

The State of Palestine

Ministry of Labor

Palestinian Labor Law

No. 7 of the Year 2000 A.D.

(Official Copy)

© All rights reserved

For citation purposes kindly refer to this publication as follows:
Ministry of Labor 2002, Palestinian Labor Law No. (7) of the year 2000 A.D
(Official Copy).

Publication is financed by
The International Labor Organization

Brothers and sisters;

On the first of May which marks Labor Day in Palestine and the world it was decided to publish the Palestinian Labor Law in the official gazette and embark upon drafting bylaws, rules and laws pertaining to its implementation and enforcement to ensure laborers' rights in the different labor sectors. I urge Palestinian laborers who are striving for the liberation of the land and the man of all forms of slavery, exploitation, occupation and settlement to join efforts aiming at building the independent State of Palestine with Holy Jerusalem as its capital. Let us join our efforts until Holy Jerusalem is liberated.

Ramallah on May1, 2000

Your brother

Yaser Arafat

President of the State of Palestine

Chairman of the P.L.O Executive Committee

Chairman of the Palestinian National Authority

I would like to present

To: Laborers of Palestine

First strugglers, first strivers, and first builders

To: Businessmen who are building our national economy

To: Our striving people everywhere

The first Palestinian Labor Law

Endorsed by his Excellency, brother Yasser Arafat

President of the State of Palestine

Chairman of the Palestinian National Authority

Chairman of the P.L.O

Minister of Labor

Raffeeq Shaker Al-Natsheh

**Labor Law
No. (7) of the Year 2000**

**Chairman of P.L.O Executive Committee
Chairman of the Palestinian National Authority**

After examining Labor Law No. 21 of the Year 1960 and its operative amendments in the West Bank Governorates, as well as Labor Law No. 16 of the Year 1964 and its operative amendments in Gaza Governorates, and after the endorsement of the Legislative Council in its session on March 29, 2000 We have issued the following Law:

Section One Definitions And General Provisions

Chapter One

Definitions

Article (1)

For the purpose of enforcing the provisions of this Law the following terms and expressions shall have the meanings assigned to them below unless stated otherwise:

National Authority: Palestinians National Authority

Ministry: Ministry of labor

Minister: Minister of Labor

Employer: Every natural or artificial person or his deputy employing one person or more against a wage made by the former to the latter.

Laborer: Every natural person who carries out a work for the employer against a wage. In the course of his employment, he remains under the supervision and administration of the employer.

Union: Any professional organization formed in accordance with the law (union law).

Work: Every mental or physical effort exerted by the laborer against a wage, whether this work is permanent, temporary, accidental or seasonal.

Temporary Work: Work requiring limited period to be achieved due to its particular nature.

Accidental Work: Work called for by emergency needs. The period required for its achievement does not exceed three months.

Seasonal Work: Every work carried out and achieved in annual periodic seasons.

- Basic Salary:** Agreed upon cash compensation or compensation in kind paid by the employer to the laborer against his work, excluding allowances of any kind.
- Salary:** Full salary i.e. basic salary plus allowances.
- Establishment:** The site in which laborers carry out their work.
- Juvenile:** Any person reaching fifteen years old but is not past eighteen.
- Night:** A consecutive twelve-hour period obligatorily including the period between 8p.m and 6a.m.
- Year:** In the course of enforcing the provisions of this Law the year, the month and the week shall consist of (365) days, (30) days and (7) days respectively.
- Medical Committee:** Medical committee accredited by the Minister of Health.
- Occupational Accident:** The accident that the laborer has due to or in the course of his employment, or on his way to or back from work sustaining one of the occupational injuries specified by the Law.
- Disabled:** The person who sustains a physical, sensory or mental disability occasioned from an illness, on accident, congenital defect or a hereditary factor rendering him disabled to continue working or seeking a work promotion, or weakening his ability to perform one of the other basic functions in life without care and rehabilitation required to have him integrated or reintegrated in the society.
- Habilitation:** An organized ongoing process based on scientific grounds, aiming at making use of any person's skills through the development of his physical or professional capabilities.
- Competent Court:** A court concerned with labor cases or claims.

Chapter Two

General Provisions and Principles

Article (2)

Work is a right for every citizen who is able to do so. The Palestinian Authority works toward providing it on the basis of equal opportunities and without any kind of discrimination.

Article (3)

Provisions of this Law apply to all laborers and employers in Palestine excluding:

1. Government employees and employees of local bodies and organizations, yet ensuring their right to form their own unions.
2. Domestic servants and the like provided that a regulation pertaining to them is issued by the Ministry.
3. Employer's first degree family members

Article (4)

Laborers are exempted from judicial fees of labor actions- at – law they lodge as a result of labor disputes related to wages, leaves, end of service indemnities (remunerations), occupational accident indemnities, compensations or arbitrary dismissal.

Article (5)

In pursuance of this Law laborers and employees have the right to establish labor organizations (right of association) on professional basis in order to protect their interests and defend their rights.

Article (6)

Provisions contained in this Law represent laborers' minimum rights which should not be waived. Wherever a special regulation of labor relations exists the provisions of this Law or those of the special regulation apply to the laborer whichever are better to the laborer.

Section Two Employment and Vocational Guidance and Training

Chapter One

Employment

Article (7)

1. The cabinet forms a trilateral consultative committee headed by the Minister of Labor. Each of the three production parties (Government, employers, and laborers) have equal number of representatives serving as members of this committee which shall be called " Labor Policies Committee". Its function is to propose general policies directly concerned with employment and vocational guidance and training.
2. Committee mandate and membership are identified by its formation decision.
3. Committee head may invite whoever he deems fit for consultation.

Article (8)

The Ministry creates labor offices properly distributed to be accessible to employers and laborers. These offices offer free services. Their work regulation and jurisdiction are determined by the Ministry.

Article (9)

Quantitative and qualitative unemployment periodic statistics are prepared by the Ministry.

Article (10)

Every person who is able to and interested in work should register his name at the labor office located in his area of residence. The office should register applications and issues registration certificates to job applicants. The Ministry shall organize data and procedures pertaining to job applications and their registration certificates.

