles of international labor law, the general principles that do not contradict this law, previously resolved cases, and custom and custom.

Article 145

Employer's right and freedom of association

- (1) Every employer has the right to:
 - (a) participate in forming an employers' organisation or a federation of employers' organisations; and
 - (b) subject to its constitution, join an employers' organisation or a federation of employers' organisations.
- (2) Every member of an employers' organization has the right, subject to the constitution of the organization, to:
 - (a) participate in its lawful activities;
 - (b) participate in the election of any of its office bearers or officials; and
 - (c) stand for election or seek for appointment as an office bearer or official and, if elected or appointed, to hold office.
 - (d) To stand for election or seek appointment as a representative of the employer, if elected or appointed, he shall perform the functions of the representative in accordance with the provisions of this Act or the collective agreement.

- (3) Every employer, whether or not that employer is a member of an employers' organisation that is a member of a federation of employers' organisations, has the right, subject to the constitution of that federation to:
- (a) participate in its lawful activities;
 - (b) participate in the election of any of its office bearers or officials;
 - (c) stand for election or seek appointment as an office bearer or senior official of the organization;
 - (d) stand for election or be eligible for appointment as a representative of the employers federation and he shall, if elected or appointed, perform the functions of the representative in accordance with the provisions of this law or the collective agreement.
- (4) An employer who engages in a legal service may exercise the right to stand for election and hold office in an employers organisation or federation of employers' organisation as a representative.

Article 146

Protection of employers' rights

- (1) It is unlawful to discriminate against an employer for exercising any right conferred by this Code.
- (2) In particular, it is unlawful to do, or threaten to do, any of the following:
- (a) require an employer not to be or become a member or to give up membership of an employers' organisation;
 - (b) prevent an employer from exercising any right conferred by, or from participating in any proceedings stated in this Code;
 - (c) in any way prejudice an employer:
 - (i) because of past, present or anticipated employers' organisation's membership;
 - (ii) for participation in the formation or the lawful activities of an employers' organisation;
 - (iii) for exercising any right conferred to him or participation in any proceedings stated in this Code;
 - (iv) failing or refusing to do something that an employer may not lawfully do.
- (3) It is unlawful to give or promise to give an advantage to an employer in exchange for the employer not exercising any right conferred by, or not participating in any proceedings provided for in, this Code.
- (4) The provisions of subsection(3) do not prevent the parties to a dispute from concluding an agreement to settle that dispute.

Article 147

General rights and obligations of trade unions, employers' organisations and federations

- (1) A trade union and an employers' organization have the following rights:
 - (a) to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights contained in such agreements and to take any legal action arising out of such agreements 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 purposes for which the trade union or employers' organization was established;
 - (d) to do any lawful act for the achievement of the aims and objectives for which it was established.
- (2) A trade union, an employers' organization and a federation have the following obligations:
 - (a) to inform the Registrar of Employees' and Employers' Organisations within ten days of all changes in the membership of the managing body and any amendment to its constitution or rules, with certified copies of the relevant document;
 - (b) to inform the said Registrar each year of the number of new members who have joined and those who have left it;
 - (c) to carry out any other obligation imposed by this Code or regulations made under it or any other law, which obligations must not amount to interference in the internal administration and activities of the trade union, employers' organization or federation.

Article 158

Autonomy

- (1) Every trade union, employers' organization and federation has the right within the law to:
 - (a) draw up its own constitution and rules,
 - (b) elect its representatives in full freedom;
 - (c) organize its administration and activities according to democratic principles;
 - (d) formulate its programmes;
 - (e) participate in forming a federation of trade unions or a federation of employers' organisations;
 - (f) join a federation of trade unions or a federation of employers' organisations, subject to its constitution, and to participate in its lawful activities; and

- (g) affiliate with, and to participate in the affairs of, any international employees' organisation or international employers' organisation or the International Labour Organisation as appropriate, and to contribute or receive financial assistance to or from those organisations.
- (2) A provision in any contract of employment or collective agreement, whether concluded before or after the commencement of this Code, that contradicts or limits any provision of this section is invalid, unless the contractual provision is expressly permitted by this Code.

Article 149

Potential Disputes under this Chapter

- (1) If there is a dispute about the interpretation or application of any provision of this Chapter, any party to the dispute may refer the dispute in writing:
 - (a) to the Federal Alternative Dispute Resolution Commission to appoint a conciliator as provided for in this Code; or
 - (b) if the dispute is not resolved at conciliation, to the Labour Court for adjudication.
- (2) In any proceedings under this Code:
 - (a) a party that alleges that a right or protection conferred by this part has been infringed bears the duty to prove the facts of the conduct; and
 - (b) the party who is alleged to have engaged in that conduct bears the duty to prove that their conduct did not infringe any provision of this Chapter.

150

Restraint of Organizations; responsibility of Criminal offences and Civil Liability

- (1) The creations of labour unions whose sole purpose is to restrict other unions is illegal, and their membership should be terminated, this may result in criminal prosecution.
- (2) Any agreement entered into, in the name of these unions must be terminated annulled.

Article 151

Contents of the constitution and laws

- (1) The constitution or rules of every trade union and employers' organization must include provisions in respect of the following matters:
 - a. Name and address;
 - b. Location of their offices;

- c. Total number of members;
- d. Objects for which they were established, the purposes for which their income or assets may be used;
- e. Procedure for amending, revising, repealing the constitution and bylaws;
- f. Appointment, election, removal from membership of officers and senior officers;
- g. Procedure for keeping and maintaining the accounts of the treasurer;
- h. Procedure for capital investment and annual or periodic audits;
- i. Procedure for examining the books and names of members by any party interested in their income or assets;
- j. Procedure for making decisions on the election of officers and senior officers, amendments to the constitution, demonstrations, dissolutions and other matters affecting the general membership of the trade union;
- k. The right of each member to have the opportunity to vote;
- l. The procedure for registration and the fees to be paid by members;
- m. The procedure for dissolving the association.

Article 152

Submission of copies of constitution and laws

Two copies of the constitution and rules of a trade union or an employers' organization and any alterations to it must be submitted to the Registrar of Employees' and Employers' Organisations at the time of the formation of the union or the alteration, as the case may be.

CHAPTER 26

ESTABLISHMENT AND REGISTRATION OF EMPLOYEES' AND EMPLOYERS' ORGANISATIONS

Article 153

Organisations and the purpose

A trade union or an employers' organization must have as its primary purpose the protection, pursuit and safeguarding of the interests of employees, in the case of a trade union, and employers, in the case of an employers' organization.

Article 154

Functions of labour unions

(1) The functions of trade unions include:

- (a) representation and protection of the employees' interests relating to their working conditions and their dealings with the management;

- (b) facilitating the participation of employees in the planning and management of an enterprise where this is provided for;
- (c) seeing to it that the management strictly observes established regulations on labour, social security, wage payments, hygienic arrangements and safety against accidents;
- (d) bringing to the notice of the competent state authorities any exploitation of employees.

Article 155

Establishment of trade union

1. Every person engaged in a trade, whether by himself or by others, may establish a trade union and shall be free to join a trade union in his or her own trade.
2. Every employer may participate in the establishment of a trade union or may join an existing one.
3. Subject to the provisions of this Act, any member may at any time withdraw from a trade union, notwithstanding any conditions to the contrary.
4. Subject to the provisions of this Act, any employer may at any time withdraw from a trade union, notwithstanding any conditions to the contrary.
5. Trade unions may freely join in order to form a general association for the protection of their common interests.
6. Employers' organizations may freely join to form a general association that protects their common interests.
7. Any branch of a trade union or an employer's organization may withdraw from its association without any conditions, subject only to the provisions of the constitution of the general association.
8. Trade unions and employers' organizations shall apply all the provisions of this law and their regulations to their general associations as appropriate.

Article 156

Application to register a trade union or employers' organisation

A trade union, an employer's union or a Trade Union/Employer's Union Association must apply to the Registrar for their registration.

Article 157

Requirements for registering a trade union

- (1) A trade union may apply for registration if:
- (a) It applies for registration in accordance with this law;
 - (b) It has acted in accordance with the provisions of this law;
 - (c) It has an office and address in the Federal Capital Territory;
 - (d) It has a postal address (P.O. Box);
 - (e) Its name is not similar to any existing trade union, which may lead to confusion or misdirection;
 - (f) The meeting at which the decision to register was taken was attended by at least ten (10) employers;
 - (g) It is independent, directly or indirectly, from any employer or an employer's association;
 - (h) The sole purpose of the trade union is to carry out the activities and interests of the employers' association.

Article 159

Requirements for registering an employers' organization

An employers' organisation may apply for registration if:

- (a) it has applied for registration in accordance with this Code;
- (b) it has adopted a constitution that complies with the requirements of this code;
- (c) it has an office and postal address within the Republic;
- (d) subject to subsection (3), only members in a sector specified in the constitution qualify for membership;
- (e) its name is not the same as that of an existing employers' organisation, or sufficiently similar so as to mislead or cause confusion;
- (f) the decision to register it was made at a meeting attended by at least four members;

- (g) it is independent from the control, either directly or indirectly, of any trade union or federation of trade unions; and
- (h) its sole purpose is to pursue the activities of a employers' organisation.

