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In the name of Allah, Most Gracious, Most Merciful

Labor Law

Chapter 1 General Provisions

The basis

Article 1:

This law has been enacted in accordance with Article 48 of the Constitution of Afghanistan to regulate and clarify the obligations, rights, privileges and Social Security of Employees.

Objective:

Article 2:

The Law shall have the following objectives:

1. Specify, regulate, and strengthen the work relations of Employees.
2. Ensure equal job opportunity and protect the rights of Employees.
3. Improve the organization of work and production; promote work efficiency; ensure reasonable utilization of human resources and labor resources; Strengthen work discipline and production; promote advanced salary and payment systems; and ensure Social Security to upgrade the material, social and cultural life of the Employees.
4. Determine rights and responsibilities of Employees and those in charge of work and production [Employers]; ensure compliance with requirements of protection and work safety techniques; continuous skills and capacity building for purpose of development and strengthening of the national economy.
5. Promote the rule of law and uniform application of legislative documents governing labor in all aspects of work and production.
6. Facilitate the provision of placement services

[Definitions of] Expressions

Article 3:

In this Law, the following terms shall have the meanings set forth below:

1. **Administration [office]:** means Ministries, State or non-State administrations independent commissions, enterprises, private or mixed business, and international organizations [operating] in the Islamic Republic of Afghanistan in which Employees engage in production work or service.
2. **Employee:** means a State civil servant, Worker or service personnel, whether male or female.

3. **State civil servant:** means a person that is employed on a permanent basis in accordance with the provisions of this Law and the relevant law by the Civil Service Commission.
4. **Worker:** means person that is employed by an Administration on a contractual basis.
5. **Service Personnel:** means persons employed by an administration on a contractual basis to carry out [auxiliary] services supporting work.
6. **Contract employees:** means workers, service personnel or contract civil servants that are employed on a contractual basis to provide the specified work for a fixed period of time.
7. **Employer:** means a natural or legal person, upon the agreement or approval of whom the employee is employed, and the Wage, salary or other entitlements of the employee are paid by him or upon his approval.
8. **Wage:** means the amounts paid to an Employee for completion of work.
9. Wage component [**Allowance**]: means a payment made regularly to an Employee for completion of a specified work in accordance with the relevant legislative documents.
- 10 **Wage Appendages [Wage Supplement]:** means a payment made on specific occasions to an Employee for completion of a specified work in accordance with the relevant legislative documents.
11. **Social Security [social insurance]:** means a fund contributed jointly by Employee[s] and the Administration or by the Administration alone to assist in ensuring the livelihood of an employee during work or retirement period, as the case may be.
12. **Attendance Book:** Is a document that determines the Employees' existence in the office during the official time. The Human Resource Department is responsible to prepare, monitor and keep records of this document for financial purposes. The Employees' Attendance Book is assessed and certified by his/her immediate supervisor.

Prohibition of forced labor

Article 4:

- (1) Forced labor shall be prohibited. Work shall be deemed forced when the employee is obliged to perform it by menaces or otherwise against his/her will.
- (2) Any work the performance of which is required by the law shall not be deemed forced labor.

Organizing Labor Relations

Article 5:

(1) This Law regulates the general labor relations of all categories of Employees, whether Afghan or foreign, with their Administration. The categories of Employees include:

1. Employees of a Ministry, State, mixed or private Administrations, Independent Commissions, domestic or foreign organizations in Afghanistan;

2. Administrative employees of elected bodies (The National Assembly, or the Provincial, District or Village Councils,), the Military, the Police or the National Security Department.
- (2) The specific labor relations of Employees mentioned in paragraph 1 of this Article, shall taking into account the legal form and structure of the administration (State owned, mixed, or private, social or foreign organizations operating in Afghanistan), be regulated by special legislative documents not incompatible with the provisions of this Law.
- (3) Whenever there is no provision regarding the labor relations of certain employees in this law or in any special legislative documents, such relations shall be regulated through the Ministry of Labor and Social Affairs provided however that it is not against the law or principles of justice.
- (4) the procedures for selection, appointment, assignment of ranks or grades, conditions for promotion of the employees mentioned in paragraph (1) of this Article and the authorities which authorize an appointment, transfer, suspension or reappointment, promotion, retirement, extension or work period and abrogation of retirement, resignation, and paid or unpaid leave not stipulated in this Law shall be regulated by other legislative documents.

Application of labor Law on Foreign Citizens

Article 6:

- (1) The provisions of this Law shall apply to foreign citizens who either pursuant to previous contracts or without contracts obtained or will obtain work permits in the Islamic Republic of Afghanistan and are employed in State, mixed or private Administrations. Their employment conditions shall be provided in a separate Regulation.
- (2) The government of Afghanistan may, on a reciprocal basis, impose certain restrictions on the nationals of those countries the laws of which limit employment rights for nationals of the Islamic Republic of Afghanistan.

Application of Law

Article 7:

The provisions of this Law shall apply to Persons working abroad in the diplomatic missions or other State agencies of Afghanistan, and persons working in domestic or foreign international organizations inside the country.

The Right to work against remuneration

Article 8:

- (1) Employees in the Islamic Republic of Afghanistan shall have the right to equal work for equal Wage. The right to work against a Wage and protection of the right to work shall be regulated by legislative documents.
- (2) Employees shall be entitled to receive Wages, Allownces and Supplements and salaries on the basis of the quality and quantity of the work and in consideration of posts, grades, and ranks.

Non-discrimination in Employment

Article 9:

- (1) Any discrimination in recruiting, payment of Wages and entitlements, profession, field or specialty, as well as in the right to education and social security shall be prohibited.
- (2) During the period of pregnancy and [after] the birth of a child, and in other cases stipulated by this Law and other legislative documents, women in the workplace shall be entitled to the specified rights.
- (3) In the Islamic Republic of Afghanistan, every one shall have the free right to choose a profession, specialty or field of work, industry and the type of job to suit his/her educational field, interest, talent and professional aptitude, in accordance with the relevant legislative documents.

Right to Paid Leave**Article 10:**

Employees shall be entitled to paid leave and rest, in accordance with legislative documents.

Use of Other Rights**Article 11:**

In the economic and social areas, Employees shall have the right to be provided with occupational safety and health of work and production, professional training, skills development, improvement of professional knowledge, and the right to benefit from Social Security.

Compliance with the International Conventions**Article 12:**

The Islamic Republic of Afghanistan shall observe international conventions to which Afghanistan is or will be a party and other treaties and standards of international organizations concerning labor and management, subject to the special conditions of the country.

Chapter 2

Employment and labor [employment] contract

Terms of Employment**Article 13:**

- (1) A person who may be employed as an employee shall:
 1. Hold the citizenship card of Afghanistan;
 2. Have completed 18 years of age. Completion of 15 years of age shall be required for employees of light industries and 14 years for trainees;
 3. Presents a vocational training document verified by the Ministry of Labor and Social Affairs, (Service personnel shall be an exception to this rule.);

4. Present a health certificate [issued] by the relevant authorities of the Ministry of Public Health; [and]
 5. Present an education or higher education graduation document (for State Civil Servants only).
- (2). Specifications or conditions for employment of State Civil Servants shall be regulated by the relevant legislative document.
 3. The age of employee at the time of engagement in labor shall be determined and calculated according to year of birth mentioned in the citizenship card, with consideration of months and days, at the time of engagement in labor, which shall be included in the records file of the employee. Changing the age which has been recorded in the records book of the employee shall be invalid after engagement in labor.
 4. Employment of youth under 18 years of age in a work injurious to health that may cause physical retardation or disability shall be prohibited.
 5. The conditions of work, obligations and employment contract of foreign nationals working in state or non-state Administrations or foreign institutions in Afghanistan shall be regulated by the relevant legislative document. Foreign employees of diplomatic missions and international organizations shall be an exception to this rule and shall be subject to bilateral agreements or contracts and the international law.
 - (6). Afghan or foreign employees who are newly employed in Administrations shall obtain and present an introduction letter or work permit from the Ministry of Labor and Social Affairs

Employment Contract

Article 14:

- (1) The employment contract shall constitute a written agreement between the Employee and the Administration or Employer through which the Employee shall be obliged to render service for a definite or indefinite period of time in return for which s/he obtains Wage, and other rights and privileges during the work period.
- (2) A contract for definite period [fixed term] shall be for one year and may be extended when agreed to by the two parties. Upon termination of the term in a fixed term contract, should the parties take no action within a month, the contract shall be deemed to be extended with the same terms and conditions.
- (3) Subsequent contract changes or amendments that the parties agree to make shall be permitted only when such changes or amendments do not include a lesser Wage or other rights and privileges for the Employee than those prescribed by this Law.

