

## **PART 1: THE CONSOLIDATED ACT ON SOCIAL INSURANCE**

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### **CHAPTER I**

#### **THE REGULATION OF SOCIAL INSURANCE, SCOPE OF APPLICATION AND DEFINITIONS**

##### **Article 1**

This Law shall be cited as "The Social Insurance Law" and shall include the following branches of Insurance :-

1. Insurance against old age, disability and death;
2. Insurance against employment injuries;
3. Insurance against temporary disability by reason of sickness or maternity;
4. Insurance against unemployment;
5. Insurance for the self-employed and those engaged in liberal professions;
6. Insurance for employers;
7. Family Allowances;
8. Other branches of insurance which fall within the scope of social security.

Each of the first two branches shall be introduced in accordance with the following provisions and the protection guaranteed by this Law shall be extended in future stages by introducing the other branches of social insurance by Order of the Council of Ministers.

##### **Article 2**

The provisions of this Law shall be applied compulsorily to all workers without discrimination as to sex, nationality, or age, who work by virtue of an employment contract for the benefit of one or more employers, or for the benefit of an enterprise in the private, co-operative, or para-statal sectors and, unless otherwise provided for, those engaged in public organisations or bodies, and also those employees and workers in respect of whom Law No. 13 of 1975 does not apply, and irrespective of the duration, nature or form of the contract, or the amount or kind of wages paid or whether the service is performed in accordance with the contract within the country or for the benefit of the employer outside the country or whether the assignment to work abroad is for a limited or an

unlimited period.

### **Article 3**

The following categories shall be excluded from the application of the provisions of this Law:

1. Bahraini employees and workers of the Government, appointed to established posts in the general budget of the State or the budget of the Municipalities and all other local authorities, which are subject to the Law of Pensions and Retirements Benefits;
2. Members and officers of the Defence Force and Public Security;
3. Those engaged in public institutions and other bodies excluded by legal provisions;
4. Employees working in diplomatic missions of the same nationality;
5. Employees working in international missions;
6. Officers, engineers and crews of sea-going vessels and others engaged therein;
7. Domestic servants; but excluding chauffeurs, guards, liftmen, gardeners, and similar occupations;
8. Workers employed in agriculture other than workers employed in agricultural establishments which process or market their products; workers permanently employed in operating or repairing mechanical equipment used in agriculture; and workers in agricultural enterprises performing managerial or guard duties;
9. Members of the employer's family who work with him and whom he supports in fact. Family members shall mean wife or wives, sons and brothers whose ages are less than 18 years, unmarried daughters and sisters, and parents;
10. Workers engaged in casual temporary work which by its nature does not exceed three months duration and normally does not fall within the business of the employer;
11. Non-citizen worker delegated for training purposes for a period not exceeding 12 months by parent companies working abroad or by any foreign branch thereof operating in Bahrain.

By Order of the Minister of Labour and Social Affairs, after agreement by the Board of Directors, any or all of the aforementioned categories may be subjected to the Law, and such Order shall specify the conditions and procedures for obtaining benefits from social insurance and method of computation of wages, privileges, benefits, pensions and compensation which they may enjoy.

### **Article 4**

In the application of the provisions of this Law, it shall be meant :-

1. By the General Organisation :- The General Organisation for

Social Insurance;

2. By the Board of Directors :- The Board of Directors of the General Organisation for Social Insurance;
3. By the Director General :- Director of the General Organisation;
4. By Employer :- anyone who employs one or more workers subject to the provisions of this Law, whether he be a natural person or a legal entity or an enterprise in the private sector, or the co-operative sector, or the para-statal sector;
5. By the Insured :- the worker to whom the provisions of this Law shall be applied even if on probation, or an apprentice, or under training; students who join the service of an employer for the purpose of training, other than as apprentices, shall not be considered as the insured;
6. By Wage :- is all that is given in cash regularly or periodically to the worker in consideration of his work whether payable monthly, or weekly, or daily, or hourly, or by piecework, or by the amount of production;
7. By Employment Injury :- any occupational disease contracted from amongst those prescribed in Schedule 3 hereto annexed or any injury to the workers as a result of an accident arising out during the course of the performance of his work or because thereof;

All accidents sustained by the insured on his way to work and return therefrom or on his way from his place of work to the place where he customarily has his meals within his workplace, provided always that he shall not have stopped or deviated from the customary route; and any movements he makes on the instructions of the employer or during travel so authorised by him or his representative, shall be considered within this provision;

8. By Non-Occupational Disability :- any disability which may occur to the insured (male) before attaining the age of 60 years or the age of 55 years in the case of women, and who is unable by reason of the amputation of one of his organs or by reason of his affliction by an infirmity, or by reason of his deteriorated physical or psychological state of health to earn a wage equal to at least one third of his previous wage in his usual occupation or in a similar occupation and which incapacity is expected to last for a period of six months or more due account being taken of the insured's capabilities, physical and mental aptitudes, vocational acquisition and age and this shall be determined in accordance with the assessment of the Designated Medical Board specified in this Law;
9. By Heirs :- the rightful claimants of benefits under the provisions of this Law in accordance with the conditions laid down hereunder :

Widow or widows of the deceased insured or the pensioner, and his male and female orphans, his brothers and sisters, the mother

and father of the deceased and the sons and daughters of his deceased son;

10. By Beneficiary :- the insured who is entitled, in accordance with the provisions of this Law, to any of its privileges and benefits or pension or compensation;
11. By Designated Medical Board :- the Medical Board established by the Order of the Minister for Health to determine the type and the degree of the disability;
12. By the Appellate Medical Board :- the Medical Board established by Order of the Minister for Health to hear appeals from decisions of the Designated Medical Board;
13. By Labour Law :- the Labour law in effect at the time of operation of this Law.

### **Article 5**

The application of this Law to employers and workers shall be compulsory.

### **Article 6**

The actual establishment of the two branches of social insurance against old age, disability and death and social insurance against employment injuries shall be introduced in stages in accordance with the conditions and circumstances to be determined by Orders of the Minister for Labour and Social Affairs upon the recommendations of the Board of Directors, and such Orders shall specify :-

- a. the date of implementation of the first stage of social insurance and the date of any subsequent stage;
- b. the categories of employers and workers subject to social insurance at the time of the implementation of the first stage and in each subsequent stage.

Every establishment or employer affected for the first time by the implementation of this Law in accordance with the provisions of the Ministerial Order herein mentioned shall continue to discharge such obligation for implementation even if subsequently any of the conditions of application lapse.

Where an employer assigns all or part of his work to a contractor or sub-contractors and jointly they meet the conditions of application, the Law shall apply to them even though the original employer or the sub-contractors individually do not meet the conditions, and the employer and the contractor or sub-contractors shall be jointly responsible for the implementation of the provisions of this Law whether or not the workers of the sub-contractors carry out the work for the original employer under

his supervision or away from him and whether or not the workers use machines, equipment or raw materials belonging to him.

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## **CHAPTER II**

### **ESTABLISHMENT OF THE GENERAL ORGANISATION FOR SOCIAL INSURANCE AND ITS ADMINISTRATION**

#### **PART I**

#### **Establishment of the General Organisation**

##### **Article 7**

The General Organisation shall be established, which shall have an independent budget, and shall be called the General Organisation for Social Insurance and it shall possess an independent legal entity and be subject to the supervision of the Minister for Labour and Social Affairs and its head offices shall be in the City of Manama.

The organisation shall have field offices in localities and areas to be determined by Order of the Minister for Labour and Social Affairs upon the recommendation of the Board of Directors.

#### **PART 2**

#### **Board of Directors**

##### **Article 8**

1. The General Organisation for Social Insurance would have a Board of Directors chaired by the Minister of Labour and Social Affairs. The Board would be formed by an order of the Prime Minister and shall consist of fifteen members as follows:

a. Eight members representing the Government as follows :-

- The Undersecretary of Ministry of Labour and Social Affairs.
- The Director General of Directorate of Legal Affairs.
- The Director General of the General Organisation for Pension funds.
- A representative from the Prime Minister Court.
- A representative from the Bahrain Monetary Agency.
- A representative from the Ministry of Finance and National Economy.
- A representative from the Ministry of Oil and Industry.

- A representative from the Ministry of Health.
- b. three members from the employers who are subject to this Law;
- c. three members from the insured workers who possess higher capabilities in their work;
- d. the Director General of the General Organisation for Social Insurance.

The nomination and removal of the representatives of the employers and workers on the Board should be by the Prime Minister.

2. The term of Board membership shall be three years and shall be renewable.
3. The Board shall hold at least one ordinary meeting each month at the invitation of the Chairman, and shall hold extra-ordinary meetings as deemed necessary by the Chairman or upon a request made by at least seven members. Decisions shall be made by majority vote in the presence of at least eight members of whom there shall at least be a representative of each of the employers and the workers.
4. The Board may, when required, call specialist experts to participate in its meetings who shall have no right to vote.
5. The Board may form, from amongst its members a committee or committees, for a special purpose or purposes determined by the decision for its formation and it may invite participation by specialist experts.
6. Remuneration of the Chairman of the Board and its members and members of committees shall be fixed by Order of the Council of Ministers on the recommendation of the Minister for Labour and Social Affairs.
7. The Director General shall nominate the Secretary of the Board.

## **Article 9**

The Board of Directors shall have the following duties :-

1. supervising the implementation of the Law, regulations and Orders in force and taking all measures which it deems necessary to achieve its objectives and to improve the management of the General Organisation's business;
2. approving the administrative rules to be presented to the Minister for Labour and Social Affairs for ratification by him;
3. determining the scope of the initial implementation of the Law and determining the implementation of subsequent stages in accordance with Article 6 thereof;
4. issuing decisions and internal rules relating to financial, administrative and technical matters without being bound by government principles, regulations, rules and without recourse to the Ministry of Finance and National Economy.
5. approving the accounting plan, the budget estimates, financial reports

- and the final annual balance sheet of the General Organisation;
6. devising the general plan for the investment of the General Organisation's funds and approving the fields of investment;
  7. studying legislation concerning Social Security;
  8. performing other functions entrusted to it by this Law, or by Rules and Orders made in accordance with the provisions thereof or with any other legislative text;
  9. appointing an actuary or actuarial experts to investigate and to prepare the financial situation of the General Organisation;
  10. any other matters which may be referred to it by the Minister for Labour and Social Affairs or by the Director General.

### **Article 10**

Decisions approved by the Board of Directors shall be referred to the Minister for Labour and Social Affairs within eight days thereof, and if not accepted within fifteen days from the date of such referral, the Board's decision thereupon shall become operative. The Minister for Labour and Social Affairs may return to the Board decisions with which he disagrees, and decisions so returned shall be placed on the agenda of the following meeting of the Board. In such event, the Board shall not maintain its original decision unless such decision is voted for by at least 12 of the members present and entitled to vote.

### **Article 11**

The funds of the General Organisation shall be used solely for the purpose of providing the privileges, benefits, pensions and compensation prescribed in this Law and for meeting administrative expenses in accordance with the provisions of this Law.

The Board of Directors shall not allow the annual administrative expenses of the General Organisation to exceed 7% of the fund formed from the paid contributions by employers and insured persons together with the incomes derived therefrom except by Order of the Council of Ministers in which event such expenses shall not exceed 10% of such incomes.

An exemption from the limitation in the preceding paragraph may be allowed by Order of the Minister for Labour and Social Affairs during the first two years of actual implementation.

## **PART 3**

### **The Director General and the Administrative Organisation**

### **Article 12**

The appointment of the Director General shall be by Order of the Council of Ministers on the recommendation of the Minister for Labour and Social Affairs,

and such Order shall determine the salary and allowances of the Director General who may be relieved from his post in the same manner.

The Minister for Labour and Social Affairs shall have the authority of a Minister for the purposes of personnel affairs of the General Organisation.

The Director General, employees and workers of the General Organisation shall be subject to the laws, regulations and rules in so far as governing the performance of affairs of government employees and workers.

