

REPUBLIC OF SOMALILAND
SOLICITOR GENERAL OFFICE

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LABOR LAW

Law No. 31/2020

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Not for Sale

Issue 2021

OFFICE OF THE PRESIDENT

Ref: JSL/XM/WM/222-646/042021 | Date: 12/04/2021

Presidential Decree

Enactment of the Labor Law No. 31/2020

Having seen: Article 90 of the Constitution of the Republic of Somaliland;

Having seen: Articles 8, 20, 23, 34, 74, 76, 77, and 78 of the Constitution of the Republic of Somaliland;

Having seen: The decision of the House of Representatives, Ref. No. GW/KF-45/880/2021, dated 27/03/2021, approving the Labor Law No. 31/2020;

I hereby enact:

The Labor Law No. 31/2020.

All Praise is Due to Allah

Musa Bihi Abdi

President of the Republic of Somaliland

The Republic of Somaliland
House of Representatives
Headquarters, Hargeisa

Ref: C1W/KF-4518602021 | Date: 27/03/2021

Subject: Decision to Approve the Labor Law No. 31/2020

The House of Representatives,

Having seen: Articles 8, 20, 23, 34, 74, 76, 77, and 78 of the Constitution of the Republic of Somaliland;

Having seen: The importance of a law that clearly outlines the framework for employment and labor relations, defining the rights and obligations of employers and employees;

Having considered: The need for amendments and revisions to the labor law to enhance job creation in the private sector;

Having seen: The approval decision of Law No. 31/2020 by the House of Representatives, submitted to the House of Elders of the Republic of Somaliland on 19/12/2020;

Having seen: The approval decision of Law No. 31/2020 by the House of Elders of the Republic of Somaliland on 15/03/2021;

Having seen: The amendments and revisions made by the House of Elders, approving the Labor Law No. 31/2020, with forty-one (41) votes in favor;

With a majority of 34 votes in favor, the Labor Law (Law No. 31/2020) was approved.

All Praise is Due to Allah

Abdirahman Said Ayanle
Secretary-General of the House of
Representatives

Bashe Mohamed Farah
Speaker of the House of Representatives
of the Republic of Somaliland

THE HOUSE OF REPRESENTATIVES

Having seen: Articles 8, 20, 23, 34, 74, 76, 77, and 78 of the Constitution of the Republic of Somaliland;

Having seen: The importance of a law that clearly outlines the framework for employment and labor relations, defining the rights and obligations of employers and employees;

Having considered: The need for amendments and revisions to the labor law to enhance job creation in the private sector;

The House hereby approves:

The Labor Law, including the amendments and revisions made, under Law No. 31/2020.

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Name of the Law

This law shall be referred to as the **Labor Law, Law No. 31/2020**.

Article 2

Definitions

The terms below, unless otherwise specified, shall have the following meanings in this law:

- **Directorate of Labor:** Refers to the directorate responsible for private sector labor affairs under the Ministry of Employment, Social Affairs, and Family of the Republic of Somaliland.
- **Employee:** Any person performing work for an employer under an employment contract in exchange for a salary.
- **Employer:** Refers to any entity that enters into an employment contract with an employee to perform work in exchange for salary.
- **Employment Contract:** Refers to a voluntary agreement between an employer and an employee, where the employee agrees to perform work for the employer in exchange for salary.
- **Fixed-Term Contract:** Refers to an employment agreement between two parties with a specified duration, at least one month.
- **Indefinite-Term Contract:** Refers to an employment contract without a specified duration.
- **Apprenticeship/Training Contract:** Refers to a specialized contract for vocational training.
- **Daily Employee:** Refers to an employee who performs daily work and receives daily wages.
- **Trainee:** Refers to a person whom the employer allows to receive vocational training at the workplace in accordance with this law.
- **Rights:** Refers to any entitlement (material or moral) granted by this law to an employee or employer in accordance with this law.
- **Obligations:** Refers to perform any duty imposed by this law on an employee or employer in accordance with this law.

- **Public Holidays:** Refers to nationally recognized holidays designated by the government for break from work, in accordance with the law.
- **Workplace:** Refers to any non-governmental work place where a work is performed by an employee, in accordance with this law.
- **Labor Safety:** refers to the safety planned for the employees if they sustain injuries from work, in accordance with this law.
- **Employee Grade:** Refers to the administrative hierarchy designated for employees, in accordance with this law.
- **Registration:** Refers to the archiving documents, names, other details, and employment contracts between employer and employee, by the labor department, in accordance with this law.
- **Disciplinary Action:** Refers to disciplinary measures taken against an employee for work related misconduct being proven, in accordance with this law.
- **Labor Inspector:** Refers to the officials in the labor department implementing the mandate activities of the department, in accordance with this law.
- **Probation Period:** The designated period outlined by this law for assessing the suitability of a newly hired employee.
- **Working Hours:** Refers to the time an employee spends performing work, including breaks as specified by law.
- **Workplace Injury:** Any injury resulting from work or illness caused by the workplace environment.
- **Workplace Accident:** Refers to an injury to a body organ or disruption of its work caused by factors beyond the employee's control while performing work duties.
- **Wages/Salaries:** Refers to the regular payment an employer provides to an employee for work performed, in an agreed specific duration.
- **Work Permit:** Refers to the work permit granted to foreign employees, in accordance with this law.
- **The Ministry:** Refers to the ministry responsible for private sector labor affairs.
- **The Committee:** The Committee for Hearing Labor Disputes between Employees and Employers.
- **Family:** Refers to the immediate relatives of the employee.