Conditions for an Employment contract

Article 15:

An employment contract shall fulfill the following conditions:

1. Legitimacy.

2. Defining the subject matter of the contract;
3. Absence of legal obstacles against work ;
4. The type of work or occupation which the Employee will practice;
5. Wage, rights and privileges of Employee ;
6. Timing and hours of Work, in accordance with this Law;
7. Leave [entitlements], as provided for in this Law;
8. Workplace or unit where the Employee will engage in work;
9. The date of contract signing; [and]
10. The term of the contract.

Preparation of Employment contract

Article 16:

- (1) Employment and training contracts shall be prepared in three copies. Upon agreement and signature by each party, one copy shall be given to the Employee, another to the Ministry of Labor and Social Affairs and the third copy shall be maintained in the Administration which employs the Employee.
- (2) The employment contracts of persons under the age of 18 and Apprenticeship [contracts] shall be signed by their legal representative.

Probationary Period

Article 17:

- (1) The parties to an employment contract may upon their mutual consent determine a period as probationary period. During such period which can not exceed three months, [any of] the parties may terminate the contract upon a notice to the other party. If the employment contract is not terminated during the Probationary period, the contract shall continue to be effective under the conditions provided therein.
- (2) The training period of the Employee shall be included in the work period of the Employee.
- (3) The probationary period for State civil servants shall be determined in accordance with the relevant legislative document.

Change in the legal form of an Administration

Article 18:

Where the ownership or title of the employing Administration changes (such as merger with another Administration, death of employer and so forth) or where the type of product is changed, the property is destroyed, or other situations apply, the affairs related to rights and privileges of Employees shall be determined by the relevant legislative document.

Prohibition again work in violation of contract

Article 19:

No Administration shall require an Employee to perform work that is not included in the contract, except as otherwise provided in this Law.

Temporary Assignment of Employee to work not part of the Contract

Article 20:

An Administration may, irrespective of the provisions contained in the employment contract, temporarily assign other tasks to the Employee in the same or another Administration, in the same locality, as follows:

1. in the same Administration, according to specialty, skill, job, Wage level and other rights and benefits, without substantial changes in the conditions mentioned in the employment contract;
2. In order to prevent and manage unforeseen events and disasters and prevent wastage/loss of assets [belonging to] the Administration.
3. In the event of the temporary stoppage of work.

Contract Suspension:

Article 21:

(1) An Employment contract may be suspended for the reasons mentioned hereunder.

The contract shall re-gain its original validity once the reasons for the suspension no more apply.

1. Assignment to military services.
2. Engagement in duties during elections.
3. Temporary stoppage of work.
4. Being accused of a crime or being under custody or investigation.
5. Unforeseen events.
6. Engagement in education.

(2) The days mentioned in paragraph 1.1, 1.4 and 1.6 of this Article shall be included in the service term of an employee only when the employee returns to the Administration within one month of completing military service, education or acquittal.

(3) In private [non-governmental] organizations, the conditions for suspension mentioned in paragraphs 1.1, 1.4 and 1.6 of this Article shall be subject to the consent of both parties.

Re-appointment

Article 22:

An Administration shall not refuse to accept the employee to work after the suspension is lifted

Termination of the Contract

Article 23:

(1) An employment contract may be abrogated in the following situations:

- (1) Agreement by the parties:

- (2) Completion of term in a fixed term contract, in accordance with Article 14.2 of this Law.
 - (3) Retirement.
 - (4) Demise.
 - (5) Disability that hinders the performance of work.
 - (6) Cessation of work for more than six months.
 - (7) Dissolution of the Administration or reduction in the number of the staff.
 - (8) Final conviction to two months imprisonment.
 - (9) Repeated breach of work after application of disciplinary punishments
 - (10) Refusal by the Employee to work after a re-assignment to his/her previous duty.
 - (11) An un-satisfactory probationary period
- (2) If an employment contract is terminated, the Administration shall be obliged to revert [all] remaining entitlements [Wage] and allowances of the employee to him/her, or to his/her legal heir in case of the employee's death.
 - (3) Except for paragraph 1.1 of this Article, an employment contract, may be abrogated only when it is not feasible to transfer the employee, subject to his agreement, to a similar job.
 - (4) However, in case the contract is abrogated on the basis of reasons described in paragraph (1) of this Article, the Administration shall be obliged to inform the Employee within one month.

Contract Termination Notice

Article 24:

- (1) A Contract Employee may annul his/her non fixed term employment contract by sending a one-month prior written notice [to the Administration].
- (2) Before the contract term expires, an Employee may annul his/her fixed term employment contract with or without notice when:
 - 1. The Administration has breached the obligations set forth in the employment contract or has violated the provisions of this Law.
 - 2. The Employee has had a prolonged and incurable illness, disability or other excuses that will hinder the performance of his/her work.
- (3) The Employee or his/her legal representative shall provide a written notice to the Ministry of Labor and Social Affairs concerning the Abrogation of the employment contract pursuant to paragraphs (1) & (2) of this Article, to avoid any possible disagreement.

Assistance in job placement

Article 25:

- (1) The Administration shall be obliged to provide a list of those Employees whose contracts have been terminated pursuant Article 23.1 of this Law describing their work experience and service term, qualifications, specialties,

and skills to the Ministry of Labor and the Social Affairs or its provincial representative offices.

- (2) The Administration shall be obliged to make a payment, of the last Wage of the respective rank or grade to the Employees whose contracts have been terminated on the basis of the provisions of sections 6, 7, 8, & 10 of Article 23.1 of this Law as follows to provide them with a job finding assistance:
1. If the duration of work is one year, one month Wage including all Allowances and Supplements.
 2. If the duration of work is from 12 months to five years, two months Wages including all Allowances and Supplements.
 3. If the duration of work is from five to ten years, four months Wages including all Allowances and Supplements.
 4. If the work duration is more than ten years, six months Wages including all Allowances and Supplements.

Protecting the Right to Pension

Article 26:

In the event of abrogation of the employment contract of an Employee in accordance with this Law, the pension and other rights of such Employee shall be protected.

Reappointment of Employees

Article 27:

- (1) If an Administration stops working due to unexpected events and its Employees lose their jobs, the Administration shall be obliged re-employ its previous staff to their original posts in the respective units, upon a re- start of activity.
- (2) If such Employees do not return to the Administration during the period of when their posts are announced, the Administration may recruit new Employees to replace them.

Prohibited annulment of employment contract

Article 28:

Transfer of an Employee, abrogation of his/her employment contract, or his/her retirement is not permissible during paid leave periods provided by law or during service on missions/secondment period, unless the Administration has been totally wound up.

Part-time Contract

Article 29:

- (1) An Administration may conclude part time contracts (work during parts of the day, parts of the week, contract based on work output or piece work) with retired or disabled persons or women engaged in household duties or in raising their children, or any other person who are skilled and able to perform the work.

- (2) An Administration may not conclude a second contract with [its] Employees or other persons [to work] during the same official hours at the same Administration.
- (3) The conditions for work, signing of employment contract, and payment of Wages and other entitlements of Employees mentioned in Paragraph (1) of this Article shall be regulated by the relevant legislative document.

Chapter 4

Time [hours] of work

Hours of Work

Article 30:

- (1) Time of work is a period of time during which Employees make their physical or mental energy available to the Administration for the purpose of performing work.
- (2) Normal length of working time, on average, during the course of the year, may not exceed 40 hours per week.
- (3) Annual level (balance) of working time, general measurement concerning the utilization of working time, commencement and ending of the working period of Employees, shift schedule, and other issues related to work regime shall be determined and regulated by the Ministry of Labor and Social Affairs.
- (4) Upon the approval of the Ministry of labor and Social Affairs, given the nature of the work, an Administration may increase or decrease the number of hours mentioned in paragraph (2) of this Article, during any days of the week, provided that the total number of hours per week does not exceed 40.

Reduced length of working time

Article 31:

- (1) The weekly work hours of Employees are reduced in the following cases:
 1. For youths between 15 and [under] 18 year of age- 35 hours per week;
 2. For Employees engaged in underground work and work under conditions that are injurious to their health, 30 hours per week; [and]
 3. For pregnant women- 35 hours per week.
- (2) The list of duties that are arduous or injurious to health which require a reduction in working time shall be prepared and specified by the Ministry of Public Health, the Ministry of labor and Social Affairs and the relevant Administration.
- (3) The work hours of teachers, professors, health officials and such other persons, which require reduction shall be regulated in accordance with their specific legislative documents through the relevant Administration, in agreement with the Ministry of Labor and Social Affairs.