### **Article 13**

The Director General shall represent the General Organisation before the Courts of Law and communicate with others and he shall have the following responsibilities :-

1. implementing the decisions of the Board of Directors and he shall be directly responsible to the Minister for Labour and Social Affairs and the Board of Directors;
2. managing the General Organisation and improving the methods of work and conducting and follow-up; supervising its employees who shall be bound to comply with his written orders, directives and instructions;
3. reviewing and deciding financial, administrative and technical matters which the laws, orders and rules specify to be within his authority;
4. presenting the draft budget of the General Organisation and the final accounts to the Board of Directors within three months from the date of the end of the Financial Year together with a report on the management of the business of the Organisation and an evaluation of its performance.
5. notifying the appropriate authorities of the final accounts of the General Organisation within one month after the approval and adoption thereof by the Board of Directors;
6. providing the Ministry of Labour and Social Affairs and Government agencies, as required, with information and reports on the activities of the General Organisation in general terms.

The Director General may delegate to other employees of the General Organisation certain of his authorities, as he may determine.

### **Article 14**

Supervision of the accounting functions of the General Organisation shall be undertaken by financial accounts appointed from among its employees and their names and signatures shall be notified to the Ministry of Finance and National Economy and the Bahrain Monetary Agency; and such accounts only shall have the authority to sign cheques and to authorise disbursements or withdrawals for its purposes; and for each branch of insurance separate accounts shall be maintained. The Board of Directors shall allocate to each

branch its share of the administrative expenses and shall determine the distribution amongst the various branches, of such revenues as do not belong to any one particular branch.

### **CHAPTER III**

#### **THE ESTABLISHMENT AND FINANCING OF THE INSURANCE FUNDS AND PRINCIPLES OF DETERMINATION OF INSURANCE CONTRIBUTIONS AND PAYMENT THEREOF**

##### **PART 1**

##### **Establishment of Insurance Funds and their Financing**

##### **Article 15**

The Social Insurance Fund shall be established and shall be independent of the Government Budget and shall be sub-divided into accounts for each branch of insurance referred to in Article 1 of this Law and the General Organisation shall be responsible for its administration.

The assets of the Fund shall consist of the following income :-

1. the monthly contributions paid by employers on behalf of their workers whether the employer's contribution required to be paid to the General Organisation or that contribution which the insured persons are required to pay in accordance with the provisions of this Law;

the amounts paid by the employers to the General Organisation in respect of leaving indemnity calculated in accordance with the labour law or as expressed in employment contracts or in rules of basic conditions or collective agreements or as has been the practice for payment thereof, for past service immediately prior to participation in Social Insurance Fund;

the additional amounts and interest due for delay in accordance with the provisions of this Law;

the amounts paid by the Government Pension and Retirement Fund in respect of contributions by the insured and interest thereon, upon the transfer of the employee from the government sector to a sector in which he is covered by the Social Insurance Law;

the loans which are paid annually to the Fund - when need arises - by the Treasury of the State in order to make up any deficit shown by an actuarial estimate in the financial situation;

fees which are levied in accordance with the Law and are paid by the employers or by the insured;

subsidies, donations and bequests which the Board of Directors decides to accept;

2. profits derived from the investment of the Fund and other income resulting from its activities.

### **Article 16\***

The financial situation of each branch of insurance in the Fund shall be examined at least every five years with the assistance of one or more actuaries.

\*This new text is modified by Decree-Law No. 1/1985.

The examination shall take into account the value of current liabilities and if it is shown in the report of the actuary that a surplus is available, such surplus shall then be transferred to a special account in the Fund and may not be disposed of except with the approval of the Board of Directors for the following purposes :-

1. Settlement in whole or in part of the deficit which the State Treasury has made good by payment of loans to the General Organisation for that purpose.

Increase in pensions, compensations, daily allowances, additional grants, contributions and bonuses in the light of the cost of living index. The increase in pensions, compensations, daily allowances, additional grants, lump sums, minimum and maximum levels of pensions prescribed under the provisions of this Law as well as the percentages of all the mentioned shall be determined by an Order of the Council of Ministers, upon a recommendation from the Minister for Labour and Social Affairs.

2. Establishment of a general reserve fund and special reserves.

## **PART 2**

### **METHOD OF DETERMINING INSURANCE CONTRIBUTIONS, PERIODICAL PAYMENT THEREOF AND ADDITIONAL AMOUNTS FOR NON-PARTICIPATION IN THE INSURANCE OR PAYMENT OF CONTRIBUTIONS ON FALSE WAGES, RETURNS AND INTEREST ON DELAYED PAYMENTS**

### **Article 17**

The contribution prescribed in this Law shall be assessed on the basis of the total monthly wages received by the insured.

The determination of contributions due in respect of each month of the year, whether they be the employer's or those deducted from the wages of the insured at monthly intervals, may be upon the basis of the full wages received in the month of January in each year.

In respect of workers who enter employment after the month of January, the contribution shall be computed on the basis of full wages in the month of such entering to employment and until the end of the month of December and thereafter they will be treated on the basis of the preceding paragraph.

Contributions may be also paid in respect of certain classes of insured on the basis of a single lump sum payment for the whole year or any part or parts thereof or the insurance contributions may be determined according to the wage classification.

In all cases, the wages shall include the other components of wages paid in cash to the insured workers periodically or regularly as the Minister for Labour and Social Affairs shall to determine by Order.

Subject to the provision of Articles 19, 20, 21, 22, 23, 24, 25 and 26 of this Law, the Minister for Labour and Social Affairs, upon the recommendation of the Board of Directors, shall make an Order determining the method of calculating the contribution.

The benefits of the insured or that of heirs, as expressed in this Law, shall be calculated on the basis of the wages according to which insurance contributions have been assessed in accordance with the provisions of this Law.

### **Article 18**

For the computation of the monthly wage of a daily-rated worker, the daily rate shall be multiplied by 30 and the resultant monthly rate shall be used for the purpose of calculating the insurance contribution.

Also, the computation of the monthly wage of a worker who is paid by piece-work or production or by the hour shall be on the basis of the monthly average wages for the actual period worked during the previous three months; and for new workers the average wage of a similar worker shall be taken as the basis for computation.

### **Article 19**

The contribution paid to the General Organisation in respect of the insured shall not be less than the contribution paid in respect of a worker earning the specified minimum daily wage multiplied by thirty.

### **Article 20**

Subject to the previous provision, the contribution payable in respect of an apprentice worker on the completion of his apprenticeship period shall be not less than the contribution paid in respect of a worker who performs the same or similar work for the employer or establishment concerned.

If the apprentice does not receive any wage, the employer shall bear the contribution required of the worker in addition to the employer's contribution calculated on the basis of the preceding Article 19.

### **Article 21**

A worker who is employed by more than one employer each employer shall have to pay separately on his behalf the full contributions, as required by this Law and in accordance with the Ministerial Orders made in implementation thereof, after the approval of the Board of Directors.

The total wages earned from the various employers shall be used for the calculation of contributions and for the settlement of benefits of the insured and that of the heirs as stipulated in this Law in accordance with the terms and conditions prescribed by the Ministerial Orders referred to in the previous paragraph.

### **Article 22**

The contributions required under this Law shall be computed on the basis of the wage subject to calculation of the contribution before it is reduced by any deductions such as taxes and fees due or which may become due, or debts, or instalments and such like, and before making any other deductions from wages by reason of penalties or fines or for deductions for hours of late arrivals or for days of absence without pay or for any other reasons which may result in reducing the wage.

### **Article 23**

The contributions which are paid by the employers on behalf of the insured shall be paid in full even if the worker's contract of employment is suspended or his wage is insufficient to meet it; and the worker's share of the contribution which is paid by the employer in this case shall be considered as a loan the repayment of which shall be in accordance with the provisions specified in the Labour Law.

### **Article 24**

In the case of a worker seconded from an establishment subject to this Law for work to be performed in another establishment having a continuing relationship with the first establishment, the first establishment shall continue to bear the full obligations of insurance to the General Organisation including the insured's share, and it is for the first establishment to agree with the second establishment on the method of re-imbusement of the value of the contribution paid.

### **Article 25**

Insurance contributions are paid for the month of entering employment of the worker on the basis of a full month if the total number of days worked during that month is at least fifteen days, and, similarly, contributions are paid in respect of the month of termination of service on the basis of the full month also, provided that the total number of days worked during that month is at least fifteen days; but no contributions are payable for the two months stated if the number of days is lesser.

Without prejudice to any other special regulations which may be issued in respect of temporary, casual or construction workers, and subject to the provisions of the previous paragraph, full contributions shall be paid for the month in which the worker commences employment even if the employment is terminated during the same month.

### **Article 26**

In the calculation and payment of the insurance contributions required on behalf of all workers of an employer, a fraction of 100 fils shall be rounded to 100 fils where it is 50 fils or more and more fraction less than 50 fils shall not be taken into account.

### **Article 27**

The contributions stipulated in this Law as due each month either by deduction from the wages of the insured or of those payable by the employer shall be paid to the General Organisation within the first fifteen days of the month following that in respect of which the contributions are due.

### **Article 28**

The employer shall be under an obligation to pay to the General Organisation the full amount of the contributions due from him and from his insured workers, within the period referred to in the previous Article and he alone shall be responsible to the above mentioned Organisation for the payment thereof; and such employer is entitled to deduct from the wages of the insured the contributions due from him at the time of payment of such wages.

Where the employer fails to deduct the worker's share of the contribution upon payment of the wages, he shall not withhold such share from the wages in any form whatsoever at a later date.

### **Article 29**

Every employer subject to this Law does not participate in social insurance in respect of all or some of his workers or who does not pay the contributions on the basis of the real wages or who does not pay the leaving indemnity referred to in Article 15 (2) shall be required to pay an additional amount equivalent to 20% of the contributions which have not been so paid and, where applicable, the amount due in respect of the leaving indemnity together with such additional amounts and the original contributions and amounts of

private schemes, and the total amounts so due shall be paid to the General Organisation immediately upon request in writing without need for an executory judicial order.

### **Article 30**

The amounts due in respect of leaving indemnities for the period prior to participation in social insurance may be paid, according to an Order to be issued by the Minister for Labour and Social Affairs after submission by the Board of Directors, in instalments over five years, and the employee shall pay each instalment at the end of each year with an interest of 5%, and in case of delay in payment on the due date the employer shall pay it to the General Organisation immediately upon receipt of a written request by a reply-paid registered letter, for such payment together with the additional amounts mentioned in the previous Article.

### **Article 31**

The employer must pay to the General Organisation the social insurance contributions by the method, to be determined by Order of the Minister for Labour and Social Affairs with the agreement of the Board of Directors within the period referred to in the previous Article 27.

If payment is not effected within this period, interest shall be imposed upon the employers at the rate of 5% of the contributions due for each month or fraction of a month of delay, and he shall have to pay this to the Organisation together with the original amount without need of an executory judicial order and immediately upon receipt of a written request by reply-paid registered letter.

### **Article 32**

An Order of the Minister for Labour and Social Affairs shall prescribe the payment of contributions due for certain categories of workers by means of stamps to be affixed to insurance cards or to insurance books prepared for this purpose by the General Organisation in accordance with the conditions and circumstances specified in such Order.

## **CHAPTER IV**

### **\* INSURANCE BRANCH AGAINST OLD AGE, NON-EMPLOYMENT DISABILITY AND DEATH**

#### **PART 1**

#### **Financing**

### **Article 33**

The insurance branch against old age, disability and death shall be financed by the following :-

1. the share which the employer is responsible for the payment thereof in respect of insurance contributions amount to \*\*11% of the wages of the insured who works for him;
2. the share which the insured is responsible for and which shall be borne by him in the amount of 7%\*\* of his monthly wage;
3. the indemnity due to each insured person, in accordance with the Labour Law and pursuant to Article 15 (2);
4. the additional amounts stipulated in Article 29 of this Law and also the interests stipulated in Article 31 thereof;
5. contributions for pensions and profits thereof which are transferred, when due, from the Government Pension and Retirement Fund to the General Organisation;
6. the loans which shall be appropriated in the state's general budget on the recommendation of the Minister for Labour and Social Affairs after agreement with the Minister for Finance and National Economy;
7. profits derived from the investment of the funds of the social insurance;
8. donations and bequests made to the General Organisation for this branch of social insurance;
9. other income which is allocated to this social insurance.

