

DRAFTING NOTE

Labour Code of Eritrea 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed code. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The Code replaces Labour Proclamation 118/2001 and related labour and social-welfare notices. It is coordinated with the Civil Service Administration Act: the Code governs ordinary employment generally, while constitutionally structured civil-service appointment, discipline and administration are governed by that Act, subject to expressly preserved minimum labour protections.

3. What the draft retains

It retains the useful foundations of the Proclamation, including voluntary employment contracts, wages and hours, occupational safety, termination standards, labour inspection, worker and employer organizations, collective bargaining and dispute resolution.

4. What the draft updates and modernizes

It modernizes equality and harassment law, forced and child labour protections, migrant and domestic work, digital and platform work, electronic records and payment, family responsibilities, redundancy, insolvency protection, modern safety management, freedom of association, remedies and alignment with Eritrea's applicable ILO obligations.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address book i — foundations and fundamental rights; book ii — individual employment relations; book iii — occupational safety, health and employment

injury; book iv — collective labour relations; book v — labour administration and justice; book vi — compliance, remedies and final provisions; book i; book ii; book iii; book iv; book v; book vi.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

CODE NO. ____/2026

LABOUR CODE OF ERITREA 2026

(CODE)

A CODE TO GUARANTEE CONSTITUTIONAL RIGHTS AND CONDITIONS OF LABOUR; REGULATE INDIVIDUAL AND COLLECTIVE EMPLOYMENT RELATIONS; PROHIBIT FORCED LABOUR, CHILD LABOUR, DISCRIMINATION, VIOLENCE AND RETALIATION; PROVIDE FOR WAGES, WORKING TIME, LEAVE, OCCUPATIONAL SAFETY AND HEALTH, EMPLOYMENT INJURY, WORKERS' AND EMPLOYERS' ORGANIZATIONS, COLLECTIVE BARGAINING, INDUSTRIAL ACTION, LABOUR ADMINISTRATION, INSPECTION, DISPUTE RESOLUTION AND REMEDIES; DEFINE THE RELATIONSHIP OF LABOUR LAW WITH THE CIVIL SERVICE ADMINISTRATION ACT AND OTHER LEGISLATION; REPEAL AND REPLACE LABOUR PROCLAMATION 118/2001; AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Articles 14, 16, 19, 21, 24 and 26 of the Constitution of Eritrea guarantee equality, dignity, freedom of organization, lawful occupation, labour protection, administrative redress and lawful limitations of rights;

WHEREAS Article 21(5) of the Constitution requires the National Assembly to enact laws guaranteeing the rights and conditions of labour and related social responsibilities;

WHEREAS Labour Proclamation 118/2001 established a substantial framework for employment, wages, leave, workplace safety, associations, collective bargaining, dispute resolution and inspection that should be preserved where sound and modernized under the Constitution;

WHEREAS a democratic and open-market Eritrea requires productive enterprise together with freely chosen work, fair competition, lawful mobility, effective worker protection and independent adjudication;

WHEREAS technology, remote and platform work, automated management, modern payment systems, cross-border recruitment and changing production require clear contemporary rules;

WHEREAS the Civil Service Administration Act remains the special law for the civil service while fundamental dignity, equality and safety protections should extend throughout work;

WHEREAS Eritrea's regional and international human-rights obligations and ratified fundamental International Labour Organization Conventions require effective domestic implementation;

NOW, THEREFORE, the National Assembly of Eritrea enacts the following Code:

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BOOK I
FOUNDATIONS AND FUNDAMENTAL RIGHTS

TITLE I
PRELIMINARY PROVISIONS

CHAPTER I
PURPOSE, APPLICATION AND INTERPRETATION

SECTION 1
PRELIMINARY

Article 1 — Short title

This Code may be cited as the Labour Code of Eritrea 2026.

Article 2 — Objects

1. give effect to the constitutional rights, conditions and responsibilities of labour;
2. promote freely chosen, productive and fairly remunerated work in an open and competitive economy;
3. establish minimum employment standards without preventing more favorable terms;
4. protect dignity, equality, freedom of association, collective bargaining, safety and effective remedies;
5. support enterprise, skills, mobility, technological adaptation and orderly labour relations; and
6. replace fragmented labour regulation with accessible, enforceable and digitally usable law.

Article 3 — Application

1. This Code applies to every employment relationship performed wholly or principally in Eritrea, unless an express provision states otherwise.
2. It applies to an Eritrean employee recruited in Eritrea for work abroad to the extent stated in the contract, this Code or applicable private international law.
3. Minimum rights under this Code apply regardless of the employer's legal form, ownership, profit status, method of payment or use of an intermediary.
4. A diplomatic mission or international organization is subject to this Code except to the extent of immunity recognized by enacted law or a constitutionally valid agreement.

Article 4 — Definitions

1. “Board” means the Labour Relations Board continued by Article 195;
2. “child” means a person below eighteen years of age;
3. “Code” means the Labour Code of Eritrea 2026;

4. “collective agreement” means a written agreement concerning employment relations concluded by one or more employers or employers' organizations and one or more representative workers' organizations;
5. “employee” means a natural person who personally performs work for remuneration under the direction, control or economic dependence of another, whatever the contractual label;
6. “employer” means a person who employs an employee and includes a person treated as a joint employer under this Code;
7. “employment agency” means a person who recruits, places, supplies or facilitates workers for another for gain;
8. “essential service” means a service designated under Article 183 whose interruption would create a clear and imminent threat to the life, personal safety or health of the whole or part of the population;
9. “forced labour” means work or service exacted under menace of a penalty for which the person has not offered himself or herself voluntarily;
10. “Labour Inspectorate” means the Labour Inspection Service continued by Article 193;
11. “Minister” and “Ministry” mean the minister and ministry responsible for labour;
12. “platform worker” means a person who obtains, accepts or performs remunerated work through a digital labour platform;
13. “public enterprise” means an enterprise controlled by the State or local government and carrying on commercial activity;
14. “remuneration” includes wages and every monetary or measurable benefit arising from employment, but excludes genuine reimbursement of expenses;
15. “trade union” means an independent workers' organization formed principally to promote and defend workers' employment interests;
16. “undertaking” includes an enterprise, establishment, project, profession, household, farm, vessel, platform or activity in which a person is employed;
17. “wages” means remuneration payable for work, including salary, commission, piece-rate pay and regularly paid allowances; and
18. “worker” includes an employee and, where expressly stated, an applicant, apprentice, dependent contractor, platform worker or other person who personally performs work.

Article 5 — Constitutional interpretation

1. The Constitution is supreme, and this Code shall be interpreted to advance equality, dignity, association, lawful occupation, social welfare, due process and administrative redress.
2. A limitation of a right shall satisfy Article 26 of the Constitution and shall not be inferred from a general administrative or economic power.
3. No employer, public authority, collective agreement or contract may authorize slavery, servitude, forced labour or cruel, inhuman or degrading treatment.

Article 6 — International and African standards

1. So far as its text permits, this Code shall be interpreted consistently with constitutionally valid obligations binding Eritrea under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African

Charter on Human and Peoples' Rights, CEDAW, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

2. Particular regard shall be given to the ILO Forced Labour Convention, Freedom of Association and Protection of the Right to Organise Convention, Right to Organise and Collective Bargaining Convention, Equal Remuneration Convention, Abolition of Forced Labour Convention, Discrimination Convention, Minimum Age Convention and Worst Forms of Child Labour Convention ratified by Eritrea.
3. An international standard may guide protective interpretation but does not enlarge executive power or amend an Assembly Act without constitutional authority.

Article 7 — Minimum standards and favorable terms

1. A provision of this Code is a minimum condition unless it expressly permits variation.
2. A contract, collective agreement, established practice or sector order that is more favorable to a worker prevails to that extent.
3. Rights shall be compared by subject and shall not be traded against unrelated benefits to justify a less favorable term.

Article 8 — No waiver or contracting out

1. A waiver, release, repayment agreement or contractual term that removes a minimum right under this Code is void to the extent of the inconsistency.
2. A settlement of an existing dispute is valid only if informed, voluntary, written and not contrary to public policy.
3. A court or the Board may set aside a settlement obtained by coercion, deception, material inequality or denial of independent advice.

Article 9 — Good faith and prohibition of abuse

1. The parties shall exercise rights and perform obligations honestly and for their proper employment purpose.
2. No person may use corporate form, subcontracting, labour supply, digital intermediation or an artificial transaction to defeat this Code.
3. A court may determine the substance of an arrangement and grant the remedy necessary to prevent abuse.

SECTION 2 RELATIONSHIP WITH OTHER LAWS

Article 10 — Relationship with the Civil Service Administration Act

1. The Civil Service Administration Act is the special law governing appointment, establishment, classification, remuneration, promotion, performance management, discipline and separation of public servants within its scope.
2. A public servant shall use the procedures and remedies established by that Act for a matter specially regulated by it.

3. The prohibitions of forced labour, child labour, discrimination, retaliation and workplace violence, together with the occupational safety duties of this Code, apply to the civil service unless an Assembly Act provides equal or greater protection or a constitutionally justified special rule.
4. Where the Civil Service Administration Act is silent, a court may use this Code as a supplementary standard if doing so is consistent with public-service tenure, constitutional responsibility and enacted appropriations.
5. No person may be classified as a public servant merely to deprive that person of protection applicable to the true relationship.

Article 11 — Public enterprises and government projects

1. Employees of a public enterprise or revenue-producing government project are governed by this Code unless the Civil Service Administration Act expressly applies to the position.
2. State ownership does not justify inferior wages, indefinite compulsory service, political discrimination or denial of collective labour rights.
3. A senior officer exercising sovereign public power may be governed by a special Act, but an ordinary commercial or technical employee shall not be excluded merely because the employer is public.

Article 12 — Civil, Commercial and procedural Codes

1. This Code is the special law for employment and prevails over an inconsistent general contractual rule in the Civil Code.
2. The Civil Code supplements this Code on capacity, obligations, representation, damages and prescription where consistent with the protective purpose of employment law.
3. The Commercial Code governs enterprises, insolvency and commercial transactions subject to the priority of employment claims under this Code.
4. The Civil Procedure Code applies to labour proceedings subject to the simplified, accessible and expeditious procedures established by this Code and the Courts Act.

Article 13 — Penal, social-insurance and sector laws

1. The Penal Code governs criminal liability, and no regulation under this Code may create imprisonment or a criminal offence.
2. The Social Insurance and Public Service Pensions Act governs contributory benefits and public-service pensions, while this Code governs the underlying employment duties and minimum employer liability.
3. Immigration, data protection, education, public health, mining, maritime, transport and other sector Acts apply within their fields, but may not reduce a minimum labour right without express Assembly authority.

Article 14 — Defence, police, intelligence and national service

1. Members of the Defence Forces, Police Service and National Intelligence Service are governed principally by their respective Assembly Acts and are not employees merely because they receive pay or allowances.
2. Those Acts may limit association or industrial action only to the extent necessary in a democratic society and shall preserve dignity, equality, safety and lawful complaint mechanisms.
3. National service is governed by the National Service Act and shall not be used to supply involuntary labour to an ordinary public or private undertaking.
4. This Article does not exempt any person from the prohibitions of slavery, servitude, trafficking or forced labour.