- (4) Reduction in work hours as provided in paragraphs (1, 2, & 3) above, shall not cause a reduction in Wage or other allowances of the Employee.
- (5) Taking into account the seasons of the year, the Holy month of Ramadan or very hot or cold weather, the Ministry of Labor and Social Affairs may either decrease or increase the number of work hours on a daily or weekly basis provided that it doesn't exceed the number of work hours provided in Article 30 of this Law.
- (6) In an Administration that operates continuously or where compliance with the determined work hours per week is not possible due to of the nature of production, the calculation of the total working hours (per month, per quarter, or biennially) shall be performed by the relevant Administration and may be decreased or increased when confirmed by the Ministry of Labor and Social Affairs.

Work at Night Time

Article 32:

- (1) The length of working time at night shall be reduced by one hour as compared to days. For such a purpose, night means 11 consecutive hours regulated by the Ministry of Labor and Social Affairs through internal rules of work in the Administration.
- (2) The provisions of Paragraph (1) of this Article shall not apply when:
 1. Reduced time of work is envisaged for Employees in accordance with Article (36) of this Law.
 2. It is not possible to reduce hours of work due to the conditions of work and production. (uninterrupted production and work done in shifts)

Wages for Night Work

Article 33:

- (1) For night work, all administration and service Employees shall be paid (15) per cent and production Employees (25) percent more than their normal Wage.
- (2) Conditions attached to and procedures for night work shall be regulated as approved by the Council of Ministers upon a proposal by the Ministry of Labor and Social Affairs.

Mixed Work Hours

Article 34:

Mixed work hours mean the time when some work hours fall during the day time while the others fall at night time. In such a case, the Employee shall benefit from an additional Wage proportionate to the time of his/her night work, as provided in Article 33 of this Law. .

Shift Work

Article 35:

- (1) Commencement and ending of shift work shall be fixed by the internal rules of the Administration.

- (2) In the event of there being many shifts, the Employees shall be changed every week in rotation according to the work chart.
- (3) It is not permissible to require an Employee to work during two successive shifts.
- (4) Whenever all or some of the working shift of an Employee is during night time, the Employee shall be entitled to remuneration in addition to his/her Wage, as provided in Article (33) of this Law.

Change of shift- work duration

Article 36:

Subject to Article 30.2 of this Law, an Administration may, with consideration of the nature of work, increase or decrease the number of hours of shift work from eight hours during normal days or from lesser hours determined for any other days.

Temporary stoppage of work

Article 37:

- (1) Whenever wasted time arises from work stoppages due to unexpected events for a maximum of one month, and the Administration pays all the Wages and other entitlements of the employee, the wasted time or hours can be compensated after the Administration starts operation and production.
- (2) In the situation mentioned in Paragraph (1) of this Article, work hours shall not exceed 10 hours per day and 50 hours per week. The employee shall be entitled to additional payment for any over time worked.

Overtime Job

Article 38:

(1) Work performed by an Employee beyond the limits of normal working time, on the initiative of the Administration, is considered overtime work which shall be permissible in the following cases when agreed to by the Employee and the relevant Administration:

1. In cases that performance of work may not be delayed and is required for public services;
2. In order to prevent or remove industrial or social accidents;
3. In order to repair or restore damaged machines if the malfunctioning leads to stopping of work for a large number of Employees;
4. In order to remove unforeseen circumstances that prevent normal functioning of social services (water supply, heating, lighting, sewage, transportation, communications, health and other social services);
5. In order to complete work which was started previously if non completion of such work leads to material or moral damage;
6. In order to continue work due to absence of a shift worker from work if interruption of the work is not possible. In such a case, the Administration shall take immediate measures for replacement of the Employee [with another Employee].

7. In order to compensate the work stopped or not performed, as mentioned in Article 37.1 of this Law.
 8. In order to perform other work needed by the Administration, as determined by the relevant in-charge person.
- (2) Overtime hours shall not exceed the average of normal working hours during a day.
 - (3) Night shift Employees, Employees engaged in underground work and work injurious to health, and pregnant women or women who have children below the age of two years shall not engage in overtime work.
 - (4) The conditions and limits for the number of overtime hours as well as the procedures for performance thereof shall, with due regard to the nature of work in the Administration, be regulated in the relevant legislative document.

Chapter Four

Right to rest and leave

Breaks and Paid Leave

Article 39:

Employees shall be entitled to the following breaks and paid leaves:

1. Breaks during work for performance of prayers and meals;
2. Public holidays (national and religious);
3. Annual leave (recreational, sick and urgent leave.)

Break during work

Article 40:

Prayer and meal break shall be for one hour. The break shall not be included in the official work hours and shall be regulated by the internal rules of the Administration.

Public holidays

Article 41:

Paid Public holidays shall be as follows:

1. The last day of the week (Friday);
2. The first day of the [solar] year (Nawroz);
3. 28th of Assad (the Independence Day of the country);
4. 8th of Sawr, Victory of the Islamic Revolution of Afghanistan;
5. The three days of Eid- ul- Fetar;
6. Four days of Eid- ul- Adhah and Arafah;
7. Twelfth of Rabiul Awal, the birth day of the Great Prophet of Islam (Peace be Up on Him);

8. 10th of Muharam-al- Harram (the day of Ashura); [and]
9. Other days approved and declared by the State of the Islamic Republic of Afghanistan as public holidays.

Annual Leave

Article 42:

Annual leave (recreational, sick and urgent) shall not include public holidays and shall be provided when needed and requested by or upon a notification by the Employee.

Work Schedule

Article 43:

- (1) The Administration shall regulate and grant recreational leave of Employees in accordance with the schedule of leave. When the Administration does not approve recreational annual leave of an employee due to the nature or increased load of work, the Administration shall be obliged to pay the Wage and other entitlements and allowances of the leave days in addition to the principal Wage.
- (2) In the event of the death of an Employee, the Administration shall be obliged to pay the Wages and other entitlements and allowances for the days mentioned in Paragraph (1) of this Article to his/her heirs.
- (3) The payment of an Employee's Wages and other entitlements and allowances for recreational leave days shall not be time bound and may be made pursuant to an agreement by the Employee and the Administration.

Work during public holidays

Article 44:

- (1) Work during public holidays shall be allowed with the consent of the Employee and approval of the relevant Administration in the following cases:
 1. Work in an Administration which is incessantly active, if an interruption would cause delay in work and problems in [provision of] public services;
 2. Performance of work related to public services;
 3. Fulfillment of work that shall not be delayed for urgent repairs, loading or unloading of consignments, and work related to prevention of unforeseen events;
 4. Performance of other work urgently required by the Administration as determined by the relevant in-charge person.
- (2) In cases referenced in Paragraph (1) of this Article, the Administration shall be obliged to pay, as a privilege, 50% of the normal hourly Wage to the Employee in addition to the overtime payment provided in this Law.

Work in an Administration with incessant operation

Article 45:

- (1) The in-charge of an Administration which operates without interruption, in stead of public holidays, may grant a leave to Employees on normal days of the week in accordance with a schedule (on a turn basis).
- (2) In an Administration where work can not be stopped on public holidays to meet public service requirements, the Administration shall be required to either grant leave to the Employee on any other day of the week or pay the equivalent amount of Wage and other entitlements and allowances for such a day to the Employee.

Recreational Leave

Article 46:

- (1) Each Employee shall be entitled to twenty days of paid recreational [rest] leave per annum.
- (2) Employees shall be entitled to more than 20 days of recreational leave when they are:
 1. below 18 years of age. In this case, they are entitled to 25 days of recreational leave; [or]
 2. Engaged in underground or arduous work or work that is injurious to health. In this case, they are entitled to 30 days of recreational leave.

Leave for Teachers and Professors

Article 47:

- (1) Professors and teachers who benefit from the general vacations of the educational and higher educational institutions shall not be entitled to recreational leave.
- (2) In case teachers or kindergarten trainers do not benefit the vacations mentioned in Paragraph (1) of this Article, they shall be included in the Employees mentioned in Article 46.1 of this Law.

Recreational Leave

Article 48:

- (1) The recreational leave of an Employee may be granted for 20 consecutive days and in cases of urgent need of the Administration, such leave may be carried forward to the next year, upon consent of the Employee.
- (2) An employee shall benefit from annual recreational leave in accordance with a schedule (turn) as prepared by the Administration.
- (3) When urgently needed by the Administration, the recreational leave of an Employee may be granted 10 days every six months.

