

WARGAYSKA FEDERAAL EE NEGARIT EE
JAMHUURIYADDA DIMOQRAADIGA FEDERAALKA ITOOBIYA

FEDERAL NEGARIT GAZETTE
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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Proclamation No. 1156/2019 LABOUR PROCLAMATION	Bayaan Lambar 1156/2019 BAYAANKA SHAQAALAHA
WHEREAS , it is essential to ensure worker-employer relations are governed by basic principles of rights and obligations with a view to enabling workers and employers to secure durable industrial peace; sustainable productivity and competitiveness through cooperative engagement towards the all-round development of our country;	MAADAAMA , ay muhiim tahay in la xaqiijiyo xidhiidhada Shaqaalaha iyo Loo Shaqeeyaha waaafaqsanaanta mabaadiida xuquuqaha iyo waajibaadyada oo suurto gelin kara in Shaqaalaha iyo loo- shaqeeyuhu ay helaan degaansho la isku haleyn karo, wax-soo saar joogto ah iyo tartan ku saleysan guud ahaan horumarka dalka;
WHEREAS, it has been found necessary to lay down a working system that guarantees the rights of workers and employers to freely establish their respective associations and to engage, through their duly authorized representatives, in social dialogue and collective bargaining, as well as to draw up procedures for the expeditious settlement of labour disputes, which arise between them;	MAADAAMA , ay lagama maarmaan noqotey in la abuurdo hanaan shaqo oo damaanad qaadaya xuquuqda Shaqaalaha iyo loo-shaqeeyuhu u leeyihiin inay aasaasi karaan ururo ay iyagu leeyihiin isla mafrkaana ay ka qeyb qaadan karaan wada xaajoodyada bulsho iyo gor-gortanka mideysan iyadoo adeegsanaya wakiilo matala oo ay si sharci ah u doorteen. sidoo kale ay samedysan karaan hab-raacyo iyo xeerar ay ku xalinayaan khilaafyada suurto galka ah ee ka dhex dhici kara Shaqaalaha iyo loo-Shaqaalaha;
WHEREAS, there is a need to create favorable environment for investment and achievement of national economic goals without scarifying fundamental workplace rights by laying down well considered labour administration; and determine the duties and responsibilities of governmental organs entrusted with the power to monitor labour conditions; occupational health and safety; and environmental protection together with bilateral and tripartite social dialogue mechanisms; political, economic and social policies of the Country;	MAADAAMA , ay jirto baahi loo qabo in la abuurdo jawi ku haboon maalgashiga iyo ka midho dhalinta yoolasha dhaqaale ee dalka iyadoo aan laga tanasuleynin xuquuqaha aasaasiga ah ee shaqaalaha, lana hirgelinayo hanaanka maamulka shaqaalaha oo hufan, ayna muhiim tahay in la go'aamiyo waajibaadyada iyo masuuliyadaha laamaha dawlada ee loo igmaday hawlaha dabagalka xaaladaha shaqo, caafimaad, badbaado ee shaqaalaha iyo ilaalinta iyo ilaalinta bii'ada oo ay weheliyaan wada xaajoodyo labba geesood ah iyo saddex geesoodba ah oo ku saabsan arrimaha bulshada, siyaasada, dhaqaalaha iyo guud ahaanba siyaasadaha bulsho ee dalka;
WHEREAS, it has been found necessary to reformulate the existing labour law with a view to attaining the aforementioned objectives and in accordance with the and in conformity with the	MAADAAMA , ay lagama maarmaan noqotey in dibu-habeyn lagu sameeyo sharciyada jira ee shaqaalaha si loo meel mariyo ujeedooyinka kor lagusoo xusay iyadoo laga duulayo lana

international conventions and other legal commitments to which Ethiopia is a party;	waafajinayo axdiyada iyo heshiisyada caalamiga ah ee ay Itoobiya xubin ka tahay;
NOW, THEREFORE, in accordance with Article 55 (1) and (3) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:	SIDAAS DARTEED, HADABA, iyadoo la raacayo Qodobka 55(1) iyo (3) ee Dastuurka Jamhuuriyada Dimuqraadiga Federaalka Itoobiya, waxaa la bayaamiyey sidan hoos ku xusan : -
PART ONE GENERAL	
1. Short Title	1. Ciwaan Gaaban
This Proclamation may be cited as the “Labour Proclamation No.1156/2019”	Bayaankan waxaa loogu yeedhi karaa “Bayaanka Shaqaalaha Tirsi 1156/2019
2. Definitions	2. Qeexid
In this Proclamation unless the context provides otherwise:	Bayaankan dhexdiisa, hadii aan weedhu/ereygu macno kale yeelanin:-
1/ “Employer” means a person or an undertaking who employs one or more natural persons in accordance with Article 4 of this Proclamation.	1/ “ Loo-shaqeeye ” waxaa loola jeedaa qof ama shirkad shaqaaleysata hal qof ama in ka badan oo dad ah hab waafaqsan Qodobka 4 ee Bayaankan
2/ “Undertaking” means any entity established under a united management for the purpose of carrying on any commercial, industrial, agricultural, construction or any other lawful activity. Any branch carrying on the activities of an undertaking which is designated separately and which enjoys operational or organizational autonomy shall be deemed to be a separate undertaking.	2/ “ Shirkad ” waxaa loola jeedaa hay’ad kasta oo ay aasaasaan maamul mideysan ujeedadooduna tahay inay fuliyaan hawlo ganacsi, warshadeed, beeraley, dhismo ama shaqo kasta oo kale oo uu sharcigu fasaxayo in laga shaqeysto. Laamaha/faracyada fulinaya shaqooyinka shirkada ee loo dhisay qaab ka gaar ah ama ka baxsan shirkada isla markaana leh hawl galo iyo qaab dhismeed ka madax banaan, waxaa loo aqoonsanayaa shirkad iskeed u jirta oo leh sharciyad qofnimo
3/ “Worker” means a person who has an employment relationship with an employer in accordance with Article 4 this Proclamation.	3/ “ Shaqale ” waxaa loola jeedaa qof uu xidhiidh shaqo kala dhaxeeyo Loo-Shaqaalaha hab waafaqsan Qodobka 4 ee bayaankan
4/ "Ministry" or “Minister” means the Ministry or Minister of Labour and Social Affairs respectively.	4/ “ Wasaarada ” ama “ Wasiirka ” waxaa loola jeedaa Wasaarada ama Wasiirka Shaqada iyo Arrimaha Bulshada siday u kala horeeyaan
5/ “Appropriate authority” means, a Regional state organ vested with the power of implementing labour laws.	5/ “ hay’ada ay khusayso ” waxaa loola jeedaa xafiis heer dawlad deegaan ka dhisan oo loo igmaday dhaqan gelinta sharciyada shaqaalaha
6/ “Work rules” means internal rules which	6/ “ Xeerarka Shaqada ” waxaa loola jeedaa xeer hoosaadyada loo soo saaray hab waafaqsan

govern, subject to the provisions of this Proclamation and other relevant laws, working hours, rest period, payment of wages and methods of measuring work done, maintenance of safety and prevention of accidents, disciplinary measures and their enforcement as well as other conditions of work.

7/ “Condition of work” means the entire field of labour relations between workers and employers including hours of work, wage, leave, payments due to dismissal, workers health and safety, compensation to victims of employment injury, dismissal because of redundancy, grievance procedure and any other similar matters.

8/ “Regional state” means any State referred to in Article 47(1) of the Constitution of Federal Democratic Republic of Ethiopia, and includes the Addis Ababa and Dire Dawa city administrations.

9/ “Social dialogue” means a process of information exchange, dialogue or negotiation of bilateral or tripartite nature between employer and employees or involving the Government on economic and social issues of mutual interests towards arriving at common understanding.

10/ “Managerial employee” means an employee who, by law or delegation of the employer, is vested with powers to lay down and execute management policies, and depending on the type of activities of the undertaking, with or without the aforementioned powers an employee who is vested with the power to hire, transfer, suspend, layoff, dismiss or assign employees, and includes a legal service head who recommend measures to be taken by the employer regarding such managerial issues, using his independent judgment, in the interest of the employer.

11/ “Sexual harassment” means to persuade or convince another through utterances, signs

qodobada Bayaankan iyo sharciyada kale ee ku saabsan saacadaha shaqada, xilliga nasashada bixinta mushaarada iyo hal-beegyada lagu cabiro shaqada la qabanayo, iyo hanaanka badbaadada iyo kahortaga shilalka, talaabooyinka anshax marinta iyo dhaqan gelintooda iyo sidoo kale guud ahaan xaaladaha kale shaqada iyo shaqaalaha

7/ “**Xaaladaha Shaqada**” waxaa loola jeedaa guud ahaanba xidhiidhada shaqo ee ka dhaxeeya Shaqaalaha iyo Loo-Shaqaalaha oo ay ka mid yihiin saacadaha shaqada, mushaarka, fasaxa, gunooyinka shaqo ka ceydhinta, caafimaadka shaqaalaha, badbaadada, magdhowga dhaawacyada shaqada, shaqo ka qaadista, hanaanka cabashada iyo arrimaha kale ee la midka ah

8/ “**Dawladda Deegaan**” waxaa loola jeedaa deegaanka lagu aasaasay hab waafaqsan Qodobka 47(1) ee Dastuurka Jamhuuriyada Dimuqraadiga Federaalka Itoobiya oo ay ku jiraan maamulada Addis ababa iyo Dire-dhabe

9/ “**Wada xaajood Bulsho**” waxaa loola jeedaa geedi-socodka xog isweydaarsiga, wadahadalada dhex mara labbo dhinac ama saddex dhinac sida Shaqaalaha iyo Loo-Shaqaalaha iyo Dawlada oo qeyb ka noqoneysa lagagana hadlayo arriimaha dhaqan-dhaqaale si loo gaadho is afgarad buuxa oo ku saleysan danaha ka dhaxeeya dhinacyada

10/ “**Maamulka Shaqaalaha**” waxaa loola jeedaa qof shaqaale ah oo sharci ahaan ama wakiilasho Loo-shaqeeyuhu bixiyay, awood loogu siiyay diyaarinta iyo dhaqan gelinta siyaasadaha maamulka iyo maareynta iyadoo la eegayo noocyada shaqooyinka shirkada iyo dabcigoodaba Qof shaqaale ah oo awood u leh inuu shaqaaleeyo, badelo, shaqada ka joojiyo, shaqo ka qaadis ku sameeyo ama shaqo u xilsaaro shaqaalaha oo uu ku jiro madaxa adeega sharciyada ee soo jeedinaya talaabooyinka uu qaadayo Loo-shaqeeyuhu eek u saabsan habka loo maareynayo arrimaha maamulka shaqaalaha, isagoo u madax banaan go’aan qaadashada, tixgelina siinaya danta Loo-Shaqaalaha

11/ “**Tacadiga Galmada**” waxaa loola jeedaa in qof lagu qalqaaliyo ama lagu cadaadiyo inuu galmo sameeyo iyadoo la adeegsanayo hadal,

or any other manner, to submit for sexual favor without his/her consent.

12/ “Sexual violence” means sexual harassment accompanied by force or an attempt thereof.

13/ “private employment agency” (herein after “Agency”) means any legally licensed person, to provide one or two of the following local Employment services without charging directly or indirectly any fee from the worker:

a) Local employment exchange service without being a party to an employment relation; or

b) Deploying of employees under its authority to the service of a service user enterprise, by entering into contract of employments with such employees; or combines both services.

14/ “License” means a certificate to be issued by a competent organ certifying that the entity is qualified to engage in private employment exchange service.

15/ “Discrimination” any distinction, exclusion or preference made on the basis of nation, race, color, sex, religion, political opinion, national extraction, social origin, HIV/AIDS status, disablement and others which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

16/ “employment of private service” means an employment of a non profite careening, cleaning guardianship, gardening, driving and other related services for the employer and his family consumption.

17/ “commercial traveler and Representatives” shall have the meaning prescribed under commercial code.

18/ “Person” means any natural or juridical person.

tilmaan, af-jaaq ama xeelad kasta oo kale.

12/ “**Xad-gudubka Galmada**” waxaa loola jeedaa tacadi ku saabsan galmo oo ay ku jirto xoog iyo cabsi gelin ka dhan ah qofka

13/ “**Wakaalada xidhiidhinta Shaqada iyo Shaqaaleynta ee gaarka loo** leeyahay ” oo wixii hada ka danbeeya loogu yeedhi doono “Wakaalada” waxaa loola jeedaa qof kasta oo fasax/ogolaansho sharci ah u haysta inuu bixiyo mid ama labbo ka mid ah adeegyada shaqaaleynta ee soo socda, isagoo aan shaqaalaha si toos ah ama si dadban uga qaadaneynin wax ajuuro ah:-

b) Addeegya is-dhaafsiga hawlaha shaqaaleynta isagoo aan qeyb ka aheyn xidhiidhka shaqaaleynta; ama

t) Keenaya shaqaale uu isagu maamulo si ay ugu adeegaan wakaalad u baahan adeegooda, lana galaya heshiis shaqaaleyn ah ama labada adeegba is raacinaya

14/ “**Shati/fasax**” waxaa loola jeedaa shahaado ay bixiso hay’ad awood sharci u leh oo cadeynaysa in shirkadu karti iyo aqoonba u leedahay adeegyada is-dhaafsiga shaqaaleynta rayidka.

15/ “**Midab-takoor**” waxaa loola jeedaa faquuqid, kala-saarid ama kala doorsho kasta oo ku saleysan dhalasho, jinsi, midab, qollo, diin aragti siyaasadeed, isir, HIV/AIDS, baahiyaha gaarka ah iyo sabab kasta oo saameyn ku yeelanaysa ama wax u dhimaysa in loo sinaado fursadaha ama geedi-socodka shaqaaleynta ama Shaqada.

16/ “**Adeega Shaqaaleynta Rayidka**” waxaa loola jeedaa shaqaaleynta shaqaale aan faa’iido soo saaraynin sida kuwa nadaafada ka shaqeeya, ilaalinta, dhir waraabinta, dirawalka(wade) iyo adeegyada kale ee la midka ah ee loo qabanayo Loo-Shaqaalaha iyo xubnaha kale ee qoyskiisa.

17/ “**Ergay ama Wakiil Ganacsi**” waxay yeelanayaan macnaha lagu siiyay xeerka ganacsiga dhexdiisa.

18/ “**Qof**” waxaa loola jeedaa qofka bini’aadamka ah ama qofnimo sharcigu xeeriyay.

19/ Qodobada Bayaankan ee u dhigan qaabka jinsiga labka ah waa insidoo kale lagu dabakhaa

19/ Provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender

3. Scope of Application

1/ Without prejudice to Sub-Article (2) of this Article, this Proclamation shall be applicable to employment relations based on a contract of employment that exist between a worker and an employer including recruitment process.

2/ This Proclamation shall not, however, be applicable to the following employment relations:

- a) contracts for the purpose of upbringing, treatment, care or rehabilitation;
- b) contracts for the purpose of educating or training other than apprentice;
- c) where the employee is a managerial employee;
- d) contracts of personal service;
- e) contracts relating to persons such as members of the Armed Force, members of the Police Force, employees of state administration, judges of courts of law, prosecutors and others whose employment relationship is governed by special laws;
- f) Contracts relating to a person who performs an act, for consideration, at his own business or professional responsibility.

3/ Notwithstanding the provision of Sub-Article(1) of this Article:

a) unless the Council of Ministers by regulation decides, or an international agreement to which Ethiopia is a signatory provides otherwise, employment relations between Ethiopian n a t i o n a l s and foreign diplomatic missions or international organizations operating within the territory of Ethiopia shall be governed by this Proclamation;

jinsiga dhediga ah

3. Xadka Fullinta

1/ Iyadoo aan waxba loo dhimaynin Qodob-hoosaadka (2) ee Qodobkan, Bayaankani wuxuu dhaqan gal ku yahay xidhiidhada shaqaaleynta eek u saleysan heshiis shaqaaleyn ah oo ka dhaxeeya Shaqeeye iyo Loo-shaqeeye oo ay ka mid tahay geedi-socodka shaqaaleynta

/Hase yeeshee, Bayaankani dhaqan gal kuma noqonayo xidhiidhada shaqaaleynta ee soo socda:-

- b) Heshiisyada ujeedadoodu tahay korinta, daaweynta, daryeelka ama dhaqan toosinta
- t) Heshiisyada ujeedadoodu tahay wax barista ama tababarada ka baxsan
- j) Marka uu shaqaaluhu yahay maareeye
- x) Heshiisyada ku saabsan adeegyada uu shaqsigu bixinayo
- kh) Heshiisyada lala galayo xubnaha ciidamada qalabka sida, xubnaha ciidamada booliska, shaqaalaha dawlada, garsooreyaasha maxkamadaha, xeer-ilaaliyeyaasha iyo kuwa kale habka shaqaaleyntooda lagu xeeriyay sharciyo gaar ah
- d) Heshiisyada ku saabsan qof shay iibinaya oo ku sugan goobtiisa ganacsi ama xirfadiisa ku shaqeysanaya

3/ Iyadoo aan wax tixgelin ah la siinaynin xaalada ku xusan Qodob-hoosaadka (1) ee Qodobkan:-

- b) Hadii uusan Golaha Wasiiradu xeer nidaamiye ku go'aaminin ama aan lagu bayaaminin heshiis caalami ah oo ay Itoobiya xubin ka tahay, xidhiidhada shaqaaleynta ee ka dhaxeeya muwaadiniin itoobiyaan ah iyo hawl galada dibloomaasiyadeed ee dalalka dibada ama ururada caalamiga ah ee ka hawlgala gudaha dalka Itoobiya, waa in lagu maamulaa Bayaankan
- t) Golaha Wasiiradu, wuxuu xeer nidaamiye ku

<p>b) the Council of Ministers may, by Regulation, determine the inapplicability of this Proclamation to employment relations established by religious or charitable organizations;</p> <p>c) the Council of Ministers shall issue Regulation governing conditions of work applicable to personal services</p>	<p>go'aamin karaa inuusan Bayaankani dhaqan gal ku aheyn xidhiidhka shaqaaleynta ee ay yeelanayaa ururada diimaha ama kuwa samafalka ka shaqeeya</p> <p>j) Golaha Wasiiradu, waa inuu soo saaraa xeer nidaamiye ku saabsan xaaladaha shaqo ee adeegyada si shaqsi loo fulinayo</p>
<p style="text-align: center;">PART TWO EMPLOYMENT RELATIONS CHAPTER ONE CONTRACT OF EMPLOYMENT SECTION ONE FORMATION OF CONTRACT OF EMPLOYMENT</p>	<p style="text-align: center;"><u>QEYBTA LABAAD</u> <u>XIDHIIDHADA SHAQAALEYNTA</u> <u>CUTUBKA KOOBAAD</u> <u>QEYBTA KOOBAAD</u> <u>GELITAANKA HESHIISKA</u> <u>SHAQAALEYNTA</u></p>
<p style="text-align: center;">4. Element of a Contract of Employment</p> <p>1/ A contract of employment shall be deemed formed where a natural person agrees directly or indirectly to perform work for and under the authority of an employer for a definite or indefinite period or piece of work in consideration for wage;</p> <p>2/ A contract of employment shall be stipulated clearly and in such manner that the parties are left with no uncertainty as to their respective right and obligation under the terms thereof;</p> <p>3/ A contract of employment shall specify the type of employment and place of work, the rate of wages, method of calculation thereof, manner and interval of payment and duration of the contract;</p> <p>4/ A contract of employment shall not be concluded for the performance of unlawful or immoral acts;</p> <p>5/ The contract of employment shall not laydown less favorable conditions forh employee than those provided for by law, collective agreement or work rules.</p>	<p style="text-align: center;">4. Nuxurka Heshiiska Shaqaaleynta</p> <p>1/ Heshiiska shaqaaleynta waxaa loo arkayaa in la galay markii uu qof bini'aadam ah uu si toos ah ama si dadban u ogolaado inuu qabanayo shaqo isagoo kaga amar qaadanaya Loo-Shaqaalaha mudo xadidan ama mid aan xadidnayn ama shaqo kooban oo uu ku muteysanayo mushahaar</p> <p>2/ Heshiiska shaqaaleynta waa in si cad loogu xusaa oo aan madmadow kaga jirin dhinacyada heshiiska xuquuqaha iyo waajibaadyada ka dhalaya heshiiska shaqaaleynta;</p> <p>3/ Heshiiska shaqaaleynta waa in lagu cadeeyaa nooca shaqada iyo goobta laga shaqeynayo, cadadka mushahaarka, qaabka loo xisaabinayo, xilliga la bixinayo iyo mudada uu soconayo heshiisku;</p> <p>4/ Heshiiska shaqaaleynta laguma geli karo fullinta hawlo sharci daro ah ama kuwo aan damiirku ogoleyn;</p> <p>5/ Heshiiska shaqaaleynta laguma geli karo xaalado ama duruifo ka hooseeya xuquuqaha iyo waajibaadyada lagu xusay sharciga, heshiiska guud ama xeerarka Shaqada.</p>
<p style="text-align: center;">5. Form</p> <p>Unless otherwise provided by law, a contract of employment shall not be subject to any special form.</p>	<p style="text-align: center;">5. Qaabka</p> <p>Hadii uusan sharcigu si ka duwan u dhigin, heshiiska shaqaaleyntu, ma yeelanayo qaab u gaar ah oo ay tahay in la raaco</p>

<p>6. Contract of Employment made in Writing</p> <p>Subject to the provisions of the relevant law, a written contract of employment shall specify the following:</p> <p>1/The name and address of the employer;</p> <p>2/ The name, age, addresses and work card number, if any, of the worker;</p> <p>3/ the agreement of the contracting parties made in accordance with Article 4 (3) of this Proclamation; and</p> <p>4/ The signature of the contracting parties</p>	<p>6. Heshiiska Shaqaaleynta oo Qoraal ah</p> <p>Iyadoo laga duulayo qodobada xeerka khuseeya, heshiiska shaqaaleynta ee qoraalka ah, waa in lagu xusaa arrimaha soo socda:-</p> <p>1/ Magaca iyo ciwaanka Loo-Shaqaalaha;</p> <p>2/ Magaca, da'da, ciwaanada iyo tirsiga aqoonsiga shaqada ee Shaqaalaha;</p> <p>3/ Heshiis dhinacyadu u galeen hab waafaqsan Qodobka 4(3) ee Bayaankan;</p> <p>4/ Saxiixyada dhinacyada heshiiska wada galay;</p>
<p>7. Contract of Employment not made in Writing</p> <p>1/ Where a contract of employment is not made in writing, the employer shall, with in 15 days from the conclusion of the contract, give the worker a written and signed letter containing the elements specified under Article 6 of this Proclamation.</p> <p>2/ if the letter referred to in sub-article (1) of this Article is not wholly or partly objected by the worker within 15 days from the date of receipt, it shall be deemed a contract of employment concluded between the worker and the employer.</p>	<p>7. Heshiiska Shaqaaleynta oo aan Qoraal aheyn</p> <p>1/ Marka heshiiska shaqaaleynta aan qoraal lagu gelin, waa inuu Loo-shaqeeyuhu 15 cisho gudahood oo ka bilaabanaysa maalinta heshiiska la galay Shaqaalaha ku siiyaa warqad qoraal ah oo saxiixan ayna ku xusan yihiin arrimaha lagu cadeeyay Qodobka 6 ee Bayaankan</p> <p>2/ Hadii Shaqeeyuhu, warqada lagu xusay Qodob-hoosaadka (1) ee Qodobkan, uusan qeyb ahaan ama dhamaanteedba hor istaag ka keenin mudo 15 cisho gudahood ah oo ka bilaabanaysa markay warqadu soo gaadho, waxaa loo arkayaa inuu heshiis shaqaaleyn ah dhex maray Shaqaalaha iyo Loo-Shaqaalaha</p>
<p>8. Failure to Comply Condition</p> <p>Failure to comply with the requirements of the provisions of Article 6 or 7 of this Proclamation shall not deprive the worker of his right under this Proclamation</p>	<p>8. Shuruudaha oo aa la Raacin</p> <p>Hadii lagu guul dareysto in loo hogaansamo shuruudaha lagu xusay Qodobka 6 ama 7 ee Bayaankan, waa inuusan Shaqeeyuhu sinaba ku waayin xuquuqihiisa ku xusan Bayaankan</p>
<p>SECTION TWO DURATION OF CONTRACT OF EMPLOYMENT</p>	<p>QEYBTA LABAAD MUDADA HESHIISKA SHAQAALEYNTA</p>

<p style="text-align: center;">9. Contract of Employment for an Indefinite Period</p> <p>Any contract of employment shall be deemed to have been concluded for an indefinite period except for those provided for under Article 10 here under</p>	<p style="text-align: center;">9. Heshiiska Shaqaaleynta aan Xadidneyn</p> <p>Heshiis kasta oo shaqaaleyn ah, waxaa loo arkayaa inuu yahay mid aan xadidneyn, marka laga reebo heshiisyada ku xusan Qodobka 10 ee soo socda</p>
<p style="text-align: center;">10. Contract of Employment for Definite Period or Piecework</p> <p>1/ A contract of employment may be concluded for a definite period or for piece work in the case of:</p> <p>a) The performance of specified piece work for which the employee is employed;</p> <p>b) the replacement of a worker who is temporarily absent due to leave or sickness or other causes;</p> <p>c) The performance of work in the event of abnormal pressure of work;</p> <p>d) The performance of urgent work to prevent damage or disaster to life or property, to repair defects or breakdowns in works, materials, buildings or plants of an undertaking;</p> <p>e) An irregular work which relates to permanent part of the work of an employer but performed on irregular intervals;</p> <p>f) Seasonal works which relate to the permanent part of the works of an employer but performed only for a specified period of the year but which are regularly repeated in the course of the years;</p> <p>g) An occasional work which does not form part of the permanent activity of the employer but which is done intermittently;</p> <p>h) The temporary placement of a worker who has suddenly and permanently vacated from a post having a contract of an indefinite period;</p> <p>i) The temporary placement of a worker to</p>	<p style="text-align: center;">10. Heshiiska Shaqaaleynta Xadidan ama Shaqada Kooban</p> <p>1/ Heshiiska shaqaaleynta waxaa loo geli karaa mudo xadidan ama shaqo kooban markii:-</p> <p>b) La fullinayo shaqo kooban oo lagu shaqaaleeyo Shaqaalaha;</p> <p>t) Shaqaalaha lagu badelo shaqaale horey u shaqeynayay oo si ku meel gaadh ah u maqan sabab fasax ama xanuun ama sabab kale ku maqan</p> <p>j) La fullinayo shaqo ka dhalatay xaalad aan caadi aheyn oo culeys shaqo leh;</p> <p>x) La fullinayo shaqo deg deg ah si looga hortago khasaare ama khatar kusoo wajahan nolosha dadka ama hantida shirkada, ama dayactirka ciladaha, qalabka, alaabta, dhismayaasha ama xarumaha shirkada;</p> <p>kh) La fullinayo shaqo aan joogto aheyn oo xidhiidh la leh shaqo kale oo joogto ah laakiin la qabto oo keliya wakhti xadidan oo sanadka dhexdiisa ah;</p> <p>d) La fullinayo shaqo aan joogto aheyn oo aan xidhiidh la laheyn shaqada rasmiga ah ee Loo-Shaqaalaha laakiin loo fullinayo xaalad keentay darteed;</p> <p>r) Si ku meel gaadh ah loo buuxinayo boos shaqo oo uu si lama filaan ah u baneeyay shaqaale lala galay heshiis shaqaaleyn oo aan xadidneyn;</p> <p>s) Si ku meel gaadh ah loo shaqaaleeyo qof si uu u buuxiyo boos shaqo oo banaan mudada u dhaxeysa mudada diyaarinta qaab dhismeedka ururka iyo mudada bilowga hawl galkiisa;</p> <p>sh) ku meelaynta ku meelgaadhka ah ee Shaqaalaha booska banaan ee mudada u dhaxaysa</p>

<p>fill a vacant position in the period between the preparation of an organizational structure and its implementation.</p> <p>2/ A contract of employment under Sub-Article (1) (h) or (i) of this Article shall not exceed 45 working days and shall be done only once</p>	<p>Diyaarinta qaabdhismeedka hayada iyo Hirgalinta.</p> <p>2/ Heshiiska shaqaaleynta ee ku xusan Qodob-hoosaadka (1) (r) ama (s) ee Qodobkan, waa inuusan ka badnaan 45 maalmo shaqo ah, lana galo hal mar oo keliya.</p>
<p style="text-align: center;">11. Probation Period</p> <p>1/ A worker may be employed for a probation period for the purpose of testing his suitability to a job position in which he is anticipated to hold.</p> <p>2/ A worker re-employed by the same employer for the same job shall not be subject to probation.</p> <p>3/ When the parties agree to have a probation period, the agreement shall be made in writing; in such a case, the probation period shall not exceed 60 working days beginning from the first date of employment.</p> <p>4/ Unless the law or work rules or collective agreement provides otherwise, the probationary worker shall have the same right and obligation that a worker who has completed his probation period possesses.</p> <p>5/ If the worker, during his probation, proves to be unfit for the post, the employer can terminate the contract of employment without notice and without being obliged for severance payment or compensation.</p> <p>6/ A worker on probation may terminate his contract of employment without notice as well.</p> <p>7/ If a worker continues to work after the expiry of the probation period, a contract of employment for the intended period or type of work shall be deemed to have been concluded from the beginning of the probation period</p>	<p style="text-align: center;">11. Mudada Tijaabada</p> <p>1/ Shaqaalaha waxaa lagu shaqaaleyn karaa mudo tijaabo ah oo ujeedadeedu tahay in la tijaabiyo ku haboonaantiisa booska shaqada ee la rajeynayo inuu buuxiyo mustaqbalka</p> <p>2/ Shaqaalaha horey ugu soo shaqeyn jiray Loo-Shaqaalaha ee dib loogu shaqaaleynayo isla booskii hore, waa inaan la gelinin mudo tijaabo ah</p> <p>3/ Markey dhinacyadu ku heshiinayaan jiritaanka mudada tijaabada ah, heshiisku waa inuu noqdaa mid qoraal ah, iyadoo mudada tijaabadu aysan ka badnaan karin 60 maalmaha shaqada ah, laga bilaabo maalinta shaqaaleynta</p> <p>4/ Hadii aan si ka duwan loogu xeerinin sharciga, xeerarka shaqada ama heshiiska guud, shaqaalaha ku gudo jira mudada tijaabada ah, waa inuu yeeshaa xuquuqo iyo waajibaad la siman shaqaalaha dhameystay mudada tijaabada ah</p> <p>5/ Hadii shaqaalaha ku gudo jira mudada tijaabada ah, ay cadaato inuusan buuxin karin booska shaqada lagu shaqaaleeyay, Loo-shaqeeyuhu wuu ka bixi karaa heshiiska shaqaaleynta ogeysiis la'aan, iyadoo aan lagu yeelanaynin gunada ambabixinta ama magdhaw</p> <p>6/ Shaqaalaha ku gudo jira mudada tijaabada ah, wuxuu sidoo kale ka bixi karaa heshiiska shaqaaleynta ogeysiis la'aan</p> <p>7/ Kadib dhamaadka mudada tijaabada ah, hadii shaqaaluhu uu sii wado shaqada, waxaa loo arkayaa in heshiiska shaqaaleynta mudadii loogu talagalay ama nooca shaqada lagu heshiyyay, ay ka bilaabanayso bilowga mudada tijaabada ah</p>
<p style="text-align: center;">SECTION THREE OBLIGATIONS OF THE PARTIES</p>	<p style="text-align: center;">QEYBTA SADEXAAD WAAJIBAADKA DHINACYADA</p>

12. Obligations of an Employer

An employer shall in addition to special stipulations in the contract of employment have the following obligations:

1/ a) to provide work to the worker in accordance with the contract of employment; and

b) unless otherwise stipulated in the contract of employment, to provide the worker with implements and materials necessary for the performance of the work;

2/ To pay the worker wages and other benefits in accordance with this Proclamation or the collective agreement;

3/ To deduct union dues from the worker's regular wage, where the worker requests in writing of such deduction, and transfer the cash into the trade union's bank account;

4/ To respect the worker's human dignity;

5/ To take all the necessary occupational safety and health measures and to abide by the standards and directives to be given by the appropriate authorities in respect of these measures;

6/ To cover the cost of medical examination of the worker whenever such medical examination is required by law or the appropriate authority;

7/ To keep a register containing the relevant particulars specified in Article 6 hereof, weekly rest days, public holidays and utilized leave of the worker, health conditions of the employee except for HIV/ AIDS, and employment injury record and other particulars required by the Ministry or appropriate authority ;

8/ Up on termination of a contract of employment or whenever the worker so requests, to provide the worker, free of charge, with a certificate stating the type of work he performed, the length of service and the wage she was earning;

9/ To observe the provisions of this

12. Waajibaadka Loo-Shaqaalaha

Loo-Shaqeeyaha waxa si gaar ah oo ka baxsan shuruudaha heshiiska shaqaaleynta u saaran waajibaadyadan soo socda:-

1/ b) Inuu shaqaalaha u dhiibo shaqo uu qabto hab waafaqsan heshiiska shaqaaleynta

t) Hadii aan si ka duwan loogu xusin heshiiska shaqaaleynta dhexdiisa, inuu shaqaalaha ku wareejiyo agabka iyo qalabka kale eel agama maarmaanka u ah fullinta shaqada

2/ Inuu shaqaalaha siiyo mushaar iyo gunooyinka kale hab waafaqsan Bayaankan ama heshiiska guud

3/ Inuu mushaarka shaqaalaha rasmiga ah ka jaro qaaraanka ururka shaqaalaha markuu shaqaaluhu qoraal kaga codsado in laga jaro, kadibna uu ku wareejiyo sanduuqa xisaabta bangiga ee ururka shaqaalaha

4/ Inuu xushmeeyo sharafta shaqaalaha

5/ Inuu qaado talaabooyinka lagama maarmaanka u ah badbaadada iyo caafimaadka shaqaalaha, uuna ku dhaqmo awaamiirta iyo hab-raacyada kasoo baxa hay'adaha ku shaqada leh eek u saabsan talaabooyinkaas

6/ Inuu bixiyo kharashyada baadhitaanka caafimaadka shaqaalaha markasta oo sharcigu ama hay'adaha ay khuseyso u baahdaan in la baadho;

7/ Inuu xafido diiwaanka ay qoran yihiin arrimaha lagu xusay Qodobka 6 ee Bayaankan, maalmaha nasashada todobaadka, ciidaha qaran iyo fasaxyada uu qaato shaqaaluhu, xaalada caafimaad ee shaqaalaha, marka laga reebo xaalada HIV/AIDS-ka iyo diiwaan gelinta dhaawacyada shaqada iyo shuruudaha kale ee Wasaarada ama hay'adaha kale eeku shaqada leh u baahan yihiin;

8/ Markuu dhamaado heshiiska shaqaaleyntu ama markasta oo uu shaqaaluhu ka codsado, waa inuu siiyaa shahaado aan wax kharash ah kaga bixin oo muujinaysa nooca shaqada, mudada uu shaqeynayay iyo mushaarkii uu qaadan jirey

<p>Proclamation, collective agreement, work rules, directives and orders issued in accordance with law;</p> <p>10/ To record and keep in formation as required by this Proclamation, and any other information necessary for the appropriate organ to carry out its powers and duties, and submit same within a reasonable time when requested by the competent authority;</p> <p>11/ Under take registration of information on workplace location and work related data as per the form prepared by the Ministry; and</p> <p>12/ Whenever an enterprise has a work rules it should arrange awareness raising program for the concerned workers.</p>	<p>shaqaaluhu;</p> <p>9/ Inuu u hogaansamo qodobada Bayaankan, heshiiska guud, xeerarka shaqada, awaamiirta iyo hab raacyada kusoo baxaa hab waafaqsan sharciga;</p> <p>10/ Inuu diiwaan geliyo, uuna xafido xogta lagu xusay bayaankan eel agama maarmaanka u ah hay'adaha ku shaqada leh si ay u gutaan awoodahooda iyo masuuliyadahooda isla markaana xogahan uu u gudbiyo wakhtiga ku haboon markey kasoo codsadaan</p> <p>11/ Inuu diiwaan geliyo xogta goobta lagu shaqeynayo iyo xogta shaqada la xidhiidha hab waafaqsan jaantuska ay Wasaaradu diyaariso; iyo</p> <p>12/ Markay shirkadu leedahay xeer hoosaad shaqo, waa inuu diyaariyaa barnaamij wacyi gelin ah oo la siinayo shaqaalaha ay khuseyso</p>
<p style="text-align: center;">13. Obligations of Workers</p> <p>Every worker shall have the following obligations:</p> <p>1/ To personally perform the work specified in his contract of employment;</p> <p>2/ To follow instructions given by the employer based on the terms of the contract and work rules;</p> <p>3/ To handle with due care all equipment and tools entrusted to him for work;</p> <p>4/ To report for duty always in fit mental and physical conditions;</p> <p>5/ To give all proper aid when an accident occurs or an imminent danger threatens life or property in a workplace without endangering his safety and health;</p> <p>6/ To inform immediately the employer any act which endangers himself or co-workers or which prejudice the interests of the Undertaking;</p>	<p style="text-align: center;">13. Waajibaadka Shaqaalaha</p> <p>Shaqaaale kasta waxaa saaran waajibaadkan soo socda:-</p> <p>1/ Inuu shaqsi ahaan u fulliyo shaqada lagu xusay heshiiska shaqaaleynta dhexdiisa</p> <p>2/ Inuu u hogaansamaado amarada uu siiyo Loo-shaqeeyuhu ee waafaqsan heshiiska shaqaaleynta iyo xeerarka shaqada</p> <p>3/ Inuu si taxadar leh oo xilkasnimo ku jirto u adeegsado qalabka iyo agabyada lagu aaminay si uu ugu shaqeeyo</p> <p>4/ Inuu markasta shaqada kusoo galo isagoo maskax ahaan iyo jidh ahaanba diyaarsan</p> <p>5/ Inuu u fidiyo gargaarka ku haboon, hadii uu shil ka dhaco ama khatar deg deg ah soo wajahdo nolosha shaqaalaha ku sugan goobta shaqada ama hantida isagoo aan halis gelinin noloshiisa iyo caafimaadkiisa</p> <p>6/ Inuu sida ugu dhakhsaha badan u wargeliyo Loo-Shaqaalaha, markey jiraan xaalado khatar ku ah naftiisa ama nolosha dadka shaqadu kala dhaxeyso ama halis ku ah danaha shirkada</p>

<p>7/ To comply with the provisions of this Proclamation, collective agreement, work rules and directives issued in accordance with the law.</p>	<p>7/ Inuuk u dhaqmo qodobada Bayaankan, heshiiska guud, xeerarka shaqada iyo awaamiirta kusoo baxay hab waafaqsan sharciga</p>
<p style="text-align: center;">14. Prohibited Acts</p> <p>1/ It shall be unlawful for an employer where any of the following acts are committed by the employer or a managerial employee to:</p> <p>a) Restrain the worker in any manner from exercising his rights or take any retaliatory action against him because he exercises his right;</p> <p>b) Discriminate against female workers, in matters of remuneration, on the ground of their sex orientation;</p> <p>c) Terminate a contract of employment contrary to the provisions of this Proclamation;</p> <p>d) Coerce or in any manner compel any worker to join or not to join a trade union; or to continue or cease membership of a trade union; or to require a worker to quit membership from one union and require him to join another union; or to require him to cast his vote to a certain candidate or not to a candidate in elections for trade union offices;</p> <p>e) Compel any worker to execute any task which is hazardous to his life;</p> <p>f) Discriminate between workers on the basis of Nation, sex, religion, political outlook, HIV/AIDS disablement or disablement or any other grounds;</p> <p>g) Unduly delay a collective bargaining by withholding relevant information for the negotiation or perform any other act contrary to good faith;</p> <p>h) Commit sexual harassment or sexual assault at workplace;</p> <p>i) Physically abuse anyone in a work place;</p> <p>j) Coerce a worker in any manner to work or discharge an obligation.</p>	<p style="text-align: center;">14. Ficiilada Reeban</p> <p>1/ Waxaa ka reeban inay galaan midka mid ah falalkan soo socda, Loo-shaqeeyuhu ama shaqaale maareeye/maamule ah:-</p> <p>b) In shaqaalaha laga hor istaago xuquuqihiisa ama laga qaado talaabo aargoosi ah maadaama uu adeegsaday xuquuq uu leeyahay;</p> <p>t) In midab-takoor lagu sameeyo shaqaalaha dumarka ah, iyadoo sabab laga dhiganayo jinsigooda dumarnimo</p> <p>j) In laga baxo/tirtiro heshiiska shaqaaleynta han aan waafaqsaneyn qodobada Bayaankan</p> <p>x) In lagu qasbo ama culeys lagu saaro shaqaala ka mid noqoshada ama ka bixida ururada shaqaalaha, kasii mid ahaanshaha ama ka bixida xubinimada ururka ama shuruud lagu xidho inuu shaqaalaha ka baxo urur shaqaale kuna biro urur kale oo shaqaale ama lagu cadaadiyo inuu u codeeyo musharax gaar ah ama uusan u codeynin xilliga lagu gudo jiro doorashada loogu tartamayo xilalka ururka shaqaalaha</p> <p>kh) In lagu qasbo shaqaaluhu inuu qabto shaqo halis gelin karta noloshiisa</p> <p>d) In shaqaalaha lagu midab-takooro xaalad ku saleysan dhalasho, jinsi, diin, aragti siyaasadeed, HIV/AIDS, naafanimo ama sabab kasta oo kale</p> <p>r) In dibu dhac aan sax ahayn lagu sameeyo geedi socodka gor-gortanka mideysan iyadoo laga hor istaagayo xogo ku saabsan wadhadalka ama qaadista talaabo kasta oo lid ku ah daacidnimada</p> <p>s) In tacadiyada galmada ama rabshadaha galmada ku saabsan lagu galo goobta shaqada</p> <p>sh) In xad gudubyo jidheed lagula kaco shaqaalaha goobta shaqada dhexdeeda</p> <p>h) In lagu qasbo shaqaalaha inuu qasab ku shaqeeyo</p>

<p>2/ It shall be unlawful for a worker to:</p> <p>a) Intentionally commit in the workplace any act which endangers life or property;</p> <p>b) Take away property from the work place without the express authorization of the employer;</p> <p>c) Making use of falsified document or an attempt thereof;</p> <p>d) To use drugs prohibited by law or use alcoholic beverages and have impaired physical and mental status at the work place;</p> <p>e) Except for HIV/AIDS test, refuse to submit himself for medical examination when required by law or by the employer for good cause;</p> <p>f) Refuse to observe safety and accident prevention rules and to take the necessary safety precautions;</p> <p>g) Conduct meeting during working hours in disregard to the time assigned by the collective agreement or without obtaining the permission of the employer;</p> <p>h) Commit sexual harassment or sexual violence at workplace;</p> <p>i) Physically abuse anyone in a work place</p>	<p>2/ Waxaa sidoo kale ka reeban shaqaalaha inuu:-</p> <p>b) Si ku talagal ah goobta shaqada ugu fulliyo fal kasta oo khatar gelin kara nolosha dadka ama hantida shirkada</p> <p>t) Dibada ugala baxo goobta shaqada hanti ama qalab isagoo aan ogolaansho cad ka heysanin Loo-Shaqaalaha</p> <p>j) Adeegsado dhukumintiyoo been abuur ah ama isku dayo inuu adeegsado</p> <p>x) Isticmaalo daroogo uu sharcigu mamnuucay ama cabitaanada aalkoolka ah ama wax kasta oo u dhimayo jidh ahaan ama maskax ahaan inta uu ku sugan yahay goobta shaqada</p> <p>kh) Diido baadhitaan caafimaad oo uu sharcigu xeerinayo ama uu Loo-shaqeeyuhu ku amray sabab macquul, marka laga reebo baadhitaanka HIV/AIDS</p> <p>d) Diido ku dhaqanka xeerarka badbaadada iyo kahortaga shilalka ama inuu sameeyo taxadar daro khatar ku ah badbaadada nolosha</p> <p>r) Qabto shir iyadoo lagu gudo jiro saacadii shaqada isagoo garab maraya wakhtigii shirka loogu talagalay ama aan ogolaansho ka helin Loo-Shaqaalaha</p> <p>s) Goobta shaqada ku galo falal tacadiyo galmo ah ama rabshad galmo ku saleysan</p> <p>sh) Xad-gudub jidheed ugu geysto qof kale goobta shaqada dhexdeeda</p>
<p style="text-align: center;">SECTION FOUR MODIFICATION OF CONTRACT OF EMPLOYMENT</p> <p style="text-align: center;">15. Conditions of Modification</p> <p>Conditions of a contract of employment which are not determined by this Proclamation may be modified by:</p> <p>1/Collective agreement;</p> <p>2/ Work rules issued in accordance with this Proclamation; or</p>	<p style="text-align: center;">QEYBTA AFRAAD WAX KA BADELKA HESHIISKA SHAQAALEYNTA</p> <p style="text-align: center;">15. Xaaladaha Wax ka Badelida</p> <p>Xaaladaha dib u habeynta heshiiska shaqaaleynta ee aan lagu xusin Bayaankan dhexdiisa, waxaa lagu badeli karaa:-</p> <p>1/ Heshiiska guud;</p> <p>2/ Xeerarka shaqada loo soo saaray hab waafaqsan Bayaankan; ama</p>

<p>3/ Written agreement of the parties.</p>	<p>3/ Heshiis qoraal ah oo ay dhinacyadu galaan</p>
<p>16. Amalgamation, Division or Transfer of Ownership</p> <p>without prejudice to Article 15 of this Proclamation, amalgamation, division or transfer of owner ship of an under taking shall not have the effect of modifying a contract of employment</p>	<p>16. Midowga, Kal-qeybinta ama Wareejinta Lahaanshaha Shirkada</p> <p>Iyadoo aan waxba loo dhimeynin Qodobka 15 ee Bayaankan, midowga, kala qeybinta ama wareejinta lahaanshaha shirkada loo shaqeynayo, waa inayna sababin wax ka badelida heshiiska shaqaaleynta</p>
<p style="text-align: center;">SECTION FIVE TEMPORARY SUSPENSION OF RIGHTS AND OBLIGATIONS ARISING FROM CONTRACT OF EMPLOYMENT</p> <p style="text-align: center;">17. General</p> <p>1/ Rights and obligations arising from a contract of employment may be temporarily suspended in the manner provided for by this Section.</p> <p>2/ Temporary suspension of rights and obligations arising from a contract of employment shall not imply termination or interruption of the contract; provided, however, that the contract of employment shall interrupt the obligation of:</p> <p>a) The worker to perform the work;</p> <p>b) The employer to pay wages, other benefits and allowances unless otherwise provided for by this Proclamation or by a collective agreement.</p>	<p style="text-align: center;"><u>QEYBTA SHANAAD</u> <u>JOOJINTA KU MEEL GAADHKA AH EE</u> <u>XUQUUQAHA IYO</u> <u>WAAJIBAADYADA KA DHALANAYA</u> <u>HESHIISKA SHAQAALEYNTA</u></p> <p style="text-align: center;">17. Guud ahaan</p> <p>1/ Xuquuqaha iyo waajibaadyada ka dhalaya heshiiska shaqaaleynta, si ku meel gaadh ah ayaa loo hakin/joojin karaa iyadoo la raacayo xaaaladaha ku xusan qeybtan</p> <p>2/ Hakinta/joojinta ku meel gaadhka ee xuquuqaha iyo waajibaadyada ka dhalanaya heshiiska shaqaaleynta, waa inayna noqonin ka bixitaan ama tirtirida heshiiska, hase yeeshee, waxaa joogsanaya xuquuqaha iyo waajibaadyada heshiiska shaqaaleynta sida:-</p> <p>b) Inuu shaqaaluhu shaqo qabto;</p> <p>t) Inuu Loo-shaqeeyuhu bixiyo mushaarka iyo gunooyinka kale, hadii aan si ka duwan loogu xusin Bayaankan ama heshiiska guud</p>
<p style="text-align: center;">18. Grounds for Suspension</p> <p>the following shall be valid grounds for the suspension in accordance with Article 17of this proclamation:</p> <p>1/ leave without pay granted by the employer upon request by the worker;</p> <p>2/ leave of absence for the purpose of holding office in trade unions or other social services;</p> <p>3/detention for a period not exceeding 30 days; provided, however, that the employer is notified</p>	<p style="text-align: center;">18. Sababaha Joojinta Kumeel gaadhka ah</p> <p>Xaaladahan soo socda ayaa noqon kara sababo sharci oo si ku meel gaadh ah loogu joojin karo heshiiska shaqaaleynta, hab waafaqsan Qodobka 17 ee Bayaankan:-</p> <p>1/ Fasax aan mushaar laheyn oo uu ogolaaday Loo-shaqeeyuhu, kadib codsi ka yimid shaqaalaha;</p> <p>2/ Fasax lagu maqnaanayo xil ka qabasho xafiisyada ururka shaqaalaha ama adeegyo bulsho oo kale;</p> <p>3/ Xadhig aan ka badneyn muddo 30 cisho ah oo</p>