Article 15 — Noncitizens and immigration status

1. A noncitizen lawfully working in Eritrea has the same minimum labour rights as a citizen.
2. Lack or expiry of a work permit does not extinguish a worker's claim for wages, injury, discrimination, exploitation or another accrued right.
3. Work authorization is governed by immigration legislation, and the Ministry shall not create immigration detention or deportation powers under this Code.

Article 16 — Electronic equivalence and accessibility

1. A writing, signature, notice, record, hearing or payment may be electronic if it is accessible, reliable, reproducible and attributable to the person concerned.
2. A person who cannot reasonably use an electronic system is entitled to an assisted or paper alternative without disadvantage.
3. An employer or public authority shall not rely on an unpublished digital process, inaccessible language or technical failure to defeat a right.

TITLE II
FUNDAMENTAL RIGHTS AT WORK

CHAPTER II
DIGNITY, FREEDOM AND EQUALITY

SECTION 3
HUMAN DIGNITY AND FREEDOM FROM COERCION

Article 17 — Right to dignity

1. Every worker has the right to be treated with dignity and respect in recruitment, work, discipline and termination.
2. Humiliating punishment, degrading searches, deprivation of food or shelter, threats to family members and abusive confinement are prohibited.
3. An employer shall take reasonable steps to prevent abuse by supervisors, clients, contractors and other workers.

Article 18 — Prohibition of forced labour

1. No person shall exact, facilitate, benefit knowingly from or retain a person in forced labour.
2. Threats involving violence, detention, denunciation, immigration status, debt, dismissal without lawful choice, confiscation of identity documents or withholding earned wages may constitute menace of a penalty.
3. Consent obtained by deception about the nature, location, duration, remuneration or freedom to leave work is not voluntary consent.

Article 19 — Narrow lawful obligations

1. Forced labour does not include work of a strictly military character required under a constitutionally valid Defence Forces or National Service Act, ordinary civic obligations, work ordered after conviction under court supervision, genuine emergency service, or minor communal service directly benefiting the community.
2. An exception in paragraph 1 shall be defined by law, necessary, proportionate, time-limited and subject to complaint and judicial review.
3. Communal service requires prior consultation, equal distribution, reasonable duration and protection of health, education and livelihood.
4. No exception permits economic development projects, political coercion, punishment for opinion, labour discipline, strikebreaking or discrimination.

Article 20 — Debt bondage and document retention

1. A worker shall not be required to work to liquidate an indeterminate, inflated or inherited debt.

2. An employer or recruiter shall not retain a passport, identity document, bank card, telephone or travel document except briefly for a documented administrative purpose with immediate access and prompt return.
3. Recruitment, transport or accommodation debt shall not prevent a worker from leaving employment in accordance with lawful notice.

Article 21 — Right to leave employment

1. No contract may compel personal service by physical force, detention or criminal punishment for ordinary breach.
2. A worker may terminate employment upon lawful notice and remains liable only for proven civil loss that is not punitive or designed to compel continued service.
3. A court shall not order specific performance of personal employment against a worker.

SECTION 4

EQUALITY, HARASSMENT AND RETALIATION

Article 22 — Equal opportunity and non-discrimination

1. No person may discriminate directly or indirectly in recruitment, training, pay, assignment, promotion, discipline, termination or another employment matter.
2. Protected grounds include race, ethnic or social origin, language, colour, sex, pregnancy, family responsibility, gender, disability, age, religion or belief, political opinion, nationality, migration status, health status, lawful union activity and any other improper factor under Article 14 of the Constitution.
3. A distinction based on an inherent requirement of a particular job is lawful only if genuine, necessary and proportionate.
4. Measures reasonably designed to correct demonstrated disadvantage are not discrimination.

Article 23 — Equal remuneration for work of equal value

1. Women and men are entitled to equal remuneration for the same work or work of equal value.
2. Value shall be assessed objectively by skill, effort, responsibility, conditions and other nondiscriminatory factors, not job title alone.
3. An employer shall correct an unjustified pay difference without reducing another worker's remuneration.

Article 24 — Disability and reasonable accommodation

1. An employer shall provide reasonable accommodation enabling a qualified person with a disability to apply for, perform and advance in work.
2. Accommodation may include accessible recruitment, modified equipment, adjusted schedules, reassignment of marginal duties or transfer to suitable vacant work.

3. The employer bears the burden of proving that a requested accommodation would impose disproportionate hardship after considering cost, size, external support and available alternatives.

Article 25 — Pregnancy and family responsibility

1. Pregnancy, childbirth, breastfeeding, marital status or family responsibility shall not be a ground for refusal, disadvantage or dismissal.
2. A requirement affecting pregnancy or caregiving must be necessary for safe and effective performance and applied with reasonable accommodation.
3. A pregnancy test may be required only where the work presents a medically established serious risk that cannot be controlled by accommodation.

Article 26 — Violence and harassment

1. Workplace violence and harassment, including sexual harassment, bullying, stalking, threats and gender-based violence, are prohibited.
2. Conduct may occur once or repeatedly, at the workplace, during travel or training, in employer-provided accommodation, through communications or in another work-connected setting.
3. An employer shall adopt proportionate prevention, confidential reporting, prompt investigation, protection and corrective measures.
4. A complainant shall not be compelled to confront the alleged perpetrator as a condition of assistance.

Article 27 — Protection from retaliation

1. No person may disadvantage another for asserting a labour right, reporting misconduct, assisting an investigation, refusing dangerous or unlawful work, participating in a union or giving truthful evidence.
2. A materially adverse act occurring after protected conduct gives rise to an inference of retaliation unless the respondent proves a legitimate independent reason.
3. Interim reinstatement, preservation of records and protective directions may be ordered where retaliation is reasonably alleged.

SECTION 5

PRIVACY, TECHNOLOGY AND FAIR MANAGEMENT

Article 28 — Worker privacy

1. An employer may collect or use worker information only for a lawful, specified and proportionate employment purpose.
2. Medical, biometric, location, communication and family information receives heightened protection under the Data Protection and Privacy Act.
3. A worker shall be informed of material monitoring, the data collected, purpose, retention, recipients and available challenge.

Article 29 — Searches and surveillance

1. A workplace search or surveillance measure must respond to a legitimate risk and use the least intrusive reasonably effective method.
2. A body search requires specific reasonable grounds, dignity, privacy and a person of the same sex where practicable; an intimate search requires lawful medical or judicial authority.
3. Continuous monitoring of private communications, sanitary facilities, changing areas or union activity is prohibited.

Article 30 — Automated employment decisions

1. A worker shall be informed when an automated system materially influences recruitment, pay, scheduling, performance, discipline or termination.
2. The employer shall test the system for accuracy, discrimination, security and disproportionate impact and retain meaningful human responsibility.
3. A person affected is entitled to understandable reasons, correction of material data and timely human reconsideration.
4. No dismissal or other serious adverse decision may rest solely on an automated output.

Article 31 — Right to disconnect and digital availability

1. An employee is not required to monitor or answer work communications outside agreed working time unless lawfully on call or responding to a genuine emergency.
2. A workplace policy shall define on-call periods, response expectations and compensation.
3. A refusal to engage outside working time shall not attract retaliation where the demand was not lawful and reasonable.

CHAPTER III PROTECTION OF CHILDREN AND VULNERABLE WORKERS

SECTION 6 CHILD LABOUR

Article 32 — General prohibition

1. A child shall not be employed or permitted to work contrary to this Code, education law or the child's best interests.
2. A parent, guardian, employer, recruiter or public officer shall not consent to work prohibited by law.
3. Poverty, custom, family enterprise or payment to an adult is not a defence to exploitation.

Article 33 — Minimum age

1. The general minimum age for employment is sixteen years.
2. A child aged fourteen or fifteen may perform light work under Article 34 but shall not be treated as an ordinary full-time employee.
3. No person below eighteen may perform hazardous work, night work or a worst form of child labour.

Article 34 — Light work

1. Light work must be safe, closely supervised, age-appropriate and limited in hours.
2. It shall not prejudice school attendance, study, rest, health, development or vocational training.
3. The Minister may specify permitted activities and hours after consulting the ministries responsible for education, health and children and the National Labour Council.
4. A permit for artistic, cultural or sporting participation may be granted subject to education, earnings, safeguarding and time limits.

Article 35 — Hazardous and worst forms of child labour

1. Hazardous work includes exposure to violence, underground or underwater work, dangerous machinery, explosives, toxic substances, extreme heat, excessive loads, night work or another serious risk to health, safety or morals.
2. The worst forms include slavery, trafficking, debt bondage, forced recruitment for armed conflict, commercial sexual exploitation, illicit activities and work likely to cause serious harm.
3. The responsible authorities shall remove and protect the child, secure rehabilitation and education, preserve earned wages and investigate responsible adults without punishing the child.
4. A hazardous-work list shall be reviewed at least every three years with worker, employer, child-protection and technical participation.

BOOK II
INDIVIDUAL EMPLOYMENT RELATIONS

TITLE III
FORMATION AND CLASSIFICATION OF EMPLOYMENT

CHAPTER IV
EMPLOYMENT STATUS AND CONTRACT

SECTION 7
EXISTENCE AND FORM OF EMPLOYMENT

Article 36 — Employment determined by substance

1. The existence of employment is determined by facts, including control, integration, personal service, economic dependence, allocation of risk and opportunity for independent enterprise.
2. The label chosen by the parties, tax treatment, registration or method of payment is relevant but not conclusive.
3. A person shall not lose employee status merely because work is intermittent, remote, performed through technology or paid by task.

Article 37 — Presumption of employment

1. A person who personally performs work for remuneration is presumed to be an employee if the putative employer controls performance, hours, price, access to customers or material tools, or if the person is economically dependent on one undertaking.
2. The putative employer bears the burden of proving genuine independent enterprise.
3. The presumption does not prevent recognition of a dependent contractor entitled to protections expressly extended by this Code.

Article 38 — Joint employment and related enterprises

1. Two or more persons are joint employers where they share material control of work or one supplies labour as an integrated part of the other's undertaking.
2. Joint employers are jointly and severally responsible for wages, working time, safety, discrimination and records within their control.
3. A controlling enterprise that dictates labour conditions through a contractor may be liable to the extent of its control or knowing benefit from a violation.

Article 39 — Capacity and protection of young persons

1. A person aged sixteen or older may enter an employment contract subject to this Code.
2. A lawful light-work arrangement for a child shall be written and approved by a parent or guardian and the designated child-protection authority.
3. A minor is not liable in damages for refusing or leaving work that is harmful or unlawful.

Article 40 — Written particulars

1. An employer shall provide written particulars no later than the first working day.
2. Particulars shall state the parties, job, commencement, place or mobility, hours, remuneration, payment interval, leave, duration, probation, notice, applicable collective agreement and dispute route.
3. A change shall be notified in writing before it takes effect, except an emergency temporary direction authorized by this Code.
4. Failure to provide particulars does not invalidate employment and shall be construed against the employer on a disputed term within its knowledge.

Article 41 — Language and accessible explanation

1. Written particulars and material policies shall be provided in a language the employee understands or explained accurately through an accessible method.
2. A worker shall receive a copy without charge and may obtain it in paper or durable electronic form.
3. A signature does not prove understanding where the employer failed to provide the required explanation.

