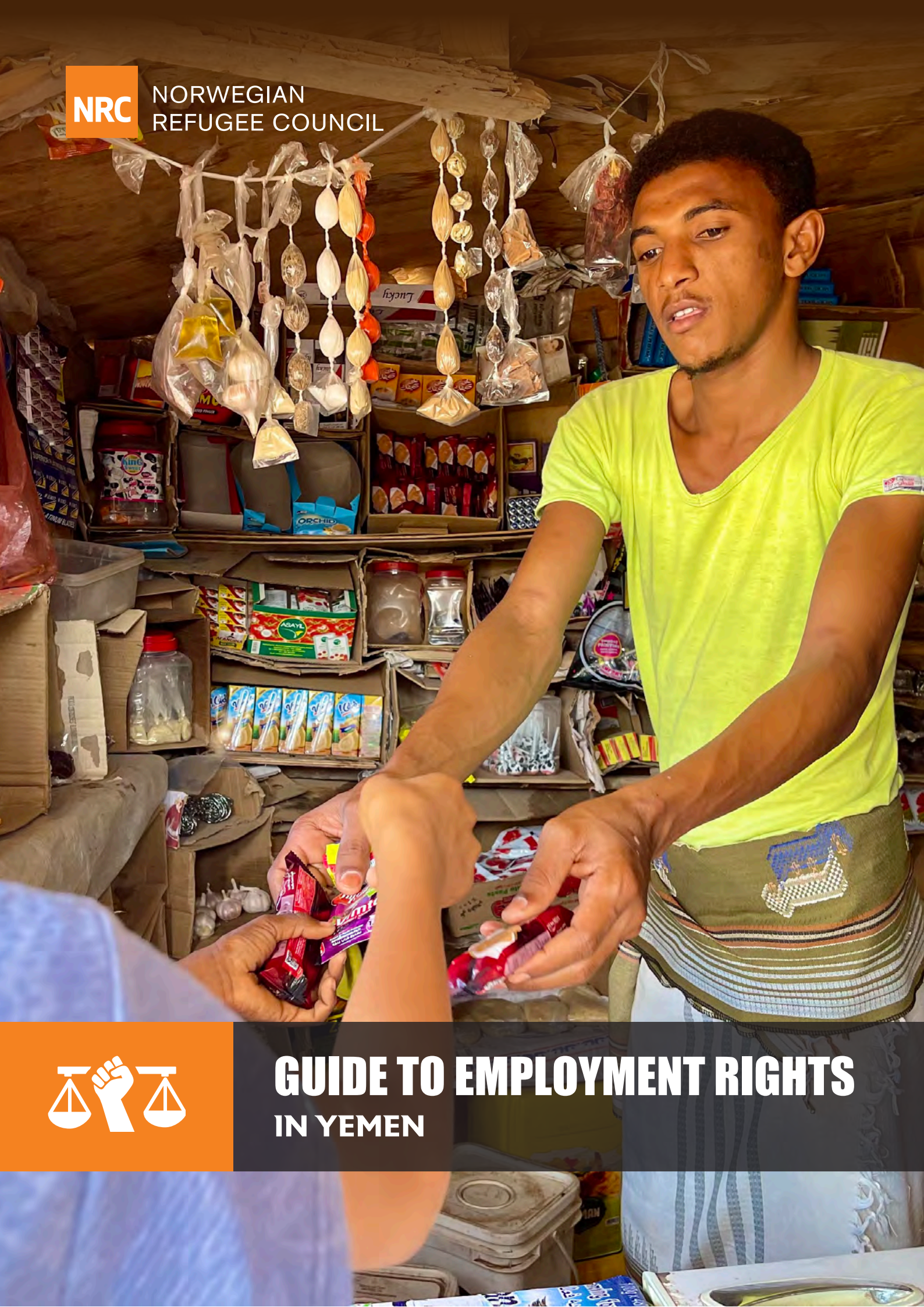


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GUIDE TO EMPLOYMENT RIGHTS IN YEMEN

The logo for the Norwegian Refugee Council (NRC) consists of the letters 'NRC' in white, bold, sans-serif font, set against a solid orange square background.

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A stylized map of Jordan is shown in the background. The map is outlined in a light grey color. A large, irregularly shaped area in the southern and central parts of the country is filled with a solid orange color, matching the NRC logo's color.

CREDITS

Acknowledgements:

Legal guide authored by Rua'a Abdel Haq. Special thanks to Saher Alnajjar for inputs and translation. Edited by Martin Clutterbuck/NRC.

Design:

The logo for ExcelSoft Digital Solutions features the word 'excelSoft' in a blue, lowercase, sans-serif font, with 'excel' in a lighter blue and 'Soft' in a darker blue. Below it, the words 'Digital Solutions' are written in a smaller, grey, sans-serif font.

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Front Cover Photo: Mohammed Hassan, shopkeeper (Photo: Malka Mohammed/NRC).

Back Cover Photo: Amal's mobile phone repair workshop (Photo: Nasser Abdulkareem/NRC).



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Fadl fetching firewood (Photo: Mahmoud Al Filastini/NRC)



1 | SUMMARY AND USAGE OF INFORMATION

This legal guide covers the **laws, regulations and procedures governing employment rights in Yemen, both for Yemeni and foreign nationals, including refugees and migrant workers.** It is intended as a **reference guide for legal practitioners, as well as other organisations and individuals working on employment law issues in Yemen.**

This report is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances.

The report's contents are intended to be correct and up to date at the time of publication, but the accuracy and completeness of the information cannot be guaranteed, particularly as circumstances may change after publication. NRC accepts no liability or responsibility for actions taken or not taken or any losses arising from reliance on this report or any inaccuracies herein.



2 | INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON WORK RIGHTS

Yemen has signed and ratified several Conventions containing work rights protections under international law. Many of these Conventions fall under the supervision of the International Labour Organisation (ILO). Conventions Yemen has ratified with relevance to work rights include the following:

- ✓ Forced Labour Convention,¹
- ✓ Abolition of Forced Labour Convention,²
- ✓ Discrimination Employment and Occupation Convention,³
- ✓ Equal Remuneration Convention,⁴
- ✓ Right to Organise and Collective Bargaining Convention,⁵
- ✓ Minimum Age Convention,⁶
- ✓ Worst Forms of Child Labour Convention,⁷
- ✓ Convention on Freedom of Association and Protection of the Right to Organize,⁸
- ✓ International Covenant on Civil and Political Rights,⁹
- ✓ International Covenant on Economic, Social and Cultural Rights,¹⁰
- ✓ Convention on the Elimination of All Forms of Discrimination Against Women,¹¹
- ✓ Convention on the Rights of the Child.¹²

Information about additional treaties signed and ratified by Yemen is available on the ILO Yemen country page.¹³ The Arab Labor Organization (ALO) is a non-profit organization that focuses on labor and employment issues in the Arab world. It is affiliated with the Arab League and was joined by Yemen in 1968.

International agreements and treaties ratified by the President of the Republic of Yemen prevail over domestic law subject to any conditions stipulated in the Constitution.