<p>within 10 days or is supposed to know of the detention;</p> <p>4/ national call;</p> <p>5/ full or partial suspension, due to force majeure, of the activities of the employer for a period of not less than 10 consecutive days;</p> <p>6/ financial problems, not attributable to the fault of the employer, that requires the suspension of the activities of the employer for not less than 10 consecutive days.</p>	<p>lagusoo wargeliyay Loo-Shaqaalaha mudo 10 cisho gudahood ah ama uu oгаа xaalada xadhiga shaqaalaha;</p> <p>4/ Hawlaha Gurmada Qaranka;</p> <p>5/ Hakad ku yimaada qeyb ahaan ama guud ahaan shaqooyinkii Loo-Shaqaalaha, sababo ka dhashay masiibo dabiici ah, muddo aan ka yaeyn 10 cisho oo xidhiidh ah;</p> <p>6/ Dhibaatooyin maaliyadeed oo ka dhashay sababo ka baxsan hab dhaqanka Loo-Shaqaalaha, kuwaasoo sababay joojinta shaqooyinka muddo aan ka yareyn 10 cisho oo xidhiidh ah;</p>
<p style="text-align: center;">19. Duty to Inform</p> <p>in order to suspend rights and obligations arising from contract of employment are suspended in accordance with Article 18 (5) or(6) above the employer shall inform the Ministry or the competent authority in writing with in three working days of the occurrence of the ground for suspension</p>	<p style="text-align: center;">19. Waajibaadka Wargelinta</p> <p>Marka la joojinayo/hakinayo xuquuqaha iyo waajibaadyada heshiiska shaqaaleynta, hab waafaqsan Qodobka 18 (5) ama (6), Loo-shaqeeyuhu waa inuu ku wargeliyaa Wasaarada ama hay'ada ku shaqada leh ogeysiis qoraal ah sadex cisho gudahood oo maalmo shaqo ah, jiritaanka sababaha keenay joojinta ku meel gaadhka ah ee heshiiska shaqaaleynta</p>
<p style="text-align: center;">20. Decisions of the Ministry or the Appropriate Authority</p> <p>1/ the Ministry or the Appropriate authority shall determine the existence of a good cause for suspension with in three working days upon receipt of the written notice pursuant to Article 19 above. Where the Ministry or the appropriate authority does not notify its decision within three days, the organization shall be deemed allowed to suspend.</p> <p>2/ where the Ministry or the appropriate authority finds that there is no good cause for suspension it shall order the resumption of the work and payment for the days on which workers were suspended</p> <p>3/ the party who is aggrieved by the decision in accordance with Sub-Articles (1) or (2) of this Article may, within five working days, appeal to</p>	<p style="text-align: center;">20. Go'aanka Wasaarada ama Hay'ada ay khusayso</p> <p>1/ Wasaarada ama hay'ada ku shaqada leh, waa inay go'aan kagasoo saarto jiritaanka sabab macquul ah oo keeni karta joojinta sadex cisho gudahood oo maalmo shaqo ah, kadib markuu soo gaadho qoraalka ogeysiiska ah eek u xusan Qodobka 19, hadiise Wasaaradu ama hay'ada ku shaqada leh aysan go'aankeeda kusoo gudbinin sadex cisho gudahood, waxaa loo qaadanaayaa in la ogolaaday joojinta heshiiska</p> <p>2/ Markey Wasaaradu ama Hay'ada ku shaqada leh ogaato inaysan jirin xaalada loo joojin karo heshiiska shaqaaleynta, waa inay amar ku bixisaa dib u bilaabida shaqada iyo bixinta mushaarada maalmihii shaqada la joojiyay</p> <p>3/ Dhinicii ku qanci waaya go'aanka ku xusan Qodob-hoosaadka (1) ama (2) ee Qodobkan, waa inuu Shan cisho gudahood oo maalmo shaqo ah, racfaan ugu qaataa Maxkamada Shaqaalaha ee</p>

<p>the competent labour court.</p>	<p>awooda u leh</p>
<p>21. Effect of Confirmation or Authorization of Suspension</p> <p>1/ where the Ministry or the appropriate authority confirms or proves the existence of good causes for suspension, it shall fix the duration of the suspension; provided, however, that duration of the suspension shall not exceed 90 days.</p> <p>2/ where the competent authority or the appropriate authority is convinced that the employer cannot resume its activities with in the period set under Sub-Article (1) of this Article, the contract of employment shall be put to an end and worker shall be entitled to the benefits specified under Articles 39 and 44 of this Proclamation</p>	<p>1. Saameynta Ansixinta Joojinta Heshiiska</p> <p>1/ Markey Wasaaradu ama hay'ada ku shaqada leh ansixiso jiritaanka xaaalada joojinta heshiiska, waa inay xadido mudada ay ku egtahay joojintu, iyadoo aysan sinaba ugu badnaan karin 90 maalmood ah</p> <p>2/ Markey Wasaaradu ama hay'ada ku shaqada leh ku qanacdo in Loo-shaqeeyuhu dib u bilaabi karin shaqada muddada ku cad Qodob-hoosaadka (1) ee Qodobkan, waa in la tirtiraa/laga baxo heshiiska shaqaaleynta, iyadoo uu shaqaaluhu xaq u yeelanayo faa'iidooyinka lagu xusay Qodobada 39 iyo 44 ee Bayaankan</p>
<p>22. Effects of Expiry of the Period of Suspension</p> <p>the worker shall report for work on the working day following the date of expiry of suspension; and the employer shall reinstate the worker, who so reports for work, in a relevant position to his profession without adversely affecting his job position and wage.</p>	<p>21. Saameynta Dhamaadka Mudada Joojinta Heshiiska</p> <p>Shaqaaluhu waa inuu shaqo usoo diyaar garoobo maalinta shaqo eek u xigta maalinta ay dhamaato mudada joojinta shaqada, waana inuu Loo-shaqeeyuhu shaqo geliyaa shaqaalaha soo diyaar garoobay kuna hawl geliyo boosas shaqo oo la xidhiidha xirfadahooda shaqo, iyadoo aan waxba loo dhimaynin darejadii iyo mushaaradii ay horey u lahaayeen</p>
<p>CHAPTER TWO TERMINATION OF EMPLOYMET RELATIONS</p> <p>23. General</p> <p>1/ a contract of employment shall only be terminated upon initiation by the employer or worker and in accordance with the provisions of the law or a collective agreement or by the agreement of the parties.</p> <p>2/ the amalgamation, division or transfer of ownership of an undertaking shall not have the effect of terminating a contract of employment.</p>	<p>CUTUBKA LABAAD BURINTA/KA BIXIDA XIDHIIDHKA SHAQAALEYNTA</p> <p>23. Guud ahaan</p> <p>1/ Heshiiska shaqaaleynta waxaa lagu trititi karaa ama lagaga bixi karaa keliya hindisaha ka yimaada Lo-Shaqaalaha ama shaqaalaha hab waafaqsan qodobada sharciga, heshiiska guud ama heshiis ay dhinacyadu galaan</p> <p>2/ Midowga, kala-qeybinta ama wareejinta lahaanshaha/mulkiyada shirkadu ma keeni karto tirtirada/ka bixida heshiiska shaqaaleynta</p>

<p style="text-align: center;">SECTION ONE TERMINATION OF CONTRACT OF EMPLOYMENT BY THE OPERATIONS OF THE LAW OR BY AGREEMENT</p> <p>24 Termination of contract of Employment by the Operations of the Law</p> <p>a contract of employment shall terminate on the following grounds:</p> <p>1/ on the completion of the work where the contract of employment is for a specified work;</p> <p>2/ up on the death of the worker;</p> <p>3/ up on the retirement of the worker in accordance with the relevant law;</p> <p>4/ when the undertaking ceases operation permanently due to bankruptcy or for any other cause;</p> <p>5/ when the worker is unable to work due to partial or total permanent in capacity.</p>	<p style="text-align: center;">QEYBTA KOOBAAD BURINTA /KA BIXIDA HESHIISKA SHAQAALEYNTA KA DHALATA SHARCIGA AMA HESHIIS</p> <p style="text-align: center;">24. Ka Bixida Heshiiska Shaqaaleynta Sharcigu Xeerinayo</p> <p>Heshiiska shaqaaleyntu, wuxuu ku tirtirmayaa/burayaa mid ka mid ah xaaladahan soo socda:-</p> <p>1/ Dhameystirka shaqada, marka heshiisku ku saabsanaa shaqo xadidan;</p> <p>2/ Dhimashada Shaqaalaha;</p> <p>3/ Shaqaalaha oo hawl-gab noqda hab waafaqsan sharciga khuseeya;</p> <p>4/ markey shirkadu si rasmi ah u joojiso shaqadeeda sababo la xidhiidha musalafid ama sabab kale;</p> <p>5/ Markuu shaqaaluhu fullin kari waayo waajibaadkiisa shaqada sabab la xidhiidha awood la'aan qeyb ahaan ama mid dhameystiran oo dhankiisa ah</p>
<p>25. Termination of Contract of Employment by Agreement</p> <p>1/ the parties may terminate their contract of employment by agreement; provided, however, that waiver by the worker of any of his right under the law shall have no legal effect.</p> <p>2/ termination of employment by agreement shall be effective and binding on the worker only where it is made in writing</p>	<p style="text-align: center;">25. burinta /Ka bixida Heshiiska Shaqaaleynta ku timaada Heshiis</p> <p>1/ Dhinacyadu waxay ku heshiin karaan tirtirida/ka bixida heshiiskooda shaqaaleynta, hase yeeshee, shaqaaluhu wixii tanasul ah ee uu ka sameeyo xuquuq uu sharcigu xeerinayo, ma yeelanayso dhaqan gal sharci</p> <p>2/ Tirtirida/ka bixida heshiiska shaqaaleynta eek u timaada heshiis dhex mara dhinacyada, wuxuu shaqaaluhu u hogaansamayaa oo keliya hadii laga dhigo heshiis qoraal ah</p>
<p style="text-align: center;">SECTION TWO TERMINATION OF CONTRACT OF EMPLOYMENT UPON THE INITIATION OF THE PARTIES</p> <p style="text-align: center;">SUB-SECTION ONE TERMINATION OF CONTRACT OF</p>	<p style="text-align: center;">QEYBTA LABAAD BURINTA /KA BIXIDA HESHIISKA SHAQEELEYNTA KA DHALATA HINDISAHA DHINACYADA</p> <p style="text-align: center;">QEYB-HOOSAADKA KOOBAAD TIRTIRIDA/KA BIXIDA HESHIISKA EE</p>

EMPLOYEMENT BY THE EMPLOYER	LOO-SHAQAALAHA KA TIMAADA
<p style="text-align: center;">26 General</p> <p>1/ A contract of employment may only be terminated where there are grounds attributed to the worker's conduct or with objective circumstances arising from his ability to do his work or the organizational or operational requirements of the undertaking.</p> <p>2/ The following shall not be deemed to constitute legitimate grounds for the termination of a contract of employment:</p> <p>a) Membership of the worker in a trade union or his participation in its lawful activities;</p> <p>b) Seeking or holding office as workers' representative;</p> <p>c) Submission of grievance by the worker against the employer or his participation in judicial or other proceedings;</p> <p>d) The worker's Nation, Sex, Religion, Political outlook, Marital status, Race, Color, Family responsibility, Pregnancy, Disablement or Social status.</p>	<p style="text-align: center;">26. Guud ahaan</p> <p>1/ Heshiiska shaqaaleynta waxaa la tirtiri/laga bixi karaa oo keliya markey jiraan sababo ka dhashay hab dhaqanka shaqaalaha ama xaalado la xidhiidha kartidiisa shaqo ama duruufo ka yimaada hawl galka ama qaab dhismeedka shirkada</p> <p>2/ Xaaladahan soo socda ma noqon karaa sababo sharciga waafaqsan oo keeni kara tirtirida/ka bixida heshiiska shaqaaleynta:-</p> <p>b) Ka mid ahaanshaha urur shaqaale ama ka qeyb qaadashada hawlaha urur sharciga waafaqsan;</p> <p>t) U tartamida ama qabashada xil lagu matelayo shaqaalaha;</p> <p>j) Tabasho ama cabasho ka dhan ah Loo-Shaqaalaha oo uu soo gudbiyo shaqaaluhu ama ka qeyb galka geedi-socod dacwadeed;</p> <p>x) Xaalada dhalashada, jinsiga, caqiidada, midabka, masuuliyada qoys, uurka, naafanimada ama martabada bulsho ee shaqaalaha</p>
<p style="text-align: center;">27. Termination of Contract of Employment without Prior Notice</p> <p>1/ Unless otherwise determined by a collective agreement, a contract of employment shall be terminated without prior notice only on the following grounds :</p> <p>a) Unless the reason for being late is justified by the collective agreement, work rule or contract of employment, being late for duty eight times in six months period while being warned in writing of such a problem;</p> <p>b) Absence from duty for a total five days in six months period while being warned in writing of such a problem; and where the absence cannot be classified in any of the leaves provided under the Proclamation;</p>	<p style="text-align: center;">27. Burinta /Ka bixida Heshiiska Shaqaaleynta Ogeysiis La'aan</p> <p>1/ Hadii aan si ka duwan lagu go'aaminin heshiiska guud dhexdiisa, heshiiska shaqaaleynta, waxaa loo tirtiri/lagaga bixi karaa ogeysiis la'aan, xaaladahan soo socda oo keliya:-</p> <p>b) Kasoo daahida shaqada sided jeer mudo lix bilood gudahood ah, iyadoo digniin qoraal ah lagu siiyay dhibaatan, hadii aan soo daahida noocan ah cudur daar looga helin heshiiska guud, xeerka shaqada ama heshiiska shaqaaleynta;</p> <p>t) Ka maqnaansha shaqada shan maalmood mudo lix bilood gudahood ah, iyadoo digniin qoraal ah lagu siiyay dhibaatan isla markaana maqnaanshan uusan aheyn xaalada fasaxyada lagu xusay Bayaankan;</p>

<p>c) Deceitful or fraudulent conduct in carrying out his duties;</p> <p>d) Misappropriation of the property or fund of the employer with intent to procure for himself or to a third person unlawful enrichment;</p> <p>e) Performance result of a worker, despite his potential, is persistently below the qualities and quantities stipulated in the collective agreement or determined by the agreement of the parties;</p> <p>f) Being responsible for brawls or quarrels at work, having regard to the gravity of the case;</p> <p>g) Conviction for an offence where such conviction renders him incompatible for the post which he holds;</p> <p>h) Being responsible for causing damage intentionally or through gross negligence to any property of the employer or to another property which is directly connected with the work of the Undertaking;</p> <p>i) Commission of any of the prohibited acts under Article 14 (2) of this Proclamation;</p> <p>j) Absence from work due to a court sentence passed against the worker for more than thirty days;</p> <p>k) Commission of other violations stipulated in a collective agreement as grounds for terminating contract of employment without notice.</p> <p>2/ Where an employer terminates a contract of employment in accordance with this Article, he shall give written state ment specifying the reasons for and the date of termination.</p> <p>3/ The right of an employer to terminate contract of employment in accordance with this Article, shall lapse after thrity working days from the date the employer knew the existence of a ground for the termination.</p> <p>4/ The grounds for suspension of a worker from duty before terminating the contract of</p>	<p>j) Khiyaamo ama hab dhaqan wax is-daba marin ah shaqada dhexdeeda;</p> <p>x) Ku takri fal ama lunsasho hanti ama dhaqaalaha Loo-Shaqaalaha, ujeedaduna tahay inuu shaqaaluhu lunsado ama uu cid sadexaad si sharciga ka baxsan ugu faa'iideyo</p> <p>kh) Natiijada waxqabadka shaqaalaha ee baaxad leh uga hooseysa tayadii iyo tiradii lagu cadeeyay heshiiska guud ama lagu xusay heshiiska shaqaaleynta dhexdiisa;</p> <p>d) Abuurida rabshad ama muran ka dhaca goobta shaqada, iyadoo la eegayo culeyska xaalada;</p> <p>r) Xukun Maxkamadeed oo uu shaqaaluhu ku muteystay denbi uu galay kaasoo ka hor istaagaya gudashada waajibaadka shaqo ee uu hayay;</p> <p>s) Sabab u noqoshada khasaare ku talagal ah ama taxadar darro ah oo soo gaadha hantida Lo-Shaqaalaha ama hanti kale oo si toos ah ugu lamaan shaqada shirkada;</p> <p>sh) Gelitaanka midka mid ah falalka mamnuuca ah ee ku xusan Qodobka 14 (2) ee Bayaankan;</p> <p>dh) Ka maqnaanshaha shaqada sabab ka dhalatay xukun maxkamadeed lagu riday shaqaalaha oo ka badan Sodon maalmood;</p> <p>c) Gelitaanka xad gudubyada kale ee lagu xusay heshiiska guud dhexdiisa, inay sabab u noqon karaan tirtirida/ka bixida heshiiska shaqaaleynta ogeysiis la'aan;</p> <p>2/ Hadii Loo-shaqeeyuhu heshiiska uga baxo hab waafaqsan Qodobkan, waa inuu shaqaalaha siiyaa qoraal uu ku cadeynayo sababaha ka bixida heshiiska iyo taariikhda dhaqan galka;</p> <p>3/ Xuuuqda ka bixida heshiiska hab waafaqsan Qodobkan, ee Loo-shaqeeyuhu waa ay buraysaa hadii uusan isticmaalin sodon cisho gudahood oo maalmo shaqo ah, laga bilaabo markuu Loo-shaqeeyuhu ogaado jiritaanka sabab lagaga bixi karo heshiiska</p> <p>4/ Xaaladaha shaqaalaha lagaga joojin karo</p>
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<p>employment of the worker in accordance with this Article may be determined by collective agreement; provided, however, that the duration of such suspension shall not exceed 30 working days.</p>	<p>shaqada kahor intaan laga bixin heshiiska shaqaaleynta hab waafaqsan Qodobkan, waa in lagu cadeeyo heshiiska guud dhexdiisa. Hase yeeshee, mudada shaqo joojintiisu waa inayna ka badnaan 30 cisho</p>
<p style="text-align: center;">28. Termination of contract of Employment with Prior Notice</p> <p>1/ The following grounds relating to the loss of capacity of, and situations affecting, the worker shall constitute good cause for terminating a contract of employment with prior notice:</p> <p>a) The worker's manifest loss of capacity to perform the work to which he has been assigned; and his lack of skill to continue his work as a result of his refusal or inability to make use of an opportunity of training arranged by the employer to upgrade his skill or after having been trained, his inability to acquire the necessary skill;</p> <p>b) The worker is, for reasons of health or disability, permanently unable to carry out his obligation under the contract of employment;</p> <p>c) The worker's unwillingness to move to a locality where the undertaking relocates;</p> <p>d) The post of the worker is cancelled for good cause and the worker cannot be transferred to another job position.</p> <p>2/ Any loss of capacity of work referred to in Sub-Article (1) (a) of this Article shall, unless otherwise provided by a collective agreement, be verified by a periodical job performance evaluation.</p> <p>3/ The following grounds attributable to the organizational or operational requirements of an undertaking shall constitute good causes for the termination of a contract of employment with prior notice:</p>	<p style="text-align: center;">29. Burinta /Ka Bixida Heshiiska Shaqaaleynata Ogeysiisku ka Horeeyo</p> <p>1/ Xaaladahan soo socda ee la xidhiidha awood la'aanta ama waxyeelo soo gaadha awooda shaqaalaha, waxay noqon karaan sababo macquul ah oo lagaga bixi karo heshiiska shaqaaleynta, iyadoo ay tahay in ogeysiis ka horeeya la bixiyo:-</p> <p>b) Shaqaalaha oo ay lasoo deristay awood la'aan rasmi ah oo uuna gudan karin shaqadii loo igmaday iyo inuusan laheyn xirfadii uu kusii shaqeyn lahaa sabab la xiddha diidmo ka timid ama karti xumo uu kaga faa'iideysan kari waayay fursad tababar ah oo uu diyaariyay Loo-shaqeeyuhu, si kor loogu qaado xirfada shaqaalaha ama tababarid ka dib inuusan kasbanin xirfadii looga baahnaa Shaqada;</p> <p>t) Shaqaalaha oo sabab caafimaad ama naafenimo soo gaadhay awood la'aan joogto ah u gudan kari waaya waajibaadkiisa ku xusan heshiiska shaqaaleynta;</p> <p>j) Shaqaalaha oo si cad u diida inuu ka shaqeeyo goob ay shirkadu u wareejiyay shaqooyinkeedii;</p> <p>x) Booskii uu ka shaqeynayay shaqaaluhu oo la baabi'iyay hab waafaqsan xeerka shaqada isla markaana aan loo badeli karin shaqaalaha boos kale oo shaqo.</p> <p>2/ Hadii aan si ka duwan loogu cadeyn heshiiska guud dhexdiisa, awood la'aanta shaqo eek u xusan Qodob-hoosaadka (1) (b) ee Qodobkan, waa in lagu xaqiijiya qiimeyn ku saabsan waxqabadka shaqo oo wakhti leh</p> <p>3/ Xaaladahan soo socda ee ka dhalan kara duruufaha hawlgalka ama qaab dhismeedka shirdada, waxay noqon karaan sababo macquul ah oo lagaga bixi karo heshiiska shaqaaleynta, iyadoo ay tahay in ogeysiis ka horeeya la bixinayo:-</p> <p>b) Dhacdo kasta oo keenaysa in si rasmi ah qeyb ahaan ama guud ahaanba loo joojiyo shaqooyinkii</p>

<p>a) Any event which entails direct and permanent cessation of the worker's activities in part or in whole resulting in the necessity of a terminating a contract of employment;</p> <p>b) Without prejudice to the provisions of Article 18 (5) and (6) demand fall for the products or services of the employer resulting in the reduction of the volume of the work or profit of the undertaking and thereby requiring termination of a contract of employment;</p> <p>c) A decision to alter work methods or introduce new technology with a view to raise productivity resulting in termination of a contract of employment.</p> <p>4/ Where the cancellation of a job position affects a workforce in accordance with Article 29 (1) of this Proclamation, the termination shall be undertaken in compliance with the requirements laid down in accordance with Article 29 (3)</p>	<p>uu qabanayay shaqaqaaluhu, taasoo keenaysa ka bixida heshiiska;</p> <p>t) Iyadoo aan waxba loo dhimeynin xaaladaha ku xusan Qodobka 18 (5) iyo (6), hoos u dhac ku yimaada dalabka wax soo saarka ama adeegyada Loo-Shaqaalaha oo keenaysa hoos dhaca baaxada shaqada ama faa'iidada shirkada, isla markaana aan laga baaqsan karin ka bixitaanka heshiiska shaqaaleynta</p> <p>j) Go'aan wax lagaga badelayo hanaanka shaqada ama casriyeynta farsamada oo loogu tala galay kor u qaadista wax soosaarka, kaasoo sababaya ka bixitaanka heshiiska shaqaaleynta</p> <p>4/ Marka baabi'inta boos shaqo ay saameyn ku yeelanayso shaqaalaha hab waafaqsan Qodobka 29 (1) ee Bayaankan, ka bixitaanka heshiiska shaqaaleynta, waa in loo fulliyaa iyadoo laga duulayo shuruudaha lagu xusay Qodobka 29 (3)</p>
<p style="text-align: center;">29. Reduction of Workforce</p> <p>1/ In this Proclamation "reduction of workforce" means termination of workforce of an undertaking for any of the reasons provided for by Article 28 (3) of this Proclamation affecting a number of workers representing at least ten percent of the number of workers employed or, in the case where the number of workers employed in an undertaking is between twenty and fifty, termination of at least five employees over a continuous period of not less than ten days.</p> <p>2/ The expression "number of workers" referred to in Sub-Article (1) of this Article means the average number of the workers employed by an employer concerned within the twelve months preceding the date when the employer took measures of reduction of workers.</p> <p>3/ Whenever a reduction of workforce takes place in accordance with Article 28 (3) of this Proclamation, the employer shall conduct consultation with a Trade Union or workers' representatives in order to retain workers having skills and higher rate of productivity in their posts.</p>	<p style="text-align: center;">29. Dhimista Cududa Shaqaalaha</p> <p>1/ Bayaankan dhexdiisa "Dhisita Cududa Shaqo" waxaa loola jeedaa marka loo dhimo cududa shaqaalaha shirkada hab waafaqsan xaaladaha lagu xusay Qodobka 28 (3) ee Bayaankan, taasoo saameynaysa tiro shaqaale ah oo u dhiganta ugu yaraan toban boqolkiiba tirada guud ee shaqaalaha ama hadii tirada shaqaalaha shirkadu u dhaxeeyso Labaatan illaa konton, la dhimay ugu yaraan shan qof muddo aan ka yareyn toban maalmood oo xidhiidh ah</p> <p>2/ Odhaahda "Tirada Shaqaalaha" ee lagu sheegay Qodob-hoosaadka (1) ee Qodobkan, waxaa loola jeedaa cel-celiska tirada shaqaalaha la shaqaaleeyay labba iyo tobankii bilood ee ka horeeyay taariikhda uu Loo-shaqeeyuhu qaaday talaabooyinka uu ku dhimayo shaqaalaha</p> <p>3/ Markasta oo la fullinayo dhimista shaqaalaha, hab waafaqsan Qodobka 28 (3) ee Bayaankan, waa inuu Loo-shaqeeyuhu la tashi kala sameeyaa ururada shaqaalaha ama wakiilada shaqaalaha, si loo sii haysto shaqaalaha xirfadaha leh wax soosaarka boosaskooda shaqo aad u sareeyo,</p>

<p>In case of comparable skill and rate of productivity, the workers to be affected first by the reduction shall be in the following order:</p> <p>a) Those having the shortest length of service in the Undertaking;</p> <p>b) Those having fewer dependents;</p> <p>c) The reduction shall affect first workers except those that are listed under (d) up to (e) of this Sub-Article;</p> <p>d) Those employees with disability;</p> <p>e) Those who sustained employment injury in the Undertaking;</p> <p>f) Workers' representatives; and</p> <p>g) Expectant mothers and mothers within four months post-natal.</p>	<p>hadiise xirfadaha iyo heerka wax soosaarka ay ka sinaadaan shaqaalaha ugu horeyn ay saameynayso shimistu, waa in loo fulliyaa sidan soo socota:-</p> <p>b) Kuwa mudada ugu yar ka shaqeynaya shirkada;</p> <p>t) Kuwa ay ku tiirsan yihiin dadka yar;</p> <p>j) Dhimista ugu horeysa waa inay saameyso shaqaalaha, marka laga reebo kuwa lagu xusay xarfaha (x) ilaa (kh) ee Qodob-hoosaadkan;</p> <p>x) Shaqaalaha Naafada ah;</p> <p>kh) Shaqaalaha dhaawacyo shaqo kasoo gaadheen hawlaha shirkada;</p> <p>d) Wakiilada shaqaalaha; iyo</p> <p>r) Hooyooyinka uurka leh iyo hooyooyinka ku dhex jira afarta bilood ee dhalmada ka danbeysa;</p>
<p style="text-align: center;">30. Exceptions</p> <p>1/ The procedure laid down in this Proclamation shall not apply to the reduction of workers due to normal decrease in the volume of a construction work as a result of its successive completion unless the reduction affects workers employed for parts of the work before the work for which they are employed is completed.</p> <p>2/ For the purpose of Sub-Article (1) of this Article, "construction work" includes the construction, renovation, upgrading, maintenance and repair of a buildings, roads, rail-way lines, dams and bridges, installation of machinery and similar works.</p>	<p style="text-align: center;">30. Xalad Gaara</p> <p>1/ Habka kala horeysiinta dhimista shaqaalaha ee lagu xusay Bayaankan dhexdiisa, laguma karo dhimista shaqaalaha ka dhalata hoos u dhaca caadiga ee shaqada dhisme sii dhamaanaya, hadii aysan dhimistu saameyn ku yeelan shaqaale loo shaqaaleeyay shaqo aan weli dhamaanin.</p> <p>2/ Ujeedada Qodob-hoosaadka (1) ee Qodobkan "Shaqada Dhismaha" waxaa loola jeedaa dhisida, dibu-habeynta, casriyeynta, dayactirka dhismayaasha, wadooyinka, xadiidka tareemada, biyo-xidheenada, buundooyinka, rakibaada warshadaha iyo shaqooyinka la midka ah</p>
<p style="text-align: center;">SUB-SECTION TWO TERMINATION OF CONTRACT OF EMPLOYEMENT BY THE WORKER</p> <p style="text-align: center;">31. Termination of Contract of Employment with Prior Notice</p> <p>Without prejudice to Article 32 of this</p>	<p style="text-align: center;">QEYB-HOOSAADKA LABAAD KA BIXIDA HESHIISKA SHAQAALEYNTA EE KA TIMAADA SHAQAALAH</p> <p style="text-align: center;">31. Ka Bixitaanka Heshiiska Shaqaaleynta Ogeysiisku ka Horeeyo</p> <p>Iyadoo aan waxba loo dhimaynin Qodobka 32 ee</p>

<p>Proclamation, any worker who has completed his probation period may, by giving thirty days prior notice to the employer, terminate his contract of employment</p>	<p>Bayaankan, shaqaalaha dhameystay mudada tijaabada ah, wuu ka bixi karaa heshiiska shaqaaleynta isagoo mudo sodon cisho ah kahor ogeysiinaya Loo-Shaqaalaha</p>
<p style="text-align: center;">32. Termination of Contract of Employment without prior notice</p> <p>1/ The following shall be good causes to terminate a contract of employment without prior notice:</p> <p>a) Where the employer has committed any act contrary to human dignity and morals or other acts punishable under the Criminal Law against the worker;</p> <p>b) Where the workers has been a victim of sexual harassment or sexual violence by the employer or a managerial employee;</p> <p>c) In the case of imminent danger threatening the worker’s safety or health, where the employer, having been made aware of such danger, failed to act within the time limit in accordance with the early warning given by the competent authority or appropriate trade union or the worker himself to avert the danger;</p> <p>d) Where the employer has repeatedly failed to fulfill his basic obligations towards the worker as prescribed under this Proclamation, collective agreement, work rules or other relevant laws.</p> <p>2/ Where a worker terminates his contract of employment for reasons referred to under sub-article (1) of this Article, he shall inform the employer in writing the reasons for termination and the date on which the termination is to take effect</p>	<p style="text-align: center;">32. Ka Bixitaaka Heshiiska Shaqaaleynta Ogeysiis La’aan</p> <p>1/ Xaaladahan soo socda waxay noqon karaan sababao macquul ah oo lagaga bixi karo heshiiska shaqaaleynta ogeysiis la’aan:-</p> <p>b) Markuu Loo-shaqeeyuhu ku kaco ama uu galo falal ka dhan ah sharafta ama damiirka shaqaalaha ama falal kale oo ciqaab lagu muteysan karo sida ku cad xeerka ciqaabta kuwaasoo lagula kacay shaqaalaha</p> <p>t) Markii shaqaaluhu dhibane u noqdaan tacadiyo galmo ama rabshado galmo la xidhiidha oo ay ku kacaan Loo-Shaqaalaha ama maamulka kale ee shirkada</p> <p>j) Markey jirto khatar deg deg ah oo halis gelin karta noloshu ama caafimaadka shaqaalaha, iyadoo lagu wargeliyay Lo-Shaqaalaha balse uu ku guul dareystay inuu wax kaga qabto mudadii ku habooneyd hab waafaqsan hanaanka digniinaha hore ee ay bixiyaan hay’adaha ku shaqada leh, ururada shaqaalaha ama shaqaalaha ay khuseyso si looga hortago halista ka dhalan karta</p> <p>x) Markuu Loo-shaqeeyuhu si isdaba-joog ah ugu guul dareysto fullinta waajibbaadyada aasaasiga ah ee kasaaaran shaqaalaha sida lagu xusay Bayaankan, heshiiska guud, xeerarka shaqada ama sharciyada kale ee khuseeya</p> <p>2/ Markuu shaqaaluhu ka baxo heshiiska shaqaaleyntiisa hab waafaqsan sababaha lagu xusay Qodob-hoosaadka (1) ee Qodobkan, waa inuu qoraal ku waregliyaa Loo-Shaqaalaha iyo sababaha ka bixitaanka heshiiska iyo weliba taariikhda uu dhaqan gelayo</p>
<p style="text-align: center;">33. Period of Limitation</p> <p>A worker's right to terminate his contract of employment in accordance with Article 32 (1) of this Proclamation shall expire after fifteen</p>	<p style="text-align: center;">33. Muddo Dhaafka</p> <p>Xuquuqda shaqaalaha ee ku saabsan ka bixitaanka heshiiska shaqaaleynta hab waafaqsan Qodobka 32 (1) ee Bayaankan, waa ay bureysaa hadii uusan shaqaaluhu kaga faa’iideysan muddo shan iyo</p>

<p>working days from the date on which the act occurred or ceased to exist.</p>	<p>toban cisho gudahood oo maalmo shaqo ah, laga bilaabo maalinta uu falku dhacay ama uu falku istaagay</p>
<p style="text-align: center;">CHAPTER THREE COMMON PROVISIONS WITH RESPECT TO TERMINATION OF CONTRACT OF EMPLOYMENT SECTION ONE NOTICE TO TERMINATE A CONTRACT OF EMPLOYMENT</p>	<p style="text-align: center;">CUTUBKA SADEXAAD QODOBO GUUD OO LA XIDHIIDHA KA BIXITAANKA HESHIISKA SHAQAALEYNTA QEYBTA KOOBAAD OGEYSIISKA KA BIXITAANKA HESHIISKA SHAQAALEYNTA</p>
<p style="text-align: center;">34. Procedure for Giving Notice</p> <p>1/ Notice of termination required under the provisions of this Proclamation shall be in writing. The notice shall specify the reasons for the termination of the contract and the date on which the termination shall take effect.</p> <p>2/ Notice of termination by the employer shall be delivered to the worker in person. Where it is not possible to find the worker or he refuses to receive the notice, it shall be affixed on the notice board in the work place of the worker for 10 consecutive days.</p> <p>3/ Notice of termination by the worker shall be handed over to the employer or its representative or delivered to its registry office.</p> <p>4/ Notice of termination issued to a worker by an employer during the time in which the contract of employment is suspended as per Article 17 of this Proclamation shall be null and void.</p>	<p style="text-align: center;">34. Habka Loo Bixinayo Ogeysiiska</p> <p>1/ Ogeysiiska ka bixida heshiiska ee loo bahaan yahay sida ku cad qodabada bayaanka, waa inuu ahaado mid qoraal ah. Ogeysiiska waa in lagu xuso sababaha looga baxayo heshiiska shaqaaleynta iyo taariikhda uu dhaqan gelayo</p> <p>2/ Ogeysiiska ka bixida heshiiska ee Loo – shaqeeyuhu bixinayo, waa in la gaadhsiiyo shaqaalaha Markayna suurta gal aheyn in helo shaqaalaha ama uu diido inuu qaato ogeysiiska, waa in lagu dhejiyaa ogeysiiska tabeelaha goobta shaqada, kuna dheganaadaa mudo 10 cisho ah oo xidhiidh ah</p> <p>3/ Ogeysiiska ka bixida heshiiska ee uu shaqaaluhu bixinayo, waa in gacanta laga geliyo Loo-Shaqaalaha ama wakiilkiisa ama la gaadhsiiyo xafiiskiisa diiwaan gelinta</p> <p>4/ Ogeysiiska ka bixida heshiiska ee uu Loo-shaqeeyuhu siiyo shaqaalaha inta lagu gudo jiro mudada la hakiyey heshiiska shaqaaleynta hab waafaqsan Qodobka 17 ee Bayankan, wuxuu noqonayaa mid aan waxba ka jirin</p>
<p style="text-align: center;">35. Period of Notice</p> <p>1/ The period of notice given by the employer shall be as follows:</p> <p>a) One month, in the case of a worker who has completed his probation and has a period of service not exceeding one year;</p> <p>b) Two months, in the case of a worker who has a period of service above one year and not exceeding nine years;</p>	<p style="text-align: center;">35. Mudada Ogeysiiska</p> <p>1/Mudada ogeysiiska uu bixinayo loo-shaqeeyuhu waa inay ahaato sidan soosocota :-</p> <p>b) Halbil ah, Marka shaqaalaha dhamaystay mudaadii tijaabada uuna shaqaynayay mudo aan kabadneyn hal sano;</p> <p>t) Labo bilood markuu shaqaaluhu shaqaynayay mudo kabadn hal sano lakiin an kabadnayn sagal</p>

<p>c) Three months, in the case of a worker who has a period of service of more than nine years;</p> <p>d) Two months, in the case of a worker who has completed his probation and whose contract of employment is to be terminated due to reduction of work force.</p> <p>2/ Notwithstanding the provisions of sub-article (1) of this Article, the period of notice for a contract of employment for a definite period or piece work shall be as agreed upon by the parties to the contract.</p> <p>3/ The period of notice fixed in this Proclamation shall run from the first working day following the date on which notice is dully given.</p> <p>4/ The obligations of the parties arising from the contract of employment shall remain intact during the period of notice.</p>	<p>sanodood;</p> <p>j) Sadex bilood , Markuu shaqaaluhu shaqaynayay mudo kabadan sagaal sanadood;</p> <p>x), labo bilood , Marku shaqaaluhu dhamaystay mudadii tijaabadiisa laakin shaqaleyntiisa laga baxayo sabab la xidhiidha dhimista cudada shaqaalaha</p> <p>2/ Iyadoo aan wax tixgelin ah la siinaynin xaaladaha ku xusan qodob-hoosaadka (j) ee qodobkan, mudada ogeysiiska ee heshiiska shaqaaleynta mudada xadidan ama shaqada kooban, waa inay noqotaa habka ay ku heshiiyaan dhinacyadu.</p> <p>3/ Mudada ogeysisika ee lagu xusay bayaankan , waa inay ka bilaabataa maalinta shaqo ee ugu horaysa ee ku xigta taariikhda ogeysiiska la bixiyey.</p> <p>4/ Waajibaadyada dhinacyada ee ka dhalanaya heshiiska shaqaaleynta waa inay sii jiraan mudada ogeysiiska.</p>
<p>SECTION TWO PAYMENT OF WAGES AND OTHER PAYMENTS ON TERMINATION OF CONTRACT OF EMPLOYMENT</p>	<p>QEYBTA LABAAD BIXINTA MUSHARAADA IYO GUNOYINKA KALE EE KA BIXIDA HESHISKA SHAQAALEYNTA</p>
<p>36. Period of Payment</p>	<p>36. Mudada La Bixinayo</p>
<p>Where a contract of employment is terminated, wages and other payments connected with the termination due to the worker shall be paid within seven working days from the date of termination; provided, however, that the time of payment may be extended where the worker delays, because of his own fault, to return property or any sum of money which he received from or is due to the employer.</p>	<p>Marka laga baxo/la tirtiro heshiska shaqalaynta, waa in musharaadka shaqaalaha iyo gunooyinka kale ee ku lamaan ka bixida heshiiska, lagu bixiyaa Todoba cisho gudohod oo maalmaha shaqada ah laga bilaabo taariikhda ka bixitaanka heshiiska.hase yeeshee, wakhtiga lagu bixinayo waa la kordhin karaa hadii u shaqaaluhu dib u dhigo sabab xagiisa ah , ku soo celinta hanti ama cadad lacag ah ee laga sugayo inuu soo celiyo ama uu ku leeyahay Loo-shaqeeyahu</p>
<p>37. Amount in Dispute</p>	<p>37. Cadadka lagu Muransan yahay</p>
<p>In the event of a dispute as to the amount claimed by the worker, the employer shall pay the worker</p>	<p>Markay dhacdo inaan la isku raacsanayn cadadka uu sheeganayo shaqaluhu, waa inuu Loo-</p>

<p>the admitted amount within the time limit specified under Article 36 of this Proclamation.</p>	<p>shaqeeyuhu ku siiya shaqalaha cadadka la isla ogolyahay wakhtiga ku xusan qodobka 36 ee bayankan</p>
<p style="text-align: center;">38. Effects of Delay</p> <p>Where an employer fails to pay the sum due to the worker within the time limit specified under Article 36 of this Proclamation, the labour division of a competent court may order a penalty payment of up to three months' the worker's wage except where the delay is due to causes beyond the control of the employer.</p>	<p style="text-align: center;">38. Saameynta Dib u-dhaca</p> <p>Markla Loo-shaqeeyuhu ku guuldareysto inuu ku siiyo shaqaalaha cadadka uu xaqa u leeyahay wakhtiga loo xadiday dhexdiisa ee ku xusan qodobka 36 ee bayaanka, Maxkamada shaqaalaha ee awooda u leh , waxay ku amri kartaa inuu bixiyo ganaax gaadhaya ilaa saddex bilood oo mushaarka shaqaalaha , hadii uusan dib u-dhacu ka dhalan sabab awooda loo-shaqeyaha ka baxsan</p>
<p style="text-align: center;">SECTION THREE SEVERANCE PAY AND COMPENSATION</p> <p style="text-align: center;">39. General</p> <p>1/ A worker who has completed his probation period and who is not eligible for pension shall have the right to receive severance pay from the employer where:</p> <p>a) His contract of employment is terminated because of permanent cessation of operation of the Undertaking due to bankruptcy or for any other cause;</p> <p>b) His contract of employment is terminated by the initiation of the employer in violation of the law;</p> <p>c) He is reduced as per the conditions prescribed under this Proclamation;</p> <p>d) Where the worker resigned due to sexual harassment or sexual violence by the employer or managerial employee; or where such act was committed by a co-worker and the incident was reported to the employer but the latter failed to take appropriate measure in due time;</p> <p>e) He has terminated his contract of employment because of the employer's maltreatment affecting his human dignity or morale or constituting a</p>	<p style="text-align: center;">QEYBTA SADDAXAD GUNADA AMBABIXINTA IYO MAGDHOWGA</p> <p style="text-align: center;">39. Guud ahaan</p> <p>Shaqaalaha dhamaystey mudada tijaabidisa ee aan gaadhin hawl gabka, wuxuu xaq u leeyahay in la siiyo gunada ambabixinta oo uu bixinayo Loo-Shaqaalaha markii:-</p> <p>b). Heshiiska shaqaaleyntiisa looga baxo sabab si joogta ah ay ugu joogsaneyso hawshii shirkadu oo ay keentay musalafid ama sabab kasta oo kale</p> <p>t) heshiiska shaqaaleyntiisa looga baxay hindise ka yimid Loo-Shaqaalaha oo aan waafaqsaneyn sharciga</p> <p>j) Isaga lagu sameeyo dhimista shaqaalaha hab waafaqsan xaaladaha ku xusan bayaankan</p> <p>x) Shaqaaluhu isu casilo sabab la xidhiidha tacadi galmo ama rabshad galmo ku saabsan oo Loo-Shaqaalaha ama maareeyaha shaqadu kula kaceen ama hadii falkan uu galo qof ay shaqadu kala dhaxeeyso kadibna dhacdada lagu wargeliyay Loo-Shaqaalaha laakiin uu ku guul dareystay inuu talaabadii ku habooneyd ku qaado wakhtigii loo baahnaa</p> <p>kh) Isagu uu ka baxo heshiiska shaqaaleyntiisa sabab la xidhiidha hab dhaqan xumo u kula kacay Loo-shaqeeyuhu taasoo wax u dhimeysa sharaftiisa qofnimo, damiirkiisa ama ay ka dhalaneyso xad gudub danbi lagu mutaysanayo oo</p>

<p>criminal offence under the Criminal Code;</p> <p>f) He has resigned due to failure of the employer to take measures despite being informed of a threat to his safety or health;</p> <p>g) His contract of employment is terminated because of his partial or total disability as certified by medical board;</p> <p>h) Where he has given service to the employer for a minimum of five years' service and his contract of employment is terminated because of sickness or death or his contract of employment is terminated on his own initiative provided that he has no contractual obligation relating to training to render service to the employer;</p> <p>i) His contract of employment is terminated on his own initiative because of HIV/AIDS.</p> <p>2/ Where a worker dies before receiving severance pay, it shall be paid to his dependents' referred to in Article 110(2) of this Proclamation.</p> <p>3/ The allocation of severance pay to dependents of the deceased shall be effected in the same manner as in Article 110 of this Proclamation</p>	<p>ku cad xeerka danbiyada;</p> <p>d)Isagu uu isu casilo sabab la xidhiidhda inuu Loo-shaeyuhu ku guul dareystay wax ka qabasahda khatar soo wajahaday badbaadadiisa ama caafimaadkiisa, taasoo lagu wargeliyay;</p> <p>r)Heshiiska shaqaaleyntiisa looga baxay sabab la xidhiidha naafanimadiisa qeyb ahaan ama mid dhameystiran oo ay xaqiijiyeen gudiga caafimaadku</p> <p>s) Shaqaaluhu uu u shaqeynayay Loo-Shaqaalaha ugu yaraan mudo shan sanadood ah, heshiiska shaqaaleyntiisa laga baxay sabab xanuun ama dhimasho awgeed ama hadii heshiiska shaqaaleynta uu isagu hindisay in laga baxo, maadaama uusan jirin waajibaad saaraya inuu tababar galo si uu ugusii shaqeeyo Loo-Shaqaalaha;</p> <p>sh) Heshiiska shaqaaleyntiisa uu isagu hindiso ka bixidiisa sabab la xidhiidha HIV/ADIS.</p> <p>2/ Markii uu shaqaaluhu geeriyoodo kahor inta uusan qaadan gunada ambabaxa, waa in la siiyaa dadka ku tiirsan ee lagu xusay qodobka 110 (2) ee Bayaankan.</p> <p>3/ Qoondaha gunada ambabaxa ee la siinayo dadka ku tiirsanaa marxuumka, waa in loo bixiyaa hab lamid ah kan lagu xusay qodabka 110 ee Bayaankan</p>
<p style="text-align: center;">40. Amount of Severance Pay</p> <p>1/ The severance pay referred to in Article 39 of this Proclamation shall:</p> <p>2/ Be thirty times the average daily wages of the last week of service for the first year of service; and for the service of less than one year, be calculated in proportion to the period of service.</p> <p>3/ In the case of a worker who has served for more than a year, payment shall be increased by one-third of the amount referred to in Sub-Article (1) of this Article for every additional year of service;</p>	<p style="text-align: center;">40. Cadadka Gunada Ambabixinta</p> <p>1/ Gunada ambabixinta ee lagu xusay qodobka 39 ee bayaankan waa :-</p> <p>2/ Inuu noqdaa sodon jibaar oo cel-celiska mushaarka maalinlaha ah ee todobadkii ugu danbeeyay shaqada uu qaadanayey shaqaalaha ku guda jira sanadkii ugu horeeyay shaqada, mudada ka yar sanadka waxaa loo xisaabinayaa si la'eg oo u dhiganta inta maalmood ee uu shaqeeyay</p> <p>3/ Marku uu shaqaaluhu shaqeeynayay muda ka badan sanad, gunada waa in loogu daraa ama kordhiyaa saddex meelood hal meel ah cadadka lagu xusay qodob-hoosaadka (1) ee Qodobkan, sanad kasta oo dheeri ah, Hase yeeshee, wadarta</p>

<p>provided, however, that the total amount shall not exceed twelve months' wage of the worker.</p> <p>4/ Where a contract of employment is terminated in accordance with Article 24(4) and 29 of this Proclamation, the worker shall be paid, in addition to payments under Sub-Article (1) and (2) of this Article, an amount equal to the worker's average daily wage of the last week of service multiplied by 60.</p>	<p>guud ee gunada ambabixintu, waa inayna sinaba uga badnaanin isugeynta Labba iyo toban bilood oo mushaarka shaqaaluhu qaadanayey ah</p> <p>4/ Marka heshiiska shaqaalenynta looga baxo hab waafaqsan Qodobka 24(4) iyo 29 ee Bayaankan, shaqaalaha waa in la siiyaa oo loogu daro gunada lagu xusay qodob-hoosadka (1) iyo (2) ee Qodobkan, cadad la mid ah cel-celiska mushaarka maalintii uu qaadanayey todobaadkii u danbeeyay oo lagu dhuftay 60</p>
<p>41. Compensation for Termination of Contract of Employment without Notice</p> <p>1) A worker who terminates his contract of employment in accordance with Article 32(1) of this Proclamation shall be entitled, in addition to the severance pay referred to in Article 40 of this Proclamation, to a payment of compensation which shall be thirty times his daily wages of the last week of service. This provision shall apply to a worker covered by the relevant pension law.</p> <p>2) However, where the termination is based on Article 32 (1) (b) the worker shall, in addition to severance pay, be entitled to compensation of his daily wage multiplied by ninety. This provision shall also apply to a worker covered by the relevant pension law</p>	<p>41. Magdhowga Heshiis Shaqaaleyn Laga Baxay Ogeysiis La'aan</p> <p>1/ Shaqaalaha heshiiska shaqaaleyntiisa looga baxay hab waafaqsan Qodobka 32 (1) ee Bayaankan, wuxuu xaq u yaalanayaa in la siiyo gunnada lagu xusay Qodobka 40 ee Bayaankan, oo lagu daray lacag magdhow ah oo u dhiganta sodon jibaar mushaarka maalinlaha ah ee uu qaadan jiray todobaadkii ugu danbeysay shaqada, Qodobkani wuxuu dhaqan gal ku yahay shaqaalaha lagu maamulo sharciga hawl-gabka ee khuseeya</p> <p>2/ Hase yeeshee, marka ka bixida heshiisku ay ku saleysan tahay xaalada lagu xusay Qodobka 32(1) (t), shaqaaluhu wuxuu xaq u yeelanayaa gunnada ambabixinta oo lagu daray lacag magdhow ah oo u dhiganta mushaarkiisa maalinlaha ah oo lagu dhuftay sagaashan, Qodobkani wuxuu sidoo kale dhaqan gal ku noqonayaa shaqaalaha lagu maamulo sharciga hawl-gabka ee khuseeya</p>
<p>SECTION FOUR CONSEQUENCES OF UNLAWFUL TERMINATION OF CONTRACT OF EMPLOYMENT</p> <p>42. General</p> <p>Where an employer or a worker fails to comply with the requirements laid down in this Proclamation or other relevant law regarding termination of a contract of employment, the termination shall be un lawful.</p>	<p>QEYBTA AFRAAD SAAMEYNTA KA DHALANAYSA KA BIXIDA SHARCI DARADA AH EE HESHIISKA SHAQAALEYNTA</p> <p>42. Guud ahaan</p> <p>Markii Loo-Shaqaalaha ama shaqaaluhu ay ku guul dareystaan ku dhaqanka shuruudaha lagu cadeeyay bayaankan dhexdiisa ama sharciyada kale ee khuseeya habka looga bixi karo heshiiska shaqaaleynta, ka bixitaanka heshiiska ee aan waafaqsaneyn, waxay noqonaysaa mid sharci darro ah oo aan waxba ka jirin</p>

43. Reinstatement or Compensation of a Worker in the Case of unlawful termination

1/ Where a contract of employment is terminated because of those grounds mentioned under Article 26 (2) of this Proclamation, the employer shall be obliged to reinstate the worker; provided, however, that the worker shall be compensated if he wishes to quit his employment.