Recreational Leave for a newly hired Employee

Article 49:

- (1) During the first year of work, a newly hired employee shall be entitled to take recreational leave when s/he has worked for 11 consecutive months in the Administration.

- (2) A Seasonal Employee the term of whose employment contract is not less than three months, may benefit from recreational leave proportionate to the term of his/her service, in accordance with Article 46.1 of this Law.

Wage and other rights during Recreational Leave

Article 50:

- (1) The office shall be obliged to pay the Wage and other allowances of Employees in advance of their recreational leave period.
- (2) If an Employee has not used [all or a part of] the recreational leave, and resigns, separates, is transferred from the relevant Administration, or retires, s/he shall be entitled to the Wage pertaining to the unused leave days, in proportion to the period of work done during the year, as well as to the original Wage.

Urgent Leave

Article 51:

- (1) An Employee shall be entitled to ten days urgent leave every year and to payment of the Wage, and other entitlements and allowances [for such days].
- (2) Urgent leave not exceeding three days in each case, shall be granted upon a notice. Such leave for a longer period, shall be granted upon a request by the Employee and approval by the Administration.
- (3) Employees are entitled to (10) days of urgent leave for marriage; death of father, mother, brother, sister, spouse, child, father in-law, mother in-law, uncle, aunt; or birth of a baby.

Sick Leave

Article 52

- (1) An Employee shall be entitled to 20 days of sick leave per year with payment of Wage, and other entitlements and allowances.
- (2) An Employee's paid sick leave for up to five days can be granted on the basis of a written notice.
- (3) In the event that the sickness of an Employee exceeds 5 consecutive days, the Employee shall be obliged to present a sickness certificate. To be valid, the certificate shall be issued by a medical doctor practicing in a health center; and where no such practitioner is available, the certification by the Village Council shall be valid. Where the Employee is covered by medical insurance, the certification by the doctor of the insurance [company] shall be valid.
- (4) In case an Employee's sick leave exceeds the time period referenced in Paragraph (1) of this Article, his other leave days may be used in stead.

Additional Sick Leave

Article 53:

- (1) If the illness of an Employee extends for a period longer than that referenced in article 52 of this Law, an additional paid sick leave may be granted to the Employee upon presentation of a certificate issued by a governmental or non-governmental health center.

- (2) The conditions of and the procedures for granting additional sick leave referred to in paragraph (1) of this Article shall be regulated by the relevant legislative document.

Maternity Leave

Article 54:

- (1) A female Employee shall be entitled to 90 days of paid maternity leave. a third of such leave shall be granted before delivery and the other two thirds after delivery.
In case of an abnormal delivery or delivery of twins or more than twin babies, additional fifteen days of [such] leave shall be granted to her.
- (2) The Wage and other allowances mentioned in Paragraph (1) of this Article shall be paid upon [presentation of] a certificate issued by the hospital.
- (3) After the completion of the leave mentioned in Paragraph (1) of this Article, the female employee shall report to duty within five days. Otherwise, she shall be regarded to be absent from her job and shall not be entitled to the privileges mentioned in Paragraph (2) of this Article.

Pilgrimage (Haji) Leave

Article 55:

- (1) An Employee shall be entitled to a maximum of 45 days of paid leave to perform Hajj or pilgrimage of sacred places.
- (2) Any leave days in excess of the 45 days mentioned in paragraph (1) of this Article may be applied as an Employee's recreational or urgent leave.
- (3) A certificate issued by the Ministry of Hajj and Religious Affairs shall be required in order to benefit from Wage and other privileges related to the days mentioned in Paragraphs (1) and (2) of this Article.

Sick leave for newly hired Employees

Article 56:

The annual, sick and urgent leaves for newly hired Employees, in proportion to the number of their service days, shall be granted as follows:

- (1) If an Employee is hired during the first half of the calendar year, s/he shall be entitled to use a full annual leave;
- (2) If an Employee is hired during the second half of the calendar year, s/he shall be entitled to use 50 per cent of a full annual leave.

Calculation of Paid Leave

Article 57:

Any paid leave of an Employee shall be counted as work days for calculation of his/her steps, promotion, and retirement periods.

Paid leave in non-governmental Administrations

Article 58:

The conditions, circumstances and procedures for granting leaves provided in Chapter four of this Law in non-governmental Administrations, private and mixed businesses, foreign organizations and institutions resident in Afghanistan shall be subject to the agreement of the Employee and the relevant Administration, which shall be stipulated in the contract.

Chapter Five

Wage

Payment of Wage

Article 59:

- (1) Wage shall be calculated and paid to Employees according to the quantity and quality of work, with due regard to post, rank, grade, or profession, period of training (apprenticeship) and practical work as well as other conditions mentioned in work related legislative documents.
- (2) If an Employee, by reasons of his/her talent, qualification and experience, is assigned in a higher position than his/her own grade/rank, his/her Wage and other rights shall be regulated according to the pay-scale of the position.
- (3) If an Employee has a higher rank/grade and, due to existence of a need, is appointed to a lower position, his/her Wage and other rights shall be regulated according to the pay-scale of the rank/grade.
- (4) No discrimination shall be permissible in the payment of Wages.
- (5) Wage cannot be less than the minimum amount fixed by the State.

Monetary privilege of education

Article 60:

The monetary privileges for certificates of completion of education/higher education and for scientific cadre shall be regarded as an integral part of Wage.

Food Allowance

Article 61:

An Employee shall be entitled to food allowance in the market rate, which shall be paid monthly unless stipulated otherwise in the contract.

Determination of Wage

Article 62:

- (1) The amount and conditions for payment of Wage to different categories of Employees shall be determined as follows, taking account of the provisions of Article (59) of this Law:
 1. for State Employees and the mixed organizations in which the share of the government is more than 50%-- it shall be determined by Ministries of

Finance and Labor and Social Affairs and the Independent Commission of Administrative Reform and Civil Services.

2. For Employees of social organizations-- it shall be determined in accordance with the charter/Articles of Association/by-laws of the relevant organization.
 3. For Employees of Non-governmental Administrations, private or mixed businesses, and foreign [international] organizations and institutions resident in Afghanistan-- it shall be determined as agreed to by the parties.
- (2) The Wage level for any category of the Employees mentioned in sections (2 and 3) of Paragraph (1) of this Article, shall not be less than the minimum amount fixed by the State for the State Employees.

Payment of Wage

Article 63:

An Employee shall be entitled to receive Wage from the date of signing contract or of approval of employment, as the case may be, unless provided otherwise in the relevant legislative documents.

Timing of Wage payment

- (1) the Wage of an Employee shall be paid either by computing the monthly or weekly work hours (time based payment) or by taking into consideration the work done or production output (work based payment)

The Wage and other benefits for the last day of the week (Friday) shall be equivalent to [wage and benefits of] normal work days.

Incentive payments

Article 65:

- (1) In order to provide material encouragement for Employees, promote work efficiency, and improve product quality as required, an Administration may regulate and pay incentive Wages in accordance with a system of encouragement and remuneration.
- (2) The rules and standard provisions for incentive payments and remunerations, shall be determined by the Ministry of Labor and Social Affairs in cooperations with Employers, and with the agreement of the Ministry of Finance.

Conditions for addition of Supplements to Wages

Article 66:

- (1) Wage Supplements shall be added to the principle Wage in the following conditions:

- 1- work in areas with unfavorable natural, climatic, or difficult economic and social conditions
- 2- work in underground areas or under conditions which are arduous or injurious to health
- 3- work with professional or technical skills
- 4- Other situations stipulated by legislative documents.

- (2) The terms and conditions and norms for payment of supplements mentioned in Paragraph (1) of this Article and the manner for application of such supplements to overtime payments and pensions shall be regulated in the relevant legislative document.

Overtime payment

Article 67:

The hourly Wage for overime is 25% more than the pay rate for a normal working hour and shall be paid 50% more [in case of over time on holidays).

Wage for Operation of Several Machines

Artilce 68:

- (1) A Employee who operates several machines or performs several tasks in the same office shall be be entitled to earn a higher Wage.
- (2) Conditions and the procedures for payment of the Wage mentioned in Paragraph (1) of this Article shall be determined in the relevant legislative document.

Work Compensation

Article 69:

- (1) The Wage for work done during public holidays shall be twice [the ordinary wage], unless a compensatory leave day is granted at the consent of the employee within two weeks.