- 1 C029 - Convention (No. 29) on Forced Labour, 1930, ratified by Yemen on 14 April 1969.
- 2 C105 - Convention (No. 105) on the Abolition of Forced Labour, 1957, ratified by Yemen on 14 April 1969.
- 3 C111 - Convention (No. 111) concerning Discrimination (Employment and Occupation), 1958, ratified by Yemen on 22 August 1969.
- 4 C100 - Convention (No. 100) on Equal Remuneration, 1951, ratified by Yemen on 26 July 1976.
- 5 C098 - Convention (No. 98) on the Right to Organize and Collective Bargaining, 1949, ratified by Yemen on 14 April 1969.
- 6 C138 - Convention (No. 138) on Minimum Age, 1973; Minimum age specified: 14 years, ratified by Yemen on 15 June 2000.
- 7 C182 - Convention (No. 182) on the Worst Forms of Child Labour, 1999, ratified by Yemen on 15 June 2000.
- 8 C087 - Convention (No. 87) on Freedom of Association and Protection of the Right to Organize, 1948, ratified by Yemen on 29 July 1976.
- 9 ICCPR ratified by Yemen on 9 February 1987.
- 10 ICESCR ratified by Yemen on 9 February 1987.
- 11 CEDAW ratified by Yemen on 30 May 1984.
- 12 CRC ratified by Yemen on 1 May 1991.
- 13 [ILO Conventions ratified by Yemen.](#)



Etedal, breadwinner. (Photo: Malka Mohammed/NRC)



3 | NATIONAL LEGAL FRAMEWORK ON WORK RIGHTS

The regulatory framework with respect to work rights in Yemen is primarily the **Yemen Labour Code** and its amendments.¹⁴

3 1 National Labour Laws

The most relevant laws governing employment rights in Yemen are the following:

- ✓ **Yemeni Constitution**, which guarantees the right to work for all Yemenis without discrimination.
- ✓ **Yemeni Labour Code No. 5 of 1995** which governs working conditions and entitlements as well as the rights, obligations and relationship between the employer and the employee,¹⁵
- ✓ **Social Insurance Law No. 26 of 1991** which governs pensions, disability, death, medical expenses and work-related injuries and illnesses.
- ✓ **Income Tax Law No. 17 of 2010**, which regulates the payment and rate of income tax in Yemen.

3 2 Yemeni Constitution

The Yemeni Constitution notes that **“Work is a right, an honour, and a necessity for society’s progress. Every citizen has the right to choose the appropriate work for himself within the law. No citizen can be compelled to do any work except within the law, and in which case it is to serve the common interest and be in return for a fair wage. The law shall regulate union activities and professional work, and the relationship between workers and employers.”**¹⁶ The right of women to work is also constitutionally guaranteed.¹⁷

14 ILO, **Yemen Labour Code (Law No. 5 of 1995)**.

15 The Labor Law No. (5) of 1970, issued in Sana’a, the Yemen Arab Republic, as well as the Labor Law No. (14) of 1978, issued in Aden, the People’s Democratic Republic of Yemen, were the first codified labour laws issues in Yemen before Yemeni unity on May 22, 1990. These two laws organized labor relations in the two parts of the country. After achieving Yemeni unity, the Yemeni Labor Law No. 5 of 1991 was issued, related to organizing labor relations throughout the whole country.

16 Article 29, Yemeni Constitution.

17 Article 31, Yemeni Constitution.



3 3 Collective Agreements, Regulations and Other Sources

Collective Agreements

Collective agreements are those which establish minimum standards which are applicable to all workers within a work sector. They play a crucial role in Yemeni labor law.

Regulations and Decrees

In addition to the Labor Code and collective agreements, various **regulations and decrees** may be issued by the government to govern specific aspects of labor relations, such as health and safety at work, social insurance and vocational training.

Jurisprudence

The decisions of **Labor Cases Division** of the relevant Court of Appeal also play an important role in the interpretation and application of labor law. **Jurisprudence** helps clarify certain legal provisions and establish precedents for similar future cases.

Professional Practices and Customs

Professional practices and customs established over time can influence working conditions, especially in the absence of specific legal provisions. This is especially important within the context of tribal customs and relations, and informal negotiation and mediation mechanisms in Yemen. The conflict in Yemen has severely eroded the functioning of the rule of law throughout the country and the ability of government institutions, including the Ministry of Labour and courts, to implement workplace standard and protections. The vast majority of work disputes are resolved locally, and practices and customs vary throughout the country.

3 4 Labour Offices

The local offices of the Ministry of Social Affairs and Labour are officially referred to as '**Labour Offices**'. (مكاتب العمل). These offices are responsible for handling labor-related matters, including receiving and addressing workers' complaints regarding unpaid wages. Workers have the right to file complaints with the competent Labour Office if they do not receive their wages. These offices operate under the supervision of the Ministry of Social Affairs and Labour and are distributed across various governorates to serve workers and employers in their respective regions.¹⁸

18 Article 163, Labour Code.



Preparing shelter, Al Malka camp (Photo: Khalid Al Banna/NRC)



4 | EMPLOYMENT RIGHTS, TERMS AND CONDITIONS

4 1 Employment Relationship

Work is defined as all mental or physical effort, or both, expended by workers, permanently or temporarily, in return for a specific wage.

A **worker** is defined as a natural person who works under the supervision of another person ('the employer') in return for a wage. An **employer** is any natural or legal person who employs one or more workers for a wage in the various work sectors subject to the provisions of the Labour Code.

4 2 Protections against Discrimination, Sexual Harassment, Forced Labour and Other Practices

The Constitution prohibits **workplace discrimination** by confirming that citizens are all equal in rights and duties.¹⁹ The Labour Code also stipulates the right of individuals to work without discrimination.²⁰

Whilst Yemeni Labor law does not include explicit wording on sexual harassment, there are articles related to workers' rights and a safe work environment, which can be interpreted in a way that ensures the protection of workers, including from sexual harassment.²¹

4 3 Basic Work Rights

Basic work rights under Yemeni law include the following:

19 Article 41, Yemeni Constitution.

20 Article 1, Labour Code.

21 For example, the right to a safe and healthy environment (Article 83) and the right to a workplace without discrimination (Article 1).

✓ The right to work without discrimination,²²

✓ The right to fair and appropriate wages,²³

✓ The right to rest and vacations,²⁴

✓ The right to a safe and healthy work environment,²⁵

✓ The right to organize trade unions²⁶ and,

✓ The right to protection from unfair dismissal.²⁷

4 4 Employer and Employee Obligations

The employer has the following obligations under the law:

- **Payment of wages:** The employer is required to pay wages on specific dates on a regular basis,²⁸
- **Providing a safe work environment:** The employer must provide occupational safety and health conditions for workers,²⁹
- **Registration of workers:** The employer is obligated to register his or her workers in the official records,³⁰
- **Respect for labor rights:** The employer must respect the rights of workers related to vacations, overtime, and rest,³¹
- **Providing social insurance:** The employer must participate in the social insurance system for workers,³²
- **No arbitrary dismissal:** The employer is prohibited from dismissing workers except for legitimate and justified reasons.³³

The workers' obligations are as follows:

- **Commitment to perform work:** The worker must perform the work assigned to him or her with accuracy and care,³⁴
- **Respect for work regulations:** The worker shall abide by the regulations and instructions set by the employer,³⁵
- **Refraining from justified absence:** The worker must inform the employer of any prior absence,³⁶

22 Article 1, Labour Code.

23 Article 59, Labour Code.

24 Article 74, Labour Code.

25 Article 83, Labour Code.

26 Article 6, Labour Code.

27 Article 84, Labour Code.

28 Articles 55, 59, Labour Code.

29 Articles 113, 114, 115, 118, 119, Labour Code.

30 Articles 14, 34, Labour Code.

31 Articles 71, 74, 75, Labour Code.

32 Articles 120, 121, Labour Code.

33 Articles 33, 93-97, Labour Code.

34 Article 90(1), Labour Code.

35 Article 90(3), Labour Code.

36 Article 90(4), Labour Code.

- **Reporting violations:** This obligation can be inferred from the duty to report work violations,³⁷
- **Compliance with health and safety regulations:** The employer must provide occupational health and safety conditions, and the worker must follow those regulations.³⁸

Under Yemeni law, the Labour Code represents the minimum rights of workers and working conditions. Wherever there is special legislation or a special system for labor relations with better conditions and guarantees, the more favourable provisions contained in either the Labour Code or any special laws governing work rights shall be applied to workers.³⁹

4 5 Work Contracts

The **employment contract is a written or verbal agreement between the employer and the worker** that specifies the terms of work. In return for payment of a wage, the worker agrees to place themselves under the management and supervision of the employer on the terms set out in the employment contract.⁴⁰

Employment contracts should normally be in writing. If there is no written agreement, the worker must prove the existence of a verbal agreement, including any terms and conditions agreed between him/her and the employer, through other means of proof, such as witness statements, wage receipts, etc.⁴¹

An **employment contract** should contain the following information:

- ✓ amount of wages,
- ✓ type and nature of work,
- ✓ place and location of work,
- ✓ date of commencement,
- ✓ duration of employment contract.⁴²

Employment contracts can be either individual or collective agreements. Periods of probation in employment contracts cannot be longer than six months. Nor can a person be put on probation more than once for the same position.

