

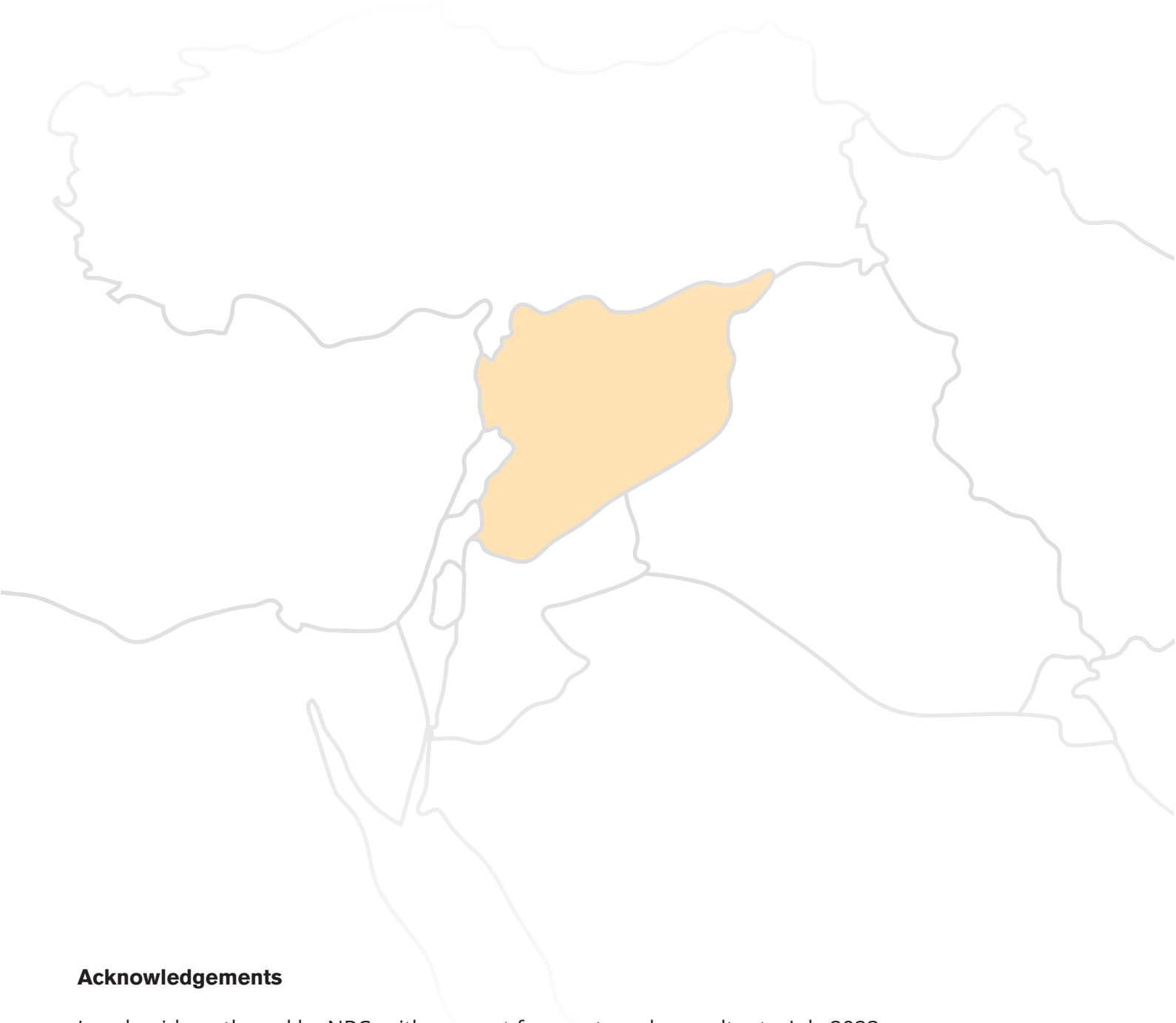


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NORWEGIAN
REFUGEE COUNCIL

**GUIDE TO EMPLOYMENT RIGHTS
IN SYRIA**





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Back Cover Photo: Baking biscuits. (Photo: Tareq Mnadili/NRC)



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Sewing workshop (Photo: Tareq Mnadili/NRC)



1 | SUMMARY AND USAGE OF INFORMATION

This legal guide covers **the laws, regulations and procedures governing employment rights in Syria for Syrian and foreign nationals**. It is intended as a **reference guide for organisations and individuals working on employment rights issues in Syria**.

This report is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances.

The report's contents are intended to be correct and up to date at the time of publication, but the accuracy and completeness of the information cannot be guaranteed, particularly as circumstances may change after publication. NRC accept no liability or responsibility for actions taken or not taken or any losses arising from reliance on this report or any inaccuracies herein. The contents of this report should not be taken to reflect the views of NRC.





2 | INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON WORK RIGHTS

Syria has signed and ratified a number of Conventions and Treaties containing work rights protections under international law,¹ although it has not signed the Refugee Convention. Many of these Conventions fall under the supervision of the International Labour Organisation (ILO).

Key treaties Syria has ratified include the following:

- ✓ Forced Labour Convention, 1930 (No. 29)
- ✓ Discrimination (Employment and Occupation) Convention 1958 (No. 111)
- ✓ Equal Remuneration Convention, 1951 (No. 100)
- ✓ Labour Inspection Convention 1947 (No. 81)
- ✓ Right to Organise and Collective Bargaining Convention 1949 (No. 98)
- ✓ Minimum Age Convention, 1973 (No. 138)
- ✓ Worst Forms of Child Labour Convention, 1999 (No. 182)

Information about additional treaties signed by Syria is available on the [ILO Information System for International Standards](#).

Other international human rights conventions signed by Syria including relevant work provisions include the following:

- ✓ Convention on the Rights of the Child²
- ✓ International Covenant on Civil and Political Rights³
- ✓ International Covenant on Economic, Social and Cultural Rights⁴
- ✓ International Convention on the Protection of Migrant Workers and their Families

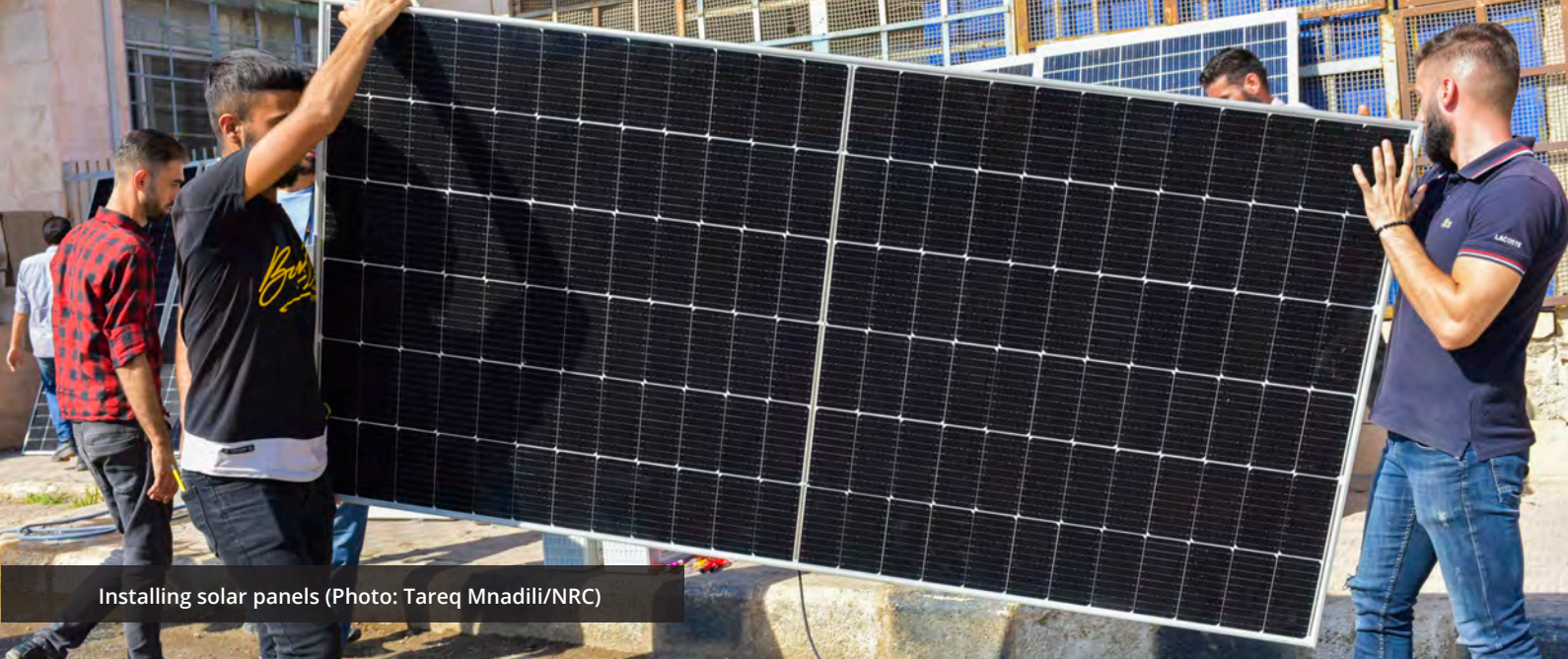
1 See for example, [ILO Convention Ratifications for Syria](#)

2 International Convention on the Rights of the Child, see for example Article 32

3 International Covenant on Civil and Political Rights (ICCPR), see for example Articles 8, 22

4 International Covenant on Economic, Social and Cultural Rights, see for example Articles 6-9, 11





Installing solar panels (Photo: Tareq Mnadili/NRC)



3 | NATIONAL LEGAL FRAMEWORK ON WORK RIGHTS

The **Syrian Labour Law**⁵ provides the main legal framework for private sector workers in Syria. It covers all workers except the following:⁶

- Public servants/government workers,
- Agricultural workers who fall under the Agricultural Relations Law,⁷
- Family members who are supported by the employer,
- Domestic service workers,
- Casual workers,⁸
- Part-time workers who work two hours or less each day.

The Basic Law for Public Employees (“BLPE”)⁹ covers the rights and entitlements of persons who serve in public administration. Those employees have the status of “public employees” and enjoy separate benefits, depending on the public administration in which they serve.

5 Syrian Labour Law No 17 of 2010

6 Article 5, Labour Law Workers in charity associations and organisations were originally exempted from coverage but are now covered by the Labour Law as a result of Law No.68/ 2010. This includes those workers covered by the provisions of Law No. 59 of 1958 (Associations and Private Institutions Law).

7 Agricultural Relations Law No. 56 of 2004

8 Article 1, Labour Law

9 Basic Law for Public Employees No. 50 of 2004

The most relevant laws and regulations governing private sector employment in Syria are the following:

- ✓ **Labour Law No. 17 of 2010** (the “Labour Law”), which applies to relationships between employers and employees in the private sector.
- ✓ **Agricultural Relations Law No. 56 of 2004**, which applies to individuals in the agricultural sector;
- ✓ **Legislative Decree No. 65 of 2013, the Labour Law and the Foreign Employees Rules** provided for in **Ministry of Social Affairs and Labour Resolution 888 of 2016**, which applies to foreign domestic workers;
- ✓ **Ministry of Social Affairs and Labour Resolution No. 482 of 2017**, which includes specific legal protections for women in the workplace;
- ✓ **Legislative Decree No. 92 of 1959**¹⁰ (the “Social Security Law”) relating to issues of social security; and
- ✓ **Ministry of Social Affairs and Labour Resolution No. 12 of 2010** which regulates the employment of juveniles.