Article (11)

Labor offices are committed to recommend their registered laborers taking into consideration domains of specialization, proficiency, registration priority and employers' right of choice.

Article (12)

Every employer should furnish the labor office located in his area of operation with a monthly statement containing laborers' names, numbers, jobs, ages, sex, qualifications, wages, employment dates and available job vacancies.

Article (13)

The employer is committed to employ a number of qualified disabled laborers in jobs appropriate to their disablements at a percentage not less than 5% of the establishment's labor size.

Article (14)

The Ministry may grant non-Palestinians work permits to work in Palestine, whereas the employer is prohibited from employing a non-Palestinian directly or through a third party before ensuring that the above mentioned permits are obtained.

Article (15)

In pursuance of the provisions of this Law and through coordination with employers or laborer unions the Minister issues a regulation to specify conditions for granting non-Palestinian laborers work permits.

Article (16)

Discrimination among laborers in Palestine with regard to working conditions and terms is prohibited.

Article (17)

In coordination with concerned parties (stakeholders) including employers and labor unions the Ministry shoulders the responsibility of organizing labor market and employment of Palestinian laborers abroad.

Chapter Two Vocational Training and Guidance

Article (18)

For the purpose of enforcing the provisions of this chapter:

1. Vocational guidance involves activities aiming at guiding laborers toward available job and training opportunities appropriate to their skills, interests and capabilities (aptitudes).
2. Vocational training involves activities aiming at meeting development needs in terms of trained laborers and enabling laborers to acquire the necessary skills and capabilities as well as continuously developing such skills and capabilities.

Article (19)

The Ministry shoulders the responsibility of designing, following up and implementing vocational training and guidance policies attaining coordination and complementarity with the other concerned ministries and institutions, and responding to the needs of development programs in terms of technical and trained labor.

Article (20)

The Ministry establishes vocational training centers in conformity with the needs. The centers work regulation and jurisdiction are determined through a decision by the Minister.

Article (21)

The Minister issues a training and guidance regulation that ensures equal opportunities taking into consideration freedom of choice and giving priority to martyrs' offspring (sons & daughters). The said regulation involves:

1. Vocational training contracts.
2. Training programs.
3. Trainee's rights.

Article (22)

1. In coordination with the concerned parties, the Ministry is the only party authorized to grant permits for the establishment of vocational training institutions.
2. In case the conditions for granting permits are not abided by, the Minister may issue a decision to totally or partially close the institution or suspend its training program temporarily or permanently, depending on the nature and gravity of the violation.

Article (23)

Every non-governmental training institution should settle its conditions in accordance with the provisions of this Law no later than six months from its date of effect.

Section Three Several Labor Contract

Chapter One

Contract Formation

Article (24)

Several labor contract is an explicit or implicit written or verbal agreement concluded between an employer and a laborer for a definite or an indefinite period in order to achieve a particular work. Under this contract the laborer is committed to carry out work for the benefit of the employer and under his administration and supervision, whereas the employer is committed to pay the laborer the agreed upon wage.

Article (25)

Maximum period of a labor contract for a definite period concluded with the same employer should not exceed two consecutive years including renewals.

Article (26)

Should both parties of a labor contract for a definite period continue implementing it even after its expiration, it should be considered a contract for an indefinite period.

Article (27)

Laborers of labor contracts for a definite period including those of accidental labor contracts or seasonal labor contracts enjoy the same rights, and are under the same obligations binding laborers of labor contracts for an indefinite period under similar circumstances, taking into consideration the provisions pertaining to labor for a definite, accidental or seasonal period.

Article (28)

Labor contract is formulated in Arabic containing basic labor conditions especially the wage, type of labor, labor location and labor period. Both parties duly sign it and the laborer is given a copy. The laborer has to substantiate his rights through all legal proofs.

Article (29)

Labor contract may start with a three-month probation period, which should not be repeated more than once with the same employer.

Article (30)

Should a sub- contractor implement the work on behalf of the original contractor or to his benefit both contractors are jointly responsible for executing commitments arising from the contract.

Article (31)

The laborer should not be obligated to work in a place other than that agreed upon in the contract especially if it leads to a change of his domicile.

Article (32)

A laborer may not be commissioned with a work substantially different from that agreed upon in the labor contract unless it is necessary in order to avoid an accident, or in case of force majeure (irresistible force), provided that such commissioning is temporary and does not exceed two months.

Article (33)

A laborer is committed to undertake his work sincerely and honestly keeping its secrets and maintaining its tools and equipment. He is not liable for any malfunction or loss of those tools and equipment arising from any circumstances beyond his control or due to force majeure (irresistible force).

Article (34)

The laborer should abide by the establishment's bylaws as well as its professional health and safety regulations.

Chapter Two

Expiration of Several Labor Contract

Article (35)

Several labor contract expires in any of the following situations:

1. By mutual agreement of both contracting parties.
2. Upon expiration of its period in the case of accidental work, temporary work or seasonal work.
3. By the interest of one contracting party during the probation.
4. Pursuant to the laborer's interest provided that he notifies the employer in writing:
 - a) One month before leaving if he receives his wage on monthly basis.
 - b) One week before leaving if he receives his wage on daily or weekly basis or by the job (by piece) or by commission.
5. Upon the death of the laborer or upon sustaining an illness or a disability which prevent him from work for more than a six month period in accordance with a medical report issued by the Medical Committee, in the absence of a job vacancy appropriate to his professional capacity and new health condition.

Article (36)

The labor contract does not expire as a result of the employer's death unless the subject of the contract is directly related to the employer in person.

Article (37)

The labor contract remains valid even if the employer is changed as a result of project conveyance, an i.e. selling, merging, or devolution. Both the original and new employers remain jointly liable for a six-month period for carrying out commitments arising from the contract, which are due prior to the change date. Upon the expiration of the six months, the new employer is held solely accountable.

Article (38)

1. The labor contract does not expire upon the issuance of an administrative or judicial decision ordering the closure of the establishment or the temporary cessation of its activities for no more than two months. The employer should continue paying wages to his laborers throughout the closure period or the temporary cessation taking into consideration the provisions contained in this Law pertaining to probation period.

