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Labor Law of Afghanistan - Official Gazette No. 790, published 1999/11/01 (1420/07/22 A.P.)

EMBLEM

ISLAMIC EMIRATE OF AFGHANISTAN

OFFICIAL GAZETTE # 790

22 Rajab al-Murajjab, 1420

(01/11/1999)

Presidential Decree of the Islamic Emirate of Afghanistan concerning enforcement of the Labor Law of the Islamic Emirate of Afghanistan

On the basis of the Council of Ministers Resolution # (1686), dated 15/05/1420, I hereby approve the Labor Law of the Islamic Emirate of Afghanistan in (16) chapters and (147) articles. This decree shall become into effect beginning with the date at which it is passed and shall be published in the official gazette.

Wassalam,

The Servant of Islam,

Amir al-Mo'minin Mullah Mohammad Omar (Mujahed)

LABOR LAW OF THE ISLAMIC EMIRATE OF AFGHANISTAN

CHAPTER 1

GENERAL PROVISIONS

Article 1:

The Labor Law of the Islamic Emirate of Afghanistan has been adopted to fulfill the following objectives:

1. To stabilize, consolidate and regulate work relations of the workers.
2. To ensure the right to work taking into consideration the capacity, competence and protection of workers' right to work.
3. To improve and organize labor and production, enhance labor output, reasonable use of labor resources, improve effectiveness of production, popularize methods of motivation in proportion to remuneration and salary, and to ensure social securities for the betterment of material, social and cultural living standards of the workers.
4. To consolidate labor and production discipline, nurture a mentality of conscious and sincere work and to attract the entire work force towards work and production.
5. To determine the rights and responsibilities of the workers and the department chiefs in the field of work and production; to ensure safety net and practical methods (technique), work safety, sustainable improvement of the workers skills, and compliance with legal instruments in relation to labor.
6. To provide favorable and sure grounds of work for the citizens of the country who are able to work in order to support growth and consolidation of the national economy.

Article 2: Terms used in this law and the meaning they stand for are given as follows:

1. Establishment: means the entire organizations, enterprises, joint Emirate institutions and private enterprises, unless otherwise stipulated by the Law.
2. Supreme Council of Labor: means the highest decision-making body concerning labor-related issues of the country.
3. Workers: mean the entire categories of workers, such as state employees and contractual workers covered by labor relations with the establishment.
4. Remuneration: means the entire forms of remuneration and salaries and other allowances payable to the workers of the Islamic Emirate of Afghanistan for their labor and services.
5. Work contract: pertains to agreement entered into by the workers falling under work categories and the establishment on the basis of which a workers is obliged to perform work according to their respective specialization, skill or function with due regard to the by-laws of the establishment. In return, the establishment shall be obligated to ensure payment of remuneration and safe working conditions in accordance with the provisions of the present Law, as well as in accordance with agreement of the parties.
6. Apprenticeship Contract: means an agreement between the apprentice or his legal representative and the establishment on the basis of which the organization shall

provides the apprentice with theoretical and practical training on the skill or vocation stipulated in the contract.

7. Attendance Book: pertains to a document which proves the attendance of a worker during a particular time of work. The department of workers' affairs shall be responsible to maintain and safeguard the attendance book. The attendance of the workers shall be controlled by their respective chief, and the workers shall abide by the attendance rules.
8. Adolescent: means a teenager who has completed 15 years of his age and is less than 18 years old.

Article 3:

- (1) The present law, in general, regulates work relations of the entire categories of workers, such as permanent employees and contractual workers with the establishment.
- (2) Characteristics of work relations of the workers stipulated under clause (1) of the present article shall be regulated with due regard to the legal form and type of the establishment (Emirate, joint, and private) through special legal instruments, which are not in contradiction with the basics of the Labor Law of the Islamic Emirate of Afghanistan.
- (3) Where no provision existed concerning the defined work relations of the workers in the present law and in specific legal instruments, it shall be regulated in accordance with the local practice, which is not in contradiction with the Islamic justice and law.
- (4) The General Department of Labor & Social Affairs shall be obligated to regulate the selection procedure of the workers in each category taking into account their functions and characteristics of the work.
- (5) Fixation of grades, steps, limits and conditions of grade promotion and preferment of steps, appointment, transfer, rewards, penalties, paid or un-paid stand-by period, paid or unpaid sick leaves, temporary separation, suspension, resignation, dismissal, social securities, pension, removal of pension, extension of workers' services, as well as of their approving officers, shall be regulated according to their status through special legal instruments.

Article 4:

- (1) The provisions of this law shall apply to those foreign nationals who obtain working permission in the Islamic Emirate of Afghanistan on the basis of separate contracts or without prior contracts, and who are employed by the competent authorities of the Islamic Emirate of Afghanistan, and the terms and conditions of their employments shall be regulated through a separate legal instrument.
- (2) Foreign workers in the Islamic Emirate of Afghanistan whose wages and other expenses are provided gratuitously by their respective countries or by the

international organizations shall be subject to the agreements to which the Islamic Emirate of Afghanistan is a party.

- (3) The Council of Ministers of the Islamic Emirate of Afghanistan can set similar limits for the citizens of a state whose laws do not recognize working rights of the citizens of the Islamic Emirate of Afghanistan.

Article 5:

- (1) The provisions of the present law shall equally apply to the citizens of the Islamic Emirate of Afghanistan inside or outside the country.
- (2) Afghan citizens who are working with the United Nations agencies and other foreign and international institutions resident in the Islamic Emirate of Afghanistan shall be subject the provisions of the present law unless otherwise stipulated in mutual agreements, as well as in the international commitments of the Islamic Emirate of Afghanistan.

Article 6:

- (1) The citizens of the Islamic Emirate of Afghanistan are entitled to receive wages for their work.
- (2) The right to work shall be protected by the law. The General Department of Labor & Social Affairs shall protect the rights to work.
- (3) The method of statistics, organizational deficit, additional requirement for human resources, planning, collective and individual distribution of graduates of formal and informal academic institutions inside or outside the country, as well as other labor categories shall be regulated through a separate legal instrument.

Article 7:

The workers shall be entitled to wages on the basis of the quality and quantity of their work with due regard to their defined grades, positions and steps.

Article 8:

- (1) Equal right to work shall be ensured for the citizens of the Islamic Emirate of Afghanistan in accordance with the Islamic principles and the provisions of the labor law.
- (2) Under the employment conditions the right of priority shall be granted in accordance with clause (1) of the present article to the citizens with capability, competence, higher and vocational education and specialization.
- (3) Workers shall be paid equal wages for the similar labor.