Article 42 — Indefinite employment as default

1. Employment is presumed indefinite where the work is continuous or the contract does not state a lawful fixed term.
2. A fixed term is lawful for a temporary replacement, genuine project, seasonal activity, training, time-limited funding or another objective reason.
3. Successive fixed terms used without objective reason to avoid security, benefits or collective rights convert to indefinite employment.

Article 43 — Probation

1. Probation shall be agreed in writing and shall not exceed ninety calendar days.
2. It may be extended once for a period of absence or where reasonable accommodation requires additional assessment, but not beyond a total of six months.
3. The employee has all rights under this Code during probation except statutory severance based solely on length of service.
4. Termination during probation requires a fair assessment, an opportunity to respond and written notice proportionate to service.

SECTION 8 FORMS OF WORK

Article 44 — Part-time employment

1. A part-time employee is entitled to conditions no less favorable than a comparable full-time employee on a proportionate basis unless objective reasons justify a difference.

2. Part-time status shall not exclude access to training, promotion, union representation or social insurance.
3. An employer shall consider a reasonable request to move between full-time and part-time work and give written reasons for refusal.

Article 45 — Casual and intermittent work

1. Casual status is determined by genuine irregularity and not by daily or task-based payment alone.
2. A person working regularly for an undertaking for ninety days in a twelve-month period is presumed to have continuing employment proportionate to the established pattern.
3. A casual employee accrues wages, rest, leave and injury protection for work performed.

Article 46 — Temporary agency work

1. An employment agency supplying labour is the employer unless facts establish joint or direct employment with the user undertaking.
2. The agency and user undertaking are jointly liable for minimum wages, working time, safety and discrimination during an assignment.
3. An assigned worker shall receive conditions comparable to a directly employed worker performing substantially similar work after three months, unless a more favorable collective agreement applies.
4. An agreement preventing the worker from accepting direct employment after assignment is void except for a reasonable disclosed placement fee payable by the user, not the worker.

Article 47 — Platform and digitally mediated work

1. A platform shall disclose the legal person responsible, pricing method, deductions, allocation rules, rating system, suspension grounds and dispute process.
2. Control exercised through software is control for determining employment status.
3. An employed platform worker is entitled to minimum wages for engaged working time and necessary waiting time controlled by the platform.
4. A genuinely independent platform worker remains protected against discrimination, violence, nonpayment, opaque automated suspension and retaliation for collective organization.

Article 48 — Remote and hybrid work

1. Remote work shall be agreed in writing or directed temporarily for a lawful emergency or operational reason.
2. The agreement shall address equipment, expenses, working time, data security, privacy, safety, availability and return to the workplace.
3. An employer shall not transfer ordinary business costs to an employee without fair reimbursement.
4. Remote work does not diminish collective, safety, leave or working-time rights.

Article 49 — Domestic work

1. A domestic worker is covered by this Code, including a worker residing in the employer's household.
2. The employer shall provide written terms, privacy, adequate food and accommodation where supplied, rest, freedom of movement and protection from violence.
3. Retention in the household, isolation, confiscation of documents and deduction for ordinary meals or accommodation beyond a lawful limit are prohibited.
4. Inspection of a private dwelling requires consent or judicial authority, except an immediate entry authorized by law to protect life.

Article 50 — Apprenticeship

1. An apprenticeship shall combine supervised practical work with a defined program of transferable training.
2. It shall be written and state duration, skill, curriculum, supervision, assessment, allowance or wages, safety and certification.
3. An apprentice is protected by the provisions on dignity, equality, child labour, working time and safety.
4. An arrangement whose predominant purpose is productive labour rather than training is employment.

Article 51 — Internships and work experience

1. A genuine educational placement shall have stated learning outcomes, limited duration, supervision and no displacement of an ordinary paid position.
2. An intern performing productive work under ordinary control is an employee unless the placement is required and supervised by an accredited education institution.
3. Reasonable expenses and safety protection shall be provided even where a lawful educational placement is unpaid.

Article 52 — Seasonal and agricultural work

1. Seasonal work may use a fixed term corresponding to the genuine season or harvest.
2. Working time may be flexibly arranged by sector order, but average limits, rest, overtime, child protection and safety shall be preserved.
3. Housing, water, sanitation, transport and pesticide exposure provided or controlled by the employer shall meet prescribed standards.

Article 53 — Seafarers and fishers

1. Maritime and fisheries legislation may provide special contracts, hours, repatriation, accommodation, medical care and safety suited to work at sea.
2. This Code supplies minimum protection where the special law is silent and prohibits forced labour, discrimination, child labour and withholding of documents.

3. A choice-of-law clause shall not deprive a worker habitually based in Eritrea of mandatory protection.

Article 54 — Managers and professionals

1. A managerial title does not exclude a person from this Code.
2. A senior manager with substantial autonomous authority may be exempted from specified working-time provisions by regulation or contract, but not from wages, leave, equality, safety, association or fair termination.
3. An exemption shall be construed narrowly and the employer bears the burden of proof.

CHAPTER V DUTIES, WORKPLACE RULES AND EMPLOYMENT RECORDS

SECTION 9 DUTIES OF THE PARTIES

Article 55 — General duties of employer

1. An employer shall provide agreed work, remuneration, lawful tools and a safe environment.
2. The employer shall respect dignity, act without discrimination, give lawful information and preserve employment records.
3. The employer shall train and supervise workers reasonably and comply with contracts, collective agreements and enacted law.

Article 56 — General duties of employee

1. An employee shall perform agreed lawful work with reasonable skill, care, honesty and attention.
2. The employee shall obey lawful and reasonable instructions, protect property, observe safety measures and preserve legitimate confidential information.
3. The duty of loyalty does not require silence about illegality, danger, corruption, discrimination or a matter protected by law.

Article 57 — Lawful orders and conscience

1. An employee is not bound to obey an unlawful, dangerous or materially degrading instruction.
2. A refusal made on reasonable grounds shall be investigated before discipline.
3. A conscientious objection to a particular duty shall be accommodated where reasonably possible without defeating an inherent job requirement.

Article 58 — Assignment and place of work

1. An employee shall ordinarily perform the work and at the place stated in the contract.
2. A reasonable temporary assignment may be made for operational need if it does not reduce remuneration, status, safety or dignity.
3. A permanent material change requires agreement or a fair operational process with notice, consultation and review.
4. The employer shall pay reasonable relocation or travel costs caused by its transfer decision.

Article 59 — Transfer of undertaking

1. A transfer, merger, division, outsourcing or change of ownership does not by itself terminate employment or reduce accrued rights.

2. The transferee succeeds to employment obligations associated with the transferred undertaking, and the transferor remains liable for obligations accrued before transfer unless lawfully assumed with worker protection.
3. Affected workers and unions shall receive timely information and consultation.
4. A dismissal whose principal reason is the transfer is unfair unless justified by genuine operational requirements and fair procedure.

Article 60 — Workplace rules

1. An employer may issue reasonable workplace rules consistent with law, contract and collective agreement.
2. A material rule shall be published, explained, accessible and developed after consultation with workers or their representatives.
3. A secret, retroactive, discriminatory or irrational rule shall not support discipline.

Article 61 — Personnel records

1. An employer shall maintain accurate records of identity, written terms, wages, hours, leave, training, injury, discipline and termination for at least seven years.
2. A worker may inspect and obtain a copy of personal employment records and request correction.
3. Records shall be protected against unauthorized access, alteration and loss and may be kept electronically.

Article 62 — Certificate of service

1. Upon request and at termination, an employer shall provide a certificate stating the employee's identity, job, period of service and remuneration.
2. At the employee's election it may include the reason for separation and an accurate assessment of duties.
3. A certificate shall be provided without charge and shall not contain retaliatory or knowingly misleading information.

Article 63 — Confidentiality and intellectual contribution

1. A worker shall protect a genuine trade secret learned through employment, subject to whistleblower, union, legal-process and public-interest protections.
2. Ownership of an employee invention, work or design is governed by the Intellectual Property Act and a written employment term consistent with that Act.
3. General skill, experience and knowledge acquired by a worker shall not be restrained as confidential property.

TITLE IV
REMUNERATION AND WORKING CONDITIONS

CHAPTER VI
WAGES AND ECONOMIC SECURITY

SECTION 10
PAYMENT AND PROTECTION OF WAGES

Article 64 — Right to remuneration

1. An employee is entitled to agreed remuneration not lower than the applicable statutory or collective minimum.
2. Remuneration becomes due as work is performed and shall not depend on an employer first receiving payment from a client.
3. Uncertain wage terms shall be construed by reference to comparable work, established practice and the minimum wage.

Article 65 — Form and frequency of payment

1. Wages shall be paid in Nakfa unless enacted monetary law or a freely agreed cross-border arrangement permits another currency.
2. Payment shall be made at least monthly for salaried work and at least every two weeks for daily, hourly or piece work, unless a collective agreement provides an equally protective interval.
3. Payment shall be made directly to the employee or an account controlled by the employee.

Article 66 — Electronic wage payment

1. Electronic payment is valid only through a lawful, accessible and reasonably affordable payment service.
2. An employer shall not require use of an affiliated provider that imposes unreasonable fees, conversion losses or restrictions.
3. A worker without practical access to electronic payment is entitled to a lawful alternative.

Article 67 — Wage statement

1. Each payment shall be accompanied by an itemized statement of the period, ordinary hours, overtime, rate, allowances, gross pay, each deduction and net pay.
2. The statement may be electronic if the employee can retain and reproduce it.
3. The employer bears the burden of disproving an employee's reasonably stated hours where required records are absent or unreliable.

Article 68 — Authorized deductions

1. A deduction may be made only by law, court order, collective agreement or the employee's specific written authorization.
2. An authorized deduction shall be itemized, proportionate and remitted promptly to its intended recipient.
3. No deduction may be made for recruitment, ordinary tools, normal breakage, business loss or a cash shortage without proof of personal fault and a fair hearing.
4. Total voluntary deductions shall not reduce take-home pay below a prescribed protected amount.

Article 69 — No withholding or forced spending

1. Earned wages shall not be withheld as security for performance, notice, return of property or continued employment.
2. An employer shall not compel a worker to purchase goods, exchange currency, use credit or accept payment in vouchers.
3. A disputed amount may be placed in an independent escrow only by agreement or lawful order.

Article 70 — Minimum wage

1. Every employee is entitled to the national or sector minimum wage applicable to the work.
2. A minimum wage shall account for basic living needs, productivity, employment, enterprise capacity, regional conditions, social-insurance contributions and orderly economic adjustment.
3. No distinction may be based on sex, nationality, union status or public or private ownership.

Article 71 — Minimum Wage Commission

1. The National Labour Council shall establish an independent Minimum Wage Commission with equal worker and employer representation and independent economic and social expertise.
2. The Commission shall receive public evidence, publish data and recommend rates and adjustment periods at least once every two years.
3. The Minister may adopt a recommendation by published sector order and shall give reasons for any departure.
4. A rate shall not be reduced without Assembly scrutiny and exceptional published evidence.

Article 72 — Piece rates and commissions

1. A piece rate, commission or output formula shall permit an ordinarily competent worker to earn at least the applicable minimum wage during ordinary hours.
2. The formula, measurement, returns, cancellations and deductions shall be transparent and verifiable.

3. Business risk, customer fraud or algorithmic pricing shall not be shifted unfairly to the worker.

Article 73 — Tips, service charges and gratuities

1. A tip paid voluntarily to a worker does not count toward the minimum wage.
2. A mandatory service charge shall be distributed under a published fair policy after deduction only of tax required by law.
3. Management shall not appropriate worker tips or retaliate over distribution concerns.