2/ Without prejudice to Sub-Article (1) of this Article, where a contract of employment is terminated contrary to the provisions of Articles 24, 25, 27, 28 and 29 of this Proclamation, the labour dispute settlement tribunal may order the reinstatement of the worker or the payment of compensation.

3/ Notwithstanding Sub-Article (2) of this Article, the labour tribunal may affirm the termination of the worker upon payment of compensation even if the worker requests for re-instatement where the tribunal is of the view that the maintenance of the particular worker and employer relations, by its nature or due to the controversy of the parties concerned, is likely to give rise to serious difficulties. Similarly, where a worker who, after obtaining judgment of reinstatement declines to be re-instated, the tribunal may order the termination of the worker upon payment of compensation for the inconvenience he sustained having regard to the nature of the work and other circumstances of the case.

4/ The compensation to be paid under Sub-Article (1), (2) or (3) of this Article to a worker who is not reinstated shall, in addition to the severance pay referred to in Article 40 of this Proclamation, be:

a) In the case of a contract of employment for an indefinite period, 180 times the average daily wages and a sum equal to his wage for the appropriate notice period in accordance with Article 44 of this Proclamation;

43. Dib ugu Celinta Shaqada ama Magdhowga Ka bixida Sharci darrada ah ee Heshiiska

1/ Marka heshiiska shaqaaleynta looga baxo sababaha lagu sheegay Qodobka 27 (2) ee Bayaankan, Loo-Shaqaalaha waxaa waajib ku ah inu dib shaqada ugu celiyo shaqaalaha, hasee yeeshee, hadii uu shaqaaluhu doorto inuu shaqada iskaga tago, waa inuu magdhow siiyaa.

2/ Iyadoo aan waxba loo dhimeynin Qodob-hoosaadka (1) ee Qodobkan, marka heshiiska shaqaaleynta looga baxao hab kahor imanaya xaaladaha Qodobada 24, 25, 27, 28 iyo 29 ee Bayaankan, Maxkamada dhageysiga khilaafaadka shaqada iyo shaqaalaha, waa inay amar ku bixisaa shaqo ku celinta ama in magdhow la siiyo shaqaalaha

3/ Iyadoo aan wax tixgelin la siinaynin Qodob-hoosaadka (2) ee Qodobkan, Maxkamada shaqaaluhu waxay ansixin kartaa ka bixitaanka heshiiska shaqaaleynta, iyadoo go'aamineysa in magdhow la siiyo, xataa hadii uu shaqaaluhu codsado in shaqada dib loogu celiyo, markey maxkamadu ku qanacdo in dib u hagaajinta xidhiidhka gaarka ah ee ka dhaxeeya shaqaalaha iyo Loo-Shaqaalaha aysan suurto gal ahayn ama ay ka dhalan karto halis hor leh. Sidoo kale, marka shaqaale la amray dib ugu celinta shaqadiisa uu iska diido inuu ku noqdo shaqada, maxkamadu waxay amrayasaa in la tirtiro/laga baxo heshiiska isla markaana magdhow laga siiyo shaqaalihii khasaarihii soo gaadhay, iyadoo la tixgelinayo debciga shaqada iyo duruufaha kale ee xaalada

4/ Magdhowga la siinayo shaqaalaha eek u xusan Qodob-hoosaadka (1),(2) ama (3) ee Qodobkan, marka aan shaqada dib loogu celinin, waa in gunnada ambabixinta eek u xusan Qodobka 40 ee Bayaankan, loo raaciyaa:-

b), Marka heshiiska shaqaaleyntu ahaa mid aan xadidneyn, 180 jibaar celp-celiska mushaarka maalinlaha ah iyo lacag u dhiganta mushaarkii mudada ogeysiiska lagu bixinayay sida ku cad Qodobka 44 ee Bayaankan

t) Marka heshiiska shaqaaleyntu ahaa mid xadidan ama shaqo kooban, lacag u dhiganta mushaarkii uu

<p>b) In the case of a contract of employment for a definite period or for piecework, a sum equal to the wages which he would have obtained if the contract of employment has continued up to its date of expiry or completion of the work; provided, however, that such compensation shall not exceed 180 times his average daily wage. The provisions of sub-article (4) of this Article shall also be applicable to a worker covered by the relevant pension law.</p> <p>5/ Where the First Instance Court orders the reinstatement of the worker in accordance with Sub-Article (1) or (2) of this Article, the court shall order back-pay of wage for a period not exceeding 6 months. Where the decision of reinstatement is confirmed by the appellate Court, it shall order back pay of wage for a period not exceeding one year</p>	<p>qaadan lahaa mudada ka dhiman dhamaadka heshiiska ama dhameystirka shaqada kooban, hase yeeshee, magdhowgani kama badnaan karo 180 jibaar cel-celiska mushaarka maalinlaha ah , xaaladan Qodob-hoosaadka (4) ee Qodobkan waxay sidoo kale dhaqan gal ku noqonaysaa shaqaalaha lagu maamulo sharciga hawl-gabka ee khuseeya.</p> <p>5/ Markey Maxkamada Darejada koobaad amar ku bixiso shaqo ku celinta shaqaalaha, hab waafaqsan Qodob-hoosaadka (1) ama (2) ee Qodobkan, waa inay raacisaa amar ku saabsan in shaqaalaha la siiyo mushaarka bilihii lasoo dhaafay oo aan ka badneyn 6 bilood, iyadoo hadii ay maxkamada racfaanku ku raacdo go'aanka shaqo ku celinta ah ay tahay inay amar ku bixiso in shaqaalaha la siiyo mushaarka bilihii lasoo dhaafay oo aan ka badneyn muddo sanad ah</p>
<p style="text-align: center;">44. Exceptions</p> <p>Notwithstanding the provisions of Article 43, non-compliance by the employer with the notice requirements specified under Article 35 shall only result in the payment by the employer, wages in lieu of the notice period.</p>	<p style="text-align: center;">43. Xalad Gaara</p> <p>Iyadoo aan wax tixgelin ah la siineynin, xaaladaha ku xusan Qodobka 43 ee Bayaankan, u hogaansan la'aanta shuruudaha ogeysiiska eek u cad Qodobka 35 ee uu ku kaco Loo-shaqeeyuhu, waa inay natiijadeedu noqotaa keliya inuu bixiyo mushaar u dhigma mudada ogeysiisku ahaa.</p>
<p style="text-align: center;">44. Liability of the Worker to Pay Compensation</p> <p>1/ A worker who terminates his contract of employment in disregard of the provisions of Article 31 or 35(2) of this Proclamation shall be liable to pay compensation to the employer.</p> <p>2/ However, the compensation payable by the worker in accordance with Sub-Article (1) of this Article shall not exceed 30 days' wages of the worker and be payable from the remaining payment due to the worker.</p>	<p style="text-align: center;">44. Magdhowga Shaqaalaha Lagu Yeelanayo</p> <p>1/ Shaqaalaha ka baxa heshiiska shaqaaleynta hab waafaqsan Qodobka 31 ama 35 (2) ee Bayaankan, waa inuu magdhow siiyaa Loo-Shaqaalaha</p> <p>2/ Hase yeeshee, magdhowga uu bixinayo shaqaaluhu ee lagu xusay Qodob-hoosaadka (1) ee Qodobkan, kama badnaan karo mushaarka 30 maalmood ee uu shaqaaluhu qaadanayey, iyadoo lagu bixin doono mushaarka u hadhay ee uu qaadan lahaa</p>
<p style="text-align: center;">CHAPTER FOUR SPECIAL CONTRACTS SECTION ONE HOME WORK CONTRACT</p>	<p style="text-align: center;">CUTUBKA AFRAAD HESHIISYO GAAR AH QEYBTA KOOBAAD HESHIISKA SHAQADA GURIGA</p>

<p style="text-align: center;">46. Formation of Contract</p> <p>1/ There shall be a home work contract when a natural person habitually performs work, for an employer, in his own home or any other place freely chosen by him in return for wages without any direct supervision or direction by the employer.</p> <p>2/ In agreement for the sale of raw materials or tools by an employer to a home worker and there sale of the products to the employer or any other similar arrangements made between the employer and the home worker shall be deemed a home work contract.</p> <p>3/ The contract concluded between a home worker and an employer shall be deemed to be made for a definite period or piece-work.</p> <p>4/ The Minister may, in consultation with the concerned organs, prescribed by directive the provisions of this proclamation that shall apply to home workers and manner of their application.</p>	<p style="text-align: center;">46. Gelitaanka Heshiiska</p> <p>1/ Waxaa jiray heshiis ku saabsan shaqo gurri, markuu qof bini'aadam ah si joogto ah shaqo ugu qabanayo Loo-Shaqaalaha gurigiisa ama goobtii kale ee uu doorto, isagoo dhankiisa bixinaya mushaar, iyadoo aysan jirin dabagal ama tilmaan toos ah oo ka imanaysa Loo-Shaqaalaha</p> <p>2/ Xaaladaha uu Loo-shaqeeyuhu kusoo iibinayo alaabta ceydhiin ama agabyada kale ee shaqada guriga lagu qabanyo iyo sidoo kale alaabta uu shaqaalaha gurigu soo iibinayo ama hawlaha la midka ah ee dhexmara Loo-Shaqaalaha iyo shaqaalaha guriga, waxaa loo arkayaa inay qeyb ka yihiin heshiiska shaqada guriga</p> <p>3/ Heshiiska ay wada galaan Shaqaalaha guriga iyo Loo-shaqeeyuhu, waxaa loo arkayaa in loo galay ujeedo mudo xadidan ama shqo kooban ah</p> <p>4/ Wasaaradu, iyadoo la-tashi kala sameynaysa hay'adaha ku shaqada leh, ayay awaamiir ku cadeynaysaa qodobada bayaankan ee dhaqan galka ku noqonaya heshiiska shaqaalaha guriga iyo habka loo dabakhayo</p>
<p style="text-align: center;">47. Keeping of Records</p> <p>An employer who employs a worker on the basis of a home work contract shall keep a register containing the following and other relevant particulars:</p> <p>1/ Full name, age, marital status and address of the worker;</p> <p>2/ The address where the work is to be carried out;</p> <p>3/ The type, price, quality and quantity of material supplied by the employer to the worker;</p> <p>4/ The type of work, quality and quantity ordered;</p> <p>5/ The time and place of delivery of the product or material;</p> <p>6/ Amount and manner of payment.</p>	<p style="text-align: center;">47. Diiwaan gelinta</p> <p>Marka Loo-shaqeeyuhu uu qof ku shaqaaleyo heshiis ku saabsan shaqo gurri, waa inuu diiwaan geliyaa isla markaana uu xafido arrimahan soo socda iyo xaaladaha kale ee la xidhiidha:-</p> <p>1/ Magaca buuxa, da'da, xaalada guurka iyo ciwaanka Shaqaalaha;</p> <p>2/ Ciwaanka goobta laga shaqeynayo</p> <p>3/ Nooca, qiimaha, tayada iyo tirada alaabta/qalabka uu Loo-shaqeeyuhu ku wareejiyay shaqaalaha guriga</p> <p>4/ Nooca shaqada, tayada iyo tirada laga doonayo shaqaalaha</p> <p>5/ Wakhtiga iyo goobta lagu diyaarinayo wax soo saarka, alaabta ama qalabka shaqaalaha laga doonayo</p> <p>6/ Cadadka iyo hanaanka mushaarka loo bixinayo</p>

<p style="text-align: center;">SECTION TWO CONTRACT OF APPRENTICESHIP</p>	<p style="text-align: center;">QEYBTA LABAAD HESHIISKA TABABARKA</p>
<p style="text-align: center;">48. Formation of Contract</p> <p>1/ There shall be a contract of apprenticeship where an employer agrees to give a person complete and systematic training in a given occupation related to the function of his under taking in accordance with the skills of the trade and the person in return agrees to obey the instruction given to carry out the training and works related there to.</p> <p>2/ The contract of apprenticeship shall be concluded with the person whose age is not less than fifteen years.</p> <p>3/ The contract of apprenticeship and its modifications shall be valid only where it is made in writing and approved by the Ministry or the appropriate organ.</p>	<p style="text-align: center;">48. Gelitaanka Heshiiska</p> <p>1/ Waxaa jiraya heshiis tababar ku saabsan markuu Loo-shaqeeyuhu ogolaado inuu tababar habeysan oo dhameystiran siinayo qof, kaasoo xidhiidh la leh shaqooyinka shirkadiisa, iyadoo laga duulayo xirfadaha ganacsiga, kadibna uu qofku ogolaado inuu dhankiisa u hogaansamayo tilmaamaha la siinayo si uu tababar u qaato una fulliyo shaqooyinka la xidhiidha tababarkiisa</p> <p>2/ Heshiiska tababarka waa in lala galaa qof aysan da'diisu ka yareyn shan iyo toban sanno</p> <p>3/ Heshiiska tababarka iyo wax ka badelidiisu waxay ansaxayaan oo keliya markii qoraal laga dhigo isla markaana ay ansixiso Wasaaradu ama Hay'ada ku shaqada leh.</p>
<p style="text-align: center;">49. Contents of the Contract</p> <p>A contract of apprenticeship shall specify at least the following:</p> <p>1/ The nature and duration of the training of apprenticeship;</p> <p>2/ The stipend to be paid during the training;</p> <p>3/ The conditions of work.</p>	<p style="text-align: center;">49. Arrimaha Heshiiska ku Jiraya</p> <p>Heshiiska tababarka waa in lagu muujiyaa ugu yaraan arrimahan soo socda:-</p> <p>1/ Dabciga/nooca iyo mudada uu soconayo Heshiiska tababrku;</p> <p>2/ Gunnada la bixinayo mudada uu tababarku socdo;</p> <p>3/ Xaaladaha shaqada;</p>
<p style="text-align: center;">50. Obligations of the Parties</p> <p>1/ The apprentice shall diligently follow the training and endeavor to complete it successfully.</p> <p>2/ The employer shall not assign the apprentice on an occupation which is not related and does not contribute to his training.</p>	<p style="text-align: center;">50. Waajibaadyada Dhinacyada</p> <p>1/ Tababar qaatuhu waa inuu si habsami le hula socdaa una qaataa tababarka kuna dadaalaa sidii uu guul ugu gaadhi lahaa dhamaadka tababrka</p> <p>2/ Loo-shaqeeyuh waa inuusan tababar qaataha u xilsaarin shaqo aan xidhiidh la laheyn oo aan xirfad kusoo kordhinaynin tababarkiisa.</p>
<p style="text-align: center;">51. Termination of a Contract</p> <p>1/ A contract of apprenticeship shall terminate on the following grounds:</p>	<p style="text-align: center;">51. Tirtirida/Ka Bixida Heshiiska</p> <p>1/ Heshiiska tababarka waxaa lagaga bixi karaa sababahan soo socda:-</p>

<p>a) At the expiry of the period fixed for the apprenticeship;</p> <p>b) Up on giving notice by either of the contracting parties;</p> <p>c) When the apprentice terminates the contract without notice.</p> <p>2/ The employer may terminate the contract of apprenticeship by giving notice in accordance with Sub-Article (1) (b) of this Article, where:</p> <p>a) He is no longer able to discharge his obligation on account of change of work or other cause beyond his control; or</p> <p>b) The apprentice violates the disciplinary rule of the undertaking; or</p> <p>c)The apprentice is permanently incapable of continuing his training or completing his training within the specified time limit.</p> <p>3/ The apprentice may terminate the contract of apprenticeship by giving notice of termination in accordance with Sub-Article (1) (b) of this Article, where:</p> <p>a)The employer fails to observe his obligations under the contract or this Proclamation; or</p> <p>b)The apprentice has good cause relating to his health or family or other similar grounds.</p> <p>4/ The apprentice may terminate the contract of apprenticeship without giving notice in accordance with Sub-Article (1) (c) of this Article, where:</p> <p>a) He proves, by appropriate medical certificate, that he cannot discharge his obligations without seriously endangering his health; or</p> <p>b) The employer unilaterally changes the terms of the contract.</p> <p>5/ The provisions of this Proclamation regarding severance pay compensation and reinstatement shall not be applicable to contracts of</p>	<p>b) Markay dhamaato mudadii loo xadiday tababarka;</p> <p>t) Markuu ogeysiis ku bixiyo ka bixida heshiiska mid kamid ah dhinacyadu;</p> <p>j) Markuu tababar qaatuhu heshiiska ka baxao ogeysiis la'aan</p> <p>2/ Loo-shaqeeyuhu wuu ka bixi karaa heshiiska isagoo ogeysiis ku bixinaya hab waafaqsan Qodob-hoosaadka (1) (t) ee Qodobkan, marka:-</p> <p>b) Uusan awoodin inuu fulliyo waajibaadkiisa sabab la xidhiidh is-badel shaqada ku yimid ama xaalad kale oo awoodiisa ka baxsan</p> <p>t) Tababar qaatuhu ku xad gudbo xeerka anshaxa ee shirkada; ama</p> <p>j) Tababar qaatuhu uusan laheyn awood uu kusii wadan karo tababarkiisa ama uu ku dhameysto mudadii la xadiday tababarka;</p> <p>3/ Tababar qaatuhu wuu ka bixi karaa heshiiska tababarka, isagoo bixinaya ogeysiis, hab waaafaqsan Qodob-hoosaadka (1) (t) ee Qodobkan, marka:-</p> <p>b) Loo-shaqeeyuhu ku guul dareysto fullinta waajibaadkiisa ku xusan heshiiska ama bayaankan;</p> <p>t) Tababar qaatuhu la kulmo sabab macquul ah oo caafimaadkiisa ama qeyskiisa la xidhiidha ama xaalad kasta oo kale;</p> <p>4/ Tababar qaatuhu wuu ka bixi karaa heshiiska ogeysiis la'aan, hab waafaqsan Qodob-hoosaadka (1) (j) ee Qodobkan, marka:-</p> <p>b) Cadeyn caafimaad oo khuseysa uu ku muujiyo inuusan gudan karin waajibaadkiisa inuu halis geliyo caafimaadkiisa mooyee; ama</p> <p>t) Loo-shaqeeyuhu iskii u badelo qodobadii heshiiska tababarka;</p> <p>5/ Qodobada Bayaankan ee ku saabsan gunnada magdhowga iyo shaqo ku celinta shaqaalaha, laguma dabakhi karo xaaladaha heshiiska</p>
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apprenticeship.	tababarka
<p style="text-align: center;">52. Certificate</p> <p>The employer shall, up on the termination of the contract of apprenticeship, give the apprentice a certificate which specifies the occupation he has been trained in, the duration of the training and other similar particulars.</p>	<p style="text-align: center;">52. Shahaado</p> <p>Loo-shaqeeyuhu waa inuu tababar qaataha siiyaa shahaado markuu tababarka dhameysto, taasoo muujinaysa shaqada lagu tababaray, mudada tababarku socdey iyo arrimaha kale ee u gaarka ah</p>
<p style="text-align: center;">PART THREE WAGES CHAPTER ONE DETERMINATION OF WAGES</p>	<p style="text-align: center;">QEYBTA SADEXAAD MUSHAARADA CUTUBKA KOOBAAD GO'AAMINTA MUSHAARADA</p>
<p style="text-align: center;">53. General</p> <p>1/ "Wages" means the regular payment to which a worker is entitled in return for the performance of the work that he performs under a contract of employment.</p> <p>2/ For the purposes of this Proclamation, the following payments shall not be considered as wages:</p> <p>a) Over-time pay;</p> <p>b) Amount received by way of per-diems, hardship allowances, transport allowance, relocation expenses, and similar allowance payable to the worker on the occasion of travel or change of his residence;</p> <p>c) Bonus;</p> <p>d) Commission;</p> <p>e) Other incentives paid for additional work results;</p> <p>f) Service charge received from customers</p>	<p style="text-align: center;">53. Guud ahaan</p> <p>1/ "Mushaar" waxaa loola jeedaa lacagta joogtada ah ee uu shaqaaluhu ku muteysto shaqada uu qabanayo hab waafaqsan heshiiska shaqaaleynta</p> <p>2/ Ujeedooyinka Bayaankan, lacagahan soo socda ma noqonayaan mushaar:-</p> <p>b) Gunnada shaqada wakhtiga dheeriga ah</p> <p>t) Lacagta lagu helo habeen-dhax, gunnooyinka kuleylaha, socdaalka, kharashyada wareejinta iyo gunnooyinka la midka ah ee shaqaalaha loo siiyo safarka ama is-badelka ku yimaada goobta degaanshihiisa;</p> <p>j) Baqshiish;</p> <p>x) Komishinka;</p> <p>kh) Lacagta dhiiri-gelinta ah ee loo siiyo natiijooyin shaqo oo dheeraad ah;</p> <p>d)Kharashka kasoo gala adeeg uu qabtey oo uu ka helo macaamiisha;</p>
<p style="text-align: center;">54. Conditions of Payments for Idle Time</p> <p>1/ Unless otherwise provided for in this Proclamation or the relevant law, wages shall be paid only for work performed</p>	<p style="text-align: center;">54. Mushaar La bxin karo Wakhti aan La Shaqeynin</p> <p>1/ Hadii aan si ka duwan loogu xusin Bayaankan dhexdiisa ama sharciga kale ee khuseeya, mushaarka waa in lagu bixiyaa oo keliya shaqo la</p>

<p>2/ Not with standing Sub-Article (1) of this Article, a worker shall be entitled to payment of his wage if, while being ready to work, he is unable to work due to an interruption in the supply of tools or raw materials or due to other causes not attributable to him.</p>	<p>qabtey</p> <p>2/ Iyadoo aan wax tixgelin ah la siineynin Qodob-hoosaadka (1) ee Qodobkan, shaqaaluhu wuxuu xaq u yeelanayaa mushaarkiisa, hadii isagoo shaqo diyaar u ah sabab kala go'a qalab ama alaabta ceydhiin darteed, shaqadu u joogsato</p>
<p style="text-align: center;">CHAPTER TWO MODE AND EXECUTION OF PAYMENT</p> <p style="text-align: center;">55. General</p> <p>1/ Wages shall be paid in cash, provided, however, that where the employer and workers agree, it may be paid in kind. Wages paid in kind may not exceed the market value in the area of the payment in kind and in no case may exceed 30% of the wages paid in cash.</p> <p>2/ A Regulation of the Council of Ministers shall determine the powers and responsibilities of a Wage Board which shall comprise representatives of the Government, employees and trade unions together with other stakeholders that will periodically revise minimum wages based on studies which take into account the country's economic development, labour market and other considerations.</p>	<p style="text-align: center;">CUTUBKA LABAAD HABKA LOO BIXINAYO MUSHAARADA</p> <p style="text-align: center;">55. Guud ahaan</p> <p>1/ Mushaarada waa in lagu bixiyaa lacag cadaan ah, hase yeeshee, markey ku heshiiyaan dhinacyadu, waa lagu bixin karaa alaab ama raashin. Mushaarada lagu bixinayo alaab ama raashin ahaan, waa inaan qiimahoodu ka sare marin sixir-suuqa goobta lagu bixinayo, waana inayna ka badnaan cadad ahaan 30% mushaarka lagu bixiyo lacag ahaan.</p> <p>2/ Xeer-nidaamiyaha Gollaha Wasiirada, waa in lagu go'aamiyaa awoodaha iyo masuuliyadaha Guddiga Mushaarada oo ka koobnaanaya Wakiilada Dawlada, Shaqaalaha iyo Ururada Shaqaalaha oo ay wehelinayaan Bah-wadaagta kale, iyagoo dibu-habeyn xilli leh ku sameynaya mushaarada ugu yar, taasoo lagu saleynayo daraasaadyo lagu qiimeynayo horumarka dhaqaalaha dalka, suuqa shaqada iyo xaaladaha la xidhiidha</p>
<p style="text-align: center;">56. Execution of Payments</p> <p>1/ Unless agreed otherwise, wages shall be paid on working days and at the place of work.</p> <p>2/ In case where the day of payment mentioned in Sub-Article (1) of this Article falls on weekly rest day or a public holiday, the day of payment shall fall on the preceding working day</p>	<p style="text-align: center;">54. Bixinta Mushaarada</p> <p>1/ Hadii aan si ka duwan lagu heshiinin, mushaarada waa in lagu bixiyaa maalmaha shaqada iyo goobta shaqada</p> <p>2/ Marka maalinta bixinta mushaarka ee lagu xusay Qodob-hoosaadka (1) ee Qodobka, ay ku beeganto maalin nasashada todobaadka ama ciidaha dadweynaha, waa in mushaarada la bixiyo maalinta shaqo eek u xigta</p>
<p style="text-align: center;">57. Payment in Person</p> <p>Unless otherwise provided by law or collective agreement or work rules, wages shall be paid directly to the worker or to a person authorized by him.</p>	<p style="text-align: center;">57. Qofka La Siinayo Mushaarka</p> <p>Hadii aan si ka duwan loogu xusin sharciga, heshiiska guud ama xeerarka shaqada, waa in mushaarka si toos ah loo siiyaa shaqaalaha ama qofka kale ee uu wakiishay isagu</p>

<p style="text-align: center;">58. Time of Payment</p> <p>Wages shall be paid at such intervals as a provided for by law or collective agreement or work rule or contract of employment</p>	<p style="text-align: center;">58. Wakhtiga La Bixinayo</p> <p>Mushaarada waa in lagu bixiyaa xilliyada lagu xusay sharciga, heshiiska guud, xeerarka shaqada ama heshiiska shaqaaleynta</p>
<p style="text-align: center;">59. Deduction from Wages</p> <p>1/ The employer shall not deduct from, attach or set off the wages of the worker except where it is provided otherwise by law or collective agreement or work rules or in accordance with a court order or a written agreement of the worker concerned</p> <p>2/ Unless the worker expresses his consent in writing, the amount that may be deducted at any one time, from the worker's wage shall in no case exceed one-third of his monthly wage.</p>	<p style="text-align: center;">59. Lacagaha Laga Jarayo Mushaarada</p> <p>1/ Loo-shaqeeyuhu, kama jari karo mushaarka shaqaalaha qeyb ka mid ah, mana xanibi karo bixintiisa, deyn lagu lahaa shaqaalaha uma qaadan karo, hadii aan si ka duwan lagu xusin sharciga, heshiiska guud, xeerarka shaqada ama hab waafaqsan amar maxkamadeed ama heshiis qoraal ah oo uu galay shaqaaluhu.</p> <p>2/ Hadii uusan shaqaaluhu ogolaansho qoraal ah ku cadeynin, cadadka mushaarkiisa laga jarayo halkii marba, waa inayna ka badnaan saddex meelood hal meel ah mushaarka bisha.</p>
<p style="text-align: center;">60. Keeping Record of Payment</p> <p>1/ The employer shall keep a register of payment specifying the gross pay and method of calculation of the wage, other remunerations, the amount and type of deduction, the net pay and other relevant particulars on which the signature of the worker is a fixed unless there is a special arrangement.</p> <p>2/ The employer shall have the obligation to make the register accessible and to explain the entries thereof, to the worker upon the latter's request.</p> <p>3/ The fact that a worker has received without protest the amount indicated on the register shall not constitute waiver of his right to any part of his wages that was due.</p>	<p style="text-align: center;">60. Ilaalinta Diiwaanka Mushaar Bixinta</p> <p>1/Loo-shaqeeyuhu waa inuu xafidaa/hayaa diiwaanka mushaar bixinta oo muujinaya duuduub ahaan mushaarka iyo qaabka loo xisaabinayo, gunnooyinka kale, cadadka iyo nooca lacagaha laga jarayo, saafiga la bixinayo iyo xaaladaha kale ee la xidhiidha, kaasoo uu ka muuqda saxiixa shaqaaluhu, hadii aysan jirin hab kale oo gaar ah</p> <p>2/ Loo-Shaqaalaha waxaa waajib ku ah inuu diiwaanka usoo bandhigo una sharaxo arrimaha ku dhex qoran, markuu shaqaaluhu ka codsado</p> <p>3/ Xaqiiqada ah inuu shaqaaluhu qaatey cadadka mushaarka eek u xusan diiwaanka isagoo aan ka doodin, kama dhigna inuu ka tanasulay xaqa uu u leeyahay qeyb ka mid ah mushaarkiisa oo uu muteysatay.</p>
<p style="text-align: center;">PART FOUR HOURS OF WORK, WEEKLY REST AND PUBLIC HOLIDAYS CHAPTER ONE HOURS OF WORK SECTION ONE NORMAL HOURS OF WORK</p>	<p style="text-align: center;">QEYBTA AFRAAD SAACADAHA SHAQADA, NASASHADA TODOBAADKA IYO CIIDAHA DADWEYNAHA CUTUBKA KOOBAAD SAACADAHA SHAQADA QEYBTA KOOBAAD SAACADAHA SHAQADA CAADIGA AH</p>

<p>61. Maximum Daily or weekly Hours of Work</p> <p>1/ In this proclamation, “normal hours of work” means the time during which a worker actually performs work or avails himself for work in accordance with law, collective agreement or work rules.</p> <p>2/ Normal hours of work shall not exceed 8 hours a day or 48 hours a week.</p>	<p>61. Saacadaha ugu Badan Shaqada Maalintii ama Todobaadka</p> <p>1/ Bayaankan dhexdiisa “Saacadaha Shaqada Caadiga ah” waxaa loola jeedaa wakhtida uu shaqaaluhu qabanayo shaqada ama uu shaqo usoo diyaar garoobo hab waafaqsan sharciga, heshiiska guud ama xeerarka shaqada</p> <p>2/ Saacadaha shaqada caadiga ah, waa inayna ka badnaan 8 saacadood maalintii ama 48 saacadood todobaadkii</p>
<p>62. Reduction of Normal Hours of Work</p> <p>1/ The Ministry may issue Directive reducing normal hours of work for economic sectors, industries or occupations where there are special conditions of work.</p> <p>2/ Reductions of normal hours of work under this Proclamation shall not entail reduction in the wages of a worker</p>	<p>62. Hoos u Dhigida Saacadaha Shaqada Caadiga ah</p> <p>1/ Wasaaradu, waxay soo saari kartaa awaamiir ay hoos ugu dhigayso saacadaha shaqada caadiga ah ee qeybaha dhaqaalaha, wasaaradaha ama shaqooyinka kale markay jiraan xaalado shaqo oo gaar ah.</p> <p>2/ Hoos u dhigida saacadaha shaqada caadiga ah ee lagu xusay Bayaankan, waa inayna keenin hoos u dhigida mushahaarada Shaqaalaha.</p>
<p>63. Arrangement of Weekly Hours of Work</p> <p>Hours of work shall spread equally over the working days of a week, provided, however, where the nature of the work so requires, hours of work in any one of the working days may be shortened and the difference be distributed over the remaining days of the week without extending the daily limits of eight hours by more than two hours</p>	<p>63. Qorsheynta Saacadaha Shaqada ee Todobaadka</p> <p>Saacadaha shaqada waa in si isle’eg loogu qeybiyaa maalmaha shaqo ee todobaadka, hase yeeshee, marka debciga shaqadu ay sababayso, saacadaha shaqo ee maalin ka mid ah todobaadka waa lasoo gaabin karaa, iyadoo saacadaha ka dhiman maalintaas loo qeybinayo maalmaha ka hadhay todobaadka laakiin aan marnaba lagu kordhin karin wax ka badan labbo saacadood xadka sideeda saacadood ah ee maalinta shaqo</p>
<p>64. Averaging of Normal Hours of Work</p> <p>Where the circumstances in which the work has to be carried out are such that normal hours of work cannot be distributed evenly over the individual week, normal hours of work may be calculated as an average over a period longer than one week, provided, however that the average number of hours over a period shall not exceed eight hours per day or fortyeight hours per week</p>	<p>64. Cel-celiska Saacadaha Shaqada Caadiga ah</p> <p>Marka duruufaha shaqada lagu qabanayo dartoood, aan saacadaha shaqada si siman loogu qeybin karin maalmaha todobaadka, saacadaha shaqada caadiga ah waxaa loo xisaabinayaa cel-celiska mudo ka badan todobaadka, hase yeeshee, cel-celiska saacadaha ee mudadaas, waa inayna ka badnaan 8 saacadood maalintiiba ama afartan iyo sided saacadood todobaadkiiba</p>

<p style="text-align: center;">65. Exclusion</p> <p>Unless otherwise provided in a collective agreement or employment contract, the provisions of this Proclamation governing working hours shall not be applicable to commercial travelers or commercial representatives.</p>	<p style="text-align: center;">65. Ka Saarid</p> <p>Hadii aan si ka duwan looguxusin heshiiska guud ama heshiiska shaqaaleynta dhexdiisa, xaaladaha bayaankan eek u saabsan saacadaha shaqada , waa inaan lagu dabakhin ergooyinka ganacsiga ama wakiilada ganacsiga</p>
<p style="text-align: center;">SECTION TWO OVERTIME WORK</p> <p style="text-align: center;">66. General</p> <p>1/ Work done in excess of the normal daily hours of work fixed in accordance with the provisions of this Proclamation shall be deemed to be overtime.</p> <p>2/ Work done within the limits referred to in Articles 61, 63 and 64 of this Proclamation shall not be deemed to be overtime.</p> <p>3/ Overtime shall be worked only in cases expressly provided for under Article 67 and on the express instructions of the employer.</p> <p>4/ The instructions given under Sub-Article (3) of this Article and the actual overtime worked by each worker shall be recorded by the employer.</p>	<p style="text-align: center;">QEYBTA LABAAD SHAQADA WAKHTIGA DHEERIGA AH</p> <p style="text-align: center;">66. Guud ahaan</p> <p>1/ Shaqada la qabto wakhti dheeri ah oo ka badan saacadaha shaqada caadiga ee maalintii hab waafaqsan qodobada Bayaankan, waxaa loo arkayaa inay tahay shaqo dheeri ah</p> <p>2/ Shaqada lagu qabto wakhtiga lagu xusay Qodobada 61, 63 iyo 64 ee Bayaankan, looma arkayo shaqo dheeri ah</p> <p>3/ Shaqada wakhtiga dheeriga ah waxaa loo qaban karaa oo keliya qaabka lagu xeeriyay Qodobka 67 ama amar cad oo uu Loo-shaqeeyuhu bixiyo</p> <p>4/ Amarada Loo-Shaqaalaha eek u xusan Qodob-hoosaadka (3) ee Qodobkan, iyo shaqada wakhtiga dheeriga ah ee uu qabto shaqaale kasta, waa inuu Loo-shaqeeyuhu diiwaan geliyaa</p>
<p style="text-align: center;">67. Circumstances in which Overtime Work is Permissible</p> <p>1/ A worker may not be compelled to work overtime, however, overtime may be worked whenever the employer cannot be expected to resort to other measures and only where there is:</p> <p>a) Accident, actual or eminent;</p> <p>b) Force-majeure;</p> <p>c) Urgent work;</p> <p>d) Substitution of absent workers assigned on work that runs continuously without interruption.</p>	<p style="text-align: center;">67. Xaaladaha Shaqada Wakhtiga Dheeriga ah Lagu Ogolaan karo</p> <p>1/ Shaqalaha laguma qasbi karo inuu qabto shaqo wakhti dheeri ah, hase yeeshee, wakhti dheeri ah waa la shaqeyn karaa marka uusan Loo-shaqeeyuhu si kale ku xalin karin xaalada ama ay jirto:-</p> <p>b) Xaalad shil dhab ah oo dhacay ama la filayo inuu dhaca;</p> <p>t) Xaalad masiibo dabiici ah;</p> <p>j) Shaqo deg-deg ah;</p> <p>x) Buuxinta shaqo aan hakad la gelin karin oo shaqaalihii u xilsaarnaa ka maqan yahay</p>

<p>2/ Notwithstanding the provisions of Sub-Article (1) of this Article, overtime work shall not exceed four hours in a day and twelve hours in a week.</p>	<p>2/ Iyadoo aan wax tixgelin ah la siineynin, xaaladaha ku xusan Qodob-hoosaadka (1) ee Qodobkan, shaqada wakhtiga dheeriga ah waa inayna ka badnaan afar saacadood maalintii iyo labbo iyo toban saacadood todobaadkii</p>
<p style="text-align: center;">68. Overtime Payment</p> <p>1/ In addition to his normal wage, a worker who works over-time shall be entitled at least on the following rate of payments:</p> <p>a) In the case of work done between 6:00 a.m. in the morning and 10:00 p.m. in the evening, at the rate of 1.5 multiplied by the ordinary hourly rate;</p> <p>b) In the case of night time work between 10 p.m. in the evening and 6 a.m. in the morning, at the rate of 1.75 (one and three fourth) multiplied by the ordinary hourly rate;</p> <p>c) In the case of work done on weekly rest day, at the rate of 2 multiplied by the ordinary hourly rate;</p> <p>d) In the case of work done on a public holiday, at the rate of 2.5 multiplied by the ordinary hourly rate.</p> <p>2/ Payment for over-time work shall be effected on the day fixed for payment of wage and together with wage.</p>	<p style="text-align: center;">68. Gunnada Shaqada Wakhtiga Dheeriga ah</p> <p>Iyadoo loogu darayo mushaarkiisa shaqada caadiga ah, shaqaalaha shaqeyya wakhti dheeri ah, waa inuu helaa ugu yaraan cadad u dhigma gunnooyinkan soo socda:-</p> <p>b) Shaqada la qabto inta u dhaxeysa 6:00 a.m subaxnimo iyo 10:00 p.m fiidnimo, qiime dhan 1.5 oo lagu dhuftay qiimaha saacada shaqada caadiga ah</p> <p>t) Shaqada la qabto wakhti habeenimo ah inta u dhaxeysa 10:00 p.m iyo 6:00 a.m, qiime dhan 1.75 oo lagu dhuftay qiimaha saacada shaqada caadiga ah</p> <p>j) Shaqada la qabto maalinta nasashada todobaadka, qiime dhan 2 lagu dhuftay qiimaha saacada shaqada caadiga ah</p> <p>x) Shaqada la qabto maalin ciid dadweyne ah, qiime dhan 2.5 oo lagu dhuftay qiimaha saacada shaqada caadiga ah</p> <p>2/ Gunnooyinka shaqada wakhtiga dheeriga ah, waa in la raaaciyaa maalinta mushahaarada la bixinayo</p>
<p style="text-align: center;">CHAPTER TWO WEEKLY REST</p> <p style="text-align: center;">69. General</p> <p>1/ A worker shall be entitled to a weekly rest period covering not less than twenty-four non-interrupted hours in the course of each period of seven days.</p> <p>2/ Unless otherwise determined by a collective agreement or work rule, the weekly rest day shall, whenever possible:</p>	<p style="text-align: center;">CUTUBKA LABAAD NASASHADA TODOBAADKA</p> <p style="text-align: center;">69. Guud ahaan</p> <p>1/ Shaqaaluhu wuxuu xaq u leeyahay nashasho todobaadle ah oo aan ka yareyn afar iyo labaatan saacadood oo xidhiidh ah todobaadkiiba</p> <p>2/ Hadii aan si ka duwan loogu go'aaminin heshiiska guud ama xeerka shaqada, waa inay nasashada todobaadlaha ah noqotaa, markey suurto</p>

<p>a) Fall on a Sunday;</p> <p>b) Be granted simultaneously to all of the workers of the undertaking.</p> <p>3/ The weekly rest period shall be calculated as to include the period from 6 a.m. to the next 6 a.m.</p> <p>4/ Notwithstanding the provisions of SubArticle(1) of this Article, where the nature of his task did not enable the worker to make use of his weekly rest day, the employer shall grant 4 working days of rest in a month.</p>	<p>gal tahay:-</p> <p>b) Maalinta Axada ah;</p> <p>t) Dhamaan shaqaaluhu si siman u wada helaan;</p> <p>3/ Mudada nasashada, waa in loo xisaabiyaa laga bilaabo 6:00 a.m illaa 6:00 a.m eek u xigta</p> <p>4/ Iyadoo aan wax tixgelin ah la siinaynin, xaaladaha ku xusan Qodob-hoosaadka (1) ee Qodobkan, marka debciga shaqadiisu aysan shaqaalaha suurto gal u ahayn inuu helo maalinta nasashada todobaadka loo asteeyay, waa inuu Loo-shaqeeyuhu shaqaalahan siiyaa 4 maalmood oo nasasho ah bishiiba .</p>
<p style="text-align: center;">70. Special Weekly Rest Day</p> <p>1/ Where the nature of the work or the service provided by the employer is such that the weekly rest cannot fall on Sunday, another day may be made a weekly rest instead.</p> <p>2/ The provisions of Sub-Article (1) of this Article shall be applicable to the following and other similar activities:</p> <p>a) Work that has to supply the necessities of life to meet the health, recreational or cultural requirements of the general public;</p> <p>b) Essential public services as stipulated under Article 137(2) of this Proclamation.</p> <p>c) Work which, because of its nature or for technical reasons, if interrupted or postponed could cause difficulties or damages.</p>	<p style="text-align: center;">70. Maalin Nasasho oo Gaar ah</p> <p>1/ Marka debciga shaqada ama adeega uu bixinayo Loo-shaqeeyuhu, aysan suurto gal aheyn in laga maalinta nasashada laga dhigo Axada, waxaa laga dhigi karaa maalin kale oo la nasto</p> <p>2/ Xaaladaha Qodob-hoosaadka (1) ee Qodobkan, waa inay dhaqan gal ku noqdaan shaqooyinkan soo socda iyo kuwa kale ee la midka ah:-</p> <p>b) Shaqada ay tahay in la bixiyo ama la gaadhsiiyo agabyada ama adeegyada aan looga maarmi karin xaalado caafimaad, dalxiis ama dhaqanka ee bulshadu u baahan tahay</p> <p>t) Adeegyada aasaasiga ah ee bulshada sida ku xusan Qodobka 137 (2) ee Bayaankan</p> <p>j) Shaqo debci ahaan ama farsamo ahaan hadii lakala joojijiyo ama dib loo dhigo, keeni karta dhibaato ama khasaare</p>
<p style="text-align: center;">71. Works Done on Weekly Rest Days</p> <p>1/ A worker may be required to work on any weekly rest day only where it is necessary to avoid serious interference with the ordinary working of the under taking in the case of:</p> <p>a) Accident, actual or threatened;</p>	<p style="text-align: center;">71. Shaqooyinka La Qabto Maalmaha Nasashada ah</p> <p>1/ Shaqaalaha waxaa laga dalban karaa inuu shaqeeyo maalin nasasho ah keliya hadii ay lagama maarmaan u tahay in laga hortago khatar saameyn ku yeelan karta shaqada caadiga ah ee shirkada markii:-</p> <p>b) Shil dhaco ama laga cabsi qabo inuu dhici karo;</p>