For a selected set of relevant legislation see the ILO website for Syria: [ILO Syria Labour Regulations](#)

The Ministry of Social Affairs and Labour is responsible for regulating the employment of Syrian workers and securing their welfare and rights through bilateral and multilateral conventions.¹¹

Government Ministries and agencies with responsibility for workplace issues include the following:

- ✓ The Ministry of Labour and Social Affairs
- ✓ Directorate of Labour
- ✓ General Establishment of Social Security

All workplaces are subject to labour inspections by inspectors from the Directorate of Social Affairs and Labour.¹²

10 As amended by Law No. 21 of 1960, Law No. 143 of 1961, Legislative Decree No. 68 of 1962, Legislative Decree No. 104 of 1963, Legislative Decree No. 134 of 1946, Legislative Decree No. 35 of 1976, Law No. 46 of 1980, Law No. 78 of 2001, Law No. 26 of 2003, Law No. 36 of 2006 and Law No. 28 of 2014.

11 Article 15 of Labour Law

12 Article 244 of Labour Law



Male tailor (Photo: Tareq Mnadili/NRC)



4 | EMPLOYMENT RIGHTS, TERMS AND CONDITIONS

4 1 | Employment Relationship

An **employer** is defined as “every natural or legal person employing one or several workers in return for any kind of wage whatsoever” whilst a **worker** is defined as “every natural person who works for an employer, under the employer’s authority and supervision, in return for any kind of wage”.¹³

Workers in Syria are prohibited from working for third parties with or without pay without the consent of their employer.

4 2 | Protections against discrimination, sexual harassment, forced labour and other practices

Discrimination against workers on the basis of race, color, gender, marital status, belief, political opinion, trade union membership, nationality, descent, clothing or dress style is prohibited.¹⁴ This applies to all areas of employment including organization of work, vocational training, wages, promotion, eligibility for social benefits, disciplinary measures and dismissal from work. The principle of equal pay for equal work applies in the workforce without any discrimination.¹⁵ Any discriminatory actions by employers are considered void and workers are entitled to compensation for damage suffered.¹⁶

4 3 | Basic work rights

The right to work is guaranteed in the Syrian Constitution. Pursuant to the Constitution, the State is responsible for fixing working hours, guaranteeing social security, and regulating rest and leave rights as well as various types of compensation and rewards for workers.¹⁷

13 Article 1 of Labour Law. Please note that the terms ‘worker’ and ‘employee’ are used interchangeably throughout the guide.

14 Articles 2 and 67 of Labour Law

15 Article 7 of Labour Law

16 Article 1 of Labour Law

17 Article 40 of Syrian Constitution 2012

The rights set out in the Labour Law are the minimum rights applicable to workers, although employers may include more favourable terms for workers in employment contracts.¹⁸ Workers' rights cannot be waived, and any agreement or provision that attempts to do so is null and void.¹⁹

Workers have the following **basic rights** in accordance with the law:

- **the right to equal opportunity, equal treatment, and non-discrimination.**
- **guarantees of human dignity; no employer can treat his/her workers in any manner that is inhuman or humiliating,**
- **the right to regular wage increases once every two years, according to the rate prescribed in the company's internal regulations or the employment contract,**
- **guarantees to safe and secure working conditions; the work environment should not endanger the life or safety of workers,**
- **the right to join trade unions and handicrafts associations.**

4 4 Employer and employee obligations

4.4.1 Employee obligations

Employees also have a number of **general obligations** under the Labour Law.²⁰ They must:

- perform their assigned work, as prescribed in law, labour regulations, individual employment contracts and collective labour agreements, and must complete work on time with ordinary due diligence,
- follow the orders and instructions of the employer with respect to their assigned work, as long as such orders and instructions are consistent with the contract, law, labour regulations or public morals, and do not create unnecessary risk to his/her safety,
- respect their work schedule and follow the procedures prescribed for absence or non-compliance with working hours,
- take due care to maintain and safeguard tools, equipment, documents, or other objects entrusted to them by the employer with the ordinary care of a normal person,
- treat the employer's customers or clients properly,
- respect their managers and colleagues at work, and cooperate with them in the best interests of the company,
- work and act in an ethical and decent way,
- respect rules and regulations established to maintain the safety and security of the company,
- not disclose confidential work-related information, or any other confidential information as per the written instructions of the employer,

18 Article 4 of Labour Law

19 Article 6 of Labour Law

20 Article 95(b) of Labour law. This provision describes the general work ethic and performance expected of employees

- provide the employer, in due time, with correct and updated information regarding their place of residence, marital status, compulsory military service status, and any other data that must be included in their personal file pursuant to laws and regulations,
- respect company procedures intended to develop and improve their expertise, knowledge, and skills related to job performance.²¹

4.4.2 Actions of employees prohibited by law

Employees are also **prohibited** from taking certain actions under the Labour Law. Employees:

- Shall not keep original copies of any work-related documents outside of the office,
- Shall not work for third parties without the consent of the employer, whether with or without pay. If employer consent is given, employees may work for a third party but not in an unethical way that allows the third party to compete with the employer; this includes not disclosing professional secrets of the employer,
- Should not participate in activities that compete with the activities of the employer, unless the employee and employer have reached another agreement allowing such activities,
- Should not accept loans from the employer's clients, or from persons performing a similar activity to that of the employer. However, this prohibition does not apply to bank loans.
- Should not accept gifts, bonuses, commissions, money or other objects during the course of work, without the consent of the employer,
- Should not raise funds or donations, distribute leaflets, collect signatures or organize meetings inside the workplace without the consent of the employer, unless such activity is authorized by the provisions of trade unions laws.²²

4.4.3 Rights of Employers

Employers have the following **rights**:

- Organising work in the workplace and issuance of relevant decisions and instructions,
- Determining the necessary skills and responsibilities of workers,
- Imposing penalties for infringements of workplace regulation and the law.²³

21 Article 95 of Labour Law

22 Article 96 of Labour Law

23 Article 92 of Labour Law

Employer **obligations** include the following:

- Ensuring appropriate working circumstances, conditions, safeguards and working environment,
- Organising employees according to their qualifications and skills. No employee may be assigned, without their consent, to a different job that is inconsistent with their qualification and capacities,
- Developing training programmes in line with business plans, and providing the necessary facilities to employees to improve their professional, technical and cultural skills,
- Providing appropriate transport to remote workplaces with no public transportation, unless it is agreed to pay employees transport allowance,
- Not insulting or offending employees,
- Maintaining special and general records listing staff employment terms and conditions,
- Informing employees of all working conditions and posting them in a prominent location,
- Discussing issues related to work and staff affairs with work representatives,
- Issuing employees with an end of service certificate stating the date of work commencement, the date of contract termination and the employee's position,
- Issuing employees with a release certificate upon contract termination, provided they have discharged all their obligations towards the employer,
- Providing health care as required under the Labour Law,
- Providing meals to employees, if necessitated by their working conditions and nature of work,
- Registering all employees for Social Security.²⁴

Employers must also keep a personal file for employees covering all issues relating to their employment. This includes name, nationality, age, place of residence, educational level, occupation, marital and social status, date of work commencement, wages paid, penalties, leave, date of work termination and reasons for termination. The personal file shall also include investigation reports, penalties, reports of line manager and any other documents relating to his/her employment.²⁵

In order to lawfully employ a person, employers must have a certificate of registration from one of the general employment offices in Syria.²⁶ Employers are obliged to provide the Directorate of Labour with a detailed statement of employees divided by position, occupation, qualifications, age, gender, nationality and wage twice a year.²⁷

24 Article 93 of Labour Law
25 Article 91 of Labour Law
26 Article 17 of Labour Law
27 Article 26 of Labour Law

Allocation of work outside normal worker's duties

Employers may only assign employees to work that is different to that agreed upon if the work doesn't differ substantially from the initial work. However in cases of necessity, force majeure²⁸ or to prevent the existence of an accident, employers may assign workers to other types of work, provided it is for no more than three months.²⁹ They may also assign employees work other than that agreed upon, whenever they use modern technology or make changes in their organizational structure for business development purposes, and such technologies and changes require new skills.³⁰ In such cases they must train the employees in the new skills necessary. If an employer moves the workplace they must make transportation allowances or may pay a travel allowance to the employee.³¹

Employer shutdown

Employers cannot totally or partially shut down or downsize firms in such a way that would affect their labour force, except for economic necessity and within the terms and conditions prescribed under the Labour Law.³² Instead a Ministerial Committee must be formed to decide on requests to downsize or shut down businesses.³³

4 5 Part-time, temporary and casual employees

There are different categories of non-permanent or casual workers under Syrian law. **Casual workers** are not covered by the Labour Law.³⁴ Nor are **part-time workers** whose hours are no more than two hours a day. Instead, such categories of non-permanent workers are covered by the terms of their employment contracts. However, the terms of the employment contracts cannot prescribe fewer entitlements than those under the Labour Law.³⁵

- **Temporary work** is defined as work which is completed within a limited timeframe or which is job specific and ends upon job completion.³⁶
- **Casual work** is work which is not part of the employer's activity and is completed within less than six months.³⁷
- **Seasonal work** is work which is performed in recurring seasons and does not exceed six consecutive months.³⁸
- **Part-time work** is defined as work with less than the statutory daily hours of work (less than 8 hour per day).³⁹

The difference between the types of work is based on nature of the work, period and season. Employees in the four different types of work are contracted based on the period of the work and the agreement with employer. Payment is either daily, monthly or at the end of contracting period considering the type of work and as per the agreement between the parties. However, the wage paid to casual workers cannot be less than the minimum wage, calculated on a pro rata basis.

28 Force majeure is an unforeseeable consequence outside the control of the employer or employee, such as a workplace strike, natural disaster or other event which prevents the employee from performing their duties.

29 Article 51 of Labour Law

30 Article 51 of Labour Law

31 Article 52 of Labour Law

32 Article 224 of Labour Law

33 Article 225 of Labour Law

34 Article 1 of Labour Law

35 Article 5(a) and (b) of Labour Law

36 Article 1 of Labour Law

37 Article 1 of Labour Law

38 Article 1 of Labour Law

39 Article 1 of Labour Law

4.5.1 Daily workers

Daily workers are considered to be persons who receive their wages on a daily basis and therefore can be **temporary, casual or seasonal**. The term '**daily worker**' is not expressly defined within the Labour Law. However daily workers can be considered as temporary workers if their work is time-limited and job-specific and if it is related to the employer's activities. If the work is not related to the employer's activities, such as a job done for a private individual, the work may be categorized as 'casual work' and not covered by the Labour Law. For example, a daily worker asked to carry bricks or sand on a building site for 2 days by a builder may be considered a temporary worker as their work relates to the employer's activities. They would be covered by the Labour Law. However, a daily worker asked to help with some gardening or maintenance work for 2 days at private house may be considered a casual worker as their work is not part of their employer's usual activity.