Article 74 — Idle time and employer delay

1. An employee ready and available to work is entitled to ordinary wages where work is unavailable for a reason within the employer's control.
2. A temporary interruption beyond the employer's control is governed by Article 104 and an applicable collective or sector arrangement.
3. A worker shall not be required to remain at the workplace without pay unless genuinely free to use the time for personal purposes.

Article 75 — Priority of employment claims

1. Accrued wages, leave pay, severance and employment-injury amounts have priority in insolvency as provided by the Commercial Code.
2. The priority extends to reasonable enforcement costs and prescribed employee contributions withheld but not remitted.
3. A director or controlling person who knowingly diverts assets to defeat employment claims may be personally liable.

Article 76 — Equal pay transparency

1. An employer with twenty or more employees shall maintain objective job classifications and permit workers to request the pay range for their classification.
2. A contract shall not prohibit a worker from discussing personal pay or reporting an equality concern.
3. The Minister may require anonymized pay-gap reporting from larger undertakings after consultation and proportionate implementation.

Article 77 — Business expenses and per diem

1. An employer shall reimburse reasonable expenses necessarily incurred in performing work away from the usual place.
2. A published travel or per diem policy shall reflect actual transport, meals and lodging and shall not be treated as wages unless it exceeds genuine expense.
3. An employee shall receive necessary advances where personal prepayment would impose hardship.

Article 78 — Final wage payment

1. All undisputed wages and accrued leave pay are due no later than seven days after termination or the next regular payday, whichever is earlier.
2. A disputed balance shall be itemized and paid promptly when determined.
3. Late wages bear prescribed interest without prejudice to compensation or penalty.

CHAPTER VII WORKING TIME, REST AND LEAVE

SECTION 11 WORKING TIME AND REST

Article 79 — Ordinary working hours

1. Ordinary working time shall not exceed eight hours in a day or forty-four hours in a week.
2. Hours may be distributed over five or six days by agreement, subject to daily and weekly rest.
3. A sector order may authorize averaging over not more than four weeks, but the average shall not exceed forty-four hours and no week shall exceed forty-eight ordinary hours.

Article 80 — Recording working time

1. An employer shall record the actual start, end, breaks, overtime and on-call work of each nonexempt employee.
2. A reliable worker-controlled electronic record may be used, but automatic rounding shall not systematically reduce payable time.
3. Where records are missing, the worker's credible estimate creates a rebuttable presumption.

Article 81 — Overtime

1. Overtime requires agreement, collective arrangement or a temporary lawful necessity and shall not be habitual compulsory staffing.
2. An employee shall not work more than twelve overtime hours in a week or fifty-six total hours except a genuine emergency threatening life, safety or essential property.
3. A refusal of unreasonable overtime is not misconduct.

Article 82 — Overtime remuneration

1. Ordinary overtime shall be paid at not less than one and one-half times the hourly wage.
2. Work on the weekly rest day or public holiday shall be paid at twice the hourly wage or compensated by paid time off of equivalent enhanced value by agreement.
3. A collective agreement may provide time off instead of cash if freely chosen, recorded and taken within three months.

Article 83 — Meal and rest breaks

1. An employee working more than five consecutive hours is entitled to a meal break of at least thirty minutes.
2. A break is working time if the employee must remain available or cannot use it freely.
3. Additional short rest breaks shall be provided for strenuous, hazardous, repetitive, screen-intensive or pregnancy-related work as reasonably necessary.

Article 84 — Daily and weekly rest

1. An employee is entitled to at least eleven consecutive hours of daily rest.
2. An employee is entitled to at least twenty-four consecutive hours of weekly rest, ordinarily including Sunday unless the nature of the undertaking reasonably requires another day.
3. A departure for urgent continuity shall be followed by equivalent rest without loss of pay.

Article 85 — Night and shift work

1. Night work shall be scheduled with regard to transport, security, health, family responsibilities and adequate rest.
2. A regular night worker is entitled to periodic health assessment and transfer to suitable day work where medically necessary and reasonably available.
3. Night and rotating shift premiums may be established by collective agreement or sector order.

Article 86 — On-call and standby time

1. Time spent at the workplace or another place substantially controlled by the employer while awaiting work is working time.
2. Off-site on-call time is compensable to the extent restrictions materially prevent ordinary personal use.
3. An on-call policy shall state response time, frequency, remuneration and rest after call-out.

Article 87 — Public holidays

1. An employee is entitled to prescribed public holidays with ordinary pay.
2. An employee required to work receives the premium or substituted rest under Article 82.
3. Religious or cultural observance not designated as a public holiday shall be reasonably accommodated through leave or scheduling where practicable.

SECTION 12

ANNUAL, FAMILY AND OTHER LEAVE

Article 88 — Annual leave entitlement

1. An employee is entitled to at least twenty working days of paid annual leave for each completed year of service.
2. A part-time or partial-year employee accrues leave proportionately.
3. A collective agreement may provide a more favorable entitlement or additional leave for hazardous, remote or arduous work.

Article 89 — Taking annual leave

1. Leave timing shall be agreed, having regard to rest, family needs and operational requirements.

2. At least ten working days shall be capable of being taken consecutively unless the employee requests otherwise.
3. An employer shall give reasonable notice of directed leave and shall not repeatedly postpone leave without compelling reason.

Article 90 — Accumulation and payment in lieu

1. Annual leave should be taken in the year earned and may be carried forward for up to eighteen months by agreement or operational necessity.
2. Payment in lieu is prohibited during employment except for leave above the statutory minimum under a freely agreed arrangement.
3. Accrued statutory leave shall be paid at termination.

Article 91 — Sick leave

1. An employee unable to work because of illness or injury is entitled in each twelve-month period to thirty working days at full pay and sixty working days at half pay, subject to social-insurance coordination.
2. A medical certificate may be required after three consecutive days or a reasonable pattern of absence.
3. Longer incapacity shall be addressed through accommodation, social insurance and the fair incapacity procedure, not automatic dismissal.

Article 92 — Maternity leave

1. A pregnant employee is entitled to at least fourteen consecutive weeks of maternity leave, including at least six weeks after birth unless a medical practitioner and the employee request otherwise.
2. Additional paid or protected leave shall be provided for medically certified complications as sick leave or social-insurance law requires.
3. Maternity benefit shall be paid under social-insurance law; until effective coverage applies, the employer shall continue ordinary wages subject to any lawful reimbursement mechanism.
4. The employee has the right to return to the same or an equivalent position without loss of accrued status.

Article 93 — Paternity or partner leave

1. A spouse or recognized partner is entitled to ten working days of paid leave following birth.
2. The leave may be taken consecutively or in agreed portions within eight weeks of birth.
3. A collective agreement or social-insurance scheme may provide a longer period.

Article 94 — Adoption and parental leave

1. An employee adopting a child is entitled to ten working days of paid placement leave and up to twelve weeks of protected unpaid parental leave.
2. Either parent may request flexible work or additional unpaid parental leave during the child's first year, and refusal requires reasonable operational grounds in writing.
3. Benefits may be expanded through social insurance or collective agreement.

Article 95 — Breastfeeding and reproductive health

1. A nursing employee is entitled to reasonable paid breaks and a private, hygienic place other than a toilet for expressing or feeding.
2. A pregnant or nursing employee shall be transferred from medically hazardous work without loss of pay where reasonable control cannot remove the risk.
3. Reproductive-health information shall remain confidential.

Article 96 — Family responsibility leave

1. An employee is entitled to five working days of paid leave each year for urgent illness, care or emergency involving a child, spouse, parent or dependent household member.
2. Additional unpaid leave or flexible work shall be considered reasonable for serious or prolonged care.
3. Family responsibility leave applies without sex discrimination.

Article 97 — Bereavement leave

1. An employee is entitled to five working days of paid leave on the death of a spouse, child, parent or dependent household member.
2. Three working days apply for another close family member, subject to more favorable custom or collective agreement.
3. Reasonable unpaid travel time shall be granted where distance or customary obligations require it.

Article 98 — Civic and public-duty leave

1. An employee is entitled to necessary leave for compulsory court attendance, election duties, lawful emergency service or another civic obligation.
2. The employer may deduct only compensation received for the same period if ordinary wages are continued.
3. Political candidacy or public service may be governed by a reasonable unpaid-leave arrangement consistent with the Constitution.

Article 99 — Trade-union leave

1. An elected workplace representative is entitled to reasonable paid time for representation, safety, consultation and grievance functions.

2. Reasonable unpaid or collectively funded leave shall be available for union education and broader organizational duties.
3. Access and leave shall be arranged to minimize unnecessary operational disruption.

Article 100 — Education and skills leave

1. An employer shall consider reasonable leave for accredited vocational training, examination or recognition of prior learning relevant to employment.
2. A training-cost agreement is enforceable only for substantial transferable training, decreases proportionately over a reasonable period and does not prevent resignation.
3. Mandatory employer training is working time and shall be provided without charge.

Article 101 — Leave records and non-retaliation

1. An employer shall record leave accrued, taken, carried and paid.
2. A worker shall give notice and reasonable evidence where practicable, but emergency absence shall not be denied solely for lack of advance notice.
3. No person may retaliate against a worker for requesting or taking lawful leave.

TITLE V
CHANGE, SUSPENSION AND TERMINATION

CHAPTER VIII
CHANGE AND TEMPORARY INTERRUPTION

SECTION 13
CHANGE AND SUSPENSION

Article 102 — Variation of employment terms

1. A material contractual term may be varied by agreement, collective agreement or an Assembly Act.
2. An employer may make a reasonable nonmaterial operational adjustment after consultation and notice.
3. Continued work under protest does not by itself establish consent to an unlawful unilateral reduction.

Article 103 — Temporary suspension by agreement or law

1. Employment obligations may be suspended for agreed unpaid leave, national service lawfully limited in duration, protected union office, lawful detention or another ground established by this Code.
2. Suspension does not terminate continuity of employment unless an Act expressly provides otherwise.
3. Accrued rights and protection against discrimination and retaliation continue during suspension.

Article 104 — Force majeure and temporary layoff

1. A temporary layoff for force majeure, serious supply interruption or sudden loss of work requires prompt notice and consultation.
2. The employer shall first consider reduced hours, rotation, remote work, training, annual leave and other less harmful alternatives.
3. A layoff exceeding thirty days in six months requires agreement, sector authorization or treatment as operational termination.
4. Social-insurance and emergency-support measures shall be coordinated where available.

Article 105 — Detention and criminal accusation

1. An employee's detention or accusation does not establish misconduct.
2. The employer may use a fair temporary suspension where absence or workplace risk materially affects employment and shall review it at reasonable intervals.
3. Acquittal does not automatically determine employment responsibility, but discipline requires independent evidence and fair procedure.

Article 106 — Medical incapacity and rehabilitation

1. An employer shall obtain reliable functional information, consult the employee and consider treatment, accommodation, rehabilitation and suitable alternative work.
2. A diagnosis alone does not justify exclusion or disclosure beyond those who need functional information.
3. Temporary incapacity shall use leave and social-insurance measures before termination is considered.