Conditions and Time of Work

Article 70:

- (1) The conditions and timing of daily-Wage and part-time employees (part of the day, part of the week, work output or peice work) shall be regulated by the relevant legislative document.

Payment of Wage during the work stoppage periods

Article 71:

- (1) Except for seasonal and daily-paid Employees, if a cessation of production or work occurs as a result of unexpected circumstances, technical or production related problems, or adverse climate conditions, the Wage of the Employees shall be paid as follows:
 - 1- In case of stoppage for two months, full Wage.
 - 2- In case of stoppage for 2-4 months, 50 percent of full Wage.
 - 3- After the lapse of four month, the Administration may transfer the Employee to [another section in] the same or another Administration. Should transfer be impossible, the Administration shall introduce the Employee to the Ministry of labor and Social Affairs or to a provincial representative office of the Ministry.
- (2) If the transfer of an Employee due to stoppage of work takes place in accordance with Paragraph 1.3 of this Article, the Wage of the Employee shall not be less than 75% of his/her monthly wage prior to stoppage of work. In the case of insolvency confrmed by the court [bankruptcy], the provision of paragraph (1) of

this Article shall not apply. If the Administration shall restart operating, the amounts mentioned in Paragraph (1) of this Article shall be paid to [its] Employees.

Suspension with Pay

Article 72:

- (1) In case of a reduction in the organizational structure or the number of employees, or a long term stoppage of work, the Employees shall be suspended with payment of salary (waiting).
- (2) During paid suspensions, State Civil Servants shall receive six months to one year of Wage and Supplements and Contract Employees shall receive three months to six months of Wage and Supplements, in consideration of their service period.
- (3) At the expiration of the period set out in Paragraph (2) of this Article, the Employee shall be on an unpaid suspension (waiting) and shall be introduced to the Ministry of Labor and Social Affairs.
- (4) The conditions and other circumstances of paid and unpaid suspension shall be regulated by the relevant legislative document.

Payment of Wage to Employee

Article 73:

- (1) Wage is paid to the Employee or to the person nominated by him/her in writing.
- (2) Payment of Wage shall be made during the same month, and shall not be delayed without consent of the Employee.

Deductions

Article 74:

- (1) It shall not be permitted to deduct any amount from the Wage, unless it is provided for in the Law.
- (2) No more than 20 per cent deduction can be made from an Employee's monthly Wage, including compensation for damages, unless provided otherwise in the Law.

Fares and Travel Allowances

Article 75:

- (1) During domestic or foreign missions, secondment, transfer, summoning, or sending an Employee to another location, s/he shall be entitled to receive the fares and travel allowance, including pocket money and staying expenses.
- (2) Conditions and procedures for payment in the cases mentioned Paragraph (1) of this Article shall be regulated by the relevant Legislative document.

Chapter 6

Vocational training, apprenticeship, and skills development of Employees

On-job training

Article 76:

- (1) In order to ensure the professional development, upgrade the experience, and improve the skills of Employees, especially the youth, the Administration shall conduct in-service short term training courses individually or in groups as well as through other methods of training.
- (2) The Ministry of Labor and Social Affairs in collaboration with the respective Administrations, shall take necessary measures to establish and develop various professional and vocational training centers at the capital and in the provinces.
- (3) Training centers of the Ministry of Labor and Social Affairs shall cover the areas mentioned hereunder:
 - 1- Training centers for the promotion of vocational and professional skills of Employees;
 - 2- Training centers for teachers and for professional and vocational trainers;
 - 3- Training centers for youth and adults who have been deprived from education and who need to work;
 - 4- Centers for rehabilitation of persons with disabilities.

Conditions for training

Article 77:

- (1) Where an Administration deems it necessary to have an Employee trained, it shall pay the costs of the training to training Administrations or centers.
- (2) The Ministry of Labor and Social Affairs and other Administrations with on job training centers, shall facilitate holding in-service training programs in their relevant training centers at the capital, provinces and localities.

Duration of job training (apprenticeship)

Article 78:

- (1) The period of job training shall not exceed two years.
- (2) The duration of the training, hours of practical and theoretical training to the trainees, both inside and outside of the workplace shall, with due regard to the profession or occupation, be determined by the relevant Administrations of the Ministry of Labor and Social Affairs.
- (3) A trainee who has completed the training period in a given profession or occupation and who has acquired the ability to perform the work independently, shall be employed as a skilled Worker.

Wage during the training period

Article 79:

- (1) In-service practical and theoretical training shall be provided during work hours and the same Wages and other privileges as of work hours shall be paid.
- (2) Procedures for conducting in-service training, promotion of skills, and upgrading professional level of Employees shall be regulated by the relevant legislative document.
- (3) With due regard to the nature of their work, Administrations shall prepare separate Procedures, in accordance with the provisions of Paragraph (2) of this Article.

Education Opportunities**Article 80:**

- (1) An Administration shall introduce outstanding Employees to the institutes of higher education, to the vocational, and technical secondary establishments in or outside the country in order to study and get further training.
- (2) During education or higher education, the Employee mentioned in Paragraph (1) of this Article, shall be entitled to the Wage and other allowances of his actual post, rank or grade.
- (3) All of the period of an Employee's education in institutes of higher education, technical institutes, secondary technical and vocational schools and training centers shall be counted as part of their service term, provided that he/she obtains a document of successful completion.
- (4) An Employee who has been introduced by the Administration for education, higher education or skills development shall be obliged to work with the same Administration after graduation for the duration of time equivalent to his/her study/training time or in accordance with a signed contract. In case the Employee denies to work for the same Administration after completion of studies/training, he/she shall pay the costs of his/her education to the Administration.

Establishing Training Centers at Industrial organizations**Article 81:**

- (1) Upon the approval of the Ministry of Labor and Social Affairs, industrial, production or service centers or Administrations may establish and equip the relevant training centers to facilitate training for Employees.
- (2) Administrations with similar training programs may establish joint training centers for their Employees, in collaboration with the Ministry of Labor and Social Affairs, for the purpose of raising the vocational skills of and providing training to the Employees.

Legislative documents for training centers**Article 82:**

- (1) The rules and procedures for the training centers of government and non-government organizations and the method for supervision by the Ministry of

Labor and Social Affairs on such centers shall be regulated by the relevant legislative document.

Characterstics of trainee

Article 83:

(1) The following persons are trainees:

- 1- a person getting trained in a government or non-government training centers for the purpose of vocational training or upgrading of skills.
- 2- an Employee who gets in-service training for a specific skill based on a job training contract.
- 3- An Employee that, based on the request of the Administration, is introduced to a training center.

(2) Conditions and standard (sample) contract for trainees set forth in paragraph (1) of this Article shall be determined and prepared by the Ministry of Labor and Social Affairs.

Legislative Document for Professional and skilled Workers

Article 84:

The Rights and obligations of skilled Employees who have successfully completed professional and vocational training centers or technical schools shall be regulated in the relevant legislative document.

Introduction of training program graduates

Article 85:

- (1) Government and non-government training centers shall introduce their graduates to the job placement centers for the purpose of finding jobs.

Practical work at training centers

Article 86:

- (1) Industrial, production and training institutions shall be obliged to provide practical work opportunities for the students of technical, vocational and professional schools and of higher education institutes.
- (2) The programmes of practical work for students referred to in paragraph (1) of this Article shall be regulated by the relevant Administration.

Chapter Seven LABOR RULES AND STANDARDS

Labor Rules and Standards

Article 87

1. The standards and rules for labor shall be drafted and regulated by the Ministry of Labor and Social Affairs, in cooperation with the relevant Administrations.
2. the authorities in- charge of Administrations shall define and promote labor rules and standards for all categories of Employees in their respective Administrations, in accordance with sample rules, standards and guidelines of the Ministry of Labor and Social Affairs and internationally accepted standards.
3. The Ministry of Labor and Social Affairs shall in cooperation with the relevant Administrations, evaluate and coordinate scientific and technological achievements using international standards aiming at improved labor quality and staff skills.
4. In order to ensure proper planning of production for the purpose of improving work outputs, measurement of Wage and labor costs shall be made in accordance with standards and rules provided for in Paragraph (1) of this Article.
5. Integrated and sample standards and rules can be set for similar work in different areas of production or services, in accordance with international standards as well as the context of the country.

Evaluation of labor rules and standards

Article 88:

- (1) The relevant Administration shall review, revise and evaluate labor rules and standards, in accordance with sample rules and standards drafted and set by such Administration in collaboration with the Ministry of Labor and Social Affairs.
- (2) The Administration shall inform its Employees at least two months prior to the application of new rules and standards.