4.5.2 Casual workers and contractors

Casual workers include persons who are contracted for specific purposes, such as a plumber contracted by a private individual or an IT consultant asked to upgrade the computer systems in a workplace. They are not covered by the Labour Law and are not considered to be in an employment relationship. Instead, they are considered as contractors, or self-employed persons, who must claim their rights under the Civil Code and through civil lawsuits and not through the Labour Law. They are bound by their terms of their agreement with the person contracting them, either in a written contract or through a verbal agreement. A written contract may set out their terms and conditions, including rates of payment. A verbal agreement could include an agreement to be paid a certain amount of money per day for a certain type of work. However, the Labour Law specifies that the rights for workers not covered by the law under their separate employment contracts cannot be less than the minimum contained in the Labour Law.⁴⁰

Even though they are excluded from coverage under the Labour Law, casual workers are still covered by occupational injury insurance. The social security law states that the provisions of the chapter on occupational injury insurance shall apply to workers who are employed in temporary occasional works by one or more employers, in particular construction workers, suppliers, rubble removal workers, seasonal workers and cargo workers.⁴¹ In other words, daily workers in the private sector will be compensated for workplace injuries even if they are not subject to the Labour Law and even if they are not subject to the general provisions of the Social Security law.

Workers paid on a weekly, hourly or monthly basis cannot be treated as casual workers without the consent of the worker.⁴² The Labour Law also states that if it is agreed to set wages according to levels of production or by commission, the worker's salary cannot be less than the minimum wage for his or her category of work.⁴³

Casual or daily workers who do not work more than six months for the same employer are excluded from the Labour Law and are instead dependant on their work contracts. However casual workers who work for an employer for more than six months are covered by the Labour Law.

40 Article 5 of Labour Law

41 Article 19 of Law 28 of 2014 amending the Social Security Law

42 Article 85 of Labour Law

43 Article 77(A) of Labour Law

Employment contracts can be **fixed-term contracts** which have a fixed start and end date, **unspecified-term contracts** which are open-ended, or **job-specific contracts**.⁴⁴

Limited-term contracts may be renewed by the mutual interest of the parties. If the parties keep implementing the agreement beyond the expiry date of the fixed-term contract it becomes an unspecified term contract. This is also the case if the fixed-term contract is extended for over five years.⁴⁵

Job specific contracts expire upon the completion of the job. However, if the job is recurrent by nature and the parties continue the contract after the completion of the job, the contract is considered to be extended for as long as is necessary to complete the job again.⁴⁶

Form of employment contracts

Employers are required to draft **written contracts** for their employees in Arabic. Each party must keep a copy of the employment contract and the employer must also deposit a copy with the competent Directorate of Labour in their respective province within three months of signing the contract.⁴⁷ The Ministry of Social Affairs and Labour makes available standard work contract templates.⁴⁸

In the absence of a written agreement, an employee may establish the existence of an employment relationship and their entitlements using all methods of proof. The employer may do the same if they claim there was no work relationship.⁴⁹

Employment contracts must contain the following details; name, nationality and address of each party, workplace, nature and type of work agreed upon, duration and type of contract, wage agreed upon between the parties, the payment method and date, and any other cash or in-kind benefits mutually agreed upon, hours of work and any additional entitlements and benefits granted to the worker not covered by the law.⁵⁰

Any employment contracts that give employees fewer rights than those provided for in the Labour Law are deemed null and void.

Probation

A **probationary period** of no more than three months may be agreed between the employer and the employee, granting both parties a grace period before engaging in a longer-term employment relationship. During such a probation period, either party may terminate the contract without prior notice and without incurring any legal liability. If both parties are happy to continue the employment relationship, the probation period shall count towards the actual service of the employee.⁵¹ Any period of probation must not exceed three months and employees cannot be placed on probation more than once for the same employer.

44 Article 50 of Labour Law

45 Article 54 of Labour Law. However, there is an exception for employees of associations and private institutions. According to Article 2 of Law No. 28 of 2010, employment contracts for this category are considered fixed-term contracts that do not turn into permanent contracts, regardless of whether their contracts are extended or renewed.

46 Article 55 of Labour Law

47 Article 47 of Labour Law

48 Article 48 of Labour Law

49 Article 47 of Labour Law

50 Article 48 of Labour Law

51 Article 49 of Labour Law



Fruit seller (Photo: Tareq Mhadili/NRC)



5 | WAGES



Wages are defined as “any cash or in-kind remuneration given to workers in return for their work, in addition to any and all allowances awarded to workers under individual employment contracts, collective labour agreements or basic labour regulations, on a daily, weekly, monthly, seasonal or yearly basis. Wages shall not include travel allowances and daily expenses incurred by workers in the course of work.”⁵²

Employers in Syria are required to comply with the **minimum wage**, which was increased by Legislative Decree 29 of 2021 from SYP 16,175 to SYP 92,970 per month for all sectors. The minimum wage is set by the National Committee for the General Minimum Wage.⁵³

Wages are set according to individual employment contracts, collective labour agreements or the basic labour regulation of the firm or company. In all other cases the minimum wage set under Syrian law is applicable.⁵⁴ Wages calculated on an output or commission basis cannot be less than the minimum wage payable for the same category of work.⁵⁵

Wages must be paid on a working day, at the workplace or local banks and during regular hours of work. Employees can be paid monthly, weekly or through other arrangements for persons working on an output basis.⁵⁶ Certain statutory deductions may be made from wages under the law, such as for the purpose of alimony payments or repayments of other debts.⁵⁷

Employees are entitled to allowances for representation, transport, accommodation and other expenses if they are asked to go on a specific mission, such as work-related travel, for the employer.⁵⁸ Such allowances can be set internally by the firm.

Persons who attend for work but cannot perform their work for reasons related to the employer are entitled to full pay. If they cannot work for reasons beyond the control of the employer they are entitled to half pay.⁵⁹ Workers are entitled to be paid if attending a work-related training.⁶⁰

52 Article 1 of Labour Law
53 Article 69 of Labour Law
54 Article 76 of Labour Law
55 Article 77 of Labour Law
56 Article 78 of Labour Law
57 Article 84 of Labour Law
58 Article 89 of Labour Law
59 Article 86 of Labour Law
60 Article 87 of Labour Law



Hairdressing salon (Photo: Tareq Mnadili/NRC)



6 | HEALTH, SAFETY AND WORKPLACE CONDITIONS

Employers have obligations to guarantee **safe and secure working conditions** for workers and to provide medical care in the workplace and for workplace injuries.⁶¹ The work environment should not endanger the life or safety of workers.

Employers must take all appropriate precautions to protect workers from workplace hazards and must follow all standards and instructions for workers' protection under the applicable laws and regulations. This includes ensuring a secure working environment that protects from noise, light, chemical, biological and mechanical hazards.⁶² Employers should also establish occupational health and safety committees⁶³ and appoint persons to provide occupational health and safety training to staff.⁶⁴ Employers employing fifteen (15) or more workers must take all necessary fire precautions relevant to the workplace.⁶⁵ Additionally, employers must:

- Inform workers of occupational hazards,
- Provide personal preventative devices to protect workers from occupational hazards,
- Train workers on how to perform their job safely,
- Provide the necessary protective devices at no cost to workers.⁶⁶

Employers must also periodically assign doctors to examine workers who are exposed to occupational diseases resulting from the nature of the work. These are listed in the schedule to the Social Security Law.⁶⁷

Workers must follow the instructions and advice of the employer for their protection, and use and take due care of the general and personal protective devices provided to them.⁶⁸

61 Articles 94 and 95 of Labour Law

62 Article 233 of Labour Law

63 Article 240 of Labour Law

64 Article 243 of Labour Law

65 Article 236 of Labour Law

66 Article 239 of Labour Law

67 Article 43 of Social Security Law

68 Articles 241-242 of Labour Law



First aid must be provided by employers regardless of the number of workers employed in their facility.⁶⁹ There are additional obligations for larger employers. Employers who employ between 100-200 workers, either in a single location, or in multiple locations within 15 km of each other, must provide: a dedicated nurse; a dedicated room where workers shall be examined and treated by a doctor; any necessary medicines, and necessary services such as X-rays. These services must be provided free of charge to employees. Employers who employ more than 200 workers, either in a single location, or in multiple locations within 15 km of each other, must provide the same services as noted above and must additionally provide any other treatments that require specialist physicians, surgery and medicine, free of charge.⁷⁰

In case of accident the employer or workplace supervisor must assist the employee and transfer them to an appropriate medical facility.⁷¹ A record of the accident and injury should be made in the workplace. Whenever employees receive treatment in a public or charity hospital for a workplace related injury or condition, employers must pay for the treatment, medicines, and hospital stay costs.⁷²

Special protection and health and safety conditions are necessary for persons working in quarries or mines.⁷³ Employers must obtain a medical test and proof that the employee is fit to do this kind of work before commencement. A further medical test must be conducted on the employee before the end of the probation period.⁷⁴

- 69 While the provision refers to first aid instruments, this has in practice been interpreted as the provision of first aid kits.
- 70 In effect, larger employment facilities must provide more extensive medical services than smaller facilities.
- 71 Article 40 of Social Security Law
- 72 Article 94 of Labour Law
- 73 Articles 141 to 154 of Labour Law
- 74 Article 142 of Labour Law





Rubble removal, Aleppo (Photo: Tareq Mnadili/NRC)



7 | SOCIAL SECURITY, HEALTH AND WORKPLACE INSURANCE

7.1 Enrolment in Social Security Scheme

7.1.1 Coverage under the Social Security Scheme

Social security, sometimes also referred to as **social insurance**, refers to benefits financed by workers and employers through contributions to government health and social insurance schemes which provide protection for events such as **work-related injuries, sickness, maternity cover and retirement**. It is a national system established through the Ministry of Social Affairs and Labour and implemented by the General Establishment of Social Security (GESS) for private employees. Public employees have a separate scheme which is regulated by the General Establishment for Insurance and Pensions. Four of the main benefits provided by the social security fund are:

- › Retirement pension
- › Work injuries compensation/disability pension
- › Survivors pension
- › Other allowances

Quite separately, there is general right to **governmental social assistance** in Syria which provides a guarantee for every citizen and his or her family in cases of emergency, sickness, disability and old age.⁷⁵ This scheme is available for all, subject to eligibility criteria for different benefits, and is funded under the general government budget and not through worker contributions. It is available for persons even if they have never been registered for social security or paid contributions to the scheme.

Employers must register employees in the social security system, unless the employees are not covered by the Labour Law, such as casual workers.⁷⁶ Registered employees will receive a unique social security number that can be used for all employers.

75 Article 22 of Syrian Constitution 2012

76 Article 2 of the Social Security Law lists the categories of workers who are not covered by the law.



Employers who do not register their employees are subject to a fine one and a half times (1.5) the minimum monthly wage for every unregistered employee.⁷⁷ If an employee leaves his workplace and has not been registered, his former employer is liable to pay the employee monetary compensation equal to twice the employee's last wage for each year of service.⁷⁸ Employees hired by more than one employer are entitled to be registered separately for each workplace.

If an employee discovers he or she is not registered in social security, they can register a complaint against the employer with the GESS. Private sector employees can file a lawsuit against the employer at the Labour Court.

Some categories of workers are not subject to the social security system but are still protected in the event of workplace injuries. This includes temporary workers, including construction and seasonal workers, persons working from home and drivers, guards and garden workers.⁷⁹

Craftsmen, self-employed professionals, seasonal and temporary workers can voluntarily enroll in the scheme and make private contributions to the fund. This follows a similar process but is contained within a different department at the GESS.