Article 3
Scope of the Law

1. This law applies to all employment relations based on contracts between employers and private sector employees in the Republic of Somaliland, such as:
 - a) National employees of international non-governmental organizations (INGOs).
 - b) Employees of local non-governmental organizations (LNGOs).
 - c) National employees of the United Nations.
 - d) Employees of national companies, national employees of foreign companies, and foreign employees of national companies, and privately-owned workplaces, provided they have worked for at least three consecutive months.
2. This law does not apply to:
 - a) Government employees.
 - b) Various national armed forces.
 - c) Sports personnel.
 - d) Daily casual labourers.

Article 4
Objective of the Law

1. The objectives of this law are to implement the basic rights enshrined by Article 20 of Somaliland Republic Constitution, and to regulate the relations between employee and employer in the private sector, and to achieve that, the specific objectives of this law are:
 - a) To protect the rights of private sector employees.
 - b) To define the obligations of employers and employees.
 - c) To insure equal employment opportunities.
 - d) To safeguard well-being and safety of work.
 - e) To define procedures for establishing private sector labor unions.

CHAPTER TWO

THE LABOR DIRECTORATE OFFICE

Article 5

Establishment of the Labor Directorate

1. This law formally establishes the Labor Directorate under the Ministry of Employment, Social Affairs, and Family.
2. The Minister shall appoint among the staff of the ministry the member of the Labor Directorate Office that will consist at least:
 - a) Directorate of labor department (the director),
 - b) Four (4) legal experts.
3. The Directorate Office shall also have Labor Inspectors and secretary appointed by the Minister.

Article 6

Responsibilities and Obligations of Labor Directorate Office

1. The responsibilities and obligations of the Labor Directorate Office include:
 - a) Registering employees and employment contracts of private sector employees.
 - b) Disseminating and ensuring enforcement of this law and regulatory procedures driven from this law, to protect rights of employee and employer.
 - c) Ensuring the protection of rights of employee and employer in the private sector.
 - d) Ensuring fair and equal opportunity recruitment of employees in private sector, according to this law, by assuring attendance of member of the Labor Office during competition in hiring new employees.
 - e) Promoting education and training of employees in private sector.
 - f) Promoting and supporting establishment of labor unions, in accordance with this law.
 - g) Verifying and monitoring work permits for foreign workers.
 - h) Reporting to, and advising the Minister about the employment and employee situation defined by this law, so he develops strategy and policy towards improving employees in private sector.
 - i) Working in improving employees and overall working conditions of private sector employees.

2. Ministry Regional offices shall implement the responsibilities and obligations of Labor Directorate Offices in the regional level.

Article 7

Labor Inspection and Enforcement of This Law

The Minister shall appoint Labor Inspectors in consultation with the Directorate.

Article 8

Responsibilities and Obligations of Labor Inspector

Labor inspectors shall promote the conditions of workplaces by inspecting and enforcing the Civil Service Law, including:

1. Advising employers and employees on their rights and duties under this law.
2. Conducting workplace inspections as mandated by this law.
3. Investigating complaints made by employees or employers.
4. Ensuring compliance with this law in workplaces.
5. Collecting evidence or examples of violations of workplace conduct by employees.
6. Requesting employers to submit employee records, and all other relevant information regarding general working conditions or employees.
7. Issuing warnings or appropriate penalties to employers when violations of the law are observed, while allowing a limited time for correction of such violations, notifying the Ministry officials accordingly.
8. Providing reports and recommendations to the Ministry regarding workplaces that do not meet the requirements mandated by this law.

Article 9

Authority to Enter Workplaces

Inspectors must present credentials and may enter any workplace without notice during working hours to:

1. Verify working conditions.

2. Investigate complaints.
3. Collect labor-related data.

Article 10

Fundamental Labor Rights

1. Citizens have equal rights to employment without discrimination based on gender, race, religion, or political opinion. Forced labor is prohibited.
2. Qualified individuals may compete for jobs based on merit.
3. Employees with non-communicable diseases may not be dismissed if medically fit to work.
4. Employees with contagious diseases shall be granted leave where feasible.

CHAPTER THREE

WORKING HOURS

Article 11

Standard Working Hours

1. The standard working hours are eight (8) hours per day for individuals working six (6) days a week. If an individual works five (5) days a week, they shall work nine (9) hours per day, not exceeding forty-eight (48) hours per week.
2. Without diminishing the provisions of paragraph 1 of this article, employees are entitled to at least one day of rest every seven days, which shall be Friday.
3. Working hours shall be distributed evenly across the workdays of the week; however, depending on the nature of the work, daily hours may be split between the morning and afternoon.
4. Employees may be assigned shifts; however, no individual shift shall exceed eight (8) hours per day or forty-eight (48) hours per week if the job has a shifts schedule.
5. If working hours coincide with prayer times, prayers must be observed, and the schedule should include this.
6. During the month of Ramadan, one hour shall be deducted from the working hours.

Article 12

Overtime Work

1. Work performed beyond normal working hours is considered overtime work and shall be compensated with additional pay.
2. Overtime work shall be carried out when the employer requests employees to work extra hours, provided that it does not exceed four (4) hours per day or twenty-four (24) hours per week.
3. Female employees have the right to accept or refuse the overtime hours mentioned in Paragraph 2 of this Article.
4. Payment for overtime hours shall be disbursed on the regular payday and shall be calculated based on the standard salary as follows:
 - a) If the work is performed between six o'clock in the morning (6:00 am) and ten o'clock at night (10:00 pm), the wage shall be multiplied by one and a quarter (1.25) of the normal hourly rate.
 - b) If the work is performed between ten o'clock at night (10:00 pm) and six o'clock in the morning (6:00 am), the wage shall be multiplied by one and a half (1.5) of the normal hourly wage;
 - c) If the work is performed on the weekly rest day, the wage shall be multiplied by two (2) of the normal hourly rate;
 - d) If the work is performed on a National Public Holiday, the wage shall be multiplied by two and a half (2.5) of the normal hourly rate.