Article 9:

Selection of vocation and the type of occupation shall be free. Workers of the Islamic Emirate of Afghanistan shall be assigned the work in view of requirements of the society and according to their field of education, working capability and occupational preparedness.

Article 10:

Forced labor shall not be allowed. The labor shall be deemed forced when an individual is forced to work through intimidation or through other means contrary to his volition. And the labor which a person is obliged to perform legally shall not be deemed forced labor.

Article 11:

In accordance with legal instruments the workers shall be entitled to the following rights:

- (1) The right to rest and leave.
- (2) The right to health and safety.
- (3) The right to free vocational training.
- (4) The right to skill-based promotion.
- (5) The right to participate in the leadership, supervision and production affairs.
- (6) The right to social securities.

Article 12:

The Islamic Emirate of Afghanistan shall abide by the international conventions which have been ratified by Afghanistan in accordance with Islamic principles and potentiality of the country.

CHAPTER 2 EMPLOYMENT AND LABOR CONTRACT

Article 13:

The employment conditions in an establishment shall be as follows:

- (1) Qualification, competence and citizenship of the Islamic Emirate of Afghanistan.
- (2) Completion of 18 years of age for employees and contractual workers in the field of light industries.
- (3) Completion of 15 years of age for the employees and contractual workers in the field of light industries.
- (4) Completion of 14 years of age for apprentices.
- (5) Completion of health certificate through health centers.
- (6) Obtaining of introductory letter from the Department of Labor & Social Affairs which shall have the status of work permit.
- (7) Completion of national army service or submission of exemption or respite certificate in case of becoming of age to be drafted and summoned for national army service.
- (8) Submission of financial guarantee by those workers who are employed as custodians of cash or kind.
- (9) Calculation and determination of the employment age shall take place regardless of months and days according to the year of birth as recorded in the identity card at the time of employment and shall be recorded in the personal file of the worker. Changes brought in the age as recorded in the personal file of the workers after employment shall not be valid.

Article 14:

Foreign citizens who are employed on the basis of international contracts and agreements shall not be subject to the provisions of article (13) of the present law.

Article 15:

Under special circumstances an adolescent who has completed 14 years of age can be employed as a contractual worker, and an adolescent who has completed 13 years of age can be employed as apprentice with the agreement of his legal representative. An adolescent who is employed as a contractual worker in accordance with the provision of this article shall not be assigned a permanent job. The establishment shall be obligated to train him on a specific vocation.

Article 16:

- (1) Workers rather than employees shall be employed on the basis of a labor contract.
- (2) The contract of labor and apprenticeship shall be concluded in writing according to the contract form prepared by the General Department of Labor & Social Affairs.
- (3) The contract of labor and apprenticeship shall be prepared in two copies and shall be valid when signed by the parties.
- (4) The daily wage contract shall not require a written contract.

Article 17:

- (1) An establishment shall not unjustifiably avoid employing a worker.
- (2) Avoiding employing a worker unjustifiably shall be prohibited.

Article 18:

- (1) The contract shall be concluded in the following forms:
 - 1- For a period of time not less than one year.
 - 2- For an uncertain period of time.
 - 3- For a definite or seasonal work.
- (2) Working conditions of daily-wage workers and of workers who work for less than a day shall be regulated by a separate regulation.

Article 19:

- (1) At the time of concluding the work contract, probationary period for the contractual workers shall be a precondition, which shall not exceed a period of two weeks.
- (2) The period of absence resulting from temporary incapability to work, temporary suspension of work, production, or from other justifiable factors shall not be calculated in the probationary period.
- (3) Rights and functions of the parties during the probationary period shall be subject to the provisions of the legal instruments of the Islamic Emirate of Afghanistan.

Article 20:

The probationary period shall not be defined in respect of the following persons:

- (1) Apprentices and those who have not completed 15 years of age.
- (2) Graduates of higher, secondary, professional, technical and vocational educational institutions.
- (3) Workers who are transferred to other organizations.
- (4) Temporarily or permanently handicapped persons.

Article 21:

Where the work contract is not abolished until the end of the probationary period, the contract shall continue in accordance with the terms and conditions stipulated therein.

Article 22:

The work contracts can be extended or renewed, as the case may be, with the agreement of the parties. Where the contract period is expired, but work relations persist for one month like before, and where no party has asked for the annulment thereof within the above period, the contract shall be deemed extended for the previous period. The work contract for an uncertain period of time shall be an exception to this provision.

Article 23:

An establishment, without the consent of the contracting party, and with the exception of instances stipulated in the present law, cannot ask him to perform the work stipulated in the contract.

Article 24:

In case of temporary suspension of work, or stoppage of work resulting from *force majeure*, the establishment can temporarily assign the worker to other work within the same or another establishment in view of his field of specialization.

Article 25:

(1) Basic grounds for the annulment of the contract include:

- 1- Agreement of the parties.
- 2- Expiry of the contract with the exception of instances prescribed under article (22) of the present law.
- 3- When summoned and drafted for national army service.
- 4- Decision by one of the parties within the bounds of the present law.
- 5- Transfer to another establishment.
- 6- Penal conviction hampering continuation of work.
- 7- Retirement.
- 8- Demise.
- 9- Dissolution of the establishment.

(2) An apprenticeship contract can be annulled in the following instances:

- 1- In instances stipulated under paragraph (1) of the present article with the exception of subparagraphs (3 and 7) thereof.
- 2- When decided by the establishment.
- (3) Refusal by the contractual worker to re-perform the work formerly assigned to him.

Article 26:

(1) An establishment can annul the labor contract in the following instances:

- 1- Dissolution of the establishment, reduction in the numbers of workers, or a prolonged suspension of work.
- 2- Explicit and repeated violation of work and production discipline.
- 3- Avoiding of work performance by the contractual worker previously assigned to him.
- (4) Annulment of the labor contract in accordance with subparagraphs (1-3) of paragraph (1) of the present article shall be permissible when assignment of a similar work to the concerned worker in the same establishment is not possible.

Article 27:

Where the work contract is annulled for reasons given under subparagraphs (1, 2 and 3) of paragraph (1) of article (26), the establishment shall be obligated to communicate the issue in writing to the concerned worker within one month.

Article 28:

(1) The worker can annul the labor contract with undefined period of time by a one month written notification in advance.

(2) The worker can annul the labor contract without prior notification in the following circumstances:

1- In the event of violation of the labor contract, as well as of the provisions of the present law on the part of the establishment.

2- In case of prolonged sickness, infirmity or other justifiable excuses.

Article 29:

(1) The establishment, in cooperation with the General Department of Labor & Social Affairs, shall be obligated to adopt measures to find employment for those workers who are dismissed from work for reasons given under subparagraphs (1, 2 and 3) of article (26) of the present law.