Individual Agreements

These are employment contracts agreed on an **individual basis** between workers and employer. The conditions and entitlements must still respect the minimum work rights guaranteed under the Labour Code.

Collective Agreements

Collective employment contracts are agreements covering an entire work sector with agreed minimum standards for workers which are negotiated between workers and employer organisations.

37 Article 90(9), Labour Code.

38 See Articles 114-119, Yemeni Constitution.

39 Article 6, Labour Code.

40 Article 27, Labour Code.

41 Article 30, Labour Code. Whilst there should normally be three copies of an employment contract, one for the worker, one for the employer and one for the Ministry of Labour, a copy is often not provided to the Ministry.

42 Article 30, Labour Code.

They must be written according to the model approved by the Ministry of Labour and must include the main articles related to work methods, including:

- ✓ determining the obligations to pay wages and the method of paying them,
- ✓ working and rest times,
- ✓ material incentives,
- ✓ work conditions and protection,
- ✓ specifications of the profession covered by the contract, and
- ✓ any conditions agreed upon by the employer and the trade union committee or workers' representatives in accordance with applicable legislation.⁴³

Parties to the collective agreement are the employer on the one hand, and the trade union committee or workers' representatives on the other hand.⁴⁴ The employer's representatives are the General Federation of Chambers of Commerce and Industry whilst the workers are represented by the General Federation of Trade Unions.

After the process of collective bargaining over workplace rights and entitlements between employer and trade union, the trade union committee or workers' representatives shall collectively discuss the draft collective work agreement approve it and sign it in a general meeting of the workers on their behalf. Collective agreements are binding on the workers covered by the agreement.⁴⁵ The final agreement must be registered with the Ministry of Labour.

4.6 Specific Categories of Workers

The Labour Code covers all wage-earning workers in Yemen. However, there are special categories of workers, such as those working part-time or casually or in specific sectors, that may have different rights and entitlements.

4.6.1 Casual, Temporary and Daily Workers

Casual and temporary workers are covered under the Labour Code. They are entitled to employment benefits, including annual leave, **in proportion to the time worked**.

Casual work is any work that is not part of the employer's business and whose completion period does not exceed four months.⁴⁶

Temporary work is any work that requires a specific period of time to be completed, or that is focused on work for its own sake and ends when it is completed.⁴⁷

Daily workers are persons who work on a daily basis for the same or different employers⁴⁸. Even if they are working for different employers every day, they are considered employees and covered under the Labour Code provided they are in a subordinate relationship to an employer in return for payment of wages.

43 Article 32(1), Labour Code.

44 Articles 32(1), 33, Labour Code.

45 Article 32, Labour Code.

46 Article 2, Labour Code.

47 Article 2, Labour Code.

48 See Article 3, Labour Code.

4.6.2 Agricultural and Seasonal Workers

Agricultural workers are also covered by the Labour Code. **Seasonal work** is any work that is carried out by its nature or circumstances during specific seasons of the year and does not exceed six months in duration.⁴⁹

4.6.3 Self-employed Persons

Self-employed persons are, by definition, not employed by any other employer and are thus not covered by the Labour Code. Self-employment is defined by the World Bank as covering “those workers who, working on their own account or with one or a few partners or in cooperative, hold the type of jobs defined as a “self-employment jobs” i.e. jobs where the remuneration is directly dependent upon the profits derived from the goods and services produced.”⁵⁰ This can include persons working as street traders, contractors, tradepersons, such as electricians, plumbers or mechanics working for themselves and not employed by anyone else.

Whether or not a person can be considered **self-employed, or an employee** will depend on whether they are in a subordinate wage relationship with their employer through an employment contract (either written or verbal) or work independently on their own account or as sub-contracted workers under a service contract. Persons who are sub-contracted as independent contractors, or perform independent, autonomous work, may not be employees as defined in the Labour Law, but may have ‘service contracts’ for the provision of goods or services with the person or entity contracting them. In the event of a breach of their service contract, such as non-payment for their work, they would need to take civil action in the courts for breach of contract or damages. Nor are they typically covered under social insurance schemes, including for workplace accidents.

4.6.4 Gig workers

Gig work is work conducted on a casual, ad hoc or contract basis outside of a formal employment relationship.⁵¹ Gig workers include independent contractors, online platform workers, contract firm workers, on-call workers or temporary workers who often work on the basis of a commission per service provided or package delivered. This can include persons working as transport or food delivery drivers who are often responsible for their own vehicles and vehicle insurance. An increasing number of persons are engaged in gig work globally and it can be confusing to determine if someone is considered an employee, and covered under the Labour Code, or a contractor, and excluded from coverage under the Labour Code.

Yemen does not have specific laws tailored to gig workers and therefore the legal status and rights of gig workers in Yemen, is determined based on their contractual arrangements with organisations or individuals they work for. These agreements will play a significant role in determining their rights and responsibilities, similarly to the situation for self-employed persons.

49 Article 2, Labour Code.

50 World Bank definition of self-employment as contained in [World Bank Meta Glossary](#).

51 See for example; [Gig Economy Data Hub](#) or [Wikipedia Gig Worker](#).



Noor, seeking work (Photo: Malka Mohammed/NRC)



5 | WAGES

Wages

Wages are defined as the financial consideration paid to the worker in exchange for the work he or she provides to the employer.⁵² The **minimum wage** for workers in the private sector in Yemen must be at least equal to the minimum wage established for employees in the public sector. As of the latest available information, the minimum wage for public sector employees is set at YER 21,000 Yemeni per month.⁵³

The law guarantees an appropriate wage that is consistent with the nature and conditions of the work.⁵⁴ Discrimination in wages is prohibited and workers doing the same work must receive the same pay.⁵⁵ Under the law, the employer is required to pay wages on specific dates on a regular basis as follows:⁵⁶

- employees on a monthly salary should be paid no later than the sixth day of the following month,
- employees paid fortnightly should be paid no later than the third day after the end of the fortnight,
- employees working on an hourly, daily or weekly basis, should be paid per week,
- employees working on the basis of production or piecework⁵⁷ should be paid according to the agreement between the two parties.⁵⁸

Employers will be penalised for the late payment of wages. The importance of prompt and proper payment of wages is highlighted throughout the Labour Code. This includes the principles of (1) non-attachment of wages,⁵⁹ meaning that deductions cannot be made from wages for other purposes, and (2) the principle that payment of the wages of workers has priority over the payment of other business debts.⁶⁰

52 Article 2, Labour Code.

53 Article 55, Labour Code.

54 Article 59, Labour Code.

55 Articles 55, 67, Labour Code.

56 Articles 55, 59, Labour Code.

57 Piecework is payment per piece of work produced, such as number of items of clothing sewn, number of bags of fruit picked, or number of deliveries made.