Article 107 — Disciplinary suspension

1. Suspension pending investigation shall be used only where presence creates a material risk to safety, evidence, persons or operations.
2. It shall ordinarily be with pay, as short as practicable and reviewed every fifteen days.
3. Unpaid suspension may be imposed as a disciplinary sanction only under a lawful policy or collective agreement after hearing and for a proportionate period.

Article 108 — Business reorganization and consultation

1. An employer proposing a merger, automation, outsourcing, closure or major work reorganization shall inform and consult affected workers and unions early enough to influence the decision and consequences.
2. Information shall include reasons, jobs affected, timetable, selection method, alternatives, skills measures and proposed support, subject to protected commercial information.
3. Consultation does not require agreement but must be genuine and reasoned.

Article 109 — Technology and workforce transition

1. Introduction of technology shall be preceded by assessment of safety, privacy, equality, skills and employment effects proportionate to the change.
2. The employer shall consider retraining, redeployment, gradual implementation and worker participation before displacement.
3. Public incentives for automation may require a fair workforce-transition plan.

Article 110 — Continuity during ownership change

1. Accrued service, wages, leave, collective rights and pending claims continue through a transfer governed by Article 59.
2. The old and new employer shall provide a verified statement of employment liabilities and notify affected workers.
3. Private allocation of liability does not prejudice a worker's statutory claim.

CHAPTER IX TERMINATION OF EMPLOYMENT

SECTION 14 FAIR REASONS AND PROCEDURES

Article 111 — Substantive and procedural fairness

1. An employer may terminate employment only for a valid reason related to conduct, capacity or genuine operational requirements and after fair procedure.
2. The employer bears the burden of proving the reason and procedure.
3. Termination includes forced resignation, nonrenewal used to avoid indefinite status and a material unilateral reduction causing a reasonable worker to leave.

Article 112 — Prohibited reasons

1. Termination is automatically unfair if principally based on a protected characteristic, pregnancy, lawful leave, union activity, strike participation, complaint, evidence, refusal of unlawful or dangerous work, political opinion or exercise of a constitutional right.
2. Temporary illness, family responsibility, national service within its statutory limit or an unproven criminal accusation is not by itself a valid reason.
3. A worker asserting an automatically unfair reason creates a rebuttable inference once facts capable of supporting it are shown.

Article 113 — Resignation and notice

1. An employee may resign by written or reliably recorded notice.
2. Minimum notice is seven days during the first six months, fourteen days during the remainder of the first year and thirty days after one year, unless a more favorable equal notice period is agreed.
3. An employer shall provide the same notice or pay in lieu, except for lawful summary dismissal.
4. Notice may be waived by agreement, and an employee may leave immediately for serious employer breach without losing accrued rights.

Article 114 — Misconduct and summary dismissal

1. Discipline shall be corrective and proportionate, taking account of seriousness, intent, record, consistency and possible lesser measures.
2. Except for gross misconduct, the employee shall receive clear standards and progressive warning with a reasonable opportunity to improve.
3. Before dismissal the employee shall receive the allegation and evidence, reasonable preparation, representation and an impartial opportunity to respond.
4. Summary dismissal is limited to misconduct making continued employment intolerable and requires written reasons after fair hearing.

Article 115 — Performance and incapacity

1. Dismissal for performance requires reasonable standards, instruction, resources, feedback and an opportunity to improve.
2. Dismissal for ill health or disability requires the process in Article 106 and proof that essential duties cannot reasonably be performed or accommodated.
3. Age is not incapacity, and retirement requires a lawful pension rule, collective agreement or genuine established retirement age applied without discrimination.

Article 116 — Operational requirements and redundancy

1. Redundancy requires a genuine economic, technological, structural or similar need and consideration of reasonable alternatives.
2. The employer shall consult on avoidance, numbers, timing, objective selection, redeployment, retraining and severance.
3. Selection shall use fair, published and nondiscriminatory criteria, with skill and service considered transparently.
4. A position refilled substantially unchanged within six months shall first be offered to the redundant qualified employee where practicable.

Article 117 — Severance and final obligations

1. An employee dismissed for operational requirements after one year is entitled to at least fifteen days' ordinary wages for each completed year of service.
2. Severance is additional to notice, accrued wages, leave, pension and another contractual benefit.
3. No severance is due for proven gross misconduct, but ordinary resignation does not forfeit accrued rights.
4. Final payment and a certificate of service shall comply with Articles 62 and 78.

Article 118 — Remedies for unfair termination

1. The primary remedies are reinstatement, re-employment, compensation, lost remuneration and correction of records.
2. Reinstatement shall ordinarily follow an automatically unfair dismissal unless the worker declines or continued employment is genuinely impracticable.
3. Compensation shall be just and effective, having regard to lost income, dignity, service, employer conduct, mitigation and deterrence, and is not limited to the former six-month ceiling in Proclamation 118/2001.
4. Interim reinstatement or continued pay may be ordered where a protected right or union representative is threatened and the balance of justice requires it.

BOOK III
OCCUPATIONAL SAFETY, HEALTH AND EMPLOYMENT INJURY

TITLE VI
SAFE AND HEALTHY WORK

CHAPTER X
PREVENTIVE DUTIES AND WORKER PARTICIPATION

SECTION 15
GENERAL SAFETY DUTIES

Article 119 — Application and preventive principle

1. This Book applies to every workplace and work activity, including public service, domestic work, remote work, agriculture, construction, mining, transport and work at sea, subject to equal or stronger sector law.
2. Risk shall be prevented at source so far as reasonably practicable.
3. Cost, convenience or worker consent does not justify exposure to an avoidable serious danger.

Article 120 — General duty of employer

1. An employer shall provide and maintain work, systems, premises, plant and substances that are safe and without unreasonable risk to health.
2. The duty includes physical and mental health, violence, ergonomics, sanitation, emergency preparation, training and supervision.
3. The employer remains responsible for matters under its control notwithstanding delegation to a contractor or safety officer.

Article 121 — Duties of workers

1. A worker shall take reasonable care of personal and others' safety, use protective measures and report serious hazards.
2. A worker shall cooperate with lawful safety instructions and shall not intentionally disable a safeguard.
3. Worker responsibility does not remove or reduce the employer's primary duty.

Article 122 — Risk assessment

1. An employer shall identify hazards, assess who may be harmed and record proportionate preventive measures before work begins and when material change occurs.
2. Assessment shall consider children, pregnancy, disability, language, fatigue, contractors, visitors and surrounding communities.
3. Workers and their representatives shall be consulted and given the relevant findings.

Article 123 — Hierarchy of controls

1. An employer shall first eliminate a hazard, then substitute a safer method, use engineering and organizational controls, and use personal protective equipment only for residual risk.
2. Production targets, incentives or automated scheduling shall not undermine a safety control.
3. A control shall be maintained, tested and revised when ineffective.

Article 124 — Protective equipment

1. Necessary personal protective equipment shall be suitable, fitted, maintained and provided without charge.
2. Training and replacement shall be provided, and the equipment shall account for disability, sex and climate.
3. Failure to provide required equipment is not cured by a wage allowance.

Article 125 — Information, instruction and training

1. A worker shall receive understandable information about hazards, controls, emergency action and rights before exposure.
2. Training shall occur during paid working time and be repeated when work, equipment or risk changes.
3. Safety signs and instructions shall use accessible language and symbols.

Article 126 — Health surveillance and confidentiality

1. Health surveillance may be required where scientifically justified by exposure or law and shall be provided without charge.
2. The employer receives only fitness restrictions and necessary preventive information, not unrelated diagnosis.
3. A worker shall receive personal results, explanation and referral, and medical records remain confidential.

Article 127 — Right to remove from imminent danger

1. A worker may stop or leave work reasonably believed to present an imminent and serious danger.
2. The worker shall notify the employer or representative as soon as practicable and shall not be required to return until the danger is controlled or independently reviewed.
3. No retaliation or loss of ordinary pay shall occur where the belief was reasonable.

Article 128 — Safety representatives

1. Workers may select safety representatives without employer interference.
2. A representative may inspect, receive information, investigate complaints, accompany an inspector and recommend correction.

3. Reasonable paid time, training and protection from retaliation shall be provided.

Article 129 — Safety committees

1. An undertaking with twenty or more workers or prescribed high risk shall establish a joint safety and health committee.
2. Worker representatives shall comprise at least half the committee and select their own members.
3. The committee shall meet regularly, record recommendations and receive a reasoned employer response.

SECTION 16 SPECIFIC WORKPLACE PROTECTIONS

Article 130 — Welfare and sanitation

1. Every workplace shall have safe drinking water, sanitation, washing, ventilation, lighting, first aid and reasonable rest facilities.
2. Employer-provided accommodation and food shall be safe, dignified and separately itemized.
3. Separate and accessible facilities shall be provided where reasonably required by sex, disability or privacy.

Article 131 — Psychosocial risks and violence

1. Work organization shall address excessive hours, traumatic exposure, bullying, isolation, unreasonable surveillance and violence.
2. A confidential reporting and response process shall protect complainants and witnesses.
3. Serious violence or harassment shall be reported and investigated without suppressing a worker's criminal or civil remedy.

Article 132 — Machinery and high-risk operations

1. Dangerous machinery, lifting, confined spaces, work at height, excavation, electrical work and similar operations require competent supervision and prescribed safeguards.
2. A guard, lockout system or safety device shall not be removed while danger remains.
3. Only trained and authorized persons may conduct a prescribed high-risk operation.

Article 133 — Chemicals and biological hazards

1. Hazardous substances shall be identified, labeled, accompanied by safety information and controlled throughout purchase, transport, use and disposal.
2. Exposure limits and health measures shall use recognized scientific standards adapted lawfully to Eritrea.
3. Workers and communities shall be informed promptly of a material release.

Article 134 — Protection related to age, pregnancy and disability

1. A risk assessment shall identify work unsuitable for a child, pregnant or nursing worker or person requiring accommodation.
2. The response shall prioritize control, adjusted duty or transfer without loss of pay rather than exclusion.
3. No person shall be assigned hazardous work contrary to Article 35 or a medical restriction lawfully communicated.

Article 135 — Remote and isolated work

1. An employer shall assess equipment, ergonomics, communications, emergency access, violence and fatigue in remote or isolated work.
2. A home inspection requires consent and reasonable notice; alternatives such as worker self-assessment or virtual review shall be used where effective.
3. An isolated worker shall have reliable check-in and emergency arrangements proportionate to risk.

Article 136 — Emergency plans

1. A workplace shall maintain proportionate fire, evacuation, medical, chemical-release and disaster plans.
2. Plans shall assign trained persons, accessible alarms, assembly points and coordination with public responders.
3. Drills shall occur periodically without wage loss and with reasonable accommodation.

Article 137 — Incident reporting and records

1. Death, serious injury, dangerous occurrence and prescribed occupational disease shall be reported promptly to the Inspectorate and relevant authority.
2. Records shall preserve facts, exposures, witnesses and corrective action without falsification or retaliation.
3. An employer shall notify affected workers and representatives of lessons and preventive measures while protecting personal information.

Article 138 — Designers, suppliers and contractors

1. A person who designs, manufactures, imports, supplies, installs or maintains work equipment or substances shall ensure safety so far as reasonably practicable and provide necessary information.
2. A principal contractor shall coordinate common hazards and verify competent subcontractors.
3. Contracting does not extinguish the duties of a person controlling premises, systems or procurement.