<p>b) Force majeure;</p> <p>c) Urgent work to be done.</p> <p>2/ Without prejudice to the provisions of Article 68 (1)(c) of this Proclamation, a worker who, by virtue of the provisions of this Chapter, works on a weekly rest day, shall be entitled to a compensatory rest period. However, he shall be compensated in the form of cash if his contract of employment is terminated before he utilized the compensatory rest period.</p>	<p>t) Masiibo dabiici ah ah ay dhacdo taasoo ka baxsan awooda shirkada;</p> <p>j) Shaqo deg-deg ah la qabanayo;</p> <p>2/ Iyadoo aan waxba loo dhimeynin xaaladaha Qodobka 68 (1) (j) ee Bayaankan, shaqaalaha shaqo qabto maalin nasasho ah, hab waafaqsan sababaha lagu xusan cutubkan, waa inuu helo maalin kale oo nasasho ah, hase yeeshee, waa in magdhow lacag ahaan ah loogu badelo hadii laga baxo heshiiska shaqaaleyntiisa kahor intuuusan helin mudadii kale ee nasashada loo siiyay</p>
<p style="text-align: center;">72. Application</p> <p>The provision soft of this chapter shall not apply to commercial travelers or commercial representatives.</p>	<p style="text-align: center;">72. Dhaqan Gal</p> <p>Xaaladaha cutubkan eek u saabsan nasashada shqaalaha, dhaqan gal kuma noqonayaan ergooyinka ganacsiga ama wakiilada ganacsiga</p>
<p style="text-align: center;">CHAPTER THREE PUBLIC HOLIDAYS</p> <p style="text-align: center;">73. General</p> <p>Public holidays observed under the relevant law shall be paid Public Holiday</p>	<p style="text-align: center;">CUTUBKA SADEXAAD CIIDAHA DADWEYNAHA</p> <p style="text-align: center;">73. Guud ahaan</p> <p>Ciidaha Dadweynaha ee lagu xusay sharciga khuseeya, waa inay noqdaan kuwo fasax ah oo shaqaaluhu mushaar leeyihiin</p>
<p style="text-align: center;">74. Non-Reduction of Wages for Public Holidays</p> <p>1/ A worker who is paid on a monthly basis shall incur no reduction of his wages on account of having not worked on a Public Holidays.</p> <p>2/ The payment of wages on a Public Holiday to a worker other than workers mentioned under Sub-Article (1) of this Article shall be determined by his contract of employment or collective agreement.</p>	<p style="text-align: center;">2. Ciidaha Dadweyne ee aan Mushaarka laga Jaraynin</p> <p>1/ Shaqaalaha mushaarka ku qaata hanaanka bilaha ah, loogama jari karo mushaarkiisa sabab la xidhiidha inuuna shaqeynin maalin ciid dadweyne ah</p> <p>2/ Mushaar bixinta ciidaha dadweynaha ee shaqaalaha ka baxsan kuwa lagu xusay Qodob-hoosaadka (1) ee Qodobkan, waa in lagu go'aamiyaa heshiiska shaqaaleynta ama heshiiska guud dhexdiisa</p>
<p style="text-align: center;">75. Payment for Working on Public Holidays</p> <p>1) A worker shall be paid his hourly wages multiplied by two for each hour of work on a public holiday.</p>	<p style="text-align: center;">74. Gunnada Shaqada La Qabto Ciidaha Dadweynaha</p> <p>1/ Shaqaalaha waa in la siiyaa gunno u dhiganta mushaarka saacadihiisa shaqo oo lagu dhuftay labbo saacad kasta oo shaqo la qabto maalin ciid dadweyne ah</p>

<p>2) Where a public holiday coincides with another public holiday or falls on a rest day designated by law, a worker shall be entitled to only one public holiday payment for working on such a day</p>	<p>2/ Marka ciida dadweynaha ay isku soo beegmaan maalin kale oo ciid dadweyne ah ama maalin nasasho ah oo sharcigu xeeriyey, shaqaaluhu wuxuu xaq u yeelanayaa gunnada hal ciid ah hadii uu shaqeeyo</p>
<p style="text-align: center;">PART FIVE LEAVE CHAPTER ONE ANNUAL LEAVE</p> <p style="text-align: center;">76. General</p> <p>1/ An agreement by a worker to waive in any manner his right to annual leave shall be null and void.</p> <p>2/ Unless otherwise provided in this Proclamation, it is prohibited to pay wages in lieu of the annual leave</p>	<p>QEYBTA SHANAAD FASAXA CUTUBKA KOOBAAD FASAX-SANADEEDKA</p> <p style="text-align: center;">75. Guud ahaan</p> <p>1/ Heshiiska uu shaqaaluhu kaga tanasulayo xuquuqdiisa fasax-sanadeedka, sabab kasta haku timaadee, waa mid aan waxba ka jirin</p> <p>2/ Hadii aan si ka duwan loogu xusin Bayaankan dhexdiisa, waxaa reeban in fasax-sanadeedka shaqaalaha loogu badelo mushaar ama gunno kale</p>
<p style="text-align: center;">77. Amount of Annual Leave</p> <p>1/ A worker pursuant to this Article shall be entitled to uninterrupted annual leave with pay. Such leave shall in no case be less than:</p> <p>a) Sixteen (16) working days for the first year of service;</p> <p>b) Sixteen (16) working days plus one working day for every additional two years' service.</p> <p>2/ The wage a worker receives during his annual leave shall be equal to what he would have received if he had continued to work.</p> <p>3/ For purpose of determining the qualifying period of service required for the entitlement of an annual leave, 26 days of service in an undertaking shall be deemed to be equivalent to one month of employment.</p> <p>4/ A worker whose contract of employment is terminated pursuant to this Proclamation shall be entitled to his pay for the leave he has not taken.</p> <p>5/ Where the length of service of a worker is below one year, the worker shall be entitled to an annual leave proportional to the length of his service.</p>	<p style="text-align: center;">76. Cadadka Fasax-sanadeedka</p> <p>1/ Hab waafaqsan Qodobkan, waa inuu shaqaaluhu u helaa fasax-sanadeed xidhiidh ah oo mushaar leh, waana inuusan fasaxani marnaba ka yaraanin:-</p> <p>b) Lix iyo toban cisho oo maalmo shaqo ah, sanadka ugu horeeya shaqaaleyntiisa;</p> <p>t) Lix iyo toban cisho oo maalmo shaqo ah oo lagu daray hal maalin oo kale labbadii sanno kasta ee uu sii shaqeeyo</p> <p>2/ Mushaarka uu helayo shaqaaluhu mudada uu fasax-sanadeedka ku gudo jiro, waa inuu noqdaa mid la mid ah mushaarkii uu qaadan lahaa haduu shaqada ku jiri lahaa</p> <p>3/ Marka la go'aaminayo mudada shaqo ee shaqaalaha, si uu u muteysto fasax-sanadeed, 26 maalmood oo shaqada shirkadu, waxay u dhigmayaan hal bil oo shaqo ah</p> <p>4/ Shaqaalaha loo tirtiray/looga baxay heshiiska shaqaaleyntiisa hab waafaqsan Bayaankan, wuxuu xaq u yeelanayaa in la siiyo gunno u dhiganta fasax-sanadeedkiisii uusan qaadanin</p> <p>5/ Marka mudada uu shaqeynayo shaqaaluhu, ay ka hooseeyso hal sanno, wuxuu xaq u yeelanayaa fasax-sanadeed u dhigma mudada uu shaqeynayo</p>

<p style="text-align: center;">78. Granting of Leave</p> <p>1/ A worker shall be granted his first annual leave after one year of service and his next and subsequent annual leave in the course of each calendar year.</p> <p>2/ An employer shall grant a worker his leave in accordance with a leave schedule in the course of the calendar year in which it becomes due.</p> <p>3/ The leave schedule referred to in Sub-Article (2) of this Article shall be drawn up by the employer with due regard as far as possible to:</p> <p>a) the interest of the worker; and</p> <p>b) the need for maintaining the normal operation of the undertaking.</p>	<p>3. Bixinta Fasaxa</p> <p>1/ Shaqaalaha waa in lasiiyaa fasax-sanadeedkiisa ugu horeeya kadib hal sano markuu shaqeeyo, iyadoo fasax-sanadeedkiisa ku xigana la siinayo xilliga uu muteysto ee sanad kasta.</p> <p>2/ Loo-shaqeeyuhu waa inuu shaqaalaha siiyaa fasax-sanadeedka iyadoo laga duulayo jadwalka fasaxa markuu gaadho wakhtigii uu xaqa u lahaa in la siiyo.</p> <p>3/ Jadwalka fasaxa ee lagu xusay Qodob-hoosaadka (2) ee Qodobkan, waa inuu Loo-shaqeeyuhu u diyaariyaa sida ugu suurto galsan oo taxadar ku jiro iyadoo la tixgelinayo:-</p> <p>b) Danta Shaqaalaha; iyo</p> <p>t) Baahida loo qabo u socodka caadiga ah ee shaqada shirkada</p>
<p style="text-align: center;">79. Dividing and Postponing Annual Leave</p> <p>1/ Notwithstanding the provisions of Article 77(1) of this Proclamation, if a worker requests and the employer agrees, his leave may be granted in two parts.</p> <p>2/ Annual leave may be postponed when the worker requests and the employer agrees.</p> <p>3/ An employer may, for reasons dictated by operational requirements of the undertaking, postpone the leave of a worker.</p> <p>4/ Any leave postponed in accordance with Sub-Articles (2) and (3) of this Article shall not be postponed for more than two years.</p> <p>5/ Where a worker on annual leave falls sick and required medical treatment as inpatient, his annual leave shall be suspended and his sick leave pursuant to Articles 85 and 86 of this Proclamation shall commence.</p>	<p style="text-align: center;">4. Kala-qeybinta iyo Dib u dhigida Fasax-Sanadeedka</p> <p>1/ Iyadoo aan wax tixgelin ah la siinaynin, xaaladaha ku xusan Qodobka 77 (1) ee Bayaankan, hadii uu shaqaaluhu codsado, kadibna Loo-shaqeeyuhu ogolaado, fasax-sanadeedkiisa waxaa loo qeybin karaa labba qeybood oo midba uu xilli gaar ah qaato</p> <p>2/ Fasax-sanadeedka dib ayaa loo dhigi karaa hadii uu codsado shaqaaluhu, uuna ogolaado Loo-shaqeeyuhu</p> <p>3/ Loo-shaqeeyuhu, sababo la xidhiidha hawlaha shirkada dartood, ayuu dib ugu dhigi karaa fasax-sanadeedka shaqaalaha</p> <p>4/ Fasax kasta oo dib loogu dhigay hab waafaqsan Qodob-hoosaadka (2) ama (3) ee Qodobkan, waa inaan dib looga sii dhigin mudo ka badan labba sanadood</p> <p>5/ Marka shaqaale ku guda jira fasax-sanadeedkiisa uu xanuunsado una baahdo daaweyn uu bukaan jiiif noqonayo, waa in fasax-sanadeedkiisa la hakiyaa/joojiyaa, loona bilaabaa fasaxa xanuunka hab waafaqsan Qodobada 85 iyo 86 ee Bayaankan</p>

<p>80. Recalling of Worker on Leave</p> <p>1/ A worker on annual leave may be recalled only where unforeseencircumstances required his presence at his job duties.</p> <p>2/ A worker who is recalled from leave shall be entitled to a payment covering the remainder of his leave excluding the time lost for the trip.</p> <p>3/ The employer shall cover the transport expenses and per-diem incurred by the worker as a direct consequence of his being recalled.</p>	<p>80. U Yeedhida Shaqaale Fasax ku Jira</p> <p>1/ Shaqaalaha ku guda jira fasax-sanadeedkiisa, waxaa dib loogu yeedhi karaa oo keliya markii ay duruufo aan horey loo fileynin qasab ka dhigaan ku sugnaanshaha booskiisa Shaqada</p> <p>2/ Shaqaalaha fasaxa looga yeedhay wuxuu xaq u yeelanayaa gunno loogu badelayo mudadii fasaxa uga hadhsaneyd oo aysan ku jirin wakhtiga uu safarka soo noqoshada ku gudo jiro</p> <p>3/ Loo-shaqeeyuhu waa inuu bixiyaa kharashyada socdaalka iyo habeen-dhaxa shaqaalaha fasaxa ku jirey ee dib loogu yeedhay</p>
<p style="text-align: center;">CHAPTER TWO SPECIAL LEAVES</p> <p style="text-align: center;">81. Leave for family events</p> <p>1/ A worker shall be entitled to leave with pay for three working days where;</p> <p>a) He concludes marriage; or</p> <p>b) His spouse, descendants, ascendants, brother, sister, uncle, aunt relative whether by consanguinity or affinity dies entitled 3 working days leave with pay.</p> <p>2/ A male employee shall be entitled to three consecutive days paternity leave with full pay</p> <p>3/ A worker shall be entitled to leave without pay for up to five consecutive days in the case of exceptional and serious events. However, such leave may be granted only twice in a budget year.</p>	<p style="text-align: center;">CUTUBKA LABAAD FASAXYADA GAARKA AH</p> <p style="text-align: center;">81. Fasaxa Xaaladaha Qoyska</p> <p>1/ Shaqaaluhu wuxuu xaq u leeyahay fasax mushaar leh oo gaadhaya saddex cisho oo maalomo shaqo ah markuu:-</p> <p>b) Guursanayo; ama</p> <p>t) Xaaskiisa, caruurtiisa, waalidkii, walaalkii, walaashii, adeer/abti, eedo/habaryar, qaraabadiisa dhinaca xidika ama xigtada ah uu geeriyoodo</p> <p>2/ Shaqaalaha labka ah wuxuu xaq u leeyahay saddex cisho oo maalmo shaqo oo isku xiga xilliga dhalmada xaaskiisa isagoo mushaar helaya</p> <p>3/ Shaqaaluhu wuxuu xaq u leeyahay fasax aan mushaar laheyn oo gaadhaya illaa shan maalmood oo isku xiga, markey lasoo dersaan arrimo gaar ah oo cul-culus, hase yeeshee, fasaxa noocan oo kale ah waxaa shaqaalaha la siin karaa oo keliya labba jeer halkii sanad miisaaniyadeedba</p>
<p style="text-align: center;">82. Union Leave</p> <p>Trade union leaders shall be entitled to leave with pay for the purpose of presenting cases in labour disputes, negotiating collective agreements, attending union meetings, participating in seminars or training courses. The manner of granting such leave may be determined by collective agreement.</p>	<p style="text-align: center;">82. Fasaxa Arrimaha Ururka Shaqaalaha</p> <p>Masuuliyiinta ururada shaqaluhu waxay xaq u leeyihiin fasax mushaar leh markay ka qeyb galayaan dacwado la xidhiidha khilaafyada shaqada iyo shaqaalaha, wada-xaajoodyada heshiiska guud, shirarka, siminaarada ama tababarada arrimaha ururrada ku saabsan, iyadoo habka loo bixinayo fasaxyada noocan ah lagu go'aaminayo heshiiska guud dhexdiisa</p>

<p style="text-align: center;">83. Leave for special purpose</p> <p>1/ A worker who appears at hearings before bodies competent to hear labour disputes or to enforce labour laws shall be granted leave with pay only for the time utilized for the said purpose.</p> <p>2/ A worker shall be granted leave with pay for the purpose of exercising his voting rights or discharging his obligation as a witness before judicial or quasi-judicial organs.</p> <p>3/ The manner in which educational or training leave is to be granted and the form and extent of the financial assistance to be provided may be determined in a collective agreement or work rules</p>	<p style="text-align: center;">83. Fasaxa Loo Qaadanayo Ujeedo Gaar ah</p> <p>1/ Shaqaalaha ka qeyb galaya geedi-socodka dhageysiga dacwad ay fullinayso hay'ad u awood leh dhegeysiga dacwadaha shaqaalaha ama dhaqan gelinta sharciyada arrimaha shaqaalaha, waa in la siiyaa fasax mushaar leh oo ku kooban keliya mudada dhegeysigaas</p> <p>2/Shaqaalaha waa in la siiyaa fasax mushaar leh, markuu fullinayo xuquuqdiisa codeynta doorashooyinka ama uu gudanayo waajibaadkiisa markhaatinemo looga baahan yahay hay'adaha garsoorka ama kuwa awood-garsoor kale la siiyay</p> <p>3/ Habka loo bixinayo fasaxyada waxbarashada ama tababarada iyo qaabka iyo cadadka taageerada maaliyadeed ee ay tahay in lasiiyo, waxaa lagu go'aaminayaa heshiiska guud dhexdiisa ama xeerarka shaqada</p>
<p style="text-align: center;">84. Notification</p> <p>A worker wishing to take leave in accordance with the provisions of this Chapter shall notify the employer in advance and present the necessary supporting evidence whenever the employer requests him.</p>	<p style="text-align: center;">84. Wargellin</p> <p>Shaqaalaha doonaya inuu qaato fasax hab waafaqsan Qodobada Cutubkan, waa inuu Loo-Shaqaalaha kusii wargeliyaa mudo kahor isla markaana uu soo gudbiyaa cadeymaha taageeraya ee lagama maarmaanka ah, mar kasta oo uu ka codsato Loo-shaqeeyuhu</p>
<p style="text-align: center;">CHAPTER THREE SICK LEAVE</p> <p style="text-align: center;">85. Duration of Leave</p> <p>1/ Where a worker, after having completed his probation, is rendered incapable of working due to sickness other than employment injury, he shall be entitled to a sick leave.</p> <p>2/ The leave referred to in Sub-Article (1) of this Article shall, in no case, be more than six months counted consecutively or separately in the course of any twelve months' period starting from the first day of his sickness.</p> <p>3/ Where a worker absents himself from work due to sickness, he shall, except where the employer is in a position to be aware of the sickness or it is impractical, notify the employer on the day following his absence.</p> <p>4/ Without prejudice to stipulations in collective</p>	<p style="text-align: center;">CUTUBKA SADDEXAAD FASAXA XANUUNKA</p> <p style="text-align: center;">85. Mudada Fasaxa</p> <p>1/ Marka shaqaale dhameystay mudadii tijaabada, uu awoodi waayo inuu shaqeeyo, sabab xanuun oo ka baxsan dhaawac kusoo gaadhey shaqada, wuxuu xaq u yeelanayaa fasaxa xanuunka lagu bixiyo</p> <p>2/ Fasaxalagu xusay Qodob-hoosaadka (1) ee Qodobkan, waa inuusan ka badnaan lix bilood oo xidhiidh ah ama goos-goos ah, inta lagu gudo jiro mudada labbo iyo toban bilood ah, laga bilaabo maalinta ugu horeysa xanuunkiisa</p> <p>3/ Marka shaqaaluhu uu shaqada kaga maqnaanayo xanuun dartii, waa inuu kusoo wargeliyaa Loo-Shaqaalaha, maalinta ku xigta maqnaanshihiisa xanuunka la xidhiidha, marka laga reebo xaalad ay tahay inuu ohaa xanuunka ama ayna muhiim aheyn</p>

<p>agreement or work rules, a worker shall be entitled to sick leave up on presenting a valid medical certificate issued by a duly recognized medical facility.</p>	<p>la wargeliyo Loo-Shaqaalaha</p> <p>4/ Iyadoo aan waxba loo dhimeynin shuruudaha ku xusan heshiiska guud ama xeerarka shaqada, shaqaaluhu wuxuu xaq u yeelanayaa fasaxa xanuunka, markuu keeno cadeyn caafimaad oo ay bixisay xarun caafimaad oo la aqoonsan yahay</p>
<p style="text-align: center;">86. Payment</p> <p>The period of sick leave provided for in Article 85 shall be granted to a worker in the following manner:</p> <p>1/ For the first one month, with payment of 100% of his wages;</p> <p>2/ For the next two months, with payment of 50% of his wage;</p> <p>3/ For the next three months, without pay.</p>	<p style="text-align: center;">86. Mushahaarada</p> <p>Inta lagu gudo jiro Mudada fasaxa xanuunka eek u xusan Qodobka 85, waa in shaqaalaha loo siiyaa mushaarkiisa habkan soo socda:-</p> <p>1/ Bisha ugu horeysa ee fasaxa xanuunka, 100% mushaarkiisa;</p> <p>2/ Labbada Bilood ee ku xiga Fasaxa xanuunka 50% mushaarkiisa;</p> <p>3/ Saddexda bilood ee kusii xiga fasaxa xanuunka, mushaar la'aan</p>
<p style="text-align: center;">PART SIX WORKING CONDITIONS OF WOMEN AND YOUNG WORKERS CHAPTER ONE WORKING CONDITIONS OF WOMEN</p>	<p style="text-align: center;">QEYBTA LIXAAD XAALADAHA SHAQO EE HAWEENKA IYO SHAQAALAHA DA' YARTA AH CUTUBKA KOOBAAD XAALADAHA SHAQO EE HAWEENKA</p>
<p style="text-align: center;">87. General</p> <p>1/ Women shall not be discriminated against in all respects on the basis of their sex.</p> <p>2/ Without prejudice to the generality of Sub-Article (1) of this Article, priority shall be given to women if they get equal result with men when competing for employment, promotion or any other benefit.</p> <p>3/ It is prohibited to assign women on works that may be listed by the Ministry to be particularly dangerous to women or hazardous to their health.</p> <p>4/ No pregnant woman shall be assigned to night work between 10 p.m. and 6 a.m. or be assigned on overtime work.</p> <p>5/ She shall be transferred to another place of</p>	<p style="text-align: center;">87. Guud ahaan</p> <p>1/ Haweenka waa inaan lagula kicin midad-takoor ku saleysan jinsigooda dumarnimo nooc kasta oo uu yahayba</p> <p>2/ Iyadoo aan waxba loo dhimeynin xaalada guud eek u xusan Qodob-hoosaadka (1) ee Qodobkan, waa in haweenka mudnaanta lasiiyaa hadii ay keenaan natiijo la mid ah mida raga, marka lagu tartarmayo shaqaaleyn, dalacsiin ama faa'iido kasta oo kale</p> <p>3/ Waxaa reeban in haweenka loo xilsaaro shaqooyinka ay Wasaaradu u aqoonsatey inay si gaar ah khatar ugu yihiin haweenka ama halis gelin kara caafimoodkooda</p> <p>4/ Haweenka uurka leh looma xilsaari karo shaqo habeen la qabanayo inta u dhaxeysa 10:00 p.m iyo 6:00 a.m ama shaqo wakhti dheeri ah la qabanayo</p> <p>5/ Waa in haweenka loo wareejiyaa goob shaqo oo</p>

<p>work if her job is hazardous to her health or to the fetus as ascertained by a physician.</p> <p>6/ An employer shall not terminate the contract of employment of women during her pregnancy and until four months after her confinement.</p> <p>7/ Notwithstanding the provisions of Sub-Article (6) of this Article, contract of employment may be terminated for reasons stipulated under Article 27 (b-k) and Article 29 (3) but not related pregnancy and delivery</p>	<p>kale, hadii goobtan ama shaqadeedu ay khatar ku keenayso caafimaadkeeda ama caafimaadka ilmaha caloosha ku jira, markuu xaqiijiyo dhakhtar</p> <p>6/ Loo-shaqeeyuhu ma tirtiri karo kamana bixi karo heshiiska shaqaaleynta haweenka mudada ay ku gudo jiraan xaalada uurka iyo afarta bilood ee ka danbeysa dhalmadeeda</p> <p>7/ Iyadoo aan wax tixgelin ah la siinaynin, xaaladaha lagu xusay Qodob-hoosaadka (6) ee Qodobkan, heshiiska shaqaaleynta waa lagaga bixi karaa sababaha lagu xeeriyay Qodobka 27 (t-dh) iyo Qodobka 29 (3), laakiin aan la xidhiidhin xaalada uurka iyo dhalmada</p>
<p style="text-align: center;">88. Maternity Leave</p> <p>1/ An employer shall grant leave to a pregnant worker with pay, for medical examination connected with her pregnancy, provided, however, that she may be required to present a medical certificate of her examination.</p> <p>2/ A pregnant worker shall, upon the recommendation of a physician, be entitled to a leave with pay.</p> <p>3/ A pregnant worker shall be granted a period of 30 consecutive days of leave with pay of pre-natal leave and a period of 90 consecutive days of leave post- natal.</p> <p>4/ Where a pregnant worker does not deliver within the 30 working days of her pre-natal leave, she is entitled to an additional leave until her confinement in accordance with Sub-Article (2) of this Article. However, if birth takes place before the expiry of the pre-natal leave, the 90 working days of post-natal leave shall commence.</p> <p>5/ on any pregnant worker certified her giving up pregnancy by physician shall not be implemented Article 86 provision of leave with out pay.</p>	<p style="text-align: center;">88. Fasaxa Dhalmada</p> <p>1/ Loo-shaqeeyuhu, waa inuu haweenka uurka leh ee shaqaalaha ah siiyaa fasax mushaar leh, markey u baahan yihiin baadhitaan caafimaad oo la xidhiidha xaalada uurkeeda, hase yeeshee, waxaa looga baahan yahay inay keenaan cadeyn caafimaad ee baadhitaankeeda</p> <p>2/ Haweenka uurka leh ee shaqaalaha ah, waxay xaq u leeyihiin fasax mushaar leh, markuu dhakhtarku ku tallo bixiyo in shaqada laga fasaxo</p> <p>3/ Haweenka uurka leh ee shaqaalaha ah, waxaa la siinayaa fasax mushaar leh oo dhan 30 maalmood oo xidhiidh ah kahor xilliga dhalmada iyo 90 maalmood oo xidhiidh ah dhalmada kadib</p> <p>4/ Marka haweenayda uurka leh ku umuli weydo fasaxa mudada 30 maalmood ah ee ka horeysa xilliga dhalmada, waxay xaq u yeelanaysaa fasax kale oo dheeraad ah illaa inta ay ka umulayso, hab waafaqsan Qodob-hoosaadka (2) ee Qodobkan, hase yeeshee, hadii ay ku umusho intuusan dhamaanin fasaxa dhalmada ka horeeya dhexdiisa, waxaa u bilaabanaya fasaxa dhalmada ka danbeeya ee 90 maalmood ah</p> <p>5/ Haweenka uurka leh ee shaqaalaha ah, markuu ilmuhu kasoo dhaco isla markaana uu dhakhtarku cadeeyo xaaladaas, waa inaan lagu dabakhin xaalada ku xusan Qodobka 86 ee fasaxa aan mushaarka laheyn</p>

<p style="text-align: center;">CHAPTER TWO WORKING CONDITIONS OF YOUNG WORKERS</p>	<p style="text-align: center;">CUTUBKA LABAAD XAALADAH SHAQO EE SHAQAALAHA DA' YARTA AH</p>
<p style="text-align: center;">89. General</p> <p>1/ For the purpose of this Proclamation, “young worker” means a natural person who has attained the age of 15 but is below the age of 18 years.</p> <p>2/ It is prohibited to employ a person less than 15 years of age.</p> <p>3/ It is prohibited to assign young workers on work, which on account of its nature or due to the condition in which it is carried out endangers their lives or health.</p> <p>4/ The Ministry may prescribe the list of activities prohibited for young workers which shall include in particular:</p> <p>a) Work in the transport of passengers and goods by road, railway, air and internal water ways, dock sides and ware houses involving heavy weight lifting, pulling or pushing or any other related type of labour;</p> <p>b) Work connected with electric power generation plants, transformers or transmission lines;</p> <p>c) Underground work such as mines and quarries;</p> <p>d) Work in sewers and tunnel excavation.</p> <p>5/ The provision of Sub-Article (4) of this Article shall not apply to work performed by young workers in fulfillment of course requirements in vocational schools that are approved and inspected by the Competent Authority.</p>	<p style="text-align: center;">89. Guud ahaan</p> <p>1/ Ujeedada Bayaankan, “Shaqaalaha Da’ yarta ah” waxaa loola jeedaa qof bini’aadam ah oo gaadhay da’da 15 laakiin ka yar da’da 18 sanno</p> <p>2/ Waxaa reeban in la shaqaaleysto qof da’ diisu ka hooseyso 15 sanno</p> <p>3/ Waxaa reeban in shaqaalaha da’ yarta ah loo xilsaaro shaqo debcigeedu ama xaalada lagu shaqeynayo darteed, khatar gelinaysa noloshooda ama caafimaadkooda</p> <p>4/ Wasaaradu, waxay soo saareysaa liiska shaqooyinka ka reeban shaqaalaha da’ yarta ah inay ka shaqeeyaan, kuwaasoo ay ku jiraan, gaar ahaan:-</p> <p>b) Gaadiidka rakaabta dadweynaha ama alaabta qaada ee dhulka, xadiidka, cirka, marinada biyaha, dekedaha iyo bakhaarada ay tahay in la qaado culeys baaxad leh, riixida ama jiidida ama shaqo kasta oo kale oo la mid ah</p> <p>t) Shaqo la xidhiidha quwada korontada, goobaha laga qeybiyo ama laga kala gudbiyo xadhkaha iyo aaladaha kale ee quwada korontada</p> <p>j) Shaqada dhulka hoostiisa laga shaqeynayo sida qodista macdanaha iyo waxyaalaha la midka ah</p> <p>x) Shaqada biyo mareenada iyo qodista kanaalada</p> <p>5/ Xaaladaha ku xusan Qodob-hoosaadka (4) ee Qodobkan, dhaqan gal kuma noqoneyso shaqada ay qabanayaan shaqaalaha da’ yarta ah iyagoo gudanaya shuruudaha looga baahan yahay dugsiyada tababarada ee ay aqoonsan tahay isla markaana dabagal ku sameyso wakaalada ay khuseyso</p>
<p>90. Limits of Hours of Work</p> <p>Normal hours of work for young workers shall not</p>	<p style="text-align: center;">90. Xadka Saacadaha Shaqada</p> <p>Saacadaha shaqada caadiga ah ee ay qabanayaan</p>

exceeds seven hours a day.	shaqaalaha da' yarta ah, waa inayna ka badnaan todoba saacadood maalintiiba
<p align="center">91. Night and Overtime Work</p> <p>It is prohibited to assign young workers on:</p> <p>1/ Night work between 10 p.m. and 6 a.m.;</p> <p>2/ Over time work;</p> <p>3/ Work done on weekly rest days; or</p> <p>4/ Work done on Public Holidays</p>	<p align="center">91. Shaqada Habeenka iyo Mida Wakhtiga Dheeriga ah</p> <p>Waxaa reeban in shaqaalaha da' yarta ah loo xilsaaro:-</p> <p>1/ Shaqo habeen la qabanyo inta u dhaxeysa 10:00 p.m iyo 6:00 a.m</p> <p>2/ Shaqada wakhtiga dheeriga ah la qabanayo</p> <p>3/ Shaqo la qabanayo maalmaha nasashada todobaadka; ama</p> <p>4/ Shaqo la qabanayo maalmaha ciidaha dadweynaha</p>
<p>PART SEVEN OCCUPATIONAL SAFETY AND HEALTH AND WORKING ENVIRONMENT CHAPTER ONE PREVENTIVE MEASURES</p>	<p>QEYBTA TODOBAAD BADBAADADA IYO CAAFIMAADKA SHAQO IYO JAWIGA SHAQADA CUTUBKA KOOBAAD TALLABOYINKA KAHORTAGA AH</p>
<p align="center">92. Obligations of an Employer</p> <p>An employer shall take the necessary measure to safe guard adequately the health and safety of workers; it shall in particular:</p> <p>1/ Comply with the occupational health and safety requirements provided for in this Proclamation.</p> <p>2/ Take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupations; and assign safety officer; and establish an occupational health and safety committee.</p> <p>3/ Provide workers with protective equipment, clothing and other materials and instruct them of their use.</p> <p>4/ Register employment accidents and occupational diseases and report same to the labour inspection service.</p> <p>5/ Arrange, according to the nature of the work, at his own expense for the medical examination of</p>	<p align="center">92. Waajibaadka Loo-Shaqaalaha</p> <p>Loo-shaqeeyuhu waa inuu qaadaa talaabooyinka lagama maarmaanka u ah eek u haboon ilaalinta caafimaadka iyo badbaadada shaqaalaha oo ay ka mid yihiin, gaar ahaan:-</p> <p>1/ U hogaansamida shuruudaha badbaadada iyo caafimaadka shaqada ee lagu xusay Bayaankan</p> <p>2/ Qaadista talaabooyin ku haboon xaqiijinta, in shaqalaha la siiyay tilmaamaha saxda ah laguna wargeliyay khataraha ay leeyihiin shaqooyinkoodu, iyadoo loo xilsaarayo sargaal badbaadada ka shaqeeya isla markaana la dhisayo Guddiga Arrimaha Badbaadada iyo Caafimaadka</p> <p>3/ In shaqaalaha la siiyay qalabka, dharka iyo agabyada kale ee kahortaga, loona tilmaamay isticmaalkooda</p> <p>4/ Diiwaan gelinta shilalka iyo xanuunada shaqada la xidhiidha iyo in lagu wargeliyo dhacdooyinka addeega dabagalka shaqaalaha</p> <p>5/ Diyaarinta baadhitaano caafimaad, iyadoo laga duulayo debciga shaqada, lana baadhayo shaqaalaha cusub ee la shaqaaleeyay iyo</p>

<p>newly employed workers and for those workers engaged in hazardous work, as may be necessary with the exception of HIV/AIDS Unless and otherwise the country has obligation of international treaty to do so.</p> <p>6/ Ensure that the work place and premises of the undertaking do not pose threats to the health and safety of workers</p> <p>7/ Take appropriate precautions to ensure that all the processes of work in the undertaking shall not be a source or cause of physical, chemical, biological, ergonomic and psychological hazards to the health and safety of the workers.</p> <p>8/ implement the instructions given by the Competent Authority in accordance with this Proclamation.</p>	<p>shaqaalaha haya shaqooyinka halista badan isla markaana uu kharashyada baadhitaanka bixinayo Loo-shaqeeyuhu, marka laga reebo xaalada HIV/AIDS-ka, hadii aan si ka duwan, dalka waajib u saareynin heshiis heer caalami ah oo uu galay</p> <p>6/ Hubinta in goobta shaqada iyo dhismayaasha shirkadu aysan halis ku keenaynin caafimaadka iyo badbaadada shaqaalaha</p> <p>7/ Sameynta taxadarka ku haboon xaqijinta in dhamaan geedi-socodyada shaqo ee shirkada gudaheeda ka socda ayna ahayn ama sababi karin khatar jidheed, kiimiko, bayoliji, maskaxeed iyo muuqaal ahaanba wax u dhimaya caafimaadka iyo badbaadada Shaqaalaha</p> <p>8/ Dhaqan gelinta tilmaamaha iyo hab-raacyada ay bixiso wakaalada ku shaqada leh hab waafaqsan Bayaankan.</p>
<p style="text-align: center;">93. Obligations of Worker</p> <p>Any worker shall:</p> <p>1/ Co-operate in the formulation of work rules to safeguard the workers' health and safety, and implement same;</p> <p>2/ Inform forthwith to the employer any defect related to the appliances used and incidents of injury to health and safety of workers that he is aware of in the undertaking;</p> <p>3/ Report to the employer any situation which he may have reason to believe could present a hazard and which he cannot prevent on his own, and any incident of injury to health which arises in the course of or in connection with work;</p> <p>4/ Make proper use of all safety devices and other appliances furnished for the protection of his health and safety or for the protection of the health and safety of others;</p> <p>5/ Observe all health and safety instructions issued by the employer or by the Competent Authority.</p>	<p style="text-align: center;">93. Waajibaadka Shaqaalaha</p> <p>Shaqaaale kasta waa inuu:-</p> <p>1/ Wada-shaqeyn ama taageero ka geystaa diyaarinta xeerarka shaqada si loo ilaaliyo caafimaadka iyo badbaadada shaqaalaha isla markaana uu ku dhaqmo</p> <p>2/ Sida ugu dhaskhsaha badan ku wargeliyaa Loo-Shaqaalaha wixii cilad ah ee uu ku arko qalabka shaqada iyo dhacdooyinka dhaawaca ama dhibaataada caafimaad iyo badbaadada ee shaqaalaha soo gaadha, markuu ku dhex arko shirkada gudaheeda</p> <p>3/ Warbixin ka siiyo Loo-Shaqaalaha xaalad kasta oo uu aaminsan yahay inay dhibaato caafimaad ama badqab keeni karto ee uusan isagu kahortagi karin, ama dhacdo kasta oo dhaawac shaqo keeni karta</p> <p>4/ Si haboon u isticmaalo dhamaan qalabka badbaadada iyo agabyada kale ee loo siiyay ilaalinta caafimaadkiisa iyo badbaadadiisa iyo mida shaqaalaha kale</p> <p>5/ Ku dhaqmo dhamaan tilmaamaha caafimaadka iyo badbaadada ee uu soo saaro Loo-shqeeyuhu ama wakaalada ku shaqada leh</p>

<p style="text-align: center;">94. Prohibited Acts</p> <p>Now worker shall:</p> <p>1/ Interfere with, remove, displace, damage or destroy any safety devices or other appliances furnished for his protection or the protection of others; or</p> <p>2/ Obstruct any method or process adopted with a view to minimizing occupational hazard.</p>	<p style="text-align: center;">94. Ficiilada Reeban</p> <p>Shaqaaluhu waa inuusan:-</p> <p>1/ Faragelinin, goobta ka qaadin, barabixinin, dhaawac u geysanin ama burburinin, qalabka badbaadada iyo agabyada kale ee loo siiyay badbaadada iyo kahortaga waxyeelada shaqada ka dhalan karta; ama</p> <p>2/ Hor-istaag ku sameynin ama dhayalsanin hanaan kasta ama geedi-socod kasta oo loo dejiyay inuu yareeyo ama kahortago khataraha shaqada ka iman kara</p>
<p style="text-align: center;">CHAPTER TWO OCCUPATIONAL INJURIES SECTION ONE LIABILITY</p>	<p style="text-align: center;">CUTUBKA LABAAD DHAWACYADA SHAQADA KA SOO GAADHA QAYB-HOOSAADKA KOOBAAD MASUULIYADA U QOLAANAANTA</p>
<p style="text-align: center;">95. General</p> <p>1/ For the purpose of this Proclamation, “occupational injury” means an employment accident or occupational disease.</p> <p>2/ Subject to the provisions of the relevant pension law, the provisions of this Chapter shall apply where an employment injury is sustained by a worker during or in connection with the performance of his work.</p>	<p style="text-align: center;">95. Guud ahaan</p> <p>1/ Ula jeedada bayaankani “ Dhawacyada Ka Soo Gaadha Shaqada ” waxaa loola jeeddaShilka ama Xanuunada lagu qaado shaqada dhexdeeda.</p> <p>2/ Iyadoo loo hogaansamayo qodobada ku haboon ee xeerka hawlgabka, waxaa dhaqangal ku noqonayaa qodobada cutubkani haddii shaqaalaha oo gudanayaa shaqadiisa ama xaalado la xidhiidha ay shqada ay ku soo gaadho dhawaaca jidheed.</p>
<p style="text-align: center;">96. Liability Irrespective of Fault</p> <p>1/ The employer shall be liable, irrespective of fault, for employment injuries sustained by his worker and such liability shall be determined in accordance with, the provisions of this Chapter.</p> <p>2/ The employer shall not be liable for any injury intentionally caused by the worker upon himself. In particular, any injury resulting from the following acts shall be deemed to be intentionally caused by the worker:</p> <p>a) Non-observance of express safety instructions</p>	<p style="text-align: center;">96. Masuuliyada uu qolaanaanta ee aan khalaad ku xidhneyn</p> <p>1/ Loo shaqeeyuhu wuxuu masuul ka yahay noockasta oo dhawaac /waxyeelo ka soo gaadhay shaqaalahiisa shaqada xaata haddii loo shaqeeyuhu una wax khalaad ah lahayn, Masuuliyadaas uu qolaanaantana waxaa lagu jaango’yn hab waafaqsan qodobada cutubkani.</p> <p>2/ Loo shaqeeyuhu uma qolaana oo masuul kama noqonayo waxyeelo/dhawaackasta oo ku yimaada khalaad ku talagal ah oo u ku kacay shaqaaluhu, gaar ahaan waxyeelada ama dhawaaxa ka dhasha ficillada hoos ku cad waxaa loo aqoonsan dhawaac qofka shaqaalaha ahii uu si khalaad ah oo ku talagal ah uu iskii isku soo gaadhsiiyay:-</p>

<p>given by the employer or the provisions of accident prevention rules; or</p> <p>b) Reporting to work in a state of intoxication caused by taking alcoholic beverage or drug that prevents him from properly regulating his body or understanding.</p> <p>3/ The provisions of Sub-Article (1) of this Article shall not affect the right of a worker to claim damages in accordance with the relevant law where an occupational injury is a result of fault on the part of the employer.</p>	<p>b). u hogaansanaan la'aanta tilmaamaha qeexan ee badbaadada shaqada ee uu siiyay loo shaqeeyuhu ama haddii u uku xadgudbo nidaamyada u yaala ka hortaga iyo xakameeynta shilaalka.ama</p> <p>t). Haddii la ogaado inu shaqada soo galay isaga oo isticmaalay maandooriye dhaxaalsiiyay marxaalad una jidhkiisa ama maankiisa ku xakameeyn Karin;</p> <p>3/ arrimaha ku cad farqada (1) ee qodobkani waxba uma dhimayaan xaqa shaqaaluhu uu leeyahay inay hab waafaqsan shuruucda ku haboon ay ku dalbadan magdhaw haddii waxyeelada dhawaaca shaqada ku soo gaadhay ay keentay sababo la xidhiidha khalaad uu leeyahay loo shaqeeyuhu.</p>
<p>97. Occupational Accident</p> <p>For the purpose of this Proclamation “occupational accident” means any organic injury or functional disorder sustained by a worker as a result of any cause extraneous to the injured worker or any effort he makes during or in connection with the performance of his work and includes:</p> <p>1/ Any injury sustained by a worker while carrying out his employer's order, even away from the work place or outside his normal hours of work;</p> <p>2/ Any injury sustained by a worker before or after his work or during any interruption of work provided that he is present in the workplace or the premises of the undertaking by reason of his duties;</p> <p>3/ Any injury sustained by a worker while he is travelling to or from a place of work in a transport service provided by the undertaking which is available for the common use of its workers or in a vehicle hired expressly destined by the undertaking for the same purpose;</p> <p>4/ Any injury sustained by a worker as a result</p>	<p>97. Dhawaca ka soo gaadha Shaqada</p> <p>Ula jeedada bayaankani” Dhaawaca ka soo gaadha Shaqada “ waxaa loola jeedda dhawaackasta oo si lama filaan ah u soo gaadha qaybo ka mid ah dhaqdhaqaaqa dabiciga ah ee unugyada shaqaalekasta oo ku hawlan gudashada wajibaadkiisa shaqo ama xaalado la xidhiidha shaqadiisa ku soo gaadha asbaabo ka baxsan khalaad issaaga u gaar ah ama dadaal uu ugu jiro fulinta wajibaadkiisa shaqo awgeed, ku soo gaadhay oo ay ka mid yihiin kuwa hoos ku cad:</p> <p>1/ dhawackasta oo shaqaalaha soo gaadhay isagoo fulinayaa amar u siiyay loo shaqeeyuhu , xaata isagoo jooga goob ka baxsan xarunta rasmiga ee shaqada ama xilli ka baxsan sacadihiisa caadiga ee shaqada;</p> <p>2/ dhawackasta oo shaqaalaha soo gaadhay ka hor inta una shaqada imaan ama shaqda kadib ana xilli ayna shaqadu socoon lakiin shirkadu sabaabo la xidhiidha wajibaadkiisa shaqo awgeed, ku sugan goobtiisa shaqo ama xarunta ay ku taalo shirkada u ka shaqeeyo.</p> <p>3/ dhawackasta oo shaqaalaha soo gaadhay isagoo ku socda ama ka yimiday goobta shaqo oo saran gadiidka loogu talagalay inu shaqaalaha shirkada u siiyo adeeg gadiid ama gaadhi loo kireeyay oo si cad ay shirkadu ugu talagashay isla ula jeedadani saran.</p> <p>4/ dhawackasta oo shaqaalaha oo gudaanayaa shaqadiisa ku soo gaadha sababo la xidhiidha ficil u sameeyay loo shaqeeyuhu ama dhinac sadeexaad</p>

<p>of an action of the employer or a third party during the performance of his work</p>	<p>.</p>
<p style="text-align: center;">98. Occupational Disease</p> <p>1/ For the purpose of this Proclamation an “occupational disease” means any disorder:</p> <p>a) The type of work performed by the worker; or</p> <p>b) pathological condition whether caused by physical, chemical or biological agents which arise as consequence of the surroundings in which the worker is obliged to work during a certain period prior to the date when the diseases become evident.</p> <p>2/ Occupational disease shall not include endemic or epidemic diseases which are prevalent and being contracted in the area where the work is done, except in the case of workers exclusively engaged in combating such diseases by reason of their occupation.</p> <p>3/ The Ministry shall, in consultation with the concerned authority, issue directives which contain schedules listing diseases to be of occupational origin. The said schedule shall be revised at least every five years.</p> <p>4/ The occurrence of any of the diseases listed in the relevant schedule to any worker having been engaged in anyone of the corresponding types of work specified therein, shall by itself, constitute sufficient proof of the occupational nature of the disease.</p> <p>5/ Notwithstanding Sub-Article (4) of this Article, any proof shall be admitted to establish the occupational origin of a disease not listed in the relevant schedule and of diseases listed when they manifest themselves under conditions different from those establishing a presumption of their occupational nature.</p> <p>6/ In the absence of proof to the contrary, any</p>	<p style="text-align: center;">98.Xanuunada lagu qaado sababo la xidhiidha Shaqada</p> <p>1/ Ula jeedada bayaankani “ Xanuunada lagu qaado sababo la xidhiidha Shaqada” waxaa loola jeedaa noockasta oo xanuun ah oo ay sababtay :-.</p> <p>b) nooca shaqada u qabtay shaqaaluhu; ama</p> <p>t). caafimaaad daro soo gaadha xaalada caafimaad ee shaqaalaha ay sababtay bi’adda goobta shaqo ee uu shaqaaluhu ka shaqeeynayo kaasi muddo cayiman gudaheedka hor maalinka xanuunku ku dhacay ay ka dhaceen waxyaabaha socda, kimikaada ah ama noolaha biogolokalka ah oo ka dhasheen caafimaad daro.</p> <p>2/ Xanuunada lagu qaado sababo la xidhiidha Shaqada kuma jiraan xanuunada Faafa ama la is qabadsiiyo ee ka jira degaanka uu ka shaqeeynayo shaqaaluhu. Marka laga reebo shaqaalaha ay shaqadoodu tahay dabargo’ynta iyo la dagaalanka cudurada.</p> <p>3/ Wasaarada oo la tashanaysa hay’addaha iyo qaybaha dawladda ee ay khuseeyso waxay soo saari awaamiir faah-faahsan oo xambaarsan liiska cudurada loo aqoonsanyahay inay yihiin Xanuunada lagu qaado sababo la xidhiidha Shaqada. Shaxda Liiska ama magacyada cudurada ugu yaraan shanti sanoba mar ayaa dib uu habeeyn lagu sameeyn.</p> <p>4/ Dhicitaanka cudurkasta oo ka mid ah xanuunada lagu qeexay shaxda ku haboon ee liiska cudurada oo asiiba shaqaalekasta oo ku hawlana noockasta oo ka mid ah shaqooyinka ku cad shaxda liiska cudurada iyo shaqooyinka laga qaado, waxay cadayn buuxda uu noqon in xanuunku yahay mid shaqada laga qaaday.</p> <p>5/ Iyadoo ay jiraan arrimaha lagu xeeryay farqada (4) ee qodobkani, waxaa la ayiidsan yahay oo la aqbaali karaa cadaymaha ka turjumayaa in xanuunka aan ku jirin liiska shaxda cudurada laga qaado shaqada u yahay xanuun laga qaadi karo shaqada.</p>