Authority for resolution of labor standard related disputes

Article 89:

If any dispute arises between an Administration and its Employee, as regards the setting of standards, the issue shall be settled by the following authorities:

1. Concerning Ministries, State Administrations, SOEs and private or mixed enterprises, in which the share of the State is more than 50%-- by the competent authorities in cooperation with Ministry of Labor and Social Affairs.
2. Concerning social and cooperative organizations and the private or joint sector where the State's share is less than 50% -- by the parties [to the dispute] under supervision of Ministry of Labor and Social Affairs.

Chapter Eight

Labor Discipline

Procedures for application of labor discipline

Article 90:

Employees shall be obliged to follow the labor discipline in the Administration. Labor discipline in the Administration shall be ensured by the following methods:

1. Establishment of conscious relations and attitudes among Employees towards work;
2. compliance with and promotion of understanding and contented-ness;
3. Encouragement of Employees for honesty in work; [and]
4. Application of disciplinary penalties in cases of violation.

Obligations of Administration

Article 91:

Sound management of work is the Administration's responsibility in the following areas:

1. Creation of favorable conditions to improve the level of work output and livelihood of Employees;
2. Compliance with the discipline of labor and production;
3. Abidance of the rules of protection in work and labor safety requirements;
4. Responding responsibly to the requests and needs of Employee; [and]
5. Compliance with the provisions of the relevant legislative documents.

Obligations of the Employee

Article 92:

The Employee shall be obliged to:

1. Comply with his/her job description.
2. Work honestly and efficiently.
3. Comply with labor discipline.
4. Execute the legal orders and directives of his/her supervisors.
5. Improve work output.
6. Improve product quality.
7. Comply with production and technology related rules.
8. Insure abidance of safety rules and hygiene of the work environment.
9. Protection of movable and immovable assets and property of the Administration, and use them in an economically efficient and reasonable manner.
10. Improve professional skills and comply with standards set by the responsible authorities.
11. Protect secrets of the job and profession.
12. Sound conduct with other Employees and clients.
13. Avoid disturbing other Employees during work and on the production sites.

Job descriptions [Internal Work Rules]

Article93:

1. The method of work organization in an Administration shall be regulated through internal work rules to be prepared and approved by the Administration.
2. Internal work rules of mixed and private businesses shall be prepared in accordance with standard Rules drawn up by the Ministry of Labor and Social Affairs and Employers.
3. The Administration shall be obliged to familiarize Employees with internal work rules and to ensure compliance therewith.

Staff encouragement**Article94:**

(1) In return for performing work in the best possible way, raising work output, improving the quality of products, saving inputs (raw materials), using initiative and innovation in work performance and for other cases provided in the legislative document, the Employee shall be encouraged and rewarded, as the case may be, in the following ways:

1. Reward in cash or material;
2. granting a letter of appreciation;
3. granting a letter of acclamation;
4. granting a medal or a title;
5. other kinds of encouragement in the relevant legislative documents;

- (2) The conditions for and methods of encouragement of Employees shall be regulated in the respective legislative documents.

Disciplinary penalties for Employees**Article 95:**

In case of violating labor disciplines, disciplinary penalties, as the case may be, shall be applied concerning the Employee as follows:

1. advice;
2. warning;
3. deduction of salary (Wage);
4. transfer of the Employee ; [or]
5. abrogation of labor contract.

Implementation of disciplinary penalties**Article96:**

In application of disciplinary penalties, the responsible authority of the Administration shall take into consideration:

- The severity of the violation
- Circumstances under which the violation was committed
- Situation of the Employee when committing the violation [and]
- Record, and conduct of the Employee

Explanation of the violation

Article97:

1. Punitive measures shall be applied concerning an Employee, in accordance with the law, after the violator of labor discipline [such Employee] has provided explanations.
2. Only a single punitive measure may be applied for each case of violation against labor discipline; the measure will be issued in writing, and after being registered, it will be formally brought to the notice of the offender.

Complaint by the Employee to the Commission

Article98:

Should the Employee consider the punitive measure to be unjustified, s/he may lodge a complaint to the labor dispute settlement commission of the Administration, presenting reasons and evidence for its irrelevance.

If the above Commission does not take measures to resolve the Employee's complaint, the Employee may complain before the central commission for dispute settlement. In case the parties do not reach an agreement, the matter shall be referred to the authorized court.

Recording rewards and punishment of an Employee in his/her record file

Article99:

Rewards and punishments mentioned in this Law, except for advices, shall be recorded in Employee Record File.

Absence of the Employee

Article 100:

1. If an Employee fails to inform the relevant Administration in writing of his excuses for any absence without a good cause within three days after the date of such an absence, he shall be regarded as being absent without leave, and a day's Wage and Supplements shall be deducted for each day of his/her absence.
2. If the Employee mentioned in paragraph (1) of this Article presents his excuses to the Administration concerned within 20 days, and, if the competent authority of the Administration is satisfied that the Employee's failure to inform within three days was due to a good cause, the Employee shall no longer be regarded as being absent without leave, and his days of absence will be regarded as his legal leave.
3. If an Employee's absence without leave is regarded to be unjustified and lasts for more than ten days, the matter will be recorded in his/her file and will not be considered as a part of his/her service period.
4. If an Employee reports for duty but leaves his duty without giving any written notice, and if the Employee can not provide justified reasons therefor, a one day's Wage shall be deducted from his Wage for each day of absence from duty. If the Employee's absence and leave exceed twenty days during the

year, the absent days shall not be calculated in promotion and retirement of the Employee.

5. The case mentioned in Paragraph (3) of this Article shall not hinder the promotion of the Employee.
6. Any absence [immediately] following an Employee's legal leave shall be subject to the provision of paragraph (1) of this Article.

Conditions for contract termination

Article 101:

In the following cases, it shall be permissible to abrogate an Employee's employment contract pursuant to section 5 of Article (95) of this Law:

1. absence for 20 consecutive days from work without good cause;
2. in the event that penalties for violations, described in sections (2,3 &4) of Article 95 of this law, is applied more than once during an year.

Suspension of Employee's rights

Article 102:

1. If an Employee is accused of committing a crime, his/her rights [Wage] and benefits shall be suspended until he/she is under arrest, detention, prosecution or trial.
2. When, during arrest, the prosecutor issues a decision after the inquiry to acquit the accused Employee, concludes that s/he deserves [only a] disciplinary penalty or if the Employee is acquitted by the court, his/her salary and other benefits related to his/her suspension period shall be paid, unless described otherwise in the contract.
3. If an Employee is sentenced to applied imprisonment, the Employee shall not be entitled to Wage or other benefits for the period of his/her arrest, detention and trial.
4. If the Employee is sentenced to suspended imprisonment, he/she shall be entitled to salary and other benefits. Promotion of an Employee who is sentenced to suspended imprisonment shall be delayed until the end of the suspension period.
5. If an Employee is sentenced to both suspended and applied imprisonment, the provision of Paragraph (3) of this Article shall govern his/her applied imprisonment, and that of Paragraph (4) of this Article shall apply to his/her suspended imprisonment.

Chapter Nine **Financial Responsibility of Employees**

Preventing financial loss

Article 103:

1. The Employee shall be obliged to act responsibly concerning the properties and assets of the Administration and to take all precautionary measures to prevent damages from being inflicted thereto.
2. The Administration shall be obliged to provide normal working conditions to Employees and to ensure full protection of assets used by and entrusted to its Employees.

Liability of the Employee for material damage

Article 104:

- (1) The Employee shall be held responsible for any damage sustained by the Administration during the work period only when the damage inflicted has been the result of his/her fault.
- (2) The Employee shall not be liable for any damage which may arise from the normal process of work.

Compensation for material damage

Article 105:

If damage sustained by an Administration results from the fault of several Employees, the amount of compensation therefor will be determined separately for each Employee and in proportion to the type and degree of his/her responsibility.

Legislative document on material responsibility

Article 106:

The kinds and degree of financial responsibility for the damage sustained by the Administration, the method of determining and assessing the damage sustained and the arrangement of compensation therefor, shall be determined by the relevant legislative document.

Chapter Ten

Provision of Health and Labor Safety Conditions

Provision of Health and Safety Conditions

Article 107:

The Administration shall be obliged to ensure preservation of health and labor safety, application of safety techniques to prevent work and production related accidents, and to provide healthy conditions in order to prevent occupational diseases of Employees.

Observing safety techniques in construction work

Article 108:

- (1) While designing building or using industrial or production facilities, installations and equipment, the Administration shall be obliged to comply with all technical safety and environmental protection standards to protect Employees from adverse and harmful effects of work.