Article 160

Requirements for registering a federation of trade unions

The requirements for registration as federation of trade unions are that:

- (a) Apply for registration in accordance with this Act;
- (b) Have a constitution in accordance with the requirements of this Act;
- (c) Have an office, and address in the FRS;
- (d) Have a postal address (P.O. Box)
- (e) Have a general association that their members are registered with the employers' associations only;
- (f) Be established at a meeting attended by representatives of at least three (3) registered employers' associations along with their authorized executive committees;
- (g) Its name is not similar to any existing employers' association or general association, which may cause confusion or misrepresentation;
- (h) Is independent, directly or indirectly, from any employers' association or general association of employers' associations;

Article 161

The application of registration

1. An application for registration of a trade union, an employer's union or an association of workers'/employees' unions shall be made using the registration form at the Registrar's Office and shall be accompanied by:
 - a. The registration fee;
 - b. An official copy of the constitution of the trade union, the employer's union or the association of workers'/employees' unions;
 - c. An official copy of the minutes of the meetings, at which the trade union, the employer's union or the association of workers'/employees' unions was established
2. An application for registration of a trade union shall be signed by five (5) members of the trade union.
3. An application for registration of an employer's union shall be signed by three (3) members of the employer's union.
4. The application for registration of a general association shall be signed by three (3) members of the union/employer association.
5. The Registrar may:
 - a. Require additional information for the purpose of assessing the application for registration;
 - b. Give the applicant for registration an opportunity to correct the application within a period specified by the Registrar.
6. If the proposed name of a union, employer association or general association is the same or too similar to any existing association, which is likely to lead to confusion and misdirection, the Registrar shall:
 - a. Require the applicant for registration to change the name of the union, employer association or general association applied for;
 - b. Not register the union, employer association or general association until it makes the appropriate changes.

Article 162

Registration of Trade Unions, Employers' Unions or Federation of Trade Unions/Employers' Union

1. If the Registrar is satisfied that a trade union, employer's union or association of trade unions that has applied for registration complies with the requirements of this Act, the Registrar shall register the trade union, employer's union or association of trade unions, and shall:
 - a) Issue a formal certificate of registration (a prescribed form)
 - b) Enter the name and particulars of the trade union, employer's union or association in the appropriate register.
2. The certificate of registration issued under paragraph 1 of this Article shall be official evidence that the trade union, employer's union or association of trade unions is duly registered in accordance with this Act, unless it is established that the certificate has been revoked or suspended.

Article 163

Rejection of the Registration of trade unions, employers' organisations or federations

1. If the Registrar is not satisfied that a trade union, an employer's union or a general association of workers/employers does not meet the requirements for registration, and rejects the application for registration, the Registrar shall notify the trade union, employer's union or general association of workers/employers in a formal manner (Cayman Form) of the reasons for the rejection.
2. The Registrar shall give the trade union, employer's union or general association of workers/employers an opportunity to respond to those reasons, within fourteen (14) working days.
3. In the event that the Registrar does not reverse its decision not to register a trade union, employer's union or general association, an appeal may be lodged with the Ministry. The appeal shall be lodged within twenty-eight (28) working days from the date of the decision to reject.
4. The Ministry shall decide on the complaint and notify the decision to the trade unions, employers' associations or employers' associations of the decision and the reasons for it within 28 working days of receiving the complaint.
5. Trade unions, employers' associations or employers' associations that are not satisfied with the decision of the Ministry may appeal to the competent court.

Article 164

Legal consequences of registration

- (1) A trade union, employers' organisation or federation is registered as a body corporate with:
 - (a) perpetual succession and a common seal;
 - (b) the capacity, in its own name, to:
 - i sue and be sued;
 - ii enter into contracts;
 - iii hold, purchase or otherwise acquire and dispose of movable and immovable property; and
 - iv Do all such things as are necessary to further its objects as a corporate body.
- (2) No suit for compensation can be sustained against a trade union, employers' organisation or federation or their officers or members for any acts or omissions in furtherance or their lawful activities.
- (3) Subject to the provisions of this Code, the organization, administration, extinction and dissolutions of a trade union, employers' organisation or federation are governed by their respective constitutions in the first place, and the general provisions relating to incorporated associations having their headquarters in the Republic, in the second.

Article 165

Consequences of failure to register

- (1) No person shall perform any act in furtherance of a trade union or employers' organization or federation unless it:
 - (a) is registered under this Code; or
 - (b) an application for its registration is being considered.
- (2) Notwithstanding the provisions of subsection (1) of this section, a trade union, an employers' organisation or federation may undertake activities required to secure compliance with the requirements for registration.
- (3) The provisions of this section shall not apply to any activity carried out for the purpose of:
 - a. Defending claims against a trade union, an employer's union or an association of trade unions;
 - b. Dissolving a trade union, an employer's union or an association of trade unions and auctioning off their assets in accordance with their laws.
- (4) Except as provided for in this Code, no person is permitted to act or purport to act as an officer or official of a trade union, employer's organisation or federation that is not registered or has had its registration cancelled.

Article 166

Registered Office

- (1) Every trade union, employers' organization or federation must:
 - (a) have a physical office and postal address to which all communication and notices maybe addressed; and
 - (b) give notice of its physical office and postal address and of any change of office or address to the Registrar, who must enter the information in the appropriate register.
- (2) It is unlawful for any trade union, employers' organisation or federation to:
 - (a) operate without having a registered physical office; and
 - (b) fail to give notice of its office and address or any change of office or address as required under paragraph (1).

Article 167

Branches

- (1) A trade union, employers' organisation or federation must apply to the Registrar in a prescribed form to register its branches.
- (2) An application to register a branch is made to the Registrar and has the same requirements as the organisation as appropriate.

Article 168

Amalgamation

- (1) A registered trade union, employers' organisation or federation may amalgamate with one or more registered trade unions, employers' organizations or federations, as the case may be.
- (2) An amalgamation of trade unions, employers' organisation or federation may occur without a dissolution or division of the funds of the amalgamating organisations.
- (3) An amalgamation of trade unions, employers' organisations or federations under this section may only occur if:
 - (a) each of the amalgamating organisations has conducted a secret ballot in compliance with any prescribed requirements;
 - (b) at least fifty percent of the members of each of the amalgamating organisations entitled to vote have voted; and
 - (c) the number of members who vote in favour of the proposed amalgamation exceeds by at least twenty percent the number of members who vote against the amalgamation.

- (4) Notice of a proposal to amalgamate a trade union, employers' organisation or federation must be in prescribed form and be signed by the authorized representative of each party to the amalgamation.
- (5) Where the amalgamated organisation is registered under this Code, the Registrar must:
- (a) issue a certificate of amalgamation in prescribed form; and
 - (b) remove the amalgamating organisations from the relevant register.
- (6) The Registrar may not register the amalgamated organisation if its name is the same as, or is sufficiently similar to that of an existing union, organisation or federation so as to be likely to mislead or cause confusion.
- (7) Where the Registrar has registered an amalgamated organisation:
- (a) all the assets, rights, obligations and liabilities of the amalgamating organisations devolve upon and invest in the amalgamated organisation; and
 - (b) the amalgamated organisation succeeds the amalgamating organisations in respect of:
 - (i) any right that the amalgamating organisations enjoyed;
 - (ii) any fund established under this Code or any other law;
 - (iii) any court proceedings, court order, arbitration award or collective or other agreement, but this must not be a bar to the parties renegotiating any pre-existing agreements;
 - (iv) anything that a member of a union has agreed to in writing and has previously paid or is currently paying, whether as a contribution or a donation collected on a regular basis

Article 169

Notification of change of name or constitution

1. A trade union, an employer's union or an association of trade unions/employers may decide:
 - a. To amend its Constitution;
 - b. To change its Name.
2. A registered trade union, an employer's union or an association of trade unions/employers may apply to the Registrar for approval of a change in its name or a revision of its constitution and bylaws by submitting to the Registrar:
 - a. A notification in the prescribed form, duly completed and signed by the Secretary;
 - b. A copy of the detailed decision to amend;
 - c. A certificate signed by the Secretary stating that the decision was approved in accordance with the constitution and bylaws.

3. The notice of the change referred to in paragraph 2 shall be submitted to the Registrar within fourteen (14) working days of the decision to change the name or constitution.
4. Upon receipt of the notice of the change of name or constitution, the Registrar shall, within at least twenty-one (21) working days, publish in a daily newspaper or the State-owned media outlet of the country and in the official gazette of the government, any objections to the change made by the members of the association to the name or constitution of the association and, where such objections are received, the Registrar shall investigate the complaint and the merits of the matter and may:
 - a. Refer the matter to the competent court;
 - b. Refuse to accept the proposed amendment;
 - c. Make any order that the Registrar considers appropriate in the circumstances.
5. The Registrar may approve the amendment of the name or constitution, if it is in accordance with the procedure and requirements for registration of a trade union, employers' association or general association.
6. The Registrar shall issue a certificate of amendment of the name or constitution in the prescribed form
7. Any amendment to the name or constitution and rules of a registered trade union, employers' association or general association shall be effective only if the Registrar approves it in accordance with the provisions of this section.
8. The amendment of the name of a trade union, employers' association or general association shall not:
 - a. Affect its rights or obligations;
 - b. It shall be voidable in any legal action brought against or against it. Any action brought against it under the old name may be continued or commenced after the new name has been granted.
9. If the Registrar refuses to grant the change in the terms of this section, the Registrar shall issue a notice of such decision and the reasons for his refusal.
10. Any trade union, employer's association or association of employers' associations not acting in accordance with the Registrar's decision may apply in accordance with Article 165 of the Law.

Article 170

Cancellation or suspension of registration

- (1) The Registrar must cancel or suspend the registration of a trade union, employers' organisation or federation if:
 - (a) The organisation is dissolved; or
 - (b) the Registrar is satisfied that the organisation has ceased to exist.

- (2) The Registrar may cancel or suspend the registration of a trade union, employers' organisation or federation if the Registrar is satisfied that the organisation:
 - (a) was registered as a result of fraud, misrepresentation or mistake;
 - (b) is operating in contravention of this Code;
 - (c) is being used for an unlawful purpose;
 - (d) has failed to conduct elections in accordance with the requirements of this Code; or
 - (e) is not independent.
- (3) The Registrar must not cancel or suspend registration of a trade union, employer's organisation or federation under subsection (2), unless he or she has:
 - (a) given the organization at least two months notice of his or her intention to suspend or cancel its registration in prescribed form; and
 - (b) considered any representations made by the organisation within the two month period.
- (4) If the Registrar cancels or suspends the registration of a trade union, employers' organisation or federation, the Registrar must:
 - (a) notify it of that decision in prescribed form; and
 - (b) give reasons for the decision.
- (5) A trade union, employers' organisation or federation may appeal against a decision of the Registrar to the Labour Court.
- (6) The decision of the Labour Court is final, except with respect to any claims under the Constitution of Kenya regarding infringement of fundamental rights.