<p>disease which occurs frequently only to persons employed in certain occupations shall be presumed to be of an occupational origin where the worker suffering from such a disease was engaged in such occupation and the existence of the disease is ascertained by a medical practitioner.</p> <p>7/ The date on which an occupational disease became evident, which is. the first date on which the worker became incapacitated or the date of the first medical diagnosis of the disease or the date of the injured worker’s death, shall be considered as the date on which an occupational disease contracted.</p> <p>8/ Where a worker after being cured from an occupational disease listed in the relevant schedule, re-contracts the disease as a result of his being engaged in anyone of the corresponding work specified in the said list, it shall be presumed that he has contracted afresh occupational disease</p>	<p>6/ Haddii ayna jirin cadaymo arrintaas lagu burinayo, xanuunkasta oo badaana ku dhaca shakhsiyaad kooban oo ka shaqeeyaa shaqooyin cayimaan waxaa loo aqoonsan inay yihiin xanuuno la xidhiidha shaqada hadii la cadeeyo in shaqaalaha noocani ah ee xanuunku ku soo noq-noqda uu ka shaqeeyo isla shaqadas islamarkaana dhakhtarku xaqiijiyo/cadeeyo jiritaanka xanuunkaas.</p> <p>7/ Waxaa maalinta la qaday Xanuunada lagu qaado sababo la xidhiidha Shaqada loo aqoonsan Maalinta xanuunka u ku dhacay oo ah laga bilaabo maalinta la ogaado xanuunka laga qaado shaqada oo ah maalinta koobaad ee shaqaaluhu waayo awooda fulinta shaqada ama maalinta ugu horeeysa ee dhakhtarku jiritaanka xanuunka baadhitaan ku xaqiijiyo ama maalinka u geeriyoodo shaqaalaha xanuunku uu asiibay,</p> <p>8/ marka shaqaalaha laga daaweeyay ama uu ka boogsaday xanuunka u ka qaaday shaqada ee ka mid ah cudurrada laga qaado shaqada ee ku cad shaxda ku haboon, haddii marlabaad u shaqaalahaasi u qaado ama u ku dhaco isla xanuunkaasi oo ka soo gaadhay qabashada shaqo ka mid ah shaqooyinka lagu qeexay shaxda, waxaa laga soo qaadi ama loo aqoonsan inu qaaday ama ku dhacay xanuun cusub oo shaqada la xidhiidha.</p>
<p style="text-align: center;">SECTION TWO DEGREE OF DISABLEMENT</p> <p style="text-align: center;">99. General</p> <p>1/ "Occupational disablement" means any employment injury as a consequence of which there is a decrease or loss of capacity to work.</p> <p>2/ Disablement shall have the following effects:</p> <p>a) Temporary disablement;</p> <p>b) Permanent partial disablement;</p> <p>c) permanent total disablement; and</p> <p>d) Death.</p>	<p style="text-align: center;">QAYB HOOSAADKA LABAD HEERKA LAXAAD LA'AANTA</p> <p style="text-align: center;">99.Guud ahaan</p> <p>1/ “Waxyeelada Jidheed/Laxaad La’aanta” waxaa loola jeedaa waxyeelada ka soo gaadha shaqada ee wiiqaysa ama ad ku waaydo guud ahaan ama qayb ahaan Awoodda lagu shaqeysan karo.</p> <p>2/ Waxyeelada Jidheed/Laxaad La’aantu” waxay noqon kartaa mid horseeda waxyeelada ama saamaynta hoos ku cad:-</p> <p>b) Laxaad la’aanta muddada gaaban;</p> <p>t) Laxaad la’aan qayb ahaan ah oo daa’im ah;</p> <p>j) Laxaad la’aan dhamaystiraan oo daa’im ah”</p> <p>x) Geeri/dhimasho.</p>

<p>100. Temporary Disablement</p> <p>Temporary disablement results from the reduction, for a limited period of time, of the worker's capacity for work partially or totally</p>	<p>100. Laxaad la'aanta Jidheed ee Muddada Gaaban</p> <p>Laxaad la'aanta Jidheed ee Muddada Gaaban waa waayidda muddo cayiman guud ahaan ama qayb ahaan Awoodda lagu shaqeysan karo.</p>
<p>101. Permanent Partial or Total Disablement</p> <p>1/ "Permanent partialdisablement" means incurable e m p l o y m e n t injury decreasing the injured worker's capacity.</p> <p>2/ "Permanent total disablement" means incurable employment injury which prevents the injured worker from engaging in any kind of gainful work.</p> <p>3/ Injuries which, although not resulting in incapacity for work, cause serious mutilation or disfigurement of the injured person shall, for the purpose of compensation and other benefits, be considered as permanent partial disablement.</p>	<p>101.Laxaad La"Aan Qayb Ahaan Ama Dhamay-Stiraan Ee Daa"Im Ah</p> <p>1/ "Laxaad la"aan qayb ahaan daa"im ah" waxaa loola jeedda Waxyeelada ama dhawaacu soo gaadha shaqaalaha marka dhawaacasi yahay mid wiiqaysa Awoodda lagu shaqeysan karo oo aan wax daawo ah loo heli Karin.</p> <p>2/ "Laxaad la"aanta dhamays-tiraan ee daa"im ah" waxaa loola jeedaa shaqaalahaay shaqada ka soo gaadhay Laxaad la"aan dhamaystiraan oo daa"im ah taasi oo ka hor istaagaysa inuu qabto noockasta oo shaqo mushaahar leh ama wax soo Saar dhaqaale.</p> <p>3/ Dhaawacyada aan keenayn in shaqaaluhu wax shaqo ah qaban kari waayo mustaqbalka laakiin sababa in la gooyo ama kala dhantaalo xubnihiisa muhiimka ah ama muqalkiisa waxaa laga soo qaadi Laxaad la"aan qayb ahaan daa"im ah, marka la go"aaminayo bixinta Xuquuqaha magdhawga</p>
<p>102. Assessment of Disablement</p> <p>1/ The degree of permanent total or partial disablement shall be fixed in accordance with the assessment table of disablement prescribed by directives issued by the Ministry.</p> <p>2/ The degree of disablement shall be assessed by a medical board in accordance with the assessment table provided for in Sub Article (1) of this Article. The Board shall, as far as it is possible, determine the extent of the degree of disablement within twelve months from the date of injury.</p> <p>3/ Assessment of disablement may be reviewed in accordance with Sub- Articles (1) and (2) of this Article where the worker's condition deteriorates or improves or is wrongly</p>	<p>102. Hanaanka Qiimaynta Heerka Laxaad La'aanta</p> <p>1/ Heerka laxaad la'aanta dhamay-stiraan ee daa"im ah ama qayb ahaan daa"im ah waxaa lagu jaango'yn hab waafaqsan shaxda qiimaynta laxaad la'aanta ee ku cad awaamiirta ay wasaaradu soo saartay.</p> <p>2/ Heerka laxaad la'aanta waxaa qiimayn guddiga caafimaadka oo raacayaa shaxda hanaanka qiimaynta ee lagu sheegay farqada (1) ee qodobkani. Guddigu ilaa xadka suurtoogalka waxay ku go'aamin heerkalaxaad la'aanta laga bilaabo maalinta dhawaacu soo gaadhay muddo laba iyo toban bilood gudahood ah.</p> <p>3/ Qiimaynta heerka dhawaaca ama laxaad la'aanta waxaa dib uu eggis loogu sameeyn hab waafaqsan farqada (1) iyo (2) ee qodobkani , haddii xaalada caafimaad ee shaqaaluhu ka sii dartay ama ay soo</p>

<p>diagnosed:</p> <p>a) On the initiation of the relevant authority; or</p> <p>b) Up on the request of the concerned worker or employer the issue may be revised pursuant to Sub-Articles (1) and (2) of this Article.</p> <p>4/ Where the result of the review so warrants, the rights of the worker to a disablement benefit shall be recognized or withdrawn or that the rate payable shall be increased or reduced, as the case may be.</p> <p>5/ Where a worker who has suffered an employment injury sustains additional employment injury, his disablement shall be reassessed in light of his new circumstances.</p>	<p>fiicnaato ama baadhitaanka lagu sameeyay una sax ahayn ayaa dib loo qiimayn marka:-</p> <p>b) marka ay ku talo-bixiso cidda ku haboon ee ay khuseeyso; ama</p> <p>t) u codsado shaqaalaha ama loo shaqeeyaha ay khuseeyso ayaa arrinta hab waafaqsan farqada (1) iyo (2) ee qodobkani arrinta lagu sameeyn kara dib u eegis.</p> <p>4/ Marka natiijada dib u eegista iyo dib u qiimaynta ee lagu sameeyo heerka laxaad la'aantu sax noqoto waxaa la ogoolaan ama la joojin ama la kordhin ama hoos loo dhigi, iyadoo hadba la eegayo xaalada, xaqa iyo xuquuqaha shaqaalaha ee magdhawga iyo fa'iidooyinka lagu mutaysto laxaad la'aanta;</p> <p>5/ Marka shaqaalihii uu soo gaadhay dhawaac la xidhiidha shaqadu uu marlabaad shaqada ka soo gaadho dhawaac kale, waxaa dib loo qiimayn heerka laxaad la'aantiisa iyadoo laga duulayo xaalada dhawaaca cusub ee soo gaadhay.</p>
<p style="text-align: center;">CHAPTER THREE BENEFITS IN THE CASE OF EMPLOYMENT INJURIES SECTION ONE GENERAL</p>	<p style="text-align: center;"><u>CUTUBKA SADEEXAAD LACAGAHA LAGU MUTAYSTO DHAWACYADA KA SOO GAADHA SHAQADA QAYB HOOSAADKA KOOBAAD GUUD AHAAN</u></p>
<p>103. Payment and Responsibility to Pay</p> <p>Injury benefits shall be paid in accordance with the provisions of this Chapter</p>	<p>103. Lacagta Magdhawga Ah Iyo Wajibaadka Bixineed</p> <p>Lacagta magdhawga ah waxaa lagu bixin hab waafaqsan qodobada cutubkani.</p>
<p>104. Special Obligation</p> <p>1/ An employer shall have to discharge the following obligations:</p> <p>a) To provide the injured with first aid in time;</p> <p>b) To take the injured by an appropriate means of transport to the nearest medical facility;</p> <p>c) To notify the occurrence of occupational injury to the relevant organ.</p>	<p>104. Wajibaadyada gaarka ah</p> <p>1/ Loo shaqeeyekasta waxay masuuliyadii ka saarantahay fulinta waajibaadyada hoos ku cad:</p> <p>b) inu qofka dhawacmay uu sida ugu dhakhsaha badan uu gaadhsiiyo/siiyo adeega daryeelka deg-degga;</p> <p>t) inu qofka dhawaacmay adeega gadiid ee ku haboon ku gaadhsiiyo goobta ugu dhaaw ee uu ka jiro adeeg caafimaad ama daaweeyn;</p>

<p>2/ The employer shall have the obligation to cover the funeral expenses specified under Article 110 (1) (b) of this Proclamation.</p>	<p>j) inu hay'addaha ay khuseeyso u uku wargaliyo jiritaanka ama dhicitaanka dhawaac ama Waxyeelada ka dhalaatay Shaqada;</p> <p>2/ Loo shaqeeyahay waxaa ku waajib ah bixinta kharaashaadka aaska ee lagu xeeriyay /ku cad qodobka 110 (1), (b) ee bayaankani.</p>
<p style="text-align: center;">SECTION TWO MEDICAL SERVICES</p> <p style="text-align: center;">105. Types of medical services</p> <p>Where a worker sustains employment injury, the employer shall cover the following medical service expenses:</p> <p>1/ General and specialized medical and surgical care;</p> <p>2/ Hospital and pharmaceutical care;</p> <p>3/ Any necessary prosthetic or orthopedic appliances</p>	<p style="text-align: center;"><u>QAYB-HOOSAADKA LABAD</u> <u>ADEEGYADA DAAWEYNTA</u></p> <p style="text-align: center;">105.Noocyada Adeegyada Daaweynta</p> <p>Shaqaalekasta oo dhawaac ka soo gaadhay shaqada kharaashaadka ku baaxaya adeegyada daaweynta ee hoos ku cad waxaa bixinayaa oo ay ku wajbeen loo shaqeeyaha:-</p> <p>1/ kharaashadka Daaweynta caafimaadka guud,iyo midka takhakuuska gaarka iyo Qaliinada kala duwan.</p> <p>2/ kharaashaadka Cusbitaalka iyo daawooyinka,</p> <p>3/ kharaashaadka Qaybaha samayska ah ee loo geliyo qofka waaya xubno jidhkiisa kamid ah ama qaliinada la xidhiidha isku xidhka lafaha iyo muruqyada.</p>
<p style="text-align: center;">106. Duration of medical services</p> <p>Medical services Provide for injury shall be withdrawn in accordance with the decision of a Medical Board</p>	<p style="text-align: center;">106. Mudada Adeega Daaweynta</p> <p>Adeega daaweynta ee la siinayo shaqaalaha u shaqada dhawaac ka soo gaadhay waxaa lagu joojin karaa iyadoo la raacayo hab waafaqsan go'aanka boordhiga daaweynta.</p>
<p style="text-align: center;">SECTION THREE VARIOUS KINDS OF CASH BENEFITS</p> <p style="text-align: center;">107. General</p> <p>1/ A work who has sustained employment injury shall be titled to:</p> <p>a) Periodical payment while he is temporarily disabled;</p> <p>b) Disablement pension or gratuity or compensation where he sustains permanent disablement;</p> <p>c) Dependents' pension or gratuity or compensation to his dependent where he dies.</p> <p>2/ Periodical payment may be withheld where a worker who has claimed or is receiving same:</p>	<p style="text-align: center;"><u>Qayb-Hoosaadka Sadeexaad</u> <u>Noocyada Kala Duwan Ee Lacagaha</u> <u>Cadaanka Ah</u></p> <p style="text-align: center;">107. Guud Ahaan</p> <p>1/ shaqaale kasta oo dhawaac ka soo gaadhay shaqadu wuxuu yeelan xuquuqahani:-</p> <p>b) lacago wakhti leh ah oo la siiyo ilaa u si rasmi ah uga bogsanayo laxaad la'aanta ku meelgaadhka ah ee soo gaadhay;</p> <p>t) haddii u soo gaadhay laxaad la'aan dhamaystiraan oo daa'im ah waxaa hawlagabka ama magdhawga;</p> <p>j) haddii u geeriyooday dhaxlaayaashiisu waxay xaq u yeelan inay helaan gunada waxaa hawlagabka ama magdhaw hal mar ah;</p> <p>2/ Qof kasta oo shaqaale ah oo sheeganayaa ama qadaanayay lacagaha wakhti leh ah waxaa lagu</p>

<p>a) Refuses or ignores to submit himself to medical examination or in any way intentionally obstructs or unnecessarily delays such examination;</p> <p>b) he has in a manner calculated to delay his recovery; or</p> <p>c) Violates the directives issued by the competent appropriate organ for the behavior of injured workers.</p> <p>3/ As soon as the circumstances that occasioned the suspension ceases, the periodical payment shall recommence; provided, however, that there shall be no entitlement to back pay for the period of suspension.</p>	<p>xayiri ama joojin kara siyaabahani:-</p> <p>b) haddii u baadhista caafimaad diiday, dhayaalsaday ama u si ula kac ah u carqaladeeyayama sabaab la'aan u daahiyay baadhista;</p> <p>t) haddii u ku sifoobo hab dhaqan guraacan oo loola gol-leeyahay in dib loogu riixo mudada u ku boogsan lahaa; ama</p> <p>j) Haddii u ku xadgudubo awaamiirta hay'adda awooda u leh u soo saartay hab dhaqanka shaqaalaha dhawac u shaqada ku soo gaadhay.</p> <p>3/ Isla marka ay Meesha ka baxdo sabaabihii keenay joojinta iyo xayiraada bixinta lacagaha wakhtilaha ah waxaa dib loo bilaabi bixinta lacagahas. Habase ahaate, shaqaalahas xaq uma yelanayo in la siiyo lacagihii ka joogsaday mudadii xayiraadu saarneyd.</p>
<p style="text-align: center;">108. Periodical Payment</p> <p>1/ The employer shall pay the periodical payment referred to in Article 107 (1) (a) of this Proclamation for a period not exceeding one year.</p> <p>2/ The periodical payments referred to in Sub-Article (1) of this Article shall be at the rate of full wage of the worker's previous average yearly wages during the first three months following the date of injury, not less than 75% of the worker previous average yearly wages during the next three months and not less than 50% of his previous average yearly wages for the remaining six months.</p> <p>3/ Periodical payments shall cease whichever of the following takes place first:</p> <p>a) When the worker is medically certified to be no longer disabled;</p> <p>b) On the day the worker becomes entitled to disablement pension or gratuity;</p> <p>c) Twelve months from the date the worker ceased to work.</p>	<p style="text-align: center;">108. lacagaha lagu bixiyo qaab wakhtiyaysan</p> <p>1/ lacagaha wakhtiyaysan ee lagu xeeriyay xarafka (b) ee farqada (1) ee qodobka 107 Lacagaha Loo shaqeeyuhu wuxuu bixin muddo aan ka badneyn hal sano.</p> <p>2/ Cadadka lacagaha lagu bixinayo hab waafaqsan farqada (1) ee qodobkani laga bilaabo maalinta u dhawac soo gaadhay shaqaalaha sadeexda bilood ee ugu horeeyaa waxaa siin mushaaharkiisii oo dhan, sadeexda bilood ee ku xigaana waxaa la siin mushaaharkii shaqaaluhu qaadan jiray dhawaca ka hor boqolkiiba 75%, halka lixda bilood ee xigaana la siin doono mushaahar dhan boqolkiiba 50% mushaaharkii u qaadan jiray hadda ka hor.</p> <p>3/ Lacagaha lagu bixiyo qaab wakhtiyaysan waxay joogsan laga bilaabo maalinta ay dhacaan marxaaladaha hoos ku xusan midkood:-</p> <p>b) marka u dhakhtar cadeeyo in shaqaaluhu ka boogsaday dhawaca laxaadka ku meelgaadhka ah ee soo gaadhay;</p> <p>t) laga bilaabo maalinta shaqaaluhu xaq u yeesho helitaanka dhawaaca hawlgabka ama magdhawga duduubka ah;</p> <p>j) marka shaqaaluhu shaqada ka maqanyahay muddo sanad ah.</p>

<p style="text-align: center;">109. Disablement Payments</p> <p>1/ Unless otherwise provided by a Collective Agreement, disablement benefits payable to workers of an undertaking Covered by this Proclamation shall be in accordance with the applicable pension scheme or insurance scheme. Where the undertaking doesn't arrange an insurance scheme, the relevant pension scheme shall be applied.</p> <p>2/ Notwithstanding the provisions of Sub-Article (1) of this Article, the disablement benefit covered by an insurance scheme shall in no case be less than the amount prescribed under Sub-Article (4) of this Article.</p> <p>3/ An employer shall pay a lump sum of disablement benefit to workers who are not covered by pension law.</p> <p>4/ The amount of the disablement benefit to be paid by the employer shall be:</p> <p>a) where the injury sustained by the worker is permanent total disablement, a sum equal to five times his annual wages;</p> <p>b) where the injury sustained by the worker is below permanent total disablement a sum proportionate to the degree of disablement shall be calculated on the basis of the compensation provided for by Sub-Article 4 (a).</p> <p>5/ Where an apprentice sustains disablement his disablement benefit shall be calculated by reference to the wages which he would probably have been receiving as a qualified worker after the completion of his apprenticeship.</p>	<p style="text-align: center;">109. Lacagaha Magdhawga Laxaad La'aanta/Dhawaaca</p> <p>1/ Haddii aan heeshiiska wadareedka aan si kale oo ka duwan loogu go'aamin mooyee, cadadka magdhawga ah ee la siinayo shaqaalaha shirkadaha shaqaalahopda lagu maamulo bayaankani wuxuu noqon mid waafaqsan cadadka caymiska u galay loo shaqeeyuhu ama xeerka hawlgabka.</p> <p>Iyadoo ay sidiida tahay fieqada (1) ee Qodobkan,, lacagta laxaad la'aanta caymiska ku jirtaa waa in aanay sinaba uga yaraan cadadku ku xusan firqada (4) ee Qodobkan</p> <p>3/ Magdhawga laxaad la'aanta ee shaqaalaha aan lagu maamulin xeerka hawlgabka wuxuu noqon mid hal mar la wada bixiyo.</p> <p>4/ Cadadka magdhawga laxaad la'aanta ee uu bixinayo loo shaqeeyuhu wuxuu noqon sida hoos ku cad:-</p> <p>b) marka uu dhaawaca soo gaaro qofka shaqaalaha ahi uu yahay laxaad la'aan dhamaystiraan oo daa'im ah, cadad u dhigma shan jeer mushahar sanadeedkiisii ah;</p> <p>t) marka dhaawaca soo gaadhay shaqaaluhu uu ka hooseeyo laxaad la'aan dhamaystiraan oo daa'im ah, cadadka magdhawgu wuxuu noqon mid waafaqsan cadadka magadhawga lagu tilmaamay farqada 4(b) ee qodobkani oo loo saleeyo cel-celiska heerka laxaad la'aanta;</p> <p>5/ Cadadka magdhawga ee la siinayo shaqaalaha ku jiray tababarka ardaynimada waxaa lagu saleeyn iyadoo laga duulayo cadadka mushaahar ee u heli lahaa marka u dhamaysto tababar ee u noqdo shaqaale buuxa oo u qalma shaqada.</p>
<p style="text-align: center;">110. Dependents' Benefits</p> <p>1/ Where a worker or an apprentice dies as a result of an employment injury, the following benefits shall be payable to dependes:</p> <p>a) Dependents' compensation in accordance with</p>	<p style="text-align: center;">110. Lacagaha La Siyo Ku Tiirsanayaasha</p> <p>1/ Shaqaalekasta ama shaqaalaha ku tababarka ku jiray oo geeriyooday sabaabo la xidhiidha dhawaac shaqada ku soo gaadhay awgeed, waxaa dadkii ka ku tiirsana marxuunka la siin lacagaha hoos ku cad:-</p> <p>b) magdhawga ku tiirsanayaasha ee siyaabaha ku</p>

<p>the provisions of Sub-Articles (2) and (3) of this Article; and</p> <p>b) Unless the amount stipulated by the provisions of a collective agreement or work rules is higher, payment for funeral expenses shall be in no case less than two month wages of the worker.</p> <p>2/ The following shall be considered as dependents:</p> <p>a) The widow or widower;</p> <p>b) Children of the deceased who are under 18 years old; and</p> <p>c) Any parent who was being supported by the deceased.</p> <p>3) The amount of the dependents' benefit for workers not covered by the pension scheme, shall be a sum equal to five times the annual salary of the deceased and shall be paid by the employer in lump sum in accordance with the following proportion:</p> <p>a) 50% for the widow or widower;</p> <p>b) 10% each for the deceased's children who are below the age of 18 years old;</p> <p>c) 10% each for the deceased's parents who were being supported by him.</p> <p>4/ If the total of dependents' benefit calculated in accordance with Sub-Article (3) of this Article is in excess of 100% of the total amount to be apportioned, the amount of compensation for each dependent shall, without affecting the share of the widow or widower, be proportionately reduced to 100%. If the total amount of dependents' compensation is less than 100% of the total amount to be apportioned, the amount of compensation of each dependent shall be proportionately increased to make it 100%.</p>	<p>farqada (2) iyo (3) ee qodobkani lagu siinayo magdhawga ku tiirsanayaasha; iyo</p> <p>t) haddii cadadka lacageed ee lagu xeeriyay qodobada heehiiska wadareed ama xeerarka shaqadu aanu ka sareeyn kharaadka ku baxayaa aaska oo aan sinaba uga yareyn mushaaharka laba bilood ee shaqaalaha;</p> <p>2/ Dadka loo yaqaano ku tiirsanayeesha marxuunka shaqaalaha ah waa kuwa hoos ku cad:-</p> <p>b) xaaska murxuunka;</p> <p>t) caruurta ka hadhay marxuunka ee aan qaangaadhin (18 sano);</p> <p>j) waalidka ku tiirsanaa marxuunka;</p> <p>3/ cadadka magdhawga ee loo shaqeeyuhu siinayo ku tiirsanayaasha shaqaalaha aan u dhaqangal ku ahayn xeerka hawl-gabka iyadoo ah wadarta mushaahar- sanadeedka marxuunka oo lagu dhuftay boqolkiiba shan, la siinayo qaybaha ku cad farqada (2) ee qodobkan:-</p> <p>b) xaaska/sayga marxuunka 50%;</p> <p>t) caruurta ka hadhay marxuunka ee aan qaangaadhin qaangaadhin, midwalba 10%;</p> <p>j) Waalidka ku tiirsanaa marxuunka midwalba boqolkiiba 10%. ayuu hal mar loo shaqeeyuhu siinayaa.</p> <p>4/ Haddii wadarta magdhawga ee ku tiirsanayaasha marxuunka marka loo xisaabiyo hab waafaqsan Qodobka-hoosaadka (3) ee qodobkan ay ka badan tahay boqolkiiba 100% wadarta guud ee cadadka loo qoondeeyay, cadadka magdhawga ee ku tiirsana kasta iyada oo aan saamayn ku yeelaneyn saamiga xaaska, ayaa inta ka dhiman 100% loo qaybin kuwa kale. Sidoo kale, Haddii wadarta cadadka guud ee magdhawga ku tiirsanayaashu ka yar yahay 100% , cadadka soo hadahay waxaa loo qaybin ku tiirsanayaasha marxuunka.</p>
<p style="text-align: center;">111. Burden of Proof</p> <p>The benefits referred to in Article 110 of this Proclamation shall not be payable where the worker dies after twelve months from the date of</p>	<p style="text-align: center;">111. Wajibaadka Soo Cadaynta</p> <p>Shaqaalaha u shaqada ka soo gaadhay dhawac ee geeriyooda 12 bilood kadib markii uu soo gaadhay dhawacu, haddii aan la xaqiijin/la cadayn in</p>

<p>the injury unless it is proved that the injury was the main cause of his death.</p>	<p>dhawaacii shaqada ka soo gaadhay u ugu weeynyahay waxyaabaha sabaabay dhimashiisa mooyaane, lama bixinayo xaqa magdhawga ee lagu qeexay qodobka 110 ee bayaankan eela siiyo dadka ku tiirsanayaasha.</p>
<p style="text-align: center;">112. Benefits not Taxable</p> <p>1/ The benefits payable in accordance with the provisions of this Section shall be exempted from income tax.</p> <p>2/ The benefits payable under the provisions of this Section shall not be assigned, attached or deducted by way of set off</p>	<p style="text-align: center;">112. Lacagaha Aan La Cashuurin</p> <p>1/ Lacagta ama kharaashaadkasta lagu bixinayo hab waafaqsan Qodobada qaybtani lagama jarayo wax cashuur ah.</p> <p>2/ Lacagta ama kharaashaadkasta lagu bixinayo hab waafaqsan Qodobada qaybtani looma gosan karo Qaan qaab isku tuur ah ama looma wareejin karo qaanlayaasha.</p>
<p style="text-align: center;">PART EIGHT COLLECTIVE RELATIONS CHAPTER ONE TRADE UNIONS AND EMPLOYERS’ ASSOCIATIONS</p>	<p style="text-align: center;">QAYBTA SIDEEEDAD <u>XIDHIIDHYADA WADAREED</u> <u>CUTUBKA KOOBAAD</u> <u>URURADA SHAQAALAHAIYO LOO</u> <u>SHAQEYAYAASHA</u></p>
<p style="text-align: center;">113. The Right To Form Associations</p> <p>1/ Workers and employers shall have the right to establish and organize Trade Unions or employers’ associations, respectively, and actively participate there in:</p> <p>2/ In this Proclamation:</p> <p>a) “Trade Union” means an association formed by workers;</p> <p>b) “Employers Association” means an association established by employers;</p> <p>c) “Federation” means an organization established by more than one trade unions or employers’ associations;</p> <p>d) “Confederation” means an organization established by more than one trade union federations or employer’s federations.</p>	<p style="text-align: center;">113.Xuquuqda Asaasida Ururo</p> <p>1/ Xubnaha shaqaalaha iyo loo shaqeeyayaashu iyagoo ka duulayaa xaalooda gaarka waxay xaq u leeyihiin inay asaastaan, islamarkaana isku abaabulan ka qaybqaadashada ururada shaqaalaha iyo loo shaqeeyayaasha.</p> <p>2/ Bayaankani dhexdiisa:</p> <p>b) “ururka shaqaalaha” waxaa loola jeedda ururka ay wadajir uu asaasteen shaqaaluhu;</p> <p>t) “ururada loo shaqeeyayaasha” waxaa loola jeedda uruur ay si wada jir ah u asaastaan loo shaqeeyayaashu;</p> <p>j) “Fadhareeshin” waxaa loola jeedda ururka ay ku midoobeen ugu yaraan labo uruur iyo wax ka badan oo ah ururada loo shaqeeyayaasha ama shaqaalaha;</p> <p>x) “kofadheereshin” waxaa loola jeedda isbaahaysi ay ku midoobeen ugu yaraan labo iyo wax ka badan ee Fadhareeshinada shaqaalaha ama loo shaqeeyayaashu.</p>
<p style="text-align: center;">114. Formation of Associations</p> <p>1/ A trade union may be established in an undertaking where the number of workers is ten or more; provided, however, that the number of members of the union shall not be less than ten.</p>	<p style="text-align: center;">114. Hanaanka Dhismaha Ururada</p> <p>1/ Ururka shaqaalaha waxaa laga asaasi karaa shirkad ay ka shaqeeyaan ugu yaraan shaqaale tiradoodu ayna ka yareeyn toban xubnood iyo in ka badan. Haseyeeshee, xubnaha ururka shaqaaluhu</p>

<p>2/ workers who work in different undertakings but in similar activities which have less than ten workers may form a general trade union, provided, however, that the number of the members of the union shall not be less than ten.</p> <p>3/ Trade unions may jointly form Trade Union federation and federations may jointly form Trade Union confederations as well.</p> <p>4/ Employers' associations may jointly form employers' federation and employer's federations may jointly form employers' confederation as well.</p> <p>5/ No trade union or employers' association may form a confederation without forming Trade Union or Employers' Federations.</p> <p>6/ Any Federation or Confederation of trade unions or employers' associations may join international organizations of trade unions or employers.</p> <p>7/ No worker may belong to more than one trade union at any given time for the same employment. Where this provision is not observed, the latest membership shall prevail; and where the formalities of membership were simultaneous, all of them shall be without effect.</p> <p>8/ Notwithstanding Sub-Article (4) of this Article, any employer may join an established employers' Federation</p>	<p>kama yaaran karo toban xubnood.</p> <p>2/ Shaqaale ka shaqeeya shirkado kala duwan lakiin leh ujeeddo midaysan ama shaqooyin isku mid ah kuwaas oo tiradoodu ka yartahay toban xubnood waxay si wadajir ah u sameeysan karaan uruur guud. Habase, ahaatee, tiradoodu kama hooseeyn karto toban xubnood.</p> <p>3/ Ururada shaqaaluhu waxay wadajir u asaasan karaan ururka fedhereeshinka shaqaalaha sidoo kale, ururka fedhereeshinka shaqaaluhu waxay wadajir u asaasan karaa ururka kofedhereeshinka shaqaalaha.</p> <p>4/ Ururada loo shaqeeyayaashu waxay wadajir u asaasan karaan ururka fedhereeshinka loo shaqeeyayaasha sidoo kale, ururka fedhereeshinka loo shaqeeyayaashu waxay wadajir u asaasan karaa ururka kofedhereeshinka loo shaqeeyayaasha.</p> <p>5/ Ururkasta oo shaqaale ama loo shaqeeye oo aan xubin ka ahayn ama ka tirsaneyn uruur fedhereeshinka shaqaalaha ama loo shaqeeyayaasha ma sameeysan karo ama xubin kama noqon karo ururka kofadhereeshinka shaqaalaha ama loo shaqeeyayaasha.</p> <p>6/ Ururkasta oo shaqaale ama loo shaqeeye oo isku abaabulan qaab fedheraashinka ama kofedhereeshinka shaqaalaha ama loo shaqeeyayaashu waxay xubin ka noqon karaan ururada shaqaalaha ama loo shaqeeyayaasha ee heer calami.</p> <p>7/ Shaqaale kasta oo ka tirsan ururka shaqaalaha waxaa ka reeban inu isla hal mar xubin ka noqdo isla uruur kale. Haddii lakiin la baalmaro qodobadani, oo la ogaado in shaqaaluhu uu xubin ka noqdo wax ka badan hal uruur, waxaa arrintani loo aqoonsan /dhaqangal noqon in ururka u ka tirsanyahay u yahay ururka ugu dambeeya ee uu ku biiray, habase ahaate, haddii xubinnimada ururada ee shaqaaluhu uu dhacday wakhtiisku mid ah dhamaan xubinnimadaasi waxay noqon waxba kama jiraan.</p> <p>8/ iyadoo ay sideedatahay arrimaha lagu xeeriyay farqada (4) ee qodobkani ururkasta oo loo shaqeeye wuxuu xubin ka noqon karaa ama ku biiri karaa uruur fedheershinka loo shaqeeyayaasha ee la asaasay.</p>
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<p style="text-align: center;">115. Function of Associations</p> <p>Associations shall have the following functions:</p> <p>1/ to observe the conditions of work and fulfill the obligations set forth in this Proclamation; protect the rights and interests of their members, in particular, represent members in collective bargaining and labour disputes before the competent organ when so requested or authorized by their members; provided, however, that:</p> <p>a) where there exist more than one Trade Unions at a given undertaking, the trade union which will be the exclusive bargaining agent and undertake consultation with authorities, is the one which secures 50% plus and more than one membership of all employees of the undertaking;</p> <p>b) the organization which secured the majority membership of the workers shall be recognized by the Ministry or the appropriate Authority;</p> <p>c) if an organization subsequently failed to secure the majority membership of workers, the other organization that secure majority shall be recognized instead.</p> <p>2/ to ensure that laws, regulations, directives and declarations are known to and be complied with and implemented by members;</p> <p>3/ to initiate laws and regulations pertaining to labour relations and to participate actively during their formulation and amendments;</p> <p>4/ to discharge other tasks provided for in the by laws of their respective organizations.</p>	<p style="text-align: center;">115. Shaqooyinka Ururada</p> <p>shaqooyinka Ururadu waa sida hoos ku xusan:</p> <p>1/ Ilaalinta xaalada shaqo iyo hirgalinta wajibaadyada lagu xeeriyay bayaankani, ayay, ixtiraami danaha iyo xuquuqaha xubnahooda, gaar ahaan, waxay xubnahooda ku matali geediga gorgortaanka wadareed iyo xalinta is maan dhaafyada la xidhiidha shaqada kadib marka ay xubnuhu u wakiishan inay ku matalan wada hadalka lala galayo cidaha kale ee ay khuseeyso. Habase ahaatee, :</p> <p>b) Haddii isla hal shirkad ay ka jiraan ugu yaraan labo iyo wax ka badan oo uruur shaqaale waxaa gor-gortaan wadareed iyo wada tashi la yeelan kara loo shaqeeyaha iyo masuuliyiinta dawladda ururka shaqaalaha ee ay ku midaysanyihiin ugu yaraan boqolkiiba 50%+1 ee xubnaha shaqaalaha ka shaqeeya shirkada.</p> <p>t) wasaaradu ama hay'adda kale ee ay khuseeyso waxay aqoonsan, ururka shaqaalaha ee haysta aqlaabayada shaqaalaha ka shaqeeya shirkada;</p> <p>j) haddii uruurku muddo kadib u waayo aqlaabayada xubnaha shaqaalaha, waxaa lagu bedeli oo la aqoonsan ururka kale ee hela aqlaabayada xubnaha shaqaalaha'</p> <p>2/ Wuxuu xaqiijin in xubnaahiisu u hogaansamaan, ku baraarugsanaadan islamarkaana dhaqangaliyaan shuruucda, xeerarka, awaamiirta iyo baaqyada ku saabsan arrimaha shaqaalaha iyo shaqeeyaha.</p> <p>3/ Wuxuu soo curiyaa shuruucda iyo xeerarka ku taxaaluqada xidhiidhka shaqaalaha iyo loo shaqeeyahay, islamarkaana wxuuu ka qaybgal firfircoon ka geeysya geediga diyaarinta iyo waka badalka shuruucdaasi</p> <p>4/ Wuxuu qabta dhamaan wajibaadyada kale ee loogu xilsaaro hab waafaqsan xeer-hoosaadka ururada.</p>
<p style="text-align: center;">116. Function of Federations and Confederations</p> <p>In addition to those matters mentioned under Article 115 of this Proclamation, federations and</p>	<p style="text-align: center;">116. shaqooyinka fedheereshinada iyo kofedhereeshinada</p> <p>fedhereeshinada iyo kofedhereeshinadu, masuuliyadaha lagu xeeriyay qodobka 115aad ee</p>

<p>confederations shall have the following functions:</p> <p>1/ To strengthen the unity and spirit of co-operation among their member unions;</p> <p>2/ To participate in the determination or improvement of the conditions of work at the trade or sectorial level;</p> <p>3/ To encourage members to enhance their participation in the development of the country's economy;</p> <p>4/ To represent their members in any forums; and</p> <p>5/ To discharge other tasks as assigned to them in their bylaws.</p>	<p>bayaankani waxaa kale oo ay fulin shaqooyinka hoos ku xusan:</p> <p>1/ Adkaynta iyo xoojinta dareenka, midnimada iyo iskaashiga ururada xubnaha ka ah;</p> <p>2/ Ka qaybgalka go'aanada iyo dadaalada kor loogu qaadayo xirfadaha iyo waka badalka xaalada shaqada ee heer hay'addeed;</p> <p>3/ Ku dhiirgalinta sidii ay xubnahoodu uu hagaalin lahayeen ka qaybgalka geediga horumaarinta dhaqaalaha dalka;</p> <p>4/ Waxay xubnahooda ku mataalan shirarka iyo fagaaraasha kala duwan;</p> <p>5/ Waxay fuliyaan shaqooyinka kale ee loogu xilsaaray xeer-hoosaadkooda.</p>
<p style="text-align: center;">117. Prohibited Act</p> <p>It shall be unlawful to an employers' or workers' organization to unduly delay collective bargaining contrary to good faith.</p>	<p style="text-align: center;">117. Ficillada Reeban</p> <p>Waxaa ururkasta oo shaqaale ama loo shaqeeye ka reeban oo sharci daro ah inu inu caqaabad ku noqdo oo uu dib u dhac ku keeno geediga gor-gortaan wadareedka.</p>
<p style="text-align: center;">118. By Law of Association</p> <p>Trade Unions and employers' associations shall freely formulate their own by laws. The constitutions may include, among other things, the following:</p> <p>1 /Name of the Association;</p> <p>2/ Address of the Head Office of the association;</p> <p>3/ Objective of the association;</p> <p>4/ Date of establishment of the association;</p> <p>5/ Emblem of the association;</p> <p>6/ Requirements for assumption of leadership positions of the association;</p> <p>7/ Union due so fits members;</p> <p>8/ Financial and property administration of the association;</p>	<p style="text-align: center;">118.Xeer-hoosaadka ururka</p> <p>Ururada shaqaalaha iyo loo shaqeeyayaashu waxay xaq u leeyihiin in ay si madaxbanaan uu samaystaan xeer-hoosaad ka turjumayaa rabitaankooda, kaasi oo ay ku jiraan arrimaha hoos ku xusan:</p> <p>1/ Magaca ururka</p> <p>2/ Ciwaanka xaruunta guud ee ururka;</p> <p>3/ Ujeedada ururka;</p> <p>4/ Mudada asaaska ururka;</p> <p>5/ Astaanta ururka;</p> <p>6/ Shuruudaha xulashada hogaaminta ururada;</p> <p>7/Cadadka qaadhaanka xubinnimada ururka;</p> <p>8/ Nidaamka maamulka iyo maaraynta maaliyada iyo hantida ururka;</p>

<p>9/ Meeting and election procedures of the association ;</p> <p>10/ Disciplinary procedures;</p> <p>11/ The conditions for dissolution the association; and</p> <p>12/ Status of the property in case of the dissolution of the association</p>	<p>9/ Nidaamka fulineed ee shirarka doorashooyinka ururka ;</p> <p>10/ Nidaamka anshax-maarinta;</p> <p>11/ Xaaladaha uruurku ku bur-buri karo. iyo</p> <p>12/ Ayaaha iyo cawaaqibka hantida ururka haddii u bur-bur ku yimaado.</p>
<p style="text-align: center;">119. Registration of Associations</p> <p>1/ Every association shall be registered by the Ministry or the appropriate authority in accordance with this Proclamation.</p> <p>2/ Every organization shall, upon application for registration, submit to the Ministry or the appropriate Authority the following documents:</p> <p>a) by laws of the association;</p> <p>b) Document containing the names, address and signatures of its mebmbers and leadership;</p> <p>c) In the case of a general union, the names of undertakings where members are working;</p> <p>d) Where the association is a federation or a confederation, the names, address and signatures of their leaderships and the member trade unions or employers' associations;</p> <p>e) Name and emblem of the association.</p> <p>3/ The Ministry or the appropriate authority shall, after examining the documents and ascertaining that they are duly completed, issue a certificate of registration within fifteen working days of receiving the application. Where the Ministry or the appropriate organ does not notify its decision within the prescribed period, the association shall be deemed registered. In such cases, a certificate of registration shallbe issued to the Association.</p> <p>4/ An organization which is not registered in accordance with the provisions of this Article may not perform functions set forth in this</p>	<p style="text-align: center;">119. Hanaanka Diiwaangalinta Ururada</p> <p>1/ Ururkasta waxaa hab waafaqsan bayaankani looga diiwaangalin wasaarada ama hay'adda kale ee ay khuseeyso.</p> <p>2/ Ururkasta oo la asaasay oo doonayaa in la diiwaangaliyo wuxuu wasaarada ama hay'adda kale ee ay khuseeyso uu soo gudbincadaymaha hoos ku xusan:</p> <p>b) Xeer-hoosaadka ururka;</p> <p>t) cadaymo muujinayaa magaca, ciwaanka iyo saxeexa xubnaha iyo hogaaminta ururka;</p> <p>j) haddii uruurku yahay uruur weyn guud, cadaymo muujinayaa magaca shirkadaha xubnuhu ka shaqeeyan;</p> <p>x) haddii uruurku yahay fadhereeshin ama kofadheereshin, cadaymo muujinayaa magaca iyo ciwaanka iyo saxeexa hogaaminta ururada iyo magaca ururada shaqaalaha ama loo shaqeeyaha ee xubnaha ka ah ;</p> <p>kh) magaca iyo astaanta ururka.</p> <p>3/ Wasaarada ama hay'adda ay khuseeyso kadib marka ay hubiso islamarkaana xaqiijiso in codsiga diiwaangalintu dhamaystiraanyahay oo uu buuxiyay dhamaan shuruudaha uu yaala diiwaagalinta ururada wuxuu muddo 15 maalmood gudahood ku diiwaangalin ururka islamarkaana ku siin shahaadada cadaynta diiwaangalinta, hase ahaatee, haddii mudadas gudaheeda ay wasaaradu ama hay'adda kale ee ay khuseeyso ay kaga jawaabi weeydo/ ku siin weeydo waxaa loo qaadan in ururka la diiwangaliyay , waxaana in la siiyo shahaadada cadaynta diiwaangalinta.</p> <p>4/ Ururkasta oo aan loo diiwaangalin hab waafaqsan hanaanka ku cad qodobkan waxaa ka</p>

<p>Proclamation.</p> <p>5/ The first registration of a trade union shall be exempt from stamp duty.</p> <p>6/ A trade union or employers association registered by the Ministry or competent authority in accordance with this Proclamation shall have legal personality and have the capacity to undertake, in particular, the following:</p> <ul style="list-style-type: none"> a) To enter into contract; b) To sue and be sued; c) To own, use and transfer property; d) To represent members at any level; and e) To undertake any lawful act necessary for the attainment of its objectives. 	<p>reeban fulinta shaqooyinka lagu xeeriyay bayaankani.</p> <p>5/ Diiwaangalinta ugu horeeysa ee ururka shaqaalaha lagama qaadayo canshuurta faraanka boolaada ama lacagta diiwaangalinta.</p> <p>6/ Ururada shaqaalaha iyo loo shaqeeyayaasha ee wasaarada ama hay'adda kale ee ay khuseeysa uu diiwaangalisay hab waafaqsan bayaankan waxay yeelan jiritaan sharci iyo awood ay ku meel-maariyaan shaqooyinkani hoos ku xusan:-</p> <ul style="list-style-type: none"> b) waxay gali heeshiisyo; t) waa la dacweeyn karaa waayna dacwoona karaan; j) waxay xaq u leeyan inay hanti mulkiiyaan, isticmaalan islamarkaana wareejiyaan; x) inay heerarka kala duwan ku matalaan xubnhooda; kh) fulinta shaqokasta oo kale oo lama huraan u ah hirgalinta ujeeddooyinka ururka.
<p style="text-align: center;">120. Refusal to Register</p> <p>The Ministry or the appropriate Authority may refuse to register an association due to any one of the following grounds:</p> <p>1/ Where the association does not fulfill the requirements laid down in this Proclamation, Regulation sand Directives issued in accordance with this Proclamation;</p> <p>2/ Where the objectives and the by law of the association are illegal;</p> <p>3/ Where the name of the association is similar with another organization established prior to it or so closely similar as to confuse its members and the general public in any manner; or</p> <p>4/ Where one or more of its elected leaders have been restricted from certain civil rights by court and the association is not willing to replace them.</p>	<p style="text-align: center;">120. Siyaabaha Lagu Diido Diiwaangalinta Ururka</p> <p>Wasaarada ama hay'adda kale ee ay khuseeysa waxay ku diidi kara diiwaangalinta ururka qodob ka mid ah asbaabaha hoos ku cad:</p> <p>1/ Haddii ururku u buuxin waayo shuruudaha diiwaangalinta ee lagu qeexay bayaankani, xeerarka iyo awaamiirta lagu soo saaray hab waafaqsan qodobada bayaankani;</p> <p>2/Haddii ujeeddooyinka iyo xeer-hoosaadka uruurku yahay kuwo sharciga baalmarsan oo sharci daro ah;</p> <p>3/ Haddii magaca uruurku la mid yahay ama u dhaawyahay magaca uruur kale oo hadda ka hor la asaasay lana aqoonsaday kaasi oo xubnhiisa iyo bulsho weyntaba ay ku adkaanayso kala saaristoodu;</p> <p>4/ haddii xubin ama tiro ka badan oo ka mid ah xubnaha la doortay ee hogaaminta ururka ay maxkamadii ka xayuubisay qaar ka mid ah xuquuqaha madaniga ah islamarkaana uruurku una diyaar u ahayn inu xubnahasi soo badalo.</p>