(2) The establishment shall require the workers referred to in paragraph (1) of the present article to perform their work in accordance with their vocation and craft and shall provide them with food or with the cash equivalent thereof.

Article 30:

Annulment of the labor contract under circumstances stipulated in this law cannot be an obstruction for the payment of retirement benefits and other work allowances of the workers as recorded in the legal documents.

Article 31:

The labor contract cannot be annulled during official vacations or during assignment of other service unless the establishment is dissolved in its entirety.

Article 32:

(1) The General Department of Labor & Social Affairs shall employ workers with partial infirmity.

(2) The establishment shall be obligated to employ partly incapacitated workers who are introduced in accordance with paragraph (1) of the present article, taking into consideration their working potential, vocational expertise and skill.

(3) The establishment can conclude contract for daily work, less-than-a-week work, or on the basis of work output, or for the work performed outside the establishment with retired, partially incapacitated and other persons.

(4) Conditions for concluding the labor contract, conditions of work and payment of wages in cases stipulated under paragraph (3) of the present article shall be regulated through a separate regulation.

Article 33:

When requested by the worker, the establishment shall be obligated to certify the place of work, expertise, function, type of work, duration of work as well as the defined wages of the worker.

CHAPTER 3 VOCATIONAL TRAINING, SKILL AND APPRENTICESHIP DEVELOPMENT

Article 34:

The establishment shall adopt necessary measures in order to provide on-the-job vocational training to unskilled and semi-skilled contractual workers, as well as to train them on a new vocation and to improve their skills.

Article 35:

(1) The apprenticeship duration shall not exceed one year.

(2) Duration of apprenticeship, as well as theoretical and practical training hours for an apprentice inside or outside of the working place shall be determined by the relevant institutions taking into account the type of craft and vocation.

(3) Where an apprentice has not attained the age qualifying him for employment, he shall be paid for apprenticeship until he becomes of legal age.

Article 36:

(1) The establishment shall arrange and carry out on-the-job training programs individually, collectively or in all other forms, in respect of workers and adolescents in particular, for the improvement of their vocational standards and acquisition of vocational skills.

(2) Theoretical and practical training program shall be carried out during official working hours with payment of wages for the same working hours.

(3) Model programs, training conditions, and conditions necessary for the improvement of standards of expertise and skills of cadres shall be regulated by the relevant sources.

Article 37:

The establishment shall introduce an outstanding worker to higher, vocational and technical educational institutions on the basis of relevant legal documents.

Article 38:

The establishment shall be obligated to provide necessary conditions for the workers who are pursuing their studies in educational institutions concurrently with their work to carry

out their work concurrently with education, and shall grant them the right to enjoy their leave and fringe benefits as stipulated in this law during their work in practical assessment and analysis institutions, or during the course of their final or proficiency exams.

Article 39:

(1) Overall duration of the training period of workers in higher, technical and vocational educational institutions, seminaries, secondary vocational and technical schools, and in all other educational institutions shall be calculated in their period of work provided they successfully complete these courses.

(2) Rights and functions of skilled contractual workers graduating from intermediate vocational and technical schools shall be regulated by a regulation.

Article 40:

(1) The establishment shall, on the basis of agreement of the parties, provide the ground for the teachers of vocational and technical schools, intermediate vocational and technical institutions, as well as for the students of higher educational institutions to complete their practical courses and improve their vocational skills.

(2) Completion of practical training courses by the teachers of higher and intermediate technical and vocational institutions shall be regulated by the relevant regulation.

(3) State (Emirate) ministries and institutions, as well as higher and intermediate technical and vocational educational institutions shall be obligated to arrange and regulate separate procedures taking into account their work characteristics on the basis of the provisions of the regulation stipulated under paragraph (2) of the present article.

**CHAPTER 4
HOURS OF WORK**

Article 41:

(1) The average hours of ordinary work during a year shall not exceed 40 hours a week.

(2) Hours of work on Thursdays shall not exceed 5 hours.

(3) Annual balance of hours of work calculation, total estimation of the used hours of work, regulating start and end of hours of work, defining timetable and shifts, as well as other issues related to the nature of work shall be arranged and fixed as recommended by the General Department of Labor & Social Affairs and approved by the Council of Ministers of the Islamic Emirate of Afghanistan.

Article 42:

(1) The hours of work during the week for the workers shall be limited as follows:

1- For the adolescents who have completed 15 years of age and are still under 18, the hours of work shall be 35 in the week.

2- For the workers who perform underground and hazardous work, the hours of work shall be 35 in the week.

3- For the adolescents who have not completed 15 years of age, the hours of work shall be 30 in the week.

(2) The hours of work for health workers and the like requiring reduction in the hours of work shall be regulated by legal instruments.

(3) Works which are injurious to health and which require reduction in the hours of work shall be regulated by the Ministry of Public Health and the General Department of Labor & Social Affairs.

Article 43:

(1) The hours of work during a night shift shall be one hour less. For this purpose, the night shift shall be 11 consecutive hours, i.e., from 8:00 P.M. to 7:00 A.M., which shall be regulated by internal labor disciplinary rules of the establishment.

(2) The provisions of paragraph (1) of the present article shall apply under the following circumstances:

- 1- Where reduction in the hours of work has been foreseen for the workers in accordance with the provision of paragraph (1) of article (42) of the present law.
- 2- Where in view of conditions of work and production (uninterrupted production, and the works performed in shifts in accordance with the time-table) reduction in the hours of work shall be impossible.

Article 44:

(1) The beginning and the end of shift work shall be defined shift-wise through by-laws of the establishment.

(2) In case of multiple shifts, the workers shall be changed shift-wise during each week in accordance with the time-table.

(3) To assign a worker to work in two continuous shifts shall not be authorized.

Article 45:

(1) The hours wasted resulting from suspension of work due to factors stipulated under article (47) of this law during one month at maximum regardless of the period of suspension of work can be made for.

(2) The hours of work under circumstances stipulated under paragraph (1) of this article shall not exceed 10 hours a day and 50 hours a week, including normal hours of work.

Article 46:

(1) The work performed beyond normal hours of work shall be calculated overtime, and shall be authorized, when required, with the agreement of the relevant establishment under the following circumstances:

- 1- Works which cannot be postponed and which are necessary for the defense of the country.
- 2- Works which are performed in order to prevent untoward natural, production and social disasters, and to remove the consequences thereof.
- 3- Works performed in connection with repair and rehabilitation of the plants the non-functioning of which causes suspension of work of a considerable number of workers.
- 4- Works performed in order to prevent *force majeure* occurrences resulting in disruption of social services, such as provision of hot water, electrification, sewage canalization, transportation, telecommunications and the like.
- 5- Performing works which have started earlier and the discontinuation of which results in material loss.
- 6- Works which cannot be postponed in the absence of the worker of the subsequent shift. Under such circumstance the establishment shall be obligated to adopt prompt measures for replacement of the absent worker.
- 7- Works performed to off-set the suspended works as stipulated under article (74) of the present law.
- 8- Other works required by the establishment and approved by the Minister or by the Council of Ministers.
- 9- Conditions of overtime and the nature and limit of overtime hours shall be defined by a regulation taking into account characteristics of the work.