7.1.2 Registration procedures

To **register with Social Security**, an employer must submit two registration forms signed by the employee within 15 days after the employee starts work. The employer may be fined for late registration of employees.⁸⁰ The form should include the following information:

- › Name of the employer as well employer's insurance number.
- › Name and date of birth of employee
- › Employee's national ID number
- › Date of commencement of work with the employer
- › Employee's wage
- › Type of work that employee undertakes

In addition to the form, employers must provide a copy of the employee's ID card, photograph and copies of their employment contract. A fee of SYP 100 is payable for the issue of the social insurance card which will contain the employee's individual social insurance number.

In order to provide oversight and ensure that all employees are registered, the GESS has the right to enter premises during working hours, to conduct inspections and to access records and documents.⁸¹

77 Article 111 of the Social Security Law, as amended by Law No. 28 of 2014

78 Article 111 of the Social Security Law, as amended by Law No. 28 of 2014

79 Article 19 of Social Security Law

80 Article 93 of Law No. 143 of 1961, amending the Social Security Law

81 Article 107(b) of Law No. 28 of 2014, amending the Social Security Law

7.1.3 Contributions to the Social Security Scheme

The total contribution to the Social Security scheme by employers and employees is 21.1% of the employee's salary. Employers contribute 14% and employees contribute 7%. A further 0.1% payable by the employer to the GESS to cover administrative costs. Employers make a 7% deduction from the employee's salary which is forwarded to the GESS. Contributions must be made within the first 15 days of each month. Failure to make these payments on schedule results in liabilities for payment of interest by the employer.⁸²

Craftpersons and self-employed individuals who wish to be covered under the scheme must make their 21.1% contribution directly to the GESS.

Where applicable, employers contribute an additional 3% of the basic payroll for work injury insurance. This is required in dangerous occupations where the percentage of work injuries is high.

Individual members can voluntarily contribute an additional 1% for supplementary disability and survivor's benefits

7 2 Retirement pension

7.2.1 Eligibility

In accordance with the Social Security Law, the GEES handles pension payments to retired employees from the contributions made by both employers and employees in the previous years. The qualifying age for the old age pension is as follows:

- 60 years for men and 55 years for women after 15 years of contributions
- 55 years for men and 50 years for women after 20 years of contributions
- At any age for men and women with 30 years of contributions
- At any age for men and women in physically demanding or dangerous work after 15 years of contributions.⁸³

7.2.2 Benefits

Pensions are calculated at the rate of 2.5 of the average monthly earnings multiplied by the number of years of contribution. After 30 years employment contribution, the maximum pension available is set at 80 % of the average monthly salary.⁸⁴

Persons who reach the age of 60 without meeting the minimum period of contributions will receive a lump sum payment of 15% of their average salary over the last two years.⁸⁵ The minimum period of contributions is the same as the qualifying period for the old age pension.

However, a worker can subscribe independently and pay the full employer and employee's contribution of 21.1%. They are then entitled to the full benefits.

82 Note that legislation has been passed exempting employers from late interest payments if they have paid the contributions.

83 Article 57 of Social Security Law

84 As amended by Law No. 78 of 2001 amending Social Security Law

85 Article 59 of Social Security Law

7.3 Workplace injuries, compensation and disability pensions

7.3.1 Eligibility

A **work injury** is defined in the law as an injury that occurred as a result of an accident during the performance of the work or because of something related to the work.⁸⁶ This includes occupational diseases listed in the Social Security Law (e.g., cancer due to exposure to carcinogens or lung diseases caused by asbestos). A worker is eligible for benefits covered by work injury insurance, if:

- They are injured during work or on the way to and from the workplace, or
- Suffer from an occupational disease, and as a result, lose the ability to work.

Work place injuries are categorised into those involving a temporary disability, permanent partial disability or a complete disability. Different types of compensation are available depending on how the injury or condition is categorized.

A **temporary disability** is an injury or condition that will improve over time and/or with medical treatment. Employees may need to take time off work but there is no ongoing disability or inability to work. Employers will cover the necessary medical expenses. A **permanent partial disability** is an ongoing disability that prevents an employee from being able to fully work. They will receive either a lump sum payment of compensation or the disability pension depending on whether their condition is assessed as resulting in more or less than a 35% inability to work. A **complete disability** is defined as a disability that would permanently prevent the employee from practicing any profession or work necessary for them to earn a living. Any permanent disability assessed as exceeding 80% of the employee's ability to earn a living is considered a complete disability. A disability pension is payable in such cases.

The GESS is obliged to pay compensation to injured workers even if the employer has not registered their workers in the social security scheme.⁸⁷ They may also separately file a lawsuit against the person or body that caused the injury.⁸⁸ Employers who do not register their workers will be fined.⁸⁹ However, self-employed workers do not have work injury coverage, even if they have contributed to the social insurance scheme. They must cover their own medical expenses.

7.3.2 Reporting and coverage of work accidents

Employers or workplace supervisors must inform the police within 48 hours of any accident in which an employee suffers an injury that makes them unable to work. The police report must include details of the injured person, a summary of the accident, any witness statements and details of the medical facility where the injured persons were treated.⁹⁰ The police must inform the GESS of the results of the investigation and provide them with a copy of the report.⁹¹ Employers must also report workplace injuries directly to the GESS in an official form and provide a copy to the employee or his or her relatives.⁹²

However, some workplace injuries involving the fault or misconduct of employees are not covered under the Social Security scheme. These include cases in which:

86 Article 1 of Social Security Law
87 Article 18 of Social Security Law
88 Article 46 of Social Security Law
89 Decision of Supreme Administrative Court No. 474/611 from 1999.
90 Article 41 of Social Security Law
91 Article 42 of Social Security Law
92 Article 39 of Social Security Law

- the employee intentionally injures him or herself
-
- the injury occurred because of gross misconduct and intent on the part of the injured employee, such as:
 - where the injured employee is under the influence of alcohol or drugs or
 - any explicit violation of the workplace safety instructions in the workplace⁹³

In such cases employees are not eligible for workplace injury compensation or disability pensions unless the incident leads to death or a permanent disability exceeding 25% of the total body ability. Where it is alleged that the employee is not eligible for compensation an investigation will be conducted by the police and the GESS may send their own inspectors to check and verify any information. The results of the investigation will determine whether the employee was responsible and whether coverage will be provided.⁹⁴

7.3.3 Assessment of injury

Following a workplace injury, the GESS will cover the necessary **medical treatment expenses**. However, the employee must prove his or her disability through medical reports.⁹⁵ The coverage includes payment of doctors and other specialists, hospitalisation including doctors home visits as required, surgery and radiographs as required and costs of medication.

The employee's injury is evaluated in accordance with **their percentage of disability based on their level of inability to work**. Table 2 attached to the Social Security Law sets out the percentage levels of disability for different types of injuries.⁹⁶ This evaluation is the basis for the payment of final compensation for the employee, either by lump sum payment or monthly disability pension. The assessment of disability must be determined by a medical committee formed by a decision of the Board of Directors of the workplace.⁹⁷

The injured worker and the employer have the right to request a medical re-examination after six (6) months within the first year of the date of disability and once a year for the four (4) years afterwards.⁹⁸ According to the medical re-examination the disability pension can be adjusted or suspended depending on whether the degree of disability increases or decreases.⁹⁹ Workers must also submit to medical examinations organized by the GESS. If the worker doesn't agree to the GESS medical examination their disability pension may be suspended until they undergo the examination. If the degree of disability has decreased to less than 35%, the disability pension will be suspended and the injured person shall receive lump sum compensation.¹⁰⁰ If the level of disability later increases above 35% the disability pension may be re-instated but the employee must pay back the lump sum compensation paid through deductions to the pension.

7.3.4 Benefits - Disability pension and lump sum compensation

During the period in which the employee is unable to work, the GESS will pay the worker 80% of the employee's monthly wage for the first month following injury. After the first month it will be increased to 100% of the monthly salary per month for the period up until the employee is able to work again or a maximum of to one year. The monthly compensation cannot be less than the minimum wage or the actual monthly wage of the injured person.

If the employee continues to have a disability after one year a medical report will be commissioned by the GESS to assess the level of the worker's disability.

93 Article 10 of Social Security Law

94 Article 4 of Social Security Law

95 Article 25 of Social Security Law

96 For example, loss of the ability to use the arm up to the shoulder is assessed as 80% disability whilst inability to use the leg below the knee is assessed as a 55% disability. If any body part is unable to fully perform its work, that part is deemed to be a full disability.

97 Article 85 of Social Security Law

98 Article 86 of Social Security Law

99 Article 87 of Social Security Law

100 Article 87 of Social Security Law

Compensation for workplace injuries falls into different categories:

Complete disability. If the injury results in a full permanent disability, exceeding 80% of the insured person's working ability, the injured worker will receive a disability pension of 75% of the average monthly wage of the worker for the year prior to the disability.¹⁰¹

Permanent partial disability of 35% or over. If the injury results in a permanent partial disability of 35% or more in relation to their working ability the worker is entitled to a pension equal to the disability pension multiplied by the percentage of their disability. For example a 40% disability will entitle them to 40% of the disability pension.¹⁰²

Permanent partial disability of 35% or less. If the injury results in a permanent partial disability of 35% or less, the injured person is entitled to a lump sum compensation payment equivalent to their percentage of disability multiplied by the total disability pension for the period of five and a half years.¹⁰³

Persons on disability pensions will remain on that pension until retirement age when they will transfer to the retirement pension. Former work injuries may also be taken into account in the calculation of compensation for the new injury. Certain benefits are also payable in situations where an employee recovers from a past injury or condition but has a later relapse.

There are special categories of compensation for paid or unpaid apprentices. Paid or unpaid apprentices who suffer a full disability receive a pension calculated at the general minimum wage. If the injury results in death, the survivors pension payable to their heirs is payable at the rate of the minimum wage. Paid or unpaid apprentices who have injuries resulting in a permanent partial disability of more than 50% are entitled to a monthly pension equivalent to that of the disability pension calculated based on the general minimum wage.¹⁰⁴

Payments of compensation and pensions are exempt from fees and taxation.¹⁰⁵ The employer is not allowed to withhold any compensation or entitlements owed to the employer except for debts of maintenance or debts owed to the employer.¹⁰⁶

7.3.5 Claims for work injury compensation

Claims for compensation must be made within five (5) years of the date of the accident or death. Claims to challenge the termination of the treatment must also be made within five (5) years of notification.¹⁰⁷

Lawsuits filed by workers in relation to workplace injuries are exempted from all court fees at all levels of litigation. Work injury cases will also be expedited by the courts.