<p style="text-align: center;">121. Cancellation of Registration</p> <p>1/ The Ministry or the appropriate Authority may file before the competent court to cancel the certificate of registration of an association, on anyone of the following grounds:</p> <p>a) Where the certificate of registration was obtained by fraud or mistake or deceit;</p> <p>b) Where any of the objectives or the by law of the association is found to be illegal under this Proclamation and the association is not willing to strike out the illegal provisions or conditions; or</p> <p>c) Where the association is found to have engaged in activities which are prohibited under this Proclamation or performed acts which are contrary to its objectives and constitution; and it is not willing to cease or correct or eliminate them.</p> <p>2/ The Ministry or the Appropriate Authority may, upon request by an association, ensure that the association is dissolved in such manner as it thinks appropriate.</p>	<p style="text-align: center;">121. Burinta Diiwaangalinta</p> <p>1/ Wasaarada ama hay'adda kale ee ay khuseeysa waxay maxkamada awooda u leh dhegaysiga dacwadaha arrimaha shaqaalaha ka codsan karta buurinta shahaadada cadaaynta diiwaangalinta ururka haddii ay cadaato mid ka mid ah saboobaha hoos ku xusan:</p> <p>b) haddii la ogaado in hshaadada diiwaangalin in lagu helay qaab khiyaamo ah, khalaad ama isdabaamarin ah;</p> <p>t) Haddii la ogaado in ujeeddooyinka iyo xeer-hoosaadka uruurku yahay mid balmaarsan nidaamka sharci ee lagu xeeriyay bayaankani islamarkaana ayna diyaar u ahayn xubnaha ururka inay saxitaan iyo waxka badal ku sameeyaan ujeedada iyo xeer-hoosaadka. Ama</p> <p>j) Haddii ay cadaato in uruurku ku sfoobay ficillada reeban ee lagu xeeriyay bayaankan ama ficilo lidii ku ah ujeedada ururka loo asaasay islamarkaana ay xubnaha uruurku ayna diyaar u ahayn joojinta, saxitaanka iyo waxka badalka ficiladas sharci darada ah.</p> <p>2/ Haddii wasaarada ama hay'adda kale ee ay khuseeyso, uu soo gaadho codsi ku saabsan bur-burka ururka waxay qaadi talaabada munaasibka ee lagu xaqiijin karo bur-burka ururka.</p>
<p>122. Notice to Cancel Registration of association</p> <p>1/ The Ministry or the appropriate Authority shall, before filing for the cancellation of the registration of an association in accordance with Article 121 (1) of this Proclamation, give to the concerned association one month prior notice specifying the grounds for the cancellation in order to provide it an opportunity to contend. The Ministry or the appropriate authority may not rely on any ground other than those enumerated in Article 121 (1) of this Proclamation.</p> <p>2/ Where the period of notice provided for in sub-article (1) of this Article has expired and the association does not oppose the notice or the reply is unacceptable by the Ministry or competent authority, it may file to the competent court for</p>	<p>122. Digniinta Burinta Diiwaangalinta Ururka</p> <p>1/ Wasaarada ama hay'adda kale ee awooda u leh ka hore inta ayna hab waafaqsan qodobka 121 (1) ee bayankani ku ogo'iin dacwad lagu dalbadayo buurinta diiwaangalinta ururka waxay bil ka hor ururka ay khuseeyso u gudbin digiin faahfaahsan oo lagu wargalinayo sbaabaha ay ku mutaysan karaan buurinta diiwaangalinta ururkasi ay fursad ugu helan qaabka ay isku difaaci lahayeen. Wasaaradu ama hay'adda kale ee awooda u leh uma cuskaan karto asbaabo ka baxsan kuwa lagu xeeriyay qodobka 121 (1) ee bayaankani.</p> <p>2/ Marka ay dhamaato mudada digniinta ee lagu xeeriyay farqada (1) ee qodobkani, islamarkaana uruurku aanu ka jawaabin digniinta la siiyay ama jawaabtiisa lagu qanci waayo wasaaradu ama hay'adda ay khuseeysa waxay codsiga dacwada burinta diiwaangalinta ururka u gudbin karta</p>

<p>the cancellation of registration.</p> <p>3/ Without prejudice to Sub-Article (2) of this Article, the Ministry or the appropriate authority may in the meantime suspend the association from engaging in acts prohibited by this Proclamation or contrary to its objectives and by law as provided for under sub-article l(c) of Article 121 of this Proclamation.</p>	<p>maxkamada awooda u leh dhegaysiga dacwadaha arrimaha shaqalaha.</p> <p>3/ Iyadoo ay sideeda yihiin arrimaha lagu xeeriyay farqada(2) ee qodobkani, wasaaradu ama hay'adda ay khuseeysa waxay ururka ka joojin karta fulinta ficillada sabaabay burinta shahaadada diiwaangalinta ee lagu xeeriyay farqada (1) xarafka (j) ee isla qodobka 121 ee bayaankani ama fulinta talaabooyinka ka baxsan ama ka hor imaanayaa hirgalinta ujeedada iyo xeer-hoosaadka ururka.</p>
<p style="text-align: center;">123. Appeal</p> <p>Where the Ministry or the appropriate authority refuses registration of the association, the organization may appeal to the Competent Court within 15 working days from the date of receipt of the decision in writing. The Ministry or the Appropriate Authority shall be given the opportunity to defend its decision before the Court.</p>	<p style="text-align: center;">123. Soo Gudbinta Rafcaan</p> <p>Laga bilaabo maalinta go'aanka diidamada diiwaangalinta ururka ee wasaarada ama hay'adda kale ee ay khuseeysa u qoraal ahaan ku soo gaadho ururka, waxay muddo 15 maamlmood gudahood ah ay racfaan u qaadan karaan maxkamada awooda garsoor u leh dhegaysiga racfaanka. Mudada ay scoot dacwada dhegaysiga racfaanku wasaarada ama hay'adda ay khuseeyso waxaa la siin fursad ay kaga soo qaybgalan dhegaysiga dacwada racfaanka</p>
<p style="text-align: center;">124. Consequence of Cancellation of Registration or Dissolution on Request of Association</p> <p>An association shall be deemed dissolved as of the date of cancellation of its registration by the decision of a court or dissolution by the Ministry or the appropriate authority up on request by the Association</p>	<p style="text-align: center;">124. Natiijada Ka Dhalaaneysa Burinta Diiwaangalinta Ururka Ama Dalabka Uruurku Ku Codsanayo Bur-Burka Ururka</p> <p>Waxaa laga soo qaadi in ururku burburay ama loo qaadan laga bilaabo maalinta maxkamadu ku dhawaaqdo go'aanka burinta diiwaangalinta ururka ama laga bilaabo maalinta wasaaradu ama hay'adda ay khuseeysa ansxiso codsiga bur-burka ururka ee uu u soo gudbiyay ururku.</p>
<p style="text-align: center;">CHAPETER TWO COLLECTIVE AGREEMENT SECTION ONE GENERAL</p>	<p style="text-align: center;"><u>CUTUBKA LABAAD</u> <u>HESHIIS WADAREEDKA</u> <u>QAYB-HOOSAADKA KOOBAAD</u> <u>GUUD AHAAN</u></p>
<p style="text-align: center;">125. Definition</p> <p>1/ “Collective Agreement” means an agreement on conditions of work concluded in writing between representatives of one or more trade unions and one or more employers or representatives or agents of employers associations.</p> <p>2/ “Collective bargaining” means a negotiation process between employers and workers organizations or their representatives concerning conditions of work in order to reach at collective</p>	<p style="text-align: center;">125.Qeexid</p> <p>1/ “Heeshiis wadareed” waxaa loola jeedda heshiis qoraal ah oo dhexmaraa wakiilada uruur ama uruuro ka badan oo shaqaale iyo wakiilada uruur ama uruuro ka badan ee loo shaqeeyayaasha kaasi oo ku saabsan xaalada shaqada.</p> <p>2/ “Gorgortaan wadareed” waxaa loola jeedda g/socodka gorgortaanka ee dhexcmaara ururada shaqaalaha iyo kuwa loo shaqeeyayaasha ama wakiilada sharci ee shaqaalaha iyo loo shaqeeyayaasha kaasi oo ku saabsan xaalada</p>

<p>agreement or the renewal or modifications thereof.</p>	<p>shaqada si loo ansixiyo , cusbooneysiyo ama waxka badal loogu sameeyo heeshiis wadareedka.</p>
<p>126. Bargaining</p> <p>1/ Any trade union shall have the right to bargain with one or more employers or their association in matters provided for in Article 129 of this Proclamation.</p> <p>2/ Any Employer or employers’ associations shall have the right to bargain with their workers organized in a Trade Union.</p>	<p>126.Gorgortaan</p> <p>1/ Ururkasta oo shaqaale wuxuu xaq u leeyahay inu arrimaha lagu xeeriyay qodobka 129 ee bayaankani uu gorgortaan kala sameeyo loo shaqeeye ama loo shaqeeyayaasha ama ururka loo shaqeeyayaasha.</p> <p>2/ Loo shaqeeye ama loo shaqeeyayaalkasta waxay xaq u leeyihiin inay ururada shaqaalaha kala xajoodaan heeshiis wadareedka.</p>
<p>127. Representation</p> <p>1/ The following shall have the right to represent workers in collective bargaining:</p> <p>a) Where there is a Trade Union, the leaders of the trade union or members who are authorized in accordance to the by law of the union to negotiate and sign collective agreement;</p> <p>b) Where there is a General Trade Union, the leaders of the general trade union who are authorized in accordance with the by law of the union to negotiate and sign collective agreement.</p> <p>2/ Persons delegated by the concerned employer or employers or employers’ association shall have the right to represent them in collective bargaining.</p>	<p>127. Mataalad</p> <p>1/ Geediga gorgortaan wadareedka waxaa xaq u leh inay shaqaalaha ku mataalan xubnaha hoos ku xusan:</p> <p>b) haddii u jiro ururka shaqaaluhu waxaa ku mataali hogaaminta ururka shaqalaha ama xubnaha hab waafaqsan xeer-hoosaadkooda loogu awoodsiiyay inay shaqaalaha ku mataalan saxeejida gorgortaan wadareedka;</p> <p>t) marka uruurku yahay uruur weynaha guud ee shaqaalaha waxaa gorgortaan wadareedka ku mataalaya hogaaminta ururkaguud ee shaqaalaha ee xeer-hoosaadkooda loogu awoodsiiyay ka qaybgalka iyo saxeejida gorgortaan wadareedka.</p> <p>2/ Xubanaha loo shaqeeyuhu ama loo shaqeeyayaashu ama ururka loo shaqeeyayaashu ay u soo wakiishaan waxay xaq u leeyahay inay iyagaa ku mataalan geediga gorgortaan wadareedka.</p>
<p>128. Advisors</p> <p>Any party to a collective bargaining may be assisted by advisors who provide expert advice during the negotiation process.</p>	<p>128. La Taliyayaal</p> <p>Dhinackasta oo qayb ka ah heshiis wadareedka waxay adeegsan karta la taliyayaal kala taliyaa geediga gorgortaan.</p>
<p>129. Subject Matter of a Collective Agreement</p> <p>Matters concerning employment relations and conditions of work as well as relations of employers and their associations with trade unions may be determined by a collective agreement</p>	<p>129. Arrimaha U Ku Saabanyahay Heeshiis Wadareedku</p> <p>Heeshiis Wadareedka waxaa lagu go’aamin karaa arrinkasta oo ku saabsan xidhiidhka iyo xaaladaha shaqada iyo sidoo kale, xidhiidhyada uu dhaxeeyaa ururada shaqaalaha iyo ururada loo shaqeeyayaasha</p>

<p style="text-align: center;">130. Contents of the Collective Agreement</p> <p>Without prejudice to the generality of Article 129 of this Proclamation, the following may, among other things, be determined by collective agreement:</p> <p>1/ Matters specified by the provisions of this Proclamation or other laws to be regulated by collective agreement;</p> <p>2/ the conditions for maintenance of occupational safety and health and the manner of improving social services;</p> <p>3/ workers' participation, particularly, in matters pertaining to promotion, wages, transfer, reduction and discipline;</p> <p>4/ conditions of work, on work rules and grievance procedures;</p> <p>5/ apportionment of working hours and interval break times;</p> <p>6/ parties covered by the collective agreement and its duration of validity;</p> <p>7/ On the establishment and working system of bipartite social dialogue.</p> <p>8/ On the establishment of daycare.</p>	<p style="text-align: center;">130. Dulucda Heeshiis Wadareedka</p> <p>Iyadoo ay sidooda yihiin arrimaha guud ee lagu xeeriyay qodobka 129 ee bayaankani waxaa kale oo ka mid arrimaha lagu go'aaminayo heeshiis wadareedka arrimaha kale ee hoos ku xusan:-</p> <p>1/ Go'aaminta arrimaha hab waafaqsan bayaankani ama shuruucda loogu dhaafay heshiis wadareedka;</p> <p>2/ Arrimaha ku saabsan hanaanka dhawriista fayoaqabka badbaadada xirfadeed iyo xalaada cafimaad ee shaqaalaha iyo sidoo kale siyaabaha lagu fidin karo adeegyada arrimaha bulshada.</p> <p>3/ Arrimaha ku saabsan doorka ay shaqaaluhu ku yeelanayaan hirgalinta arrimaha dalacsiinta, mushaaharka, bedeelaada iyo shaqo dhimista iyo anshax-maarinta shaqaalaha.</p> <p>4/ Arrimaha ku saabsan xaalada shaqada xeerarka iyo awaamiirta shaqada iyo nidaamka soo gudbinta cabaashooyinka;</p> <p>5/ Arrimaha ku saabsan sacaadaha shaqada, qoondeeynta sacadaha shaqada iyo qaabka bixinta fasaxyada mudada shaqada;</p> <p>6/ Dhacyada qaybta ka ah heeshiis wadareedka iyo mudada u dhaqangalka ahaanayo;</p> <p>7/ Hanaanka dhismaha iyo qaab shaqeedka xubnaha qaybta ka ah wada xajoodka arrimaha bulshada;</p> <p>8/ Siyaabaha lagu asaasayo xarumaha nasiimaha caruurta.</p>
<p style="text-align: center;">131. Procedure for Collective Bargaining</p> <p>1/ A party desiring to initiate a collective bargaining may request the other party in writing. It shall also prepare and submit draft proposal necessary for the negotiation.</p> <p>2/ The requested party shall within 10 working days of receiving the request, appear for collective bargaining.</p> <p>3/ The parties shall before commencing collective bargaining draw up the rules of procedure for bargaining.</p>	<p style="text-align: center;">131.Hanaanka Gor-Gortaan Wadareedka</p> <p>1/ Dhackasta oo doonayo in gorgortaan wadareed la yeeshu wuxuu dhinaca kale kaga codsan karaa qoraal islamarkaana into diyaariyo uu gudbin qabyo qoraaleed bar-bilaaw uu noqon karaa gorgortaan wadareedka.</p> <p>2/ Dhinaca loo soo jeediyay gorgortaanku wuxuu gorgortaanka kaga soo qaybgali muddo 10 maalmood gudahood ah oo ka bilaama maalinta u soo gaadhay codsigu.</p> <p>3/ Dhinacyada gor-gortaan wadareedku dhexmaarayoo waxay ugu horeeynba kaheeshiin islamarkaana isla meel dhigii qaabka gor-</p>

<p>4/ Each party shall have the duty to bargain in good faith</p> <p>5/ Issues on which the parties could not reach agreement by negotiations in good faith may be submitted to the competent Labour Tribunal.</p> <p>6/ Parties to a collective agreement shall commence renegotiation, at least three months before its period of expiry, to amend or replace it. However if the renegotiation is not finalized within three months subsequent to the date of its expiry, the provisions of the collective agreement pertaining to wages and other benefits, unless their validity is extended by a written agreement of the negotiating parties, shall cease to be operative.</p>	<p>gortaanku u dhacyo.</p> <p>4/ Dhinacyada gorgortaanku ka dhexeyo wuxuu wajibaad ka saaranyahay inay inay gorgortaanka uga qaybqaataan hanaan ay ku dheehantahay niyaadsami;</p> <p>5/ Mawduucyada iyo qodobada ay dhanacyada heeshiis wadareedku uga wada hadaleen qaab ay dheehantahay niyaadsami lakiin ay heeshiis midaysan ka gaadhi kari waayeen waxay arrinta u gudbin karaan fadhiga dhegaysiga arrimaha shaqaalaha ee maxkamada awooda u leh.</p> <p>6/ Dhinacyada qaybta ka ah heshiis wadareedku waxay bilaabi karaa gorgortaan labaad oo lagu saxayo ama dib u habeeyn loogu sameeynayo heehsiiska wadareedka dhaqangalka ah ugu yaraan sadeex bilood ka hor dhamaadka mudada loogu talagalay inu jiro heshiis wadareedka si waxka bdal loogu sameeyo qodobada heshiis wadareedka ee ku saabsan arrimaha ku taxaaluqa mushaaharka, iyo fa'iiddooyinka kale, haddii aan jiritaankooda iyo sii shaqaynta heeshiiskii hore aan lagu kordhin heshiis qoraal ah oo dhexmaray dhinacyada u ka dhaxeeyo gor-gortaanku, sii shaqeyntiisu waay joogsaneysa.</p>
<p>132. Registration of Collective Agreement</p> <p>1/ Upon signing a collective agreement, the parties shall send sufficient copies of same to the Ministry or the appropriate authority for registration.</p> <p>2/ Unless there exists a valid reason to deny registration, the Ministry or the appropriate Authority shall register the collective agreement within 15 working days from the date of receipt of copies thereof.</p>	<p>132. Diiwaangalinta Heshiis Wadareedka</p> <p>1/ Laga bilaabo maalinta la saxeexo heshiis wadareedka, dhinacyadu waxay wasaarada ama hay'adda ay khuseeyso u gudbin nuqulo dhamaystiraan oo ku filaan si loo diiwaangaliyo.</p> <p>2/ Haddii ayna jirin sababo macquul ah oo loogu diidi karo diiwaangalinta, wasaarada ama hay'adda ay khuseeyso laga bilaabo maalinta la soo gaadhsiiyay nuqullada heshiis wadareedka waxay ku diiwaangalin muddo 15 maalmood gudahood ah.</p>
<p>133. Accession of Collective Agreement</p> <p>A collective agreement which has already been signed and registered by third parties may be acceded to by other negotiating parties.</p>	<p>133. Adeegsiga Iyo Ku Shaqeynta Heshiis Wadareedyada</p> <p>Dhinacyada qaybta ka ah heshiiso wadareedka ay hadda ka hor ay kala saxeexdeen islamarkaana diiwaangaliyeen dhinacyo sadeexaad oo kale ayay dhinacyada kale ee gorgortaanku ka dhexeeyo ay aqoonsan karaan islamarkaana aqbali oo ay dhaqangalin karaan.</p>

**SECTION TWO
CONDITIONS OF VALIDITY OF
COLLECTIVE AGREEMENT**

134. Duration of Validity of Collective Agreement

1/ Any provision of a collective agreement which provides for conditions of work and benefits which are less favorable than those provided for under this Proclamation or other laws shall have no effect.

2/ Unless otherwise provided there in, a collective agreement shall produce legal effect as of the date of signing by the parties.

3/ Unless expressly stipulated otherwise in a collective agreements, no party may challenge the collective agreement within three years from the date of its validity; provided, however; that:

a) Up on the occurrence of a major economic change, a challenge to the collective agreement may be initiated to the Ministry or the appropriate authority by either party before the expiry of the fixed time;

b) The Ministry or the appropriate authority shall, up on receipt of a challenge to a collective agreement in accordance with Sub Article 3(a) of this Article, assign a conciliator with a view to enabling the parties settle the issue by agreement. If the parties fail to settle the issue amicably, Article 144 of this Proclamation shall apply;

c) the parties may at any time change or modify their collective agreement; provided, however, that without prejudice to the special conditions set forth in paragraphs (a) and (b) of this Sub-Article, a party may not be obliged to bargain a collective agreement to change or modify it before its date of validity expires.

**SECTION THREE
SCOPE OF APPLICATION OF A**

**QAYB-HOOSAADKA LABAAD
XAALADA DHAQANGALKA EE
HESHIISYADA WADAREED**

134. Mudada Dhaqangalka Uu Aahaanayo Heeshiis Wadareedka

1/ Qodobkasta oo ka mid ah heshiiska wadareed ee ku taxaaluqa xaaladaha iyo duruufaha shaqada iyo fa'iidooyinka shaqada ee danaha iyo fa'iidada ay xambaarsanyihiin ka hooseeyaan kuwa lagu xeeriyay qodobada bayaankani ma yeelan karaan dhaqangal sharci.

2/ Haddii aan heshiiska wadareed aan si kale loogu qeexin, heshiis wadareedku wuxuu dhaqangal noqonayaa laga bilaabo maalinta la kala saxeexday.

3/ Haddii aan heshiiska wadareedka aan si cad oo kale aan loogu xeerin, heshiis wadareedku laga bilaabo maalinta u dhaqangalka noqday ilaa muddo sadeex sano ah dhinacna kama hor imaan karo ama diidi karo heshiis wadareedka.hase ahaatee;

b) haddii la waajaho isbadal dhaqaale oo baxaadleh ka hor inta aan la gaadhin mudada la soo sheegay ayay dhinac ka mid ah dhinacyada heshiisku dhexmaray waxay wasaarada ama hay'adda kale ee ay khuseeyso u soo gudbin karaan cabasho lagu diidanyahay;

t) marka dhinac ka mid ah dhinacyada heshiisku ay hab waafaqsan xarafka (b) ee farqada (3) ee qodobkani ku soo gudbiyaan diidmo lagu dalbanaayo joojinta heshiiska wasaarada ama hay'adda ay khuseeyso waxay arrinta u xilsaari dhexdhexaadiye isku soo dhaweeya dhanacyada si ay labada dhinac arrinta is afgaarad ugu dhameeyaan.Haddii labad dhinac ku guuldaraystaan inay arrinta ka gaadhan is-afgaraad waxaa dhaqangal ku noqon qodobka 144 ee bayaankani.

j) marka dhinac ka mid ah dhinacyada heshiisku ay hab waafaqsan xarafka (b) iyo (t) ee qodobkani ku soo gudbiyaan diidmo lagu dalbanaayo joojinta heshiiska wasaarada ama hay'adda ay khuseeyso waxay arrinta u xilsaari dhexdhexaadiye isku soo dhaweeya dhanacyada si ay labada dhinac arrinta is afgaarad ugu dhameeyaan.

**QAYB-HOOSAADKA SADEEXAAD
XADKA DHAQANGALKA HEESHIIS**

<p align="center">COLLECTIVE AGREEMENT</p>	<p align="center">WADAREEDKA</p>
<p align="center">135. Scope of Application</p> <p>1/ The provisions of a Collective Agreement shall be applicable to all parties covered by it.</p> <p>2/ Where the collective agreement is more favorable to the workers in similar matters than those provided for by law, the provision of the collective agreement shall prevail. However, where the law is more favorable to the workers than the collective agreement, the law shall be given effect</p>	<p align="center">135. Xadka Dhaqangalka</p> <p>1/ Qodobada heshiis wadareedku waxay dhaqangal ku noqon dhamaan dhinacyada qaybta ka ah heshiis wadareedka.</p> <p>2/ markii heshiis wadareedku u fiican yahay dhinaca Shaqaalaha marka laga hadlayo arimaha sharcigu xeeriyay, waxaa la qaadanayaa heshiis wadareedka. Hase yeeshee markii sharcigu u fiican yahay Shaqaalaha, sharcigaa la raacayaa</p>
<p align="center">136. Exception</p> <p>1/ Where a Trade Union which is a party to a collective agreement is dissolved, the collective agreement shall remain valid between the employer and the workers.</p> <p>2/ In the case of amalgamation of two or more undertakings, unless provided otherwise by the parties:</p> <p>a) Where each of the undertakings had the irrespective collective agreement, the collective agreement concluded by the undertaking which had more workers shall be applicable to the amalgamated undertaking;</p> <p>b) Where each of the undertakings had their respective collective agreement and the numbers of their workers were equal, the collective agreement which, in general, is more favorable to the workers shall be applicable to the amalgamated undertaking;</p> <p>c) Where only one of the undertakings had a collective agreement, it shall be applicable to the amalgamated undertaking.</p> <p>3/ Where an undertaking is acquired by another or</p>	<p align="center">136. Xaalad Gaar Ah</p> <p>1/ Marka ururka shaqaalaha ee qaybta ka ah heeshiis wadareedku u bur-buro, heshiis wadareedka u dhaxeeya shaqaalaha iyo loo shaqeeyuhu wuu si shaqayn.</p> <p>2/ Marka labo ama tiro ka badan shirkadood isku biiran ama midobaan haddii aan cidaha ay arrintu khuseeysa ay si kale uu xeeriyaan mooyee:-</p> <p>b) Marka shirkadaha bur-buray midba ay leedahay heeshiis wadareed u gaar ah , kuwaas oo bur-burka ka hor lahayd shaqaale ka tiro badan kuwa ay la midoobeen heshiis wadareedkaas wuxuu si midaysan ugu dhaqangali oo laga soo qaadi heshiis wadareed ay isla iyaguu galeen.</p> <p>t) marka u jiro heeshiis wadareed khuseeya shirkad ka mid ah shirkadaha bur-buray oo kaliyaa,heshiis wadareedkani wuxuu dhaqangal ku noqon shirkada lagu midoobay.</p> <p>j) marka tirada shaqaalaha shirkadaha isku biiray ay isku isleegyihin islamarkaana shirkadwalba ay lahayd heshiis wadareed u gaar ah , waxaa shirkadaha midoobay dhaqaangal ku noqon heshiis wadareedka loo arko inu dan u yahay dhamaan shaqaalaha shirkadaha midoobay.</p> <p>3/ Marka shirkad la raaciiyo shirkad kale ama laqaybiiyo waxaa dhaqangal ku noqon arrinta lagu</p>

<p>is divided, the provisions of sub-article (2) of this Article shall, as the case may be, be applicable.</p>	<p>xeeriyay farqada (2) ee qodobkani oo lagu sameeyay hadba sixitaanka lama huraanka loo arkay.</p>
<p style="text-align: center;">PART NINE LABOUR DISPUTE CHAPTER ONE GENERAL</p>	<p style="text-align: center;">QAYBTA SAGAALADA ISMAANDHAAFYADA LA XIDHIIDHA SHAQADA CUTUBKA KOOBAAD GUUD AHAAN</p>
<p style="text-align: center;">137. Definitions</p> <p>In this Proclamation:</p> <p>1/ “Conciliation” means the activity conducted by a person or persons appointed by the parties or appointed by the competent authority at the request of the parties for the purpose of bringing the parties together and seeking an amicable resolution of a labour dispute which their own efforts alone could not resolve;</p> <p>2/ “Essential public service undertakings” means those services which shall be rendered without interruption to the general public and are the following undertakings:</p> <p>a) air transport services;</p> <p>b) electric power supply;</p> <p>c) water supply and city cleaning and sanitation services;</p> <p>d) urban light rail transport service</p> <p>e) Hospitals, Clinics, dispensaries and pharmacies;</p> <p>f) fire brigade services; and</p> <p>g) telecommunication services;</p> <p>3/ “Labour dispute” means any dispute between a worker and an employer or trade union and employers’ association in respect of the application of law, collective agreement, work rules, employment contract and also any</p>	<p style="text-align: center;">137. Qeexid</p> <p>Hab waafaqsan bayaankani:-</p> <p>1/ "heshiisin" waxaa loola jeedaa dadaalka uu fuliyo qof ama dad ay dhinacyadu soo xushaan oo ay magacaawdo wasaaradu ama hay'adda kale ee awooda u leh oo ka duulaysa codsi ka soo baxay dhinacyada oo ujeedadiisu tahay in dhinacyada la isu keeno six al waara looga gaadho muran ka dhex aloosan arrimaha shaqada taas oo aan dadaalladooda iyaga u gaarka ah oo keliya xal ka gaadhi Karin.</p> <p>2/ "shirkadaha bixiya adeegyada asaasiga ee bulshada" waxaa loola jeedda shirkadaha adeegyada joogtada ah bulshada u siiyaa. Kuwaas oo ah kuwan hoos ku xusan:-</p> <p>b) adeegyada diyaaradaha;</p> <p>t) shirkadaha bixiyaa adeegyada laydhka iyo xooga koroontada;</p> <p>j) shirkadaha bixiya adeegyada biyaha iyo adeegyada fayodhawrka magaalooyinka;</p> <p>x) adeegyada fuduud ee gadiidka tareenka magaalooyinka;</p> <p>kh) cusbitaalada; goobaha shaybaadhka, shirkada qaybinta dawooyinka iyo farmasiiyada</p> <p>d) adeega dabdamiskaiyo</p> <p>r) adeega isgaadhsiinta.</p> <p>3/ "Muranka shaqada" waxaa loola jeedaa muran u dhexeeya qofka shaqaalaha ah, loo shaqeeyaha ama ururka shaqaalaha ama ururka shaqeeyaha kaas oo ku saabsan heeshiis wadareedka, xeerarka shqada, ama heshiisyada shaqada iyo sidoo kale arrimaha la xiriira wakhtiga gorgortaanka heshiis wadareedka ama arrimaha kale ee la halmaala heshiis wadareedka;</p>

<p>disagreement arising during collective bargaining or in connection with collective agreement.</p> <p>4/ “Lock-out” means an industrial measure applied by employer through the closing of the place of work with a view to persuading workers to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute;</p> <p>5/ “Strike” means the slow-down of work by any number of workers in reducing their normal output on their normal rate of work or the temporary cessation of work by any number of workers acting in concert in order to persuade their employer to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute.</p>	<p>4/ "Shaqo xidhid" waxaa loola jeedaa tallaabooyin warshadeed oo lagu qasbayo shaqaalaha in ay aqbalaan nooc ka mid ah xaaladaha shaqada marka ay dhacaan muran ka dhasho muran shaqaalaha-shaqa-bixiyaha ama in shaqaalaha lagu qasbo in ay codsadaan, ka hor istaagaan goobaha shaqada shaqo-bixiyaha si ay u helaan kaalmooyin ama natiijooyin la rabo;</p> <p>5/ "shaqo joojin" waxaa loola jeedaa talaabada ay si wadajir ah u qaadan shaqaale tiro badan iyagoo xannibaya ama aan shaqadooda qabanayn gabi ahaanba, iyagoo culays ku saaraya loo shaqeeyaha inuu qaato noockasta oo la xidhiidha xaalada shaqada, ku qasba inay aqbalaan danaha, ama ay helaan natiijada ay rabaan, iyagoo si ku meel gaar ah u yarayn heerka wax soo saarka ee ka baxsan baahida loo shaqeeyaha.</p>
<p style="text-align: center;">CHAPTER TWO LABOUR COURTS</p>	<p style="text-align: center;">CUTUBKA LABAAD MAXAKAMADAHHA SHAQAALAHHA</p>
<p>138. Establishment of Labour Divisions</p> <p>1/ Labour divisions shall be established Courts, at Federal and Regional level.</p> <p>2/ The Ministry or the appropriate authority shall submit proposals for the decision of the appropriate authority on the number of labour divisions to be established in accordance with Sub-Article (1) of this Article.</p>	<p>138 Samaynta /Hawlgalinta Fadhiyada Dhegaysiga Dacwadaha La Xiriira Shaqada</p> <p>1/ Waxaa maxkamadaha heer federal iyo heer degaanba laga hawlgalin fadhiyada dhagaysiga dacwadaha la xiriira arrimaha shaqada.</p> <p>2/ Wasaaradu ama hay'adda kale ee ay khuseeyso waxay soo gudbin qorshaha ku haboon ee Tirada Fadhiyada dhegaysiga dacwadaha la xiriira shaqada ee lagu asaasayo hab waafaqsan farqada 1) ee qodobkani , Si ay uu go'aamiso hay'adda ku haboon .</p>
<p>139. Labour Division First Instance Court</p> <p>1/ The labour division of a Federal and Regional First Instance Court shall have jurisdiction to settle and determine the following and other similar individual labour disputes;</p> <p>a) disciplinary measures including dismissal;</p> <p>b) claims related to the termination of</p>	<p>139. fadhiyada maxkamada daraajada koobaad ee dhegaysiga dacwadaha la xidhiidha shaqad</p> <p>1/ Fadhiyada maxkamada daraajada koobaad ee dhegaysiga dacwadaha la xidhiidha shaqada ee federal iyo heer deegaan waxay awood garsoor u yeelan go'aan ka gaadhista arrimaha hoos ku cad iyo dacwadaha kale ee shaqo ee gaarka:-</p> <p>b) dacwadaha la xiriira talaabooyinka anshax-maarineed oo ay ka mid yihiin dacwadaha shaqo ka caydhinta;</p>

<p>employment contracts</p> <p>c) claims related to hours of work, remuneration, leaves and rest day;</p> <p>d) claims related to the issuance of certificate of service and clearance</p> <p>e) claims pertaining to employment injury, transfer, promotion, training and other similar issues;</p> <p>f) Unless otherwise provided in this Proclamation, suits pertaining to violations provisions of this Proclamation.</p> <p>2/ The labour division of a Regional First Instance Court shall render its decisions within 60 days from the date on which the suit is filed.</p> <p>3/ The party who is aggrieved with the decision of the first instance court may, within 30 days from the date on which the decision was delivered, lodge an appeal to the labour division of the Federal or Regional appellate court.</p>	<p>t), dacwadaha la xidhiidha burinta heeshiisyada shaqo;</p> <p>j). dacwadaha la xidhiidha sacaadaha shaqada, lacag-bixinta, fasaxa iyo nasashada;</p> <p>x). dacwadaha la xidhiidha bixinta cadaymaha mudada adeega iyo shaqo ka tagista;</p> <p>kh) dacwadaha la xidhiidha magdhawga waxyeelada ka soo gaadha shaqada, dalaacada, badaalka, tababarada iyo arrimaha kale ee la midka ah;</p> <p>d). haddii aan si kale loogu xeerin bayaanknai, dacwadaha kale la xidhiidha xadgudubyada iyo dacwadaha fuduud ee ka dhanka ah qodobada bayaankani;</p> <p>2/ Fadhiga maxkamada daraajada koobaad waa inay dacwadaha la xiriirada shaqada ay kaga go'aan gaadho muddo 60 maalmood gudahood ah.</p> <p>3/ Cidkasta oo aan ku qanacsaneyn go'aanka ay dacwadaha la xiriira arrimaha shaqada ay gaadhay Fadhiga maxkamada daraajada koobaad waxay muddo 30 maalmood gudahood ay racfaan u qaadan karaan maxkamada saree e heer fedraal ama heer deegaan hadba mida ku haboon.</p>
<p>140. The Labour Division of Appellate Court</p> <p>1/ The labour division of Appellate the Frist Instance Court shall have jurisdiction to hear and decide on the following matters:</p> <p>a) appeals submitted from the labour division of the first instance courts in accordance with Article 139 of this Proclamation;</p> <p>b) objections on question of jurisdiction;</p> <p>c) appeals submitted against the refusal of the registration of an organization by the Ministry or Appropriate Authority in accordance with Article 123 of this Proclamation;</p> <p>d) appeals submitted by an employer who is affected by the order of labour inspector in</p>	<p>140. Fadhiga Maxkamada Racfaanka Ee Dhegaysiga Dacwadaha Shaqada</p> <p>1/ Fadhiga maxkamada heer federal ama heer deegaan ee dhegaysiga racfaanka dacwadaha shaqada waxay awood garsoor u yeelan dhegaysiga iyo go'aan ka gaadhista arrimaha hoos ku cad:-</p> <p>b). racfaanka ka dhanka ah go'aanada maxkamada daraajada koobaad ee federaal ama heer deegaan ay ku gaadheen hab waafaqsan qodobka 139 ee bayaankani.</p> <p>t).racfaanka ka dhanka ah awood garsoorka maxkamada;</p> <p>j). racfaanka ka dhanka ah go'aanka diidmada diiwaangalinta ururka ee wasaaradu ama hay'adda kale ee ay khuseeyso ku gaadhay hab waafaqsan qodobka 123 ee bayaankan.</p> <p>x). racfaanka ka dhanka ah amarka kormeeraha</p>

<p>accordance with Article 180(1) of this Proclamation;</p> <p>e) appeals submitted against the decision of the Minister or Appropriate authority in accordance with Article 20 (3) Article of this Proclamation;</p> <p>f) Request submitted by Minister or Appropriate authority for the cancellation of the registration of an organization in accordance with Article 122 (2) of this Proclamation.</p> <p>“”</p> <p>g) Apples against the decision of the board on question of law in accordance with Article 155 of this proclamation</p> <p>2/ The decision of the appellate court on appeal submitted under Sub-Article (1) of this Article shall be final.</p> <p>3/ The labour division of the Federal or Regional Appellate Court shall render its decision within 60 days from the date of the appeal lodged in accordance to Sub-Article (1) of this Article.</p>	<p>xaalada shaqadu ku gaadhay hab waafaqsan qodobka 180 (1) ee bayaankan.</p> <p>Kh). Racfaanka ka dhanka ah go'aanka wasaaradu ama hay'adda kale ee ay khuseeyso ku gaadhay hab waafaqsan qodobka 20 (3) ee bayaankan.</p> <p>d). cabashada ka dhanka ah codsiga burinta ururka ee wasaarada ama hay'adda hay'adda kale ee ay khuseeyso u soo gudbisay hab waafaqsan qodobka 122 (2) ee bayaankan.</p> <p>r). racfaanka la xidhiidha qodobada sharci ee loo cuskaaday go'aanka u guddiga shaqaalaha iyo loo shaqeeyuhu u ku gaadhay hab waafaqsan qodobka 155 ee bayaankan.</p> <p>2/ go'aanka hab waafaqsan farqada (1) ee qodobkan lagaga gaadhay racfaanku wuxuu noqon mid kama dambeys ah.</p> <p>3/ Fadhiga dhegaysiga racfaanka dacwadaha arrimaha shaqada ee maxkamadaha heer federal ama deegaan waa in ay arrimaha loogu soo gudbiyay hab waafaqsan farqada (1) ee qodobkani kaga go'aan gaadhaan muddo lixdaan (60) maalmood guhadood ah laga bilaabo maalinta dacwada racfaanka loo soo gudbiyay.</p>
<p align="center">CHAPTER THREE ALTERNATIVE DISPUTE SETTLEMENT MECHANISM PERTAINING TO LABOUR ISSUES</p>	<p align="center">CUTUBKA SADEEXAAD NIDAAMYADA XALINTA KHILAIFYADA EE KU HABOON XALINTA DACWADAH LA XIDHIIDHKA SHAQADA</p>
<p align="center">141. Social Dialogue</p> <p>Employers and workers or their respective associations may introduce social dialogue in order to prevent and resolve labour disputes amicably.</p>	<p align="center">141. Nidaamka Wada Hadalka</p> <p>Shaqaalaha iyo loo shaqeeyayaashu iyo sidoo kale Uruuradoodu si ay uga hortagan islamarkaana u xalistaan khilaafaadka ka dhexdhasha waxay u adeegsan karaan Nidaamyada shaqo ee u yaala isku soo dhaweeynta iyodhexaadinta bulshada.</p>
<p align="center">142. Assigning of Conciliator</p> <p>1/ When a dispute in respect of matters specified under Article 143 is brought to the attention of the Ministry or the appropriate Authority by either of the parties to the dispute it shall assign a conciliator with a view to amicable settlement of the case.</p> <p>2/ The Ministry or the Appropriate Authority may</p>	<p align="center">142. U Hawgalinta Dhexdhaxaadiye</p> <p>1/ Marka dhinac ka mid ah dhinacyada u ka dhaxeeyo ismaandhaafka la xiriira arrimaha ku cad qodobka 143 wasaaradu ama hay'adda kale ee ay khuseeysa waxay u magaacabi/hawgalin dhexdhexaadiye suurtoqaliyaa xal ka gaadhista ariinta.</p> <p>2/ wasaaradu ama hay'adda kale ee ay khuseeysa waxay Dhexdhexaadiyaha ka magaacabi karta heer</p>

<p>assign conciliators at the Federal, Regional and, when necessary, at the Woreda levels.</p>	<p>federal, deegaan iyo hadba sida loogu baahdo heer degmo.</p>
<p>143. Duty and Responsibility of Conciliator</p> <p>1/ A conciliator appointed by the Ministry or the Appropriate Authority shall endeavor to bring about a negotiated settlement on the following and other similar collective labour disputes:</p> <p>a) issues of wages and other benefits which are not determined by work rules or collective agreements;</p> <p>b) establishment of new conditions of work;</p> <p>c) the conclusion, amendment, duration and invalidation of collective agreements;</p> <p>d) the interpretation of any provisions of this Proclamation, collective agreements or work rules;</p> <p>e) procedure of employment and promotion of workers;</p> <p>f) issues affecting workers in general and the very existence of the Undertaking;</p> <p>g) suits related to procedures issued by the employer regarding promotion, transfer and training;</p> <p>h) Issues pertaining to reduction of workers.</p> <p>2/ A conciliator shall endeavor to bring about an amicable settlement by all means as he considers appropriate.</p> <p>3/ When a conciliator fails to settle a labour dispute within 30 days, he shall report same to the competent authority together with his opinion, and shall serve copies of the report to the parties involved. Any one of the parties may submit the matter, other than those indicated under Sub-Article (1) (a) of this Article to a Labour Relations Board. However, where the dispute under Sub-Article (1) (a) of this Article is related to those</p>	<p>143. Xilka Iyo Wajibaadka Dhexdhexaadiyaha</p> <p>1/ Dhexdhexaadiyaha wasaaradu ama hay'adda kale ee ay khuseeysa ay magaacabaysa wuxuu awood u leeyahay dhaysiga iyo xal u helida arrimaha hoos ku xusan iyo dacwado-wadareedka shaqada ee la midka ah.</p> <p>b) hanaanka go'aminta mushaaharka iyo fa'iidooyinka kale ee aan ku cadayn booska shaqo ama heshiis wadareedka</p> <p>t) abuurista iyo taabagalinta xaalado shaqo oo cusub;</p> <p>j) Arrimaha ku saabsan saxiixda heshiis wadareed, waka badalka mudada u dhaqangalka ahaanayo iyo xaalada u ku burayo.</p> <p>x) doodaha ku saabsan fasiirada qodobada bayaankani, heshiis wadareed ama nidaamyada shaqada;</p> <p>kh) nidaamka shaqaalaysiinta iyo dalaacsiinta shaqaalaha;</p> <p>d) Arrimaha la xidhiidha guud ahaan ayaaha shaqaalaha iyo jiritaanka shirkada.</p> <p>r). dacwadaha ka dhanka nidaamyada fulineed loo shaqeeyuhu ka soo saaray arrimaha la xidhiidha dalaacada , badaalada iyo tababarada;</p> <p>s). arrimaha ku taxaaluqa nidaamka shaqo dhimista</p> <p>2/ Dhexdhexaadiyuhu si u arrinta xal waara uga gaadho wuxuu adeegsan kara tab iyo xeelaad kasta oo u u arko muhiim.</p> <p>3/ Dhexdhexaadiyuhu haddii u arinta loo soo gudbiyay u muddo sodon maalmood gudahood ku xalin kari waayo, wuxuu warbixin ay ku lifaaqantahay talo-bixintiisu u gudbin wasaarada ama hay'adda kale ee ay khuseeyso. Nuqulka warbixintana wuxuu u gudbin dhinacyada ay dacwadu ka dhaxayso. Dhinac ka mid ah dhinacyada doodu ka dhaxayso marka laga reebo arrimaha lagu xeeriyay xarafka 'b' ee farqada (1) ee qodobkani, wuxuu arrinta u gudbin kara guddiga go'aan ka gaadhista arrimaha shaqaalaha iyo loo</p>

<p>undertakings stipulated under Article 137(2) of this Proclamation, one of the parties may submit the case to an Adhoc Labour Relations Board.</p>	<p>shaqeeyaha. Haseyeshee, haddii ay arrintu ku saabsantahay dacwada ku cad xarafka ‘b’ ee farqada 1 ee qodobkani kaasi oo khuseeya shirkadaha lagu qeexay farqada 2aad ee qodobka 137 ee bayaankan wuxuu mid ka mid ah dhinacyadu u arrinta u gudbin kara guddiga ku meelgaadhka ah ee go’aan ka gaadhista arrimaha shaqaalaha iyo loo shaqeeyaha.</p>
<p>144. Conciliation and Arbitration</p> <p>1/ Notwithstanding the provisions of Article 142 of this Proclamation, parties to a dispute may agree to submit their case to arbitrators or conciliators, of their own choice for settlement in accordance with the appropriate law.</p> <p>2/ If the parties fail to reach an agreement on the case submitted to conciliation under sub-article (1) of this Article or the party aggrieved by the decision of the arbitration may take the case to the Board or to the appropriate Court, as the case may be.</p>	<p>144. Nidaamka Garsoorka Ee Heshiisiinta Iyo Dhexdhaxaadinta</p> <p>1/ Iyadoo ay sidooda yihiin arrimaha lagu xeeriyay qodobka 142 ee bayaankani, dhinacyada qaybta ka ah dacwadaha la xiidiidha shaqada si ay u dhameeystaan oo ay xal waara looga gaadho arrintooda looma diidi karo inay hab waafaqsan nidaamka sharci ee ku haboon ay doortan cidkasta oo sadeexaad oo ay xal u arkaan.</p> <p>2/ Haddii cida dhinacyada ay ku doorteen hab waafaqsan farqada 1aad ee qodobani ay ku guuldaraysto xalinta khilaafka ama dhinaca ku qanci waayo go’aanka gudiga dhexdhaxaadinta arrinta wuxuu hadba sida ku haboon u gudbin arrinta boordhiga ama maxkamada ay khuseeyso.</p>
<p>CHAPTER FOUR THE LABOUR RELATIONS BOARD</p>	<p>CUTUBKA AFRAAD BOORDHIGA MAARAYNTA ARRIMAHA SHAQAALAHA IYO LOO SHAQEYAH</p>
<p>145. Establishment of the Board</p> <p>1/ One or more Permanent Labour Relations Board (hereinafter referred to as “Permanent Board”) may be established in each Regional State, as may be necessary. However, the ministry shall established Permanent Labour Relations Board to entertain cases involving undertakings owned by the Federal Government which are situated in Addis Ababa and Dire Dawa city administration.</p> <p>2/ Adhoc Labour Relations Board (hereinafter referred to as “ad hoc board”) may be established to hear and decide disputes that may arise on matters specified in Article 143 (1) (a) and in undertakings referred to in Article 137(2) of this Proclamation. Similarly, the Ministry shall</p>	<p>145. Aasaasida Boordhiga</p> <p>1/ Hadba sida loogu baahdo deegaankasta waxaa laga asaasi kara hal ama wax ka badan oo guddiga joogtada oo ah Boordhiga Maaraynta Arrimaha Shaqaalaha Iyo Loo Shaqeeyaha kaasi oo wixii hadda ka dambeeya loogu yeedhi doono ‘ ‘ “boordhiga joogtada ah”) haseyeshee wasaaradu waxay heer federal ka saasi karta boordhiyo joogto ah oo dhagaysta islamarkaana go’aan ka gaadha arrimaha ku saabsan khilaafaadka iyo ismaandhaafyada shaqada la xidhiidha ee ka dhax dhaca shirkadaha horumarinta ee dawladda ee laga maamulo heer federal ee ka dhisan maamulka magaalada Addis ababa iyo dhiridhaawa.</p> <p>2/ waxaa deegaankasta laga asaasi kara boordhi ku meelgaadh ah oo wixii hadda ka dambeeya loogu yeedhi doono “boordhiga ku meelgaadhka ah”), oo awood u leh dhagaysiga iyo go’aan ka gaadhista ismaandhaafyada iyo doodaha ka dhasha arrimaha lagu xeeriyay farqada (1, b) ee qodobka 143 ee la</p>