**\* This branch of Social Insurance against old age, non-employment disability and death is temporarily suspended by Decree-Law No. 12/1977 in so far as non-locals are concerned with effect from 1st May 1977 until further decisions of the Council of Ministers are issued re-applying it to expatriates. This Decree Law was published in the Official Gazette No. 1277 of 12th May 1977.**

**\*\* The employer and the insured contributions were reduced from 11% to 7% and from 7% to 5% respectively by Decree-Law No. 20/1986 with effect from 1st September 1986. The Decree-Law was published in the Official Gazette No. 1709 dated 28 August 1986.**

## **PART 2**

### **Eligibility for Old Age Pensions**

#### **Article 34**

The insured shall be entitled to an old age pension, dependent upon the contributory period of social insurance, whether such period be continuous or interrupted, from the General Organisation in the following instances :

1. termination of employment of the insured (male) before he attains the age of 60 years provided that his period of contribution is at least 240 insurance months, or the insured (female) before she attains the age of 55 years and provided that her period of contribution is at least 180 insurance months.

The pension due shall be reduced in this case by a percentage in accordance with Schedule I, dependent upon the age of the insured at the time of the request for payment of the pension. The payment of the pension from the General Organisation shall become due, in this instance, with effect from the date of the beginning of the period in the said Schedule on the basis of which the percentage reduction shall be determined or on the day following the date of termination of employment, whichever is first.

The reduction by percentages as stated in the second paragraph of this Article shall not be valid in the event of requests for payment of pensions by the insured or his heirs for proven disability or the occurrence of death;

2. \*Termination of employment of the insured (male) when he attains the age of 60 years and his period of contribution is at least 180 insurance months or insured (female) when she attains the age of 55 years and her period of contribution is at least 120 insurance months in the insurance;
3. \* Termination of employment of the insured (male) after the age of 60 years or the insured (female) after the age of 55 years and when the contributory period is at least 120 insurance months in the social insurance of which at least 36 insurance months contribution shall have been consecutive during the last five years preceding termination of employment.

The period during which the insured receives daily allowances in case of his temporary disability from work for reason of employment injury, shall be included in the contributory period in social insurance in respect of three preceding paragraphs, and no contributions to the social insurance are made for these periods.

### **Article 35**

The insured who was participating in the private schemes referred to in Article 93 and 94 of this Law has the right, upon his written request to the General Organisation to include in the period assessed for the determination of the pension for old age, disability and death, periods equal to that which his equity in the private schemes shall permit in accordance with Schedule 4 annexed hereto and these periods shall be treated on the same basis as those upon which the pension of the insured is calculated.

The insured shall also have the right to include in the period assessed for the determination of the pension for old age, disability and death a period equal to what will permit the amount of leaving indemnity paid on his behalf for service prior to this social insurance in accordance with Article 39.

**\* A hypothetical contribution period of sixty insurance months shall be added upon calculation of the retirement pension in case the insured, he**

or she, completes or exceeds the contribution period referred to in each of Clauses 2 and 3 of this Article (34) of the Social Insurance Law, whether all such period is an actual contribution period or includes a period or periods deemed legally as an insurance contribution period with regard to the insured who already retired or retires up to the end of five-years period from the effective date of Law No. 15/1987.\*\*

The Council of Ministers may, upon the submission of the Minister for Labour and Social Affairs and approval of the Board of Directors of the General Organisation for Social Insurance, issue an Edict for extending the period referred to in the foregoing paragraph.

**\*\* The Law referred to was enacted under No. 15/1987 and was published in the Official Gazette No. 1773 dated 19 Nov. 1987 and the 5-years period will end by 30 Nov. 1992; and then the validity of adding the period of the 5-years is to be extended in virtue of Article 1 of Decree-Law No. 15/1987 to another similar period with effect from Dec. 1st, 1992 by Prime Ministerial Edict No. 6 issued on 16th March 1993.\*\*\* And as from the effective date of this Edict, retirement pensions payable by the General Organisation for Social Insurance shall be amended accordingly.**

The General Organisation shall be bound to pay the retirement pensions amended accordingly and to pay the retirement pensions due after the enforcement of this Edict and any payment received by an insured in violation of Article 136 prior to the amendment thereof, in the manner set forth shall be waived.

**\*\*\* The validity of granting the five years hypothetical contributory period was extended permanently as of 1 December 1997 subject to the terms and conditions prescribed by the Prime Ministerial Edict No. 17 for 1998 published in the Official Gazette No. 2333 on 12th August 1998.**

The period included shall be determined in accordance with the age of the insured, his wage at the time of the implementation of the Law in his respect and the amount paid for his account to the General Organisation in accordance with Schedule 4 attached.

Where the insured wishes to receive, upon the termination of his service, his entitlements due to him in the private schemes referred to in Articles 93 and 94 of this Law, he shall so receive cash and no previous contributory period shall be included in the contributory period for old age, invalidity and death insurance prior to that of the application of the Law in his respect.

### **Article 36**

The insured may request an extension to the period of contribution in social insurance by payment of an additional amount, calculated in accordance with Schedule 4 attached, to the General Organisation and the amount shall be determined either on the basis of the wage at the time of commencement of participating in the social insurance or the date of presentation of the request,

if later, and the said amount shall be paid either in one payment or monthly instalments in accordance with Schedule 5 attached hereto.

### **PART 3**

#### **Eligibility for Pensions for Disability and Death Resulting from a Non-Employment Cause**

##### **Article 37**

Where the employment of the insured is terminated by reason of disability or death not due to an employment cause and prior to the insured (male) attaining the age of 60 years or prior to the insured (female) attaining 55 years, a pension shall be due to the insured or the heirs subject to the following conditions :-

- a. if the period of contribution in social insurance totals at least six consecutive months immediately prior to the occurrence of disability or of death; or
- b. if the period of contribution in social insurance totals at least 12 interrupted months of which there were at least three consecutive months contribution in the social insurance immediately prior to the occurrence of disability or death.

If no disability or death occurs after having met the minimum periods of contribution referred to in the above mentioned paragraphs (a) and (b) and the insured (male) has not attained in the age of 60 years or the insured (female) has not attained the age of 55 years and contribution to social insurance cease for any reason, either of the said insured or the heirs, as the case may be, shall be of such cessation being covered by social insurance and prior to the insured (male) attaining the age of 60 years or the insured (female) attaining the age of 55 years or if death occurs within one year from the date of cessation of contributions in social insurance irrespective of age, provided that the insured may not have met the conditions for entitlement to the pension prescribed in the aforementioned Article 34(1) and that this pension was more advantageous.

The Minister for Health, in agreement with the Minister for Labour and Social Affairs, shall regulate by an Order, on presentation thereto by the Board of Directors, the method by which disability and death may be proven.

### **PART 4**

#### **Eligibility for Lump Sum Compensation**

##### **Article 38**

Where the employment of the insured is terminated and he does not qualify under the conditions for eligibility for a pension, he shall be entitled to a lump

sum compensation, and this compensation shall be paid in the following instances :-

1. the insured (male) has attained the age of 60 or more years;
  2. the insured (female) has attained the age of 55 or more years;
  3. if the insured (female) was married, divorced or widowed on the date of lodging a claim for payment;
  4. \* emigration of the insured; male or female;
  5. \* departure of an insured person from the country finally or if he has taken up employment abroad on a permanent basis or has joined a diplomatic mission in the embassy or consulate of his State;
  6. the final judgement for imprisonment of the insured for a period of ten years or more; or the period remaining for the insured (male) to attain the age of 60 years or the insured (female) to attain the age of 55 years whichever is shorter;
- \* As modified by Decree-law No. 27/1976 published in the Official Gazette No. 1190 dated 26th August 1976.**
7. total disability;
  8. death;

The lump sum compensation shall be paid in case of death to:-

- (a) widow or widows of the deceased;
- (b) should there be no widow or widows, then to the children of the deceased and the children of his deceased son;
- (c) should there be no widow and children, then to the father and mother; and
- (d) should there be no person in the above mentioned categories then to brothers and sisters of the deceased.

The aforementioned persons shall be entitled to receive the compensation if they meet the required conditions for eligibility of pensions as provided for in Chapter 6 of this Law and if two or more persons in the same category are entitled jointly, the amount shall be distributed between them equally.

If there are no heirs as detailed in the preceding sub-sections (a), (b), (c), and (d), the amounts shall devolve to the Social Insurance Fund against old age, disability and death.

## **PART 5**

### **Computation of Pensions for Old-Age and Non-employment Disability and Death and Computation of Lump Sum Compensation**

### **Article 39\***

Without prejudice to the provisions of Article 34(1), the insured (male) upon attainment of the age of 60 or more years or the insured (female) on the attainment of the age of 55 or more years shall be entitled to an old age pension derived by multiplying one fiftieth of the average monthly wage due to the insured on the basis of which the social insurance contributions were paid during the last two years of the period of contributions to the social insurance, or one sixtieth of the average monthly wage during the last contributory period, in the event that such contributory period is less than two years, multiplied by the number of completed years of contribution to the social insurance.

**\* The ratio was modified to one fiftieth by Prime Ministerial Edict No. 11/1989 published in the Official Gazette No. 1851 of 18/5/1989.**

### **Article 40**

In the calculation of the average monthly wage referred to in the previous Article the difference between the wage of the insured at the end of the last three years of his service or his actual service if less and his wage at the beginning thereof shall not exceed 40% but if the difference exceeds this limit then the excess shall not be considered in the calculation of the average wage on the basis of which the pension is to be calculated.

### **Article 41**

The pension, in the case of disability or death, shall be paid on the basis of the percentage stated in Article 39 of the average monthly wages used for payment of the social insurance contributions during the last year or the period of contribution if less than this and a national period of three years shall be added to the period of contribution, provided it does not extend beyond the attainment by the insured of the age specified in Article 34(2).

The pension shall in no case be less than 40% of the average monthly wages referred to in the first paragraph of this Article.

### **Article 42**

The insured or his heirs may request a division of the period of contribution to the social insurance, at the time of the determination of the pension or of the lump sum compensation, into separate periods provided disparity existed in the wages on the basis of which contributions to the social insurance were made.

As a condition for benefiting from the preceding provision, the requested period for separate computation shall not be less than three years and provided that the percentage variance in the wages at the end of each period exceeds 15% of the wage subject to the contribution at the end of the previous period.

The insured or the heirs may not request a division of the contributory period in social insurance into more than three periods.

The pension or lump sum compensation shall be computed for each period thereof, as referred to in the second paragraph of this Article, separately on the basis of the average monthly wage as prescribed in the preceding Article 39 or Article 41 para 1; or on the basis of the annual wage referred to in the last paragraph of Article 43, as the case may be.

The final determination of the compensation or the pension shall be the sum total of compensation or pension due in respect of the total period subject to the limitation on the maximum pension prescribed in this Law.

### **Article 43**

The lump sum compensation referred to in Article 38 of the Law shall be computed on the basis of 15% of the annual wage of the insured multiplied by the number of completed contributory years in the social insurance and added thereto simple interest of not less than 3% thereof from the date of cessation of social insurance until the date of payment.

By "annual wage" is meant the average monthly wage subject to the contribution during the final two years of the contributory period in the social insurance multiplied by twelve or the average monthly wage in the contributory period if less than that and multiplied by the same figure.

## **PART 6**

### **Voluntary Insurance against Old Age, Disability and Death**

#### **Article 44**

Every worker who contributes compulsorily to the social insurance against old age, disability and death for at least five years and who no longer possesses the conditions for coverage under this Law for any reason, is entitled to continue voluntarily in this social insurance provided that he so applies within six months following the date of non-coverage to this social insurance and undertakes thereby to pay the full insurance contributions due in respect of himself and the employer to the General Organisation.

The Minister for Labour and Social Affairs shall make an \*Order, on the recommendation of the Board of Directors, determining the method of implementation of this Article.

## **PART 7**

### **General Provisions for the Insurance against Old Age, Disability and Death**

## **Article 45**

In the calculation of the period of contribution to the social insurance, a fraction of a month shall be rounded to a full month in each period; and a fraction of a year in the totals of these periods shall be rounded up to a full year if as a result thereof the insured becomes eligible for a pension.

· The Ministerial Order has been issued under No. 8/1988 and published in the Official Gazette No. 1819 dated 6 October 1988, the text published in the part of Ministerial Orders.

## **Article 46**

In the event of the transfer or appointment of a person of either sex engaged in the Government sector and covered by the law providing pensions and retirement rewards for the Government employees, to the private, co-operative or para-statal sectors and becoming subject to the Social Insurance Law, or vice versa, both the General Organisation of the Retirement Fund and the General Organisation for Social Insurance undertake to exchange the total of contributions which have been deducted from his salary and the Government's share which has been paid to his account or the total of the share of the worker in the contributions to the social insurance against old age, disability and death and the share of the employer which has been paid for the account of the insured and added to either total an annual interest of 5% from the date he is subjected to the law under which he was formerly covered until the transfer of the totals to the General Organisation under whose Law he shall be subject. In both instances the provisions of the Law of the Fund to which the total has been transferred and shall apply together with the previous and the subsequent periods and the Council of Ministers shall make an Order for the regulation thereof.