- (2) The Administration shall build and equip work and production related rooms, facilities, and places for work and residence of Employees in accordance with Safety and environmental protection standards and rules

Ensuring Safety in Renovated buildings

Article 109:

Use of new establishments of production and those establishments that have been rehabilitated or reconstructed shall be permitted [only] upon securing the approval of the Administrations for technical maintenance and environmental protection.

Enacting legislative document

Article 110:

1. The principle standards for maintenance and safety techniques shall be regulated by the relevant legislative document.
2. The principle standards and rules for maintenance and safety requirements in the National Economy shall be proposed, approved and implemented by the Administration in accordance with the sample standards and rules provided by the Ministry of Labor and Social Affairs in cooperation with Employers.
3. Standards for compliance with health protection and sanitation requirements in production related fields and professions included in the national economy shall be drafted and regulated by the Ministry of Public Health and the Ministry of labor and social affairs, in cooperation with Employers.

Training on safety requirements

Article 111:

1. The person in-charge of an Administration shall be obliged to give continuous training to Employees about safety , environmental health, fire-fighting, provision of medical first-aid services and other rules of protection.
2. Employees shall be obliged to observe the rules and standards of work protection and the safety techniques, rules for utilisation of equipment as well as protection instructions, and to use individual protective devices while working.

Provision of safety equipment

Article 112:

1. In those types of work which are carried out under conditions harmful to health, where there is a special low or high temperature, or where there is the risk of contamination of Employees, special clothes and footwear, masks, eye glasses, gloves and other protective devices as well as preventive and curative food materials shall be put at the disposal of Employees, free of charge, in accordance with the established standards and rules.
2. The Administration shall be responsible for supplying, maintenance, cleaning, sterilisation, drying and repair of special working clothes and other protective devices as well as for monitoring that these clothes and devices have been always used.

Medical Examinations of Employees

Article 113:

1. Those Employees who are engaged in arduous work, in types of work carried out under conditions that are harmful to health and also the work connected with driving vehicles, must undergo health and medical examinations at the beginning of their service period and periodically thereafter in order to monitor that they are fit for work and to prevent occupational diseases.
2. The Employees of foodstuff industries, public catering establishments, transaction of food materials, as well as the personnel of water supply installations, preventive and curative institutes, child support institutes, and other Administrations and organizations concerned with public works, must undergo the medical examinations provided for in paragraph (1) of this Article.
3. The conditions and the procedures for the medical examinations of Employees mentioned in paragraphs (1) and (2) of this Article shall be drawn up and regulated by the Ministries of Public Health and Labor and Social Affairs.

Provision of medical First Aid Services

Article 114:

- (1) In the event that untoward accidents and unforeseen diseases occur at the worksite, the Administration shall be obliged to :
 1. facilitate and provide first aid services;
 2. transfer the Employee with illness to medical centres in a hospital and provide for his/her treatment;
 3. when the condition of the Employee improves, transfer him/her to his/her place of residence;
- (2) Whenever the treatment of an Employee is not possible in health centers within the country, the Administration shall be obliged to send the Employee abroad.
- (3) The Administration shall be obliged to pay the expenses mentioned in Paragraphs (1) & (2) of this Article including round trip fares for the Employee and the person accompanying him/her.

Establishment of fixed and mobile health centers

Article 115:

In order to carry out medical examination and to provide first aid, to the extent possible, for Employees and for the members of their families, with due regard to the number of Employees, the Administration shall be obliged to establish fixed and mobile health centers, in accordance with the standards set by the Ministry of Public Health in cooperation with the Ministry of Labour and Social Affairs.

Assigning Employees according to their health conditions

Article 116:

- (1) If an Employee's state of health requires that he should be engaged in lighter work, the Administration, upon confirmation by a doctor (physician), shall temporarily or permanently assign the Employee to lighter work with her/his agreement.
- (2) Wage and other rights of the Employee mentioned in paragraph (1) of this Article shall be paid according to his/her last rank, grade, and other rights prior to his/her disability.

Provision of job opportunities for the disabled

Article 117:

- (1) The Administration shall be obliged to provide jobs for the Employees who have become disabled due to performing their jobs, after their disability has been established.
- (2) The Wage and other rights of the work-related disabled Employees shall not be less than the Wage that he earned in his last post, rank or grade prior to disability.

Identifying unpleasant work accidents

Article 118:

- (1) The person in charge of the Administration shall be obliged to investigate and assess unforeseen accidents in work and production in a timely and comprehensive manner, and to analyse and evaluate the causes therefor. He/she shall prepare a written attestation about it within three days and present a copy to both the Ministry of Labor and Social Affairs and to the Employee.
- (2) Should the Administration refuse to make a written attestation or should the injured party disagree with the attestation made by the Administration about the unforeseen accident, the injured party may lodge a complaint with the Ministry of Labor and Social Affairs.
- (3) The Ministry of labor and Social Affairs shall take measures regarding the complaint in accordance with the law.
- (4) The Administration shall be obliged to pay compensation for health injuries [or disability] arising from work.

List of Occupational Diseases

Article 119:

1. The List of occupational diseases shall be prepared and determined by the Ministry of Public Health in cooperation with the Ministry of Labor and Social Affairs and the relevant Administrations.
2. The procedure for determination, the amount and the arrangement for, payment of compensation for labor related disability or health injury; and liability of those who violate work safety and environmental health rules provided in this Law shall be regulated by the relevant legislative document.

Chapter Eleven

Work of Women and Youth

Cases for prohibiting employment of Women and Youths

Article 120:

It shall not be permissible for women and youths to be engaged in types of work that are physically arduous, or harmful to health or carried out in underground sites.

The List of such work [jobs] shall be prepared and approved by the Ministries of Public Health, Ministry of Labor and Social Affairs, and the relevant Administration.

Prohibition on assigning women and youth on night duty

Article 121:

It shall not be permissible for women and youth to be employed in night work. However, women and nursing mothers may be employed as night workers in accordance with the work schedule and in rotation in hospitals, health clinics, and, subject to their agreement, in duties where there is an urgent need.

Prohibition on overtime for women and youth

Article 122:

(1) it is not permissible for the Administration to employ pregnant women, mothers with children under two years of age and youths to do over time work or to travel in order to do official work.

(2) Women with children above two years of age may not, without their prior consent, be required to do overtime work or to travel in order to do official work.

Employment of women during pregnancy

Article 123:

During the period of pregnancy and on the basis of a doctor's certificate, women shall be assigned to lighter work, while receiving the Wage and other rights applicable to their main jobs.

Additional time for breast-feeding mothers

Article 124:

(1) In addition to their rest and food breaks, nursing mothers shall be provided with a break not less than 30 minutes long every three hours in order to breast feed their babies in the children's room at the worksite. These breaks shall be included in the working time.

(2) The breaks in the office set forth in paragraph (1) of this Article shall be regulated, with consideration of the nature of work in the Administration, and in accordance with the relevant internal rules.

Prohibition on refusal to employ pregnant women

Article 125:

It shall be forbidden to refuse to employ women or to reduce their Wages because of pregnancy or nursing (feeding) their children.

Establishment of kindergartens:

Article 126:

- (1) Administration shall be obliged to establish a nursery and kindergardern for the children of its female Employees.
- (2) The care of and attention to children, conditions for admission, training and nursing in nurseries and kindergartens shall be regulated in accordance with the relevant legislative document.

characteristics of the youth (young worker)

Article 127:

- (1) The youth (young Employee) is a person who has completed the age of 14 but is under 18 years of age.
- (2) Prior to employment of the youth, the Adminsitration shall be obliged to send him/her to a medical center for completion of medical examination [check-up] and shall attach the results thereof in the Employee's record book.

Medical check-up of the youth (young Employees), shall be performed at least once a year by the Administration. The Administration shall pay the costs of the check-up.

Medical examination of the young Employee

Article 128:

The Administration shall determine the physical capability and health status of Young Employees , as confirmed by the health authorities, and shall thus determine his/her tasks and responsibilities.

Wage of young Employees

Article 129:

1. The Wage of the youth (young Employee) shall be paid in an amount equal to the Wage of the Employees of 18 years of age or more, with due regard to grade, but regardless of the reduced working time contained in Article (31) of this Law.
2. Per unit of work, the Wage of an Employee whose age is less than 18 years shall be equal to that of an Employee who has completed eighteen years or more of age.
3. The Wage difference due to reduced hours of work paid to a piece-worker who is younger than 18 years of age shall be based on his/her main grade.