Payment for the overtime shall be approved by grade I officers in the center and provinces.

Article 47:

(1) In view of seasons of the year and the holy month of Ramadan, the hours of daily or weekly work of the Management shall be reduced provided that the hours of work during a year do not exceed the number of hours prescribed in articles (41 & 42) of the present law.

(2) Where the operations of an establishment require uninterrupted work, and where the production conditions render impossible the compliance with the defined hours of work

in the week, the total calculation of hours of work (monthly, quarterly and biannual) shall be done by the relevant management provided that the hours of work during the defined period of time do not exceed ordinary number of the fixed hours of work.

CHAPTER 5 RIGHT TO REST AND VACATION

Article 48:

The workers shall be entitled to paid or unpaid break and leave as follows:

- 1- Break for prayers and meals.
- 2- Public holidays at the end of the week.
- 3- Eid and other public holidays.
- 4- Annual leave for recreation.
- 5- Sick leave
- 6- Emergency leave
- 7- Leave for marriage
- 8- Leave for performing the Hajj pilgrimage.
- 9- Leave without pay.

Article 49:

The break for prayers and meals not exceeding one hour shall not be included in the hours of work.

Article 50:

(1) Public paid holidays comprise:

- 1- Public Eid holidays
- 2- 19 August, Independence Day
- 3- 22 April, the Prophet's Birthday
- 4- 10th of Muharram (February 8), Ashura

5- Other religious holidays announced by the Supreme Court of the Islamic Emirate of Afghanistan.

Article 51:

Stoppage of work shall take place during public holidays. The following cases shall be an exception to this rule:

- 1- Work in a non-stop establishment
- 2- Works related to public services
- 3- Urgent repair works, loading and unloading merchandize, works to avoid untoward occurrences, and works to remove the aftermaths of natural disasters

Article 52:

Leave days in non-stop establishment shall be regulated on the basis of work time-table of each batch approved by the head of the establishment.

Article 53:

The Head of an establishment where the work cannot be stopped on account of ensuring public requirements, may grant leave to a worker on any day of the week with due regard to the shift.

Article 54:

- (1) A worker shall be entitled to (20) days annual leave with pay.
- (2) Teachers shall use public holidays of educational institutions.
- (3) A worker under (18) years of age shall be entitled to (30) days annual leave with pay.

(4) Annual leave with pay of a worker can be in excess of (20) days on account of heavy or hazardous underground work provided the total annual leave does not exceed 30 days.

(5) During the work period a worker shall be entitled to (10) days leave with pay for marriage.

(6) The conditions for annual leave in excess of (20) days shall be regulated by legal instruments.

Article 55:

(1) The worker shall use the annual leave on the basis of alternation defined by the management.

(2) In case a worker may not be able to use his annual leave on account of the requirement of the management, his annual leave shall be carried over to the proceeding year with the agreement of the parties.

Article 56:

A newly employed worker shall be entitled to his first annual leave for his first year of employment when he has worked for (11) consecutive months with the relevant establishment. Under exceptional circumstances workers under 18 years of age and other workers can be granted annual leave in proportion of the period of work prior to expiration of 11 months in accordance with the relevant legal instruments.

Article 57:

Concurrent to the request by the worker, wages for the annual leave shall be paid in advance.

Article 58:

(1) The worker shall be annually entitled to 10 days urgent leave with pay.

(2) Urgent leave not exceeding 3 days shall be granted upon notification and more than that shall be granted upon a written request by the worker.

Article 59:

(1) The worker shall be annually entitled to (20) days sick leave with pay.

(2) 3 days of sick leave shall be granted to a worker on the basis of his written notification.

(3) Where the sick leave of the worker exceeded 3 consecutive days, he shall be required to submit certification of sickness. The sickness shall be certified by the doctor of the health institution, and in a place where there is no health center or doctor, the sickness certified by the residents and the Imam of the mosque shall only be valid for a period of one month.

Article 60:

(1) Where sickness of the worker exceeded the period provided for in article (59) of the present law, he can be granted additional leave with pay upon certification by competent departments of the Ministry of Public Health.

(2) The conditions and method of granting additional sick leave laid down in Paragraph (1) of this article shall be regulated by the Ministry of Public Health with the agreement of the General Department of Labor & Social Affairs in accordance with the regulations.

Article 61:

(1) During the entire period of work, the worker shall only be entitled to (45) days of paid

leave for embarking upon Hajj Pilgrimage.

(2) Leave in excess of (45) days of paid leave shall be calculated against the annual and urgent leave of the worker.

(3) Certification by the Chief of Passport Department shall be a prerequisite to use Hajj leave.

Article 62:

Annual sick and urgent leave of the newly employed worker shall be granted and calculated as follows:

1- Where the worker is employed during the first half of the calendar year he shall be entitled to 50 per cent of the leave prescribed in the present article.

2- Where the worker is employed during the second half of the calendar year he shall be entitled to 50 per cent of leave prescribed in the present article.

3- Where the working period of a worker is less than one year, and the duration of his sickness is in excess of the period prescribed in article (59) of the present law, his additional sickness shall, on the basis of certification by health institutions, be calculated in favour of his promotion step and retirement, but shall not be entitled to salary and other rights.

Article 63:

Where a worker, on account of justifiable reasons, needed unpaid leave, he can be granted such unpaid leave not exceeding one to six months with the agreement of the management chief and approval of the leave granting officer.

During such period the post of the worker shall be reserved, and in case the worker did not report on duty at the end of such unpaid leave, he shall not be subject to consequences

culminating in resignation, and the management may employ another worker in his stead.

Article 64:

(1) Leave with pay shall be calculated in the working period of the worker.

(2) Leave without pay of the worker shall be calculated in his working period.

**CHAPTER 6
WAGES**

Article 65:

(1) Wages shall be paid to the worker according to the quantity and quality of the work with due regard to grade, position or vocation during the apprenticeship period, as well as to other stipulations in accordance with the provisions of the legal instruments.

(2) No discrimination shall be authorized in matters relating to payment of the wages.

(3) Types and forms of payment of salary and wages to the worker shall be regulated by the General Department of Labor & Social Affairs through a separate legal instrument with due regard to the nature of the work.