Article 171

Dissolution

- (1) Notwithstanding the provisions of this or any other law, the Registrar has power to dissolve any trade union, employers' organization or federation the activities of which are considered to be detrimental to the interests of the members.
- (2) A trade union, employers' organisation or federation may be dissolved by its members in accordance with the provisions of its constitution.
- (3) When a trade union, employers' organisation or federation is dissolved by the members, it must give notice of the dissolution in prescribed form which:
 - (a) must be submitted to the Registrar within fourteen days of the resolution to dissolve; and
 - (b) must be signed by:
 - (i) the authorized representative; and

- (ii) five members of a trade union or three members of an employers' organisation or federation.
- (4) The Registrar is required to:
- (a) issue a certificate of dissolution in prescribed form; and
 - (b) register the dissolution if satisfied that it complies with the applicable constitution.
- (5) The dissolution of a trade union, employer's organisation or federation takes effect from the date of its registration.

Article 172

Appeals against decision of registrar

- (1) Any person aggrieved by a decision of the Registrar under section 175 of this Code may appeal to the Labour Court within thirty days of the decision.
- (2) The decision of the Labour Court is final, except with respect to any claims under the Constitution regarding infringement of fundamental rights.

CHAPTER 27

MEMBERSHIP AND MANAGEMENT

Article 173

Membership of a trade union

- (1) Subject to the provisions of this Code:
- (a) any person of the age of 18 years or above may join a trade union;
 - (b) a person under 18 but 15 years of age or above may join but is not eligible to be nominated, elected or appointed as an executive of the union;

Article 174

Voting members of a trade union

No person is permitted to be a voting member of a labor union unless that union has an official address or office within the FRS.

Article 175

Senior Officials

- (1) Officials of a labour union, employers' organisation or federation may be elected or appointed but must:

- (a) be domiciled in the Republic;
 - (b) be in possession of their civil rights;
 - (c) not have been barred from holding public office.
- (2) No person is permitted to be an official of more than one trade union or employers' organization or federation.
- (3) An official of a trade union may also be an official of a federation of trade unions to which the trade union is affiliated.
- (4) An official of an employers' organization may also be an official of a federation of employers' organisations to which the employers' organization is affiliated.
- (5) No person who has been convicted of a criminal offence involving fraud or dishonesty is permitted to be an official of a trade union or employer's organisation.
- (6) It is unlawful for an employer to transfer to another job or discharge from service any member of a trade union who is an official without prior consent of the trade union concerned.

Article 176

Election of officials

1. The officers of a trade union, an employer's union or an association of trade unions/employers shall be elected in accordance with their registered constitution.
2. The constitution of a trade union, an employer's union or an association of trade unions/employers shall:
 - a. Not contain any provision that unfairly discriminates between members of the incumbent and other candidates for election;
 - b. Elections shall be by popular vote, with the participation of all members of the union, at least once every five (5) years.
3. Subject to this article, the election of officers shall be notified to the Registrar, in the prescribed form, within fourteen (14) working days of the election or any change in it.
4. A member who has not been elected or appointed in accordance with the constitution of a trade union, employer's union or general association shall not be allowed to speak or to make representations to a senior officer of a trade union, employer's union or general association or branch of the union.
 - a. Disputes arising from the conduct of elections, whether direct or indirect under this section, may be referred to the competent Court;
 - b. The Registrar may issue directives to a trade union, employer's union or general association to ensure that the elections were held in accordance with this section and their constitution

Article 177

Notifications to Senior Officials

1. A trade union, an employer's union or a Trade Union/Employer's Union Association shall clearly indicate:
 - a. Its registered office, stating all its names and positions;
 - b. Each branch office as referred to in paragraph (b), and in addition to the names and positions of the branch officers.

Article 178

Duty of the Senior Officials

It is the duty of trade a union's, employers' organisation's or federation's officials to represent and protect the interests of their members without prejudice to the members' right to approach directly an authorized officer or a competent court.

CHAPTER 28

FUNDS AND ASSETS, ACCOUNTS AND RETURNS

Article 179

Senior Officials as Trustees

- (1) The constitution of a trade union, employer's organisation and federation must provide that:
 - (a) All the officials of the organization are entrusted with the protection, preservation and reasonable use or application of the organization and are deemed to be trustees for purposes of the organization's property;
 - (b) The Senior Officials are governed by any laws or regulations that relate to trustees and are subject to the same level of trust as if they had been appointed as trustees of the organisation's movable and immovable property.
- (2) Notwithstanding the provisions of subsection (1) and subject to paragraph (3) of this section, members may designate or elect three of the officials of the organization as specific trustees.
- (3) Any person who has not been convicted of a crime of fraud, forgery or corruption and manipulation, is allowed to be a member of the Supreme Council.
- (4) Any person appointed to the Supreme Council shall comply with the duties and responsibilities of the Supreme Council as stipulated in the laws or regulations established by the Supreme Council.

- (5) The property of a trade union, an employer's association or a registered general association, whether movable or immovable, is entrusted to the Supreme Council for the use and benefit of the association and its members.
- (6) If a change occurs in any of the offices of the Supreme Council, it does not affect the property of a trade union, an employer's association or a registered general association. During the interim period, the responsibility shall be transferred to the Supreme Council, while the property remains as it is, and nothing is transferred or assigned to anyone else, until the person holding the office transfers it to the trustee.

Article 180

Members' Contributions

1. A member of a trade union, an employer's union or an association of workers/employers may pay a mandatory contribution, which may be a contribution, a monthly fee and any other amount specified in their constitution.
2. An employer may not deduct any amount from an employee who has given his employer a prior notice of resignation from the union.
3. The notice of resignation referred to in paragraph 2 shall take effect from the month following the month in which the notice is given.
4. The employer shall forward a copy of the notice of resignation to the trade union.

Article 181

Deductions from unionisable employees under a collective agreement

No trade union is permitted to require an employee who is not a member to pay any dues to the trade union, or to give a notice to an employer of an employee who is not a member to deduct and remit any dues to the trade union only by reason of the fact that the person is unionisable and that the employee's position in employment is covered by a collective agreement negotiated between the trade union and the employer.

Article 182

General provisions on deductions

1. Any amount deducted from an employee in accordance with the provisions of this section shall be paid into the designated account of the union within (10) working days after the date of deduction.

2. The union may request the Minister to issue an order directing an employer employing more than five (5) employees who are members of the union to deduct from the employee's salary the amount of the union membership fee and pay it into the union account.
3. A union may withdraw from, terminate or amend an agreement between an employer and a union if the union finds that:
 - a. The information and data contained in the agreement have been misrepresented or the money has been used for a purpose not in accordance with the agreement;
 - b. The money has not been paid into the designated account;
4. Any deduction from the dues of a member of a trade union in accordance with this section shall be in addition to the member's liability for payment of dues to the union.
5. No employer shall be permitted to deduct any amount from the dues of an employee for the purpose of making a payment to any union, unless the deduction is in accordance with the provisions of this Act.
6. Upon receipt of the payment, the trade union shall, within fourteen (14) working days, send a letter acknowledging receipt of the payment.
7. The employer shall comply with the agreement reached with the trade union by paying the contribution into the account or other accounts designated for it.
8. The Minister, in consultation with representatives of trade unions and employers' associations, may determine that an amount not exceeding 5% may be deducted from employees' wages for services rendered in the public interest and in accordance with the law.
9. An employer's association or general association may establish a constitution requiring its members to pay contributions or fees as a condition of membership in the association.

Article 183

Use of funds

1. Subject to its rules and the provisions of this Code, the following are the only purposes the funds of a trade union, employers' organisation or federation may be used for:
 - (a) the payment of salaries, allowances and expenses to its officials;
 - (b) the payment of expenses for the administration of the trade union, employer's organisation or federation including auditing of its accounts;
 - (c) the prosecution or defence of any legal proceedings to which the trade union, employers' organisation or federation or any member thereof is a party, when the prosecution or

- defence is undertaken for the purpose of securing or protecting its rights or the rights of any member in any matter concerning employment or the application of any employment law;
- (d) the conduct of trade arguments on its behalf or on behalf of any member thereof;
 - (e) the compensation of members for loss arising out of trade disputes;
 - (f) the payment of allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of those members;
 - (g) the payment of subscriptions and fees to any registered federation to which it is affiliated;
- and

Article 184

Prohibition of payment of fines or penalties

The funds of a trade union, employers' organisation or federation must not be used, either directly or indirectly, to pay the whole or part of a fine or penalty imposed on a person by sentence or order of any court, except a fine or penalty imposed upon the union or federation under this Code or its regulations.

Article 185

Misuse of funds and other assets

In the event of Misappropriation of Funds and Assets; The Registrar or three (3) or more persons may apply to the competent authority to block the disbursement of funds to a trade union, an employer's union or a union/employer's union that has been used illegally or for unauthorized expenses.

Article 186

Preparing the accounts and power to require detailed accounts

- (1) In this section, 'official' means every other official responsible for the accounts of a trade union, employers' organisation or federation for collecting, disbursing, keeping in custody or controlling its funds or moneys.
- (2) Every official is required to render an accurate account of all moneys received or paid by the official:
 - (a) to the trade union, employers' organization or federation and its members:
 - (i) upon resigning or vacating office;
 - (ii) at least once in every year at such time as may be specified by the rules of the trade union, employer's organisation or federation; and

- (iii) at any other time required by a resolution of the members of the trade union, employers' organisation or federation or by its rules.
- (b) to the Registrar, when requested by the Registrar
- (c) Specifying:
 - (i) all amounts received or paid by the official since assuming office or, if the official has previously rendered an account, since the date of the last account;
 - (ii) the balance remaining in the possession of the official at the time of rendering the account; and
 - (iii) all bonds, securities or other property of the organisation entrusted to the custody of, or under the control of, the official.
- (3) The accounts must be audited by some qualified person or persons to be appointed by the organisation and a copy of the audited accounts submitted to the Registrar within thirty days.
- (4) Any official of a trade union, employer's organisation or federation or any person who:
 - (a) neglects or fails to comply with any of the provisions of this section or;
 - (b) willfully makes, orders, causes or procures to be made any false entry in or omission from an account rendered in terms of this section, commits an offence.