58 Article 61, Labour Code.

59 Article 63, Labour Code.

60 Article 8, Labour Code.



Workers have the right to submit complaints to the Labour Office if they do not receive their wages.⁶¹

Other Benefits

Workers who are assigned to perform a specific task in an area far from their work area, or outside Yemen, are entitled to allowances appropriate to the nature of the task, whether those allowances relate to their representation, transportation or residence.⁶²

Workers are also entitled to either a cash allowance for transportation from their home to work, or to a means of transportation, such as a bus, from their home or from a designated gathering centre to the workplace.⁶³ Employers are also required to provide adequate housing and food for workers in areas far from urban areas.⁶⁴



6 | HEALTH, SAFETY AND WORKPLACE CONDITIONS

The employer must provide a **safe and healthy work environment**⁶⁵ with **appropriate occupational health and safety conditions**.⁶⁶ They must take any necessary precautions to protect the safety of workers from any work-related dangers.⁶⁷

Workplace Health and Safety Requirements

Specific workplace requirements include the need to ventilate workplaces and to take precautions to prevent damage from gases or smoke, risks from devices, heat and humidity from machines, light and noise and harmful radiation, vibrations and an increase or decrease in atmospheric pressure inside workplaces, as well as the risks of explosions and fire.⁶⁸

In advance of starting work, employers must inform the worker of any risks within their specific occupation and within the workplace generally, and the means of prevention of such risks. They must provide continuous guidance and supervision to workers regarding their commitment to occupational safety and health. Additionally, they must display directions and instructions explaining any risks of work within the workplace and must spread workplace awareness related to occupational health and safety.⁶⁹

Employers are financially responsible under the Labour Code and Social Insurance Law for any occupational diseases or injuries that the worker suffers during or because of the performance of their work.⁷⁰ Medical treatment for workplace-related injuries and accidents must be covered in accordance with the employer's medical regulations, as approved by the Ministry of Labour.⁷¹

61 Article 163, Labour Code.
62 Article 69, Labour Code.
63 Article 69, Labour Code.
64 Article 69, Labour Code.
65 Article 83, Labour Code.
66 Article 113, Labour Code.
67 Article 115, Labour Code.
68 Article 114, Labour Code.
69 Article 118, Labour Code.
70 Article 121, Labour Code.
71 Article 119(4), Labour Code.

Occupational Health and Safety Issues

The Ministry of Labour has an important technical, advisory and supervisory role in relation to issues of occupational health and safety. These include,

- Providing advice and guidance to business owners in the field of occupational safety,
- Organizing and implementing training and education programs related to accident prevention,
- Organising the exchange of technical information and expertise between occupational safety and health departments in facilities,
- Identification and evaluation of accident prevention units,
- Assisting in designing visual aids in the field of occupational safety,
- Studying and analysing data and information in the field of occupational safety, monitoring cases of occupational injuries and diseases, and proposing the necessary measures to prevent their recurrence,
- Identifying and evaluating means and equipment for the prevention of occupational accidents and injuries.⁷²

A Higher Committee for Occupational Safety and Health should also be formed by the government based on a decision of the Council of Ministers. The Ministry of Labour may also form sub-committees for occupational safety and health in the governorates, sectors and industries as appropriate.⁷³

72 Article 116, Labour Code.

73 Article 117, Labour Code.



Construction site (Photo: Malka Mohammed/NRC)



Abdullah Abdu outside his tent (Photo: Zeyed Sulaihi/NRC)



7 | SOCIAL SECURITY, HEALTH AND WORKPLACE INSURANCE

Yemen's social security scheme is regulated by the Social Insurance Law No. 26 of 1991 and administered by the Social Security Institution. The scheme covers:

- **work injury and disability insurance,**
- **old age pensions,**
- **death insurance for family members of the deceased worker.**

Payments into the fund on behalf of the employee are made on a monthly basis. They consist of both an **employer's contribution and an employee's contribution.**⁷⁴ For private-sector employees, the contribution rates are as follows:

- **Employee Contribution:** six per cent (6%) of the employee's basic monthly salary.
- **Employer Contribution:** nine per cent (9%) of the employee's basic monthly salary.⁷⁵

However, the scheme only applies to employers who employ more than five (5) workers.⁷⁶ For those businesses, registration of employees in the scheme is mandatory.⁷⁷ The fine payable by employers for any unregistered worker is five (5) per cent of the value of the contributions they owe to the social security fund for the worker.⁷⁸

For small businesses employing less than five (5) workers, the law does not require mandatory registration in the social insurance scheme. Consequently, employees in these smaller enterprises are not automatically covered for social security benefits under this law. However, the law provides provisions for voluntary participation. Employers and employees in smaller businesses can choose to opt into the social insurance scheme to access its benefits. This voluntary inclusion allows both parties to contribute to the social security fund, thereby ensuring coverage for pensions, disability, and other related benefits.

The employer is also liable for payment of compensation for work injury or occupational disease if the worker is not registered.⁷⁹

74 Article 18, Social Insurance Law.

75 Article 27(1), Social Insurance Law.

76 Article 6, Social Insurance Law.

77 Article 9, Social Insurance Law.

78 Article 21, Social Insurance Law.

79 Articles 52, 53, Social Insurance Law.

Work Injury and Disability Insurance

Work injury insurance for persons injured at work includes the following:

- medical care for the injured,
- temporary disability compensation,
- compensation or pension in case of permanent disability,
- pension for family members in the event of the death of the insured.⁸⁰

The injured person has the right to medical care at the employer's expense until they are cured, their disability is proven, or they die.

Medical care includes:

- services of general practitioners and specialists, including dentists,
- treatment, hospitalization, and home medical care as necessary,
- performing surgeries, x-rays and other necessary medical tests,
- providing rehabilitation services and offering prosthetic limbs and orthotics.
- dispensing the necessary medications.⁸¹

The employer is also obliged to cover the costs of transporting the injured person from his or her place of residence to the treatment facility and vice versa.

Pensions

An **old-age pension** is payable in the following cases:

- Where the insured male has reached the age of sixty (60) years and the insured female has reached the age of fifty-five (55) years, provided that the insurance contribution period is not less than (180) monthly contributions, regardless of the age, i.e. (15) fifteen years of contributions, or
- Where the insured person has reached the age of forty-five (45) years, provided that his or her insurance contribution period is not less than (240) contributions, i.e. twenty years of contribution, and subject to certain work categories and exclusions,⁸²
- If the insured male's contributions reach (300) contributions, i.e. (25) years of contributions, and he reaches the age of fifty (50), and if the insured female's contributions reach (240) monthly contributions, i.e. (20) years of contributions, and she reaches the age of forty-six (46)
- If the insured male's contributions reach (360) monthly contributions, i.e. (30) years of contributions, and the insured female's contributions reach (300) contributions, i.e. (25) years of contributions, regardless of age.⁸³

80 Article 30, Social Insurance Law.

81 Article 31, Social Insurance Law.

82 Article 51, Social Insurance Law. Payment of pension under this category is only payable if the person does not join a job to which the provisions of this law apply. In this case, the pension is reduced by the percentages stated in Table No. (2) attached to this law.

83 Article 51, Social Insurance Law.

The old-age pension in Yemen is calculated **based on the worker's average monthly wage over the last year of employment**. For each month the worker has contributed to the insurance, they earn a portion of their pension. Specifically:

- **The calculation rate is 1/420** of the worker's average monthly wage over the last year. This means for each month of work they made social insurance contributions, a small fraction of their average monthly wage goes toward their pension.

- **Maximum and Minimum Limits:**
 - The total pension amount cannot exceed **100 per cent of the worker's average monthly wage** (meaning the pension can equal, but not be more than, what they were earning monthly on average).

 - There is a minimum pension level set at **50 per cent of the worker's average wage** — this ensures that workers receive at least half of their average monthly earnings as a pension.

In short, the pension is designed to be proportional to how long the worker contributed, with a guaranteed minimum amount and a cap at their full average wage from the last year of their employment.⁸⁴

Non-occupational Disability and Death Insurance

If the insured's work service ends due to his or her contracting a **non-occupational disease or injury** and they have exhausted their sick and annual leave under the Labor Law and their period of insurance contributions is 60 months or more, they are entitled to be paid a pension under the law. However, to be eligible, they must undergo a medical examination at the time in accordance with the system established by the employer. The pension will be suspended if the disability ceases or if the individual does not submit to the medical examination. Payments of any pensions withheld during any period of suspension will be decided based on the outcomes of the medical evaluations.⁸⁵

A **permanent total non-occupational disability pension** is payable if the period of insurance contributions is at least 60 contributions. The pension is linked to 50 per cent of the average monthly contribution wage in the last year or to the old-age pension, whichever is greater.⁸⁶

A **death pension** is payable to family members of the deceased, if the deceased's period of insurance contribution was at least 36 months. The death pension is paid at a rate of 50 per cent of the average annual wage in the last year or on the basis of the old-age pension, whichever is greater. The death pension will be distributed equally among the beneficiaries.⁸⁷

To be eligible for the permanent total non-occupational disability pension or the death pension, either:

- the disability must be proven,

- death must occur during the insured's service or within one year from the date of termination of service or