2. After the two month period the commitment contained in clause (1) above is lapsed. The employer should pay his laborers, in addition to the aforementioned, the end of service remuneration as prescribed (stipulated) by the provisions of this Law.

Chapter Three

Termination of Several Labor Contract

Article (39)

The following cases in particular could not be considered actual causes which justify the termination of several labor contract by the employer:

1. Union involvement or engaging in union activities while off duty, or on duty if approved by the employer.
2. If the laborer requests to exercise representation of laborers, or if he is exercising this representation at present, or if he had exercised it in the past.
3. If the laborer sues the employer, or engages in measures against him on the pretext of law violation, or brings a complaint before the concerned (competent) administrative bodies.

Article (40)

The employer may terminate the labor contract unilaterally without notification while enjoying the right to reclaim all other rights from the laborer should he commit any of the following violations:

1. Impersonation of others and submitting falsified certificates or documents to the employer.
2. Making a mistake arising from a confirmed negligence causing the employer a heavy loss provided that the latter notifies the concerned authorities of the accident within forty eight hours.
3. Repeatedly violating the establishment's bylaws ratified by the Ministry of labor, or the written safety or professional health instructions although duly warned.
4. Unexcused absence for seven consecutive days or over fifteen discontinuous days during one year, provided that he is warned in writing after three days of absence in the first case and ten days in the second.
5. Failing to fulfill the contractual commitments though duly warned.
6. Disclosing work secrets that may cause grave (serious) damage.
7. If convicted of a final judgment, a felony or a misdemeanor involving moral, honesty or ethics turpitude.
8. Being under the influence of alcohol or a drug prohibited by the law while on duty.

9. Assaulting, battering or insulting his employer, or his employer's representative or his immediate supervisor.

Article (41)

The employer may terminate the labor contract for technical reasons or as a result of a loss requiring a reduction in the number of laborers who preserve their right to notification allowance and end of service remuneration provided that the Ministry is notified.

Article (42)

1. The laborer may quit his work after notifying his employer reserving thereby his legal rights including end of service remuneration as well as other accruals in any of the following cases:
 - a. If he is employed in a job clearly different in kind and grade than that agreed upon in the contract, unless it is necessary to do so for a temporary period to avoid an accident or in case of a force majeure.
 - b. If his employment calls for a change of his domicile.
 - c. If a medical report issued by the Medical Committee establishes that continuation of work will jeopardize his life.
 - d. If in the course of his employment he is assaulted, battered or insulted by the employer or his representative.
 - e. The employer's failure to honor his commitments made to the laborer though claimed in writing by the latter.
2. With the exception of what is contained in item (1) above the laborer is entitled to one third of the end of service remuneration should he resign during the first five years, two thirds of the end of service remuneration (indemnity) should he resign during the second five years and full remuneration should he spend ten years or more in his job

Article (43)

The employer is obliged to return any documents, certificates or equipment he is entrusted with by the laborer. The laborer is also obliged to return entrusted property to the employer.

Article (44)

At the end of his service, the laborer is granted an employment certificate containing his name, type and period of his employment.

Article (45)

The laborer with one-year employment is entitled to the end of service remunerations (indemity) amounting to a month pay for every year of employment, on the basis of the last pay he received, without taking overtime hours into consideration. Fractions of the year are counted in this regard.

Article (46)

1. The labor contract for an indefinite period may be terminated by any of the contracting parties through a notice mailed to and acknowledged by the other party one month before the completion of work.
2. The laborer who receives a notice from the employer terminating his contract is entitled to absent him self from work throughout the second half of the notification period. His absence is regarded as actual work in the establishment.
3. In the absence of necessitating causes, the termination of a labor contract is considered arbitrary

Article (47)

While preserving all his other rights, the laborer is entitled to arbitrary dismissal indemnity, equivalent to a two-month pay for every year of his employment, provided that this indemnity does not exceed a two-year pay.

Article (48)

For the laborer who works by piece or for a commission end of service remuneration (indemnity) and arbitrary dismissal indemnity are calculated on the basis of his monthly average wage in the last year of employment.

Section Four Collective Labor Relations

Chapter One

Collective Negotiation

Article (49)

Collective negotiation is the dialogue conducted between any of the labor unions or laborers' representatives and the employer, employers or their representatives for the purpose of settling a collective labor dispute, improving working conditions or upgrading productive efficiency.

Article (50)

Collective negotiation is conducted freely without pressure or influence.

Article (51)

Any of the two collective negotiation parties is entitled to name his representatives in writing without having the right to object to this representation.

Article (52)

Pursuant to a request by any of the two collective negotiation parties, concerned authorities should furnish the required information and data.

Article (53)

The collective negotiation:

1. On the establishment level is conducted between the employer or the establishment administration and the laborers' representative in the establishment.
2. On the level of a certain economic activity is conducted between representatives of the employers sponsoring this activity and the concerned labor union.
3. On the national level is conducted between employers union and the Federation of Labor Unions.

Chapter Two

Collective Labor Agreement

Article (54)

Collective labor agreement is an agreement written in Arabic and concluded between both collective negotiation parties, containing provisions related to the improvement of working conditions and upgrading productive efficiency.

Article (55)

Collective labor agreement becomes binding as of its specified date of effect. Each of the two collective negotiation parties is given a copy of this agreement while another copy is kept at the Ministry.

Article (56)

The period of collective labor agreement is three years. Collective negotiation is conducted upon the request of one of the two agreement parties three months before its expiration. The agreement remains valid until a new agreement is reached. Both production parties may agree to open the negotiation if necessary.

Article (57)

In accordance with the provisions of this Law the collective labor agreement should include the following items:

1. Freedom of exercising union activities.
2. Minimum wages for all types of labor.
3. Laborers' employment and discharge (relief) conditions.
4. A bilateral committee to settle any disputes arising from the implementation of the agreement.

Article (58)

1. Provisions of the collective labor agreement apply to:
 - a. All laborers employed by the employer.
 - b. All employers and their substitutes.
2. Non-collective labor agreement parties are entitled to join it pursuant to a written agreement between them and the agreement parties submitted to the Ministry.

Article (59)

The Minister issues instructions needed for the implementation of the collective labor agreement.