Article 187

Inspection of accounts and records

- (1) The accounts of a trade union, employers' organisation or federation and a list of its members must be open to inspection by:
 - (a) an official or member of the organisation at such times as may be specified in its constitution; and
 - (b) by the Registrar, or any person authorized in writing by the Registrar, at any reasonable time.
- (2) It is an offence for any person to obstruct or impede the Registrar, or any person authorized by the Registrar, from inspecting the accounts of the organisation.
- (3) The Registrar may, at any time, call upon the an official of a trade union, employers' organization or federation to render detailed accounts of its funds or the funds of any branch for any period, in the manner and containing such information as the Registrar may require.
- (4) It is an offence to for a person to fail to comply with a request made by the Registrar under subsection (3).

Article 188

Misuse of Properties/Assets

- (1) The Court may:
 - (a) order any person who has in his or her possession or control any property of a trade union, employers' organisation or federation in violation of its rules or who has unlawfully expended or withheld its moneys, to deliver that property or pay that money to its trustees; and
 - (b) suspend any official who contravenes paragraph (a).
- (2) A complaint under this section may be brought by:
 - (a) the Registrar; or
 - (b) a member of a trade union, employer's organisation or federation at the time of bringing the complaint of the trade union or employers' organisation concerned.

Article 189

Annual accounts

- (1) The authorised representative of a registered trade union, employers' organisation, or federation is required to submit annually by a prescribed date to the Registrar:
 - (a) A general statement of all receipts and expenditure during the year ending 31st December of the preceding year, including:
 - (i) all sums of money received by way of donations or grants from any local or overseas sources;
 - (ii) a list of assistance received from any sources; and
 - (iii) a list of the assets and liabilities as at 31st December.
 - (b) a copy of the auditor's report prepared in such form and containing such particulars as may be prescribed;
 - (c) an inventory of the assets;
 - (d) a copy of the rules in force, including all alterations and amendments to the rules, and of all new rules; and
 - (e) a list of all changes of officials during the preceding year.
- (2) Every member of a trade union, employers' organisation or federation is entitled to receive, free of charge on request, a copy of the general statement referred to in subsection (1).
- (3) It is an offence for any authorised representative of any trade union, employers' organization or federation to:
 - (a) fail to comply with any of the requirements of this section; or

- (b) willfully make or order, or cause or procure to be made a false entry in any of the documents submitted to the Registrar in terms of this section.

CHAPTER 29

RECOGNITION OF TRADE UNIONS

Article 190

Recognition

- (1) An employer, including a public employer, shall recognize a trade union for the purpose of concluding a collective agreement if the trade union is officially registered.
- (2) A group of employers, or employers' organizations, including a public employer's organization, shall recognize a trade union for the purpose of concluding a collective agreement, if the trade union represents a substantial portion of the employable workers who are members of a group of employers or employers' organizations.
- (3) Where there is no trade union representing a substantial portion of the employees, the trade unions representing the members shall at least be given the opportunity to negotiate, jointly or separately, on behalf of their members.
- (4) An employer, a group of employers or an employer's association as referred to in paragraph 2 and a trade union as referred to in paragraph 3," are required to conclude a preliminary recognition agreement stating the conditions under which the employer or employer's association is recognized as a trade union or trade unions.
- (5) In the event of a dispute over the legality of the recognition of a trade union and the conclusion of a collective agreement in accordance with this section, the trade union may refer the dispute to the competent authority, giving priority to the speedy resolution of such proceedings.
- (6) The recognition agreement shall include the right of the trade union members at the workplace to elect trade union representatives in accordance with the trade union's constitution, except for other matters that may be included.
- (7) A union representative elected by the union shall have the right to:
 - a. Represent the members in matters of grievance and disciplinary hearings in the workplace;
 - b. Perform such other functions as may be specified in the recognition agreement and the union constitution.

8. In addition to other matters that may be included, the union constitution shall provide that the employer shall grant officers or authorized representatives of the union access to the employer's premises or buildings to monitor the legitimate activities of the union, including:
 - a. Recruit union members;
 - b. Hold meetings with union members and other representatives outside of working hours;
 - c. Represent union members in dealings with the employer;
 - d. Conduct voting in accordance with the union constitution.

9. An employer may:
 - a. impose reasonable conditions on the place and time of any right mentioned in this section, in order to avoid undue interference with the work and safety of the workplace;
 - b. require officers or representatives of a trade union to submit proof of their identity and capacity to grant a permit.

10. Any dispute arising out of the granting of a permit, or the conditions under which the permit is granted, may be referred promptly to the competent court.

CHAPTER 30 COLLECTIVE AGREEMENTS

Article 191 Parties to and Agreement

- (1) For purposes of this Part, a collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand.
- (2) A collective agreement must be in writing and be signed by:
 - (a) the chief executive officer of any employer, the chief executive or national secretary of an employers' organisation that is a party to the agreement or a representative designated by that person; and
 - (b) the general secretary of any trade union that is a party to the agreement or a representative designated by the general secretary.

Article 192

Procedure for drawing up agreements

- (1) A collective labour agreement must be based on general principles of labour laws and be discussed freely by the parties, agreements between employers, group of employers, unions of employers or employers' unions on one side and or one or more labour union on the other side.
- (2) The contents of an agreement must take into account the State's social policy.
- (3) The collective labour agreement is to be drawn up in the form of a written instrument and a copy each must be submitted to the Registrar of Employees' and Employers' Organisations and the Federal Labour Commission.
- (4) For the purpose of conducting negotiations for a collective agreement, an employer is required to disclose to a trade union all relevant information that will allow the trade union to effectively negotiate on behalf of employees, which information must be treated as confidential and must not be disclosed by any person to a person who is not engaged in the negotiations.
- (5) Any dispute regarding what information is required to be disclosed in accordance with the provisions of this section, is to be referred, in writing, by either party, to the Federal Alternative Dispute Resolution Commission for conciliation, and if it remains unresolved, to the Labour Court under a certificate of urgency.

Article 193

The essence of the collective agreements

1. Subject to the provisions of this Code or regulations made under it, a collective agreement must specify the following:

- a. The parties to the agreement;
- b. The categories of employees concerned;
- c. The duration of the agreement;
- d. The procedure for conciliation or mediation in the event of a dispute; and
- e. Procedures and conditions for cancellation, renewal or revision.

Article 194

Registration of Agreements

1. Every collective agreement shall be submitted to the Ministry within fourteen (14) working days of its conclusion.
2. It shall be the duty of the employer or the employers' organization that is a party to the agreement to submit it to the Ministry for registration.
3. If the employer or the employers' organization fails to submit the collective agreement to the Ministry as provided for in paragraphs 1 and 2 of this article, the workers' organization may submit it.
4. The Ministry may review collective agreements to ensure that they comply with the provisions of this law and other relevant laws.
5. The Ministry shall register the agreement within fourteen (14) working days, upon verification that the agreement meets the legal requirements and the required procedures.
6. When the Ministry determines that the agreement does not meet the requirements, it shall notify the relevant parties within fourteen (14) working days of the required corrections, who shall be required to respond within fourteen (14) working days, and the Ministry shall then continue to comply with the requirements set out in paragraph 5 or this paragraph, as appropriate.

Article 195

Legal effect of collective agreements

- (1) A collective agreement binds, for the period of the agreement:
 - (a) the parties to the agreement;
 - (b) all unionisable employees employed by the employer, group of employers or members of the employers' organisation party to the agreement; or
 - (c) the employers who are or become members of an employers' organisation which is party to the agreement, to the extent that the agreement relates to their employees.

- (2) The terms of the collective agreement are deemed to be incorporated into the contract of employment of every employee covered by the collective agreement.
- (3) A collective agreement becomes:
 - (a) enforceable and is implemented upon registration by the Labour Court, and
 - (b) effective from the date agreed upon by the parties.

Article 196

Favourable provisions for employees

A collective agreement may contain provisions that are more favourable to the employees than those of this Code and regulations made under it or any other law but must not conflict with any mandatory provisions of this Law.

Article 197

Exemption from stamp duties and registration fees

A collective agreement is exempted from all stamp duties, publishing and registration fees.

Article 198

Territorial coverage and period of validity of the agreement

- (1) A collective labour agreement:
 - (a) may be concluded on a national, regional, district or local basis, or at factory, plant or firm level;
 - (b) must stipulate the period of its validity which must not exceed three years and must not be less than one year;
 - (c) remains in force throughout the period of its validity, except in the case of a substantial change in the situation which has a direct bearing on the execution of the agreement.
- (2) 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.
- (3) Notice of repudiation must be given at least three months before the date of expiry of the agreement.

Article 199

Subsequent participation

Any trade union or any employer not associated in the making of a collective labour agreement may subsequently become a party to it.

Article 200

Entry into force

- (1) A collective agreement duly drawn up and executed between the trade unions and employers applies to all employees concerned whether they are members of the trade unions or not.
- (2) Where an employer carries on various independent types of business, the collective agreement governing the individual types of business apply to the employment relationships concerned.
- (3) Individual contracts of employment must not conflict with collective agreements except in the case of clauses containing stipulations more favourable to the employees.

Article 201

Termination of collective agreements

1. Subject to the provisions of this Code, a collective 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; or
- (b) by being superseded by a subsequent agreement
- (c) by fortuitous circumstances or force majeure, with the approval of the Labour Court.

Article 202

Supplementary labour agreements

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

Article 203

Employment relationships not subject to collective regulation

Civil servants in the public administration are exempt from this section, subject to the Government establishing a specific system to guide collective bargaining in relation to public sector employees.