Article 13

Night Work

1. Night work refers to work performed between 10:00 PM and 6:00 AM.
2. It is prohibited for women to work at night in industries, commercial establishments, or agricultural fields.

3. Civilian employees must be provided with the services they need to carry out their work, especially those with disabilities.

CHAPTER 4

LEAVES AND REST PERIODS

Article 14

Rest from Work

1. Every employee is entitled to at least 12 consecutive hours of rest per day, between the end of one work period and the start of the next.
2. Every employee is entitled to one rest day per week, which shall be Friday.
3. As stated in Article 15, every employee is also entitled to observe all national public holidays within the year.
4. When an employee works for 5 consecutive hours, they are entitled to a 30-minute break, which shall be counted as part of the working hours.

Article 15

Public Holidays

Every year, an employee is entitled to a total of 12 national public holidays, during which they shall receive 100% of their salary while resting from work. If the employee works on any of these days, it shall be counted as overtime and compensated with additional pay in accordance with Paragraph 4 of Article 12 of this law. The public holidays are as follows:

- Eid al-Fitr – Two (2) days
- Eid al-Adha – Two (2) days
- Mawlid al-Nabi (Prophet's Birthday) – One (1) day
- 1st of Muharram (Islamic New Year) – One (1) day
- Israa and Mi'raj (Night Journey) – One (1) day
- May 1st (Labour Day) – One (1) day

- May 18th (Independence Day) – Two (2) days
- June 26th (Union Day / Independence Day) – One (1) day
- January 1st (New Year's Day) – One (1) day

Article 16

Annual Leave

1. Every employee is entitled to 30 working days of annual leave each year, during which they shall receive their full salary.
2. An employee is granted their first annual leave after completing eleven (11) months of work. Subsequent annual leaves may be taken in any month of the year at the employee's choice.
3. National public holidays and Fridays that fall within the employee's leave period shall not be counted as part of their annual leave.
4. An employee may exchange their annual leave for payment if the employer agrees.
5. The employer may divide the employee's annual leave into parts, provided that the employee consents.
6. Due to work-related circumstances, the employer may postpone an employee's annual leave. Likewise, the employee may postpone their leave if the employer agrees.
7. If an employee's annual leave is postponed due to valid reasons, they shall be granted the accumulated leave in the following year, combining the postponed leave with the new annual leave.
8. Any leave postponed in accordance with Paragraph 5 of this Article shall not be postponed again for more than one year.
9. Every employer must maintain a leave register that records the dates on which each employee takes their annual leave, the duration of the leave, and the amount paid.

Article 17

Recall of an Employee on Leave

1. If work demands arise, an employee on leave may be recalled, with the remaining portion of their leave either rescheduled for another time or compensated with payment. The recalled period shall also be added to the number of days spent traveling to return to work.
2. The employer shall cover the transportation costs and daily travel allowances for the days the employee spends returning to work.
3. A mother on maternity leave cannot be recalled to work until she has completed her leave.

Article 18

Maternity Leave

1. A pregnant woman employee is entitled to four (4) months of maternity leave with full pay.
2. Maternity leave may begin up to four weeks before the expected delivery date (during the ninth month of pregnancy) provide that a recognized doctor certifies that leave is required for the mother's or the unborn child's health.
3. The pregnant employee must notify the employer in writing at least four (4) weeks in advance of her leave, specifying the start and return dates, unless illness prevents her from doing so.
4. If the mother experiences illness arising from childbirth after the maternity leave mentioned in Paragraph 1, she shall be entitled to sick leave as specified in Article 21 of this law.
5. If a pregnant employee miscarries during the ninth month, she is entitled to 90 days of maternity leave from the date of miscarriage, as certified by a recognized doctor.
6. If a miscarriage occurs between the sixth and eighth months of pregnancy, the employee is entitled to 60 days of maternity leave from the date of miscarriage, as certified by a recognized doctor.
7. If a miscarriage occurs between the third and fifth months of pregnancy, the employee is entitled to 30 days of maternity leave from the date of miscarriage, as certified by a recognized doctor.

8. A female employee cannot be denied the maternity leave she is entitled to, nor can she be removed from work during her maternity leave, provided her employment contract has not expired.

Article 19

Breastfeeding Leave

A female employee who is breastfeeding her child is entitled to one hour of additional breastfeeding leave per day, in addition to the 30-minute daily rest break specified in Paragraph 4 of Article 14. This leave shall be taken between 11:00 AM and 12:30 PM, until the child reaches one year of age.

Article 20

Overlap of Holidays

If one or more national public holidays coincide, the employee is entitled to take the corresponding day(s) of leave on subsequent days.

Article 21

Sick Leave

1. An employee who has completed the probation period is entitled to sick leave not exceeding six months in total over every three-year period, provided they present a medical certificate issued by a recognized health center or a doctor registered with the Ministry of Health.
2. An employee granted sick leave under Paragraph 1 is entitled to:
 - a) Full salary for the first three months, and
 - b) Half salary for the remaining three months.
3. If the employee's illness or injury is work-related, incurred while performing their duties, they are entitled to:
 - a) Full salary during the recovery period, and

- b) Medical treatment.
- 4. If an employee becomes disabled due to work-related reasons or suffers an injury affecting their health, such as loss of a limb, miscarriage, or other serious conditions, they shall be entitled to compensation in accordance with Islamic law.

Article 22

Family Responsibility Leave

An employee is entitled to 3–7 days of leave in the following circumstances:

- 1. In the event of the death of a family member.
- 2. Upon the birth of the employee's child (spouse's childbirth).
- 3. Upon getting married.