Chapter Three

Settlement of Collective Labor Disputes

Article (60)

A collective labor dispute is the dispute arising between one employer or more and the laborers or a group of them regarding a collective interest.

Article (61)

Both collective dispute parties have the right to resort to the reconciliation commissioner of the Ministry if this dispute is not resolved through negotiations inside the establishment.

Article (62)

Should the reconciliation commissioner fail to resolve the dispute within ten days the Minister refers the dispute to a reconciliation committee composed of a Ministry employee as a head and an equal number of members recommended by the employer and the laborers.

Article (63)

1. Should the reconciliation committee fail to resolve the dispute within two weeks any of the dispute two parties may resort to the concerned (competent) court.
2. If none of the dispute parties resorts to the judicial authorities, and if the collective labor dispute affects public interest the Minister has the right to compel both parties to appear before an arbitration committee formed by the Minister in coordination with the concerned bodies and composed of:
 - a. A judge as a committee head.
 - b. A Ministry representative
 - c. Laborers' representative.
 - d. Employers' representative.

Article (64)

In taking cognizance of (looking into) a labor dispute the reconciliation commissioner, the reconciliation committee and the arbitration committee do have the authority of the competent (concerned) court regarding bringing and hearing of the witnesses, conducting the inspection and seeking the assistance of the experts.

Article (65)

During looking into collective labor dispute the employer may (should) not change the effective labor conditions.

Chapter Four

Strike and Closure

Article (66)

In accordance with the provisions of the Law strike is a guaranteed right for laborers to defend their interests.

Article (67)

1. A written notice should be sent by the party concerned with the strike or closure to the other party and to the Ministry two weeks before resorting to such measure explaining the reasons behind the strike or closure.
2. In the case of public utilities the notice is sent four weeks before resorting to strike or closure.
3. In case of strike the written notice should be signed by at least 51% of the number of laborers at the establishment, whereas in case of closure it should be signed by the same percentage of the establishment's board of directors.
4. Strike or closure is not permissible during the procedures of looking into a collective dispute.
5. Bringing collective labor dispute before a competent body (authority) requires the discontinuation of strike or closure.

Section Five

Labor Conditions

Chapter One

Weekly Working Hours and Weekly Rest

Article (68)

The actual weekly working hours are forty-five hours.

Article (69)

Daily working hours are reduced by at least one hour in the case of hazardous or harmful jobs and night jobs. These jobs are specified to the employers and laborers through a decision by the Minister after consulting with the concerned organizations.

Article (70)

One rest break or more for the laborer should occur in between daily working hours provided that the total of these breaks does not exceed one hour, taking into consideration that the laborer does not work more than five consecutive hours.

Article (71)

1. Both production parties may agree on overtime provided that it does not exceed twelve hours a week.
2. The laborer is paid one and a half hour wage for every overtime hour.

Article (72)

1. The laborer is entitled to a paid weekly rest of no less than 24 consecutive hours which, pursuant to the agreement of both production parties, may be accumulated to be taken one time a month.
2. Paid weekly rest is reckoned if the laborer works six consecutive days before it, otherwise a proportion commensurate with the laborer's days of absence is deducted from this rest.

Article (73)

Friday is the weekly rest day unless work interest requires allocating another day regularly.

Chapter Two

Leaves

Article (74)

1. The laborer is entitled to a two week paid annual leave for every year of employment and a three week paid annual leave if he is involved in hazardous or harmful tasks and has completed five years of employment at the establishment.
2. The laborer is prohibited from relinquishing his annual leave.
3. Division of the annual leave is possible pursuant to the agreement of both production parties.
4. Accumulation of annual leaves for more than two years is not permitted.

Article (75)

The laborer is entitled to a paid leave on religious and public holidays which shall not be reckoned as part of the annual leave.

Article (76)

The laborer is entitled to a one week paid labor educational leave a year arranged through a decision by the Minister.

Article (77)

The laborer who has completed five years of employment at the establishment is entitled to no less than a two week paid leave granted one time only to carry out his pilgrimage.

Article (78)

1. The laborer is entitled to a three day paid leave in case of the death of a first degree or second degree relative. Such leave is not regarded part of the laborer's annual leave.

2. Due to an accidental reason the laborer may absent himself from work for ten days a year regarded as part of his annual leave, provided that the absence period does not exceed three consecutive days each time.

Article (79)

Pursuant to a report by the Medical Committee the laborer is entitled to a fourteen day paid sick leave a year and another fourteen day half paid sick leave.

Article (80)

Through a regulation issued by the cabinet, and upon the recommendation of the Minister, in coordination with the concerned bodies (authorities) agricultural workers and those of private occupations may be excluded from all or some of the provisions contained in this section.

Chapter Three

Wages

Article (81)

The laborer is entitled to his wage if he is present at the work site even if he does not carry out any work due to reasons pertaining to the establishment.

Article (82)

The laborer is paid in legal currency in circulation provided that payment takes place in accordance with the following:

- a. On working days and in the work site.
- b. At the end of each month for monthly paid workers.
- c. Payment of the laborer's wage should not be deferred more than five days from date of entitlement.

Article (83)

1. With the exception of the following cases no amounts may be deducted from the laborer's wage:
 - a. Execution of a final judicial judgment.
 - b. Any due advance for the employer provided that each deduction does not exceed (10%) of the basic salary.
 - c. Fines imposed upon the laborer in accordance with this Law or the regulations issued in pursuance of such Law.
2. Total deductions in accordance with items (b,c) of clause (1) above should not exceed (15%) of the basic salary.

Article (84)

1. The employer should not take a disciplinary action nor impose a fine upon the laborer unless the latter committed a violation contained in the bill of penalties approved by the Ministry, provided that the following is taken into consideration:
 - a. The fine does not exceed a three-day pay a month.
 - b. No disciplinary action may be taken against the laborer after the expiration of two weeks following the violation verification date.
 - c. A register of imposed fines is initiated containing laborer's name, salary, in addition to the reasons behind imposing the fine upon him.
 - d. Fines are allocated for labor social services at the establishment.
2. The laborer is entitled to object to any disciplinary action imposed upon him to the labor inspector within one week after being notified of it in writing.