If the transferred or appointed person had already accrued the maximum pension stipulated in the law under which he was formerly covered at the time of such transfer or appointment, then no contributions are transferred and he shall be entitled to a lump sum compensation for the new period whenever he completes the qualifying period.

## **CHAPTER V**

### **INSURANCE BRANCH AGAINST EMPLOYMENT INJURIES**

#### **PART 1**

#### **Financing**

#### **Article 47**

The social insurance against employment injuries shall be financed by the following :-

1. the monthly contributions which the employer shall be required to pay to the General Organisation at the rate of 3% of the monthly wages of his workers. The employer alone shall be responsible for the payment of this contribution;
2. profits from the investment of the contributions referred to in the foregoing paragraph.

#### **Article 48**

The percentage rate of the contribution stipulated in sub-paragraph 1 of the previous Article may be reduced by one-third when permitted by Order of the Minister for Labour and Social Affairs on the agreement of the Board of Directors, in respect of an employer who bears the cost of the daily allowance in the case of injury and the transportation expenses.

Further, the contributions may be reduced by the same percentage as prescribed in the previous paragraph if the employer undertakes to provide the medical care prescribed in the following Article 50, if he owns a private hospital for the treatment of his workers. The reduction shall be by Order of the Minister for Labour and Social Affairs on the agreement of the Board of Directors.

#### **Article 49**

The rate of contribution stipulated in Section 1 of the previous Article may be increased by up to twice thereof in respect of those employers who refuse to comply with the instructions issued by the appropriate authorities on the subject of worker's safety and health.

The actions for implementation of the preceding paragraph shall be determined by Order of the Minister for Labour and Social Affairs.

### **PART 2**

#### **Medical Care**

#### **Article 50**

- a. The General Organisation shall undertake to provide medical care to the insured in the event of employment injury, and medical care shall include :-
  1. the services of general practitioners, specialists and medical aids and related services;  
dental services;  
diagnostic examinations of any kind or nature;  
admission of the injured to hospital or his treatment and

medication in a convalescence centre or in any other appropriate establishment within the appropriate social insurance grade, the details of which shall be determined by Order of the Minister for Health in agreement with the Minister for Labour and Social Affairs. The injured may remain at a higher grade by paying the difference;

provision of medicines and the required medicinal materials;

provision of artificial limbs and the like, including eye glasses, or any medical or surgical fittings to correct the injury as required by the condition of the injured person as a result thereof, and the maintenance and renewal of such items as the case may be;

2. the transportation expenses of the injured person from the place of work or from his dwelling to the medical centre, hospital or physician's clinic, etc., whereat he can receive the treatment called for by his condition, as well as the expenses of his return therefrom by normal means of transport.

The methods of calculation of transportation expenses shall be determined by Order of the Minister for Labour and Social Affairs based on the agreement of the Board of Directors.

- b. The General Organisation also undertakes to provide medical care without time limitation and for as long as the condition of the injured person requires until cured or his condition stabilizes by proof of permanent disability or death, whichever is earlier.
- c. The employer shall be required to provide first aid to the injured and shall, for this purpose, make all the necessary arrangements for the discharge of this obligation, taking into consideration the number of workers he employs and the occupational hazards inherent in the performance of the operations carried out in his enterprise and in accordance with the conditions and circumstances as determined by the Labour Law.

The employer shall also be required to transport the injured to the designated treatment centre on the occurrence of an injury.

## **Article 51**

Without prejudice to the second paragraph of Article 48, medical care shall primarily be provided by Public Health Centres of the appropriate social insurance grade and, if not available, the General Organisation shall provide such care at its own expense without any change to the injured at such private clinics or hospitals as may be designated.

In case of emergency, the injured may have recourse to any doctor or to any private clinic; the General Organisation shall bear the ensuing expenses, provided that it shall be notified within three days from the date on which this right is exercised, save if exceptional circumstances shall prevent such notification; in which case this period shall be extended accordingly.

The General Organisation may conclude certain agreements with the Ministry of Health and with doctors and private clinics and hospitals for the provision of medical care in accordance with fees to be fixed per case classified into grades or by lump sum, as per the rules which shall be issued by Order of the Minister for Labour and Social Affairs with the agreement of the Minister for Health and the Board of Directors.

### **PART 3**

#### **Daily Allowances in case of Injury**

##### **Article 52**

The employer shall pay the wage for the day of the injury irrespective of the time of its occurrence, and the General Organisation shall bear thereafter the daily allowance and pay it at the times established for the payment of wages for the duration of the incapacity of the injured to perform work or until he recovers or his condition stabilizes by proof of permanent disability or occurrence of death, whichever is earlier.

In the definition of injury shall be included any relapse of his condition or compounding thereof and also every condition of an occupational disease, as specified in Schedule 3 attached, which may manifest itself within a period of one year from the date of termination of service of the insured and whether these symptoms became apparent whilst he is unemployed or was engaged in industry or his occupation or any other activity unrelated to this disease.

##### **Article 53\***

The daily allowance shall equal 100% of the contributory daily wage of the injured insured, and shall be paid for the duration of the incapacity resulting out of the employment injury or, in the case of relapse of the injury or the complication thereof.

**\* The new text was passed by Decree Law No. 1/1985 published in the Official Gazette No. 1625 of 10 January 1985.**

The daily allowance shall be calculated on the basis of the monthly wage used for payment of the contribution divided by thirty (30) and the General Organisation shall be responsible for its payment to the injured.

##### **Article 54**

There shall be no entitlement to the daily allowance for the injury or to compensation for permanent disability in the following cases:-

- a. if the insured intentionally inflicts upon himself an injury or mistreats his injury;
- b. if he refuses to abide by the medical instructions necessary for his treatment or to submit to medical examinations or if he refuses to abstain from activities which his health does not permit;
- c. if the injury occurs as a result of the insured's deliberate and immoral conduct and included in this provision shall be :-
  1. all acts committed by the insured under the influence of alcohol or drugs;
  2. all acts wilfully disregarding the safety instructions posted up in conspicuous positions at the place of work;

except that as a result of the injury death occurs or the residual permanent disability exceeds 25% of the permanent total disability.

The above mentioned conditions may not be taken into consideration unless proven by investigation which shall be conducted in accordance with Article 63.

## **PART 4**

### **Compensation and Pension for Employment Injury**

#### **Article 55**

In the case of permanent partial disability resulting from an employment injury which is less than 30% of permanent total disability, the injured shall be entitled to receive lump sum injury compensation equal to thirty-six times the monthly pension for permanent partial disability which he could have claimed under Article 56 hereinafter in accordance with the percentage of the resultant disability.

The employer is not entitled to terminate the employment of the worker as a result of the partial disability stated in the preceding paragraph.

#### **Article 56**

In the case of permanent partial disability resulting from an employment injury which is equivalent to or in excess of 30% but less than total permanent disability the injured shall be entitled to receive a monthly pension equal to the percentage of the disability and proportionate to the pension payable for the total permanent disability. The insured shall receive his pension together with his wages received from employment without limitations so long as the percentage disability does not reach total permanent disability.

### **Article 57\***

In the case of permanent total disability or death resulting from an employment injury, the insured shall be entitled to a monthly pension equivalent to 80% of his wage, subject to the contribution.

**\* The ratio was raised to 80% by Prime Ministerial Edict No. 11/1989 published in the Official Gazette No. 1851 of 18/5/1989.**

### **Article 58**

The pension for permanent total disability or death for those who work without pay or for those who earn the statutory minimum wage shall be 30 Dinars per month.

### **Article 59**

The percentage of permanent partial disability shall be determined in accordance with the following rules :-

1. if the disability is prescribed in Schedule 2 attached to this Law, then the percentage shown as a degree of total disability shall be taken into account;

if the disability is not mentioned in the aforementioned Schedule, then the percentage shall be estimated on the degree of loss of earning due to the incapacity of the injured, and this percentage shall be stated in the Medical Certificate;

2. if the residual disability has a special effect on the capacity of the injured to earn in his original occupation then it is necessary to explain the alternative type of work which the injured may perform and any effect this may have in increasing the degree of disability in these circumstances over the percentages stated in the Schedule 2 attached to this Law.

The Schedule 2 referred to in paragraph 1 above and also the Schedule 3 referred to in the second paragraph of Article 52 may be altered by Order of the Council of Ministers on the recommendation of the Minister for Health in agreement with the Minister for Labour and Social Affairs.

### **Article 60**

If the injured has sustained a previous injury or if there is a relapse of his injury or if his injury has deteriorated, the following rules shall be observed in respect of his present injury :-

1. if the percentage of the disability resulting from his present injury and previous injuries is less than 30%, the injured shall be compensated for

the latest injury on the basis of the percentage of the residual disability by itself and of the wage subject to the contributions at the time of the latest injury;

2. if the percentage of the disability resulting from his present injury and the previous injuries is equivalent to 30% or more, then the injured will be treated as follows :-
  - a. if the injured has been compensated for his previous injury by lump sum compensation, the pension shall be calculated on the basis of the percentage residual disability of all his injuries and the wage subject to the contribution at the time of the last injury;
  - b. if the insured was entitled to a disability pension, his pension shall be calculated on the basis of the percentage residual disability of all his injuries and the wage subject to the contribution at the time of the last injury, provided that this pension shall not be less than the pension for the previous injury.

### **Article 61**

The percentage of the permanent disability shall be determined according to the nature of the residual disability of the injured, his general condition, his age and occupation, his physical and mental aptitudes, and occupational capabilities and qualifications. This shall be determined by reference to Schedule 2 attached. Compensation and pensions for permanent disability shall be granted on a temporary basis, and the General Organisation shall subject the injured person to periodical medical examinations in the course of the first four years from the date of ascertainment of the disability, unless the Medical Board has determined the unlikely event of any change taking place during this period.

Period of permanent disability and the degree thereof or the occurrence of any change thereto or the recovery of the injured or his return to work shall be by a certificate issued by the Designated Medical Board.

### **Article 62**

In the case of a change of the degree of disability on medical re-examination in accordance with the preceding Article, the following rules shall be observed :-

- a. if the insured is a recipient of a pension, the disability pension shall be altered or shall cease with effect from the first of the month following the ascertainment of the latest degree of disability, or in accordance with what transpires from the medical re-examination and of the effects it may have on the degree of disability of either an increase or decrease therein dependent upon the case; and if the degree of disability has decreased below 30%, the payment of the pension shall finally cease and the injured shall be granted a lump sum compensation in accordance with the provision of the

preceding Article 55;

- b. if the insured has previously been compensated for a degree of disability fixed initially by a lump sum compensation the following rules shall be observed :-
  1. where assessed degree of disability upon re-examination exceeds the degree of disability estimated previously and it is less than 30%, the injured shall be entitled to compensation on the basis of the latest degree and of the wage taken for the contribution or of the determination of the disability for the first time less the compensation already paid to him. Any reduction of the degree of disability from the previously estimated degree shall have no effect whatsoever;
  2. where the assessed degree of disability upon the re-examination amounts to 30% or more, the injured shall be entitled to a disability pension computed in accordance with the provisions of Article 56 on the basis of the wage at the time of determination of the disability for the first time. The pension shall be paid to him with effect from the first of the month following the date of determination of the latest degree of disability less the difference between the previous compensation paid to him and the value of the pension on the assumption that it was due to him on the basis of the degree of disability determined for the first time, and that repayment shall be within 25% of the monthly pension until the repayment of compensation paid to him previously.

## **PART 5**

### **Procedure**

#### **Article 63**

In the case of an injury to the insured necessitating his discontinuance of work for treatment, the employer shall be required to notify the accident within 24 hours to :-

- a. the Police Station within whose area of jurisdiction the injury occurred;
- b. the General Organisation.

The insured shall make this notification if his state of health so permits. The notification in all cases shall be in accordance with the proforma prescribed for this purpose and an Order of the Minister for Labour and Social Affairs, on the submission of the Board of Directors, shall specify the particulars to be contained therein.