(4) Monetary allowance in respect of academic degree and other allowances of scientific, research and professional cadres shall constitute part of their salary.

Article 66:

(1) The worker shall, during his daily work, as well as during paid holidays, be entitled to cooked meal or to cash equivalent thereof at the market rate throughout the year.

Article 67:

(1) Monthly wages which may ensure livelihood of a 5-member family in various parts of the country shall be deemed as minimum wages.

(2) Minimum rate of wages shall be fixed based on the view of the Supreme Council of Labor, recommendation of the General Department of Labor & Social Affairs, confirmation by the Council of Minister and approval by the Head of the Islamic Emirate of Afghanistan.

(3) In view of economic conditions and living standards minimum salary and wages shall be annually fixed according the daily market rate. Until new minimum rates of wages are fixed, the previously fixed rate of wages shall be valid.

Article 68:

(1) The amount and terms of payment of wages of different categories of workers shall be determined with due regard to the provisions provided for in article (65) of this law as follows:

1- For workers of the Emirate establishment and those joint establishments in which the capital share of the Emirate is more than (50) percent shall be determined by the Supreme Council of Labor in accordance with the fixed index.

2- For workers of private enterprises and those joint establishments in which the capital share of the Emirate is less than (50) percent shall be determined by the concerned institutions with the agreement of the Supreme Council of Labor.

(2) The amount of wages of workers mentioned under subparagraph (2) of paragraph (1) of this article, inter alia, by classes of wage earners shall not be less than the minimum rates of wages fixed by the Emirate for the Emirate workers.

Article 69:

(1) A newly employed worker shall be entitled to wages beginning with the date on which his employment is approved.

(2) Workers shall be paid their wages according to their monthly and weekly time of work (time rates of wages), or according to the work performed, or on the basis of manufactured products (labor rates of wages).

(3) As circumstances may require, the Management, in order to provide material incentives to the workers, to enhance productivity, as well as to improve quality of products shall, in accordance with relevant regulations and with the agreement of the Supreme Council of Labor, regulate payment of wages, develop payment methodologies of wages and shall provide 'time rates of wages' and 'labor rates of wages' incentives to workers in accordance with model rules adopted by the General Department of Labor & Social Affairs with the agreement of the Ministry of Finance.

Article 70:

(1) Additions to wages shall be added to the principal wages under following circumstances:

1- Work in places with unfavorable natural, climatic and difficult socio-economic conditions.

2- Work in underground sites with heavy and injurious to health conditions.

3- Other circumstances as are anticipated by legal instruments.

(2) Conditions and limits of additions to wages provided for in paragraph (1) of the present article, as well as nature of inclusion of additions in overtime wages shall be regulated through specific legal instruments.

Article 71:

(1) Remuneration for one hour overtime according to position shall be calculated on the basis of monthly remuneration for ordinary hours of work and shall be paid 25 percent in excess of wages for ordinary hours of work.

(2) A worker who works on several machines or perform several jobs in the same establishment shall be entitled to more wages in accordance with relevant legal instruments.

Article 72:

Wages for work on public holidays shall be two times of the wages for ordinary hours of work in compliance with conditions laid down in article (71) of this law.

Article 73:

Wages for night work shall be more than the ordinary wages. The amount of wages and conditions for night work shall be regulated through a special legal instrument.

Article 74:

Where a break occurs in production resulting from untoward occurrence or *force majeure*, technical problems or unfavorable climatic conditions, the workers shall be remunerated as follows:

1- In case of work stoppage for a period of two months, full wages.

2- In case of work stoppage for a period from two to four months, 50 per cent of full wages.

3- After expiration of four months, the workers shall be subject the provisions laid down in articles (27 and 30) of this law. Seasonal and daily-wage workers shall be an exception to this rule.

Article 75:

Wages shall be paid at the workplace within the specified time in the same month to the worker or to the person introduced by the worker in writing.

Article 76:

Deductions from wages shall not be authorized unless otherwise provided for in the law.

Article 77:

Deductions from the monthly remunerations of the workers shall not be made in excess of 20 percent unless otherwise provided for in the law.

Article 78:

The worker shall be entitled to travel allowance during his service-related travels, transfer, summon or assignment to another place in accordance with the standards regulated by legal instrument.

**CHAPTER 7
STANDARDS AND RULES RELATING TO WORK STANDARDS**

Article 79:

(1) The head of the establishment shall define and generalize standards and rules pertaining to work standards for the entire categories of workers in the field of national economy in accordance with basic standardization guidelines defined by the General Department of Labor & Social Affairs in cooperation with the Supreme Council of Labor and shall periodically evaluate and modify these standards consistent with the development of scientific and technological achievements, technical know-how, work-

related principles, skill improvement and work experience.

(2) Calculation of work remuneration and cost or appropriate planning of production tasks and increase in work output shall be carried out on the basis of standards and rules relating to the standards set forth in paragraph (1) of this article.

(3) Singular or model work standards can be defined in connection with similar and identical works in various fields of national economy.

Article 80:

(1) Revision and evaluation of standards and rules in relation to the existing standards, and application of new standards shall be carried out by the head of the establishment in accordance with the standards and rules pertaining to model standards, which are approved with the agreement of the General Department of Labor & Social Affairs.

(2) The establishment shall be obligated to inform workers one month in advance at minimum of the application of new work standards.

Article 81:

In case of dispute between the establishment and the worker in defining the work standards and rules, the issue shall be settled by the following sources:

1- In Emirate and joint establishments with more than (50) percent Emirate share, by senior officials with the involvement of the General Department of Labor & Social Affairs.

2- In private and joint establishments with less than (50) percent Emirate share, by the Supreme Council of Work and the Economic Advisory Council.

CHAPTER 8 WORK DISCIPLINE

Article 82:

The workers shall be required to observe the following issues:

- 1- By-laws of the establishment;
- 2- Honest and fruitful work;
- 3- Work discipline;
- 4- Quality improvement of production;
- 5- Production discipline;
- 6- Work safety net;
- 7- Practical safety methods;
- 8- Working environment hygiene
- 9- Protection and consolidation of property and assets of the establishment and their rational and economical use.
- 10- Improvement of vocational skills and application of standards defined by the Emirate authorities.
- 11- Protection of vocational secrets concerning production and establishment, and avoiding of their use for personal purposes.
- 12- Appropriate behavior with due observance of Islamic ethics.
- 13- Avoiding of creating disturbance to the workers in the field of labor and production.

Article 83:

Work discipline shall be ensured in the establishment through the following methods:

- 1- Creation of conscious work relations and behavior among the workers;
- 2- Methods of understanding and satisfaction.
- 3- Encouragement of the workers towards sincere work.
- 4- Application of punitive measures, if necessary.