7.3.6 Termination of compensation and disability pension

Payments can also be terminated if the level of disability has decreased or medical treatment is no longer considered necessary. Employees can ask the relevant Directorate of Social Affairs and Labour for reconsideration of any decision to terminate within 15 days from the date they are notified of the termination.¹⁰⁸ If the employee disagrees with the final assessment of their level of disability by the GESS the injured worker has the right to refer the cases to a medical examination committee.¹⁰⁹

Neither the employer or the employee can challenge the value of the pension more than one year of being notified of the final decision about the pension.¹¹⁰

101 Article 29 of Social Security Law
102 Article 28 of Social Security Law
103 Article 31 of Social Security Law
104 Article 54 of Social Security Law
105 Article 102 of Social Security Law
106 Article 99 of Social Security Law
107 Article 100 of Social Security Law
108 Article 52 of Social Security Law
109 Article 43 of Social Security Law
110 Article 95 (A) of Social Security Law

7.4 Survivors Pension

7.4.1 Eligibility

Survivors pensions are payable to heirs upon the death of a worker. Heirs are eligible for the survivors pension if death occurs during the service of the insured person or within 6 months of the date of service termination, provided that the disability or death is not caused by a work injury and that the insured person is not over 65 years old at the time of confirming disability or occurrence of death.¹¹¹

Pensions are payable to heirs in accordance with the determination of heirs set out in the Social Security Law.¹¹² The survivor's pension is paid to beneficiaries in the following circumstances and for the following duration of time:

- › Lifetime for widows unless the widow remarries or is working,
- › Lifetime for widowers unless they are working,
- › Lifetime for sisters and daughters unless they are married or working,
- › Up to the age of 21 for sons and brothers unless they are married or working,
- › Lifetime for parents unless they are working,

In the following situations:

- › Until the age of 26 if the beneficiary is a student at university or an institute,
- › On an ongoing basis if the beneficiary suffers from a severe disability which makes them unable to work, provided that they present a medical proof of disability until they recover from their disability,
- › Daughters are retrospectively eligible for the pension from the date of death of their father if they are divorced or become widowed within 10 years of their marriage,

In the case of the disappearance of an insured worker, their dependents receive a pension equivalent to the survivors' pension until they are found. If they are not found after four and a half years from the date on which they went missing, the payment is suspended unless they are officially declared dead.

7.4.2 Benefits

The survivors pension provides the following **benefits**:

- › A death grant to cover funeral expenses. This will be either a sum equivalent to the insured's wage for three (3) months, the retirement pension for three (3) months or triple the minimum salary level, whichever is highest.¹¹³ In the case of work-related death, the grant is equivalent to four (4) months' salary.

For **work-related death**:

- › The pension is calculated based on 75% of the main insured person's average wage during the last year of service.

111 Article 62 of Social Security Law

112 Article 88 of Social Security Law

113 Article 89 of Social Security Law

For **non-work-related death**:

- A survivor's pension is calculated based on the deceased worker's average wage during their last year of service. (40% of the reference wage plus an additional 2% added for each year of service).

7 5 Other lump sum allowances

The Social Security scheme also provides for **other types of allowances and benefits**. If an employee pays contributions for more than 360 months (30 years) they will be eligible for a lump sum allowance equal to the wage of one month for every year they serve beyond 30 years up to five (5) years.

If an employee leaves their work before reaching the age of 60 they are entitled to lump sum payments in the following situation:

- If a female staff member leaves their job due to marriage or giving birth within six (6) months of marriage or childbirth they are eligible for a lump sum of 15% of their average earnings for the last two years of service for each year of service.
- If a person is no longer covered by the Social Security Law for whatever reasons (such as resignation from work or travelling overseas) and has paid more than 240 months (20 years) of contributions they are eligible for a lump sum of:
 - 11% of their paid contributions if less than 60 monthly contributions or
 - 13% of their paid monthly contributions if between 60-120 monthly contributions or
 - 15% of their paid monthly contributions if between 120-240 monthly contributions.¹¹⁴

An employee is also eligible to receive a lump sum payment for contributions made if they are intending to reside outside of Syria.



8 | WORKING HOURS

8 1 Working hours

The working day is eight (8) hours per day and forty-eight (48) hours per week.¹¹⁵ Hours of work and rest breaks must be scheduled so that an employee does not spend more than ten hours per day at the workplace.¹¹⁶ Hours of work may be increased to nine (9) hours per day for some categories of workers or some categories of industries and activities. Alternatively, hours of work may be decreased to seven (7) hours a day for some categories of workers or some harmful industries¹¹⁷ and activities.¹¹⁸

Working hours for agricultural workers are set at eight (8) hours per day and forty-eight (48) hours per week. It is permissible by a decision of the Minister to increase the daily working hours by one hour during the harvesting of the crop in light work and reduce it by one hour for dangerous work.¹¹⁹

114 Article 58 of Social Security Law

115 Article 106 of Labour Law

116 Article 106 of Labour Law

117 Decision No 9 of 2010 issued by the Ministry of Social Affairs and Labour lists harmful industries where the hours of work can be decreased to 7 per day, such as soap manufacturing, glass industry. etc.

118 Article 107 of Labour Law

119 Article 42 of Law No. 56 of 2004 amending Social Security Law.

Hours of work should include one or several meal and rest breaks totaling no less than one hour per day. Such breaks should be scheduled so that employees do not work more than five consecutive hours.¹²⁰ However the Minister may exempt work that requires no interruptions for technical or operational reasons.¹²¹

The working week is six (6) days. Work should be scheduled in such a way that each employee gets one day off of no less than twenty-four (24) consecutive hours per week with full pay, after six (6) consecutive days at the most.¹²² When necessary, the employer may ask employees to work on the weekly day off. In this case, the employee is entitled to double the daily wage, in addition to another day off during the following week.¹²³

Whenever employees work on official holidays, they are entitled to double the amount of their daily wage.¹²⁴ In remote areas and activities that require uninterrupted work for reasons that are inherent to the nature of work or for operational reasons, weekly days off accrued to the employee may be cumulated over a maximum of eight (8) weeks, in addition to the commuting time to the workplace.¹²⁵

8 2 Overtime

There are situations when the number of hours per day may be increased¹²⁶ and other situations in which the limit on hours does not apply, such as situations when the employee is intended to handle an unusually heavy work load or where work is meant to prevent the occurrence of a serious accident or loss.¹²⁷ In cases in which employees are asked to work extra hours above the daily limit or on days off or public holidays they must be paid overtime rates.

Employers must pay employees for **overtime** hours at the rate of the regular hourly wage plus a 25% supplement for daytime work and a 50% supplement for nighttime work, which shall be doubled in the case of overtime hours during official holidays. Night work is defined as work performed between seven (7) pm and seven (7) am.¹²⁸



9 | LEAVE ENTITLEMENTS

9 1 Annual leave

In addition to official holidays, persons who have been employed for at least one year and up to five (5) years are entitled to **annual leave** amounting to 14 working days with pay. The annual leave is increased to 21 working days for individuals employed for between five (5) and 10 years. For those employed longer than 10 years or who are over the age of 50 years, they are entitled to an annual leave consisting of 30 working days. The annual leave of employees who have worked for less than one year is calculated on a pro rata basis.¹²⁹ Persons working in arduous, difficult, hazardous or harmful work or in remote areas are entitled to an additional seven (7) days leave.¹³⁰

120 Article 108 of Labour Law

121 Decision No. 9 of 2010 issued by the Ministry of Social affairs and Labour which lists harmful activities where hours of work can be decreased, such as certain types of manufacturing.

122 Article 109 (A) of Labour Law

123 Article 109 (B) of Labour Law

124 Article 109 (C) of Labour Law

125 Article 109 (D) of Labour Law

126 Article 108 of Labour Law

127 Article 111 of Labour Law

128 Article 1 of Labour Law

129 Article 155 of Labour Law

130 Article 156 of Labour Law. Decision No. 30 of 2011 issued by the Ministry of Social Affairs and Labour and Social Security lists jobs that are considered arduous.

Employers must allow workers to take a minimum of six (6) consecutive days of annual leave per year. Any additional days may be scheduled by employers based on work requirements and conditions.¹³¹ Workers must be allowed to take their annual leave unless there are serious reasons requiring the postponement of leave. They may accrue unused annual leave into the next year with the consent of the employer.¹³² If the employer doesn't consent to the accrued leave, the worker is entitled to cash compensation for the unused leave.¹³³ Employers may interrupt annual leave for crucial reasons.¹³⁴ They may cancel annual leave or deduct pay if the employee has been working for someone else whilst on leave.¹³⁵

9 2 Sick leave

Employees can claim sick leave and are entitled to leave with pay at the rate of 70% of their salary for the first 90 days and 80% of their salary for the following 90 days.¹³⁶ Sick leave is based on a medical certificate issued by a doctor authorised by the employer.

9 3 Maternity leave

Female workers shall be granted maternity leave with full pay for the following period:

- > 120 days after the first baby;
- > 90 days after the second baby,
- > 75 days after the third baby.

They are also entitled to an additional one-month maternity leave without pay.¹³⁷ They can take leave without pay on maternity grounds for a maximum of three (3) times throughout their employment.¹³⁸ Female employees who work in a company with more than 15 employees may request leave without pay for no more than one year to look after their child, and reserve the right to return to work upon completion of such leave.¹³⁹

Maternity leave may be taken during the last two (2) months of pregnancy.

Under the Agricultural Relations Law a female worker who has spent six (6) continuous months working for an employer is entitled to 75 days of maternity leave at 80% of full pay.¹⁴⁰ They may request an additional one month of maternity leave without pay.¹⁴¹

A breastfeeding worker is granted a leave of one hour per day, until her newborn is two years old.¹⁴² Such nursing breaks are considered part of the normal working hours.

131 Article 157 of Labour Law
132 Articles 157, 161 of Labour Law
133 Article 161 of Labour Law
134 Article 159 of Labour Law
135 Article 162 of Labour Law
136 Article 167 of Labour Law
137 Article 121 of Labour Law
138 See section on parental leave for details on unpaid leave.
139 Article 12 of Law No. 17 of 2010 amending Social Security Law
140 Article 21 of Law No. 56 of 2004 amending Social Security Law
141 Article 21 of Law No. 56 of 2004 amending Social Security Law
142 Article 123 of Labour Law

9 4 Special personal leave, unpaid leave and study leave

Employees are entitled to request **unpaid leave** for 30 consecutive days per year.¹⁴³

Emergency leave is available for urgent and valid reasons and is deducted from annual leave. If annual leave has been exhausted employees may take leave without pay.¹⁴⁴

Employees are entitled to a **one-off pilgrimage leave with pay**,¹⁴⁵ **marriage leave with pay**,¹⁴⁶ and **grievance or death leave with pay**.¹⁴⁷

Employers may send workers on **work-related information, training or educational leave** which is considered to be leave with pay.¹⁴⁸

9 5 Public Holidays

Workers are entitled to leave with full pay on **official holidays**,¹⁴⁹ however employers have the right to ask their employees to work on such days if work conditions require. In such cases employees are entitled to double the daily wage.¹⁵⁰

Workers are entitled to thirteen day of official holidays per year as set by Ministerial directive. If official holidays clash with the weekly day off workers will receive a replacement day.¹⁵¹



10 | TAXATION

Income tax in Syria ranges from 5% to 22% charged at progressive rates depending on the level of salary. The first SYP 15,000 is tax exempt.¹⁵²

143 Article 172 of Labour Law
144 Article 165 of Labour Law
145 Article 173 of Labour Law
146 Article 174 of Labour Law
147 Article 175 of Labour Law
148 Article 169 of Labour Law
149 Ministerial Decision No. 16/2 issued by the Ministry of Social affairs and Labour
150 Article 166 of Labour Law
151 Article 166 of Labour Law
152 Deloitte, International Tax, Syria Highlights, [Deloitte International Tax Syria](#)



Embroidery work (Photo: Tareq Mnadili/NRC)



11 | DISCIPLINARY PROCEDURES

Firms with more than fifteen (15) employees must develop their own **internal regulations** which must be consistent with the Labour Law. These shall include regulations in relation to working conditions, leave and official holidays, promotions and bonuses, wage increases and increments and employer and employee responsibilities.¹⁵³ The internal regulations must be displayed in a prominent place in the workplace. The Ministry of Social Affairs and Labour may also issue standard internal regulations and a penalty list for guidance.