Article 23

Salary Payments

- 1. An employee's wages shall be paid to the employee or a legally authorized representative and may be paid by:
 - a) Cash in Somaliland Shillings, or in hard currency if both parties agree;
 - b) Bank account transfer;
 - c) Cheque; or
 - d) Any other method agreed upon between the employee and the employer.
- 2. Wages may also be paid to a person legally authorized by the employee to receive them.
- 3. Wages shall be paid on a working day, preferably at the workplace unless another location is agreed upon by both the employer and employee.
- 4. Wages may be paid weekly, biweekly, or monthly, depending on the agreement between the employer and employee.

5. An employee's wages cannot be deducted unless allowed by law, a court order, or a written agreement between the employer and employee.
6. If an employee disputes a deduction, they must be given a reasonable opportunity to defend themselves.
7. Notwithstanding Paragraphs 5 and 6, deductions cannot exceed one-fourth (1/4) of the employee's monthly wage.
8. The amount of wages shall be determined according to the employee's work and the local cost of living.
9. Equal pay must be given to employees performing the same work, regardless of gender.
10. The following information must be provided in writing to the employee if no written agreement exists:
 - a) Employer's name and address;
 - b) Wage amount, payment dates, and taxes deducted;
 - c) Working hours; and
 - d) Job description or detailed terms of reference.
11. The employer is obligated to maintain a payroll system that records gross wages, bonuses, deductions, and net wages paid to employees.
12. The employer must allow both the Ministry and the employee to access the payroll records upon request.

Article 24

Eid Bonus

1. Every employee who has observed Ramadan is entitled to an Eid bonus equivalent to 15 days of their salary. Half of this bonus shall be paid at the end of Ramadan, and the other half at the beginning of Shawwal. The Eid bonus is not based on a full year of service, but the employee must be actively employed during the holiday to receive it. Non-Muslim employees are also entitled to a similar bonus at the end of the year.

Article 25
Rights [Gratuity]

When an employee is terminated before the contract period ends, the employer must pay the employee severance compensation, which calculated based on the period of service:

1. When an employee is terminated from work or resigns voluntarily after having worked for more than one year, he or she shall be granted rights equivalent to one month's salary for every year, in addition to any other remaining entitlements such as annual leave, public holidays, or overtime hours worked, which shall be paid in accordance with Paragraph 4 of Article 12.
2. If the employee dies, the entitlements mentioned in the above paragraph shall be granted to the legal heirs confirmed by the court.
3. An employee shall not be entitled to these rights if it is proven that he or she has committed a serious offense that causes damage to the employer's property or reputation.
4. The employment contract must clearly state the offenses that could lead to the loss of the employee's rights.

Article 26
Funeral Expenses for Employee

If an employee dies a natural death, the employer must cover the funeral expenses.

CHAPTER FIVE
EMPLOYMENT CONTRACTS

Article 27
Employment Contracts

1. Both parties have the right to enter into an individual or collective agreement in accordance with this law that addresses their specific needs. It is essential that a written contract exists, clearly stating at least the following details:

- a) The name and address of the employer.
 - b) The full name and address of the employee.
 - c) The employee's job title or grade.
 - d) Working hours.
 - e) Agreed salary and allowances.
 - f) A detailed description of the employee's position and duties (job description).
 - g) The date when the employment begins and when it is expected to end.
 - h) If there is a probation period, its duration must comply with what is defined in this law.
 - i) The agreement on Eid entitlements, overtime hours, and related payments.
 - j) Conditions of safety, security, health, and rest for the employee.
 - k) The procedure for dispute resolution or mediation in case of disagreements.
 - l) Procedures and conditions for resignation, dismissal, or renewal of employment.
 - m) Promotion.
 - n) Compensation.
 - o) Employee insurance.
2. Every employer and employee must have a written employment agreement between them.
 3. A signed copy of the contract agreed upon by both parties (the employer and the employee) must be submitted to the labor office for registration. No fee or tax shall be charged for registering the contract.

Article 28

Type of Employment Contracts

1. Probationary Employment Contract (Probation): This is a probationary contract between two parties (the employer and the employee) which shall not exceed two months, if both parties agree.
2. This type of contract may be extended for a further period of up to only two months.
 - a) Either party may terminate the contract without giving prior notice.
 - b) During the probation period, the employee is entitled to receive wages, including weekly rest days, but shall not be entitled to compensation after he or she completes this work.
3. Fixed-Term Contract: is an employment contract agreed upon by two parties for a specific period, which shall be at least one month.

4. Indefinite-Term Contract: is an employment contract without a fixed duration and continues for an extended or indefinite period.
5. Apprenticeship Contract: This is a special contract concerning apprentices. It relates to practical training and administrative arrangements applied in private workplaces to ensure the apprentice acquires adequate technical skills.
6. Compensation: All matters relating to compensation shall follow the provisions stated in Article 25 of this Law.

Article 29

Termination of Employment Contract

An employee has the right to terminate the contract before the end of the contract's duration due to the following circumstances:

1. The employee and the employer have the right to terminate the contract before the end of the contract's duration, provided that this does not conflict with the provisions set forth in Article 43 of this law.
2. If a qualified doctor certifies in writing that the employee cannot perform the work due to health reasons, or if the work may endanger the employee's health.
3. If the employee finds that the assigned work differs from the work to be performed, the employee shall submit a written notice to the head of the workplace during the first month.
4. If the employer finds that the employee lacks the knowledge or skills required for the assigned work, the employer shall submit a written notice to the employee during the first month.
5. If the employee is required to work in hazardous conditions and the employer refuses to remove the hazard.
6. If the employee commits a misconduct that may warrant dismissal, or in the circumstances stated in Article 45 of this law.
7. If a situation beyond the control of the parties arises, making the contract impossible to perform or causing one party to suffer significant loss if the contract is executed.