Article 84:

The head of the establishment shall have the following obligations in relation to work improvement:

- 1- Organize the work in a sound manner.
- 2- Create conditions conducive to improvement of output level.
- 3- Ensure compliance with labor and production discipline.
- 4- Strict observance of the Islamic provisions and that of the present law.
- 5- Define methods of work protection and safety.
- 6- Address demands and requirements of the workers appropriately.

Article 85:

(1) The manner of organizing work of the establishment shall be defined through internal labor by-laws prepared by the establishment with the agreement of the Supreme Council of Labor.

(2) Internal labor by-laws of the establishment shall be arranged on the basis of field regulations of the relevant ministries and organizations in accordance with model rules approved by the General Department of Labor & Social Services and the Supreme Council of Labor.

(3) The head of the establishment shall acquaint the workers with the labor by-laws and the workers shall be obligated to abide thereby.

Article 86:

(1) For good work performance, increase in the output, improvement in the quality of products, economical use of materials, initiative and renovation in work competitions, a worker shall be motivated as follows:

- 1- Letter of commendation
- 2- Letter of appreciation
- 3- Material reward

(2) Other types of motivation shall be foreseen in the by-laws of the establishment.

Article 87:

The manner of motivation and admonition of the workers shall be regulated by legal instruments.

Article 88:

The worker shall be admonished for violation of work discipline as follows:

- 1- Advice or counsel
- 2- Notice
- 3- Salary deduction
- 4- Annulment of the contract

Article 89:

(1) Where the worker did not report on work without a justifiable excuse or did not inform the establishment in writing within three days, he shall be deemed absent.

(2) Where the worker referred to in paragraph (1) of this article communicated his excuse to the establishment within (20) days, and the establishment is satisfied that lack of notification on the part of the worker is based on justifiable reasons, his absence shall be calculated as a legal leave.

(3) Where the worker is absent for 10 successive days without a justifiable excuse, his absence shall be recorded in his personal file and shall not be included in his period of work.

(4) Where the worker abandoned his work after reporting on duty without written notification, his one day remuneration shall be deducted for each day of absence from work.

(5) Absence at the end of legal leave of the worker shall also be subject to the provision of paragraph (1) of this article.

(6) Where in exceptional circumstances the worker may not be in a position to notify the establishment in accordance with the provision of paragraph (2) of this article, his notification certified by the local state institutions and by the governor of the relevant province, and if outside the country, by the diplomatic representation of the Islamic Emirate of Afghanistan and the Ministry of Foreign Affairs shall be deemed valid, and shall be calculated against his legal leave.

(7) Annulment of contract of the worker by way of admonition shall only be authorized in the following cases:

1- Continued absence for (20) days without justifiable reasons.

2- Repeated violation on the part of the worker after being given three successive warnings during a period of six months.

Article 90:

The establishment, while taking disciplinary action, shall take into account the intensity of violation, circumstances of violation, particulars of the violation, as well as the work and behavior background of the worker.

Article 91:

(1) Disciplinary action shall be taken against the worker after being accused and after disclosure of violation and perpetration thereof.

(2) Prior to carrying out punitive measures the violator shall be asked to provide explanations. If the explanations by the worker were found to be justified and convincing by the establishment, the punitive measure against him shall be avoided.

(3) In case of violation of work discipline, a single disciplinary action can be taken, which shall be issued in writing and after being recorded shall officially be communicated to the violator, and in case of repeated violation on the part of the worker the establishment shall take necessary decision.

Article 92:

Where the worker deemed the punitive measures unjustified, or where the establishment did not give effect to explanations provided by him, the worker may lodge a complaint with the labor dispute settlement committee.

Article 93:

(1) Where the worker is accused in connection with his work or on account of crime against public security and interests, his salary and allowances shall be withheld during the course of his being under custody, detention, investigation and trial.

(2) Where at the end of custody and investigation the prosecutor issued non-prosecution writ in respect of the accused, or deemed him to deserve the punitive retribution, or the accused is absolved at the end of hearing by the court, his salary and other allowances during the period of his detention and trial shall be paid.

(3) Written motivation and retribution provided for in this law, with the exception of advice and counsel, shall be recorded in the personal file of the worker.

**CHAPTER 9
OBLIGATIONS OF THE WORKER VIS-À-VIS ASSETS OF THE
ESTABLISHMENT**

Article 94:

(1) The worker shall be obligated to deal with the assets of the establishment with a sense of responsibility and shall take utmost care to prevent damage thereto.

(2) The head of the establishment shall be obligated to ensure normal working conditions for the workers and shall ensure protection of assets under their charge.

Article 95:

The worker shall only be liable for the damage to the establishment provided it has resulted from his fault.

Article 96:

The worker shall be liable, partially or totally, as the case may be, for the damage to the establishment caused by him.

Article 97:

The worker shall not be liable for the damage incidental to normal flow of work.

Article 98:

Where damage to the establishment is caused due to fault on the part of more than one worker, the amount of compensation shall be fixed individually and in proportion to the type and bounds of their respective obligations.

Article 99:

Types and limits of the worker's obligations, damage sustained by the establishment, and the manner of fixing compensation thereof shall be regulated by the relevant legal instruments.

**CHAPTER 10
ENSURING HEALTH AND SAFETY CONDITIONS**

Article 100:

The establishment shall be obligated to ensure health and safety conditions of labor, application of safety methods for the prevention of occupational accidents, as well as to ensure hygiene for the prevention of occupational diseases.

Article 101:

(1) When drawing building maps, setting up production plants, installing technical equipment and processes, technical standards and hygiene providing safety net to the workers against detrimental working conditions shall be complied with.

(2) Production plants, other buildings on the worksite, as well as residential quarters of workers shall be constructed in accordance with the appropriate standards of hygiene.

Article 102:

(1) The rule concerning major standards of protection at work and practical safety methods shall be drafted by the General Department of Labor & Social Affairs.

(2) The rules pertaining to protection at work and practical safety methods in the fields of national economy laid down by the establishment on the basis of the provision provided for in paragraph (1) of this article shall be approved after the agreement of the Supreme Council of Labor.

(3) Health standards and rules of production hygiene in the various fields of national economy shall be drafted and regulated by the Ministry of Public Health with the agreement of the General Department of Labor & Social Affairs.

Article 103:

The establishment shall be obligated to teach the rules of practical safety methods, production environment hygiene, firefighting and other rules of protection at work to workers on regular basis.

Article 104:

The workers shall be obligated to observe the rules pertaining to standards of protection at work, practical safety methods, rules pertaining to use of apparatuses and the provisions on protection at work, and shall use personal protective equipment.