Penalties can be inflicted upon workers for breaching workplace obligations. These can include verbal or written warnings, deductions of wages up to certain limits, deferment or cancellation of promotional pay, increments or dismissal.¹⁵⁴ No more than one penalty per violation may be imposed on employees.¹⁵⁵ An employer cannot impose a penalty on an employee after 15 days from the date of the infringement or 30 days after the end of any investigation.¹⁵⁶ Penalties may be increased if the employee re-offends within six (6) months.¹⁵⁷

Where are accused of committing a violation they must be provided with due process and a fair hearing.¹⁵⁸ They must be informed of the charges and an investigation must be commenced within 15 days. The employer must hear from the employee and any other witnesses and record this on the employee's file. The employee may be represented by a trade union representative. During the investigation the employee may be suspended.¹⁵⁹

Employees may also be suspended if they are accused of having committed a crime or offense at work. However, if they are found not guilty or not responsible, they must be re-instated to their work. If the accusation is made by an employer the employee is entitled to be paid compensation.¹⁶⁰

Employees are required to pay compensation for the loss or destruction of material, machinery or raw materials belonging to or in the possession of the employer if he or she causes the damage.¹⁶¹ The employer may conduct an investigation into the damage and deduct the payment for the damage from the employee's salary. The employee may file a complaint challenging this.¹⁶²

153 Article 90 of Labour Law
 154 Article 98 of Labour Law
 155 Article 98 of Labour Law
 156 Article 99 of Labour Law
 157 Article 100 of Labour Law
 158 Article 105 of Labour Law
 159 Article 101 of Labour Law
 160 Article 88 of Labour Law
 161 Article 105 of Labour Law
 162 Article 105 of Labour Law



Making sweets (Photo: Tareq Mnadili/NRC)



12 | DISMISSAL AND TERMINATION OF EMPLOYMENT

12.1 Termination of contracts

Rules on **termination of contracts** depend upon whether an employee is on a **limited-term contract** or an **unlimited contract**.

An employer may terminate a **limited-term contract** at any time and for any reason provided they pay the employee's salary for the remaining duration of the contract. If the employee terminates the contract, they must provide two (2) months' written notice prior to the termination or pay the employee compensation amounting to double the salary for the notice period or the remaining portion.¹⁶³

An employer or an employee may terminate an **unlimited-term contract** provided they give two (2) months written notice. If the person terminating the contract does not give the necessary notice, they must pay compensation equivalent to the remaining wages under the contract.¹⁶⁴ An employee's resignation is only deemed valid when the employee registers it with the relevant Directorate of Social Affairs and Labour. The employee shall have the option to withdraw their resignation in writing only once within one week of being informed that it has been accepted by the employer and thereby revive their employment status.¹⁶⁵

If a contract is terminated by the employer, the employee must be provided with one day off per week during the notice period for job-seeking purposes.¹⁶⁶ Employers may ask workers not to attend work during the notice period.¹⁶⁷

During the COVID-19 crisis, the Ministry of Social Affairs and Labour announced that it would not register any resignations by employees and furthermore that employers were ordered to continue paying salaries and social security contributions of employees.

163 Article 53 of Labour Law

164 Article 56 of Labour Law

165 Article 61 of Labour Law

166 Article 59 of Labour Law

167 Article 60 of Labour Law



12 2 Grounds for leaving employment

Employees can leave employment without any notice period if:

- The employer or his or her representative misleads the employee about the terms and conditions of work,
- The employer doesn't meet his or her obligations towards the employee, such as non-payment of wages,
- The employer or his or her representative commits an immoral act upon the employee or any of his or her family members,
- If a serious hazard threatens the safety or health of the employee, provided that the employer is aware of such hazard and fails to take the necessary action in due time,
- If the employer or his or her representative commits an assault against the employee.¹⁶⁸

In such cases the employee can initiate an unfair dismissal claim.¹⁶⁹ Employees may also terminate employment if they are called up for military service, including reserve duties.¹⁷⁰

12 3 Grounds for termination

Employment contracts can be **legally terminated** for the following reasons without payment of any compensation:

- The employee commits a wrongful act,
- Both employer and employee mutually agree in writing to terminate the employment,
- The employee reaches 60 years of age,¹⁷¹
- In the event of the employee's death,
- If the employee is totally disabled,
- If the employee contracts an illness causing an annual absence of at least 180 consecutive days or more than 200 intermittent days in one contractual year,
- A force majeure which cannot be mitigated.¹⁷²

Medical reports must be provided in case of termination of contract on account of disability.¹⁷³ A contract can only be terminated on the basis of total disability, and not partial disability if the employee can be assigned to a different position that suits their reduced abilities.

Contracts may also be terminated on the grounds of misconduct, namely whenever an employee:

168 Article 66 of Labour Law

169 Article 66 of Labour Law

170 Article 68 of Labour Law

171 However, limited-term contracts can continue providing employment beyond that age.

172 Article 62 of Labour Law

173 Article 62 of Labour Law

- Commits a fraud, such as through impersonating someone else or providing false degrees or recommendations. This must be proved by a final court decision.
- Commits a fault resulting in a substantial material loss to the employer, provided that the employer reports the incident to the competent authorities within 48 hours after becoming aware of its occurrence,
- Does not follow the applicable safety instructions in the workplace despite two written warnings. Such instructions must be made in writing and placed in a conspicuous place.
- Is absent from work for no valid reason for more than 20 intermittent days or more than ten (10) consecutive days per year. The employer must send the employee a written warning after ten days (10) absence for the first time and after five (5) days absence for the second time.
- Fails to meet his or her essential obligations under the employment contract or the firm's internal regulations,
- Discloses professional secrets,
- Is convicted of a crime or offense against ethics and public morals,
- Is found under the influence of alcohol or drugs, during working hours,
- Assaults the employer or the line manager, or seriously assaults any of his or her superiors during or because of work.¹⁷⁴

In such cases the burden of proof is on the employer to prove misconduct by the employee. The employer can use all legal methods to prove the facts.¹⁷⁵ This can include witness statements, electronic records, reports of damage to equipment, etc.

However, employees cannot be dismissed for the following reasons:

- Whenever employee performs, organizes or takes part in trade-union activities,
- When the employer is engaged in electoral activities,
- Whenever the employer lodges a complaint or takes part in legal proceedings against the employer for violation of laws, labour regulations and legislation,
- Race, colour, gender, marital status, family responsibility, pregnancy, religion, belief, political opinion, nationality, descent, clothing or dress style in conformity with personal freedom.¹⁷⁶

Such cases are considered **unfair dismissals**. The court may order re-instatement of the employee, or if this is not practical, possible or appropriate, order payment of compensation.¹⁷⁷

Circumstances of **unfair dismissal** include situations where:

- The employer terminates an employment contract and is unable to prove that the employee committed a wrongful act,¹⁷⁸ and
- The employer commits a wrongful act, including those listed above. In such cases the employee may terminate their employment contract without notice.¹⁷⁹

174 Article 64 of Labour Law
 175 Article 62 of Labour Law
 176 Article 67 of Labour Law
 177 Article 67 of Labour Law
 178 Article 65 of Labour Law
 179 Article 66 of Labour Law

12.4 Entitlements following termination of employment

If an employee has social security coverage, they will receive compensation based on their last monthly salary multiplied by their number of years of service.

If an employee does not have social security coverage, they are entitled to a severance payment amounting to one month's salary based on the last monthly salary earned by the employee for each year of service, or on a pro rata basis if the employment lasts for less than one year.¹⁸⁰

Remaining wages must be paid to employees within seven (7) days of contract termination. If the employee terminates his or her employment, any remaining wages must be paid within fifteen (15) days.¹⁸¹



13 | WORKPLACE DISPUTES AND APPEALS

Specialised employment tribunals, or Labour Courts, have been set up in every province to resolve disputes between employees and employers.¹⁸² Alternative dispute resolution processes are also available. These are only mandatory in cases of collective disputes. Employees may also make a complaint against their employer to the GESS if the employer has no insurance card or the employer has not registered them for social security.

The **Labour Court** is the competent court for all disputes arising between private sector employees and employers.¹⁸³ Claims must be lodged in the closest court or the court in which the relevant branch of GESS is located if the case relates to a social insurance issue.¹⁸⁴ Decisions of the Labour Court are subject to appeal before the Court of Appeal within fifteen days following notification. Decisions of the Court of Appeal cannot be further appealed.¹⁸⁵

Workers claims and complaints brought under the Labour Law are exempt from all fees.¹⁸⁶ Courts must deal with workplace issues quickly and take provisional measures in such cases.¹⁸⁷ Provisional measures can protect a worker's rights in the interim until the case is finalized.

Any petition to the court on a labour issue should contain the following information:

- > Name of the court
- > Name of the parties (employee and employer)
- > Statement setting out the facts of the case
- > Legal basis of the claim (unfair dismissal, unpaid wages, unsafe working conditions)
- > Data and evidence to support the plaintiff's case
- > Signature of plaintiff or authorised agent such as lawyer

180 Article 63 of Labour Law

181 Article 79 of Labour Law

182 Article 205 of Labour Law

183 It is a first-degree court that was created in each governorate by Decree No. 64 of 2013, composed of a chief judge appointed by the Minister of Justice and a representative of workers named by the General Federation of Labour Unions and a representative of the employers named by the Minister of Justice

184 Article 84 of Civil Procedures Law

185 Article 207 of Labour Law

186 Article 8 of Labour Law

187 Article 7 of Labour Law



When a dispute concerns dismissal, mediation must first be attempted through the competent Directorate of Social Affairs and Labour. Where workers claim social insurance including compensation and pensions, the GESS is the defendant in the case. The GESS may separately file a lawsuit against the employer to claim compensation and payment of unpaid social insurance contributions by the employer.¹⁸⁸

Collective labour disputes between an employer or a group of employers on the one hand and one or several trade unions are first heard in front of an arbitral tribunal and may be appealed before the Court of Cassation. The award by the arbitral tribunal shall become binding after its registration with the competent Directorate of Social Affairs and Labour.



14 | SPECIAL EMPLOYEE CATEGORIES AND PROTECTIONS



14.1 Youth/Minors

14.1.1 Minimum age for employment

The minimum working age is 15 years of age or upon completion of basic education (i.e., the ninth grade) whichever is greater.¹⁸⁹ However there is no age restriction for minors working in family businesses under the supervision of the father, mother, brother or uncle.¹⁹⁰ Employers and their agents are responsible for verifying the ages of minors and for obtaining the written consent of their parents.¹⁹¹

As for agricultural activities, a worker must be at least 18 years old with the exception of shepherds and light workers who must be at least 15 years old. Work that is not considered light work is defined in the Agricultural Relations Law.¹⁹² The law governing agricultural work specifically prohibits minors under 15 years of age from entering the workplace, namely the farm or agricultural premises.¹⁹³

Hiring minors over the age of 15 for agricultural work must be done through contracts with the child's guardian.¹⁹⁴ However the Agricultural Relations Law does not apply to persons working in family businesses, including businesses employing the wife, husband, ascendants, descendants, brothers and sisters and their children and in laws.¹⁹⁵ In other word, children can work in family agricultural businesses.