8. Paragraphs 4, 5, 6, and 7 require that the party terminating the contract provide **30 days’ notice** to the other party. For contracts with foreign employees obtained in accordance with this law, a **90-day notice** must be given if the contract duration was at least one year.

Article 30

Copies of the Employment Contract

Every employment contract between the employer and the employee must be provided to each party, with one copy submitted by the employer to the office of the Director of Labor at the Ministry within one week. If the contract is made in a region, it shall be submitted to the person representing the Ministry in that region.

Article 31

Requirements and Duration of Apprenticeship

1. The young people of age between “15 – 30 years” can be accepted as apprentice.
2. The duration of the apprenticeship shall not exceed one year to 3 years.
3. If the apprentice works for two employers, the periods worked for both employers shall be counted. However, the total duration of working with both employers shall not exceed one year.

Article 32

Conditions of the Apprenticeship Contract

Every apprenticeship contract must include the following information:

1. The name, the work, and address of the employer.
2. The type of technical company.
3. The work the apprentice will perform.
4. The duration of the apprenticeship.
5. The salary and any benefits to be provided.
6. The conditions of education, work, allowance, and itc.

Article 33

Registration of Employees and Employment Contracts

1. Every employee working in companies and non-governmental organizations under the jurisdiction must be registered and recorded at the Labor Directorate of the Ministry or at the Labor Directorate office in the regional level.
2. A copy of the employment contract between the employer and the employee must be submitted to the Labor Directorate of the Ministry of Employment, Social Affairs, and Family.
3. Before registering the contract, the labor office official must ensure that the written contract complies with the Labor Law.
4. The general registration shall include all employees in private sector employed in accordance with this law, and the labor office shall retain the contracts submitted for registration.
5. Every contract that is registered must include a reference number.

CHAPTER 6

EMPLOYEES RECRUITMENT

Article 34

Procedure for Recruiting Employees

While ensuring equal opportunities for citizens in employment vacancies in agencies, organizations, companies (international or national), industries, and government representatives (embassies), the following procedure must be followed for recruitment:

1. Any vacant position in the organizations and companies mentioned above must be advertised in national newspapers for at least two (2) weeks, including the vacant position, the requirements, and any other relevant details about the advertised job.
2. The selection of applicants, oral and written examinations for the vacant position applicants, shall be conducted jointly by a committee composed of three (3) members who are:

- a) One person representing the employer.
 - b) One official from the Regional Labor Directorate.
 - c) One person representing the labor unions.
3. Recruitment of applicants who succeed in the selection process shall be validated when at least two (2) members of the committee mentioned in paragraph 2 of this law agree and jointly sign the approval.
 4. It is prohibited to employ a foreign national if a citizen is available and capable of performing the required job.
 5. The recruitment of foreign employees shall follow the provisions specified in Article 35 of this law.

Article 35

Recruitment and Conditions for Employing Foreign Nationals

1. It is prohibited to employ or allow a foreign national to work in the country without fulfilling the requirements defined in this law.
2. A foreign employee who is legally employed in accordance with this law, or who is officially residing in the country, shall have employment rights equivalent to a citizen when the following conditions are met:
 - a) There should be a need to employ the foreign national.
 - b) His or her age shall not be below 15 years.
 - c) The individual is in good health.
 - d) The individual shall not have committed any crime in Somaliland or any other country.
 - e) The individual shall have entered the country legally and holds a valid residence permit or has been admitted as a refugee in Somaliland.
 - f) The individual shall have a work permit of the Ministry in accordance with Article 37 of this law.
 - g) The individual shall possess a valid residence credential in Somaliland Republic for the duration of the work permit issued.

3. In addition to the conditions mentioned in paragraph 2 of this article, foreign employees who wish to work in the health or education profession must also meet the professional requirements related to health and education professions stated in the respective laws of the country.

Article 36

Exemptions from the Conditions

The conditions stated in Article 35 of this law are not applied to:

- a) Foreign nationals who are diplomats or consular officials of another country in the Republic of Somaliland.
- b) Foreign nationals who enjoy immunity in accordance with an international agreement.
- c) Foreign nationals employed in the country under an international agreement between the Republic of Somaliland and another country or an international organization related to humanitarian or technical assistance, or
- d) Other foreign nationals exempted from complying with this law by another valid law or international agreement.

Article 37

Application and Issuance of Work Permit for Foreign Employee

1. Applications for work permits for foreign employees shall be submitted to the Ministry of Employment, Social Affairs, and Family, and the application can be submitted by either the employer or the foreign individual.
2. The application for a foreign employee's work permit must contain the following attachments:
 - a) The individual's passport or refugee permit.
 - b) The foreign employee's curriculum vitae (CV).
 - c) Two passport-sized photographs.
 - d) A medical certificate from a recognized doctor.
 - e) Information about the job role or type of work.

- f) The purpose and reason for employing the foreign employee.
 - g) If the work involves teaching or health services, the professional license issued by the Ministry of Education or the Ministry of Health.
- 3. After receiving the application stated in paragraph 1 of this article, the Ministry shall decide within fifteen (15) days starting from the date of submission.
- 4. A foreign employee who has been granted a work permit can only work in the position specified in the contract with the employer in accordance with the work permit.

Article 38

Duration and Renewal of Work Permit

- 1. The work permit cannot be issued for a period longer than the period of the residence permit.
- 2. The employer and the foreign employee are required to submit the application for renewal of the work permit 30 days before the expiration of the previous permit.

Article 39

Employment Contract for the Foreign Employee

- 1. Once the work permit is issued, the employer is obliged to enter into the employment contract with the foreign employee before the start of foreign employee work.
- 2. The employer is obliged to submit the contract referred to in the above paragraph to the Ministry's Labor Directorate or the Regional Labor Directorate office within 15 days after signing.