The Police Station or the authority investigating such notification referred to in the preceding paragraph shall prepare a proces-verbal of the investigation in respect of every notification which shall be in duplicate. The investigation shall at least include the name of the insured (upto four names), his permanent

insurance identification number, occupation, address, nationality, his wage on the date of the injury on the basis of which his monthly social insurance contributions were made, together with a brief description of the accident, the causes thereof, the appropriate actions taken for first aid or treatment, the circumstances of the accident, the statements of witnesses, whether the accident was the result of deliberate misconduct or an immoral act and so intended by the injured, and the investigation shall also record the statements of the employer or his representative and the statements of the injured if his condition so permits.

Such authorities shall provide the General Organisation with a certified copy of the proces-verbal and it may request completion thereof if it is so deemed necessary.

#### **Article 64**

The insured who is injured shall be required to inform the employer or his representative immediately even if the injury does not prevent him from continuing at work.

Where the injury occurs outside the work place, the insured shall be required to notify the police station within whose area of jurisdiction is located the place whereat the injury occurred, as soon as his condition permits.

Where the injury precludes the injured from so notifying, it may be so notified by anyone on his behalf.

#### **Article 65**

The employer shall place a notice in a prominent position in the work place in Arabic and in a foreign language stating the designated medical facility for the treatment of his workers and the procedure which they must follow in case of an injury either within the work place or outwith it.

#### **Article 66**

The treatment of the insured in case of injury shall be either in the hospital of the employer who has been allowed the reduction specified in the second paragraph of Article 48 or in the appropriate social insurance grade at one of the public hospitals based on the agreements which are entered into by the Minister for Labour and Social Affairs and the Minister for Health as proposed by the Board of Directors.

The General Organisation may conclude contracts with private hospitals or specialist doctors for the provision of medical care to the injured in accordance with the agreements entered into by the Minister for Labour and Social Affairs with the concurrence of the Board of Directors.

#### **Article 67**

The agreements and contracts entered into with the appropriate medical authorities mentioned in the preceding Article shall include the obligations of such authorities for the following :-

1. the treatment shall be in accordance with the medical standards which conform to the provisions of the law;
2. for the provision of necessary documents recording the condition of the injured, the whereabouts of the treatment and its duration, the date of return to work and the assessment of degree of disability in accordance with the timetable and in the format of the specimens which shall be determined by the Minister for Labour and Social Affairs with the concurrence of the Board of Directors;
3. to maintain the documents of treatment in respect of the injured and to present the same to the General Organisation upon request. The appropriate medical authorities shall preserve these documents for a period of five years.

#### **Article 68**

The daily allowance referred to in the aforementioned Article 53 shall be paid if the injury prevents the insured from performing his work and which is supported by a medical certificate from the appropriate medical authorities.

The payment of the daily allowance referred to in the preceding paragraph shall be paid periodically in accordance with an Order made by the Minister for Labour and Social Affairs with the concurrence of the Board of Directors, and this Order shall also determine the details of the medical certificate referred to.

#### **Article 69**

The insured shall be entitled to the daily allowance for the duration of his absence from work by reason of the fitment or maintenance or change of compensatory organ or artificial limb, and this shall be on the basis of his contributory wage upon the date of such absence.

If the insured was a pensioner, the pension shall cease for the duration of his entitlement to the daily allowance unless the allowance was less than the pension where the pension shall be continued, provided that the period of interruption referred to in the preceding paragraph is certified by a doctor of the public hospital or of the hospital wherein he received treatment.

#### **Article 70**

The General Organisation shall bear the return transportation expenses of the injured from the place of work or residence to :-

1. the place where he is receiving treatment;

the place where the diagnostic tests are being carried out;

the place where the laboratory or medical tests are being carried out for the fitment of compensatory organs or for training him in their use;

2. the place for the assessment of the degree of disability.

The transportation expenses shall be paid for normal means of transportation or of the mode which the doctor considers appropriate for the state of health of the injured, and such expenses shall be paid periodically in accordance with what shall be determined by Order of the Minister for Labour and Social Affairs with the agreement of the Board of Directors.

### **Article 71**

The injured person, the appropriate medical authority and the General Organisation each is entitled to request a medical re-examination to review the injury medically once in every six months during the first year from the date of certification of the disability and thereafter once every year during the following three years. The medical board concerned shall re-evaluate on each occasion the percentage of disability; and after the lapse of four years from the date of the certification of the disability such evaluation shall be final. The medical re-examination shall be undertaken by the competent Medical Board concerned.

### **Article 72**

The injured insured may request the General Organisation to reconsider the decision of the appropriate medical authority within one week from the date of the completion of treatment, or of the date of return to work or of not being afflicted with an occupational disease; and within one month from the date of the notification to him of a nil disability or, of the assessment of its degree. The request shall be accompanied by a medical certificate supporting his view point.

### **Article 73**

The General Organisation shall convey the request referred to in the preceding Article to the Appellate Medical Board, and this body shall notify the injured of its decision by registered letter with recorded delivery within one week at the latest from the date of receiving the decision. Such decision shall be final and binding on both parties and the Organisation shall discharge whatever obligation it may then have.

### **Article 74**

The General Organisation may cease payment of a disability pension with effect from the first of the month following the date specified for the medical

re-examination by the designated Medical Board should the pensioner not present himself for the re-examination required by the General Organisation at the time advised to him or if he refuses to submit to the treatment, or to the visits or to medical examinations, or if he abstains from attending regularly rehabilitation which is decided upon by the designated Medical Board or if he does not abstain from practising any activity not permitted by the decision of such Board.

The cessation of the pension shall continue until the elimination of its causes or until the pensioner presents himself for re-examination. If the examination results in reducing the degree of disability in relation to the previous assessment, the new degree shall be used for settlement effective from the date established for the medical re-examination.

The General Organisation may disregard the non-attendance of the injured for re-examination if he presents acceptable reasons.

The payment due for the period of cessation shall accord with the result of the medical re-examination.

## **PENSIONS OF THE HEIRS AND CONDITIONS FOR THEIR ELIGIBILITY**

### **Article 75**

The right to the pension shall pass, upon the death of the insured or of the pensioner, as prescribed hereunder :-

1. the widow or widows shall be entitled to three eighths of the pension apportioned equally between them until they remarry;  
  
sons and unmarried daughters shall be entitled to four eighths of the pension apportioned equally between them;
2. the father and mother and brothers and sisters shall be entitled to one eighth apportioned equally between them.

If the insured or pensioner dies leaving a pregnant widow or widows the pension shall be re-apportioned after the birth in accordance with the provision of this Law.

### **Article 76**

If the wife pre-deceased the insured or the pensioner, her share shall pass to her eligible sons and daughters apportioned equally among them; and if none exists then her share shall pass to the living widows of the insured or pensioner at the time of his death apportioned equally between them; and if no one of them exists then it shall revert to the appropriate social insurance fund.

#### **Article 77**

If the widow remarries or dies after the death of the insured or the pensioner, her share shall pass to the sons and daughters eligible for a pension apportioned equally between them; and if none of them exists then it shall revert to the appropriate social insurance fund.

#### **Article 78**

The son's pension shall cease upon his attaining the age of 22 years or upon his earning a sum equal to the pension, otherwise the difference shall be paid to him, and if he attains such age and is proven disabled from earning by a decision of the Designated Medical Board, the pension shall continue to be paid to him for so long as his disability continues, and this shall be ascertained every two years unless the Medical Board decides the improbability of his being cured.

Nevertheless, if the son eligible for a pension is a student at a stage of education not beyond university or higher education, the pension shall be paid to him until he attains the age of 26 years or until his studies are ended whichever date is earlier.

#### **Article 79**

The pension for the daughter ceases on her marriage or by her earning a sum equal to the pension, otherwise the difference shall be paid and the pension shall revert to her if she is subsequently divorced or widowed.

Where the daughter was married on the death of her father and no pension was paid to her because of this marriage, then she shall receive her share in accordance with the provisions of this Law, if she is subsequently divorced or widowed, from the date of such divorce or the date of death of her husband.

#### **Article 80**

The grandsons and grand daughters whose father is dead or had died after becoming eligible for his pension, shall be entitled to their father's portion under the conditions and within the limits set forth in the two preceding Articles.

#### **Article 81**

The mother shall be entitled to a portion of the pension of her deceased son if she become a widow or divorcee before the death of her son and had not remarried to other than the deceased's father.

#### **Article 82**

The father shall be entitled to a portion of the pension of his deceased son if he was dependent upon him. Such dependence shall be testified by the Ministry of Labour and Social Affairs.

### **Article 83**

Brothers and sisters shall have a portion of the pension of their deceased brother if they were dependent upon him, under the conditions and within the limits set forth in Articles 78 and 79 hereof.

Such dependence of the brothers and sisters upon the pensioner, shall be testified by the Ministry of Labour and Social Affairs.

### **Article 84**

Where there are no eligible father, mother, brothers and sisters, their portions of the pension shall be divided equally among the sons and daughters.

### **Article 85**

Where there are no eligible sons or daughters, the widow, or widows in equal portions, shall be entitled to one-half of the pension and the remainder shall be made over to the appropriate social insurance fund, under the conditions and within the limits previously stated.

### **Article 86**

A widower of an insured wife or a female pensioner, shall be entitled to three-eighths of her pension if he is suffering from a total incapacity which prevents him from working or earning.

Ascertainment of such case shall be made every two years by the appropriate medical board, unless such board decides that the case is considered incurable.

### **Article 87**

Subject to the provisions of this Law, the portion of any eligible dependant, upon his death or disqualification, shall be made over to the appropriate social insurance fund.

### **Article 88**

Not more than one pension under the provisions of this Law shall be paid by the General Organisation. Where a person is qualified for more than one pension, the one of greater value shall be paid.\*

Notwithstanding the provisions of the preceding paragraph, the sons and daughters may combine the portions payable to them from the pensions of their parents, and a widow may combine her portion payable from the pension of her husband and her own pension as a beneficiary under the provisions of

this Law, or her portion payable from the pension of her husband and her own income from employment or occupation.

**\* This provision is repealed by Amiri Decree-Law No. 15/1987 and Ministerial Order No. 5/1988 which allowed the pensioner to combine between retirement pension and the pension due in case of employment accident disability.**

## **CHAPTER VII**

### **ADDITIONAL GRANTS**

#### **PART 1**

##### **Death Grants**

###### **Article 89**

Upon the death of an insured person or pensioner, his widow, or eldest son or his heirs, shall be paid in a grant equivalent to six months wages based on the wage which is subject to contribution, if he was in employment, or to a grant of six months pension if he was a pensioner.

#### **PART 2**

##### **Marriage Grant**

###### **Article 90**

The widow, daughter, daughter of a deceased son or the sister who are in receipt of a pension under the provisions of this Law shall be paid, if she marries, a marriage grant equivalent to fifteen times the pension she was receiving. Payment of the pension shall cease at the end of the month in which the marriage takes place. The marriage grant is payable once only.

#### **PART 3**

##### **Funeral Expenses Grant**

###### **Article 91**

Where the service of an insured person terminates upon his death and he had participated in the social insurance for at least six continuous months, the person who bears the funeral expenses shall be paid a grant the amount of which shall be generally determined by a decision of the Board of Directors on the recommendation of the Director General and with the approval of the Minister for Labour and Social Affairs.

Such grant shall be paid to the widow and where there is no widow to the eldest of his sons or to the person who establishes having paid for the funeral.

Where no one comes forth to take care of the funeral, the General Organisation shall bear such expenses.

## **PART 4**

### **Assistance in case the Insured Disappears**

#### **Article 92**

In the case of the disappearance of an insured person who had participated in the social insurance for a period of not less than six continuous months or twentyfour interrupted months, or of the disappearance of a pensioner, his eligible dependants shall receive a monthly assistance equivalent to the pension to which they would be entitled if it was assumed that he had died. Payment of such assistance shall be effective from the beginning of the month in which he so disappeared and until he re-appears or until his death is established physically or legally.

Where the insured person disappears in the course of performing his work, such assistance shall be determined by an amount equivalent to the pension payable in the case of death under the branch of social insurance against employment injuries.

The Minister for Labour and Social Affairs shall determine, on the recommendation of the Board of Directors, the procedure which shall be followed to prove such disappearance.

After the passage of four years from the date of such disappearance or after establishing the death physically or legally, the date of such disappearance shall, for the purposes of assessing the pension under the provisions of this Law, be deemed to be the date of the termination of service, and payment of such assistance shall continue thereafter in the form of a pension.