<p>established Adhoc Board when ever necessary to entertain cases involving undertakings owned by the Federal Government situated in Addis Ababa and Dire Dawa city administration.</p> <p>3/ Every Permanent or Ad hoc Board shall be established under the Ministry or Appropriate Authority.</p> <p>4/ Notwithstanding to Sub-Article (3) of this Article as per sub article (1) and (2) of this article Ad Hoc and permanent boards assigned to hear and decide disputes in respect of matters involving undertakings owned by the Federal Government located in Addis Ababa and Dire Dawa city administration shall be established and be accountable to the Ministry</p>	<p>xidhiidha shirkadaha ku cad qodobka 137(2) ee bayaankani. Sidoo kale,markasta oo loo baahdo wasaaradu waxay asaasi karta boordhi ku meelgaadh ah oo dhagaysta islamarkaana go'aan ka gaadha dacwadaha arrimaha la xidhiidha ama dhinac ka yihiin shirkadaha dawladda ee horumaarinta ee ay leedahay dawladda federaalku ee ku yaala/degan maamulka magaalada Addis ababa iyo dhiridhaawa maamulka magaalada.</p> <p>3/ Boordhikasta oo joogtada ah ama Boordhikasta oo ku meelgaadha oee la asaasayo wuxuu ku hoos jirayaa Wasaarada ama hay'adda ay khuseeyso.</p> <p>4/ Iyadoon la egayn arrimaha ku cad farqada (3) ee qodobkani, sida ku cad farqada (1) iyo (2) ee qodobkani boordhiag joogtada ah iyo boordhiag ku meelgaadhka ah ee loo asaasay dhagaysiga iyo go'aan ka gaadhista gaadha dacwadaha arrimaha la xidhiidha ama dhinac ka yihiin shirkadaha horumaarinta ee dawladda ee ay leedahay dawladda federaalku ee ku yaala/degan maamulka magaalada Addis ababa iyo dhiridhaawa maamulka magaalada waxay hoostagi oo ay uu tiirsanaan wasaarada.</p>
<p>146. Composition of Permanent or Ad Hoc Board</p> <p>1/ A Permanent or Adhoc Board appointed by the Ministry or Appropriate Authority shall comprises of a chair person, two members who have the knowledge and skill on labour matters, four members out of which two represent trade unions and two represent employers' associations, and two alternate members one from each association.</p> <p>2/ Employers Representatives shall be nominated from the most representative of Employers' Associations and workers representatives shall be appointed from the most representative of Trade Unions.</p> <p>3/ The Ministry or the Appropriate Authority shall assign a secretary and such other necessary staff to the Board.</p>	<p>146.Xubnaha Joogtada Iyo Kuwa Ku Meelgaadhka Ee Boordhiga</p> <p>1/ Xubnaha guddiga boordhiga ee u magaacabayo wasiirku ama hay'adda ay khuseeysa wuxuu ka koobnaan Gudoomiye, labo xubnood oo aqoon iyo khiibraad gaara u leh arrimaha shaqaalaha iyo loo shaqeeyaha , afar xubnood oo labo xubnood oo ka mid ahii mataalayo ururadashaqaalaha iyo labo xubnood oo mataalayaa ururada loo shaqeeyayaasha iyo sidoo kale labo xubnood oo kayd ahoo labada urur midkiiba u mataalayo hal xubin.</p> <p>2/ Wakiilada loo shaqeeyayaasha waxaa laga soo xuli ururada loo shaqeeyayaasha kuwa ugu codka badan halka wakiilada shaqaalahana lagu soo xulayo ururada shaqaalaha ee mataalayo cadka aqlaabiyada ee tirada ugu badan ee shaqaalaha.</p> <p>3/ Wasaaradu ama hay'adda ay khuseeyso waxay u magaacabi islamarkaana hawlgalin xoghayan iyo shaqaalaha kale ee boordhigu ugu baahanyahay hirgalinta wajibaadkiisa shaqo.</p>

<p>4/ Members and alternate members of a board shall serve on part time basis without remuneration; provided, however, that the Ministry or the appropriate Authority shall fix standard fees for attendances at meetings of the board.</p> <p>5/ Members and alternate members of the board shall be appointed for a term of three years; provided, however, that in making the initial appointments, the terms of one, two and three years, respectively, shall be specified so that in each subsequent year the terms of not more than one-third of the members and alternate members then serving shall expire in anyone calendar year.</p> <p>6/ The Ministry or the Appropriate Authority shall dismiss a member in case of neglect of duty or malpractice in office; and shall arrange for the appointment of a substitute for the remaining term.</p>	<p>4/ Xubnaha boordhiga iyo kuwa kaydka ahba waxay ku shaqayn qaab tabaarucaad ah oo bila mushaahar ah. haseyeeshee, wasaarada ama hay'adda ay khuseeysa waxay go'aamin ama xadayn cadadka gunada ee lagu siinayo ka qaybgalka shirarka boordhiga.</p> <p>5/ Xubnaha boordhiga iyo xubnaha kaydka ahba waxaa loo magaacabayaa xubinnimada guddiga muddo xilleed sadeex sano ah. haseyeeshee, marka hore ee la sameeynayo magaacabista koobaad xubnaha joogtada iyo kuwa kaydka ah inta la kala qaybiyo ayaa muddo xilleedkooda loo kala xadayn kuwo hal sano ah, kuwo labo sano ah iyo kuwo sadeex sano ah.</p> <p>6/ wasaaradu ama hay'adda ay khuseeysa waxay xubinnimada ka caydhin/joojin xubinka ku sifooba xil gudasho la'aan ama ku kaca arrimo sharci daro ah islamarkaana waxay suurto galin in mudada uga hadhsan muddo xilleedkiisii ku badali xubinka kaydka u ahaa.</p>
<p style="text-align: center;">147. Meeting Procedures of Permanent or Ad Hoc Boards</p> <p>1/ In the absence of the Chairperson another member of the Board designated by him as acting Chairperson, shall preside over the meetings of the Board. Where no such member is designated, the member of the Board who is senior in terms of his service shall act as a Chairperson.</p> <p>2/ In the absence of a member at any meeting of the Board, the Chairperson may designate an alternate member to replace the absentee at such meeting. Alternate member so designated shall be deemed a member for the meeting for which he is designated.</p> <p>3/ Four members of the Board shall constitute a quorum at any meeting; provided, however, that a minimum of one member representing the workers side and another member representing the employers' side shall be present.</p>	<p style="text-align: center;">147. Nidaamka Shirarka Ee Boordhiyada Joogtada Ama Ku Meelgaadhka Ah</p> <p>1/ Marka u maqanyahay gudoomiyaha guddiga boordhiga waxaa noqon shir-gudoonka boordhiga xubinka kale ee ka tirsan boordhiga ee uu u wakiishay ama doortay Gudoomiyuhu. Haddii shirka guddiga boordhiga una joogin xubinka u ku simaaha u ah gudoomiyaha, waxaa boordhiga shir-gudoon ahaan ku hogaamin xubinka xubnaha boordhiga ee ugu khibraad badan marka laga eego mudada u boordhiga ka soo tirsan.</p> <p>2/ Haddii xubinku una ka soo qaybgalin shirkakasta oo boordhigu yeelanayo, shir-gudoonku wuxuu magaacabi karaa xubin kale oo lagu badalo kaalinta xubinka ka maqan shirka. Xubinka qaab boos buuxin ah lagu soo xushay waxaa uu isla shirka lagu ansixiyay xubinnimadiisa u kaga qaybgali isla xubin ahaan.</p> <p>3/ koraamka Shirarka boordhigu wuxuu ku buuxsami marka afar ka mid ah xubnaha ay goobjoog yihiin shirka, haseyeeshee , waxaa muqaadis ah inay xubnaha shirka joogaan ay ka mid yihiin ugu yaraan hal xubin ah oo ka soo jeeda ama matalaya dhanka shaqaalaha iyo xubin kale oo ka soo jeeda ama matalaya dhanka loo shaqeeyaha.</p>

<p>4/ Decision of the board shall be taken by a majority vote of the members present. In case of a tie, the Chairperson shall have a casting vote.</p> <p>5/ Each decision of the Board shall be signed by all members present.</p> <p>6/ Minutes of meetings after approval by the Board shall be certified by the secretary and shall thereafter constitute the official record of the said meetings.</p>	<p>4/ Go'aanka boordhigu wuxuu ku meel-maari codka aqlaabayada xubnaha jooga shirka. Hadii codku isleeg noqdo gudoomiyaha ayaa yeelan cod dheeri ah;</p> <p>5/ Go'aankasta oo ay gaadhaan boordhigu waxaa saxeexi dhamaan xubnaha jooga shir boordhiga;</p> <p>6/ Hadal-qoraaleedyada shirarka boordhiga kadib marka u ansixiyo gudiga boordhigu inta xogyahay guddigu diiwaangaliyo ayuu noqon dhokumeentiga sharciiga ee shirkaas.</p>
<p>148. Powers of Permanent or Ad Hoc Board</p> <p>1/ A Permanent Board shall have the following powers:</p> <p>a) to entertain collective labour disputes except those in sub-article (1) (a) of Article 143; conciliate the parties; issue orders and render decisions;</p> <p>b) to entertain and decide cases submitted to it by one of the disputing parties after the parties fail to reach an agreement in accordance with sub-article(3) of Article 143 of this Proclamation except on matters specified in sub-article (1) (a) Article 143 of this Proclamation;</p> <p>c) to hear cases on prohibited actions referred to in Article 161 of this Proclamation;</p> <p>d) to require any person or organization to submit information and documents required by it for the carrying out of its duties;</p> <p>e) to require parties and witnesses to appear at its hearings;</p> <p>f) to administer oaths or take affirmations of persons appearing before it and examine any such persons after such an oath or affirmation;</p>	<p>148. Xilka Iyo Waajibaadka Boordhiga Joogtada Iyo Kuwa Ku Meelgaadhka</p> <p>1/ Boordhiga joogtadu wuxuu yeelan waajibaadka hoos ku cad:</p> <p>b). marka laga reebo arrimaha lagu qeexay xarafka (b) ee farqada (1) ee qodobka 143 dhagaysiga arrimaha kale ee ismaandhaafyada wadareed ee shaqada , dhexdhexaadinta dhanacyada ismaandhaafsan, waxayna soo saari amaroama ay gaadhi;</p> <p>t). marka laga reebo arrimaha lagu qeexay xarafka (b) ee farqada (1) ee qodobka 143 ee bayaankan, dhagaysiga iyo go'aan ka gaadhista dacwadaha u dhanac ka mid ah dhinacyada khilaafku ka dhexeeyo u soo gudbiyo kadib marka dhinacyadu ku guuldaraysteen inay heshiis iyo is afgaarad ku gaadhan hab waafaqsan farqada 3aad ee qodobka 143 ee bayaakani;</p> <p>j), dhegaysiga dacwadaha la soo gudbiyo ee ku saabsan ficillada la madnuucay eeku cad qodobka 161 ee bayaankani;</p> <p>x), marka ay shaqadooda fulinayaan waxay qofka ama shirkadkasta oo ay arrintu khuseeyso waydiin ama ka dalban soo gudbinta macluumaadka iyo dhokumeentiyada ay uga baahanyihiin;</p> <p>kh). Suurtogalinta in dhinacyada qaybta ka ah ismaandhaafka ama maragyadu ay hor yimaadan islamarkaana ay dhagaysan waxyaabaha ay maraga ka yihiin;</p> <p>d). inay maamulaan nidaamyada dhaarintata ama ay hubiyaan dhab ahaan qofkasta oo ay dalbadan hor imaanayaa guddiga islamarkaana dhaarta ama hubinta kadib waxay baadhi qofkasta ooh or yimiday;</p>

<p>g) to enter the premises of any working place or undertaking during working hours in order to obtain relevant information, hear witnesses or to require the submission of documents or other articles for inspection from any person in the premises.</p> <p>2/ An Ad hoc Board shall have the power to entertain labour disputes on matters specified in sub-article 1 (a) of Article 143 of this Proclamation, to conciliate the parties and to give orders and decisions.</p> <p>3/ Except in cases of urgency the person in charge of the premises or the undertaking shall be given reasonable advance notice before any entry in accordance with sub-article 1(g) of this Article.</p> <p>4/ Orders and decisions handed down by a permanent or Ad hoc Board shall be considered as any civil case decisions.</p>	<p>r), Galista sacaadaha shaqada xarunkasta oo ah goob shaqo ama xarunta shirkada si ay uu helaan xog iyo macluumaadka loo baahanyahay, ay u dhegaystaan maragyo ama ay u dalbadaan soo gudbinta cadaymaha iyo dhokumeentiyada ama arrimaha kale loogu baahanyahay baadhista ee gacanta ugu jira qofkasta oo ku sugan xarunta shaqada.</p> <p>2/ guddiga ku meel gaadhku wuxuu awood u leeyahay dhagaysiga ismaandhaafyada ku saabsan arrimaha lagu xeeriyay xarafka (b) ee farqada (1) ee qodobka 147 ee bayaankan iyo go'aaminta amarada heshiisiinta dhanacyada is hayaa.</p> <p>3/ Haddii ayna xalaad deg-deg ahii la soo gudboonaan,qofka ama shirkada khuseeyso waxaa la siin diginin wargalin ah, ka hor inta aan sida ku xarafka (r) ee farqada (1) ee qodobkani aan la galin goobta shaqada.</p> <p>4/ Amarada iyo go'aanada ay gaadhaan boordhigu waxaa loo arkiioo ay la mid yihiin amar iyo go'aan madaniya oo ay gaadhay maxkamadu.</p>
<p style="text-align: center;">149. Rules of Procedure</p> <p>A Permanent or an Ad hoc board may adopt its own rules of evidence and procedure. In the absence of own procedure, the provisions of the Civil Procedure Code shall apply.</p>	<p style="text-align: center;">149. Nidaamyada Qaab Socod</p> <p>Boordhiga joogtada ama ku meelgaadshku wuxuu soo saari karaa habraacyo iyo hanaan shaqo oo lagu haggio hanaanka soo dhaweeynta cadaymaha. Haddii ayna arrimahani jirin waxaa arrinta dhaqangal ku noqon xeerka hab madaniga.</p>
<p style="text-align: center;">150. Hearings Of Cases</p> <p>1/ Before disposing the case, a Permanent or An adhoc Board shall summon the parties concerned and provide them the opportunity to be heard. At least ten working days advance notice shall be given to the parties and the summons shall specify the date, time and place of the hearing.</p> <p>2/ If any of the parties or any other person properly summoned fails to appear at the time and place, the Board may proceed with the hearing. If the failure to appear was not attributable to the person concerned, the Board shall grant that person another opportunity to appear before it.</p>	<p style="text-align: center;">150. dhagaysiga dacwadaha</p> <p>1/ Boordhiga joogtadu ama ku meelgaadhka ka hor inta aanu arrinta go'aan ka gaadhin wuxuu si ay dhanacyadu fursad ugu helan dhegaysiga dacwada wuxuuka toban maalmood ka hor u dhanacyada dacwada uu diri qoraal yeedhis ah oo ay ku cad yihiin maalinta, sacaada iyo goobta u ka dhacayo dhagaysiga dacwadu.</p> <p>2/ Haddii dhinac ka mid ah dhainacyada dacwada ee si haboon loo gaadhsiiyay yeedhitaanku u uku guuldaraysto ka soo qaybagalka goobta iyo sacaada dhegaysigadacwada loo balamiyey, boordhigu dhegaysiga dacwada wuu sii wadan karaa. Habse ahaatee haddii ay cadaato, in sabaabta keentay imaansho la'aanta dhinacyadu ay tahay mid ka baxsan awoodiisa waxaa fursad labaad oo u</p>

<p>3/ No appeal may be lodged solely against the Board's ruling in accordance with sub-article (2) of this Article.</p> <p>4/ All deliberations of the Board shall be public unless the Board, for good cause, decides otherwise.</p> <p>5/ A Permanent or an Ad hoc board shall not be bound by the rules of evidence and procedure applicable to Courts of law and may apply any method as it thinks fit.</p> <p>6/ Trade Unions, employers' Associations and other parties summoned to appear at a hearing may be represented by their duly authorized representatives or legal counsel. The Board may limit the number of such representatives who may actively participate in a hearing on behalf of any party.</p>	<p>guddiga ku hor yimaado guddiga.</p> <p>3/ Go'aanada boordhigu ku soo saaro hab waafaqsanfarqada 2aad ee qodobkani racfaan lagama qaadan karo.</p> <p>4/ Haddii aan boordhigu go'aamin in dacwada lagu dhegaysto fadhi garsoor oo qarsoon, guddigu wuxuu dacwada ku dhaegaysan karaa fadhi garsoor daah-furan.</p> <p>5/ Boordhiga joogatada ah ama ku meelgaadhku kuma qasbanayayo in uku dhaqmo qaabsocodka iyo nidaamyada soo dhaweeynta cadaymaha ee ay maxkamadu ku shaqeeyaan wuxuu raacii karaa /adeegsan karaa nidaamkasta oo u arko munaasib.</p> <p>6/ Ururada shaqaalaha, ururada loo shaqeeyayaasha iyo dhinacyada kale ee loogu yeedhay inay ka soo qaybgalaan dhegaysiga waxaa ku mataali kara hogaamiyaha ururka ama ama qareen sharci. Boordhigu wuxuu xadiidi kara tirada wakiilada si joogto ah ugu mataali kara dhinac kasta.</p>
<p style="text-align: center;">151. Consideration of Matters</p> <p>1/ The permanent or the Ad Hoc Board shall exert all possible effort to settle the disputes before it amicably, and to this end it shall employ and make use of all conciliatory means as it deems appropriate.</p> <p>2/ The Board may, in appropriate circumstances, consider not only the interests of the parties before it but also the interest of the community of which they belong and may in such circumstances call up on the Government to intervene as an impartial advisor.</p> <p>3/ In arriving at decision, the Permanent or Ad Hoc Board shall take into account the main merit of the case, and need not follow strictly the principles of substantive law followed by Civil Courts.</p>	<p style="text-align: center;">151. Hanaanka Arrin Lagu Dhegaysanayo</p> <p>1/ Boordhiga joogtadu ama ku meel-gaadhka ahii waa inay dadaal dheer u galaan sidii is maan dhaafka shaqo ee loo soo dhaweeyay loogu xalin lahaa hanaan heshiis ah oo isafgaarad ah. Si ula jeedadas loo gaadhona waxay adeegsan karaan tabokasta oo heeshiisiin iyo dhex-dhexaadin oo ay lama huraan u arkaan.</p> <p>2/ Marxaaladaha ay munaasibka tahay, boordhigu wuxuu suurto galin karaa inu isagoon ku koobnaan danaha dhinacyada ay arrintu toos u khuseeyso oo kaliya ee si maanka loogu hayo danaha bulshada ay ka tirsanyihiin dhinacyadu ayuu si arrintani uga gacansiiyaan wuxuu dawladda ugu baaqi inay ku soo faragaliso qaab ay tahay la taliye dhexdhexaad ah.</p> <p>3/ Boordhigu joogtadu ama ku meelgaadhku, markasta oo u gaadhayo go'aan isagoon si toos ah u raaciin nidaamyada kale ee shuruucda asaasiga ah ee u yaala maxkamadaha madaaniga ah ayuu isagoo eegayaa arrinta xudunta u ah dacwada loo soo gudbiyay oo kaliya ayuu go'aan ka gaadhi karaa.</p>
<p style="text-align: center;">152. Decisions</p>	<p style="text-align: center;">152. Hanaanka Go'aan Gaadhis Ee Boordhiga</p>

<p>1/ A Permanent or An ad hoc Board shall give render a decision within 30 days from the date when the claim is filed.</p> <p>2/ Decisions of a Permanent or an Ad hoc Board shall be made in writing and signed by the Board members who concur therein. Dissenting opinions, if any, shall also be made in writing and signed by the dissenting member.</p> <p>3/ In every decision of a Board the decision shall contain the following:</p> <p>a) The issue or dispute identified for decision;</p> <p>b) The relevant testimony and evidence recorded together with their sources in the course of the proceedings;</p> <p>c) The findings of the Board and the evaluation of the evidence which led the Board to make such findings;</p> <p>d) The disposition of each issue or dispute;</p> <p>e) The action to be taken on the basis of such decision.</p> <p>4/ A copy of the decision of the Board shall be served to the parties concerned within five days from the date of the decision.</p>	<p>1/ Boordhigu joogtadu ama ku meelgaadhku wuxuu dacwada kaga go'aan gaadhi laga bilaabo maalinta arrinta loo soo gudbiyay muddo 30 maalmood gudahood ah.</p> <p>2/ Go'aanka Boordhiga joogtadu ama ku meelgaadhku oo qoraal ah ayay saxeexi xubnaha boordhiga ee go'aanka gaadhay. Sidoo kale haddii u jiro xubin ka mawquuf duwan, afkaarta kala duwanaanshaha oo qoraal ah ayuu saxeexi xubinka amiinsan.</p> <p>3/ Go'aankasta oo boordhigu gaadhayo qoraalka go'aanku waa inu ka koobnaado arrimaha hoos ku cad:</p> <p>b) nuxurka iyo dulucda arrinta ama ismaandhaafka laga go'aan gaadhayo;</p> <p>t) nuxurka cadaymaha ku haboon ee boordhiga loogu soo gudbiyay geediga dhegaysiga dhacwada iyo markhaatiyada la dhegaystay iyo waxa ay fureen;</p> <p>j) gundhiga natiijada u soo baxay boordhiga iyo qaabka qiimaynta cadaymaha ee boordhiga u horseeday inu natiijada noocani ah gaadho;</p> <p>x) go'aanka u ka gaadhay qodobkasta oo ismaandhaaf;</p> <p>kh) talaabooyinka loo baahanyahay in la qaado hab waafaqsan go'aanka ay gaadheen.</p> <p>4/ Nuqulka go'aanka boordhiga waxaa dhinacyada ay khuseeyso lagu siin laga bilaabo maalinta la gaadhay go'aanka shan maalmood gudahood.</p>
<p style="text-align: center;">153. Effects of Decisions</p> <p>1) Without prejudice to Article 155 of this Proclamation, any decision of a Permanent or an Ad hoc Board shall have an immediate effect.</p> <p>2) Where the decision of a Permanent or an Ad hoc Board relates to working conditions, it shall be considered as the terms of the contract of employment between the employer and the worker, to whom it applies, and the contract shall be adjusted accordingly.</p>	<p style="text-align: center;">153. Dhaqangalka Go'aanada</p> <p>1/ Iyadoo aan waxba loo dhimayn arrimaha lagu xeeriyay qodobka 155 ee bayaankan, haddii aan lagu joojin amarka cida racfaanka loo qaatay, go'aankasta oo ay gaadhaan boordhiga joogtada ah ama ku meelgaadhku isla markaba dhaqangal ayuu noqon.</p> <p>2/ Haddii go'aanka u gaadhay boordhiga joogtada ah ama ku meelgaadhku u ku saabsanyahay xaaladaha shaqo, waxaa loo aqoonsan qodobada heeshiiska shaqaalenimo ee ka dhexeeyaa loo shaqeeyahay iyo shaqaalaha maray waxaa go'aanka boordhiga lagu sixi qodobada iyo xaalada</p>

	ku haboon.
<p>154. Finality of Board's Findings of Fact</p> <p>All findings of facts made by a Board shall be final and conclusive</p>	<p>154. Go'aanada Boordhigu Ka Gaadho Dulucda Ismaandhaafka</p> <p>Dhamaan dulucda ismaandhaafka ee boordhigu ku xaqiijiyay g/socodka dooda waa kama dambeeyso oo wax dood ah lagama keeni karo.</p>
<p>155. Appeal</p> <p>1/ In any labour dispute an appeal may be taken to the High Court by an aggrieved party on questions of law, within 30 days after the decision has been served to the parties.</p> <p>2/ The High Court shall have the power to affirm, reverse or modify the decision of the Board.</p> <p>3/ The High Court shall render its decision within 30 days from the date on which the appeal is submitted to it.</p>	<p>155. Hanaanka Racfaan</p> <p>1/ Dhinackasta oo iyadoo ku aadacoonaaya khalaad ka jiraa qaabka qodobada sharci loo fasiiray aan ku qanacsaneyn go'aanka boordhiga joogtada ah ama ku meelgaadhku ka gaadhay khilaafka ka dhashay shaqada waxay racfaan u qaadan karta maxkamada sare. Racfaankani waa in lagu qaato 30 maalmood gudahood laga bilaabo maalinta u dhinacyda doodu ka dhaxeeyso u soo gaadhay go'aanka boordhigu.</p> <p>2/ Maxkamada sare waxay awood u leedahay inay marka ay arrinta baadho ay go'aanka boordhiga ku raacdo/ansixiso, buriso ama wax ka badal ku sameeyso.</p> <p>3/ Maxkamada sare waxay go'aankeeda ku gaadhi laga bilaabo maalinta loo soo gudbiyay racfaanka 30 maalmood gudahood.</p>
<p>156. Offences against Permanent or Ad Hoc Board</p> <p>1/ Whosoever in the course of a board inquiry, proceeding or hearing in any manner disturbs deliberations shall be punishable with simple imprisonment not exceeding six months or with fine not exceeding Birr 1000.</p> <p>2/ Where the offence described in sub-article (1) of this Article is not committed openly or out of court session, the punishment, except in more serious cases, shall be a fine not exceeding Birr 500.</p> <p>3/ Proceedings of the Board shall be considered quasi-judicial proceedings and the Board a competent judicial tribunal for the purpose of Article 449 of the Criminal Code, and violations</p>	<p>156. Dambiyada Ka Dhan Ka Ah Boordhiga Joogtada Ah Ama Ku Meelgaadhka</p> <p>1/ Cidkasta oo g/socodka arrin boordhigu ku baadhayo, dhegaysanayo ama eegayo qaab kasta buuq iyo khalkhalin ugu sameeya dooda waxaa lagu ciqaabi xadhig fudud oo aan ka badneyn lix bilood ama ganaax lacageed oo aan ka badneyn 1000 /kun/ birr.</p> <p>2/ Haddii fal-dambiyeedka ku cad farqada (1) ee qodobkani aan loo fulin qaab daah-furaan ama meel ka baxsan fadhiga maxkamada, haddii ficilku lahayn sifooyin fal-dambiyeed culus waxaa lagu gaanaxi lacag aan ka badneyn 500 oo birr.</p> <p>3/ g/socodka Boordhigu ku dhegaysanayo dacwada waxaa laga soo qaadi inu yahay qaabsocod maxkamadeed oo kale, boordhiga oo ula jeedada qodobka 449 ee xeerka dambiyada yeelanayaa awood maxkamadeed oo ay qofkasta oo boordhiga kula kaca xadgudub waxay ku xukumi ganaaxa ku</p>

<p>thereof shall be punishable as provided there under.</p> <p>4/ The Board may punish any person who committed any offence described in this Article.</p>	<p>cad isla qodobkaasi.</p> <p>4/ Boordhigu qofkasta oo ku kaca dambiyada lagu faah-faahiyay qodobkani wuxuu ku xukumi karaa ganaaxi.</p>
<p>157. Annual Report</p> <p>A Permanent or an Adhoc board shall have the responsibility to submit to the Minister or competent authority annual report of its activities</p>	<p>157.Warbixinta Sanadlaha</p> <p>Boordhiga joogtada ah ama ku meelgaadhku waxay masuuliyadii ka saarantahay inu wasaarada ama hay'adda ay khuseeyso u soo gudbiyo warbixin sanadle ah oo ku saabsan waxqabadkiisa shaqo.</p>
<p>CHAPTER FIVE STRIKE AND LOCK-OUT</p>	<p>CUTUBKA SHANAAD SHAQO-JOOJINTA IYO SHAQO XIDHID</p>
<p>158. General</p> <p>1/ Workers shall have the right to strike to protect their interests in the manner prescribed in this Proclamation.</p> <p>2/ Employers shall have the right to lock-out in the manner prescribed in this Proclamation.</p> <p>3/ The provisions of sub-articles (1) and (2) of this Article shall not apply to workers and employers of undertakings referred to in Article 137(2) of this Proclamation.</p>	<p>158.Guud Ahaan</p> <p>1/ shaqaaluhu hab wafaaqsan hanaanka lagu xeeriyay bayaankani waxay xaq u leeyihiin inay qaadan talaabooyin shaqo-joojin ah si ay uu sugan islamarkaana u meel-maariyaan danahooga iyo xuquuqahooda.</p> <p>2/ Loo shaqeeyayaashu hab wafaaqsan hanaanka lagu xeeriyay bayaankani waxay xaq u leeyihiin inay ku talaabsadan talaabooyin shaqada lagu xidhayo.</p> <p>3/ Arrimaha ku cad farqada (1) iyo (2) ee qodobkani dhaqangal kuma noqonayo shaqaalaha iyo loo shaqeeyayaasha shirkadaha ku cad qodobka 137(2) ee bayaankani.</p>
<p>159. Conditions to be Fulfilled</p> <p>Prior to initiating a strike or lock-out partially or wholly the following steps shall be taken:</p> <p>1/ The party initiating a strike or lock-out shall give advance notice to the other party indicating its reasons for taking the said action.</p> <p>2/ Both parties shall make every effort to solve and settle their labour dispute in a mutually amicably manner.</p> <p>3/ The strike to be taken by the workers shall have to be supported by simple majority of the workers concerned in a meeting in which at least two-third</p>	<p>159. shuruudaha shardiga u ah</p> <p>Ka hor inta aan la bilaabin shaqo joojin ama xirid shaqada qayb ahaan ama gebi ahaanba waa in la qaado tallaabooyinkan soo socda:</p> <p>1/ Waa in dhinaca soo abaabulaya shaqa joojinta ama xirid shaqadu waa inuu ogeysiis horudhac ah siiyaa dhinaca kale oo xambaarsan sababaha ay u qaadaan tallaabadaas.</p> <p>2/ Labada dhinacba waxaa looga baahan yahay inay suurtagaliyaan dadaal kasta si ay u xalliyaan islamarkaana khilaafkooda la xidhiidha shaqada ay ugu soo afjaaran qaab heshiis ah loo dhanyahay.</p> <p>3/ Shaqo joojinta ay ku dhawaaqayaan shaqaaluhu waa in la xaqiijiyo inay tageersanyihiin codka aqlaabiyad ah xubnaha ururka shaqaalaha ay</p>

<p>of the members of the trade union were present.</p> <p>4/ Measures shall be taken to ensure the observance, by employers and workers, of safety regulations and accident prevention procedures in the undertaking.</p>	<p>khuseeyso ee shirka ururka oo ay ka soo qaybgaleen 2/3 xubnaha ururka.</p> <p>4/ shaqaalaha iyo loo shaqeeyahaba waxaa looga baahanyahay inay taabogaliyaan talaabooyin lagu ixtiraamayo awaamiirta u yaala badbaadada iyo Tabaha ka hortaga masiibooyinka ee shirkada.</p>
<p>160. Procedure for Notice</p> <p>1/ The notice under Article 159(1) of this Proclamation shall be given by the party initiating a strike or lock-out to the other party, and to the Ministry or the appropriate Authority.</p> <p>2/ The notice specified in sub-article (1) of this Article shall be served 10 days in advance of taking action.</p>	<p>160. Nidaamka Gaadhsiinta Digniinta</p> <p>1/ dhinaca hab wafaaqsan qodobka 159(1) ee bayaankan soo abaabulaysa shaqo joojin ama shaqo xidhid waa inay gaadhsiiso digniin dhinaca kale ee arrintu khuseeyso iyo wasaarada ama hay'adda ay khuseeysaba.</p> <p>2/ Digniinta ku cad faqradda (1) ee qodobkan waa in la gaadhsiiyo 10 maalmood ka hor maalinta la qaadayo tallaabada.</p>
<p>161. Prohibited Acts</p> <p>1/ Without prejudice to the provision of of Article 160 (1) of this Proclamation, a strike or lock-out shall be unlawful if initiated after a dispute has been referred to a Board or to a Court and 30 days have not elapsed before any order or decision is given by the Board or the prescribed period has elapsed before the Court has given decision.</p> <p>2/ It shall be unlawful to resist or unduly delay the execution of an order or a decision of a Board or Court disposing, in whole or in part, a labour dispute or to take or continue to strike or to lock-out in protest to such order or decision of the board or court; provided, however, that the strike or lock-out shall not be unlawful if initiated in order to ensure compliance with such order or decision.</p> <p>3/ It is prohibited to conduct strike or lock-out accompanied by violence, threats of physical force</p>	<p>161. Ficillada Reeban</p> <p>1/ Iyadoo aan waxba loo dhimayn arrimaha ku xusan Qodobka 160 (1) ee bayaanka, Ku Dhawaaqistan shaqo joojin ama xiritaanku waa sharci darro haddii la bilaabo ka dib markii muranka loo gudbiyo Guddi ama Maxkamad iyo 30 maalmood oo aan la shaabadeynin ka hor inta aan amar ama go'aan laga gaarin Guddiga ama mudadda u cayiman ka soo wareegtay ka hor inta aysan Maxkamaddu go'aanka gaarin.</p> <p>2/ Waa sharci daro ah ama reeban in la iska diido oo la aqbaali waayo amarka ama go'aanka guddigu ama maxkamadu ka soo saaray si muranka la xidhiidha shaqada qayb ahaan ama guud ahaanba ka soo saartay ama qaab balmaarsan amarka ama go'aanka noocaani lagu talaabsado talaabooyin shaqo joojin ah ama shaqada lagu xidhayoama la sii wado ama qaab aan habooneyn amarka ama go'aanka guddiga ama maxkamada la fulin waayo oo laga cagaa-jiido. Haseyeeshee, haddii talaabada lagu kacay ee shaqo joojintu tahay mid aanlidkii ku ahayn amarka ama go'aanka ka soo baxay guddiga ama maxkamada ee u yahay mid dhinaca wax loo xukumayula gol-leeyihiin inay dhinaca kale ku qasban fulinta amarka guddiga ama go'aanka maxkamada ficilkaasi ma noqonayo sharci daro ama maha arrin madnuuc ah.</p> <p>3/ Waxaa reeban in talaabada shaqo joojinta ama xidhida shaqada loo fuliyo qaab ku gaashamaan xoog, kacdoon, cabsigalin ama huwaan ficillo</p>

or with any act which is illegal	sharci daro ah oo aan habooneyn.
CHAPTER SIX FEES	CUTUBKA LIXAAD LACAGAHA ADEEGA
<p style="text-align: center;">162. Exemption from Fees</p> <p>1/ No service fees shall be levied in respect of cases submitted to conciliation and to a Labour Relations Board by any worker or Trade Union, employer or Employers' associations in accordance with Articles 142 and 148 of this Proclamation.</p> <p>2/ No court fees shall be levied in respect of labour cases submitted to courts by any worker or trade union.</p>	<p style="text-align: center;">162. Ka Dhaafida Lacagaha Adeega</p> <p>1/ hab waafaqsan qodobka 142 iyo 148 ee bayaankani dhamaan dacwadaha iyo doodaha la xidhiidha muranada shaqada ee shaqaalekasta ama ururada shaqaaluhu ama loo shaqeeyuhu ama ururada loo shaqeeyayaashu u soo dhaweestaan dhexdhexaadiyaal iyo boordhiga xidhiidhka loo shaqeeyaha iyo shaqaalaha wax lacag ah lagama qaadayo oo waa laga dhaafay.</p> <p>2/ Arrinkasta oo ku saabsan muranada iyo ismaandhaafyada shaqada iyo loo shaqeeyahay shaqaalekasta ama ururada shaqaaluhu u soo gudbiyaan ama hor keenaan maxkamada waxaa laga dhaafay lacagta garsoorka.</p>
PART TEN PERIOD OF LIMITATION AND PRIORITY OF CLAIMS	QAYBTA TOBNAAD MUDDO DHAAFKA IYO KALA MUDNAANTA SHEGAASHOOYINKA XUQUUQEED
CHAPTER ONE PERIOD OF LIMITATION	CUTUBKA KOOBAAD XAYNDAABKA MUDDO DHAAFKA LAGU SOO GUDBIN KARO SHAGAASHAADA XUQUUQEED
<p style="text-align: center;">163. Period of Limitation</p> <p>1/ Unless a specific time limit is provided in this Proclamation or other relevant laws, an action arising from an employment relationship shall be barred after one year from the date on which the right becomes exercisable.</p> <p>2/ Any claim by a worker to be reinstated shall be barred after three months from the date of termination of the contract of employment.</p> <p>3/ Claim by a worker for payment of wage, over time or any other payment shall be barred after six months from the date it becomes due.</p>	<p style="text-align: center;">163. Muddo Dhaafka</p> <p>1/ muddo dhaafka dacwadakasta oo ka dhaalatay xidhiidh shaqaalenimo haddii aan bayaankani ama shuruucda kale ee ku haboon si kale aan loogu xadayn laga bilaabo maalinta ay ka bilaabmaysa soo gudbintashagaashaada xuquuqeed haddii aan muddo hal sano ah gudaheed aan lagu soo dhaweeyan ama gudbisan muddo dhaaf ayaa lagu joojin.</p> <p>2/ Dacwadkasta oo shaqaaluhu ku dalbanayo madaama shaqada la iga joojiyay qaab sharci daro ah in shaqada dib loogu celiyo qaab muddo dhaaf ah ayay ku lumaysa xaqa sheegashadu wixii ka dambeeya sadeex bilood laga bilaabo maalinta laga joojiyay heshiiska shaqaalenimo.</p> <p>3/ Shegaashada shaqaalaha ee ku saabsan lacagaha sida mushaaharka, lacagaha sacadaha dheerigahu ku dalbanayo iyo lacagaha kaleba qaab muddo dhaaf ah ayay ku lumaysa xaqa sheegashadu haddii aan lagu soo dalban lix bilood gudahood laga</p>

<p>4/ Any claim by a worker or employer for any payment arising from termination of employment contract shall be barred unless an action is brought within six months from the date of termination of the contract of employment.</p> <p>5/ The relevant law shall be applicable to the period of limitation which is not covered under this Proclamation.</p>	<p>bilaabo maalinta ay ahayd in la bixiyo.</p> <p>4/ Dalabka ama shegaashada lacageed ee shaqaaluhu ama loo shaqeeyuhu ku doonayo sabaabo la xidhiidha burinta heshiiska shaqaalenimo kasta waxay muddo dhaaf ku lumaysa haddii aan laga bilaabo maalinta heshiiska shaqaalenimo laga baxay lagu soo codsan muddo lix bilood ah.</p> <p>5/ Muddo dhaafka arrimaha aan lagu xadayn qodobada bayaankani waxaa dhaqangal ku noqon shuruucda kale eeku haboon arrinta.</p>
<p>164. Calculation of Period of Limitation</p> <p>1/ Unless otherwise specifically provided for in this Proclamation, the period of limitation shall begin to run from the date following the date when the right may be exercised.</p> <p>2/ Whenever the last date of a period of limitation falls on a non- working, it shall expire on the following working day</p>	<p>164. Qaabka Xisaabinta /Tiriinta Muddo Dhaafka</p> <p>1/ Haddii aan bayaankani loogu xeerin qaab kale oo ka duwan tiriinta muddo dhaafka waxaa laga soo bilaabayaa maalinta ku xigta maalinta ay ahayd bixinta shegaashada xuquuqeed.</p> <p>2/ Haddii maalinta ugu dambeeya ee muddo dhaafku ku soo beeganto maalin aan ahayn maalmo shaqo waxay noqon maalinta shaqo ee ku xigta.</p>
<p>165. Interruption of a Period of Limitation</p> <p>A Period of limitation shall be interrupted by:</p> <p>1/ Any action taken before an authority responsible for the determination of labour disputes until a final decision is given;</p> <p>2/ Any action taken before the competent authority responsible for the enforcement and implementation of this Proclamation until a final decision is given in writing;</p> <p>3/ The written admission of the other party as to the validity of claim'; provided, however, that a period of limitation interrupted on such ground may not be interrupted for more than three times in the aggregate.</p>	<p>165. Joojinta Muddo Dhaafka</p> <p>Tiriinta muddo dhaafku wuxuu ku joogsan/hakaan kara siyaabaha hoos ku cad:-</p> <p>1/ Mudada u socdo dacwad loo soo dhaweestay hay'adda awooda u leh ka go'aan gaadhista muranka shaqada ilaa mudada go'aan kama dambeys ah laga gaadhayo;</p> <p>2/ Laga bilaabo maalinta cabasho loo keensaday Hay'adda loo xilsaaray dhaqangalinta iyo hirgalinta bayaankani arrimaha shaqaalaha iyo loo shaqeeyaha ilaa ay ka soo saarayso go'aan kama dambeys ah oo qoraal ah;</p> <p>3/ Ogoolanshaha xuquuqeed ee qoraalka ah ee dhinaca kale ku qiirayo/ogoolyahay dhab ahaan/jiritaanka sheegashada xuquuqeed. Haseyeeshee muddo dhaafka ku joogsaday sabaabaha noocani oo kale wadarta muddada ay hakaadka ku jiraayaan kama badnaan karto sadeex bilood.</p>
<p>166. Waiver of Limitation</p> <p>Any party may waive his right to raise a period of limitation as a defense; provided, however,</p>	<p>166. Iska Daynta Xaq Muddo Dhaafka</p> <p>Dhinackasta oo ka mid ah dacwadu wuxuu iska dhaafi karaa xaq u uu leeyahay inu difaac ahaan u</p>

<p>that a waiver of such right made before the date of expiry of the period of limitation shall have no effect</p>	<p>cuskaado /adeegsado muddo dhaafka. Haseyeeshee, waa waxba kama jiraan haddii xaqa soo jeedinta muddo dhaafka laga noqday ma la iska dayay ka hor dhamaadka muddo dhaafka.</p>
<p>167. Discretion of the Competent Authority</p> <p>1/ The organ responsible for the determination of labour disputes may accept an action after the expiry of a period of limitation if it ascertains that the delay is due to force majeure; provided, however, that such ground shall not be acceptable unless the action is brought within ten days from the date the force majeure ceases to exist.</p> <p>2/ Without affecting the generality of the provisions of sub-article (1) of this Article, the following shall be considered as force majeure for disregarding a period of limitation:</p> <p>a) Illness of the worker;</p> <p>b) Transfer of the worker to a place out of his residence in fulfillment of job tasks;</p> <p>c) Call of the worker for national service</p>	<p>167. Awooda Gaarka Ah Ee Hay'adda Masuuliyadii Ka Saarantahay</p> <p>1/ hay'adda awooda u leh go'aan ka gaadhista muran la xidhiidha shaqada iyo loo shaqeeyaha waxay awood u leedahay inay dacwad qaabisho ama ogoolaato kadib dhamaadka muddo dhaafka , haddii ay ku qanacdo in dib u dhaca iyo habsanka u sabaabay arrimo ka baxsan awooda. Haseyeeshee, asbaabahani lama cuskaan karo haddii aan dacwada lagu keensan toban maalmood gudahood laga bilaabo maalinta ay Meesha ka baxday arrimaha awooda ka baxsana;</p> <p>2/ iyadoo ay jiraan guud ahaanta arrimaha lagu xeeriya farqada (1) ee qodobkani, arrimaha hoos ku cad waa asbaabo lagu aqbaali / qaabili kar dacwad lagu joojiyay muddo dhaaf awgeed,</p> <p>b) shaqaalaha oo xanuunsad;</p> <p>t) shaqaalaha oo si uu guto wajibaadkiisa shaqo laga badal ama wareejiyo goobta rasmiga ee u deganyahay;</p> <p>j) Haddii shaqaaluhu ku maqan yahay baaq qaran.</p>
<p>CHAPTER TWO PRIORITY OF CLAIMS</p>	<p>CUTUBKA LABAAD KALA MUDNAANTA HANAANKA BIXINTA DAYMAHA</p>
<p>168. Priority over other Debts</p> <p>Any claim by a worker emanating from employment relations shall have priority over other payments or debts.</p>	<p>168. Xaqa Mudnaanta Bixineed</p> <p>Dalabka shagaashada xuquuqeed ee ka dhashay xidhiidh saqaalenimo ee shaqaale kasta wuxuu mudnaanta koobaad ee bixineed ka yeelan dhamaan nooc kasta oo shagaasho lacageed ama daymeed.</p>
<p>169. Procedure of Payment of Claims</p> <p>1/ In the event that the under taking is liquidated, execution officers or other persons authorized by law or the Court to execute such liquidations shall have the duty to pay the claims referred to in Article 168 of this Proclamation with in thirty</p>	<p>169. Nidaamka Bixinta Shagaashada Lacageed Ama Daymeed</p> <p>1/ saraakiisha fulinta go'aanka maxkamadeed ama dadka kale sharcigu u awoodsiiyay ama maxkamadii u xilsaartay fulinta go'aanka maxkamada markasta oo ay shirkadii bur-burto waxay masuuliyadii ka saarantahay inay shagaashada lacageed ama daymeed ee lagu</p>

<p>days following the decision of the competent authority.</p> <p>2/ Where the claims are not satisfied within the time limit set forth in sub-article (1) of this Article due to lack of asset, they shall be paid as soon as the necessary resource are available.</p>	<p>sheegay qodobka 168 ay ku bixiyaan muddo 30 maalmood gudahood ah laga bilaabo maalinta ay hay'adda awood u leh go'aamiso.</p> <p>2/ haddii mudada ku cad farqada (1) ee qodobkani lagu bixin waayo shagaashada lacageed ama daymeed lacag la'aan awgeed, waxaa lacagta lagu bixin sida ugu dhakhsaha badan ee lacag lagu helo.</p>
<p style="text-align: center;">170. Lien of Home Workers</p> <p>Where an under taking is liquidated or ceases to operate, home workers may exercise alien on goods in their possession that they have produced for the under taking and such lien shall be of equal value with their claims. Such measure shall be deemed an action taken to enforce the right provided for in Article 168 of this Proclamation.</p>	<p style="text-align: center;">170. Xaqa Shaqaalaha Ka Shaqeeyaa Gurigooda Ee Ku Dalaashada Daynta Alaabtooda</p> <p>Marka shirkadii bur-burto ama ay shaqada joojiso ama la xidho shaqaalaha guriyahooda ka shaqeeyn jiray waxay xaq u leeyihiin inay lacagta ay ku leeyihiin loo shaqeeyaha ay rahaamad ahaan u haystaan alaabta gacantooda ku jirta ee shirkada taasi oo qiimaheedu u dhigaanto lacagta ka maqan ay u haystaan. Talaabada noocaani waxaa loo qaadan talaabo lagu soo celinayo xaqa ku cad qodobka 168 ee bayaankani.</p>
<p style="text-align: center;">PART ELEVEN Enforcement of Labour law CHAPTER ONE Labour Administration</p>	<p style="text-align: center;">QAYBTA KOW IYO TOBNAAD Hirgalinta Bayaanka Arrimaha Shaqada Iyo Shaqaalaha CUTUBKA KOOBAAD Maamulka Shqada Iyo Shaqaalaha</p>
<p style="text-align: center;">171. Powers of the Ministry</p> <p>1/ The Ministry may issue directives necessary for the implementation of this Proclamation, in particular, with respect to:</p> <p>a) Occupational safety, health and the protection of working environment;</p> <p>b) Standards for working conditions;</p> <p>c) Determination of hazardous jobs;</p> <p>d) In consultation with the concerned organs, the type of works which are particularly hazardous or dangerous to the health and to the reproductive systems of women workers;</p> <p>e) Types of works which require work permits for foreigners and, in general, the manner of giving work permits; conditions on which private employment agencies are to operate locally;</p>	<p style="text-align: center;">171. Awooda Wasaarada</p> <p>1/ Ula jeedada dhaqangalinta bayaankani awgeed, Wasaaradu waxay awaamiirta lama huraanka u ah ka soo saari karta arrimaha ku cad qaybaha hoose iyo arrimaha kale ee ku saabsan shaqada iyo shaqaalaha:-</p> <p>b) badbaadada xirfadeed, ilaalinta fayyoqaabka caafimaadka iyo fayodhawrka degaanka;</p> <p>t). halbeedyada u yaala xaaladaha shaqo;</p> <p>j). go'aaminta shaqooyinka halista ah;</p> <p>x). iyadoo lala kaashanayo qaybaha ay arrintu khuseeyso shaqooyinka halista ku ah xaalada cafiimaad ee haweenka shaqaalaha ah ama dhawaacayaa nidaamka taraanka shaqaalaha haweenka ah;</p> <p>kh). Noocyada shaqo ee fasax shaqo looga baahanyahay dadka ajaanibka ah iyo guud ahaan siyaabaha dadka shisheeyaha ah lagu siin karo fasaxa shaqada;</p>