Article 40

Expiration of Work Permit for Foreign Employee

- 1. The work permit of foreign employee expires:
 - a) If the duration of the work permit ends.
 - b) If the duration of the residence permit ends.
 - c) If the duration of the employment contract ends.
 - d) If the foreign employee withdraws from the employment contract.

- e) If the foreign employee dies.
 - f) If the work permit is revoked.
2. The Ministry can revoke the work permit of the foreign employee:
- a) If the permit was obtained fraudulently in connection with the foreign employee.
 - b) If the employer fails to enter into the employment contract within 30 days.\
 - c) If the residence permit expires and is not renewed.
 - d) If the employer terminates the employment contract in accordance with this law and notifies the Ministry.
 - e) If the foreign employee withdraws from the contract with the employer in accordance with this law.

CHAPTER 7

OBLIGATIONS OF EMPLOYEE AND EMPLOYER

Article 41

Duties of Employees

The employee is obligated to the following:

1. The employee should perform honestly/diligently his or her job.
2. The employee should carry out his or her job in accordance with the contract and permitted by the law.
3. The employee should adhere to the work discipline and working hours.
4. The employee should protect the equipment and property entrusted to him or her to use for work.
5. He or she must pay the government taxes obliged on their salary.

Article 42
Duties of the Employer

The employer shall be obliged to carry out the following duties:

1. To pay wages at the proper time as specified in the employment contract.
2. To ensure that the workplace is suitable for the nature of the work performed and meets appropriate health standards.
3. The certification of an employee's qualifications shall be provided free of charge
4. Reasonable complaints raised by employees concerning their work shall be given due consideration
5. No deductions shall be made from an employee's wages except those authorized by the law.
6. The employer shall not impose any charges on employees in connection with employment, that is contrary to the law.
7. No employee shall be compelled to take part in any political activity.
8. The employer shall deduct from employees' wages the income tax prescribed by law and shall remit such deductions to the inland revenue (tax) authority at the end of each month.

Article 43
Work Promotion

Every institution or company shall have policies for the annual evaluation of employees, for the purpose of promotion or demotion where appropriate, (in cases where an employee commits an offence warranting reduction in rank).

CHAPTER EIGHT

TERMINATION OR RESIGNATION OF EMPLOYMENT

Article 44

Notice of Termination or Resignation

Where either party to an employment contract terminates the agreement, the following shall apply:

1. A notice of termination or resignation shall be given by the party initiating the separation.
2. Such notice shall be made in writing, and each party shall clearly state to the other the reason that led to the termination or resignation.
3. Where the employment contract between the two parties is of a fixed term, written notice of termination shall be given at least six (6) weeks in advance.
4. Where an employee is accused of an act contrary to the laws of employment, or of conduct that may harm the reputation or operations of the employer, the employee shall be given an opportunity to defend himself or herself against such accusation.
5. Where an employee is not satisfied with the reason for his or her dismissal, he or she shall submit a complaint to the Directorate of Labor at the Ministry.
6. Where the employee is not satisfied with the decision of the Director of Labor, he or she may submit an appeal to the competent court within one (1) month.
7. Where the court determines that an employee was dismissed without a lawful reason, the employee shall be reinstated to his or her position within one (1) month.
8. Where the employer insists on the termination of employment, he or she shall compensate the employee with an amount equivalent to four (4) months' salary, calculated on the basis of the employee's last wage received.

Article 45

Termination Without Notice

Where it is proven that an employee has committed any of the following acts of misconduct, he or she may be dismissed from employment without notice:

1. Refusal to obey a lawful order related to his or her duties, or willful insubordination.

2. Engaging in fighting or physical assault against supervisors at the workplace.
3. Proven dishonesty of his or her work.
4. Disclosure of confidential information relating to the work or the employer to any unauthorized person.
5. Theft of the employer's property.
6. Willful damage or negligence resulting in the breakage or loss of tools, equipment, or property entrusted to the employee.

CHAPTER NINE

EMPLOYMENT OF CHILDREN

Article 46

Prohibition of Child Labor

1. No child under the age of fifteen (15) years shall be employed.
2. Where children under the age of fifteen (15) years are employed, the work assigned to them shall be light in nature and shall not be harmful to their physical growth, health, or mental development.
3. The work performed by the child shall allow him or her to continue receiving basic education.
4. Children under the age of eighteen (18) years shall not be employed in work that involves underground activities or under water.

CHAPTER TEN

EMPLOYEE COMPLAINTS

Article 47

Establishment of a Complaint Hearing Committee

1. This Article establishes a Committee composed of five (5) members responsible for hearing complaints between employees and employers, drawn from the following parties:
 - a. Two (2) members, consisting of the Regional Coordinator and one other regional staff member of the Ministry, appointed by the Minister upon the recommendation of the Regional Coordinator.
 - b. One (1) member nominated by the labor unions; where no such union exists, the employees of the region shall select their representative to serve on the Committee.
 - c. One (1) member who is a legal expert, appointed by the Minister.
 - d. One (1) member nominated by the umbrella organization of non-governmental organizations (NGOs).
2. The Committee shall be formally appointed by a decree issued by the Minister.
3. The Committee shall have a Registrar and a Secretary, responsible for the administration of the Committee's activities, both of whom shall be appointed from the Ministry.
4. Administrative disputes related to work between employees and employers shall be referred to the Committee for Hearing Employee and Employer Complaints for the purpose of mediation and decision-making.

Article 48

Duties and Responsibilities of the Committee

The duties and responsibilities of the Committee shall be as follows:

1. To hear complaints between employees and employers impartially and in accordance with the law.
2. To investigate and follow up on the substance of the complaint.