Article (85)

In accordance with this Law the laborer's wage is considered as a privileged debt.

Article (86)

1. Upon the recommendations of the Minister the cabinet forms a committee called " Wage Committee" (Wage Council) composed of equal number of government, employers, and laborers' representatives.
2. Employers' and laborers' union organizations shoulder the responsibility of naming their representatives in the committee.
3. The cabinet assigns one of the Committee members as a Committee head.
4. The Committee is entitled to seek the assistance of whom it deems fit to achieve its functions (duties).

Article (87)

The Wage Committee undertakes the following functions:

1. Studying wage public policies and the degree of their appropriateness to the standard of living, as well as submitting the relevant recommendations to the cabinet.
2. Determining minimum wages provided that they are backed by a cabinet decision issued in this regard

Article (88)

The Wage Committee meets periodically at least once a year, yet it meets upon the request of its head or the representatives of any of its three parties if necessary.

Article (89)

The laborer's wage should not be less than the minimum wage endorsed by the Law.

Chapter Four

Occupational Safety and Health

Article (90)

Upon the recommendations of the Minister in coordination with the concerned bodies the cabinet issues occupational health and safety regulations as well work environment regulations particularly including the following:

1. Personal protection devices for laborers against occupational hazards and diseases.
2. Health conditions required in work places.
3. First aid devices for the establishment's laborers.

Article (91)

In accordance with this Law and the regulations issued accordingly the establishment issues the occupational health and safety instructions and the relevant bill of penalties endorsed by the Ministry. These instructions are posted in a visible place at the establishment.

Article (92)

No establishment is permitted to make the laborer bear any expenses or pay deductions in return for providing the necessary occupational health and safety conditions

Section six

Regulating the Employment of Juveniles

Article (93)

Employment of children before becoming fifteen years old is prohibited.

Article (94)

Juveniles should be medically examined before joining any work to ensure that they are physically fit to undertake such work. This medical checkup must be repeated every six months.

Article (95)

Juveniles should not be employed in:

1. Hazardous or harmful industries specified by the Minister.
2. Night work or on days off, public or religious holidays.
3. Overtime hours or on the basis of production unit.
4. Remote places or places away from built-up areas.

Article (96)

1. Juvenile's daily working hours are reduced by no less than one hour daily.
2. One rest break or more should occur in between daily working hours provided that the total of these breaks is not less than one hour, taking into consideration that the juvenile does not work more than four consecutive hours.

Article (97)

Juveniles' annual leave is three weeks and it should not be deferred (postponed).

Article (98)

The establishment is requested to post provisions of juveniles' employment in work places. The employer needs to initiate a register (file) containing all matters pertaining to these juveniles.

Article (99)

Juveniles who work for their first degree relatives and under their supervision are excluded from the provisions of this section, provided that work is undertaken in all situations in accordance with the appropriate health and social conditions, so that their mental and physical growth as well as their education are not adversely affected.

Section Seven

Regulating the Employment of Women

Article (100)

In accordance with this Law and the regulations issued accordingly discrimination between men and women is prohibited.

Article (101)

Employment of women is prohibited in:

1. Hazardous or hard work specified by the Minister
2. Overtime hours during pregnancy and the six months following delivery.
3. Night hours except in a work specified by the cabinet.

Article (102)

The establishment should have female workers' accommodations.

Article (103)

1. The working woman who completes one hundred and eighty days of employment before each delivery is entitled to a ten week paid delivery leave, at least six weeks of which are after delivery.
2. The working woman should not be dismissed as a result of the leave mentioned in clause (1) above unless it is established that she has been employed elsewhere during this leave.

Article (104)

1. Breast – feeding woman is entitled to a daily breast-feeding break or breaks during work the total duration of which is not less than one hour daily throughout a year since delivery date.
2. Breast-feeding hour mentioned in clause (1) above is considered part of daily working hours.

Article (105)

In accordance with work interest the working woman may be granted a leave without pay to take care of her baby or to accompany her husband.

Article (106)

Provisions of woman employment should be posted in the work place by the establishment.

Section Eight Labor Inspection

Article (107)

1. In accordance with this Law the Minister forms a board called Labor Inspection Board (Body) composed of an appropriate number of professionally and academically qualified inspectors to follow up the enforcement of the provisions of this Law and the regulations issued accordingly.
2. In exercising their duties members of the Labor Inspection Board (Body) enjoy the authorities of the law officers.

Article (108)

Before assuming his work each labor inspector swears before the Minister to conduct his work honestly and faithfully, and not to disclose secrets accessible to him by virtue of his job.

Article (109)

In selecting a labor inspector to conduct an inspection mission it should be taken in consideration that he has no direct or indirect interest in the establishment undergoing his inspection.

Article (110)

The labor inspector is concerned with:

1. Following up the enforcement of labor legislations particularly those related to labor conditions through all legitimate means including reception of complaints and notices.
2. Furnishing employers and laborers with information and technical instructions that facilitate the enforcement of the provisions of this Law.
3. Notifying the concerned parties of deficiencies, shortages and violations he discovers during his work.

Article (111)

The labor inspector has the right to:

1. Enter work places subject to inspection freely during work without a premonition, yet the employer or his representative should be notified upon entering the establishment.
2. Ask the employer or the laborers collectively or individually or in the presence of witnesses about the enforcement of labor provisions and legislations.

3. Inspect and photocopy registers, books and any other documents relevant to labor conditions.
4. Take samples of used materials for analysis to ensure that they are appropriate for laborers' safety and health. The employer needs to be notified of this matter in accordance with special regulations set by the Ministry.
5. Issue directives and instructions to remove shortages of equipment, or eliminate the harm that their use might cause to laborers' safety and health. He has the right to demand immediate implementation of measures he deems necessary to prevent a definite risk.

Article (112)

Employers or their deputies furnish the labor inspector with all the information he requests during his inspection mission.

Article (113)

The labor inspector should minute any violation he finds out and he has the right to take any of the following measures against the violator in harmony with the nature and seriousness of the violation.

1. Giving an advice.
2. Sending a verbal notice to remove the violation within a limited period.
3. Recommending the Labor Inspection Board to send a written warning with regard to the violation.