## **CHAPTER VIII**

### **GENERAL AND COMMON PROVISIONS**

## **PART 1**

### **Private Schemes for Provident Funds, Pensions, Benefits and Payments Established by Employers and Legal Leaving Indemnity for Past Services Preceding Participation in Social Insurance**

#### **Article 93**

All private schemes established by employers who are subject to the provisions of this Law shall be frozen as from the effective date of this Law, whether such schemes are in the form of provident funds, pensions, benefits or payments or in any other form, and whether such schemes are established under private agreements between such employers and their employees and

workers or whether established at the discretion of employers individually. The funds of such schemes shall continue to be invested in favour of its beneficiaries until they are liquidated or replaced by other schemes.

There shall be set up by Order of the Minister for Labour and Social Affairs a committee to audit the movable and immovable assets of such schemes.

#### **Article 94**

The assets referred to in the preceding Article shall include, until their reference to the General Organisation or to the worker who has the right to receive it or to his heirs, the interests, profits, returns, investments and earnings of such assets, contributions of the employers and other elements constituting such assets, whether movable or immovable or whether retained by the employers who are subject to this Law or by trustees representing them or their employees and workers, and whether such assets are available within the country or outside it.

Workers and employers who are participating in such schemes shall cease to contribute to such private schemes with effect from the date of their coverage by the Law.

#### **Article 95**

The assets of the private schemes referred to in Article 93 and 94 above which shall be assigned to the General Organisation by a written declaration by the worker shall be deemed to be included among the assets of the General Organisation immediately after its assignment and an account therefor shall be kept with the said Organisation for reference when necessary.

The General Organisation shall notify every employee and worker of his entitlements and of the period added to his account in the period of contribution in social insurance against old-age, disability and death on the reversion of such entitlements to the General Organisation.

The Minister for Labour and Social Affairs may permit payment of funds alluded to in Articles 93 and 94, referred to above, by instalments over five years during which the employer pays each instalment to the General Organisation at the end of each year together with annual interest at the rate of 5% until the date upon which the payment of the instalment is made.

#### **Article 96**

Every employer whether bound or not to his workers by the private schemes referred to in Article 93 above, shall pay to the General Organisation, in accordance with the wish of those of his workers, their leaving indemnity assessed under the Labour Law, contracts of service, basic work rules, collective agreements or usage for the period of service preceding participation in the social insurance.

An employer shall, within the first month from the date of implementation of the Law, furnish the General Organisation with a list, certified by him or his authorized representative, containing each insured worker's name who expresses his wish have his past period of service prior to participation in social insurance being reckoned for him in the period of contribution in the social insurance in return for each entitlement, containing the date of joining employment and the amount of leaving indemnity up to date of his participation in social insurance. The General Organisation shall notify every insured person of his entitlements, the period reckoned for him in the period of contribution in the social insurance against old-age, disability and death in return for such entitlements. The Organisation shall keep a special account for each worker of such entitlements and of the period added to his account in the social insurance.

The payment of the sums referred to in the first paragraph shall be made in a lump sum together with the social insurance contributions due for the first month of the application of the Law.

An employer may, by a written request contained in a registered reply-paid letter, pay the sums referred to in the preceding paragraph in five annual equal instalments, the first of which shall be payable to the General Organisation at the end of the first year of the application to him of the Law and the remainder at the end of each subsequent year.

The instalments shall be payable with 5% interest per annum.

This shall not prejudice the rights of the insured persons to any excess between that which is borne by the employers under the contracts, rules and agreements referred to in the first paragraph or in accordance with generally accepted practice, and the leaving indemnity payable under the Labour Law, on the basis of the entire period of service, which shall be payable by the employer to the worker after subtracting the amount paid to the General Organisation.

## **PART 2**

### **Registration of Employers and Workers with the General Organisation; Forms Used; Accounts of Contributions and Objectives**

#### **Article 97**

The General Organisation shall, within a period to be specified by Order of the Minister for Labour and Social Affairs made for the actual implementation of the Law in the first and subsequent stages of application, enumerate the establishments, employers and workers and register them. The employers and workers shall be registered in accordance with the numbering system to be prescribed by a decision of the Director General.

Employers shall maintain the numbers of their participation in the social insurance and the registration numbers of their workers, and must quote such registration numbers, for identification, in all correspondence relevant to the implementation of the provisions of the Law, whenever necessary.

### **Article 98**

The General Organisation shall issue an identification card with a social insurance fixed identification number to every worker upon registration for the first time. Such identification card shall also contain the following particulars:-

- the worker's full name up to four names, (family name and surname, if any);
- the worker's social insurance fixed identification number;
- the worker's date of birth and evidence thereof.

Such identification cards shall be sent to the employer by whom the worker is employed on the date of his resignation together with a covering list of names in original and a copy thereof. The employer shall return the original list to the General Organisation indicating therein his declaration that he has delivered the identification cards to the respective workers. Where the employer is unable to deliver the identification card to a worker because of his leaving employment, he shall return the identification card to the General Organisation for subsequent delivery.

The worker shall always retain the identification card of his registered social insurance identification number and present it to every employer upon joining his employment and retrieve it after having its particulars recorded. He shall also quote such number in all correspondence relating to any aspect of the implementation of the provisions of the Law.

### **Article 99**

An employer who fulfils the conditions of the application of the provisions of the Law as prescribed by Orders of the Minister for Labour and Social Affairs, shall, within two weeks from the date of the application of the provisions of the Law to him, apply to the General Organisation, or to its field office under whose jurisdiction his establishment comes, for registration in the register of employers maintained by the General Organisation.

Employers who, for the first time, commence business after the application of each of the stages of application of the Law, or who have the number of workers required to form the minimum which shall be available for the application of the provisions of the Law at each stage, shall apply for registration with the General Organisation within two weeks from the date of commencement of business or the date of the formation of the minimum, as may be appropriate.

An application for registration of their workers shall be supported by a birth certificate or anything to this effect, specimens of the signature of the

employer or his authorized representative, in addition to a detailed list including every worker's wages and monthly contribution on the basis of the first month of application of this Law.

The detailed list of wages referred to in the preceding paragraph shall be submitted by the employer in January of every year.

Every employer subject to the provisions of the Law shall furnish the General Organisation, or its field office under whose jurisdiction his business comes, with the particulars of every worker joining his employment or leaving his service within two weeks from such joining or leaving his service thereafter on the forms provided for this purpose.

### **Article 100**

The Minister for Labour and Social Affairs shall, after the consent of the Board of Directors, determine the registers and books which an employer shall maintain, the files which shall be maintained for every insured person and the documents which shall be maintained for every insured person and the documents which shall be maintained therein, the forms in which the particulars of employers and workers shall be submitted, the registration certificates issued to employers in the application of Article 103, in such other forms and the sale price thereof and the method of providing them and the number of copies of each form to be submitted and the appointed dates for the submission thereof.

### **Article 101**

An employer shall attach to the document of the monthly payment of the social insurance contributions such particulars as shall be determined by the Ministerial Order referred to in the preceding Article, together with the forms of workers whose services terminated during the preceding month (the month for which contributions are paid) and the forms of workers who joined his employment during the said month.

### **Article 102**

The completion and submission of the forms, particulars, registers, books and documents referred to in the preceding Articles 99, 100 and 101 within the time limits specified shall be amongst the executive measures of the Law and failure to submit such forms of their submission with incomplete particulars or the necessary enclosures thereto or in the event that they do not conform with the true facts or in the event of delay in their submission to the General Organisation or to its field offices within whose area of jurisdiction the employer's business is located and within the time limit prescribed, shall constitute an offence liable to the penalties provided for in Article 148 and 149 of this Law.

### **Article 103**

The General Organisation shall provide every employer who has fulfilled his obligations towards it with a certificate indicating his registration in the social insurance registers, and such certificate shall be valid only if it bears the official seal of the General Organisation. In the case of an employer having a number of branches and each of them is treated as an independent employer, a separate certificate shall be issued in respect of each such branch.

Such certificate shall be valid until the end of the Gregorian calendar year in which it is issued. It shall be renewed annually by an application made by the employer to the General Organisation, or to its field office under whose jurisdiction his business is located.

Such certificate shall be issued or renewed only after the employer has submitted all the required forms duly completed with all particulars and after fulfilling all of his obligations towards the General Organisation up to the date of the issue of such certificate.

### **Article 104**

The insurance contributions shall be computed on the basis of the particulars recorded in the forms and registers referred to in Articles 99, 100 and 101 above. When an employer fails to submit such completed forms together with the particulars, the contributions payable shall be computed on the basis of the last list submitted by him to the General Organisation until the actual contributions payable are computed.

If an employer fails to submit such forms or if he submits such forms incomplete or where the registers, documents and files referred to in Article 100 are not available, the contributions payable shall be computed on the basis of the last list submitted by him to the General Organisation or according to the result of its inquiry concerning the determination of the extent of his obligation towards the General Organisation in accordance with the rules to be issued by an Order of the Minister for Labour and Social Affairs on a recommendation of the Board of Directors.

The General Organisation shall notify the employer by registered reply-paid letter of the amount of contributions computed in the aforesaid manner and of the other sums due from him to the Organisation.

An employer may, within thirty days from the date of receipt of the notification referred to in the preceding paragraph, object to such claims, by registered reply-paid letter.

The General Organisation shall, within thirty days from the date of receipt of such objection, reply to it, and in the event of rejecting such objection, the employer may request the General Organisation to refer the dispute to the dispute Settlement Committee within thirty days after the lapse of the time limit referred to in this paragraph or from the date of his receipt of the rejection by the General Organisation.

Such Committee and the other dispute settlement committees shall be established with the consent of the Board of Directors by an Order of the Minister for Labour and Social Affairs, which Order shall determine the

procedure for their functions and the remuneration of members.  
Both the General Organisation and the employer may, within the thirty days following the notification of a decision to the party concerned by a registered reply-paid letter, object to the decision of the Committee before the Senior Civil Court, otherwise the calculation shall be deemed to be final.

### **PART 3**

#### **Assessment of Age and Assessment of Employment and non-Employment Disability**

##### **Article 105**

The age of an applicant for an old age pension, shall be determined by his birth certificate or by an official extract thereof or by any other official document acceptable to the General Organisation. Where no such documents are available, the age shall be determined by a Medical Board to be set up by Order of the Minister for Health.

Both the General Organisation and the insured person may, within thirty days from the date of learning of such determination, object to the decisions of the Medical Board by submitting an application for the assessment of age to the Appellate Medical Board provided for in Article 106.

The decision of the Medical Board, in the event that it is not so challenged, and the decision of the Appellate Medical Board on assessing the age, shall be final even if a birth certificate or any official document is produced thereafter.

##### **Article 106**

One or more Medical Boards shall be set up by Order of the Minister for Health, and shall have exclusive jurisdiction to :-

1. assess the degree of disability for entitlement to non-employment disability pensions; or compensation and pensions for employment disability;
2. determine the nature of injury or occupational disease and the degree of disability;
3. decide any other relevant matter provided for in this Law.

The General Organisation, the insured person or any of the heirs may, within thirty days from the date of notifying the challengeable decision to the party concerned by register letter, object to the decisions of the Medical Board before the Appellate Medical Board to be set up by an Order of the Minister for Health.

The Order of the Minister for Health shall specify after agreement with the Minister for Labour and Social Affairs, the formalities before the Medical Boards and the Appellate Medical Board as well as the remuneration of members.

## **PART 4**

### **Interruption of Limitation and Lapse of Right Article 107**

The period of limitation shall be interrupted by reminding the employer to pay the sums due to the General Organisation under this Law by registered reply-paid letter indicating the amount of such sums.

Such limitation shall not operate against the General Organisation in respect of an employer who has not participated in the social insurance for all or some of his workers except from the date on which the General Organisation learns of their entering his employ. Such limitation shall not operate also in respect of the payment of contributions on the basis of false wages returns except only from the date on which the General Organisation learns of such fact.

### **Article 108**

All rights of the General Organisation against employers, insured persons, pensioners and heirs shall lapse after the passage of fifteen years from the date on which such rights fall due without being claimed previously by registered reply-paid letter.

The right of an insured person or his heirs to daily allowances for an injured and to funeral expenses shall lapse after the passage of one year from the date of the injury or death without making any previous claim therefor. The right to other grants, compensations and pensions shall lapse after the elapse of five years from the date on which such grant, compensation or pension falls due without making a previous claim therefor.