- death must occur during the period in which the insured receives the pension under the law.⁸⁸

84 Article 52, Social Insurance Law.

85 Articles 53, 54, Social Insurance Law.

86 Article 53, Social Insurance Law.

87 Article 55, Social Insurance Law.

88 Article 56, Social Insurance Law. See also Articles 53-55, Social Insurance Law.



Hassan's wife in the kitchen (Photo: Hassan Al Bana'a/NRC)



8 | WORKING HOURS

8 1 Working Hours

Official working hours under Yemeni labour law must not exceed more than eight (8) hours per day or forty-eight (48) hours per week, subject to any overtime hours worked. Weekly working hours must be distributed over six (6) working days followed by a day of rest with full pay.⁸⁹

Working hours must include one or more rest periods of not more than one hour, such as for praying, eating and resting. Workers are prohibited from working more than five (5) continuous hours without a rest period. The rest period is not counted as part of the working hours.⁹⁰ Friday is the weekly day of rest. However, it may be replaced by another day of the week for all or some of the workers if the necessity of work so requires.⁹¹ There are restrictions on working hours for certain times of the year, such as Ramadan, and for certain other reasons. Official working hours during the month of Ramadan may not exceed six (6) hours per day or thirty-six (36) hours per week.⁹²

Working hours may also be limited in difficult working conditions. The Minister of Labor may, by decision, reduce official working hours for some professions, businesses, and industries in which working conditions are difficult or harmful to health. Any decision by the Minister shall specify those professions, businesses, and reduced hours and must be taken in consultation with the relevant authorities, including workers' representatives and business owners.⁹³

8 2 Overtime

Asking workers to work additional hours (overtime) is permitted during daily and weekly rest periods and official holidays, *"if necessary to increase production or provide working services, in the event of disasters or to perfect them [production], or to maintain work or production methods or to meet the public interest of society."*⁹⁴ However, total work time cannot exceed more than 12 hours per day.⁹⁵

89 Article 71(1), Labour Code.

90 Article 71(4), Labour Code.

91 Article 77, Labour Code.

92 Article 71(2), Labour Code.

93 Article 71(3), Labour Code.

94 Article 74(1), Labour Code.

95 Article 74(2), Labour Code.



Payment for overtime is calculated as follows:

- one and a half times the regular hourly rate (150 per cent of regular rate) on regular business days,
- twice the regular hourly rate in case of overtime night work (200 per cent of regular rate).⁹⁶

Where an employer asks a worker to work overtime on any rest days or holidays, they must compensate the worker for any weekly rest day, holidays and official vacations owed to the worker as a result within the month.⁹⁷



9 | LEAVE ENTITLEMENTS

Workers are entitled to annual leave and official holidays.⁹⁸

9 1 Annual Leave

Workers are entitled to thirty (30) days with full pay for each year of service, at a rate of two and a half days each month.⁹⁹

9 2 Sick Leave

Workers are entitled to sick leave under the following conditions:

- sick leave with full pay for the first and second months of illness,
- sick leave at 85 per cent of salary in the third and fourth months of illness,
- sick leave at 75 per cent of salary in the fifth and sixth months of illness,
- sick leave at 50 per cent of salary in the seventh and eighth months of illness.¹⁰⁰

Workers can take their annual leave if they have used up their sick leave. If all the workers' leave entitlements are used up, they shall be granted leave without pay until they recover or they are determined to be unfit for work by the competent authorities. In this case, they may be entitled to disability insurance if they are insured under the social insurance scheme.¹⁰¹

A worker who suffers from an occupational disease or work-related injury is entitled to sick leave with full pay based on the recommendation of the competent medical committee until his or her health condition is determined in accordance with the Social Insurance Law.¹⁰² Any period of time that the worker spends in the hospital receiving treatment is considered sick leave.

96 Article 75(1), Labour Code.
97 Article 75(2), Labour Code.
98 Article 74, Labour Code.
99 Article 79(1), Labour Code.
100 Article 80, Labour Code.
101 Article 80, Labour Code.
102 Article 83, Labour Code.

There is no specific reference in Yemeni labour law to being able to take sick leave to care for sick children. However, Article 85 of the Labour Code relating to sick leave, stipulates the worker's right to receive paid casual leave not exceeding (10) days, which could include time off to look after family members with health conditions. Article 86 refers to the worker's rights to obtain unpaid leave in certain cases, which could also be used to care for sick children.¹⁰³

9 3 Haj Leave

Every worker who has spent four (4) years of actual service for an employer has the right to paid leave of twenty (20) days to perform the Hajj pilgrimage, including the Eid al-Adha holiday. This leave is available once throughout the period of the worker's service.¹⁰⁴

9 4 Death Leave

A working woman is entitled to a paid leave of forty (40) days in the event of the death of her husband, starting from the date of death. She can obtain unpaid leave of no more than ninety (90) days to complete the waiting period (*iddah*) if she wishes.¹⁰⁵

9 5 Casual and Unpaid Leave

An employer may grant a worker paid casual leave of up to ten (10) days per year.¹⁰⁶ **Casual leave** refers to short-term leave that an employee can take for personal reasons, emergencies, or unforeseen circumstances. It's typically granted with pay and allows workers to handle urgent personal matters without using their regular annual leave.

Additionally, an employer may grant a worker **unpaid leave** for reasons and circumstances that they deem appropriate, at the request of the worker.¹⁰⁷



10 | TAXATION

In Yemen, the income tax system for employees who are resident in Yemen is structured as follows:

Tax Rates:

- 0 per cent on annual income up to YER 120,000
- 10 per cent on annual income between YER120,000.01 and YER240,000
- 15 per cent on annual income exceeding YER240,000.¹⁰⁸

These rates are applied progressively, meaning that income is taxed at increasing rates as it rises through the specified brackets.

103 See Articles 85-86, Labour Code.

104 Article 84, Labour Code. The employer has the right to ensure that the leave has been used for the purpose of the Hajj.

105 Article 87, Labour Code.

106 Article 85, Labour Code.

107 Article 86, Labour Code.

108 Income Tax Law 17 of 2010.



Mutahar Al Hindawan stocking his shop (Photo: Muath Khadam/NRC)



11 | DISCIPLINARY PROCEDURES

Internal Regulations

Internal regulations are mandatory for establishments with more than ten (10) workers to ensure that neither employer nor employee violates or contravenes workplace provisions. An employer in a business that employs ten (10) workers or more must establish a list of penalties for breaches of workplace rules as well as the conditions for imposing or applying them.¹⁰⁹ This list should include:

- the types of workplace violations and their corresponding penalties,
- the procedures for investigating the violation and applying the penalty,
- clarification of the procedures for applying penalties in the event of repetition of the violation.¹¹⁰

Employers are required to make this information available to employees. Where the worker violates their duties under the labour law, or in their employment contract, the employer can impose one of the following penalties on them:

- written attention,
- written warning,
- deduction from the salary not exceeding 20 per cent of the basic salary,
- dismissal from work, although the worker retains their right to all entitlements set out in the Labour Code and other labor legislation.¹¹¹

The employer can impose the first two penalties (written attention and written warning) without any investigation. However, deduction of wages or dismissal requires an administrative investigation with the worker in relation to the alleged violation.

109 Article 91, Labour Code.

110 Article 92(2), Labour Code.

111 Article 93, Labour Code.



In addition to the above requirements, larger businesses with more than 15 employees must have more formalized disciplinary procedures and record-keeping obligations, depending on local regulations. These regulations could require more structured Human Resources (HR) practices, such as maintaining a dedicated HR policy handbook or adhering to enhanced reporting standards.

Administrative Investigations

When investigating a workplace violation, the employer must take the following actions:

- conduct an investigation within fifteen (15) days from the date of discovery of the violation,
- listen to the worker's statement and their explanation, and to the statements of any witnesses they present,
- listen to the statements of those who are aware of the circumstances and details of the alleged violation,
- complete the investigation and impose any penalty, if the worker is found guilty of the violation, within a month.

During the investigation, the worker can request the presence of a representative of the trade union committee at the work site or a representative for the worker if there is no trade union committee.¹¹² Details of the investigation, including the proceedings, findings and imposition of any penalties, shall be made in writing and signed by all parties involved.