Article 204

Dispute resolution

- (1) An employer, group of employers or employers' organisation and a trade union may conclude a collective agreement providing for:
 - (a) the conciliation of any category of trade disputes identified in the collective agreement by an independent and impartial conciliator appointed by agreement between the parties; and
 - (b) the arbitration of any category of trade disputes identified in the collective agreement by an independent and impartial arbitrator appointed by the agreement between the parties.
- (2) A party that has referred a dispute to conciliation in terms of an agreement contemplated in subsection (1) is not required to refer it to the Federal Alternative Dispute Resolution Commission for conciliation, but may seek the Commission's assistance in identifying a suitable conciliator.
- (3) An award in an arbitration in terms of a collective agreement contemplated in subsection (1) is final and binding and:
 - a. An appeal may be taken to the competent court;
 - b. The competent court may set aside the decision when it finds any other reason not provided for by law; or
 - c. The competent court may confirm the decision of the arbitrator or mediator.
- (4) A request for review of an arbitration or mediation decision must be submitted to the competent court within thirty (30) working days from the date of the decision.

CHAPTER 31 COMMITTEE OF INQUIRY

Article 205 Appointment and functions

- (1) The Minister, may by notice in the Gazette, appoint a Committee of Inquiry to inquire into any matter which appears to the Minister to be connected with or relevant to any trade dispute or to trade disputes in general, or to trade disputes of any type or class, whether or not any such dispute has been reported to the Minister under this Code.
- (2) Where the Minister has referred any matter to the Committee of Inquiry under subsection (1), the Minister may refer to the Committee of Inquiry any other matter which in his or her opinion ought to be so referred.
- (3) A Committee of Inquiry consists of three or more persons, including a chairman, as the Minister deems fit to appoint and the Minister may appoint a public officer to be the secretary of the Committee of Inquiry.
- (4) A Committee of Inquiry consisting of three or more persons may act notwithstanding any vacancy in their number.

Article 206 Reports

A Committee of Inquiry must inquire into and report on any matter referred to it and submit a report on the matter to the Minister, with recommendations as appropriate, whereupon the Minister determines how to use the report to address the matter.

CHAPTER 32 RESOLUTION OF LABOR DISPUTES

Article 207 Labor Disputes between Parties

1. Each party shall submit to the District Labour Inspector a labor dispute within its jurisdiction for mediation, who shall attempt to resolve the dispute within 14 working days from the date of submission.
2. A party who is not satisfied with the decision of the District Labour Inspector shall, within 14 working days from the date of the decision, refer the matter to the Regional Labour Inspector. In order to resolve the dispute within 14 working days from the date he received.
3. A party who is not satisfied with the decision of the Regional Inspector shall, within 14 working days from the date of the decision, refer the matter to the competent court.
4. An Employee who works or has worked for a company or organization headquartered abroad, but operating in the JFS, may file a lawsuit directly with a court located abroad that he believes has jurisdiction to hear the lawsuit.
5. An Employee may file a lawsuit directly with the competent court, without going through labor investigators.

Article 208

Regional Labor Inspector

1. The Minister, in accordance with the provisions of this Act, shall appoint the Regional Labor Inspector and his/her Assistants and their duties.
2. The Regional Labor Inspector and his Assistants shall consist of four (4) Inspectors and a Secretary, as follows:
 - b) Regional Labor Inspector (Chairman);
 - t) Three (3) Assistant Labor Inspectors (Members);
 - i) Secretary-Inspector (Member).

Article 209

Collective Labor Disputes

1. Collective Labor Disputes shall first be resolved by agreement between two (2) parties (Labor Union and Employer Union), and if the dispute fails to be resolved, it shall be referred to the Regional Labor Inspector.
2. If the Regional Labor Inspector fails to resolve the collective labor dispute, it shall be directly referred to the competent court.

Article 210

Complaints Against Decisions of the Regional Court

Complaints against decisions of the Regional Court shall be submitted to the competent court.

Article 211

Right to Strike and Lockouts

1. The right to strike shall be exercised in accordance with the regulations established for it.
2. Strike is a fundamental right of every worker in accordance with this law, which rights may be exercised by workers, labor unions and general associations of labor unions.
3. Government and private sector employees may equally exercise the right to strike, except:
 - a. Permanent civil service employees who work in the name of the State;
 - b. Employees who work in basic public services in accordance with this law, who may endanger the life, safety and health of the general public or a part of it, services that are essential in times of emergency or national disaster.
4. The right of workers to strike is mandatory, but must be exercised peacefully
5. No one is allowed to participate in a strike or to organize a prolonged strike, if:
 - a. Any law, court order, collective agreement, negotiated agreement, such agreements prohibit the holding of a strike with respect to the matters in dispute;
 - b. The matters giving rise to the strike are regulated by a collective agreement and negotiated agreement agreed upon by the parties to the dispute;
 - c. If the parties to the agreement disagree, they may submit their case to the Regional Labor Inspector referred to in Article 209 of this Code;

- d. In the event of a dispute concerning the recognition of a trade union, such union may submit its case to the Regional Labor Inspector referred to in Article 209 of this Code;
 - e. A labor union complaint that has not been resolved through arbitration in accordance with this law, or a collective agreement reached for arbitration;
 - f. Workers and employers engaged in basic public services;
 - g. A strike that does not further or aggravate a labor dispute, one that is of a political nature, or except for a strike that seeks to address situations affecting economic and social policy.
6. Any trade union or group of trade unions intending to hold a strike must notify the employer or group of employers and the Minister within 14 working days of the date on which the strike is to take place.
7. The notice must state:
- a. The grounds for the strike;
 - b. The issues that concern an employer or group of employers without prejudice to any particular person;
 - c. During the strike, if the issues that led to the strike have not been resolved, the strike shall continue;
 - d. If attempts have been made to reach an agreement on the issues that led to the strike or to other forms of dispute resolution (CDR) and these attempts have failed;
 - e. If a majority of the employees vote by secret ballot in favour of the strike.
8. Random strikes are prohibited, except those in accordance with the law.
9. Employees have the right to strike peacefully, which does not involve any criminal activity and does not interfere with the freedom of movement of those who are not party to the strike.
10. The Minister shall have the power to determine the specific essential services in consultation with trade unions and employers' organizations.
11. The Minister shall have the power to impose minimum safety measures on work sites in any case of a strike in order to ensure the safety of persons, prevent accidents and protect machinery and equipment.
12. The Minister shall have the power to establish the minimum service requirements that may be implemented by institutions or organizations affected by a strike, in particular public services and other essential basic services.
13. The Minister shall ensure that trade unions, employers' organizations and the public authorities in cooperation with him shall jointly determine the minimum work that can be carried out and the safety requirements necessary for the work.
14. No employer shall employ any employee to replace a worker on strike, except in the case of a strike in essential services or in exceptional circumstances and in cases of national disaster.

15. It shall be unlawful for an employer to dismiss, discipline or otherwise restrict the right of a trade union official or employee to organize or participate in any activity related to an action to establish a strike.
17. Any employee who participates in, calls for, incites or organizes others to participate in a strike that is not in accordance with this Act shall be deemed to have breached the employment contract and:
 - a. Shall be subject to disciplinary action; and
 - b. Shall not be entitled to receive his wages and other rights mentioned in this law during the period of his participation in the strike.
18. Any person who refuses to participate or insists not to participate in an illegal strike:
 - b) Shall not be expelled from a trade union or other organization, nor shall he be deprived of any rights or benefits to which he is entitled on account of such refusal;
19. When employees engage in an illegal strike, the employer shall have the right to impose a wage deduction for the days of the strike.
20. Any matter concerning a strike or threat of strike that is disputed in accordance with this law may be referred to the competent authority.
21. Employees shall have the right to engage in a strike in accordance with this law.
22. It is prohibited for an employer to impose lockouts by pressuring his employees to comply with their demands during a strike.

PART IX MISCELLANEOUS

CHAPTER 33 PENALTIES

Article 212

Obstruction to inspection officers

Any person who deliberately obstructs a police officer while performing his/her duties will be punished according to the procedures set forth in the Somali Criminal Code and other laws of the country.

Article 213

Other contraventions

Any person who violates the provisions of this law or its regulations, for which no punishment is specified, shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.

Article 214
Payment for the imposed fine

The fines specified in this law must be deposited into the central account of the government.

Article 215
Repetition of offence

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

Article 216
Filing a Complaint Case

If necessary, after giving notice to the party complained against, the District or Regional Inspector shall open a report file relating to the violation of this Act or its regulations, and shall submit it to the competent authority, sending a copy to the Ministry.

Article 217
Regulations

The Minister may make regulations for the proper implementation of this Law.

Article 218
Repeal

Labor Law No. 65 of October 18, 1972 has been repealed.

Article 219
Coming into Force of this Law

This law shall enter into force upon its signature by the President of the Federal Republic of Somalia and its publication in the Official Gazette.



Federal Republic of Somalia
Federal Parliament
The Upper House

Committee on the development of social welfare, Humanitarian Affairs, Information and culture.

Comparison of Somali Labor Law Draft Bill

The below Comparison shows how this bill reached the Upper House and how it has now been passed by the Committee and a commentary on the amendments made by the Committee.

This comparison applies only to the articles or clauses that have been amended.