Article 105:

(1) In works with risk of injury to health, special temperature and humidity, or under conditions of contamination the workers shall be provided free of charge with protective clothing, shoes, masks, and other protective, alimentary, preventive and curative appliances.

(2) Ensuring maintenance and cleaning, disinfection and drying, repair and maintenance of protective clothing and other protective equipment shall be the responsibility of the establishment.

Article 106:

(1) In order to ascertain fitness for work and to prevent occupational diseases, workers engaged on heavy work entailing health risks, as well as on other works relating to driving transportation means shall periodically undergo a medical examination.

(2) In order to ensure health and physical wellbeing of the people in general, workers employed in foodstuff industries, public places, restaurants, marketplace, water supply establishments, preventive and curative institutions, children's institutions and other relevant public health institutions shall be required to undergo medical examination provided for in paragraph (1) of this article.

(3) The conditions and method of workers medical examination shall be regulated by a

separate legislative act through the Ministry of Public Health with the cooperation of the General Department of Labor & Social Services.

Article 107:

In case of occurrence of untoward accidents and unpredictable sickness on worksite, the establishment shall be obligated to ensure first-aid medical facilities to the worker, and if necessary, shall refer him to medical centers for treatment.

Article 108:

The establishment, in order to ensure medical examinations and first-aid medical facilities to the workers and their respective family members shall, taking into consideration the number of workers, create first-aid medical room, mobile drug store, health unit or health center.

Article 109:

(1) Where the health conditions of the worker required that he should be assigned light work, the establishment shall assign him light work temporarily or permanently after submission of medical certificates by the worker.

(2) Remuneration of the worker referred to in paragraph (1) of this article shall be paid on the basis of his grade and position.

Article 110:

The establishment shall be obligated to ensure working conditions for the handicaps in accordance with medical certificates.

Article 111:

(1) The establishment shall be obligated to thoroughly investigate and evaluate untoward accidents taking place in the course of work and production, and shall keep and analyze comprehensive statistics of such accidents

(2) The head of the establishment, upon the request of the worker, shall provide the injured worker with the certified copy of the prima facie evidence of the accident within three days after the completion of investigation and assessment.

Article 112:

In case the establishment refused to prepare prima facie report, or in case the injured worker did not agree to the prima facie report concerning the untoward accident, the worker may lodge complaint with the Administrative Council of the General Department of Labor & Social Affairs. Whereupon the above mentioned Council shall take decision concerning preparation of the prima facie report.

Article 113:

(1) The establishment shall be obligated to compensate for infirmity or injury resulting from work.

(2) The establishment shall be obligated to pay one percent of the monthly remuneration of the worker from the amount allocated for compensation of losses in connection with work or injury resulting from work, which shall be transferred from the budget of the establishment into the relevant account of the General Department of Labor & Social Affairs.

(3) A list of occupational diseases shall be prepared and defined by the Ministry of Public Health in collaboration with the General Department of Labor & Social Affairs and in cooperation of the relevant departments.

(4) The method of defining the amount, arranging for compensation of loss, infirmity and injury in relation to work shall be regulated by legislative act.

CHAPTER 11

WORK-RELATED DISPUTES

Article 114:

Where disputes in relation to work, which are not settled by the relevant establishment shall be settled by the following sources:

- 1- By the labor disputes settlement commission;
- 2- By the Administrative Council of the General Department of Labor & Social Affairs;
- 3- By a competent court.

Article 115:

Composition of the dispute settlement commission, the method and duration of addressing the disputes through the aforementioned commission shall be regulated in accordance with this law and the relevant provision.

Article 116:

The work-related disputes settlement commission, with the exception of disputes which according to the law are to be adjudicated by the law court, shall be the competent source for the preliminary investigation of disputes arising from the work.

Article 117:

The decision of the dispute settlement commission shall be taken with the agreement of the parties and shall be binding.

Article 118:

The Administrative Council of the General Department of Labor & Social Affairs shall investigate work-related disputes under the following circumstances:

1- Where settlement of dispute does not satisfy the parties, the issue shall be referred to the Administrative Council of the General Department of Labor & Social Affairs for settlement.

2- Where one of the parties has lodged a written complaint concerning unsoundness of the decision.

Article 119:

In case the decision of the Administrative Council of the General Department of Labor & Social Affairs is objected to by the parties, the issue shall be referred to a competent court through submission of a written request.

Article 120:

Whenever a worker is illegally separated from work and later on is admitted at previous work in view of the decision by the dispute settlement commission or the General Department of Labor & Social Affairs, or in view of a court decision, he shall be paid for the period of his forceful separation from work.

Article 121:

The establishment shall be obligated to carry out the decision of the dispute settlement commission within 10 days.

Article 122:

(1) Dispute settlement sources referred to in article (114) of this law shall be obligated to issue their final decision within three months at maximum.

(2) Payable remuneration referred to in article (120) of this law shall not exceed three-month remuneration.

CHAPTER 12 SOCIAL SECURITY

Article 123:

(1) Social security shall be provided through financial contribution of the establishment and workers of the Islamic Emirate of Afghanistan.

(2) The scale of workers' social security shall increase in proportion to the growth of national economy.

Article 124:

(1) Financial assistance (funeral expenses) to the family of the deceased worker for the purposes of his obsequies equivalent to six month remuneration and allowances on the basis of his last grade and position.

(2) Assistance for medical treatment of the worker inside the country during his sickness shall be granted in accordance with the rule laid down by the Ministry of Public Health and the General Department of Labor & Social Affairs.

(3) Equality of treatment in the allotment of land, residential quarters and apartments in accordance with the rules and regulations of the Islamic Emirate of Afghanistan.

(4) Financial assistance to the worker at the time of his retirement equivalent to his 10-month remunerations and allowances on the basis of his last grade and position.

(5) The establishment shall be obligated to provide foodstuff and consumable items, or the pecuniary difference thereof to the worker.

(6) The family members of the worker undergoing his compulsory national service shall be entitled to the privilege prescribed in paragraph (5) of this article, as well as to medical facilities.

(7) The establishment shall be obligated to provide transportation services to the workers. In case such services are not provided, the establishment may provide transportation costs to the workers in accordance with the prevailing rates.

CHAPTER 13 RETIREMENT

Article 125:

(1) A worker shall be granted retirement after completing 65 years of age. In case of a dire need on the part of the establishment, the period of work of the worker shall be extended for 10 years with the agreement of the worker. The extended period of work shall cover the entire remunerations and obligations of the worker.

(2) The establishment shall propose and obtain approval for the extension of the working period of the worker referred to in paragraph (1) of this article prior to his retirement.