The worker may appeal the outcome of the investigation or its consequences to the competent Arbitration Committee within one month from the date of notification of the results of the investigation.¹¹³ **Arbitration Committees** are administrative bodies that handle labor disputes, such as appeals by workers on disciplinary actions. These committees are often established jointly by the **Ministry of Labour** and relevant judicial or administrative bodies, allowing them to operate independently of both the courts and the Ministry of Labour.

Whilst the investigation is continuing, the employer may suspend the employee for five (5) days. The employer may suspend the worker from work in writing for up to thirty (30) days if the investigation committee requests this, in the interest of work or the investigation.

Workers generally continue to receive their wages during periods of suspension while an investigation is ongoing and until the Arbitration Committee reaches a decision. The intention is to avoid penalising workers financially before a final determination of guilt or responsibility is made.

If the workers, either individually or as a group, are found liable for damage to the means of work and production resulting from negligence or neglect on the part of the workers, the employer is entitled to compensation for damage suffered. However, the employer must notify the Ministry of Labour or its competent office and the relevant authorities of that damage within forty-eight (48) hours from the time the employer becomes aware of the damage.¹¹⁴

112 Article 96, Labour Code.

113 Article 97, Labour Code.

114 Article 99, Labour Code.



Losing work (Photo: Khalid Al Bana'a/NRC)



12 | DISMISSAL AND TERMINATION OF EMPLOYMENT

Workers can be terminated or dismissed from employment, provided it is done in accordance with the law. However, workers are protected from unjustified dismissal under the law.¹¹⁵

Termination of the contract is done for objective and/or financial reasons not related to the worker's performance. This can include the end of the contract period, a worker reaching retirement age or closure or downsizing of a business. **Dismissal** is based on some form of fault or lack of capacity by the worker, such as through misconduct, negligence, inability to complete their tasks under the employment contract or poor performance. Normally a period of notice is required before a worker can be terminated. However, there are situations where a worker can be immediately terminated without notice.

Termination

An employment contract can be terminated without prior notice to either employee or employer in any of the following cases:

- if both parties agree in writing to terminate the contract,
- if the specified term of the contract expires, unless it is effectively and tacitly renewed through the continuation of the actual employment relations,
- if a court judgment is issued to terminate the contract.¹¹⁶

Either party to the contract may terminate it, provided that the party wishing to terminate notifies the other party in writing in one of the following cases:

- if either party breaches the terms of the contract or other labor laws,
- if the work is completely or partially terminated permanently,
- if there is a reduction in the number of workers due to technical and economic methods and this is proven,

115 Article 84, Labour Code.

116 Article 35, Labour Code.



- if the worker is absent without a legitimate reason for more than thirty (30) intermittent days or fifteen (15) consecutive days during one year, provided that the employer first provides the employee with a written warning after the worker's absence of fifteen (15) days in the first case and seven (7) days in the second case,
- if the worker reaches the retirement age under the Labour Code,
- if the worker becomes medically unfit for work as determined by a decision of the medical committee.¹¹⁷

If one of the parties refuses to accept the notice of termination of the contract, either party can deposit a copy of the termination notice with the Ministry of Labour or one of its offices.¹¹⁸

Where the contract is terminated by one of the contracting parties, the party terminating the contract **must give the other party a period of notice**. The required notice period is:

- thirty (30) days for those working with a monthly salary,
- fifteen (15) for workers with a semi-monthly wage,
- one week for workers who have contracts based on production, piecework, or hourly, daily or weekly work arrangements.¹¹⁹

If persons paid on a fortnightly, piecework, hourly, daily or weekly basis are paid at the end of the month, the notice period is 30 days.¹²⁰ An **employer may terminate a worker without written notice** and without paying the wages for any notice period in the following cases:

- if the worker impersonates someone other than himself or herself, or submits forged certificates or documents,
- if the worker is convicted of a crime that violates honor, honesty, or public morals by a final judicial ruling,
- if the worker is found during working hours in a state of drunkenness or under the influence of a narcotic substance,
- if the worker assaults the employer, his or her representative, or his or her direct supervisor during or because of work, in an assault punishable by law, or a physical assault occurs against another worker in the workplace or because of it,
- if the worker commits an error that results in a material loss for the employer, provided that the employer informs the competent authorities of the incident within forty-eight (48) hours from the time he or she becomes aware of its occurrence,
- if the worker does not observe the instructions that must be followed for the safety of workers and work and is warned in writing, provided that these instructions are written and posted in a visible place in the workplace,
- if the worker does not perform his or her basic obligations arising from the employment contract,
- if the worker carries a firearm in his or her workplace, except for those persons whose work requires it,
- if the worker discloses secrets related to the work he or she does or those he or she learns of by virtue of his or her work,
- if the worker doesn't prove their suitability for work during the probationary period,
- if the worker refuses to follow a final ruling issued in relation to a labour dispute by an Arbitration Committee.¹²¹

117 Article 36, Labour Code.

118 Article 38(2), Labour Code.

119 Article 38(3), Labour Code.

120 Article 38(4), Labour Code.

121 Article 35, Labour Code.

However, the employer **cannot terminate the contract** in the following cases:

- while the worker is enjoying any leave to which they are entitled under the law,
- during a dispute between the employer and the worker, provided that the dispute does not continue for more than four months (4), unless the worker commits another violation that requires dismissal,
- whilst a worker is being detained by authorities in relation to a work-related incident or dispute that has occurred in the workplace, and until a final decision is made on the case.¹²²

The worker may terminate the contract on his or her part without prior written notice to the employer in one of the following cases:

- if the employer or his or her representative has defrauded the worker when concluding the contract with regard to the terms of employment,
- if the employer or his or her representative commits an immoral act against the worker or any member of his or her family,
- if the employer or his or her representative assaults the worker,
- if there is a serious risk threatening the worker's safety and health, provided that the employer was aware of the existence of this risk and did not implement the measures prescribed or imposed by the competent authorities within the specified time,
- if the employer does not fulfill his or her obligations specified in the contract towards the worker,
- If the employer changes the worker's occupation substantially without his or her consent.¹²³

Compensation for Arbitrary Termination

If the worker is subject to **arbitrary termination** of the contract by the employer, or if the contract is not terminated in accordance with the proper procedures, including any applicable notice periods, the worker is eligible for special compensation on top of the wages they are entitled to during the notice period and any other entitlements owing to them under the law. This compensation will be determined by the competent Arbitration Committee and will be no more than the worker's wage for a period of six months.¹²⁴

Other Issues

Where there are negotiations to renew or extend the contract after the end of the contract, the contract shall remain in effect throughout the negotiations for up to three (3) months. If the negotiations to extend the contract are not successful, the contract will end.¹²⁵ The employer is entitled to a certificate of service at the end of the contract. The certificate should include:

- confirmation of the start and end dates of employment,
- details of the type of work the worker was performing and
- the amount of wages the worker was receiving.¹²⁶

122 Article 37, Labour Code. If the worker is cleared of wrongdoing, they may be allowed to return to work. If they are found guilty of a serious offense, their employment may be terminated.