Copy of the House of People	Copy of the Upper House	Comment
Article 2 Definition of Terms		
73. “Competent Court” means the Regional Court, the Supreme Court, or the Constitutional Court.	73. “Competent Court” means the Regional Court or the Supreme Court.	Article 2, Paragraph 73, was struck down by the Constitutional Court.
Article 5 Protecting Labor Law and Recognizing the Role of Workers the Government is Responsible	Article 5 The responsibility for protecting labour laws and recognizing the role of workers lies with the government.	this article 5 is being rephrased
2. Encourage conditions that allow individuals to fully exercise their rights, while fulfilling the obligations set forth in paragraph 4 of this law.	2. Encourages the conditions that allow the person to fully exercise his rights, while fulfilling the obligations mentioned in Article 4 of this law.	The same Article 5 Clause 2 Paragraph 4 was deleted and replaced with Article 4.
Article 6. Equality and non-discrimination	Article 6. Equality and non-discrimination	
4. Without prejudice to the generality of the provisions of this Article, paragraph 3 mentioned above, relating to migrant	4. Without prejudice to the generality of the paragraph 3 of this article, relating to migrant workers, in order to	Article 6, Paragraph 4, the words “the provisions of paragraph 3 mentioned above” have been deleted and made

workers, in order to prevent and eliminate any abuses that may be committed against migrant workers and their families, the Minister shall, in consultation with other relevant government agencies and representatives of employers' organizations and representatives of the workforce:	prevent and eliminate any abuses that may be committed against migrant workers and their families, the Minister shall, in consultation with other relevant government agencies and representatives of employers' organizations and representatives of the workforce:	into paragraph 3 of this article”
Article 7 Forced labour and recruitment of Children	Article 7 Forced labour and recruitment of Children	
4. It is an offence to contravene this provision, and upon being brought before a court of competent jurisdiction, a person found guilty shall be liable to a fine of between \$3,000 and \$10,000 or to an equivalent sum of Somali shillings or to imprisonment for a term not exceeding two (2) years or to both.	4. Anyone found violating this article will be brought before the competent court, and the procedures set forth in the Somali Penal Code and other laws of the country will be applied.	Article 7, Paragraph 4, has been removed from the prison and fine penalties. and replaced with, "Anyone found violating this article shall be brought before the competent court, and the procedures set forth in the Somali Penal Code and other laws of the country shall be applied."
Article 8 Sexual Assault and Harassment (Harassment, or Indecent Assault/act)	Article 8 Sexual Assault and Harassment (Harassment, or Indecent Assault/act)	
The employer must promptly and independently investigate any complaint of sexual harassment and abuse and take necessary action if the complaint is substantiated.	The employer must promptly and independently investigate any complaint of sexual harassment and exploitation, and when the complaint is substantiated, must refer it to legal authorities for prosecution in accordance with the Somali Penal Code and other laws of the country.	Article 8, paragraph 3, includes the punishment prescribed in this way, and when the complaint is proven, it must be forwarded to legal authorities for prosecution in accordance with the Somali Penal Code and other laws of the country.
Article 13 Federal Labour Commissioner	Article 13 Federal Labour Commissioner	

The Federal Labour Commissioner may, in writing, delegate to any labour officer any of the Commissioner’s powers, functions and duties and may:	The Federal Labour Commissioner may, in writing, delegate to any labour officer any of the Commissioner’s powers, functions and duties and may:	
Article 14 Director of Employment	Article 14 Director of Employment	
1. The Director of Employment is responsible for the regulation and supervision of employment management and monitoring or enforcing compliance with this Code and any other labour law to the extent that they regulate employment management.	1. The Director of Employment is responsible for the regulation and supervision of employment management and monitoring or enforcing compliance with this Code and other labour law to the extent that they regulate employment management.	Article 14, Paragraph 1 , the word “any” was deleted.
Article 18 Powers of entry in workplaces	Article 18 Powers of entry in workplaces	
An authorised officer is permitted to enter any premises or place where persons are working, or may be, employed for the purpose of performing his or her duties under this Code or any other labour law.	An authorised officer is permitted to enter any premises or place where employees are working, or may be, employed for the purpose of performing his or her duties under this Code or any other labour law.	Article 18, Paragraph 1 "Persons" was removed and replaced with "employees"
Article 19 Co-corporation and assistance from government authorities	Article 19 Co-corporation from government authorities	The title of Article 19 has been removed from “and assistance”
Authorized officers may, where necessary, seek the co-operative assistance of any government authorities for implementation of	Authorized officers may, where necessary, seek the co-operative of any government authorities for	Article 19 has been removed from “assistance”

the provisions of this Code and its regulations.	implementation of the provisions of this Code and its regulations.	
Article 29 Rights of the commission	Article 29 Rights of the commission	Article 29 “the rights of the commission” changed and replaced to “rights of the commission”.
Article 30. Rules of procedure	Article 30. Rules of procedure	
The Commission may determine its own rules procedure for the exercise of its powers and the performance of its functions.	The Commission shall establish its own rules procedure for the exercise of its powers and the performance of its functions.	Article 30. the word “Determine” have deleted and replaced with “establish”.
Article 32. Powers and functions of the Director	Article 32. Powers and functions of the Director	
j. conduct of research, experiments and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques and approaches of dealing with occupational safety and health problems, and new problems created by new technology	j. conduct of research, experiments and demonstrations relating to occupational safety and health, including studies of mental or psychological/brain harm involved, and relating to innovative methods, techniques and approaches of dealing with occupational safety and health problems, and new problems created by new technology	Article 32, paragraph 1, letter j. The term "psychological factors" has been replaced by "mental or psychological/brain harm".
10. Any person who is given a notice of termination of employment in accordance with this article, if he continues to carry out the work for which he was suspended or takes any other action in violation of the notice given, shall be punished with a	10. Any person who is given a notice of termination of employment in accordance with this article, if he continues to perform the work from which he was suspended or takes any other action in violation of the	In Article 32, paragraph 10, the fines and punishment are deleted and replaced with shall be punished according to the procedures stipulated in the Somali Penal Code and other laws of the country.”

fine of \$1000 or its equivalent in Somali shillings or imprisonment for a term of not less than 4 months or both.	notice given, shall be punished according to the procedures stipulated in the Somali Penal Code and other laws of the country.	
Article 34 Registration of workplaces	Article 34 Registration of workplaces	
4. Any person who, occupies or uses any premises as a workplace without a certificate of registration commits an offence and, if on convicted, is liable to a fine not exceeding one 500\$ or equivalent amount of Somali shillings or to imprisonment for a term not exceeding three months or to both.	4. Any person operating a business or workplace without a registration license, if found, will be subject to the procedures of the General/public Financial Management Act.	Article 34, paragraph 4, states that the fines and penalties mentioned in this paragraph deleted "shall be determined in accordance with the procedures of the public finance management law."
If the contravention is continued after the conviction, he or she commits a further offence and is liable to a fine not exceeding a 100\$ or equivalent amount in somali shillings or to imprisonment for a term not exceeding seven days, or to both, for each day on which the offence is continued.	5. If the violation continues after the sentence, that person has committed an additional offense, and the penalty will be doubled by going through the procedures of the Public Finance Management Law.	Article 34, paragraph 5, that the penalties of fines and imprisonment was deleted and summed up the penalty will be doubled by going through the procedures of the Public Finance Management Law."
12. The fee for registering a business premises shall be from Five Dollars to Twenty-Five Dollars (\$5 to \$25),	12. The fee for registering a business premises shall be from Five Dollars to Twenty-Five Dollars (\$5 to \$25), depending on the size of the business.	Article 34, paragraph 12 was added" depending on the size of the business."
Article 36. Welfare	Article 36. Welfare	
d. The workplace should have separate changing/cloakrooms for the use of employees;	d. The workplace should have separate changing rooms for men and women for the use of employees;	In Article 36, paragraph 36 the letters "men and women" were added.
2. An who fails to comply with any of the duties imposed under	2. Any official who fails to comply with the obligations	In the same article 36, paragraph 2 the fines and

<p>this section commits an offence and, if convicted, is liable to a fine not exceeding *** or to imprisonment for a term not exceeding six months or to both.</p>	<p>set forth in this article and the preceding paragraphs shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.</p>	<p>imprisonment penalties were deleted and replaced with “shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.”</p>
<p>Article 37. Health in the Workplace</p>	<p>Article 37. Health in the Workplace</p>	
<p>4. Every manager must ensure that the workplace is clean, that there are no odors coming from drains, toilets, and that there is no noise or sound that disturbs employees,</p>	<p>4. Every manager must ensure that the workplace is clean, that there are no odors coming from drains, toilets, and that there is no noise or sound that disturbs employees, which is outside the nature of the work.</p>	<p>Article 37 paragraph 4 was added “outside the nature of the work.”</p>
<p>6. An must provide suitable installations for the removal of refuse.</p>	<p>6. Every responsible person must put appropriate equipment to remove waste from the workplace.</p>	<p>Article 37, paragraph 6 the word install was replace the word put.</p>
<p>8.An who fails to comply with any of the duties imposed under this section commits an offence and, liable to a fine not exceeding 500\$ or to imprisonment for a term not exceeding three months or to both</p>	<p>8. Any person responsible for failing to comply with this article shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.</p>	<p>In the same Article 37, paragraph 8 , The prison sentence and fine were abolished and replaced with the procedures set forth in the Somali Penal Code and other laws of the country.</p>
<p>Article 38 Workplace Safety</p>		
<p>18.A person who contravenes the provisions of this section or any regulation, will be punished to a fine not exceeding 500\$ or to imprisonment for a term not exceeding three months or to both.</p>	<p>18. any person who fails to comply with this article and its regulations shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.</p>	<p>Article 38, paragraph 18 , The prison sentence and fine were abolished and replaced with the procedures set forth in the Somali Penal Code and other laws of the country.</p>
<p>Article 42. Medical Facilities</p>		
<p>1. Every workplace that normally employs more than ten (10) employees must have a first aid kit available.</p>	<p>1. Every workplace that normally employs more than ten (10) employees must have a first aid kit available, and a person</p>	<p>Article 42, paragraph 1 was added to the sentence “and a person trained in first aid must be present.”</p>