Article (114)

1. Labor inspectors submit to Labor inspection Board periodic, monthly and annual reports on their inspection activities in accordance with forms endorsed by the ministry.
2. The Ministry releases a periodic general report on the activities of the Labor Inspection Board.

Article (115)

The Ministry issues the necessary instructions to regulate the work of labor inspectors as well as the necessary procedures to enforce the valid provisions of this Law.

Section Nine

Occupational Injuries and Diseases

Article (116)

The employer should insure all his laborers against occupational injuries at licensed insurers in Palestine.

Article 117

Upon the occurrence of an occupational injury the employer is requested to do the following:

1. Offering the injured the necessary first aid and transferring him to the nearest treatment center.
2. Informing the police immediately upon the occurrence of any injury that caused death of the laborer or made him sustain a bodily injury that prevented him from continuing his job.
3. Notifying the Ministry and the insurer in writing of every occupational injury within 48 hours following its occurrence. The injured is given a copy of the notice.

Article (118)

IN accordance with the provisions of this Law and the regulations issued accordingly, the employer shall be liable in respect of the following:

1. Treatment of the injured laborer until recovery, and covering all the necessary therapeutic expenses including the expenses of rehabilitation services and requirements.
2. All rights arising from the injury even if they became the responsibility of a third party.

Article (119)

If the occupational injury renders the laborer unable to perform his job he is entitled to 75% of his daily pay at the time of the injury throughout the period of his temporary disablement, provided that such period does not exceed 180 days.

Article (120)

1. If death or total permanent disability arise from the occupational injury the deceased heirs in the first case and the injured in the second shall be entitled to a cash compensation equivalent to the pay of (3500) three thousand five

hundred working days or 80% of the pay of the period remaining until his sixtieth birthday, whichever is higher.

2. If a permanent partial disability is caused by the occupational injury the injured is entitled to a cash compensation equivalent to permanent disability percentage.
3. If more than one permanent partial disability are caused by the occupational injury the injured is entitled to a cash compensation for the total of partial disability percentages provided that it does not exceed the compensation established for permanent total disability.

Article (121)

In accordance with the provisions of this Law the Medical Committee estimates the disability percentage occasioned by the occupational injury on the basis of the provisions of the law or the relevant regulation which are effective at the time of the injury.

Article (122)

The injured is entitled to object to the decisions of disability percentage estimation or resumption of work within thirty days after being notified of the decisions.

Article (123)

1. The injured entitlement to the compensation shall abate in the event a body of competent jurisdiction establishes after conducting an investigation that the injury has been caused by the following:
 - a. A premeditated act undertaken by the injured.
 - b. The influence of alcohol or drugs.
2. Cases of death or permanent disability of 35% or above are excluded from the provisions contained in clause (1) above

Article (124)

Unless the delay is caused by the non-stability of the injury or a legitimate excuse the injured entitlement to claim occupational injury compensation shall abate upon the expiration of two years following the occurrence of the injury.

Article (125)

Occupational injury compensation shall not prevent receiving the entitled end of service indemnity (remuneration).

Article (126)

1. The employment shall prepare a detailed register of occupational injuries.
2. The employer shall notify the Ministry in writing of any case of permanent disability within one month after it has been confirmed, the amount of compensation he paid or pledges to pay to the injured or beneficiaries.

Article (127)

1. The employer shall be obliged to honor the rights allocated to the laborer in accordance with the provisions of this section of the Law.
2. Should the occupational injury entail the responsibility of a third party other than the employer the laborer is entitled to claim his rights arising from the injury from either party.

Article (128)

Should the laborer show any symptoms of the occupational diseases contained in the list annexed to this Law within two years following the end of his service, the employer shall honor all the right decided to him in accordance with the provisions of this section of the Law.

Article (129)

Under no circumstances may the due compensation be garnished except for the payment of an alimony, provided that the garnished amount does not exceed one third of the compensation amount, nor may it be transferred to any person other than the laborer or his beneficiaries.

Article (130)

The due compensation is calculated in accordance with the provisions of this section, on the basis of the average of the last three-month pay.

Section Ten

Penalties and Final Provisions

Chapter One

Penalties

Article (131)

The employer shall be penalized for violating any provision of Chapter One or Two of Section Five and any regulation issued accordingly by paying a fine ranging from 100J.D to 300J.D The penalty shall multiply pursuant to the multiplicity of the violation and it shall be doubled in case of repetition.

Article (132)

The employer shall be penalized for violating any provisions of Chapter Three of Section Five and any regulation issued accordingly by paying a fine ranging from 50J.D to 100J.D, as well as obliging him to pay the laborer any pay differences. The penalty shall multiply pursuant to the number of the laborers against whom the violation is committed.

Article (133)

Should the employer violate any provisions of Chapter Four of Section Five and the regulations issued accordingly the Minister may, in addition to the penalty provided for in Article 131, totally or partially close down the establishment, or shut down any of its machines until the violation is removed by the employer.

Article (134)

Whoever violates any provisions of Sections Six and Seven and the regulations issued accordingly shall be penalized by paying a fine ranging from 200J.D to 500J.D. The fine shall multiply pursuant to the number of laborers against whom the violation is committed, and it shall be doubled in case of repetition.

Article (135)

Whoever refuses, objects to or obstructs the acts of the labor inspector or Labor Inspection Board shall be penalized by removing the violation and paying a fine ranging from 200J.D to 500J.D .

Article (136)

Should the employer violate any provisions of Articles (116, 117) he shall be penalized by paying a fine ranging from 300J.D to 500J.D..

Article (137)

Stay of execution shall not be resorted to regarding penalties provided for in this Section nor going down below the minimum limit of the legally decided penalty for discretionary reasons.

Article (138)

For the purpose of enforcing the provisions of this Law the fine is calculated in Jordan Dinar or its equivalent in the legally circulating currency.

Chapter Two

Final Provisions

Article (139)

Upon the recommendation of the Minister the cabinet may issue the regulations necessary for the enforcement of the provisions of this Law.

Article (140)

Labor Law No.21 of the year 1960 and its amendments operative in the West Bank Governorates, as well as Labor Law No.16 of the year 1964 and its amendments operative in Gaza Governorates are invalidated.