123 Article 35, Labour Code.

124 Article 39, Labour Code.

125 Article 40, Labour Code

126 Article 41, Labour Code



Moving on (Photo: Zeyed Sulahi/NRC)



13 | WORKPLACE DISPUTES AND APPEALS

Labour disputes are disputes between employers and workers in relation to individual and collective employment contracts and the application of the labour law and associated legislation and regulations.¹²⁷

Disputes can be resolved by negotiation between employee and employer, sometimes involving workers associations to represent the worker, or through the Ministry of Labour, Arbitration Committees or courts. Arbitration Committees exist in all governorates of Yemen to settle labour disputes.¹²⁸ Workers associations or trade unions that are parties to a collective agreement may file claims on behalf of members without the need for a power of attorney from the individual member.¹²⁹

As a first step, the parties in dispute should hold a session to attempt to resolve the issue amicably through negotiations within a month of the dispute. The results of the negotiation should be recorded in confidential written minutes of the negotiations signed by both parties.¹³⁰

If an amicable settlement cannot be reached by the parties, the dispute can be referred to the Ministry of Labour or the local Labour Offices, who shall invite the two parties to a meeting for the purpose of resolving the dispute within two weeks from the date of referral of the dispute.¹³¹

If the mediation by the Labour Office does not resolve the dispute, either party can refer the dispute to the Arbitration Committee within two weeks from the date of the mediation failure report.¹³²

Arbitration Committees

Arbitration Committees consist of a representative of the Ministry of Labour as Chairman, as well as representatives from the General Federation of Chambers of Commerce and a representative of the worker nominated by the General Federation of Trade Unions.¹³³

127 Article 128, Labour Code.

128 Article 131, Labour Code.

129 Article 129, Labour Code.

130 Article 129(1), Labour Code.

131 Article 129(2), Labour Code.

132 Article 130, Labour Code.

133 Article 131, Labour Code.

The Committee has the power to resolve all **workplace disputes, questions of workplace violation and disputes and disagreements arising between employer and employees about the application of labour legislation.**¹³⁴

They have the power to summons persons with relevant information for questioning, hear witnesses and conduct an inspection, including entering any workplace in order to obtain information in relation to the dispute. They can delegate such tasks to members of the Committee, seek the assistance of experts and review all documents or any data they consider necessary to resolve the dispute.¹³⁵

Claims to the Committee must be signed by the parties or their legal representatives. The Committee is bound by the Code of Civil Procedures when deciding disputes and labour disputes must be prioritised.¹³⁶ The exact period within which a labor claim must be filed depends on the nature of the claim and is typically specified in the **Labor Law** or other applicable laws. Labor claims shall not be accepted after the expiry of the time period specified in the applicable laws.

Claims must be **signed by the parties involved** (either the worker or employer) or their legal representatives. This ensures that both parties formally acknowledge the claim before it is reviewed by the committee. Labor disputes are given **priority** to ensure timely resolution, helping protect workers' rights and maintain fair workplace practices. The Arbitration Committee follows the **Code of Civil Procedures** to ensure consistency, fairness, and a structured legal process in handling disputes.

The first session of the Committee should be conducted within ten (10) days of receiving the claim and the Committee must make a decision within 30 days.¹³⁷

Decisions of the Committees shall be issued by a majority of their members and must be reasoned and signed by all members. Any members who objects to any part of the decision or finding can ask that their objection be recorded in the draft decision.¹³⁸

Committee decisions will be final and are only subject to appeal in claims whose value is more than YER60,000.¹³⁹

Court Appeals

Appeals against decisions of the Arbitration Committee must be made to the **Labor Cases Division of the relevant Court of Appeal** within 30 days of the date of notification of the decision.¹⁴⁰ The first session of the court should take place within 15 days of filing the claim and the court must make a final decision within 30 days.¹⁴¹

If parties reach an agreement after the claim is filed with the court, the parties must present a report on the agreement reached and the court must review and endorse the agreement for it to be enforceable.¹⁴²

134 Article 132, Labour Code.

135 Article 133, Labour Code.

136 Article 136, Labour Code.

137 Article 137, Labour Code.

138 Article 134, Labour Code.

139 Article 135, Labour Code.

140 Article 139, Labour Code.

141 Article 139, Labour Code.

142 Article 143, Labour Code.



Amal fetching water (Photo: Malka Mohammed/NRC)

14 | SPECIAL EMPLOYEE CATEGORIES AND PROTECTIONS

14 1 Youth/Minors

When ratifying the ILO Minimum Age Convention, Yemen set a **minimum working age of 14 years for minors**.¹⁴³ A minor cannot be employed except with the approval of his or her guardian and the notification of the relevant Ministry of Labour office. They may not be employed in remote areas far from urban areas.¹⁴⁴

The employer must provide a healthy and safe work environment for minors in accordance with the terms and conditions determined by the Minister of Labour. Minors are prohibited from conducting work that is hard or socially hazardous or working in harmful industries. The Minister of Labour may determine which works and industries minors can work in through a decision of the Minister.¹⁴⁵

Any employer who employs minors must put in place the following protections and minimum standards:

- keep a record of the minor's personal details and their social and professional situation, showing the minor's name, age, guardian, date of commencement of work, place of residence, or any other data required by the Ministry,
- conduct an initial medical examination of the minor and a periodic medical examination whenever necessary to ensure his or her health fitness,
- open a health file for each minor that includes everything related to the relevant work-related health aspects of the minor,
- publicise the work system, standards and protection for minors in a visible place.¹⁴⁶

Minors must be paid a fair wage for the work he or she performs in professions which are similar to those of adults. The wage cannot be less than two-thirds of the minimum wage for the profession in all cases and payment must be made to the minor directly. Based on advice from the Minister of Labour and the recommendation of the Labor Council, the Council of Ministers may determine the levels of the minimum wage for some professions and jobs in which minors work.¹⁴⁷

143 C138 - Convention (No. 138) on Minimum Age, 1973; Minimum age specified: 14 years, ratified by Yemen on 15 June 2000.

144 Article 49, Labour Code.

145 Article 49, Labour Code.

146 Article 51, Labour Code.

147 Article 52, Labour Code.

Minors who work within their families and under the supervision of the head of the family are exempted from the conditions on employment of minors provided that the work by the minors is carried out in accordance with appropriate health and social conditions.¹⁴⁸



14.2 Women

The **right of women to work** is constitutionally entrenched in Yemen and all citizens, both men and women, have equal rights and duties under the law.¹⁴⁹ Equivalence is to be achieved between women and men in relation to employment, promotion, wages, training, qualifications and social insurance.¹⁵⁰

There are special workplace protections for women, particularly in relation to working hours, breastfeeding and maternity leave.

148 Article 53, Labour Code.

149 Articles 29, 31, Yemeni Constitution.

150 Article 42, Labour Code.



Fetching Water, Al Malka (Photo: Khalid Al Bana'a/NRC)



Working Hours and Conditions of Work

A woman's daily working hours are to be limited to five (5) hours if she is pregnant in her sixth month or if she is breastfeeding until the end of the sixth month. This period cannot be reduced except for health reasons based on an approved medical report.¹⁵¹ During this period (six months of pregnancy until end of the six months after birth of the child), a woman cannot be asked to perform additional hours.¹⁵²

Women cannot be employed in industries and jobs that are dangerous, strenuous, and harmful to health and society. The Minister of Labour shall determine by decision what is considered prohibited work for women. Women may not be employed at night except during the month of Ramadan, and only in those jobs that are specified by a decision of the Minister.¹⁵³

Conditions and entitlements for women must be published in a visible place at the workplace.¹⁵⁴

Maternity Leave

A pregnant female worker is entitled to a fully paid maternity leave of sixty (60) days. Pregnant woman cannot be employed during maternity leave. A pregnant worker shall be granted an extra 20 days in addition to the 60 paid days of maternity leave in the following two situations:

- If the birth is difficult and this is proven by a medical decision,
- If the woman gives birth to twins.¹⁵⁵



14 3 Disabled Workers

Employers are encouraged to employ disabled workers in jobs and professions that are appropriate to their abilities and capabilities, so that they enjoy all the rights under the Labour Code.¹⁵⁶ Subject to the capability of disabled workers and opportunities within the workplace, employers are required to employ disabled persons nominated by the Ministry of Labour or its branches in proportion of up to five (5) per cent of the employer's total workforce.¹⁵⁷



14 4 Volunteers

There is no provision in the Labor referring to voluntary work. Volunteers are therefore not specifically covered by the Labour Code, including in cases of any accident or injury. However, if volunteers receive any payment which could be considered a form of remuneration or wage, they may be considered employees and subject to the conditions of the Labour Code, including payment of the minimum wage.