3. To render a decision on complaints between employees and employers within thirty (30) days from the date on which the complaint was submitted.
4. The Committee's decision shall be made in writing and shall bear the signatures of at least four (4) members. The written decision shall be communicated to the concerned parties within seven (7) days.
5. The Committee's decision shall be based on:
 - a. The subject of the dispute between the employee and the employer;
 - b. The evidence and testimonies obtained
 - c. The facts established during the investigation.
6. The nature of the Committee's decision shall be administrative.

Article 49

Term of Office of the Committee

1. The term of the Committee shall be two (2) years.
2. The membership of the two (2) members representing the Ministry shall be exempt from the limitation provided in the preceding paragraph.
3. A member may serve on the Committee for two (2) consecutive terms.

Article 50

Meetings of the Committee

1. The meetings of the Committee shall be chaired by the Director of the Department of Labour of the Ministry or by a person delegated by him or her.
2. The meetings of the Committee shall be validly held when attended by at least four (4) members, including at least one (1) representative of either the workers' unions or the employers.
3. Decisions of the Committee shall be made by a majority of the members present and the decision shall be signed by all members present at the meeting.

Article 51

Appeals

Where either party is not satisfied with the decision of the Committee, he or she may file an appeal before the Supreme Court of the Republic of Somaliland, which has jurisdiction to adjudicate final administrative decisions of government institutions. The appeal shall be filed within thirty (30) days from the date on which the Committee's decision was issued.

Article 52

Payment of Employment Taxes

1. All employees in the non-governmental sector shall be required to pay the income tax applicable to their wages. The employer shall deduct the tax from the employee's salary and remit it to the Inland Revenue Office, accompanied by a copy of the employee payroll.
2. Employee taxes shall be based on the tax rate schedule prepared by the Ministry of Finance and approved by the House of Representatives, as attached hereto.
3. Apprentices shall be exempt from the employment taxes.
4. In accordance with this Law, the employee income tax prescribed by the Constitution shall be deducted by the institution, company, or business in which the employee is engaged.
5. The payment shall be deposited with the Inland Revenue Office not later than the end of the following month.
6. A copy of the tax payment receipt shall be submitted to the Directorate of Labour of the Ministry of Employment, Social Affairs and Family.
7. As set out in the schedule attached to this Law, any institution, company, or business that fails to pay the tax due within the period prescribed herein shall be subject to the following penalties:
 - a) A fine of twenty-five percent (25%) of the tax amount due for the first violation;
 - b) A fine of fifty percent (50%) of the tax amount due for the second violation;
 - c) A fine of one hundred percent (100%) of the tax amount due for the third violation.

8. Where it is established that a taxpayer has failed to pay the required tax on three (3) consecutive occasions, the case shall be referred to the Attorney General for criminal prosecution.

CHAPTER ELEVEN

HEALTH AND SAFETY IN THE WORK PLACE

Article 53

Workplace Safety

All factories, workshops, and other workplaces shall:

1. Be constructed in a manner that ensures protection against potential hazards.
2. Develop and implement written policies on occupational health and safety, a copy of which shall be submitted to the Labour Office.
3. The employer's responsibilities toward the safety and health of employees shall be as follows:
 - a. To provide a work environment that is safe and does not endanger the health or safety of employees.
 - b. To take all reasonably applicable measures to prevent hazards arising from the workplace.
 - c. To provide employees with all necessary information concerning any risks to their health and safety before commencing work.
 - d. To provide appropriate training to employees on the prevention of industrial hazards and occupational diseases that may result from their work.
 - e. To provide employees with suitable protective equipment to safeguard their health and safety from potential hazards.
 - f. To ensure that every employee wears and properly uses the required protective equipment while at the workplace.
 - g. To ensure that the workplace is equipped with facilities and devices for protection against toxic gases, fumes, fire, and similar dangers.
 - h. To provide adequate sanitary and washing facilities for employees, including separate toilets and bathrooms for men and women.

- i. The workplace shall have an adequate supply of water.
- j. The workplace shall be equipped with fire-fighting equipment and staff trained in fire prevention and control.
- k. The workplace shall display large clocks or time indicators to facilitate the orderly rotation or change of shifts among employees.
- l. Where the workplace is a privately owned health facility, it shall have an underground waste disposal system and all electrical wiring shall be properly insulated or concealed. The employer shall also take all necessary measures to safeguard the lives, health, and morale of employees.
- m. Appropriate measures shall be taken to provide first aid and emergency assistance to any employee injured in an accident or who falls ill during working hours.
- n. The workplace shall be equipped with an alarm or public-address system to warn employees in case of danger.

Article 54

HIV/AIDS and the Workplace

HIV/AIDS is a pandemic that significantly affects the workforce. Accordingly, the workplace can play a vital role in preventing and controlling the spread of the disease. Therefore:

- a) The workplace shall be safe for employees and free from any risk that could lead to infection with HIV/AIDS.
- b) Where the workplace involves exposure to potential health risks, such as medical facilities providing care or treatment to patients, the employer shall provide employees with appropriate training and information on the modes of transmission of HIV/AIDS, methods of prevention, and areas of occupational exposure.
- c) Employees working in health facilities shall be provided with protective equipment to prevent the risk of HIV/AIDS infection and shall be instructed to wear such equipment — including gloves — when caring for persons at risk of infection.
- d) All health facilities shall establish workplace policies aimed at protecting employees from the risk of contracting HIV/AIDS.

Article 55

Primary Health Services at the Workplace

1. Every workplace employing more than twenty (20) employees shall be equipped with a first aid kit.
2. Every workplace employing more than one hundred (100) employees shall establish a health post staffed by qualified medical personnel to provide basic health services to employees.

Article 56

Employee Insurance

1. Where an employee dies in the course of performing his or her official duties, compensation shall be paid to his or her heirs in accordance with Islamic Sharia, provided that all the conditions prescribed by this Law concerning workplace circumstances are fulfilled.
2. Where an employee is injured in the course of performing his or her duties, compensation shall be paid in accordance with paragraph (1) of this Article.