CHAPTER XI INSPECTION, ENFORCEMENT AND EMPLOYMENT INJURY

SECTION 17 SAFETY INSPECTION AND ORDERS

Article 139 — Safety functions of Labour Inspectorate

1. The Labour Inspectorate shall monitor compliance, advise workplaces, investigate serious incidents and enforce this Book.
2. Inspection priorities shall be risk-based and shall include informal, rural, domestic and migrant work.
3. The Inspectorate shall coordinate with health, mining, maritime, construction, environmental and emergency authorities without duplicating lawful jurisdiction.

Article 140 — Inspector powers

1. An inspector may enter a workplace at a reasonable time, examine conditions, interview persons privately, require records, take samples and document evidence.
2. The inspector shall identify himself or herself, minimize disruption and respect privilege, privacy and legitimate trade secrets.
3. A worker may request confidential inspection and shall not be identified unnecessarily.

Article 141 — Private dwellings and warrants

1. Entry into a private dwelling used as a workplace requires informed consent or a judicial warrant based on reasonable grounds.
2. A warrant may authorize limited entry, records, interviews and protective action and shall describe the place and purpose.
3. Immediate entry without warrant is permitted only under another Act to prevent an imminent threat to life or serious injury.

Article 142 — Improvement and compliance notices

1. An inspector who reasonably finds a contravention may issue a written notice identifying facts, law, required correction, period and review right.
2. The period shall reflect risk and practical correction, and the inspector may approve an equivalent effective measure.
3. Compliance shall be verified and recorded.

Article 143 — Prohibition and stop-work orders

1. An inspector may prohibit an activity presenting an imminent and serious danger until specified safeguards are verified.
2. The order shall be confined to the dangerous activity and may require evacuation, isolation, medical action or preservation of evidence.

3. Affected workers remain entitled to ordinary wages unless safe alternative work is offered or a social-insurance measure lawfully applies.

Article 144 — Review of safety orders

1. A person affected may request internal review within five working days and judicial review at any time permitted by law.
2. A review does not suspend a prohibition order unless the reviewing authority finds adequate interim protection.
3. The reviewing authority shall decide urgently, give reasons and may affirm, vary or cancel the order.

SECTION 18 EMPLOYMENT INJURY AND DISEASE

Article 145 — Employer responsibility for employment injury

1. An employee injured by accident or occupational disease arising out of or in the course of employment is entitled to medical care, income protection and compensation.
2. Coverage includes reasonable travel, rescue, employer transport and an act undertaken to protect persons or property connected with work.
3. Ordinary negligence of the employee does not defeat entitlement, but deliberate self-injury unrelated to work may be excluded after fair determination.

Article 146 — Occupational disease

1. A disease is occupational where work exposure materially caused or aggravated it.
2. A prescribed disease associated with stated work creates a rebuttable presumption of occupational origin.
3. Latency, multiple employers or post-employment diagnosis does not bar a claim.

Article 147 — Medical care and rehabilitation

1. Necessary first aid, transport, diagnosis, treatment, medicine, rehabilitation and assistive devices shall be provided without charge to the injured worker.
2. The worker may obtain an independent medical opinion where capacity or treatment is disputed.
3. Return-to-work planning shall involve the worker, treating professional and employer and prioritize safe suitable work.

Article 148 — Temporary incapacity benefit

1. During certified temporary incapacity, the worker is entitled to at least seventy-five percent of ordinary remuneration from the first full day of incapacity, subject to a more favorable scheme.
2. The employer shall pay or advance the benefit and may recover from compulsory insurance or social insurance as law provides.

3. Benefit continues until return, permanent assessment or the maximum period prescribed by social-insurance law, and shall not be suspended without notice and review.

Article 149 — Permanent disability and death

1. Permanent disability compensation shall reflect loss of bodily function, earning capacity, future care and rehabilitation and shall not rely solely on an outdated injury table.
2. Dependants of a worker who dies from employment injury are entitled to funeral support, accrued benefits and survivor compensation under this Code and social-insurance law.
3. A schedule may establish minimum percentages and amounts but shall permit individualized assessment where the schedule would be unjust.

Article 150 — Insurance and coordination

1. An employer shall maintain compulsory employment-injury insurance as prescribed under the Insurance Act.
2. Insurance does not reduce the employer's duty or prejudice the worker where the employer failed to insure.
3. Benefits shall be coordinated with social insurance to avoid double recovery of the same loss while preserving the highest lawful entitlement.
4. A worker retains a claim against a negligent third party, subject to credit for compensation paid for the same loss.

BOOK IV
COLLECTIVE LABOUR RELATIONS

TITLE VII
FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

CHAPTER XII
WORKERS' AND EMPLOYERS' ORGANIZATIONS

SECTION 19
FORMATION AND AUTONOMY

Article 151 — Freedom of association

1. Workers and employers may establish and join organizations of their own choosing without prior authorization.
2. No person shall be compelled to join, leave or finance an organization except lawful agency arrangements in a collective agreement.
3. Organizations may form federations and confederations and affiliate internationally.

Article 152 — Legal personality by notification

1. A workers' or employers' organization acquires legal personality upon filing its name, constitution, address and responsible officers with the Registrar of Labour Organizations.
2. Failure of the Registrar to issue acknowledgment within ten working days does not prevent lawful activity.
3. Filing is for legal certainty and public record and is not permission to organize.

Article 153 — Constitution and governance

1. An organization shall adopt democratic rules on purpose, membership, meetings, elections, finance, discipline, amendment and voluntary dissolution.
2. Members shall elect representatives freely at reasonable intervals by secret or otherwise genuinely free ballot.
3. Government, political parties and employers shall not dictate worker-organization leadership or program.

Article 154 — Refusal and correction of filing

1. The Registrar may refuse only where required information remains missing after a reasonable opportunity to correct, the name is deceptively identical, or an express purpose is criminal.
2. Refusal shall be written, reasoned and delivered within fifteen working days.
3. The organization may appeal directly to the competent court, which may order immediate recognition.

Article 155 — Autonomy and protection from dissolution

1. An organization may administer, bargain, acquire property, employ staff, sue and be sued and conduct lawful activities.
2. No administrative authority may suspend or dissolve it.
3. Involuntary dissolution requires a court finding of serious persistent unlawful conduct, necessity and inability of a lesser remedy to protect a compelling interest.
4. A political opinion, strike, criticism, foreign affiliation or technical reporting defect is not a ground for dissolution.

Article 156 — Finance and accountability

1. An organization shall keep accounts, approve budgets democratically and provide members an annual financial report.
2. An independent audit may be required above a prescribed revenue threshold.
3. Public filing shall protect member identity and organizing strategy while disclosing responsible officers and aggregate finances.
4. Foreign assistance may be regulated transparently for reporting and integrity but shall not be prohibited merely because it supports lawful labour rights.

Article 157 — Membership and dues

1. Membership criteria shall relate reasonably to the organization's field and comply with equality.
2. Dues may be deducted from wages only on the worker's revocable written or secure electronic authorization or a lawful collective arrangement.
3. The employer shall remit deducted dues promptly with an account.

Article 158 — Workplace access and communication

1. A representative organization is entitled to reasonable access to workers, nonworking meeting space and electronic communication without unnecessary disruption.
2. Access rules shall be content-neutral, proportionate and negotiated in good faith.
3. An employer shall not monitor confidential union communications or provide unequal access to a favored organization.

Article 159 — Workplace representatives

1. Workers may elect representatives for grievance, consultation, bargaining and safety functions.
2. Representatives are entitled to reasonable paid time, information, training and access necessary for their duties.
3. The number and facilities shall reflect workforce size, dispersion and risk and may be settled collectively.

Article 160 — Protection of representatives and members

1. Dismissal, transfer, surveillance, denial of promotion or another disadvantage because of lawful organizational activity is prohibited.
2. A representative shall not be disciplined or dismissed without prior independent review by the Board or court where union activity may be a material reason.
3. An automatically unfair action is subject to reinstatement and effective compensation.

Article 161 — Employers' organizations

1. Employers may establish autonomous organizations for representation, bargaining, services and lawful policy participation.
2. The notification, governance, finance and judicial-protection principles of this Chapter apply with necessary adaptation.
3. An employers' organization shall not coordinate prices, market allocation or exclusion contrary to competition law.

Article 162 — Federations and confederations

1. Organizations may combine at sector, regional, national or international level without a mandatory intermediate structure.
2. A federation or confederation has the rights necessary to represent affiliates, bargain where authorized and participate in tripartite institutions.
3. Affiliation or withdrawal shall be governed by democratic constitutions and shall not extinguish accrued collective obligations.

Article 163 — Public servants and special services

1. Public servants may organize and bargain on employment interests consistently with the Civil Service Administration Act and constitutional appropriations.
2. Restrictions for the Defence Forces, Police Service, judges or intelligence personnel require express Assembly law and shall be no broader than necessary for constitutional functions.
3. A restriction on strike action does not by itself remove representation, consultation, grievance and impartial dispute resolution.

CHAPTER XIII COLLECTIVE BARGAINING

SECTION 20 RECOGNITION AND NEGOTIATION

Article 164 — Right to collective bargaining

1. Workers may bargain collectively through representatives of their choosing at enterprise, sector or another appropriate level.
2. The State and employers shall promote voluntary negotiation and shall not dictate substantive outcomes.
3. Collective bargaining may improve any minimum condition consistent with law.

Article 165 — Recognition

1. An employer shall recognize a union demonstrating majority support in an appropriate bargaining unit.
2. Where no union has majority support, proportional or members-only representation may be agreed without denying workers a fair opportunity to choose majority representation.
3. The Board shall determine disputed units and support through a prompt confidential process.

Article 166 — Duty to bargain in good faith

1. Recognized parties shall meet at reasonable times, exchange proposals, consider them honestly and attempt agreement.
2. Good faith does not compel agreement or concession.
3. Surface bargaining, unilateral material change during negotiation, refusal to meet or interference with representatives is an unfair labour practice.

Article 167 — Disclosure for bargaining

1. An employer shall disclose information reasonably necessary for bargaining and administration of an agreement.
2. Personal, privileged and genuinely confidential commercial information may be redacted or disclosed under protective terms.
3. The Board may determine necessity and impose proportionate confidentiality.

Article 168 — Negotiators and advisers

1. Each party may select negotiators and reasonable legal, financial or technical advisers.
2. A party shall not refuse bargaining solely because an outside adviser participates.
3. Costs are borne by the appointing party unless otherwise agreed.

Article 169 — Contents and form of collective agreement

1. An agreement may regulate wages, hours, leave, safety, equality, technology, training, benefits, discipline, grievances, representation, dispute resolution and other employment matters.
2. It shall be written, identify coverage and duration, state signatures and provide an accessible copy to covered workers.
3. A term below a statutory minimum is void to that extent unless this Code expressly permits collective variation with equal protection.

Article 170 — Filing and public register

1. A collective agreement shall be filed electronically or physically with the Registrar within thirty days.
2. Failure to file does not invalidate obligations between the parties, but extension to nonparties requires filing.
3. The public register shall state parties, sector, coverage and duration while protecting lawful confidential schedules.

Article 171 — Binding effect

1. A collective agreement binds its parties and covered employees and becomes an implied term of employment where applicable.
2. An employer shall apply it without discrimination based on union membership except a lawful membership-related benefit financed by members.
3. Individual agreement may improve but not reduce a collective term.