151 Article 43, Labour Code.

152 Article 44, Labour Code.

153 Article 46, Labour Code.

154 Article 47, Labour Code.

155 Article 45, Labour Code.

156 Article 5, Labour Code.

157 Article 15, Labour Code.



Building Shelters (Photo: Hatar Abdulhamid/NRC)



15 | VOCATIONAL TRAINING

Vocational training is defined in the law as “conducting theoretical and practical vocational training, or both, to acquire skills in any specific profession or trade before joining work. This includes training workers during their service to raise the level of their professional skills.”¹⁵⁸

Employers are required to support workers to gain vocational skills and qualifications. This can include:

- providing on-the-job training and development of training and testing programs,
- participating in establishing a training centre with other business owners who practice an activity similar to the nature of the activity the employer practices and to develop training and testing programs,
- an annual financial contribution to the Ministry' of Labour's vocational training projects. This contribution is calculated based on the number of workers employed by the employer. The Cabinet's decision determines the amount of the contribution and its percentage of the total wages of all workers.¹⁵⁹

A trainee worker is obliged to work for the employer for at least as long as he or she spends in training within Yemen and to serve double this period if the training is provided outside Yemen. The employer may recover all or some of the training expenses if the worker does not work for the employer for the required period after receiving the training, taking into account his or her service before and after training.¹⁶⁰

The Ministry of Labour has a technical, operational and supervisory role in relation to the provision of vocational training in Yemen. It also coordinates with other government agencies on vocational training related issues. Its responsibilities include:

- supervising the training institutes and centres established by the state and organizing their affairs,
- developing vocational training fields in all aspects,
- supervising the development of training and testing programs,
- evaluation of training levels, curricula and areas,

158 Article 104, Labour Code.

159 Article 105, Labour Code.

160 Article 105, Labour Code.

- determining the needs of trainees and preparing and qualifying trainers in coordination with the relevant authorities,
- drawing up the admission policy for vocational training institutes and centres,
- coordinating training affairs at various training institutions to achieve maximum benefit from their training capabilities,
- developing plans and programmes to distribute graduates of vocational training institutes and centres to appropriate work sites, in coordination with relevant authorities,
- technical supervision of training institutions covered by the provisions of this law in the field of curricula, programmes, testing and providing technical advice.¹⁶¹



16 | WORKER'S ASSOCIATIONS AND TRADE UNIONS

Workers and employers have the right to form and join representative organizations voluntarily to protect their work interests, defend their rights, and represent them in bodies, councils, conferences, and in all matters related to such matters.¹⁶²

Trade unions and employers' organizations have the right to practice their trade union activity in accordance with the Labour Law, the Trade Unions Organization Law, and the regulations and bylaws implementing these laws.¹⁶³ The worker's representative is the General Federation of Trade Unions or the relevant general union. The trade union committee is the trade union elected in the workplace.

¹⁶¹ Article 106, Labour Code.

¹⁶² Articles 6, 151, Labour Code.

¹⁶³ Articles 6, 151, Labour Code.



Hassan Mohammed Hashim (Photo: Hassan Al Bana'a/NRC)





Daily work (Photo: Khalid Al Bana'a/NRC)



17 | FOREIGN WORKERS

Foreign workers require a work permit to be able to work legally in Yemen,¹⁶⁴ and an employer is prohibited from employing a foreign worker unless he or she has obtained that permit.¹⁶⁵

There are no special exceptions for refugees who must also obtain a work permit to be able to work legally in Yemen

To work in Yemen, foreign workers must satisfy the following requirements:

- › be in possession of legal residence in Yemen and a work permit,
- › fulfill the requirements for the profession they will be working in, be authorized to work in that profession and be in full health,
- › have a license to practice for any professions that require a special license,
- › be skilled or qualified in a craft or profession in which Yemeni expertise is not available.¹⁶⁶

However, it is prohibited to employ foreign workers in Yemen in the following cases:

- › if he or she has previously worked in Yemen and was dismissed due to his or her misconduct or by a judicial ruling,
- › if he or she has left the service of the employer,
- › if he or she entered Yemen for a purpose other than work,
- › if the Ministry of Labour finds it possible to nominate a Yemeni worker for the advertised position.¹⁶⁷

164 However, foreign nationals working under an international agreement with Yemen, such as diplomats or UN officials, shall be exempt from the work permit requirement. Article 3, Labour Code.

165 Article 19, Labour Code.

166 Article 20, Labour Code.

167 Article 26, Labour Code.

Foreign nationals who work without a work permit may be deported from Yemen, whilst employers may be fined or prosecuted for employing foreign workers without a work permit.

If a foreign worker leaves their employment with any employer—whether private or government-affiliated—they cannot change employers within Yemen without first exiting the country. The foreign worker would need to complete the exit and re-entry process and restart the employment application in order to be able to work for a new employer.

Applications for Work Visas

Employers who want to employ a foreign worker must submit an application, using the form specified by the Ministry of Labour. They must provide the following information:

- › the employer's name, nationality, profession and main place of work,
- › the name, surname, nationality, religion, date of birth, original place of residence and marital status of the foreign worker to be brought in,
- › the type of work the worker will be performing and the type of his or her previous work,
- › the expected period of employment of the worker,
- › information about whether the worker has previously entered Yemen, the reason and date of entry, and the date and reasons for his or her departure,
- › a statement of the total number of foreign workers employed by the employer, a statement of the number of them working in the same profession in which the worker to be employed will work, and the number of Yemeni workers employed by the employer,
- › any other data requested by the Ministry or its competent office.¹⁶⁸

The following information should also be provided as part of the work permit application:

- › a certificate from the Ministry of Labour or its local office stating that the Yemeni workers are not available to perform the work for which the foreign worker is required to be brought in,
- › a certificate of the worker to be brought in, his or her technical qualifications and experience, attached with a certified translation into Arabic if it is written in a foreign language,
- › a copy of the draft employment contract to be concluded with the worker, clearly stating the amount of wages, incentives, and cash and in-kind benefits that will be given to him or her,
- › a statement of the projects and businesses carried out by the employer at the time of submitting the application, supported by the necessary documents and papers,
- › any other documents or data requested by the Ministry or its local office.¹⁶⁹

The number of non-Yemeni workers employed by an employer must be less than ten (10) per cent of the total number of Yemeni workers in the workplace. The Minister may increase or decrease this percentage when necessary, in accordance with the directions approved by the Council of Ministers.¹⁷⁰

168 Article 22, Labour Code.

169 Article 22, Labour Code.

170 Article 21, Labour Code.

Work Permit

Once the work permit is approved, a foreign worker will be given a work card, which shall include all necessary information about him or her, their work, the duration of the permit, and their place of residence in Yemen. The fees for issuing and renewing work cards for foreign workers, issuing a replacement or copy of a lost one are decided by a decision of the Council of Ministers.¹⁷¹

Employer Obligations

Every employer who employs a non-Yemeni national is obliged to do the following:

- record the worker's name and all data specified in the work card in a special register within two weeks from the date of commencement of work,
- appoint a Yemeni counterpart with the appropriate qualifications and competencies to mentor the foreign worker, when the foreign worker is undertaking a binding training programme,
- immediately inform the Ministry of Labour of any changes in the conditions of the foreign worker.¹⁷²

171 Article 24, Labour Code. Foreign workers are not required to pay the fee for the work card if their country permits Yemeni workers to work without a fee on the basis of the principle of reciprocity.

172 Article 25, Labour Code.



Receiving assistance (Photo: Malka Mohammed/NRC)



Working together (Photo: Mohammed Hassan/NRC)



18 | INFORMATION AND AVAILABLE RESOURCES

ILO Resources

ILO provides comprehensive and updated information on employment laws, regulations and procedures worldwide through their ILO NORMLEX Information Systems on International Labour Standards. This includes national legislation, international labour treaties ratified by Iraq and relevant country research links.

The site also includes information about reports and information submitted by Yemen to international labour standards monitoring bodies, such as the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and reports by such bodies concerning Yemen.

- [ILO Yemen Country Profile](#).
- Legal Business, Luqman Legal Advocates & Legal Consultants, [Yemeni Employment Law Overview](#), 28 June 2023.
- UNICEF, Emergency Social Protection Enhancement and COVID-19 Response Project (ESPECRP), [Labor Management Procedures](#), 2 June 2023.





Baheyah baking bread (Photo: Khalid Al Bana'a/NRC)

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