	trained in first aid must be present.	
Article 48. Employer’s duties		
g. not to demand or accept from employees 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.	g. not to demand or accept from employees 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.	this article48, paragraph r, is being rephrased
Article 52 Duration and conditions of Training skills.	Article 52 Duration and conditions of Training skills.	
1.Young persons between 15 to 30 years of age may be employed as apprentices subject to the restriction as to age and to the prohibitions and limitations on employment laid down in this Code or regulations made under it or by any other law.	1.Young people between the ages of 15 and 30 may take up apprenticeships, subject to age restrictions and other employment requirements set out in this law and its regulations or other laws of the country.	In this Article 52, Paragraph 1 the word ‘prohibition ‘was replaced to word ‘Requirements’
Article 63. Intermittent work	Article 63. Intermittent work	
In occupations that involve intermittent duty or mere/require presence or caretaker activity, the normal hours of work are ten a day and 60 a week.	For occupations that involve intermittent duty or do not require the presence of an employee or caregiving tasks, their normal working hours are ten (10) hours per day or 60 hours per week.	In Article 63, the word ‘require’ has been replaced with ‘not require’.
Article 65. National Holidays	Article 65. National Holidays	
Flag Day on April 12th (One Day).		Article 65, paragraph 4, letter (i) has been deleted as April 12 is not a national holiday.
Somali Language Writing Day 21st October (One Day)	Somali Language Writing Day January 21 (One Day)	
Article 70 Illness Leave	Article 70 Sick Leave	In the title of Article 70, the word "illness" has been

		changed to "Sick".
Article 78. Idd bonuses	Article 78. Idd bonuses	
Every employee is 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 Arafah, but the bonus due to non-Muslim employees may, if such employees request, be paid in a single sum at the end of the solar year.	1. Every employee is entitled to Eid/Idd bonus.	Article 78, Paragraph 1 summarizes that every employee has the right to an Eid Bonuses.
Article 82. Functions and powers	Article 82. Functions and powers	
i. Failure to provide any information, book or document requested by the Committee will be punishable to a fine of 200\$ or an equivalent Somali shillings or imprisonment not exceeding a month or both.	I. Failure to provide any information, book or document requested by the Committee will be punishable under the procedures set forth in the Somali Penal Code and other laws of the country.	In this Article 82 , paragraph t. The fine and prison penalties was revoked and replaced to punishable under the procedures set forth in the Somali Penal Code and other laws of the country.
Article 85. Deductions and disciplinary penalties	Article 85. Deductions and disciplinary penalties	
3. Voluntary absence of an employee from the service for a period of seven or more consecutive days without justification is considered as resignations from the service of his or her own accord.	3. Any person who is absent from work without an excuse for three Weeks (21) consecutive working days or more shall be deemed to have voluntarily left work by their accord.	In Article 85, paragraph 3 , the seven' has been deleted and replaced to three weeks.
Article 86. False entries	Article 86. False entries	
A person who makes, causes to be made or knowingly allows to be made an entry in a record or some other document required to be established, kept or maintained under this Code, he or she knows to be materially false, or produces, furnishes, causes or knowingly allows to be produced	Any person who commits, causes to be committed or permits false information to be entered into a record or other document required by this Act to be created, stored, or maintained, knowing that the information entered into	Article 87, the fines and prison punishments were revoked and it has been replaced with the procedures set out in the Somali Penal Code and other laws of the State.

or furnished, to an authorised officer, such record or other document, commits an offence and, if convicted, is liable to a fine not exceeding 1000\$ or equivalent amount in Somali shillings or to imprisonment for a term not exceeding six months or to both.	that record or document is forged or that he or she has participated in the forgery, and then submitted to the competent authority, shall be punished in accordance with the procedures set out in the Somali Penal Code and other laws of the State.	
Article 91. Inducing or forcing someone to work abroad without a contract	Article 91. Inducing or forcing someone to work abroad without a contract	
b. Anyone who incites, attempts to incite, coerces or attempts to coerce an employee to travel outside the FRS in a manner inconsistent with this law commits an offence and, if convicted, is liable to a fine not exceeding 5000\$ or equivalent amount in Somali shillings or to imprisonment for a term not exceeding six months or to both.	b. Anyone who incites, attempts to incite, coerces or attempts to coerce an employee to travel outside the FRS in a manner inconsistent with this law will be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.	Article 91 paragraph 1(b)the fines and prison punishments were revoked, and it has been replaced with the procedures set out in the Somali Penal Code and other laws of the State.
Article 110.Immediate Dismissal	Article 110.Immediate Dismissal	
d)Using the power of arrest under this Act, if the employee commits a crime punishable by imprisonment for a term of not less than fourteen days, unless the employee is released on bail or otherwise lawfully released; or	d)Using the power of arrest under this Act, if the employee commits a crime punishable by imprisonment for a term of not less than one month, unless the employee is released on bail or otherwise lawfully released; or	Article 110, paragraph 4, (D) the “fourteen-day period” has been changed to a period of one month.
	s) Employees who pose a threat to safety or security (terrorist acts) may be dismissed from their jobs.	Article 110, paragraph 4 we have added a new latter (S).
Article 115.Insolvency of an employer	Article 115.Insolvency of an employer	
3. The Minister, in consultation with the employers' associations,		Article 115, paragraph 3 was deleted.

<p>shall establish a special fund into which employers and other interested parties shall contribute to the payment of the rights referred to in paragraph 2 of this article, which shall be capable of paying the amounts referred to in section 2, and which shall:</p> <p>a. establishes procedures for the management of the fund's activities.</p> <p>b. be used only for the payment of the rights of employees and bankrupt employers.</p>		
<p>4. Where a trustee in bankruptcy or a permanent or interim trustee, a liquidator, an administrator, a receiver or manager, a trustee under a composition or arrangement between the employer and his creditors or a trustee under a trust deed for his creditors executed by the employer has been or is required to be appointed in connection with an employer's insolvency, the Minister shall not make a payment in respect of a debt until the Minister has received a statement from appointee of the amount of debt which appears to have been owed to the employee on the appropriate date and to remain unpaid.</p>	<p>Where a trustee in bankruptcy or a permanent or interim trustee, a liquidator, an administrator, a receiver or manager, a trustee under a composition or arrangement between the employer and his creditors or a committee under a trust deed for his creditors executed by the employer has been or is required to be appointed in connection with an employer's insolvency, opening their own account therefore the Minister shall not make a payment in respect of a debt until the Minister has received a statement from the appointee of the amount of debt which appears to have been owed to the employee on the appropriate date and to remain unpaid.</p>	<p>Article 115, paragraph 4, the word "representative" has been replaced with "committee", and the committee is also creating its own account.</p>
<p>5. An appointed officer/agent must, on the request of the Minister, provide the Minister with such statement as soon as is reasonably practicable.</p>	<p>4. The entrusted committee, in response to the Minister's request, shall prepare a comprehensive report for the Minister as soon as</p>	<p>The article 115, paragraph 4 the word agent was replaced to word committee.</p>

	possible.	
6. When the trustee agent has paid all debts owed to the bankrupt, the minister shall order all remaining assets to be deposited in the aforementioned Fund, which may be used only in the same circumstances as those referred to in Article 115, paragraphs 2 and 3 of this law.	6. When the trustee board has paid all debts owed to the bankrupt, the minister shall order all remaining assets to be deposited in the aforementioned account, which may be used only in the same circumstances as those referred to in Article 115, paragraphs 2 of this law.	The article 115, paragraph 4 the word “agent” was replaced to word board, and the word “Fund “was replaced with “Account “and the paragraph 3 was deleted.
Article 116. Service gratuity	Article 116. Service gratuity	
<p>1. On the termination of a contract of employment by either party for any reason after a year’s continuous service, the employee or, in case of his or her death, his or her heirs, are entitled to a service gratuity equal to one month’s remuneration for every year of service, unless more favourable terms have been agreed.</p> <p>2. If the period of service is less than one year, the employee is entitled to proportionate gratuity except when he resigns from service of his own accord.</p> <p>3. In the case of seasonal occupations or where the duties involved are for a brief duration, whatsoever their nature, if the period of service does not reach one year’s duration the employee is entitled to receive a 10 per cent substitution allowance, unless more favourable terms of basic daily remuneration are paid at the termination of service.</p> <p>4. No such gratuity or allowance mentioned in above paragraphs is payable if the employee is</p>		This article has been completely removed.

convicted of an offence of causing damages to the employer.		
Article 117. Transfer of undertaking	Article 116. Transfer of undertaking	
Where an undertaking is legally transferred between living persons or an account of death, or where it is used by or leased to any third party, existing contracts of employment remain in force between the new employer and the employees.	Where an undertaking is legally transferred between living persons or an account of death, or where it is used by or leased to any third party, existing contracts of employment can be adjusted to make it work between the new employer and the employees.	Article 117 the existing contracts of employment remain in force between the new employer and the employees. And has been replaced to 'existing contracts of employment can be adjusted to make it work between the new employer and the employees.'
Article 119. Death benefit	Article 118. Death benefit	
In case of death of an employee during his or her contract of employment, the employer must pay to his or her heirs an amount not less than 15 days' remuneration as death benefit for funeral services.	If an employee dies while working, the employer must pay the employee's heirs a lump sum of money to cover funeral expenses.	Article 119. amount not less than 15 days' remuneration as death benefit for funeral services. Has been deleted.
Article 120. certificate of service.	Article 119. certificate of service.	
4. An employer who wilfully or by neglect fails to give an employee a certificate of service in accordance with subsection (1), or who in a certificate of service includes a statement which he or she knows to be false, commits an offence and, if convicted, is to a fine of 300\$ or equivalent amount in Somali shillings.	4. An employer who intentionally fails to provide an employee with a certificate of service in accordance with paragraph (1) above, or who knowingly writes a false statement on a certificate of service; such employer shall be referred to the judicial authorities.	Article 120, the fines were deleted and replaced to employer shall be referred to the judicial authorities.