Some jobs require the child to be a minimum of 16 years old to be allowed to work.¹⁹⁶ These include:

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- 188 Decision 1477 of 970 Basis 427/1970, Hammurabi reference: diligence No. 52481
189 Articles 1-3 of Basic Education Law No. 32 of 2002 identifies the age length of a child's basic education period. A child is usually 15 years of age upon finishing the 9th grade.
190 Article 118 of Labour Law
191 Articles 18-19 of Agricultural Relations Law
192 Agricultural Relations Law. See Decision No. 972 of 2006
193 Article 16 of Agricultural Relations Law
194 Article 10 of Agricultural Relations Law
195 Article 164C of Agricultural Relations Law
196 Article 8(B) of Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour)



- > Commercial institutes,
- > Managerial institutes where employees do office work,
- > Distribution and selling of newspapers,
- > Hotels, restaurants and gyms,
- > Sales representatives (for different types of goods),
- > Flower shops,
- > Institutions which provide care for sick, elderly and orphans,
- > Other work that does not affect the growth of the minor and does not harm his or her health or morals.

14.1.2 Work that is prohibited for minors

Minors are prohibited from doing work that puts his/her health or safety at risk physically, psychologically or emotionally.¹⁹⁷ Nor are minors allowed to carry, drag or push weights beyond the maximum limits established in the law.¹⁹⁸ The **Child Rights Law** further prohibits the economic exploitation of any child or the performance of any work likely to be dangerous, an obstacle to the child's education, or harmful to the child's health, or to his or her physical, mental, spiritual, moral or social development.¹⁹⁹

The **Minors Labour Regulations** provides a detailed list of the industries in which minors are prohibited from working.²⁰⁰ These include underground work, mines or quarries, extractive industries, furnaces, industries subject to harmful radiation, gas factories, gas stations, power plants, abattoirs, bleaching and dyeing fabrics, work involving high pressure machinery, medical and chemical labs, painting, garbage collection, driving, public toilets, forestry and timber work, work at dangerous latitudes, manufacture of explosives, cement, tin, glass, batteries, rubber, glue, sugar, soap, fertilisers and pesticides, chemical and oil industries, tanning, tobacco and alcoholic beverages, blacksmithing, electricity and welding.²⁰¹

Conversely, minors can work in handicrafts and professions that do not affect their physical, emotional and psychological growth.²⁰² Minors over the age of 16 can work in certain areas (see minimum age of employment) as well as more generally work that does not affect the growth, health, ethics and morals of children.²⁰³

14.1.3 Restrictions for working age minors

In order to employ minors, the employer must have a civil status extract, a certificate indicating the minor's good health and ability to work and the written consent of the minor's guardians.²⁰⁴ The employer must prepare a special file that includes the documents mentioned above as well as the place of residence, type of work, date of employment, wages, leave, working hours and rest periods. Employers must register children of working age with the General Establishment of Social Security (GESS) in the province.²⁰⁵

197 Article 2 of Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour)

198 Article 7(a) of Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour). For example, the maximum weights that may be carried are: 7KG (female); 10 KG (male) whilst the maximum weight that may be dragged on rods is 150KG (female; 300KG (male). Minors are also prohibited from pushing weights on one- and two-wheel carriages.

199 Article 36 of Child Rights Law No. 21 of 2021

200 Articles 2, 5, 6, 8 of the Minors Labour Regulations No. 12 of 2020 (Ministry of Social Affairs and Labour)

201 Articles 2, 5, 6, 8 of the Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour)

202 Article 8(a) of Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour)

203 Article 8(b) of Minors Labour Regulations No. 12 of 2010 (Ministry of Social Affairs and Labour)

204 Article 116 of Labour Law

205 Article 36 of Child Rights Law No. 21 of 2021

Work hours for minors must not exceed 36 hours per week and the weekly rest day is mandatory. Overtime is prohibited for minors; nor are they allowed to stay in the work place after designated working hours. Working hours is limited to six (6) hours per day including at least one hour of break for food or rest. Minors are prohibited from working night shifts and are entitled to paid leave of 30 days a year.²⁰⁶

Employers who breach the provisions in relation to the employment of minors are subject to fines ranging from SYP 25,000 to 50,000.²⁰⁷ Employers must provide ethical protection for their employees, especially minors and women,²⁰⁸ and minors may only be employed with the consent of their guardians or care-givers.²⁰⁹

The Ministry of Social Affairs and Labour are responsible for issuing regulations, terms, conditions and criteria for the circumstances of juvenile employment, and prohibited activities, occupations and trades at different ages.²¹⁰



14.2.1 Protections on working conditions and sectors of employment

Women enjoy equal working conditions to men in the Labour Law without discrimination.²¹¹ The law also establishes the right to equal pay for equal work between men and women.²¹² Women also enjoy certain rights, entitlements and protections under the law in relation to working conditions, pregnancy and child care.

The Ministry of Social Affairs and Labour is authorized to issue directives in relation to the performance of work by women at night time and in relation to other harmful, 'immoral' and other activities prohibited for women.²¹³ For example it is prohibited for employers to recruit women to work in specific industries and businesses that can involve harmful exposure to dangerous substances.²¹⁴ It is also prohibited to recruit women in work that can harm pregnant women and/or a foetus and nursing mothers and/or newborns.²¹⁵

Women should not be engaged in jobs that require working on night shifts²¹⁶ with some exceptions including:²¹⁷

- > Hospitals, clinics and pharmacies,
- > Media,
- > Management work and technical work,
- > Shops or self-employed work,
- > Theaters and music halls,
- > Private airlines companies and tourism offices,
- > Social care institutions,
- > Hotels and restaurants.

206 Article 117 of Labour Law

207 Article 264 of Labour Law

208 Article 15 of Agricultural Relations Law

209 Article 17 of Agricultural Relations Law

210 Article 113 of Labour Law

211 Article 75 of Labour Law

212 Articles 75, 119 of Labour Law

213 Article 120 of Labour Law

214 Article 4 of Decision 482 of 2017. See Annex 2 for a listing of specific restrictions.

215 Article 6 of Decision 482 of 2017

216 Article 120 of Labour Law

217 Article 2 of Decision No. 482 of 2017

It is prohibited to recruit women for night time²¹⁸ or agricultural work except in the following circumstances:²¹⁹

- › Harvesting crops in summer
- › Sorting, packaging agricultural products, but not between 9 pm and 5 am
- › Emergency work necessary to avoid the loss of perishable materials/goods.

14.2.2 Maternity cover

Female workers who have worked for six (6) continuous months are granted maternity leave with full pay for the following period:

- › 120 days after the first baby;
- › 90 days after the second baby,
- › 75 days after the third baby.

They are also entitled to an additional one-month maternity leave without pay.²²⁰ and can take leave without pay a maximum of three (3) times throughout their employment.²²¹ Under the Agricultural Relations Law a female employee who has spent six (6) continuous months working for an employer is entitled to 75 days of maternity leave at 80% of full pay.²²² They may request an additional one month of maternity leave without pay.²²³

Female employees cannot be dismissed from work during the maternity period or during illness due to childbirth or pregnancy.²²⁴ Unpaid leave for the purposes of child care is available for up to one year for female workers in firms with more than 15 workers.²²⁵ Employers are also required to establish nurseries for children in the workplace, depending upon the size of the workplace and the number of female workers and children.²²⁶ A breastfeeding worker is granted time-off of one hour per day, until her newborn is two (2) years old.²²⁷

14 3 Workers with disabilities

Disabled persons are defined as persons whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment.²²⁸ They are entitled to all the rights available to other workers under the law.²²⁹ The Ministry of Social Affairs and Labour must promote the integration of disabled persons into the labour market.²³⁰ Vocational rehabilitation must also be made available for disabled workers through vocational rehabilitation centres. This refers to measures to enable disabled workers to perform their original work or perform other work that suits their condition. These measures can include physical training, guidance and vocational rehabilitation.²³¹

218 Article 20 of Agricultural Relations Law. According to Decision No. 981/2006 issued by the Ministry of Social Affairs and Labour, working hours at nights are defined as; after 6:00 pm in the winter and after 7:00 pm in the summer.

219 Decision No. 980/2006 issued by the Ministry of Social Affairs and Labour

220 Article 121 of Labour Law

221 See section on parental leave for details on unpaid leave.

222 Article 21 of Agricultural Relations Law

223 Article 21 of Agricultural Relations Law

224 Articles 57 and 135 of Labour Law

225 Article 124 of Labour Law

226 Articles 126-127 of Labour Law

227 Article 123 of Labour Law

228 Article 128 of Labour Law

229 Article 137 of Labour Law

230 Article 132 of Labour Law

231 Article 133 of Labour Law

Workplaces employing more than 50 persons have certain obligations towards disabled workers, including the recruitment of two (2) percent of their total workforce as vocational rehabilitated workers. If they do not comply, they are required to contribute to the government Fund for Disabled Workers with the General Authority of Employment and Enterprise Promotion.²³²

Employers must also adjust the workplace to enable workers with disabilities to perform their work and ensure all occupational health and safety conditions for those workers. Disabled workers cannot be employed in jobs that expose them to danger or worsen their disability. The Ministry of Social Affairs and Labour shall determine jobs where priority is given to rehabilitated disabled workers.²³³ In particular, priority for private sector employment must be offered to persons who are disabled during military operations.²³⁴

Every worker who becomes disabled for any reason whatsoever shall keep his or her employment and must be assigned to work that suits his or her condition after he is vocationally rehabilitated. However, this is not required if the severity of the disability or the nature of the work does not allow it according to the medical report of the occupational physician.²³⁵ The wages of disabled workers may be reduced if their productivity is substantially decreased.²³⁶



14 4 Volunteers

Volunteers can be considered to be persons who provide unpaid support to organisations or employers outside of formal employment. If they receive any type of wage they must be considered as employees.²³⁷ However, volunteers can arguably be paid to cover their costs of transportation, food or other expenses which would not constitute a wage.

The Labour Law does not contain specific provisions around working with volunteers although Title IV of the law governs the rights of trainee employees. As volunteers are not covered under the Labour Law, they are not covered by workplace insurance for injuries or accidents. Organizations working with volunteers should consider taking out separate workplace insurance coverage if working with volunteers. Volunteer organizations are required to register with the Ministry of Social Affairs and Labour. The Ministry requires licensed organizations not to prejudice any political or religious matters or any issues related to the security of the country.