(3) The age of a person at the time of employment shall be defined on the basis of his identity card. In case of difference of age as recorded in the identity card and that recorded in the personal biographical data file, the age recorded in the personal biographical data file shall prevail.

(4) Reemployment of the worker being retired on account of old age shall not be authorized.

(5) Retirement and extension of the working period of members of academic cadres of

the departments of the Islamic Emirate of Afghanistan, academic and research institutions shall be regulated by special legislative acts.

(6) Retirement age of the workers involved in religious affairs shall not be limited by the provision laid down in paragraph (1) of this article.

Article 126:

(1) After completing 25 years of service a worker may ask for retirement.

(2) The working period of a worker for his each five-year engagement on heavy work shall be calculated 1 year less, and for the similar period of his engagement on underground work, or on the work injurious to health, shall be calculated 2 years less than the period prescribed in paragraph (1) of this article.

Article 127:

The retirement benefits on account of old age, sickness, infirmity, working period or demise of the breadwinner worker or under other circumstances shall be foreseen in special legislative acts.

Article 128:

(1) Benefits of retirement on account of work-related infirmity, or on account of occupational disease, or on account of work-related demise shall be determined upon certification of the health commission determining infirmity regardless of the service period.

(2) The retirement benefits of infirm workers whose infirmity did not result from work shall be determined on the basis of certification of the health commission taking in account the working period of the worker.

Article 129:

(1) Where a worker is sentenced to less than two years imprisonment by the final order of a law court, he can apply for his retirement benefits.

(2) Workers who are sentenced to two years imprisonment by the final order of the competent courts shall be subject to retirement.

(3) The retirement of an imprisoned worker can be abolished upon release of the worker and agreement of the establishment.

Article 130:

(1) Calculation and payment of retirement benefits of the worker on account of old age, working period, sickness, infirmity and demise not resulting from work shall take place as follows:

1- Where the worker had worked for ten years or more on regular basis, for his ten years regular work he shall be paid 40 per cent, and for each year beyond ten years he shall be paid two percent more of his latest monthly remuneration according to his grade and position.

2- Where the worker had worked for one to five years, he shall be paid (2) month salary in lump sum for each year of work on the basis of his latest grade or original position.

3- Where the worker had worked for five to ten years he shall be paid 3-month salary in lump sum for each year of work.

(2) Calculation and payment of retirement benefits on account of occupational disease, infirmity or demise shall be on a continuous basis.

(3) Donations shall be provided from the reserve funds of the establishment and the retirement benefits shall be paid from the state pension funds.

(4) Brakes occurring during the working periods of the contractual worker shall not hamper the payment of continuous retirement benefits of the worker.

(5) The retirement benefits of the worker shall be calculable from the date of approval and shall not be in excess of 100 per cent of his real latest grade or position.

Article 131:

(1) Where on account of a number of aspects a person is deemed to deserve many types of retirement benefits, he shall be granted only of type of retirement benefits on the basis of his option.

(2) The survivors under the guardianship of the retirees who from many aspects are eligible for retirement benefits shall be granted the above benefits in their entirety.

Article 132:

The benefits of the retirees and the benefits of the survivors of the deceased retiree shall be increased in proportion to general increase in the remuneration

Article 133:

The method of determining the pension quota and the payment methodology of retirement benefits prescribed in this law shall be regulated by legislative acts.

CHAPTER 14
WORK SUPERVISION AND GUIDANCE TO COMPLIANCE WITH RELEVANT
LEGISLATIVE INSTRUMENTS

Article 134:

Work supervision and permanent guidance to compliance with the labor-related legislative instruments, work protection rules and practical safety methods shall be provided by the following institutions:

1- General Department of Labor & Social Affairs

2- Local institutions shall be obligated to provide facilities and cooperation to work supervisors.

Article 135:

Supervision of and guidance to specific regulations in the worksite shall be provided by specific Emirate institutions.

Article 136:

In order to promote the activity of supervision of compliance with labor-related legislative instruments, work protection rules and practical safety methods within the organizational structure of the General Department of Labor & Social Affairs, the department of labor supervision & guidance shall be established.

Article 137:

Powers and functions of the department of labor supervision within the General Department of Labor & Social Affairs shall be regulated by a separate legislative instrument.

Article 138:

The institution which does not comply with work-related legislative instruments, labor rules and regulations, as well as with practical safety methods shall be deemed accountable.

CHAPTER 15

SUPREME COUNCIL OF LABOR

Article 139:

The Supreme Council of Labor, which is the highest decision-making body in issues pertaining to labor in the Islamic Emirate of Afghanistan, shall be established within the General Department of Labor & Social Affairs.

Article 140:

Functions of the Supreme Council of Labor comprise drafting and approval of documents related to the enforcement of the provisions of this law, as well as performing functions which are delegated to it in view of the labor law and other labor-related legislative instruments.

Article 141:

The Supreme Council of Labor shall have a chairman and 8 members to be selected for a term of two years as follows:

- 1- General President of Labor & Social Affairs, as Chairman
- 2- Deputy-Minister of Mines & Industries, as member
- 3- Deputy-Minister of Agriculture & Animal Husbandry, as member
- 4- Deputy-Minister of Public Health, as member
- 5- Deputy-Minister of Finance, as member

6- 3 senior and experienced employees of the General Department of Labor & Social Affairs shall be selected by the general president as members

7- 2 representatives of private enterprises, as members.

Article 142:

The quorum for the sessions of the Supreme Council of Labor shall be completed by the presence of two-thirds of the members, and its decisions shall be adopted by the majority vote in accordance with the Islamic principles.

Article 143:

The General Department of Labor & Social Affairs shall be obligated to prepare the ground for the formation of the next Supreme Council of Labor three months prior to the expiry of the office term of the Supreme Council of Labor.

Article 144:

The method of performance and formation, as well as functions and other activities of this Council shall be regulated by separate legislative instrument.

**CHAPTER 16
FINAL PROVISIONS**

Article 145:

An institution in which the share of the Islamic Emirate of Afghanistan is more than 50 percent, as well as social institutions cannot be closed down without prior written agreement of the General Department of Labor & Social Affairs, unless otherwise stipulated by the law.

The head of a private and joint institution in which the share of the Islamic Emirate of Afghanistan is less than 50 percent, shall, two months prior to closing down, notify to the General Department of Labor & Social Affairs.

Article 146:

Establishment of private employment offices shall be prohibited.

Article 147:

This law shall come into force beginning with the date on which it is passed and shall be published in the official gazette. With the enforcement hereof, the labor law published in the official gazette # (645), dated 01/06/1366, together with the entire amendments, as well as other provisions thereof contrary to this law shall be deemed abolished.

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