Article (141)

All concerned parties should enforce the provisions of this Law which becomes operative thirty days after being published in the official gazette.

Issued in Gaza on April 30, 2000 A.D

Corresponding to Muharram 25, 1421 A.H

Yaser Arafat

Chairman of P.L.O. Executive Committee

Chairman of Palestinian National Authority

Annexes

Occupational Diseases Annex

Item No.	Occupational Disease	Examples of Functions Causing this Disease
1	Lead Poisoning and its complications	<p>Any work involving the use of lead or its compounds or lead containing materials, and any work involving exposure to lead dust or fumes or compounds including:</p> <ul style="list-style-type: none"> -Using raw materials containing lead. -Melting and casting scrap lead and zinc in moulds or alloys for industrial purposes. -Preparing and using polish lead containing pottery enamel. -Using lead or lead compounds in printing, repairing lead tanks, spray painting with anti-lead compound, preparing acids and lead salt and preparing and using paints.....etc.
2	Mercury Poisoning and its Complications	<p>Any work involving the use of mercury or mercury compounds or mercury containing materials and</p> <p>Any work involving exposure to mercury dust or fumes or compounds or mercury containing materials including:</p> <p>_Work in preparing mercury compounds, manufacturing laboratory equipment and mercury meters, gauges and scales, gilding, gold extraction and manufacturing mercuric fireworks.</p>
3	Arsenic Poisoning and its Complications	<p>Any work involving the use of arsenic or its compounds or its preparations or arsenic containing materials, and any work requiring exposure to arsenic dust, fumes or compounds, or arsenic containing materials including:</p> <ul style="list-style-type: none"> - Arsenic or arsenic compounds production processes or working in the production of arsenic or its compounds. - Production and use of insecticides and arsenic containing compounds. - Production and use of arsenic or arsenic compounds containing dyes. - Using arsenic in tanning - Using arsenic in crystal manufacturing, ..etc
4	Antimony Poisoning and its Complications.	<p>Any work involving the use of antimony or antimony compounds or antimony containing materials, and any work requiring exposure to antimony dust, fumes, compounds, or antimony containing materials.</p>

5	Phosphorous Poisoning and its Complications	Any work involving the use of phosphorous or phosphorous compounds or preparations or phosphorous containing materials and work requiring exposure to phosphorous dust, fumes, compounds or phosphorous containing materials.
6	Benzole or Benzole methyl or its Amido or azotic compounds or derivatives Poisoning and Complications.	Any work involving the use of these materials or exposure to its fumes and dust .
7	Manganese Poisoning and its Complications	Any work involving the use of manganese, or manganese compounds or manganese containing materials, and any work requiring exposure to manganese fumes , dust ,compounds or manganese containing materials including: Work in the extraction or preparations of manganese or its compounds as well as grinding and stowage of these compounds ... etc .
8	Sulphur Poisoning and its Complications	Any work involving the use of sulphur or sulphur compounds or sulphur containing materials, and any work requiring exposure to sulphur fumes, dust, compounds or sulphur containing materials.
9	Chromium Reaction and the Resulting Ulcers and Complications	Any work involving the preparation, production or use of chromium or chromic acid or sodium, potassium, or zinc chromate or bichromate containing them.
10	Nickel Reaction and the Resulting Ulcers and Complications	Any work involving the preparation, production, or use of nickel or nickel compounds including exposure to nickel carbonic dust.
11	Carbon Monoxide Poisoning and its Complications.	Any work involving exposure to carbon monoxide including the process of its preparation, use or production in situations like surgeries, mines, bricks and lime production, mines and fires.....etc
12	Hydrocyanic acid and Hydrocyanic compounds Poisoning and Complications.	Any work involving production or use of Hydrocyanic acid or its compounds, and any work requiring exposure to its fumes, spray, compounds, soils or Hydrocyanic materials.
13	Chlorine,Fluorine,Bromine or their Compounds Poisoning and Complications.	Any work involving preparation or use of Chlorine, Fluorine, Bromine, or their compounds, and any work requiring exposure to these materials, their fumes or dust.
14	Petroleum, Petroleum Gases, or Petroleum Derivatives Poisoning and Complications.	Any work involving the use of Petroleum, its gases or derivatives, and any work requiring exposure to these materials whether hard, liquid or gaseous.
15	Chloroform and Carbon Tetrachloride Poisoning	Any work involving preparation or use of chloroform, its gases, derivatives or carbon tetrachloride, and any work requiring exposure to their fumes or fumes containing such materials.

16	Ethylene Tetrachloride, Ethylene Trichloride and the other Halide Derivatives of Hydro carbonic Compounds.	Any work involving the use of these materials or exposure to its fumes or fumes containing such materials.
17	Primary Skin Cancer and Chronic Skin and Eye Infections and Ulcers Arising from Irritant Materials Reaction.	Any work involving the use of or exposure to any irritant material wether hard, liquid or gas causing a chronic damage to the skin or the eye. Examples of these materials are tar, asphalt, bitumen, minerals, oils and fluorine, including electrofacing works.
18	Beryllium Poisoning	Any work involving the use of or exposure to beryllium, its compounds, its fumes, its dust or beryllium containing materials.
19	Selenium Poisoning	Any work involving the use of or exposure to selenium, its compounds, its fumes, its dust or selenium containing materials.
20	Cadmium Poisoning	Any work involving exposure to cadmium fumes or dust including: <ul style="list-style-type: none"> _ Mineral mixtures. _ Dyestuffs _ Atomic reactors _ Hot cadmium smoke _ Preventive coating works...etc
21	Plutonium Poisoning	Any work involving exposure to plutonium including: <ul style="list-style-type: none"> _ Intermediary chemical processes _ Work in oil refineries _ Production of sulfuric and azotic acids _ Production of mixturesetc
22	Vanadium Poisoning	Any work involving exposure to this element or its compounds including: <ul style="list-style-type: none"> _ Chemical or petrochemical industry. _ Steel mixtures industry. _ Painting and photography.
23	Ozone Poisoning	Any work involving exposure to ozone including: <ul style="list-style-type: none"> _ Paper and oil industry _ Flying at more than 10 km. altitude. _ Working close to ultraviolet rays. - Ozone sterilization works.....etc
24	Pathological Diseases and Symptoms arising from Radium, Radioactive materials or x-ray	Any work involving exposure to radium, radioactive materials or x-ray including:- <ul style="list-style-type: none"> - Conducting researches or measurements involving radioactive materials and x-ray inside and outside laboratories. - Practices which expose their performers to radiation at medical centers ... etc.

