

New regulations on employment of foreigners

THE regulations covering the employment of foreigners have been amended. The new regulations are:

Any employer who wishes to recruit a foreigner should submit an application for a labour permit in seven copies on forms prepared for this purpose, with the following information:

Employer's name, nationality, profession and place of main work; recruited worker's name, title, nationality, religion, date of birth, original residence and family status; nature of work to be carried out by worker; worker's profession and previous work; duration of worker's recruitment; information about worker's previous entrance to Libya, date and reason for that, also departure date and reason; number of foreign workers already employed by employer with the number of workers in the same profession of the recruited worker; number of Libyan workers employed by the employer; any other information the Ministry may require.

DOCUMENTS

The employers must submit the application to the Labour office with the following documents:

A certificate that a Libyan is not available to carry out the work to be done by the foreign worker. The certificate is to be issued by the Labour Office concerned. The Under-Secretary of the Ministry may effect exemption of this certificate if the employer submits sufficient items to prove non-availability of the Libyan element for work. Certificates of worker to be employed, his technical qualifications, accompanied by official Arabic translation if the certificate is in a foreign language.

A copy of the contract to be made with the worker, stating salary, allowances, and other privileges to be granted to the worker either in money or in kind.

A list of projects and works carried out by the employer at the time he submitted the application, with documents as proof.

Any other documents or information the Ministry may think necessary.

For general welfare considerations the approval of the Under-Secretary or his deputy may be asked before submission of application to the labour office concerned.

Employers or proprietors of companies are not allowed to employ a foreign worker who does not have a labour permit in the profession in which he is to be employed. Place of work should be in this approved area.

If the foreign worker who is authorised to work is transferred to another area, he must refer to the Labour office concerned in that area to have his employment card amended accordingly in order to use it until the end of its validity.

If the foreign worker is transferred to another profession or another company other than those stated on his card, then the new employer should follow the previous procedures adopted in granting an employment per-

mit.

In order to secure approval of application in this case, the worker must have completed a six-month work period with the previous employer, and must submit documents showing the reason for his termination.

A foreign worker will not be granted a labour permit if he worked in Libya and terminated his contract for bad conduct, crime, or political reasons, or left the service of the Government without their approval.

New labour permits will not be issued to workers who leave work in Libya for other reasons until six months have elapsed from the date of departure. The Under Secretary may make exemptions in special cases.

Employment applications will be rejected for those who enter the country as tourists, visitors or arrived in transit or mission, unless their cases fall within the provisions of an order made by the Ministry of the Interior in June 1965. Any approval issued for an applicant who conceals reason for entry will be cancelled.

NEW ARTICLES

New articles to the registration include the following:

The director of the labour office involved is to receive employment applications, and to give a receipt to the applicant. Copies will be passed to Immigration, State Security and Investigation Departments the same day.

The Ministry must give its decision within 15 days from the submission of the application, which will be conveyed to the immigration authorities.

The authorities concerned have unanimously approved the application within the period specified, it is regarded as completely approved. If one department does not approve it, then it is rejected, and the Ministry of Labour and Social Affairs must be notified in both cases.

If the period limited for the study of the application has elapsed and no authority has notified the Immigration Department of the decision adopted, then the application is regarded as accepted.

Foreign workers granted approval for work will not be granted residence visas on their arrival unless they secure employment cards which they can apply for immediately. The residence mentioned in the entrance visa will not be renewed before submitting documents proving application for employment cards.

The introduction of these regulations does not affect the labour agreements concluded between Libya and other countries regarding employment applications for workers of these countries.