A claim for any of the foregoing sums shall involve a claim for the remainder of the sums due from the General Organisation. Where the operation of the period of limitation provided for in the preceding paragraph is interrupted by one of the heirs who makes a claim within the time-limit, it shall be interrupted for all of the heirs.

## **CHAPTER IX**

### **EXEMPTION FROM TAXES AND FEES**

### **Article 109**

The contributions payable under the provisions of this Law shall be exempted from any kind of taxes and fees, if any.

All forms, formats, documents, cards, contracts, quitsclaim deeds, certificates and all written instruments which are required for the implementation of this Law shall be exempted from stamp duties, if any.

### **Article 110**

The movable and immovable property of the General Organisation and any kind of its investment transactions, shall be exempted from all taxes, fees and royalties levied by the State, if any.

#### **Article 111**

Allowances, compensation, pensions, grants and assistance payable under the provisions of this Law shall be exempted from any kind of taxes and fees, if any.

#### **Article 112**

Actions instituted by the General Organisation, insured persons or their heirs under the provisions of this Law shall be exempted from judicial fees at all stages of litigation.

Courts shall afford urgent consideration to such actions instituted by the authorities referred to in the preceding paragraph.

### **CHAPTER X**

#### **COLLECTION OF CONTRIBUTIONS, PAYMENTS AND CONTROL**

#### **Article 113**

Payments due to the General Organisation under the provisions of this Law shall be preferred claims upon the debtor's movable and immovable property, and shall be recovered immediately after the judicial fees and sums due to the public treasury and expenses of upkeep and maintenance.

#### **Article 114**

Subject to the provisions of Article 104 hereof, the schedule of payments due to the General Organisation which are officially ratified by the Minister for Labour and Social Affairs, shall be deemed to be official warrants valid for levying attachment on property and for compulsory execution against the debtor's property.

#### **Article 115**

All payments due to the General Organisation shall be settled notwithstanding the dissolution, liquidation, close-down, bankruptcy or merger of the establishment or its conveyance by inheritance, legacy, sale, assignment or any other disposition. The successor and the former employers shall be held jointly and severally responsible for all obligations due by them to the General Organisation.

#### **Article 116**

The General Organisation may permit an employer to settle the payments due to it by instalments under the conditions and in the manner prescribed by an Order of the Minister for Labour and Social Affairs on the recommendation of the Board of Directors.

#### **Article 117**

An employer shall, upon request by the General Organisation conveyed by registered reply-paid letter, deduct from the wages of the insured person within the attachable or assignable limits under the Labour Law, the sums paid in error to such person by the General Organisation or by any of its field offices, and to transfer them at monthly intervals to the General Organisation at the time and in the manner by which contributions are paid.

#### **Article 118**

An employer shall be liable to pay to the General Organisation in additional amount of one dinar for every month of delay in notifying the General Organisation, or any of its field offices, of a worker joining his employ or leaving his service, using the appropriate forms provided. Such additional amount shall be for the period commencing with the expiry date of the time-limit for notification until the date of notifying the General Organisation.

An employer shall also be liable to pay the additional amount provided for in the preceding paragraph to the General Organisation in respect of every case of delay in notifying any employment injury sustained by any of his workers to the police station within twenty-four hours of its occurrence or if such notification is not made in accordance with Article 63.

The additional amount provided for in the two preceding paragraph shall be multiplied by the number of insured persons so affected and the number of the months of delay. A fraction of a month for the purposes of such delay shall be deemed to be a full month.

#### **Article 119**

Subject to Article 54, the allowances, compensation, pensions, grants and assistance provided for in this Law shall not be payable if the injury was intentionally caused by the party who stands to benefit by such payments, or if the injury was the result of a criminal act on the part of such beneficiary. Save for the provisions of the preceding paragraph, the General Organisation shall in all cases pay to the insured person or to his heirs the full entitlements provided for in this Law, as the case may be, without regard to the causes and circumstances of the injury. This rule shall also apply in the case of an employment or non-employment injury for which a third party, other than the employer of the injured worker, is responsible.

An employer shall be under no obligation to pay an allowance or compensation to an insured person who has sustained an employment injury or to his heirs unless the injury has been caused deliberately by the employer

or has occurred by reason of his gross error or his failure to abide by the rules relating to the safety and health of the workers. In such cases, the injured person or his heirs shall reserve their full rights to the damages as prescribed by any other law.

In all cases mentioned above, the General Organisation shall pay to the injured or his heirs all rights due from it, and in return, be subrogated the insured person or his heirs as to all rights and actions against the employer or the other persons responsible, within the limits of the amounts paid by it.

### **Article 120**

Officers of the General Organisation designated by the Minister for Labour and Social Affairs, shall have access to the work-places during normal working hours to carry out the necessary inquiries and to inspect registers, books, documents, papers, and files relevant to the implementation of the provisions of this Law.

The Government and administrative authorities shall furnish the General Organisation with all information requested arising out of the application of the provisions of this Law.

The competent administrative authorities shall facilitate the task of such officers who shall have the authority to check and report violations thereof.

### **Article 121**

Every officer designated by the Minister for Labour and Social Affairs as an inspector under this Law, shall affirm the following oath before the Minister:-

"I swear by THE ALMIGHTY GOD to discharge my duties honestly and faithfully and not to divulge any industrial or commercial secret which may come to my knowledge in the course of performing my duties, and GOD is a witness to what I have declared."

Such officials shall also keep the trade secrets relating to facts which may come to their knowledge in the course of discharging their duties and under no circumstances shall they divulge such facts or communicate them to any other than the appropriate authorities.

### **Article 122**

Employees and their representatives shall furnish to the officers referred to in the preceding Article all particulars necessary to facilitate their duties, especially the accurate particulars relating to :-

- a. the number of workers employed, their names, dates of joining employment, dates of birth and the wages of each;
- b. the number of workers leaving their employment, their names, dates of termination of service and the wages of each;
- c. the amount of wages paid every month and the nature and method

- of computation and payment of such wages;
- d. the nature of the employer's business, its location and branches if any.

The appropriate authorities of the State especially the Police Stations shall extend to the officers of the General Organisation every assistance required for discharging their duties.

### **Article 123**

Any agreement or settlement which is not in conformity with the provisions of this Law shall be null and void where such agreement or settlement prejudices the rights of the beneficiaries or heirs or which causes the insured person or members of his family to incur additional obligations.

### **Article 124**

The General Organisation shall be required to fulfil all its obligations towards the insured persons and their heirs even if the employer has not participated on their behalf in the General Organisation. The rights shall be assessed in accordance with the provisions herein as long as the employment relationship between the employer and the worker has been established to the satisfaction of the General Organisation.

Where the authenticity of the particulars relating to the period of participation in the social insurance or to the wages are not ascertained by the General Organisation, the pension or compensation shall be rated on the basis of the undisputed duration of service and wages.

Such pension or compensation shall be paid subject to the minimum wages legally established where it is impossible to ascertain the actual rate of pay.

The General Organisation may claim from the employer all the contributions established by this Law, together with interest for delay and the additional amounts payable under the provisions herein.

### **Article 125**

The Minister for Labour and Social Affairs shall, after the Board of Directors has been consulted, determine the system, intervals and method of applying for payment of allowances, compensation and pensions, the paying authority and the payment documents and the intervals of payment.

### **Article 126**

Payments due to the insured, pensioner or his heirs from the General Organisation, may not be attached or renounced except for an alimony debt or debt due to the Organisation subject to a limitation of not more than one-fourth thereof. In the event of a multiplicity of debts, preference shall be

afforded the debt for alimony within one-eighth, and the remainder for the debts due to the General Organisation.

### **Article 127**

The General Organisation may deduct any amount due, before his death, from the insured person or pensioner from the portions of the heirs within one-fourth thereof. Such deduction shall be made pro-rata.

Persons entrusted with registering marriage documents shall notify the General Organisation of the cases of marriage in which female pensioners are involved. The administrative units of the State, organisations, institutions, associations, companies and employers who employ any of such pensioners or their heirs who are in receipt of pensions under the provisions of this Law, shall notify the Organisation of the name, date of service, rate of pay and pension number of each of such pensioners or beneficiaries employed by them. Such notification shall be made within one month from the date of employment.

### **Article 128**

Every pensioner and every heir or any person in whose name the pension is paid, shall notify the General Organisation of any change in the grounds for entitlement which may lead to the discontinuance, suspension or reduction of the pension. Such notification shall be made within a period of not more than one month from the date of the occurrence of such change.

### **Article 129**

The General Organisation, the insured person, the pensioner or any of his heirs may not dispute the rate of the pension or compensation after the lapse of two years from the date of notification of finally settling the pension or from the date of the payment of the compensation except in the case of re-assessing the pension or compensation by virtue of a final law-court decision and in case of factual errors in the settlement thereof.

### **Article 130**

A worker may request the General Organisation or any of its field offices to furnish him with a statement of his participation period in the social insurance, in the following circumstances :-

- attainment of the retirement age;
- termination of his service for any reason;
- departure from the country even if temporarily;
- taking up employment not subject to the provisions of this Law.

Such statement shall be provided free of charge. He may also request such statement every five years in other than the above circumstances by payment of a fee to be determined by Order of the Minister for Labour and Social

Affairs after agreement of the Board of Directors. Such statement shall not be used except for the purpose for which it has been issued.

### **Article 131**

A Control Committee within the General Organisation shall be established which shall be composed of a chairman and two members. The chairman shall be designated by the Minister for Labour and Social Affairs, one of the two members by the Minister for Finance and National Economy and the other by the Bahrain Monetary Agency. The terms of membership of the Committee shall be for two years and shall not be renewable more than twice in succession.

The Committee shall perform the following functions :-

- a. supervising the activities of the financial division in the General Organisation;
- b. advising on the financial and accounting system and on the accounting policy adopted by the General Organisation;
- c. auditing the books of accounts;  
advising on the annual balance sheet of the General Organisation and its final accounts, before they are presented to the Board of
- d. Directors, and ascertaining the correctness and truth of their contents;
- e. exercising such other prerogatives as may be entrusted to it by the Minister for Labour and Social Affairs or the Board of Directors.

The Committee shall, at the end of the sixth month of each fiscal year prepare a report giving its observations on the General Organisation's activities during the past six months, and it shall also prepare an annual report at the end of the preceding fiscal year. The reports of the Committee shall be submitted to the Minister for Labour and Social Affairs, the Board of Directors and the Director General. The Committee shall be assisted by a number of specialized officials who shall be attached to it. Such officials shall, throughout their assignment to the Committee, be attached to the Chairman of the Committee. The Committee shall comply with the rules of procedure drawn up by it. The remuneration of the Chairman and the members shall be determined by the Minister for Labour and Social Affairs upon a recommendation of the Board of Directors.

## **CHAPTER XI**

### **TRANSITIONAL PROVISIONS**

#### **PART 1**

#### **Government Loans to the General Organisation**

### **Article 132**

By Order of the Council of Ministers to be made on the recommendation of the Minister for Labour and Social Affairs, in agreement with the Minister for Finance and National Economy, the General Organisation shall be granted a loan or several loans to enable it to pay the necessary initial expenses of its management following the appointment of its Director. The General Organisation shall repay such loan or loans by five annual instalments. Repayment of the first instalment shall become due at the end of the second year of the implementation of this Law.

### **Article 133**

The General Organisation shall comply with the rules and procedure for the disbursement of such loans, which shall be prescribed by the Minister for Labour and Social Affairs, upon the recommendation of the Director General, in the form of provisional financial rules. Such provisional rules shall be submitted to the Board of Directors, after its formation, for approval or revision.

## **PART 2**

### **Compensation for Employment Injuries and Occupational Diseases Sustained Prior to the Promulgation of this Law**

#### **Article 134**

1. Compensation for employment injuries sustained prior to the date of the actual application of the social insurance instituted by virtue of this Law, and compensation for occupational disease occurring or diagnosed prior to such date, shall remain subject to the provisions of the Bahrain Employed Persons Compensation Ordinance 1957, enacted on the 10th October, 1957, or the Labour Law in force, whichever is applicable at the time the employment injury was sustained.
2. The provisions in respect of compensation for employment injuries and occupational diseases as set forth in the Labour Law and Ministerial Orders issued thereunder, shall with effect from the publication of such Labour Law in the Official Gazette, apply to the said employment injuries and occupational diseases occurring in the employer's concerns unless they are overtaken by the phased implementation of the stages of the actual application of the social insurance, at which time compensation for employment injuries sustained under the said Labour Law and occupational diseases occurring or diagnosed thereunder, shall remain subject to the provisions of the said Labour Law.
3. In the application of paragraph (1) and (2) of this Article, the date of actual application shall mean the date fixed in pursuance of Article 6 hereof upon which the obligation of an employer to pay his

contributions to the Employment Injuries Insurance Branch shall commence.