Article 172 — Duration, renewal and survival

1. An agreement shall state duration and ordinarily continue during good-faith renewal negotiations for up to six months after expiry.
2. Accrued rights and completed obligations survive expiry.
3. A successor employer remains bound as provided by Articles 59 and 110.

Article 173 — Extension of sector agreement

1. The Minister may extend a representative sector agreement on recommendation of the Board after public notice, evidence and opportunity to object.
2. Extension requires substantial representation, equal treatment, feasibility for smaller enterprises and consistency with competition and employment policy.
3. A reasoned order shall provide exemptions for demonstrated serious hardship without undermining core protection.

Article 174 — Disputes concerning agreements

1. A dispute about interpretation, application or breach shall use the agreement's grievance procedure before external adjudication unless urgent relief is necessary.
2. The Board may conciliate or arbitrate by agreement, and the labour division may enforce the agreement.
3. A party shall preserve the status quo so far as reasonable while a dispute is processed.

TITLE VIII
INDUSTRIAL ACTION AND UNFAIR LABOUR PRACTICES

CHAPTER XIV
STRIKES, LOCKOUTS AND ESSENTIAL SERVICES

SECTION 21
PROTECTED INDUSTRIAL ACTION

Article 175 — Right to concerted action

1. Workers may act collectively, including through peaceful strike, picketing, petition and refusal of voluntary overtime, to advance employment interests.
2. Employers may use a lockout only in connection with a genuine collective bargaining dispute and under this Code.
3. Industrial action shall remain peaceful and shall not authorize violence, coercive confinement or intentional destruction.

Article 176 — Prerequisites for protected strike

1. The dispute shall first be submitted to agreed procedure or the Board for conciliation for twenty-one days unless settled or certified unresolved earlier.
2. A strike must concern a matter capable of collective bargaining and be authorized under Article 177.
3. No conciliation period is required for protest against an immediate serious violation of dignity, forced labour or safety where urgent protective action is reasonable.

Article 177 — Ballot and notice

1. A strike shall be authorized by a majority of participating affected workers in a fair secret ballot conducted under union rules.
2. At least five working days' written notice shall identify the dispute, commencement and workplaces, unless the parties agree otherwise.
3. Minor procedural irregularity does not remove protection where the vote was genuinely free, the employer had fair notice and no material prejudice occurred.

Article 178 — Peaceful picketing

1. A union may organize peaceful picketing at a workplace or another relevant public place to communicate, persuade and obtain support.
2. Reasonable rules may protect access, safety, privacy and nonparticipants but shall not suppress the message or make picketing ineffective.
3. Police shall facilitate lawful assembly and may restrict it only under the Constitution and Public Order and Peaceful Assembly Act.

Article 179 — Protected lockout

1. A lockout requires completed conciliation, authorization by the employer or organization and five working days' notice.
2. It shall not target union membership, evade a binding award, compel an unlawful term or undermine a protected safety refusal.
3. An employer shall preserve property and essential minimum safety during the lockout.

Article 180 — Legal effect and protection

1. Participation in protected industrial action is not breach of contract, misconduct or civil conspiracy.
2. The employer need not pay wages for work not performed, but accrued benefits, housing, medical protection and employment continuity remain unless a court orders otherwise.
3. No participant may be dismissed, permanently replaced or discriminated against for protected action.

Article 181 — Temporary replacement and safety work

1. An employer shall not hire or transfer workers primarily to defeat a protected strike.
2. Temporary work necessary to prevent imminent danger, preserve perishable property or provide agreed minimum service may be performed by managers, volunteers or narrowly engaged personnel.
3. No person may be compelled to perform strikebreaking work unrelated to safety or minimum service.

Article 182 — Unprotected action and proportionate response

1. A party alleging unprotected action shall seek an urgent Board or court direction before dismissal or mass sanction where practicable.
2. The authority shall prefer correction, conciliation and prospective compliance over disproportionate punishment.
3. Discipline requires individual fairness and shall distinguish organizers, participants, coercion, violence and good-faith error.

SECTION 22 ESSENTIAL SERVICES

Article 183 — Designation of essential services

1. A service is essential only where interruption would create a clear and imminent threat to life, personal safety or health of the whole or part of the population.
2. The Board shall designate services after public evidence and shall identify the precise operations and occupations, not an entire industry where narrower protection suffices.
3. Designation shall be reviewed every three years and is subject to judicial review.
4. Economic inconvenience, government ownership, revenue loss, communications importance or general public interest alone is insufficient.

Article 184 — Minimum service and impartial determination

1. Workers in an essential service retain collective bargaining and may strike to the extent an agreed minimum service protects the threatened interest.
2. The parties shall negotiate minimum staffing, rotation and safety before a dispute; unresolved terms shall be determined promptly by an independent Board panel.
3. Where effective minimum service cannot protect life, safety or health, the dispute shall proceed to binding independent arbitration with full hearing and reasoned award.
4. An emergency restriction shall be temporary, necessary, reviewable by a court and shall not be used to impose ordinary government labour policy.

BOOK V
LABOUR ADMINISTRATION AND JUSTICE

TITLE IX
PUBLIC INSTITUTIONS AND LABOUR-MARKET SERVICES

CHAPTER XV
LABOUR ADMINISTRATION

SECTION 23
MINISTRY AND TRIPARTITE INSTITUTIONS

Article 185 — Functions of Ministry

1. The Ministry shall develop labour policy, administer services, maintain statistics, support bargaining, coordinate inspection and prepare lawful regulations.
2. It shall publish service standards, forms, responsible offices, fees, decision periods and review routes.
3. The Ministry shall not direct a court, dictate union leadership or determine an individual dispute assigned to the Board or judiciary.

Article 186 — National Labour Council

1. The National Labour Council is established as the principal tripartite consultative body on labour and employment policy.
2. It shall act independently in its advice and publish recommendations, evidence and dissent.
3. The Council does not enact law or decide individual rights.

Article 187 — Composition of Council

1. The Council consists of fifteen members: five nominated by representative workers' organizations, five by representative employers' organizations and five public-interest members appointed through an open merit process.
2. Public-interest members shall include expertise in labour law, economics, occupational health, gender equality and skills, and no more than two may be serving executive officers.
3. The President shall appoint from the members an independent chair acceptable to worker and employer groups.
4. Terms, qualifications, interests, attendance and vacancies shall be published.

Article 188 — Functions of Council

1. advise on employment, wages, skills, labour migration, social protection, technology and productivity;
2. review draft regulations, sector orders and major labour policies;
3. promote tripartite dialogue and prevention of disputes;

4. monitor equality, informal work, youth employment and implementation of ratified labour standards; and
5. submit an annual public report to the National Assembly.

Article 189 — Council procedure

1. The Council shall meet at least quarterly, and eight members constitute a quorum including two from each tripartite group.
2. It shall seek consensus and otherwise decide by majority with recorded group positions and no casting vote.
3. Meetings, submissions and decisions shall be accessible subject to lawful personal or commercial confidentiality.

Article 190 — Operation of Minimum Wage Commission

1. The Commission under Article 71 operates as a specialist independent committee of the Council.
2. Its membership, evidence, models and recommendations shall be public and protected from direction by a minister or private interest.
3. The Commission may establish sector panels with balanced representation and technical expertise.

SECTION 24 EMPLOYMENT AND RECRUITMENT SERVICES

Article 191 — Public Employment Service

1. The Ministry shall maintain a free, accessible and digitally supported employment service for placement, guidance, labour information, skills referral and assistance to persons with barriers to work.
2. Services shall be available through physical and assisted channels and shall not require political affiliation, national-service status beyond law or an improper payment.
3. Vacancies and applicants shall be handled under equality and data-protection law.

Article 192 — Private employment agencies

1. A private employment agency shall obtain an objective, time-limited license under published criteria and provide security proportionate to recruitment risk.
2. It shall not charge a worker a recruitment fee, misrepresent work, discriminate, retain documents or prevent direct employment.
3. Cross-border recruitment requires a written contract, verified employer, transparent costs, emergency contact and protection against trafficking.
4. Licensing decisions require reasons and court review, and the Minister may recognize compliant digital platforms without imposing unnecessary physical-office requirements.

Article 193 — Labour Inspection Service

1. The Labour Inspection Service established under Proclamation 118/2001 is continued as the professional Labour Inspectorate within the Ministry.
2. It shall have operational independence in inspection selection, findings and enforcement and shall not receive political direction concerning a particular workplace.
3. Its mandate includes wages, hours, child and forced labour, equality, recruitment, records and occupational safety.

Article 194 — Appointment and integrity of inspectors

1. Inspectors shall be recruited on merit, trained, properly identified and supplied with adequate authority and resources.
2. An inspector shall disclose and avoid a financial, family, political or other material conflict and shall not inspect an undertaking in which the inspector has an interest.
3. Confidential sources, trade secrets and personal information shall be protected except as necessary for due process or enforcement.
4. The Inspectorate shall publish annual aggregate activity, compliance, injuries, outcomes and unresolved resource needs.

TITLE X
LABOUR RELATIONS AND ADJUDICATION

CHAPTER XVI
LABOUR RELATIONS BOARD

SECTION 25
CONTINUATION AND FUNCTIONS

Article 195 — Continuation of Labour Relations Board

1. The Labour Relations Board established under Proclamation 118/2001 is continued as an independent tripartite body for conciliation, voluntary arbitration, representation and essential-services determinations.
2. It is not a court and shall not exercise judicial power assigned by the Constitution or Courts Act.
3. The Board may sit through national, provincial or specialist panels as workload and access require.

Article 196 — Composition and independence

1. The Board consists of nine members: three nominated by representative workers' organizations, three by representative employers' organizations and three independent members appointed through open merit selection.
2. The President shall appoint an independent legally qualified chair from the merit-selected members after consultation with worker and employer groups.
3. Five members constitute a quorum including one member from each group.
4. Members serve fixed terms, disclose interests and may be removed only for incapacity, serious misconduct, conflict or persistent failure after due process.

Article 197 — Functions of Board

1. conciliate collective and individual disputes voluntarily referred or assigned by this Code;
2. determine bargaining units, representation and essential-service questions;
3. provide mediation and administer voluntary arbitration;
4. review specified inspector and registrar decisions;
5. issue procedural rules consistent with this Code after public consultation; and
6. publish anonymized decisions, statistics and an annual report.

Article 198 — Conciliation

1. A conciliator shall assist parties impartially to reach voluntary settlement and may meet jointly or separately.
2. Statements made solely for conciliation are confidential and inadmissible without consent, except a threat of serious harm or evidence independently available.

3. A written settlement signed with informed consent is enforceable as an order of the labour division after filing.

Article 199 — Mediation

1. The Board may offer structured mediation for complex individual, collective or workplace-system disputes.
2. The mediator shall disclose conflicts, protect voluntariness and shall not later adjudicate the dispute without written consent.
3. A party may be represented by a union, employer organization, lawyer or chosen support person.

Article 200 — Voluntary arbitration

1. Parties may submit a dispute to arbitration by written agreement or collective agreement.
2. The arbitrator shall provide fair hearing, disclose conflicts, decide within agreed jurisdiction and give a reasoned written award.
3. An award is enforceable by the labour division and may be reviewed for jurisdiction, corruption, serious procedural unfairness, public policy or manifest legal error.