Article 57

Injuries and Illnesses of Employees

The employer shall be obligated to ensure that any employee who is injured or becomes ill in the course of work is immediately taken to the nearest hospital, and all related medical expenses shall be borne by the employer.

Article 58

Tax Evasion

1. Any employer who fails to remit employee income tax shall be deemed to have committed tax evasion, thereby violating the tax obligations stipulated under Article 34 of the Constitution. Such an employer shall be brought before the competent court for prosecution.
2. Any person who contravenes this Law or any part thereof shall be liable to imprisonment for a term of not less than six (6) months or to a fine of equivalent severity. In cases of repeated offenses, the penalty shall be doubled.

Article 59

Relocation of a Business

Where an institution or company relocates its place of business to another part of the country, the rights and employment of its existing employees shall remain valid and unaffected.

Article 60

Opening or Closure of an Institution or Business

1. Any person who opens or closes a company or institution employing five (5) or more workers shall notify the Labour Office within ten (10) days, providing information regarding the nature of the business, its activities, and the number of employees engaged.
2. The Labour Office shall register all companies, institutions, and other establishments operating in all regions of the country.

Article 61

Duties of the Contractor

1. The primary contractor shall transfer all work responsibilities and employees to the secondary contractor.
2. Employees who suffer any harm or loss during the period of the contract shall have the right to claim compensation from the primary contractor.
3. Employees previously transferred by the primary contractor shall retain all their prior rights, and the employment relationship under the secondary contractor shall be deemed equivalent to their previous employment conditions.

Article 62

Work Warning

1. Where an employee commits an offence contrary to the terms of the employment contract, the employer shall issue a written warning valid for a period of seven (7) days.
2. A copy of the written warning shall be submitted to the Department of Labour of the Ministry of Employment, Social Affairs and Family.

Article 63

Suspension of Employment

1. An employment relationship may be suspended where the employee temporarily ceases work. In such a case, the employer shall issue a written notice of suspension for a period of seven (7) days in the first instance.
2. A copy of the suspension notice shall be submitted to the Department of Labour of the Ministry of Employment, Social Affairs and Family, clearly indicating the duration of the suspension and the reason for it.
3. The suspension of an employee shall not exceed thirty (30) days. However, the Department of Labour of the Ministry may extend the suspension for a period not exceeding ninety (90) days, if there are reasonable grounds justifying the employee's suspension.
4. An employee may also be suspended from work in the following circumstances:
 - a) Where the employee is required for national defense or public security duties.
 - b) Where the employee is detained for a period not exceeding three (3) months; in such a case, the employee shall return to work upon release.
 - c) Where the employee is detained on criminal charges but subsequently found not guilty, he or she shall be reinstated to his or her job.
 - d) In the cases referred to in subparagraphs (b) and (c) above, if the employee is found innocent, the suspension period shall be counted as part of his or her employment service and rights.

CHAPTER TWELVE

FORMATION OF WORKERS' ORGANIZATIONS

Article 64

Establishment of Workers' and Employers' Organizations

1. Employees in the non-governmental sector, including those in private companies and enterprises, shall have the right to form their own workers' organizations, in accordance with the provisions of this Law and its implementing regulations.

2. Every employee shall have the right to join workers' organizations. A copy of the constitution or founding document of any workplace trade union shall be submitted to the Labour Office of the Ministry.
3. The establishment of workers' organizations in industries, companies, and private enterprises shall be subject to approval and registration by the Ministry, which shall issue authorization for trade union operation.
4. The formation of workers' organizations shall be carried out in accordance with the provisions of the Constitution.
5. Registered workers' and employers' organizations shall possess legal personality; they may sue and be sued, and may own property in accordance with the law.
6. Workers' and employers' organizations shall have the right to adopt their own constitutions and internal regulations, to elect their independent representatives, and to administer their affairs and daily activities in accordance with the law and the general principles of democracy.
7. The right to form a workers' or employers' organization is a fundamental right and shall not be subjected to restrictive conditions inconsistent with this Law or the Constitution of the Republic. It shall be prohibited to dismiss or otherwise penalize an employee on the grounds of his or her membership in, or affiliation with, a workers' organization.

Article 65

Establishment of a Workers' Federation

Workers' organizations from all private sector workplaces may unite to form a federation for the protection of the common interests and rights of employees across all workplaces, in accordance with the procedures established by the Constitution.

Article 66

Duties and Objectives of Workers' Organizations

1. Workers' organizations shall operate in conformity with all labour laws and regulations in force within the country under the supervision of the Labour Directorate.
2. The primary functions of workers' organizations shall be to study and safeguard the rights of employees, to promote cooperation between workers and employers in

workplaces, and to ensure the protection of employees' interests. They shall also maintain regular communication and reporting with the Ministry.

Article 67

Withdrawal from the Workers' Federation

Every workers' organization shall have the right to withdraw from the Workers' Federation at any time. However, such withdrawal shall not cause any disruption or harm to the Federation from which it has withdrawn. The withdrawal shall be formally reported to the Department of Labour of the Ministry.

Article 68

Implementing Regulation

The Ministry responsible for Labour and Civil Affairs shall have the authority to issue implementing regulations for the enforcement of this Law, provided that such regulations are not inconsistent with the Constitution or the provisions of this Law.

Article 69

Enforcement of the Law

This Law shall come into force upon its approval by the legislative chambers and signature by the President, and after its publication in the Official Gazette of the Government.

Abdirizak Said Ayanle
Secretary General of the House of
Representatives, Republic of Somaliland

Hon. Bashe Mohamed Farah
Speaker of the House of Representatives,
Republic of Somaliland

Disclaimer:

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