25	Chronic Lung Disease Arising from Exposure to Dust	Any work involving exposure to recently produced silica dust or silica containing materials, and any work involving exposure to asbestos dust, cotton dust, linen and talcum powder to an extent causing this disease including: <ul style="list-style-type: none"> _ Working in mines and stone quarries _ Producing and using abrasive compounds and detergents. _ Manufacturing glass and pottery. _ Manufacturing cement, lime and gypsum with the exception of using these materials in building, _ Producing stone gears. _ Stone carving and polishing. _ Dissolution works that expose the laborer to sand dust, removing the piece from the mould and removing sand. _ Flatenning or polishing works by sand blaster. _ Preparation works in cotton ginneries. _ Works involving inhaling dusts arising from grains (wheat, barley, ...etc.) storage or grinding. _ Agricultural processes exposing laborers to hay and straw. _ Poultry farming....etc.
26	Respiratory System Diseases Arising from Exposure to Irritant Gases and Fumes.	Works involving inhaling irritant gases(sulphuric gases, chlorine, ozatic oxides ...etc), including: <ul style="list-style-type: none"> _ Mining processes _ Working in laboratories that deal with such materials. _ Chemical industries.....etc.
27	Symptoms and Diseases Arising from Exposure to Atmospheric Pressure Changes.	Any work involving sudden exposure to or work under high atmospheric pressure or sudden change in atmospheric pressure or low atmospheric pressure for long periods.
28	Anthrax	Any work involving contact with animals stricken by anthrax, their corpses or parts of them or their raw products or their waste including: <ul style="list-style-type: none"> _ Handling hide, hooves, horns, hair, and wool. _ Loading and unloading of goods containing raw animal products and waste.
29	Saqawa*	Any work involving contact with animals stricken by this disease like horses, handling their corpses or part of them.
30	Tuberculosis	Working in hospitals, clinics and treatment and diagnosis centers exposing laborers to this disease by virtue of profession.
31	Fevers and other Contagious Diseases (Epidemics)	Working in hospitals, laboratories and research centers specialized in this kind of diseases.
32	Symptoms and Diseases Arising from Hormones and Hormone Derivatives.	Any work involving exposure to hormones or hormone derivatives.

33	Auditory System Susceptibility.	Working in industries, businesses or places in which laborers are exposed to the impact of noise exceeding 85 decibels.
34	Bilharsiasis	Working in sewerages, tunnels, mines, slaughterhouses and other works involving contact with animal and fish meat or dirty water.
35	Ankylostomiasis	Working in sewerages, tunnels and mines.
36	Tetanus	Working in tunnels, sewerages and handling animal dung.
37	Epicondylitis Capral Tunnel Syndrome, Keinbock Disease Teudo Vaginitis Bursitis.	All works involving the use of air hammers or similar devices of low vibration involving one mode movement like: typists, pianists and goldsmiths...etc.
38	Tobacco poisoning	The different processes of tobacco production including, packing, sweating and processing.
39	Varicose Veins	Any work involving long standing provided that the employment period in the said profession is not less than five years including: Printing laborers, porters, workers on machines involving long standing, dentists, operating theaters doctors and nurses, postmen, restaurants and hotels workers, barbers...etc.
40	Endarteritis Obliterans	Working in extremely cold places like cold storage plants, and cold marshy locations.
41	Diseases Arising from Microwaves	Any work involving exposure to these waves including: Some medical treatment processes. Baking oven workers. Some drying processes...etc.
42	Skin and Eye Diseases Arising from heat, light and other radiations	Any work involving exposure to any type of radiation in the industrial and medical fields...etc including: a. Ultraviolet rays like: Tungistan bulbs, mercuric bulbs fumes, laser rays. Using ultraviolet rays in medicine, industry, printing...etc. b. Laser rays: It's military and medical uses It's uses in building, excavating, communications and drilling...etc. c. Infrared rays: Metal melting (fusion)- oven workers- laser rays- glass melting. Working on electronic equipment. Long exposure to sun rays.
43	Brucellosis and its Complications.	Slaughterhouse workers Cows and sheep raising and handling their products and excrements.

List of Materials Causing Occupational Cancer

No.	Causative Material	Type of Disease	Type of Work Causing the Disease
1.	Aminate	Lung cancer Mesothelomia	Working in aminate mines, aminate grinding and weaving Aminate cement production and coating
2.	Treated Nickel	Bronchi and lung cancer	Nichel founding and broiling
3.	Hexavalent chromium	Bronchi and lung cancer	Chromium production processes, chromium uses. Working in professions where astiline and aniline are used, batteries manufacturing, glass, mosaics and plastic carpeting industry.
4.	Iso Bromide Oil	Nasal Sinuses cancer	Working in the production of or using Iso Bromide oil.
5.	Benzene	Leukaemia	Petrol industry, explosives industry, rubber cement industry, shoe industry, distillation works, dyes and paints industry.
6.	Arsenic	Skin and lung cancer	Working in arsenic mines, founding and tanning processes, insecticides industry, chemical processes, wine industry, oil refining ... etc.
7.	Ionized rays and x-rays	Skin, bone, lung and blood cancer	Using these rays in agriculture, diagnostic medicine, therapeutic medicine...etc.
8.	Cadmium	Prostate Cancer	Exposure to cadmium fumes and dust, metal mixtures, works, dyes, atomic reactors, heated cadmium smoke, cadmium plating works.

9.	Polycyclic Hydrofats Ptribrine, Ptranszine	Skin, testis, lung and bronchi Cancer.	Processes involving contact with these materials.
10.	B Naphtleamine & Naphtleamine Ptridine dichlor Ptridine	Bladder and UT Cancer	Working in dyeing materials industry and application. _ Rubber industry _ Textiles industry _ Paints industry.