<p>f) In consultation with other relevant organs, determine conditions of homework contracts, and the types of occupations in which apprenticeship need to be offered and other issues related thereto;</p> <p>g) Procedures for registration of vacancies and job-seekers;</p> <p>h) Procedure for the reduction of work force;</p> <p>i) Determine undertakings required to arrange insurance coverage for the payment of employment injury benefits;</p> <p>j) Procedures on the establishment of Permanent Advisory Board and the duties and responsibilities thereto;</p> <p>k) Conditions for Private Employment Agency to participate in local Employment service;</p> <p>l) Procedures on the requirements for the certification of private labour inspection service providers;</p> <p>m) Procedures on the establishment of Occupational Safety and Health Committee in undertakings;</p> <p>2/ The Ministry shall put in place an integrated labour administration system to initiate labour laws and policies, to coordinate, follow up and enforce their implementation, and to enhance employment service and a labour inspection service and establish a Permanent Advisory Board which consists of members representing Government, Employers' Associations and Trade Unions to advice the same.</p> <p>3/ The appropriate Authority shall establish a Permanent Advisory Board consisting of members representing government, Employers' associations and Trade Unions that will advise it after studying and examining the implementation of labour laws</p>	<p>d). iyadoo lagala tashanayo qaybaha ay khuseeyso go'aaminta arrimaha la xidhiidha xaalada shaqada dadka ka shaqeeyaa xafaadaha iyo shaqooyinka iyo xirfadaha looga baahanyahay in qaab tijaabo xirafdooda u koroodhsadaan;</p> <p>r) nidaamka diiwaangalinta shaqo-doonka iyo boosaska shaqo ee banaan;</p> <p>s) nidaamka fulineed ee shaqaale-dhimista;</p> <p>sh). Go'aaminta shirkadaha ay tahay in ay galaan caymis ay ku daboolan bixinta magdhawga laxaad la'aaanta iyo dhawacyada ka soo gaadha shaqada</p> <p>c) nidaamka asaasida iyo xadaynta xilka iyo masuuliyadaha boordhi la talineed oo joogto ah;</p> <p>dh) siyaabaha shirkadaha gaarka loo leeyahay isku xidhka shaqo doonka iyo loo shaqeeyayaasha ay kaga qayb-qadaan adeegyada hawlgalinta shaqaalaha ee dalka dhexediisa;</p> <p>g) jaango'ynta shuruudaha looga baahanyahay shirkadaha gaarka ee bixiya adeega dabagalka xaalada shaqo ee shirkadaha gaarka lagu xaqiijinayo kartidooda islamarkaana lagu siinayo cadaynta fasaxa shaqo;</p> <p>f) nidaamka shirkadaha laga dhex asaasiyo gudiga fayyoqaabka xirfadeed iyo caafimaad-qaabka;</p> <p>2/ wasaaradu si ay uu taabogaliso nidaam maamul oo isku dhaafan oo suurto galiyaa soo curinta shuruudaha iyo siyaasadaha shaqada iyo shaqaalaha, sidoo kalena isku dubaarida, dabagala islamarkaana fuliyaa dhaqangalintooda iyo kor u qaadida adeegyada hawlgalinta shaqada iyo shaqaalaha, adeegyada dabagalka xaaladaha shaqada waxay asaasi boordhi la talineed oo joogto ah kaasi oo ay xubno ka yihiin wakiillo ka socda dowladda, ururrada loo shaqeeyayaasha iyo ururada shaqaaluhu.</p> <p>3/ Hay'adda ay khuseeyso waxay asaasi boordhi la talineed oo joogto ah ay xubno ka yihiin wakiillo ka socda dowladda, ururrada loo shaqeeyayaasha iyo ururada shaqaaluhu kuwaasi oo darsayaa islamarkaana ka talo bixinayaa hanaanka fulineed</p>
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<p>and policies and the administration of employment services and labour inspection services.</p>	<p>ee shuruucda iyo siyaasadaha shaqaalaha iyo loo shaqeeyaha, iyo adeega hawlgalinta shaqada, iyo adeega dabagalka xaalada shaqada.</p>
<p style="text-align: center;">SECTION ONE EMPLOYMENT SERVICE</p>	<p style="text-align: center;">QAYB HOOSAADKA KOOBAAD ADEEGA HAWLGALINTA SHAQADA</p>
<p style="text-align: center;">172. General</p> <p>Employment services shall include the following:</p> <ol style="list-style-type: none"> 1/ Assisting persons who are capable and willing to work to obtain employment; 2/ Assisting employers in the recruitment of suitable workers for their job positions; 3/ Determining the manner in which foreign national are to be employed in Ethiopia; 4/ Cooperating with the concerned offices and organizations, in the preparation of training programmers’; 5/ Conducting studies pertaining to the labour market; 6/ In collaboration with the concerned offices, conducting studies relating to the manner of improving vocational training at the country level and disseminating same to beneficiaries and implementing the employment policy properly. 	<p style="text-align: center;">172. Guud Ahaan</p> <p>Adeegayada hawlgalinta shaqada waxaa ka mid arrimaha hoos ku cad:-</p> <ol style="list-style-type: none"> 1/ In la caawiyo qof kasta oo awood u leh inuu shaqeeyo si uu fursad shaqo u helo; 2/ In loo shaqeeyayasha laga caawiyo si ay u helaan shaqaale ku haboon shaqada; 3/ Go’aminta nidaamka shaqaalaha ajaanibka ah uga shaqeeyn karaan dalka gudahiisa; 4/ Iyadoo lala kaashanayo xafiisyada iyo shirkadaha ay khuseeyso in laga cawiiyo diyaarinta barnaamijo tababareed; 5/ Daraasadaynta cuduuda shaqaale ee shaqada ku jirta iyo cuduuda da’deed ee bilaa shaqada ah; 6/ iyadoo lala kaashanayo xafiisyada ay khuseeyso daraasadaynta iyo u gudbinta ka fa’iidaystayaasha, nidaamka lagu kobcinayo tababarada farsamada gacanta ee heer qaran iyo guud ahaan xaqiijinta in siyaasadaha hawlgalinta shaqada loo fuliyay hanaanka haboon.
<p style="text-align: center;">173. Employment Exchange</p> <p>Employment exchange shall include the following:</p> <ol style="list-style-type: none"> 1/ Registration of job-seekers and vacancies; and 2/ Selecting from among the registered job-seekers and sending those who meet the requirements to compete for the positions notified by employers. 3/ Any job seeker who has attained the age of 15 	<p style="text-align: center;">173. Isku Xidhka Shaqda Iyo Shaqaalaha</p> <p>Isku xidhka shaqda iyo shaqaalaha waxaa ka mid ah arrimahani:-</p> <ol style="list-style-type: none"> 1/ diiwaangalinta shaqo-doonka iyo boosaska banana; 2/ ka soo dhex xulida shaqo-doonka la diiwaangaliyay kuwa buuxiyay shuruudaha boosaska la soo dhejiyay iyo u soo gudbinta loo shaqeeyaha si ay ugu tartaman boosaska la soo dhejiyay; 3/ in shaqo-doonka da’doodu gaadhay 15 sano jir iyo wax ka sareeyaa marka ay keenaan dhokumeentiyada iyo cadaymaha ku haboon in ay diiwaangaliso cida ay uu xilsartay/wakiilatay

<p>years may up on presenting the necessary documents be registered by the organ delegated by the pertinent authority.</p>	<p>hay'adda awooda u leh</p>
<p>174. Conditions for the Private Employment Agencies to participate in Provision of Local Employment Service</p> <p>With the view to promote a comprehensive national employment service, private Employment Agencies can participate in the sector as per the Directive that will be issued by the Government.</p>	<p>174. Hanaanka Shirkadaha Gaarka Ee Isku Xidhka Shaqada Iyo Shaqaaluhu Uga Qaybqaadan Karan Adeegyada Hawlgalinta Shaqaalaha Ee Dalka Dhexdiisa</p> <p>Si dalka loogu fidiyo hanaanka adeega hawlgalinta shaqada oo dhamaystiraan shirkadaha gaarka loo leeyahay ee isku xidhka shaqada iyo shaqaaluhu waxay uga qaybqaadan karan hab waafaqsan awaamiirta iyo habraacyada ay dawladdu soo saartay.</p>
<p>175. Licensing of Private Employment Agencies</p> <p>1/ Any person who desires to engage in private employment agency pursuant to this Proclamation shall acquire license from the Competent Authority.</p> <p>2/ The appropriate Authority shall levy service charge prescribed by the regulation to be issued by the Council of Ministers for purposes of issuance, renewal or replacement of licenses.</p>	<p>175. Fasaxa Diiwaangalinta Shirkadaha Gaarka Loo Leeyahay Ee Isku Xidhka Shaqada Iyo Shaqaaluhu</p> <p>1/ Qofkasta oo doonayaa inu hab waafaqsan bayaankani ku shaqeeysto shirkad gaar ah ee isku xidhka shaqada iyo shaqaalaha ee dalka dhexediisa waa inu hay'adda ku haboon ee awooda u leh u fasax ka helo.</p> <p>2/ hay'adda ku haboon ee awooda u leh khimadda adeega ee laga qaadayo bixinta, cusboonaysiinta iyo badaalada fasaxa lagu bixinayo hab waafaqsan farqada (1) ee qodobkani waxaa lagu xadayn xeer-nidaameedka u soo saaro Golaha wasiiradu.</p>
<p>176. Employment of Foreign Nationals</p> <p>1/ any foreigner may only be employed in any type of work in Ethiopia where he possesses a work permit given to him by the Ministry.</p> <p>2/ a work permit shall be given for an employment in a specific type of work for three years and shall be renewed every year; provided, however, that the Ministry may vary the three years limit as required</p> <p>3/ Where the Ministry ascertains that the foreigner is not required for the work, the work permit may be cancelled.</p> <p>4/ The Ministry may, in accordance with the law, charge service fees for the issuance, renewal or</p>	<p>176. Nidaamka Shaqaalaysiinta Muwaadiniinta Dalalka Shisheeye</p> <p>1/ Muwaadinkasta oo ka soo jeeda dalalka shisheeye, waxaa lagu shaqaalayn kara islamarkaana u ka shaqeeyn kara noockasta oo shaqo oo ka jirta dalka Itoobiya haddii u haysto fasax shaqo oo wasaaradu siisay oo kaliya.</p> <p>2/ Fasaxa shaqada ee loo siinayo si looga hawlgalo nooca gaara oo shaqo wuxuu noqon ilaa muddo sadeex sano ah kaasi oo sanadkasta la cusboonaysiinayo. Haseyeeshee, wasaaradu waxay wax ka badal ku samayn karta xayndaabka muddo ee sadeexda sano.</p> <p>3/ wasaaradu marka xaqiijiso in muwaadiniinta dalalka shisheeye aan loogu baahneyn shaqada waxay burin karta fasaxa shaqada.</p> <p>4/ Wasaaradu bixinta, cusboonaysiinta iyo badaalada fasaxa waxay hab waafaqsan sharciga ka</p>

replacement of work permit	qaadi karta lacagta khimadda adeega.
SECTION TWO LABOUR INSPECTION SERVICE	QAYB HOOSAADKA LABAAD ADEEGA KORMEERKA XAALADA SHAQADA
<p>177. LABOUR INSPECTION SERVICE</p> <p>Labour inspection service shall include the following activities:</p> <p>1/ Ensuring the implementation of the provisions of this Proclamation, Regulations and directives issued in accordance with this Proclamation, other laws relating to labour relations, registered collective agreement, and the decisions and orders given by the authorities responsible to determine labour disputes;</p> <p>2/ conducting studies and research, supervision, educating, and developing labour standards to ensure the enforcement of the provisions of this Proclamation and other laws regarding working conditions, occupational safety, health and working environment ;</p> <p>3/ preparation of list of occupational diseases and schedules of degrees of disablement;</p> <p>4/ classifying dangerous occupations and undertakings;</p> <p>5/ conducting studies and compiling statistical data relating to working conditions;</p> <p>6/ preparing training programs to workers in order to prevent employment injuries;</p> <p>7/ monitoring the construction of new undertaking, the expansion and renovation of existing undertakings and the erection of machineries to ensure the safety and health of workers;</p> <p>8/ taking administrative measures with a view to implementing this Proclamation and regulations and directives issued in accordance with this Proclamation;</p>	<p>177.Adeega kormeerka xaalada shaqada</p> <p>Adeega dabagalka xaalada shaqada iyo shaqaalaha waxaa ka mid arrimaha hoos ku cad:-</p> <p>1/ Xaqiijinta dhaqangalinta qodobada bayaankani, x/nidaameedyada iyo awaamiirta lagu soo saaray hab waafaqsan bayaankani, shuruucda kale ee ku saabsan xidhiidhka shaqada iyo shaqaalaha , heshiisyada wadareed ee diiwaanshan iyo go'aanada iyo amarada ay bixisay hay'adda awooda u leh go'aan ka gaadhista dacwadaha ku saabsan shaqada.</p> <p>2/ Taabogalinta talaabooyin dabagal, dhaqangalin, wacyigalin, bixinta tababaro, fulinta daraasado iyo cimi-baadhis iyo diyaarinta heerarka xaalada shaqo oo loola golleeyahay hirgalinta qodobada bayaankan iyo shuruucda kale ee ku saabsan xaalada sahqo, fayyo-qaabka xirfadeed, caafimaadka iyo fayyo-dhawrka bi'ada.</p> <p>3/ Diyaarinta liiska cudurada laga qaado shaqada iyo shaxda heerka laxaad la'aanta;</p> <p>4/ U kuurgalka iyo kala saarida shaqooyinka iyo shirkadaha khatarta/halista ah;</p> <p>5/ Daraasadeynta duruufaha xaaladaha shaqo iyo xafidada tirakoobka xogaha;</p> <p>6/ Diyaarinta barnaamijyada tababar ee lagu tababarayo shaqaalaha si looga hortago ama xakameeto dhawacyada shaqada;</p> <p>7/ si loo xaqiijiyo fayyo-qabka caafimaad iyo badbaadada jidheed ee shaqaalaha wuxuu hubin in dhismaha shirkad cusub, balaadhinta iyo dib u cusboonayssiinta shirkadaha hore iyo rakiibaada miishinadu ayna halis ku hayn caafimaadkooda.</p> <p>8/ qaadista talaabooyin maamul oo loola golleeyahay dhaqangalinta qodobada bayaankani, xeerarka iyo awaamiirta lagu soo saaray hab waafaqsan bayaankani;</p> <p>9/ qaadista talaabooyinkasta oo maamul oo lagaga dalnabayso hay'adda ay khuseeyso ee uu qaabilsan go'aan ka gaadhsita dacwadaha shaqada iyo</p>

<p>9/ taking appropriate measures to request the authorities responsible for determining labour disputes and the courts to enforce the provisions of this Proclamation and sanctions imposed by a labour inspection service in the course of its lawful activities.</p> <p>10/ issuance of certificate of competence to private inspection service which desire to engage in workplace technical inspection, consultancy and training on the subject; and monitor their performance;</p>	<p>shaqaalaha iyo kuwo maxkamada lagaga codsanayo dhaqangalinta qodobada bayaankani iyo ganaaxyada ku ku ganaaxeenadeega dabagalka iyo la socodka xaalada shaqo geediga fulinta wajibaadkooda shaqo ee sharciga ah.</p> <p>10/ bixinta cadaynta shahaadada kartida shirkadaha gaarka loo leeyahay ee adeega dabagalka xaaladaha shaqada baadhista farsamo ee goobaha shaqada iyo adeega la talinta iyo tababarada iyo dabagalka habsami u shaqayntooda.</p>
<p>178. Power and Duty of Labour Inspectors</p> <p>1/ The Minister or the appropriate Authority shall assign labour inspectors who are authorized to carry out the responsibilities of follow-up and supervision of the inspection service.</p> <p>2/ In administering their responsibilities, labour inspector shall have an identity card issued by the Ministry or the appropriate Authority bearing an official seal.</p> <p>3/ A labour inspector shall have the power to enter into, during any working hours without prior notice, any work place which he may think necessary to inspect in order to examine, test or enquire to ascertain observation of the provisions of Article 177 of this Proclamation and, this shall:</p> <p>a) Interrogate any person alone or in the presence of witnesses;</p> <p>b) check, copy or extract any paper, file or other documents;</p> <p>c) take any sample of any matter in a workplace and to test it to ensure that it does not cause injury to workers;</p> <p>d) ensure that the relevant notices are affixed at the appropriate place of work;</p> <p>e) take picture of any worker, and measure, draw or test buildings, rooms, cars, factories, machineries or goods and copy and registered documents in order to ensure the safety and health</p>	<p>178. Xilka Iyo Wajibaadka Kormeerayaasha Xaalada Shaqada</p> <p>1/ wasaaradu ama hay'adda ay khuseeysa waxay hawlgalin kormeerayaal kormeer iyo dabagal ku sameeyaa arrimaha la xidhiidha adeega dabagalka iyo la socodka xaalada shaqada.</p> <p>2/ Kormeerayaashu si ay wajibaadkooda shaqo u fuliyaan waxay wadaan aqoonsi shabad leh oo ay siisay wasaaradu ama hay'adda ay khuseeysa.</p> <p>3/ kormeerayaasha xaalada shaqadu waxay awood u leeyihiin inay scaadaha shaqada galaan xarunkasta oo shaqo ay u arkaan inay lama huraantahay in kormeer lagu sameeyo iyagoo aan ku sii wargalin , si loo baadho, tijaabiyo ama wax u weeydiiyaan si ay u xaqiijiyaan ku dhaqanka arrimaha qodobka 177 ee bayaankani arrimahas oo aan ku koobnayn</p> <p>b) inay qofkasta ku waraystaan meel gooni ah ama goob markaatiyo joogan</p> <p>t) inay baadhan, koobiyayaan ama eegan qoraalo, diiwaano iyo dhokumeentiyo kasta,</p> <p>j) inay goobkasta oo shaqo oo shaqaale ka shaqeeyaan inay agab iyo qalabka yaala ay ka qaadan munaad si ay u baadhaan inay shaqaalaha waxyeelo iyo dhawaac u geeysan karaan;</p> <p>x) si loo xaqiijiyo in goobaha shaqaaluhu ka shaqeeyaan lagu dhejiyay ogaysiisyada iyo fariimaha muqaadis ka ah in lagu dhejiyo;</p> <p>kh) si loo xaqiijiyo caafimaadqabka iyo fayodhawrka shaqaalaha waxay awood u leeyihiin inay sawiiran shaqaale, dhisme, qol, gadiid, ama</p>

<p>of workers.</p> <p>4/ Where a sample is taken in accordance with Sub-Article 3(c) of this Article, the employer shall be informed in advance and the manager or his representative shall have the right to be present at that occasion.</p>	<p>cabiiraanwarshadaha, mashiinada, walxaha iyo nuqullada dhokumeentiyada</p> <p>4/ Marka hab waafaqsan farqada 3(j) ee qodobkani la qaadayo munaad waxaa lagu sii wargalin loo shaqeeyaha sidoo kale mareeyuhu ama wakiilkiisu wuxuu xaq u leeyahay inu u goobjoog u ahaado goobta shayga munaada lagaga qaadayo.</p>
<p>179. Measures to be taken by Labour Inspection</p> <p>1/ Where a labour inspector finds that the premises, plant, machinery, equipment or material or the working methods of any undertaking constitute a threat to the health, safety or welfare of its workers, he shall instruct the employer to take the necessary corrective measure within a given period of time.</p> <p>2/ Where the employer fails to take such steps within the given period after receiving instructions in accordance with sub-article (1) of this Article, the labour inspector shall issue an order requiring the employer:</p> <p>a) that alteration in existing conditions which may be necessary to prevent the threat to the health, safety or well-being of the workers be completed within a stated period of time;</p> <p>b) that any measure which may be necessary to prevent imminent danger to the safety or health of the workers be taken immediately.</p> <p>3/ Where the labour inspector is in doubt about the technical or legal danger of any particular case, he shall report same to the Minister or appropriate authority requesting that pertinent decision is given and orders issued accordingly.</p>	<p>179. Talaabooyinka Ay Tahay Inay Qaadan Kormeerayaasha Xaalada Shaqadu</p> <p>1/ marka kormeerayaasha xaalada shaqadu nidaamka u kuurgalka iyo dabagalka ama booqashada sahqo ee ay ku tegaan goobta shaqo, xarunta warshada, mashiinada ama qalabka shirkadkasta ama xafiiska shirkada ay ku soo ogaadan inay halis ku jirto xaalada caafimaad iyo badbaadada xirfadeed ee shaqaaluhu waxay loo shaqeeyaha ku amri karaan inu muddo cayimaan gudaheed ku qaado talaabo sixitaan oo xaalada shaqo lagu hagaajinayo.</p> <p>2/ Marka loo shaqeeyuhu ku guuldaraysto inu mudada loo cayimay ku qaado amarka sixitaan ee lagu faray hab waafaqsan farqada (1) ee qodobkani, kormeeraha xaalada shaqo wuxuu qaadi oo uu loo shaqeeyaha amar ku siin arrimaha hoos ku cad:-</p> <p>b) si meesha looga saaro xaalada halista ku ah caafiimaadka , badbaadada iyo fayyo-qaabka shaqaalaha in sixitaanka iyo waxka badalka lagama maarmaanka ah lagu sameeyo muddo cayiman gudaheed;</p> <p>t) in sida ugu dhakhsaha badan loo qaado talaabo kasta lagaga hortagayo ama lagu xakamaynayo halis deg-dega oo ku soo wajaahan caafiimaadka , badbaadada iyo fayyo-qaabka shaqaalaha;</p> <p>3/ marka kormeeraha xaalada shaqo u la kulmo xaalad farsamo ahaan ama sharci ahaan tuhun ku abuurta karta , wuxuu sida ugu dhakhsaha badan arrinta ku wargalin wasaarada ama hay'adda ku haboon si looga gaadho go'aanka ku haboon islamarkaana hab waafaqsan go'aanka laga gaadhay looga soo saaro amarka lama huraanka u ah.</p>
<p>180. Appeal</p> <p>1/ Where an employer is aggrieved by an order given in accordance with Article 179 (1) and (2) of this Proclamation, it may appeal to the</p>	<p>180. Racfaan</p> <p>1/ marka loo shaqeeyuhu una ku qanacsaneyn amarka lagu siiyay hab waafaqsan farqada (1) iyo (2) ee qodobka 179 ee bayaankani, wuxuu muddo</p>

<p>Competent Court with in five working days; provided, however, that there shall be no stay of execution of the order given by the labour inspector to avert an imminent danger pursuant to Article 179 (2) (b) of this Proclamation until decision is given on the appeal.</p> <p>2/ Decision of the Court on the appeal lodged in accordance with Sub- Article (1) of this Article shall be final. Where an employer does not appeal within the time limit, the decision shall be executed</p>	<p>shan cisho gudahood oo ah maalmo shaqo u racfaan u qaadan kara maxkamada awooda u leh dhegaysiga ismaandhaafyada la xidhiidha shaqada. Haseyeeshee, racfaanka la qaatay mudada racfaanku socdo ma hakiin karo fulinta amarka kormeeraha xaalada shaqo ku bixiyay hab waafaqsan xarafka (t) ee farqada (2) ee qodobka 179 ee bayaankani si looga hortago loona xakameeyo khatarta iyo halista ku soo waajahan caafiimaadka , badbaadada iyo fayyo-qaabka shaqaalaha;</p> <p>2/ go'aanka maxkamadu ka gaadhay racfaanka loogu soo gudbiyay hab waafaqsan farqada (1) ee qodobkani waa kama dambeys. Haddii loo shaqeeyaha isagoon qaadan wax racfaan ah u dhaafo mudada loo cayimay racfaanka waxaa dhaqangal noqonayaa go'aankaas.</p>
<p>181. Restriction on the Functions and responsibility of Labour Inspectors</p> <p>1/ Labour inspectors shall perform their duties diligently and impartially. They shall take into account any reasonable suggestions given to them by employers and workers.</p> <p>2/ No labour inspector shall, at any time, whether during or after he left his employment, reveal any secrets of manufacturing, commercial or other working processes to third parties which may come to his attention in the course of his duties under this Proclamation.</p> <p>3/ No labour inspector shall reveal to any person other than the concerned official the sources of any complaint brought to his attention concerning a defect or breach of legal provision and, in particular, he shall not make any indications to any employer or his representative that his inspection visit was made in response to a complaint filed with the labour inspection service.</p> <p>4/ A labour inspector shall, in all cases, notify the employer of his visit to the premises of the undertaking unless he considers such notification may be prejudicial to the execution of his duties.</p>	<p>181. Xadaynta Xilka Iyo Masuuliyadaha Kormeerayaasha Xaaladaha Shaqo</p> <p>1/ Kormeerayaasha Xaaladaha Shaqo waa inay Xilka Iyo Masuuliyadooda shaqo uu gutaan hanaan sax ah oo ay ku dheehantahay xilkaas. Waana inay ku xisaabtaman islamarkaana qiimeeyaan talo-bixinta iyo soo jeedinta macquulka ah ee ay uu soo jeediyaan loo shaqeeyaha iyo shaqaaluhuba.</p> <p>2/ kormeere kasta oo dabagal iyo kormeer ku sameynaya xaalada shaqada marka u hab waafaqsan bayaankani ku fulinayo waajibadkiisa kormeerid iyo haddii ka tego shaqadaba waxaa ka reeban inu cid kale oo sadeexaad u sheego sirta warshadaha, ganacsiga ama qaab-socodka shaqo ee kale ee u ku ogaaday geediga kormeerka.</p> <p>3/ kormeere kasta oo ay soo gaadho cabaasho ku saabsan jiritaanka dhaliil ama xadgudub ka dhan ah qodobo sharci, waxaa ka reeban inu marka laga reebo masuulka sareee wasaarada ama hay'adda ay khuseeyso u sheego cida cabashada u soo gudbisay. Xaata marka u ku gudajiro kormeerka waxaa ka reeban inu loo shaqeeyaha ama wakiilkiisa u dareensiyo in qaybta kormeerka iyo adabagalka xaalada shaqo ay soo gadhay cabasho ka dhan ah xaalada shaqo.</p> <p>4/ Kormeeraha xaalada shaqo markasta oo booqanayo goobta xarunta shirkada loo shaqeeyaha wuxuu la socodsiin loo shaqeeyaha haddii una wargalinta noocani ah una u arag mid wiiqaysa ama dib u dhac ku keenaysa fulinta</p>

<p>5/ No labour inspector shall inspect any undertaking of which he is an owner or in which he has an interest.</p> <p>6/ A labour inspector shall refrain from engaging or acting as a conciliator or an arbitrator in a labour dispute or collective bargaining</p>	<p>waajibaadkiisa shaqo.</p> <p>5/ Kormeeraha xaalada shaqo waxaa ka reeban inu baadhis iyo kormeer ku sameeyo shirkad kasta oo uu isaagu mulkiile ka yahay ama ay fa'iido ka soo galayso.</p> <p>6/ Kormeeraha xaalada shaqo waxaa ka reeban inu u dhaqmo sida dhexdhexaadiyaha ama heshiisiiyaha ismaandhaafka shaqada oo kal ama gor-gortaanka wadareed.</p>
<p style="text-align: center;">182. Prohibited Acts</p> <p>The following acts shall be deemed to constitute obstruction of a labour inspector in the performance of his duties:</p> <p>1/ Preventing a labour inspect or from entering a work place or from staying in the premises;</p> <p>2/ Refusing to let a labour inspector examine records or documents relevant for his tasks;</p> <p>3/ concealing data relating to employment injury and the circumstance in which they occur;</p> <p>4/ Any other conducts that delays or interferes with the exercise of the functions of a labour inspector</p>	<p style="text-align: center;">182. Ficillada Reeban</p> <p>Ficillada hoos ku cad oo lagu kaco waxaa loo aqoonsan talaabooyin lagu hor istaagayo si kormeeraha xaalada shaqo una u gudan waajibaadkiisa shaqo:-.</p> <p>1/ Kormeeraha xaalada shaqo oo loo diido inu galo goobta shaqo ama xarunta shirkada;</p> <p>2/ In loo diido inu baadho dhokumeentiyada ama diiwaanada u uu baahanyahay;</p> <p>3/ Kormeeraha xaalada shaqo oo laga qaariyo macluumaadka ku saansan dhawacyada shaqoiyo siyaabaha ay ku dhaceen;</p> <p>4/ Ficillada kale ee Geediga gudashada waajibadka shaqo ee kormeeraha lagu carqaaladaynayo ama lagu faragalinayo .</p>
<p style="text-align: center;">183. Private Inspection Service</p> <p>1/ Any person may conduct technical inspection, consultancy or training provided that it has been certified by the Ministry or the appropriate Authority to engage in occupations that demand special skill and technical qualifications.</p> <p>2/ The Certificate of Competence indicated under sub-article (1) of this Article shall be issued by the Ministry or the appropriate Authority.</p> <p>3/ The service charge to be levied in order to issue the certificate pursuant to sub-article (1) of this Article and other related issues shall be prescribed by Regulations of the Council of Ministers.</p>	<p style="text-align: center;">183. Adeega Kormeerka Xaalada Shaqo</p> <p>1/ wasaaradu ama hay'adda ay khuseeysa kadib marka ay ku qancado kartodooda waxay qofkasta oo doonaya inu goobaha shaqada ku sameeyo baadhis farsamo, u bixiyo adeega la talin iyo tababar shaqooyinka u baahan xirfad iyo tabo farsamo oo baadhiseed oo gaar ah waxaa la siin shahaadada cadaynta kartida xirfadeed.</p> <p>2/ shahaadada cadaynta kartida xirfadeed ee ku cad farqada (1) ee qodobkani waxaa bixin ama siin wasaarada ama hay'adda ay khuseeyso.</p> <p>3/ Adeega khimadda lacageed ee laga qadayo shahaadada cadaynta kartida xirfadeed iyo arrimaha kale ee la halmaala ee lagu bixinayo hab wafaaqsan farqada (1) ee qodobkani, waxaa lagu xeerin xeer-nidaameedka u Golaha wasiiradu soo saaro</p>

<p style="text-align: center;">PART TWELVE Administrative Measures and Miscellaneous Provisions CHAPTER ONE Administrative Measures</p>	<p style="text-align: center;">QAYBTA LABO IYO TOBNAAD Talaabooyinka Maamul Iyo Qodobada Kala Duwan CUTUBKA KOOBAAD Talaabooyinka Maamul</p>
<p style="text-align: center;">184. General</p> <p>Without prejudice to the criminal liability; the administrative measures laid down from Article 185 up to 187 shall be applicable.</p>	<p style="text-align: center;">184. Guud Ahaan</p> <p>Iyadoo aan waxba loo dhimayn talaabooyinka ciqaabeed waxaa la dhaqangalin talaabooyinka maamul ee ku cad qodobada 185 ilaa 187 ee bayaankani.</p>
<p style="text-align: center;">185. Measures Against Employer</p> <p>1/ An employer who:</p> <p>a) Causes workers to work beyond the maximum working hours set forth in this Proclamation or contravenes in any manner the provision relating to working hours;</p> <p>b) In fringes the provisions of this Proclamation regulating weekly rest days, public holidays or leaves; or</p> <p>c) contravenes the provisions of Article 19 of this Proclamation; shall by taking in to account its economic and organizational standing and the manner the fault was committed will be fined from Birr 5,000 up to Birr10,000 if the violation is for the first time, from Birr 10,000 up to Birr 15,000 if it is committed for the second time and from Birr 15,000 up to Birr 30,000 it is committed for the third time. Whereas if the act is committed more than three times may result closure of the under taking.</p> <p>2/ An employer who:</p> <p>a) fails to fulfill the obligations laid down in Article 12(5) of this Proclamation;</p> <p>b) fails to keep records prescribed by this Proclamation or other legal instruments issued hereunder or failed to submit them in due time or</p>	<p style="text-align: center;">185. Talaabooyinka Laga Qaadayo Loo Shaqeeyaha</p> <p>1/ Loo shaqeeye kasta oo ku sifooba arrimaha hoos ku cad waxaa laga qaadi:-</p> <p>b) haddii u shaqaalaha ku qasbo inu shaqeeyo sacado ka badan sacadaha shaqada ee bayaankani lagu jaango'yay ama u siyaabo kala duwan ugu xadgudbo qodobada sharci ee ku saabsan sacaadaha shaqada:</p> <p>t) haddii u ku xadgudbo qodobada bayaankani ee la xidhiidha fasaxa nasashada ee todobadka, maalmaha ciddaha dadwaynaha iyo fasaxyada kale; ama</p> <p>j) loo shaqeeyaha ku xadgudba arrimaha lagu xeeriyay qodobka 19aad ee bayaankani , iyadoo lagu xisaabtamayo xaalada dhaqaale iyo qaabdhismeedka shirkada loo shaqeeyaha iyo sidoo kale, heerka xajmiga xadgudub ee lagu kacay, ayaa waxaa marka ugu horeeysa lagu qaadi ganaax lacageed oo dhan 5000 ilaa 10,000 oo birr (shan kun ilaa toban kun), marlabadkana laga qaadi ganaax lacageed oo dhan 10,000 ilaa 15,000 oo birr sidoo kale haddii xadgudubka lagu kaco mar sadeexaad waxaa lagu qaadi ganaax lacageed oo dhan 15.000 ilaa 30,000 oo birr. Habase ahaate, haddii xadgudubka lagu kaco wax ka badan sadeex jeer waxay keeni karta in shirkada la xidho.</p> <p>2/ loo shaqeeye kasta oo -</p> <p>b) ka baaqsada fulinta wajibaadyada lagu qeexay qodobka (12) (5) ee bayaankani;</p> <p>t) ku guuldaraysta hirgalinta waajibaadyada xafidada diiwaanada ee lagu xeeriyay bayaankan iyo sidoo kale ku guuldaraysta soo gudbinta nooca macluumaad iyo xilliga munaasibka ah in lagu soo</p>

<p>when so requested;</p> <p>c) violates the provisions of Article 14(1) of this Proclamation; or</p> <p>d) terminates a contract of employment in violation of the provisions of Article 26 (2) of this Proclamation; shall by taking in to account its economic and organizational standing and the manner the fault was committed will be fined from Birr 10,000 up to Birr 20,000 if the violation is for the first time, from Birr 20,000 up to Birr 40,000,if it is committed for the second time and from Birr 40,000 –Birr 60,000,if it is committed for the third time. Whereas if the act is committed more than three times may result closure of the under taking.</p>	<p>gudbiyo macluumaadka wasaaradu ama hay'adda kale ee ay khuseeysa hab waafaqsan bayaankani ku dalbato.</p> <p>j) ku xadgudba arrimaha lagu xeeriyay qodobka (14) 1) ee bayaankani; ama</p> <p>x) loo shaqeeye kasta oo qaab balmarsan arrimaha lagu xeeriyay qodobka 26aad ee bayaankani, buriyaa heeshiiska shaqaalenimo waxaa iyadoo lagu xisaabtamayo xaalada dhaqaale iyo qaabdhismeedka shirkada loo shaqeeyaha iyo sidoo kale, heerka xajmiga fulinta xadgudub ee lagu kacay, ayaa waxaa marka ugu horeeysa laga qaadi ganaax lacageed oo dhan 10,000 ilaa 20,000 kun oo birr, marlabadkana waxaa laga qaadi ganaax lacageed oo dhan 20,000 ilaa 40,000 kun oo birr sidoo kale haddii xadgudubka lagu kaco mar sadeexaad waxaa lagu ganaaxi lacagdhan 40.000 kun ilaa 60,000 kun oo birr. Habase ahaate, haddii shirkadu xadgudubka ku kacdo wax ka badan sadeex jeer waxay keeni karta in shirkada la xidho.</p>
<p style="text-align: center;">186. Common Measures</p> <p>1/ Any employer, employers' Association, a representative of an employer, a Trade Union or trade union leader who:</p> <p>a) violates regulations and directives issued in accordance with this Proclamation pertaining to the safety of workers and commit an act which expose the life and health of a worker to a serious danger or does not accord special protection to women workers or young workers as provided for in this Proclamation;</p> <p>b) violates Article 117 of this Proclamation;</p> <p>c) contravenes the provisions of Article 161 of this Proclamation;</p> <p>d) fails to comply with an order given by a labour inspector in accordance with this Proclamation or the provisions of other laws</p> <p>e) intentionally submits inaccurate information or declarations to pertinent organs; Shall be fined</p>	<p style="text-align: center;">186. Tallaabooyinka Ka Dhanka Ah Dhinac Kasta</p> <p>1/ loo shaqeeyekasta, ururkasta oo loo shaqeeye, ururkasta oo shaqaale, hogaamiyaha ururka shaqaalaha ama qofkasta oo wakiil ka ah loo shaqeeyaha oo :-</p> <p>b) ku xadgudba qodobada bayaankan ama xeerarka iyo awaamiirta lagu soo saaray hab waafaqsan bayaankani eeku saabsan bad-qaabka shaqaalaha, ama ku kaca ficilo culus oo halis galinayaa amniga iyo caafimaadka shaqaalaha ama ku xadgudba qodobada la xidhiidha daryeelka iyo ilaalinta gaarka ah ee loo baahan yahay in loo fidiyo haweenka iyo dhalinyaarada shaqaalaha ah;</p> <p>t) ku xadgudba arrimaha lagu xeeriyay qodobka 117aad ee bayaankan;</p> <p>j) ku xadgudba arrimaha lagu xeeriyay qodobka 161aad ee bayaankan;</p> <p>x) u hogaansami waaya amarka kormeeraha xaalada shqadu ku siiyo hab wafaaqsan qodobada bayaankan ama xeerarka kale;</p> <p>kh) si ula kac ah ugu gudbiyaa masuuliyiinta hay'addaha ay khuseeyso macluumaad ama</p>

<p>Birr 5,000 up to Birr 20,000; where the violation is for the first time, and a fine of Birr 20,000 up to Birr 40,000, if the violation is for second time, and a fine of up to Birr 70,000 if it is committed for the third time. Whereas if the act is committed more than three times may result closure of the under taking.</p> <p>2/ taking in to account the economic and organizational standing of the undertaking or the trade union's general set up and the manner the violation was committed, any employer, trade union, trade union leader or a representative of an employer who violates the provisions Article 131 (2) or (4) of this Proclamation shall be fined up to Birr 5,000 up to Birr 20,000, where the violation is for the first time, and a fine of Birr 20,000 upto Birr 40,000 if the violation is for second time, and a fine of Birr up to Birr 70,000 where the violation committed more than twice</p>	<p>warbixin aan sax ahayn;</p> <p>waxaa marka koobaad ee u kuco xadgudubka laga qaadi ganaax lacageed oo dhan 5,000 ilaa 20,000 kun oo birr, marlabadkana waxaa laga qaadi ganaax lacageed oo dhan 20,000 ilaa 40,000 kun oo birr sidoo kale, haddii xadgudubka lagu kaco mar sadeexaad waxaa lagu ganaaxi lacag dhan 70.000 kun oo birr. Habase ahaate, haddii shirkadu xadgudubka ku kacdo wax ka badan sadeex jeer waxay keensan in shirkada la xidho.</p> <p>2/ iyadoo lagu xisaabtamayo xaalada dhaqaale iyo qaabdhismeedka shirkada loo shaqeeyaha iyo sidoo kale xaalada guud ee ururka iyoheerka xajmiga xadgudubka lagu kacay ayaa loo shaqeeyekasta, ururka shaqaale, hogaamiyaha ururka shaqaale ama qofkasta oo wakil ka ah loo shaqeeyahay oo ku xadgudba arrimaha lagu xeeriyay qodobka 131 (2 ama 4) ee bayaankan ayaa waxaa marka koobaad laga qaadi ganaax lacageed oo dhan 5,000 ilaa 20,000 kun oo birr, marlabadkana waxaa laga qaadi ganaax lacageed oo dhan 20,000 ilaa 40,000 kun oo birr sidoo kale haddii xadgudubka lagu kaco labo jeer wax ka badan waxaa laga qaadi ganaaxi lacageed oo dhan 70.000 kun oo birr.</p>
<p>187. Measures Against Private Employment Agency</p> <p>1/ Any person who, without having obtained a license in accordance with this proclamation, or regulation, or directives issued pursuant to this proclamation and engages in providing employment exchange service in Ethiopia, shall be punishable with imprisonment for a term of not less than five years and not exceeding ten years and with a fine of Birr 100,000(hundred thousand Birr)</p> <p>2/ Any private employment agency which engages, while its license is suspended, in any employment exchange activity, shall be punishable with impressments for a term of not less than three years and not exceeding five years and with a fine of birr 75,000(seventy five thousand Birr).</p> <p>3/ Any persona who commits an offense other than those stated under sub article (1) and (2) of</p>	<p>187. Talaabooyinka Dhanka Ah Shirkadaha Shaqaalaynta Ee Gaarka Loo Leeyahay</p> <p>1/ Qofkasta oo isagoon haysan shatiga fasaxa ee lagu xeeriyay qodobada bayaankan iyo x/nidaameedka iyo awaamiirta lagu soo saaro hab waafaqsan bayaankan ka shaqeeya hawlaha isku xidhka shaqada iyo shaqaalaha ee dalka waxaa lagu ciqaabi xadhig aan ka yareyn shan sano kana badneyn toban sano iyo sidoo kale ganaax lacageed oo dhan 100,000 kun oo birr.</p> <p>2/ shirkada Shaqaalaynta ee gaarka loo leeyahay oo muddada u shatiga fasaxa shaqadu ka xiyaanyahay ku kacda shaqooyinka isku xidhka shaqada iyo shaqaalaha waxaa ciqaabi xadhig aan ka yareyn sadeex sano kana badneyn shan sano. Iyo sidoo kale, ganaax lacageed oo dhan 75,000 kun oo birr (shan iyo todobaatan ku oo birr).</p> <p>3/ Qofkasta oo dambiyo ka baxsan kuwa lagu xeeriyay farqada 1aad iyo 2aad ee qodobkan, ku xadgudba xeer-nidaameedka iyo awaamiirta loo soo saaray hab waafaqsan bayaankan waxaa lagu</p>

<p>this Article, by violating provision regulations or directives issued pursuant to this proclamation be punishable with imprisonment of up to two years or with a fine of upto Birr 75,000 (Birr seventy five thousand).</p>	<p>ciqaabi xadhig gaadhayaa ilaa labo sano ah ama ganaax lacageed oo dhan 75,000 (shan iyo todobaatan kun) oo birr.</p>
<p>188. The Power to Institute Cases</p> <p>Labour Inspectors shall have the power to file suits against violations committed the provisions of this Proclamation and regulations and directives issued here under to the courts having jurisdiction to try them</p>	<p>188. Awooda Soo Ogista Dacwadaha</p> <p>Kormeerayaasha dabagalka xaalada shaqadu waxay awood u leeyihiin inay cidkasta oo ku kacda dambiyada ka dhanka ah qodobada bayaankan iyo xeerarka iyo awaamiirta loo soo saaray hab waafaqsan bayaankani waxaa awood ku soo og'aan dacwad islamarkaana uu soo gudbiyaan qaybaha awooda u leh go'aaminta dacwadaha la xidhiidha shaqada .</p>
<p>CHAPTER TWO MISCELLANEOUS PROVISIONS</p>	<p>CUTUBKA LABAAD QODOBADA KALA DUWAN</p>
<p>189. Period of Limitation</p> <p>No proceedings of any kind referred to in this Proclamation shall be instituted where one year has elapsed from the date on which the fault was committed.</p>	<p>189. Muddo Dhaaf</p> <p>Fal-dambiyeedkasta oo lagu xeeriyay bayaankani dacwada lama keeni karo haddii hal sano ka soo wareegtay maalinta u dhacay.</p>
<p>190. Transitory Provisions</p> <p>Notwithstanding the provisions of Article 192 of this Proclamation:</p> <p>1/ Regulation and directives issued pursuant to Proclamation No.377/2003 (as amended) shall remain enforce, in so far as they are not inconsistent with this Proclamation.</p> <p>2/ Collective Agreements concluded pursuant to Proclamation No. 377/2003 (as amended) shall be deemed to have been concluded in accordance with this Proclamation and be governed by the provisions of this Proclamation.</p> <p>3/ Trade Unions and employers association established in accordance with Proclamation No. 377/2003 (as amended) shall be deemed to have been established in accordance with this Proclamation.</p> <p>4/ labour advisory board and labour tribunal board established in accordance with Proclamation No. 377/2003 (as amended) shall be deemed to have been established in accordance</p>	<p>190. Qodobada kala guurka</p> <p>Iyadoo ay sidooda yihiin arrimaha lagu xeeriyay qodobka 192aad ee bayaankan,-:</p> <p>1/ waxaa dhaqangal sii ahaan xeer-nidaameedka iyo awaamiirta loo soo saaray hab waafaqsan bayaanka tirsigiisu yahay 377/1996.(dib loo habeeyay) ee aan ka hor imaaneyn bayaankan.</p> <p>2/ Heeshiis wadareedyada lagu galay hab waafaqsan bayaanka tirsigiisu yahay 377/1996.(dib loo habeeyay) waxaa loo aqoonsan heeshiisyo lagu hab waafaqsan bayaankan, bayaankanina waa lagu dhaqangalin.</p> <p>3/ Ururada loo shaqeeyaha iyo ururada shaqaalaha lagu dhisay hab waafaqsan bayaanka tirsigiisu yahay 377/1996.(dib loo habeeyay) waxaa loo aqoonsan kuwo loo asaasay hab waafaqsan bayaankan oo bayaankana dhaqangal ayuu ku noqon.</p> <p>4/ Boordhiga go'aaminta arrimaha shaqada iyo shaqaalaha iyo boordhiga la talinta arrimaha shaqada iyo shaqaalaha ee lagu asaasay hab waafaqsan bayaanka tirsigiisu yahay 377/1996(dib</p>

with this Proclamation. 5/ Labour disputes pending before any labour tribunal to settle labour dispute prior to the coming into force of this Proclamation shall be disposed in accordance with the previous Proclamation.	loo habeeay) waxaa loo aqoonsan kuwo loo asaasay hab waafaqsan bayaankan oo bayaankana dhaqangal ayuu ku noqon. 5/ Ka hor dhaqangalka bayaanka Dacwadihii ku saabsanaarrimaha shaqada ee ka socday hay'addaha awooda u leh waxaa lagu dhamaystiri hab waafaqsan sharcigii hore ee dhaqangalka ahaa bayaankan ka hor.
191. Determination of degree of disablement Until such time the schedule determining the degree of disablement is issued pursuant to Article 102(1) of this Proclamation, the Medical Board shall continue its regular assessment of disability.	191. Hanaanka Go'aaminta Heerka Laxaad La'aanta Ilaa inta la soo saarayo shaxda heerka laxaad la'aantawaxaa dhaqangal ku sii ahaan doona nidaamkii hadda ka hor lagu soo shaqeeyn jiray ee guddiga daweeynta.
192. Repeal laws 1/ The Labour Proclamation No. 377/2003; Proclamation No. 466/2005, Proclamation No.494/2006 and proclamation 632/2009 are hereby repealed. 2/ No laws and practices shall, in so far as they are inconsistent with this Proclamation, have force or effect in respect of matters provided for in this Proclamation.	192. Shuruucda La Buriyay 1/ Waxaa hab waafaqsan bayaankani loo buriyay bayaanka shaqada iyo shaqaalaha ee tirsigiisu yahay 377/1996, bayaanka tirsigiisu yahay 466/1997, bayaanka tirsigiisu yahay 494/1998 iyo bayaanka adeega isku xidhka shaqada iyo shaqaalaha ee tirsigiisu yahay 632/ 2001. 2/ Sharci , xeer -nidaameedyo, awaamiir iyo go'aanada ee ka horimanaya arrimaha lagu bayaamiyay Bayaankani ma yeelnayo Dhaqangal Sharci.
193. Effective Date This Proclamation shall enter in to force on the date of its publication in the Federal Negarit Gazette	193. Mudada Dhaqan galka Bayaankani wuxuu dhaqan gelayaa laga bilaabo maalinta lagu soo daabaco nagarit Gazeetta.
Done at Addis Ababa this 5 th day of Sempember, 2019 SAHILEWORK ZEWUDIE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA	Addis Ababa, 30kii bisha nahase, 2011.T.I. SAHILEWORK ZEWUDIE MADAXWAYNAHA JAMHUURIYADDA DIMUQRAADIGA FEDERALKA ITOOBIYA
Translated by Abdirizak Mohamed Qowrah Edited by Arif Mohamed	Turjumadii Cabdirisaaq Muxamed Qowrah Dib u eegistii Caarif Muxamed