4. Without prejudice to the provisions of the preceding paragraphs 1 and 2, with effect from the date of the actual application of Chapter V hereof, and in accordance with the gradual phase of application pursuant to Article 6 above, such provisions as are inconsistent with this Law shall be repealed with regard to employers and workers to whom the aforesaid Chapter shall apply.

## **CHAPTER XII**

### **CONCLUDING PROVISIONS**

#### **Article 135\***

An old-age pension and a non-employment disability and death pension, as well as the pension for permanent total disability and death arising out of an employment injury shall be paid at a minimum rate of BD. 135/- per month; or the full wage subject to the social insurance participation if less than that, provided that in all cases it shall not be less than thirty dinars even if the insured worker is without pay.

The minimum share of the pension of an heir including the pensioner himself, if the pension is divided among them, shall be BD. 25/- provided that the total amount payable shall not exceed the amount to which pensioner himself was entitled.

\*The maximum pension provided for in the preceding paragraph of this article shall be 80% of the wages on the basis of which the pension in both branches of the social insurance has been calculated as the case may be.

Where the monthly pension is in excess of the maximum referred to in the preceding paragraph, the insured person or his heirs shall be entitled, in addition to the pension, to compensation of a lump sum assessed at 11% of the annual wages provided for in Article 43 for every year reckoned in the period of participation in the social insurance which is in excess of the maximum period required to qualify for the above mentioned maximum, after deducting any period deemed to be contributory or other periods during which social insurance contributions for the insured person have had not been paid.

Such deductions shall not include the periods in private schemes reckoned in the period of pension in application of Article 35 hereof, nor the periods reckoned for the leaving indemnity.

**\*First was modified by Decree-Law No. 1/1985 as the text was 75% of the average wage or BD. 350/- per month whichever is lesser; and this amendment applied only to pensions due after the effective date thereof and then the minimum pension was raised to BD. 80/- per month for the beneficiary and BD. 15/- for each of the heirs, and the ratio was raised to**

**80% by Prime Ministerial Edict No. 11/1989 published in the Official Gazette No. 1581 dated 18/5/1989; and then the minimum was raised to BD. 115/- per month and the share of each of the beneficiaries including the pensioner himself was raised to BD. 20/- with the same conditions (Prime Ministerial Edict No. 9/1993 published in the Official Gazette No. 2054 of April 1993).**

**This was increased as of 1st July 1998 to BD. 135/- and BD. 25/- respectively. (Prime Ministerial Edict No. 17 for 1998 published in the Official Gazette No. 2333 on 12th August 1998).**

In the event of death of the insured person, the lump sum compensation referred to in the third paragraph above, shall be distributed on a pro-rata basis among the heirs.

A fraction of one hundred fils which is fifty fils or more shall be rounded to one hundred fils, and any fraction of less than fifty fils shall not be taken into account.

" \*\*Also pensions which are payable by virtue of the application of the Law shall be raised according to the following :-

First: 15% of the monthly pension if it is less than BD. 50

Second: 10% of the monthly pension if it is BD. 50 or more,

even if the increments mentioned in these two clauses shall result in exceeding the maximum determined for a pension in any of the aforesaid law.

The increment stipulated above shall not be less than the sum of BD. 7.500 for the pensioner, the beneficiary or in respect of the total pensions of beneficiaries thereof.

The sum of one fils shall be rounded up to become 100 fils.

The payment of the increment mentioned in the foregoing paragraphs shall not prejudice the Family Allowance Scheme determined in accordance with the Prime Ministerial Edict No. 12/1979."

### **Article 136\***

Subject to the provisions of Article 39, 40 and 142 if a pensioner is re-employed in a remunerative employment which is subject to this Law, he shall combine between the pension to which he is entitled and the salary gained from such employment provided that the total shall not exceed the average salary or the salary upon which the pension has been calculated. If the total exceeds the said limit, the increase shall be calculated from the pension throughout the period during which he received that increase. If the period of the pensioner's re-employment in a remunerative job is one year or more and his service was terminated for any reason except that of suffering a new employment injury or if there are complications of a previous employment injury, the pension shall, in both cases, be calculated according to the entire

last period in accordance with the aforementioned Article 39 and shall be added to the previous pension, provided that the total of the two pensions or several pensions, as the case may be, shall not exceed the average salary upon which the first pension has been calculated.

**\* The new text is modified by Decree-Law No. 15/1987 published in the Official Gazette No. 1773 dated 19 November 1987.**

**\*\* These increments were introduced by Decree-Law No. 8/1980.**

Should the service of the original pensioner be terminated due to a new employment injury or complications of a previous injury or injuries caused prior to joining the remunerative employment referred to in the foregoing paragraph, or if his service is terminated due to an employment injury resulting in his death, he shall be treated according to the provisions of the employment, injuries provided for in the Social Insurance Law, provided that the total of pensions shall not exceed the contributory salary upon which the first pension was calculated.

An insured, a pensioner or beneficiaries thereof shall also combine between the pensions provided for in the branch of insurance against old age, disability and death and in the branch of insurance against employment injuries, with the proviso that in all cases, the total pensions shall not exceed the average salary or the salary on the basis of which the pension has been calculated.

### **Article 137**

Pensions shall not be paid abroad to pensioners normally resident in the State of Bahrain except in cases to be prescribed by an Order of the Minister for Labour and Social Affairs upon a recommendation of the Board of Directors. Such Order shall specify the conditions and manner in which such payment may be made.

### **Article 138**

A non-citizen or his heirs shall be paid, upon final departure from Bahrain the following entitlements, provided his participation in the social insurance exceeds three years and that he does not qualify for any of the pensions prescribed in this law:

- a. his entitlements in the private scheme of his employer, which have been made over to the General Organisation, for the period preceding participation in the social insurance, and the leaving indemnity paid by the employer to the said Organisation for such period, plus a simple interest of 5% per annum on such entitlements or indemnity from the date of the payment thereof to the General Organisation to the date of such payment. No interest for a fraction of a year shall be computed;
- b. the total of the contributions in the social insurance against old-

age, disability and death paid for him by his employer and those deducted from his wage, plus a grant equivalent to not less than 3% of such total.

### **Article 139**

If a period of a non-citizen's participation in the social insurance is three years or less and he is not entitled to any pension from the General Organisation, the said Organisation shall pay to him upon his leaving Bahrain finally :-

- a. his entitlements referred to in clause (a) of the preceding Article, plus the interest provided for in such clause subject to the condition set forth therein;
- b. the total of only the contributions in the social insurance against old-age, disability and death as deducted from the wages of the insured, plus a grant equivalent to not less than 3%. Such grant shall be paid only if he has participated in the social insurance for a period of at least twelve consecutive or interrupted months;

In case of entitlement of the non-citizen insured person to old-age, invalidity or death to a pension in accordance with any of articles 34, 37, 41, 42, 56, 57, 58, 59, 60, 61 and 62, his entitlements shall be computed and the old-age, invalidity and death pension thus resulting from applying the articles alluded to shall be substituted by a lump sum calculated in accordance with the index numbers mentioned in the first column of Schedule 6 annexed to this Law.(1)

- c. an amount equivalent to his leaving indemnity due according to the provisions of the Labour Law for the Private Sector or to the contracts of employment, basic work regulations or to what the employer used to pay to his workers whichever is more beneficial to him with a maximum of eight and half per cent of the annual contributory salary according to which contributions to social insurance against old-age, invalidity and death are paid multiplied by the number of contributory years in social insurance.(2)

(1) This is the modified text by Amiri Decree Law No. 27/1976 issued on 25th August 1976.

(2) This paragraph has been included by the said Amiri Decree Law No. 27/1976.

### **Article 140**

Where the death of an insured non-citizen occurs before leaving the country, the entitlements referred to in clause (a) of both articles 138 and 139 above, shall be paid in full to those whom he so designated in writing during his

lifetime; otherwise such entitlements shall be distributed in accordance with the rules of inheritance valid in his own country.

Payment of the total of the contributions referred to in clause (b) of both Articles 138 and 139 above, shall be paid in the manner set forth in Article 38 hereof and under the conditions as prescribed in the second paragraph thereof after deducting the amount of pensions which have been paid to him or to then; otherwise the total sum shall be referred to the relevant social insurance fund.

#### **Article 141**

Payment of the entitlements referred to in Articles 138, 139 and 140 above shall terminate any right arising out of the social insurances provided for herein.

#### **Article 142**

An insured person who has sustained an injury, or his heirs who are beneficiaries under the provisions of this law, is not entitled to compensation payable for an employment or non-employment injury under any other law from the General Organisation.

Moreover, such persons and heirs shall have no right to claim against the employer unless the injury was a result of a fault on his part.

#### **Article 143**

The General Organisation shall be liable for the entitlements prescribed in Chapter V hereof for a period of one Gregorian calendar year from the date of the termination of service of the insured person if during such period symptoms of one of the occupational diseases listed in Schedule 3 annexed to this law are diagnosed and or if such symptoms become apparent during his unemployment or if he is engaged in an industry, occupation or work in which such a disease may not be contracted.

#### **Article 144**

The General Organisation may commute the entitlement of a pensioner into a lump sum to be determined as the capital of the commuted value of pension, in accordance with Schedule 6 annexed to this Law.

Such commutation shall be within the limits and under the conditions and in the manner and cases as specified by order of the Minister for Labour and Social Affairs upon a recommendation of the Board of Directors.

Such pensioner may at any time request that such commutation be suspended. This Order of the Minister for Labour and Social Affairs referred to in the preceding paragraph shall include the relevant conditions and the sums which must be returned to the General Organisation in this event.

#### **Article 145**

Such commutation shall be deemed to exist as from the date of accepting the assessment of the capital, and the instalments so due in repayment shall be deducted in advance from the pension in the manner determined by the Ministerial Order referred to in the preceding Article.

#### **Article 146**

Payments due to the heirs of a pensioner who has commuted part of his pension, shall be settled as if such pensioner had not commuted any of his pension, and such heirs may not commute any part of their portion thereof.

#### **Article 147**

The provisions of Articles 144, 145 and 146 shall not apply to non-citizen pensioners or their heirs under the provisions of this Law.

### **CHAPTER XIII**

#### **PENALTIES**

#### **Article 148**

An employer or his accredited representative who fails to comply with any of the provisions of this Law, or of any executive measures in force for its implementation or of Ministerial Orders issued in pursuance thereof shall be guilty of an offence punishable by a fine of BD. 100 to BD. 500; and if he has been convicted previously for a violation of this Law such fine shall be increased by up to a double such limits for a subsequent offence.

The fine shall be multiplied by the number of workers in respect of whom the employer commits one or more offences provided that the aggregate amount of the fines imposed shall not exceed two thousand dinars.

Where the offence continues to exist for a period exceeding thirty days with effect from the date of drawing up an official report of such offence, such fine may be increased provided that it shall not exceed an amount of five times thereof and the Court shall, in all cases, rule of its own that the offender shall pay to the General Organisation all amounts due to it.

#### **Article 149**

Without prejudice to a more severe penalty imposed by any other law, any person who by deliberate act furnishes incorrect particulars for the purpose of obtaining for himself or for another any compensation, pension or other benefits to which he is not entitled under the provisions of this Law shall, upon conviction, be liable to be sentenced to a period of imprisonment not exceeding one month and to be a fine not exceeding BD. 100 or to any one of these two penalties.

Where the offender has been convicted previously for furnishing incorrect information for a similar purpose, the said penalties shall be doubled.

In addition to the fine referred to in the two preceding paragraphs, the offender shall be ordered to pay to the General Organisation as civil damages twice the amounts so paid to him and which are not due to him legally by the said Organisation on the basis of the relevant incorrect particulars.

#### **Article 150**

No stay of execution shall be granted in respect of the financial penalties. The minimum penalty prescribed by law shall not be diminished by reason of extenuating or discretionary circumstances.

#### **Article 151**

All fines imposed by judicial process in compliance with the provisions of this Law shall accrue to the General Organisation which shall use the monies so received in the manner to be prescribed by an Order made by the Minister for Labour and Social Affairs, with the approval of the Board of Directors.