14 5 Unemployed persons

Unemployed persons can be registered with a public or private employment agency in their place of residence if they are looking for work.²³⁸ Unemployed persons can only be recruited for work if they are the holders of a registration card issued by the employment agency.²³⁹

14 6 Workers protection and military service

The Government has issued directives making it clear that persons subject to conscription in accordance with the Military Service Law provided for in Legislative Decree 30 of 2007 shall retain their employment

232 Article 136 of Labour Law
233 Article 137 of Labour Law
234 Article 138 of Labour Law
235 Article 130 of Labour Law
236 Article 130 of Labour Law
237 Article 1 of Labour Law
238 Article 20 of Labour Law
239 Article 17 of Labour Law



Carpentry workshop (Photo: Tareq Mnadili/NRC)



15 | VOCATIONAL TRAINING

15 1 Apprenticeships

An **apprentice** is defined in the law as a person who agrees to work for an employer in order to learn an occupation or trade.²⁴⁰ Apprenticeships are mutually binding agreements between an apprentice and employer whereby the apprentice will work for the employer with the intention of acquiring knowledge and skills in a profession or a craft.²⁴¹

Apprenticeship contracts should be in writing, in Arabic and in two (2) copies. Apprenticeships for persons under 18 must be signed with his/her guardian.²⁴² Apprentices cannot work before completing their basic education (year nine of schooling) or reaching the age of 15 years old whichever is more.²⁴³

The Minister of Social Affairs and Labour determines the jobs that are subject to apprenticeships as well as the minimum age, terms, duration and stages of learning.²⁴⁴ The three stages in an apprenticeship contract are as follows:

- First stage: six (6) months in which the work is mainly intellectual or theoretical work.
- Second stage: between six (6) to nine (9) months in which the labour is mainly non-physical.
- Third stage: one year where the work is mainly physical.

Apprenticeships should be no longer than two (2) years. Any continuation of the work relationship between the apprentice and employer after two (2) years is considered a work contract. At the end of the apprenticeship period, the employer must provide the apprentice with a certificate of proof of completion of his or her apprenticeship, its duration and the worker's skill level in the craft.²⁴⁵

240 Article 31 of Labour Law

241 Article 4 of Labour Law

242 Article 33 of Labour Law

243 Article 114 of Labour Law

244 Article 32 of Labour Law. Decision of the Ministry of Social Affairs and Labour No. (32/S/16) for 2011, Article 3 Determination of professions subject to apprenticeship.

245 Article 36 of Labour Law



Apprentices enjoy the same work rights and entitlements as other workers under the Labour Law.²⁴⁶ There is no minimum limit for wages for workers in apprenticeships but the law states that apprentices are entitled to a compensatory payment at the end of the apprenticeship period.²⁴⁷ Their overall remuneration must be no less than the minimum wage for other workers performing the same occupation. Employers must register apprentices for social insurance and apprentices who are fully disabled in a work accident are entitled to the pension based on the minimum wage limit. In the event of death, his or her heirs are entitled to their death benefits pension under the law.²⁴⁸

Apprenticeship contracts can be terminated at the will of either party. Employers may terminate the contract if they consider the apprentice is incompetent or unwilling to properly learn the profession or the craft. The apprentice worker may terminate the contract if he/she doesn't receive suitable care from the employer.²⁴⁹ The party that wishes to terminate the contract must notify the other party at least three (3) days prior to the ending of the contract.²⁵⁰

15 2 Vocational training

Vocational training is defined in the Labour Law as the necessary theoretical and practical training required by workers to obtain the experience in a profession or a certain craft before commencing the work.²⁵¹ A vocational training contract is different from a contract of employment. Whilst a worker in an employment contract is considered qualified to carry out the work, a vocational trainee or intern is still in the process of learning the work.

The Minister of Social Affairs and Labour determines the professions that are suitable for vocational training as well as the duration, wage and stages of learning. The Minister also specifies the necessary skills level for the jobs.²⁵²

Similarly to apprenticeships, vocational training agreements must be in writing and in Arabic. Three (3) copies must be provided of the contract; one for each party and one for the GESS. If the trainee is under 18 years of age the guardian must sign on their behalf. The workplace in which the worker is to be trained must have suitable conditions for the vocational training.²⁵³ Trainees are entitled to the basic wage during the period of training. Where the employer assigns to the trainee a specific job inside or outside Syria, the trainee is entitled to the appropriate allowances for that work based on the nature of the mission, including allowances for transfer, residence and other allowances.²⁵⁴

Vocational training agreements can be terminated for various reasons including violations of the Labour Law by either party or failure to fulfil duties according to the contract. They can also be terminated where the contract becomes unachievable due to circumstances out of the control of the parties, where the employer changes the place of training in the contract to another location and if the continuity of the vocational training agreement jeopardizes the health or safety of the worker. This must be proved through a medical report issued by a specialized committee approved by the GESS.²⁵⁵

A trainee whose degree of proficiency in the profession or craft has been measured is entitled to a certificate of proof confirming their proficiency.²⁵⁶ Vocational training facilities are obliged to grant trainees a certificate stating that they have passed the training program and setting out the level they have reached.²⁵⁷

246 Article 93 of Labour Law
247 Article 74 of Labour Law
248 Article 4 of Law No. 78 of 2001 amending Social Security Law
249 Article 34 of Labour Law
250 Article 34 of Labour Law
251 Article 37 of Labour Law
252 Article 39 of Labour Law
253 Article 37 of Labour Law
254 Articles 87, 89 of Labour Law
255 Article 40 of Labour Law
256 Articles 44 – 45 of Labour Law
257 Article 42 of Labour Law

The Ministry of Social Affairs and Labour may determine which occupations and trades are subject to skills assessment and set the conditions for the assessment. Workers who meet the conditions for the skills assessment will be granted a degree confirming their level of skill.²⁵⁸



16 | WORKER'S ASSOCIATIONS AND TRADE UNIONS

The right of Syrian workers to join **trade unions** is protected under Syrian law. The Constitution notes the role of trade unions in society, and guarantees the independence of those trade unions.²⁵⁹ In addition to protecting the rights of workers, trade unions also provide opportunities, including vocational training, social activities and financial assistance to members. This includes compensation for death, indemnity for termination of employment, marriage subsidies and other financial benefits. The trade union will also take legal action against an employer on behalf of an employee if the employee files a complaint in relation to a labour dispute.²⁶⁰

The Federation of Workers of Governorates oversees the work of trade unions within the governorate whilst the General Federation of Workers oversees the activities of the Federations of Workers of Governorates and trade unions within all Syria. **Syndicates** are groups of people or companies who join together as a representative body for certain technical professions such as nurses, lawyers, engineers or doctors. Whilst membership of trade unions is voluntary, membership of syndicates is compulsory in order to be licensed to practice in the profession. For example, membership of the Bar Association is compulsory to practice as a lawyer in Syria.



17 | FOREIGN WORKERS

All foreign workers in Syria require a work permit.²⁶¹ However, **Palestinians registered with the General Authority for Palestinian Arab Refugees (GAPAR)**²⁶² are treated as national Syrians for the purposes of employment.²⁶³ They do not require a work permit and are free to work in any sector of private employment.

The Ministry of Social Affairs and Labour issues Ministerial directions in relation to the issuance of work permits for non-nationals. This includes details of occupations, jobs and trades limited to Syrians and prohibited to non-nationals, quotas of non-nationals in some occupations, financial guarantees to be paid by employers and work permit fees.²⁶⁴

Foreign workers can only work for the employer specified in their work permit and may not practice a different activity from that specified in their work permit.²⁶⁵

258 Articles 44-45 of Labour Law

259 Article 20 of Syrian Constitution of 2012

260 Article 18 of Decree 84 of 1986 amending the Trade Union Law No. 1 of 1972.

261 Article 27 of Labour Law

262 Law No. 260 of 1956

263 Article 28 of Labour Law

264 Article 29 of Labour Law

265 Article 30 of Labour Law





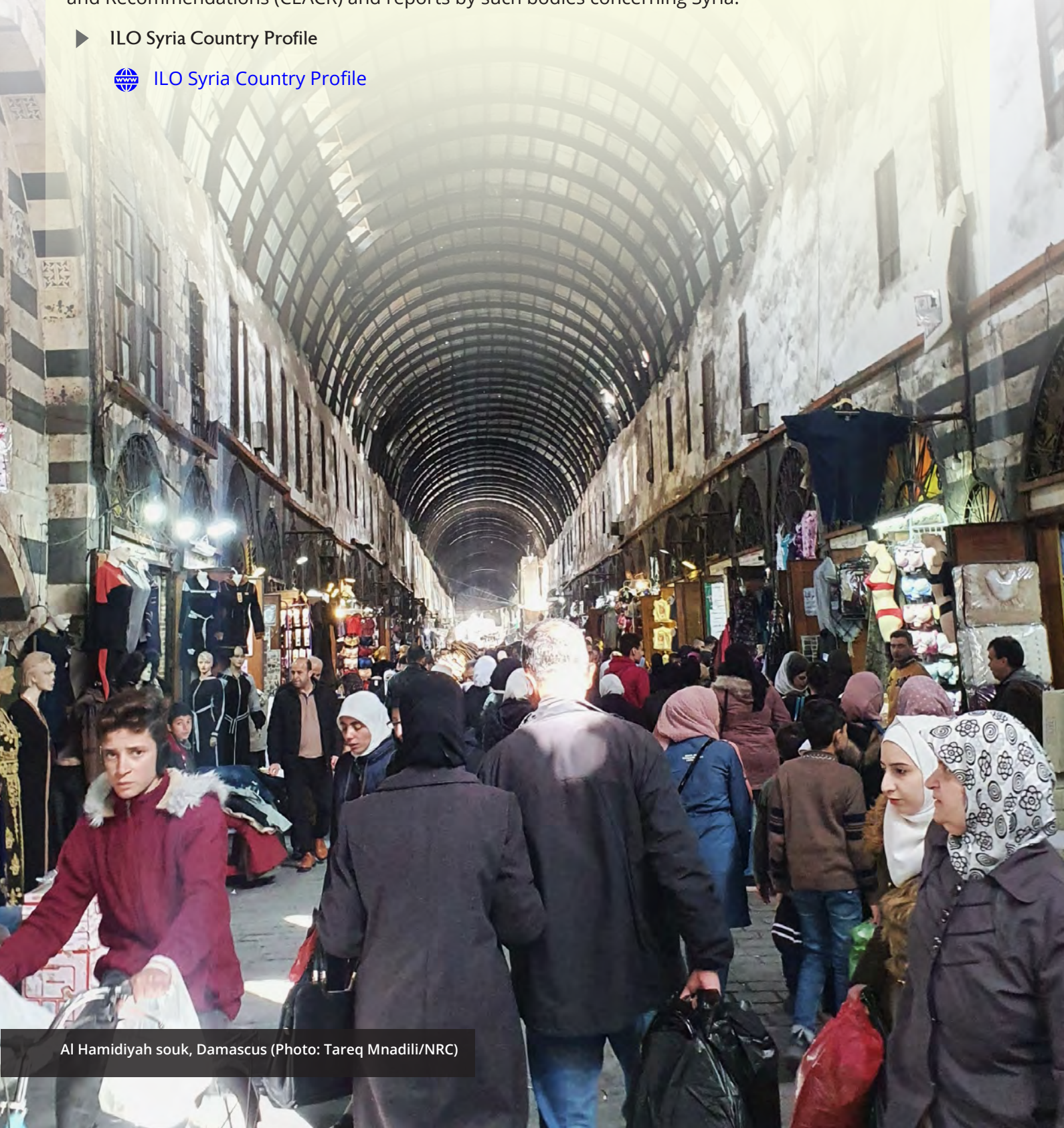
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ILO provides comprehensive and updated information on employment laws, regulations and procedures worldwide through their ILO NORMLEX Information Systems on International Labour Standards. This includes national legislation, international labour treaties ratified by Syria and relevant country research links. The site also includes information about reports and information submitted by Syria to international labour standards monitoring bodies, such as the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and reports by such bodies concerning Syria.

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