Production standard of young Employee

Article 130:

1. Production standard of a young Employee shall be regulated on the basis of the production standard of an Employee whose age is 18 years or over, and proportional to the reduced working time as contained in Article (31) of this Law.
2. The Administration may temporarily determine the production standards of a newly employed youth who has been employed upon completion of training, to be less than the predetermined standards.

Chapter Twelve

Labor disputes

Priority of actions concerning resolution of labor disputes

Article 131:

1. Any labor dispute between an Administration and an Employee or trainee, may be settled through mutual understanding between the Administration and the Employee or trainee in accordance with the provisions of this Law, the relevant Regulations, and employment contracts.
2. In the event that the labor dispute can not be resolved by the Administration and Employee or trainee, it shall be resolved by the following organs in that order:
 - a. the Dispute Resolution Commission of the Administration;
 - b. High commission on Labor Dispute Resolution
 - c. The authorized court.

Unlawful dismissal of an Employee

Article 132:

If an Employee has been dismissed unlawfully, and then re-appointed to his former job by virtue of a decision by a Dispute Resolution Commission or an order of the court, his/her Wages and other benefits accruing to the period of his dismissal shall be paid based on the average monthly Wage and other benefits of the six months immediately preceding his/her dismissal.

Enactment of legislative document for Dispute Resolution

Article 133:

The matters related to establishment and composition of labor Dispute Resolution Commissions and hearing of labor disputes shall be regulated in accordance with the relevant legislative document.

Chapter Thirteen

Social Security

Types of Social Security

Article 134:

- (1) Employees and in some cases their family members shall be entitled to benefit from the following Social Security:
1. Food allowance
 2. Transportation means
 3. Assistance in provision of shelter [housing]
 4. Health [medical] services
 5. Financial aid at the retirement, equal to 10 months of Wage along with its Allowances and Supplements based on the last monthly salary
 6. Assistance for child birth
 7. Financial aid for the family of a deceased Employee for burial ceremony equal to 10 months Wage along with its Allowances and Supplements, based on the last monthly salary.
 8. Pension for old-age, completion of service term, illness, disability and other conditions stipulated in the relevant legislative documents.
- (2) Financial assistance mentioned in sections 1-7 of this Article shall be paid from the Administration's funds and the pension mentioned in part 8 of this Article shall be paid from the pension fund.
- (3) Medical services or its equivalent benefits shall be provided to Employee and his/her family members, according to the financial capacity of the Administration.

Effectiveness of Social Security

Article 135:

1. Social Security shall be put into effect through financial participation of the Administration and Employees .
2. The level of Employees' Social Security increases in proportion to the growth and development of the national economy.

Social Security centers

Article 136:

The manner of establishment, funding, equipping, and procedures of Social Security Centers shall be regulated by the relevant legislative document.

Financial assistance to the Employees that are unable to work

Article 137:

Assistance to an Employee on account of his/her inability to work shall be provided by the Administration temporarily, and until the time when s/he regains capacity to work or becomes entitled to retirement; the assistance shall be equivalent to the monthly Wage and other rights that the Employee [regularly] received prior to disability.

Retirement Conditions

Article 138:

- (1) An Employee is retired upon completing the age of sixty five. If necessary, the Administration may extend his/her working period for another 5 years at the consent of the Employee. The extension of the period includes all the rights and responsibilities of the Employee.
- (2) Prior to retirement of an Employee, the Administration shall annually request and obtain approval for extending the working period of the Employee as mentioned in Paragraph (1) of this Article.
- (3) The default working period of men and women shall be forty years, and they shall be entitled to the Wages of their latest position, rank or grade.
- (4) Age of the Employee at the time of retirement is determined according to the Employee's record file.
- (5) Retirement and extension of working periods for scientists of government Administrations, scientific research and higher education institutions, and religious Employees shall be regulated by the relevant legislative documents.

Retirement from arduous work

Article 139:

1. For every five years of engagement in arduous work, the working period of the Employee shall be reduced by one year and for every five years of underground work or types of work carried out under conditions that are harmful to health, the working period shall be reduced by two years as compared to the standard provided in Article 138.3 of this Law.
2. The standards and rules of arduous work and work injurious health shall be defined by the Ministries of Labor and Social Affairs and Public Health, in cooperation with the respective Administrations and Employers.

Request for retirement

Article 140:

An Employee is entitled to request his/her retirement before reaching the compulsory retirement age.

Pension of disability or death

Article 141:

For work related disability or death and occupational disease or death resulting from such disease, as confirmed by medical committee on disability certification, the retirement salary of the Employee shall be equivalent to one hundred percent of the Wage of the last rank or degree before retirement, regardless of his/her service term.

Retirement pursuant to court decision

Article 142:

1. When an Employee is sentenced finally by the authorized court to less than 2 years of imprisonment, he/she may request his/her retirement.
2. The Employee who is sentenced finally by the authorized court to 2 or more years of imprisonment, he/she shall be retired.
3. The Employee mentioned in paragraphs 1 and 2 of this Article may be re-employed after release from jail upon approval of the Administration.

Selection of Pension from multiple sources

Article 143:

1. If an Employee is entitled to various kinds of pensions from multiple sources, the pension payments may be made only from one source selected by him/her.
2. A pensioner's dependant survivors, who are entitled to receive pension payments from multiple sources, shall benefit from all those rights [to payment].

Increment in pension

Article 144:

1. Pension of retired Employees and of those who are survivors of the deceased, shall be increased in proportion to any raise in the general Wage level.
2. General raise in Wage, shall apply to retired Employees of the respective class or category [of Wages].
3. The Administration shall transfer the percentage of pension mentioned in paragraphs 1 and 2 of this Article to the Bank Account of Pension Fund and to officially inform The Ministry of Labor and Social Affairs accordingly.

Chapter Fourteen Miscellaneous Provisions

Labor High Council

Article 145:

1. The High Council of Labor shall be the highest decision making body regarding labor issues which shall be established under the Ministry of Labor and Social Affairs.
2. Composition, functions and authorities of the High Council of Labor shall be regulated by relevant legislative document.

Monitoring and guidance of labor

Article 146:

1. Continued monitoring and guidance over compliance with labor related laws, protection and safety measures, arduous work and jobs that are harmful to health, , work times, Wages and other benefits of Employees, and work

conditions shall be exercised by the Labor Monitoring and Guidance Authority of the Ministry of Labor and Social Affairs.

2. Issues related to labor monitoring and guidance in the Administrations shall be regulated by the relevant legislative document.

Participation of Employees in labor unions

Article 147:

1. Employees unions and Employers unions are social organizations that are established through voluntary participation of the respective classes in accordance with provisions of social organizations law.
2. Unions mentioned in paragraph 1 of this Article cannot be financed or subsidized by the government or political organizations.
3. Employees shall have the right to participate in these unions.

Participation of Employees in issues related to production and development

Article 148:

1. Employees shall be entitled to participate in discussions over production development, social services, and cultural and livelihood issues and present their suggestions to the Administration for improvement of work.
2. The Administration shall have the responsibility to facilitate the participation of Employees in the leadership and development of work and production, to address their suggestions and to inform them regarding decisions taken.
3. The Administration shall have the responsibility to facilitate the provision of suitable conditions for cultural and sports activities to Employees.

Group dismissal of Employees

Article 149:

1. Except as provided otherwise by the law, Government, non-government, mixed or private entities shall not be authorized to dismiss all or a group of their Employees without approval of the Ministry of Labor and Social Affairs.
2. In case of long term work stoppage that results in closing the Administration down, the Administration must inform the Ministry of Labor and Social Affairs of the matter, three months in advance.

Sending Workers overseas

Article 150:

The Ministry of Labor and Social Affairs may send Afghan Workers overseas in order to ensure adequate revenues and prevent unemployment.

Establishment of private employment office

Article 151:

1. Establishment of a private employment office shall be authorized after approval of The Ministry of Labor and Social Affairs.
2. Authorities of private employment offices shall have the responsibility to regulate all of their activities as per their agreement with the Ministry of Labor and Social Affairs.

The authority for drafting labor related legislative documents

Article 152:

The Ministry of Labor and Social Affairs, for better implementation of this Law, shall draft and process its regulations provided therein, in cooperation with the respective Administrations.

Enforcement

Article 153:

This law shall be enforced from the date, signed by the president and published in the Official Gazette. Upon the enforcement of this law, the Labor Law published in Official Gazette No. 790 dated 22, Rajab 1420 Islamic lunar year (01/11/1999) shall be null and void.