Article 124. Meaning of Employment	Article 123. Meaning of Employment	
There is a existing contract employment service, and the service provider is a child, whether the person using the services does so directly or by agent. , there must be an agreed amount of money, no matter how much.	There is a contract employment service, and the service provider is a child, and if the children are given work in accordance with the law, there must be an agreed amount of money, no matter how much.	Article 124, paragraph 1, latter b. Has being rephrased.
Article 137 Employer’s general duties	Article 136 Employer’s general duties	
2. An employer who fails or neglects to perform any of these duties commits an offence and, if convicted, is liable to a fine of 500\$ or to imprisonment for a term not exceeding 3 months or to both.	An employer who fails or neglects to fulfill any of the obligations shall be punished according to the procedures set forth in the Somali Penal Code and other laws of the country.	Article 137, paragraph 2 the fine and prison penalties has been removed and replaced to the procedures set forth in the Somali Penal Code and other laws of the country.
Article 139. Director’s duties	Article 139. Director’s duties	
5. An employer or an insurer who fails to pay the compensation claimed commits an offence and, if convicted, is liable to a fine not exceeding 500\$ or equivalent Somali shillings to imprisonment for a term not exceeding 6 months or to both.	5. Employers or insurers who fail to pay the compensation requested will be punished according to the procedures set forth in the Somali Penal Code and other laws of the country.	Article 139, paragraph 5 the fine and prison penalties has been removed and replaced to the procedures set forth in the Somali Penal Code and other laws of the country.
Article 140. Medical Support	Article 139. Medical Support	
5. An employer must defray any expenses reasonably incurred by an employee as the result of an accident arising out of, and during the employer’s employment in respect of the following matters: (a) dental, medical,	5. The employer must pay all expenses incurred by the employee for an accident, injury or illness caused by work,	Article 140, paragraph 5 , These expenses may include: was deleted, Also the letters A,B,C,D,E of the same paragraph has been

<p>surgical or hospital treatment;</p> <p>(b) skilled nursing services;</p> <p>(c) the supply of medicine and surgical dressing;</p> <p>(d) travelling and subsistence in connection with the employee's journey to and treatment in a place within the Republic where he or she was directed by his or her medical practitioner to go for treatment; and</p> <p>(e) the supply, maintenance, repair and replacement of artificial limbs, crutches, and other appliances and apparatus used by persons who are physically disabled.</p>		deleted.
<p>6.Any damage to any appliance or apparatus specified in paragraph (5) (e) is deemed to be an injury.</p>		Article 140,Paragraph6, was excluded.
<p>Article 143. Passing of specific laws and regulations dealing with compensation for occupational accidents, injury and disease</p>	<p>Article 142. Passing of specific laws and regulations dealing with compensation for occupational accidents,</p>	

	injury and disease	
e.(ii) compensation and expiry/temporary of compensation for temporary total or partial disablement.	e.(ii) A temporary compensation to be paid to a person who is completely or partially disabled;	Article 143, paragraph 1, later e(ii) the Word compensation or was removed.
g. claims against third parties	g. claims against third parties outside the employer and employee.	Article 143, paragraph 1, later g, outside the employer and employee was added.
Article 144. Employee’s right to freedom of association	Article 143.Employee’s right to freedom of association	
2. It is unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a trade union.	2. It is unlawful for an employer to engage in any act of interference, including financial interference, in the establishing or operating of a trade union.	Article 144,paragraph2 the word ‘Establish ‘was replaced to ‘Establishing ‘ and word Function is replaced to functioning /operating.
c. stand for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and	c. To run for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and	Article 44, Paragraph 4(c) the word ‘Stand” was replaced to word “Run”.
d. stand for election or seek for appointment as a trade union representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Code or a collective agreement.	d. Run for election or seek for appointment as a trade union representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Code or a collective agreement.	Article 44, Paragraph 4(d) the word ‘Stand” was replaced to word “Run”.
c. stand for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and	c. To run for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and	Article 44, Paragraph 5(c) the word ‘Stand” was replaced to word “Run”.
d. stand for election or seek for appointment as a trade union	d. Run for election or seek for appointment as a trade	Article 44, Paragraph 5(d) the word ‘Stand” was replaced to

<p>representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Code or a collective agreement.</p>	<p>union representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Code or a collective agreement.</p>	<p>word “Run”.</p>
<p>Article 145. Protection of employees’ rights</p>	<p>Article 144. Protection of employees’ rights</p>	
<p>It is unlawful to discriminate against an employee or any person seeking employment for exercising any right recognized under this Code.</p> <p>In particular, it is unlawful to do, or threaten to do any of the following:</p> <p>require an employee or a person seeking employment not to be or become a member or to give up membership of a trade union.</p> <p>prevent an employee or person seeking employment from exercising any right conferred by, or from participating in any proceedings specified in, this Code;</p> <p>dismiss or in any other way prejudice an employee or a person seeking employment:</p> <p>because of past, present or anticipated trade union membership.</p> <p>for participating in the formation or the lawful activities of a trade union; (iii) for exercising any right conferred by, or participating in any proceedings specified in, this Code; or</p> <p>(iv) for failing or refusing to do something that an employer may not lawfully permit or require an</p>	<p>1.The government must protect all categories of workers under this law— whether they are members of organizations, implementers, professionals or experts, advisers, or manual laborers. It must also improve the conditions that enable workers to effectively seek their rights and fulfill the obligations stated in this law.</p> <p>The rights of workers under the provisions of this law cannot be denied, falsified, or limited by any agreement. Any agreement that contradicts this law shall be considered null and void. However, any provision in an agreement that offers greater benefit or advantage to the worker shall take precedence over this law.</p> <p>Clause 2 of this article does not prevent the parties from negotiating and reaching an agreement on how to resolve disputes. Such resolutions should be determined based on the principles of equality,</p>	<p>The entire paragraph of Article 145 has been paraphrased.</p>

<p>employee to do.</p> <p>It is unlawful to give or promise to give an advantage to an employee or a person seeking employment in exchange for the person not exercising any right conferred by, or not participating in any proceedings specified in, this Code.</p> <p>The provisions of sub-section (3) do not prevent the parties to a dispute from concluding an agreement to settle that dispute.</p>	<p>international labor law, universally accepted standards that do not conflict with this law, previous case rulings, and established customs and practices.</p>	
<p>Article 152. Contents of constitution and rules</p>	<p>Article 151. Contents of constitution and rules</p>	
<p>g. the manner of keeping of full and accurate accounts of the treasurer.</p>	<p>G. the manner of keeping of full and accurate accounts of the treasury.</p>	<p>Article 152, paragraph 1 latter(g) the word ‘treasurer’ has replaced into ‘Treasury’.</p>
<p>Article 177 Election of Senior Officials</p>	<p>Article 176, Election of Senior Officials</p>	
<p>1. Disputes arising from, or connected directly or indirectly to, elections held under this section may be referred to the competent court.</p> <p>2. The Registrar may issue directions to a trade union, employers’ organisation or federation to ensure that elections are conducted in accordance with this section and their respective constitutions.</p>	<p>a. Disputes arising from, or connected directly or indirectly to, elections held under this section may be referred to the competent court.</p> <p>b. The Registrar may issue directions to a trade union, employers’ organisation or federation to ensure that elections are conducted in accordance with this section and their respective constitutions.</p>	<p>Article 177 Election of Senior Officials, paragraph 4 has sub numbers of 1&2, and we made it to a & b.</p>
<p>Article 183. General provisions</p>	<p>Article 182. General</p>	

on deductions	provisions on deductions	
8. The Minister, in consultation with representatives of labor unions and employers' organizations, may issue a decree that may be used to deduct from employees an amount not exceeding 50% of contributions for services to the national defense and public interest.	8. The Minister, in consultation with representatives of labor unions and employers' organizations, may issue a decree that may be used to deduct from employees an amount not exceeding 50% of contributions for services to the national defense and public interest in accordance with the law.	Article 183. paragraph 8, in accordance with the law. Was added.
Article 191. Recognition	Article 190. Recognition	
3. Where there is no trade union representing the majority of employees, trade unions representing members shall at least be enabled to negotiate, jointly or separate, on behalf of their members.	3. Where there is no trade union representing the majority of employees, trade unions representing members shall at least be enabled to negotiate, jointly or separately, on behalf of their members.	Article 191, paragraph 3 , word Separate, has made into Separately.
Article 195. Registration of the agreement	Article 194. Registration of the agreement	
2. It is the duty of the employer or employer's organization which is party to an agreement to submit it to the Ministry for registration.	2. It is the obligatory of the employer or employer's organization which is party to an agreement to submit it to the Ministry for registration.	Article 195, paragraph 2, the word obligatory is been used.
Article 196. Favourable provisions for Employees	Article 195. Favourable provisions for Employees	
A collective agreement may contain provisions that are more favourable to the employees than those of this Code and regulations made under it or any other law but	A collective agreement may contain provisions that are favourable to the employees than those of this Code and regulations made under it or	Article 197, was changed 'more favorable' and was made 'favourable'.

must not conflict with any mandatory provisions.	any other law but must not conflict with any mandatory provisions.	
Article 212. The Right to Strike and Lockouts	Article 211. The Right to Strike and Lockouts	
check		
Article 213. Obstruction of Labour Inspectors	Article 213. Obstruction of Labour Inspectors	
Any person who wilfully defames or obstructs a work inspector while performing his/her work duties shall be punished to a fine not exceeding 600\$ or equivalent Somali shillings to imprisonment for a term not exceeding 3 months or to both	Any person who wilfully defames or obstructs a work inspector while performing his/her work duties shall be punished in accordance with the procedures set forth in the Somali Penal Code and other laws of the country.	Article 213 was removed from the fine and replaced with ‘procedures set out in the Somali Penal Code and other laws of the country.’
. Article 215.Fines	Article 214.Fines	
1. The Ministry shall establish a Fines Fund, a special account designated to receive the fines referred to in this Act, in which employers shall deposit the fines at the end of each month into the above-mentioned account. 2. The Minister, in consultation with the Director of the Department of Labor and the Director General of the Ministry, shall direct the use of such funds to create projects to support and care for the interests of the workforce.	The fines stipulated in this law shall be paid into the central government treasury	Article 215, paragraph 1, has been amended to: "The fines specified in this law shall be paid into the central government treasury." The 2nd and 3rd paragraphs of the article have also been deleted.

3. The fines fund Account shall be established a procedure to manage its activities.		
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