CHAPTER XVII LABOUR JURISDICTION AND PROCEDURE

SECTION 26 COURTS AND ACCESSIBLE JUSTICE

Article 201 — Labour divisions of courts

1. Labour disputes assigned to courts shall be heard by the labour divisions established under the Courts Act.
2. Judges are appointed and administered through the judiciary and Judicial Service Commission, not by the Minister.
3. Proceedings shall be independent, accessible, expeditious and suited to employment relationships.

Article 202 — Jurisdiction

1. The competent labour division has original jurisdiction over rights arising from this Code, employment contracts, collective agreements and related constitutional or statutory claims.
2. It may review decisions of the Ministry, Registrar, Inspectorate and Board and hear appeals expressly authorized by this Code.
3. Criminal offences remain within criminal jurisdiction, and the labour division may refer evidence without delaying urgent civil protection.

Article 203 — Urgent and interim relief

1. A labour division may issue interim reinstatement, non-retaliation, safety, preservation, payment or access orders where serious prejudice may occur before final decision.
2. The applicant shall show an arguable right, material risk, balance of hardship and public interest.
3. An urgent order may be made temporarily without notice only where necessary and followed promptly by hearing.

Article 204 — Representative and collective proceedings

1. A union, employer organization, inspector or authorized public-interest body may bring a representative proceeding for persons sharing a material issue.
2. The court shall protect affected persons' notice, participation, settlement and individual relief.
3. A worker shall not bear retaliation or unreasonable cost for inclusion.

Article 205 — Evidence and burdens

1. Proceedings shall use reliable evidence without unnecessary technicality, subject to fairness and privilege.

2. The employer bears the burden on records, payment, classification, fair termination and a claimed statutory exemption within its knowledge.
3. Once facts support discrimination, retaliation, forced labour or child labour, the respondent bears the burden of proving a lawful explanation without requiring the claimant to prove hidden motive.
4. Electronic records and authenticated communications are admissible under the Evidence and Civil Procedure Codes.

Article 206 — Fees, representation and costs

1. No filing fee shall prevent a worker or small organization from bringing a bona fide labour claim.
2. A party may appear personally or through a lawyer, union, employer organization or authorized representative.
3. Costs shall not ordinarily follow the result and may be awarded for bad faith, abuse or unreasonable conduct.

Article 207 — Enforcement

1. A settlement, award or labour judgment may be enforced through the ordinary judgment-execution system.
2. Orders for wages, reinstatement, records and access may be enforced by attachment, compliance direction, interest and contempt within judicial power.
3. Public bodies shall comply promptly and identify the responsible accounting officer.

Article 208 — Appeal and judicial review

1. A final labour judgment may be appealed as provided by the Courts Act and Civil Procedure Code.
2. Administrative and Board decisions remain subject to judicial review for legality, fairness, reasonableness, proportionality and constitutional compliance.
3. A clause purporting to make an executive labour decision final does not exclude constitutional judicial review.

Article 209 — Limitation and extension

1. A claim for wages, leave, discrimination, unfair termination or contractual relief shall be filed within three years after accrual, except that unfair-termination relief should be initiated within six months where reasonably practicable.
2. A forced-labour, trafficking, serious injury or child-exploitation civil claim shall be filed within six years after the claimant becomes an adult or is reasonably free and able to act.
3. Conciliation, internal grievance, incapacity, concealment, coercion and reasonable mistake may suspend or justify extension of time.
4. A continuing underpayment or unlawful status creates a claim for each affected period.

BOOK VI
COMPLIANCE, REMEDIES AND FINAL PROVISIONS

TITLE XI
ENFORCEMENT AND REMEDIES

CHAPTER XVIII
CIVIL AND ADMINISTRATIVE ENFORCEMENT

SECTION 27
REMEDIES AND COMPLIANCE

Article 210 — General remedial power

1. A court or authorized Board panel may declare rights, order payment, reinstatement, re-employment, accommodation, correction, cessation, performance, access, information or another just remedy within jurisdiction.
2. A remedy shall be effective, proportionate and responsive to continuing vulnerability and public interest.
3. More than one remedy may be granted without double compensation for the same loss.

Article 211 — Compensation

1. Compensation may include lost remuneration, future loss, injury to dignity, medical or relocation expense, loss of opportunity, interest and reasonable enforcement cost.
2. Aggravating factors include coercion, concealment, retaliation, discrimination, repeated conduct, vulnerable workers and profit from violation.
3. Mitigation shall be reasonable in the worker's circumstances and does not require acceptance of unsafe, degrading or substantially inferior work.

Article 212 — Reinstatement and correction

1. Reinstatement restores employment, continuity, status and lost remuneration subject to just adjustment.
2. Re-employment may be ordered in suitable work where exact reinstatement is impracticable.
3. A record, reference, automated score or disciplinary finding shall be corrected or removed where unlawful or materially inaccurate.

Article 213 — Compliance undertakings

1. The Inspectorate may accept a written undertaking identifying the violation, remedy, timetable, monitoring and consequences of breach.
2. An undertaking shall be public unless limited confidentiality is necessary to protect workers or legitimate secrets.

3. Serious forced labour, child exploitation, fatal safety conduct or retaliation shall not be resolved solely by undertaking where prosecution or court remedy is required.

Article 214 — Administrative monetary penalties

1. An authorized inspector may impose a civil penalty only for a contravention and liable person defined, and within a maximum enacted, by the National Assembly.
2. Amount shall reflect seriousness, duration, workers affected, cooperation, prior history, gain and capacity, and shall not replace payment owed to workers.
3. The person may seek Board review and judicial review, and collection shall be stayed on reasonable security except for worker payment.
4. No monetary penalty may be imposed until the applicable statutory contravention and maximum are in force, and a penalty schedule may not create imprisonment.

CHAPTER XIX CRIMINAL REFERRALS AND RESPONSIBILITY

SECTION 28 SERIOUS MISCONDUCT AND REFERRALS

Article 215 — Forced labour and trafficking referral

1. Evidence that a person intentionally exacted, recruited, transferred, harboured or retained another in forced labour shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.
2. The presence of a child, violence, confinement, public office, organized activity, document confiscation, sexual exploitation or serious injury shall be communicated to the investigating and prosecuting authorities for treatment under the governing criminal law.
3. A victim shall not be prosecuted for an offence compelled as a direct consequence of exploitation.
4. Criminal referral does not bar wages, compensation, restitution or protective orders.

Article 216 — Child-labour criminal referral

1. Evidence that a person knowingly employed or facilitated a child in a worst form of child labour or hazardous work shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.
2. Knowing falsification of age, concealment of a child or obstruction of rescue shall likewise be referred where it may constitute an offence defined and classified by law.
3. A minor technical breach concerning lawful light work should ordinarily be corrected administratively unless repeated or harmful.

Article 217 — Retaliation, obstruction and falsification

1. Intentional retaliation against a protected complainant or witness, obstruction of an inspector acting under lawful authority, destruction of required records or a knowing material false statement may attract civil and administrative remedies, and evidence shall be referred where the conduct may constitute an offence under the Penal Code or another Assembly Act.
2. Criminal liability arises only under a law that defines and classifies the offence; this Code does not by itself create an unclassified offence or penalty.
3. Good-faith disagreement, lawful privilege and a reasonable challenge to authority are not obstruction.
4. A court may order protection, restoration, publication and disqualification in addition to a lawful penalty imposed under the governing law.

Article 218 — Liability of organizations and responsible officers

1. A body bears civil and administrative liability under this Code for conduct of its officer, employee or agent within authority or where organizational failure materially enabled the violation.
2. Criminal liability of a body, director or officer arises only as provided by the Penal Code or another Assembly Act expressly defining that liability.
3. A director or senior officer bears personal civil or administrative liability only if the officer consented, connived or failed to take reasonable preventive steps within actual responsibility.
4. Due diligence, effective compliance and prompt self-reporting may mitigate but do not erase worker remedies.

Article 219 — Whistleblower protection

1. A person who reasonably reports a labour violation, danger, corruption or concealment to an employer, union, authority, court or public body is protected from retaliation.
2. Identity shall be kept confidential so far as consistent with fair process and protection of others.
3. The Anti-Corruption and Public Integrity Act applies where the disclosure concerns public resources or official misconduct.

TITLE XII
TRANSITIONAL AND FINAL PROVISIONS

CHAPTER XX
ADMINISTRATION, REPEAL AND COMMENCEMENT

SECTION 29
REGULATIONS AND PUBLIC ACCOUNTABILITY

Article 220 — Official labour information system

1. The Ministry shall maintain a free, searchable and accessible system containing this Code, regulations, sector orders, forms, collective agreements, decisions, statistics and guidance.
2. Services shall support electronic filing, tracking and notice with assisted alternatives.
3. Publication of personal data shall be minimized and anonymized as law requires.

Article 221 — Regulation-making power

1. The Minister may make regulations expressly necessary to implement records, employment agencies, wages, working time, leave, child protection, safety, inspection, Board procedure and prescribed forms under this Code.
2. Regulations shall remain within the policy and limits enacted by the National Assembly.
3. A regulation shall not create forced labour, reduce a minimum right, establish a tax, authorize imprisonment, exclude courts or amend the Civil Service Administration Act.

Article 222 — Sector orders

1. After National Labour Council consultation, the Minister may issue a sector order adapting hours, rest, pay method, safety, housing, training or dispute arrangements to a defined sector.
2. An order shall state evidence, representation, rights impact, commencement, review and duration and shall preserve equal or equivalent protection.
3. Small-enterprise feasibility may be addressed by phased compliance, technical support or narrow exemption, not denial of dignity, wages or safety.

Article 223 — Consultation and regulatory impact

1. A proposed regulation or sector order shall be published with legal authority, purpose, evidence, costs, rights effects and at least thirty days for comment.
2. Worker, employer, local-government, equality and affected-sector views shall be considered and a response published.
3. An urgent temporary measure may be issued without prior consultation for a demonstrated immediate danger but expires after ninety days unless remade through ordinary procedure.

Article 224 — National Assembly scrutiny

1. A regulation or sector order shall be laid before the National Assembly promptly after publication.
2. The Assembly may disallow it without affecting completed lawful acts, and a major order materially affecting wages, industrial action or public expenditure shall not commence before the scrutiny period prescribed by law.
3. Delegated legislation remains subject to judicial review.

Article 225 — Codes of practice

1. The Ministry or Inspectorate may approve a code of practice after consultation to explain practical compliance.
2. A code is not legislation and cannot create an offence or reduce a right.
3. Compliance is evidence of reasonable practice but does not excuse failure where greater protection was reasonably required.

SECTION 30 REPEAL, SAVINGS AND REVIEW

Article 226 — Repeal

1. Labour Proclamation 118/2001 is repealed on commencement of this Code.
2. Labour Proclamation 8/1991 and amendments or legal notices dependent solely on it remain repealed.
3. A verified repeal and consequential-amendment schedule may be enacted before commencement to identify every affected instrument without disturbing accrued rights.

Article 227 — Existing contracts and accrued rights

1. An existing employment contract continues, but a term below this Code is replaced by the applicable minimum from commencement.
2. Accrued wages, leave, compensation, seniority, pension interests and completed lawful acts are preserved.
3. A limitation period already running continues, but the longer period applies where the former period has not expired and justice permits.

Article 228 — Organizations, agreements and proceedings

1. An organization registered under Proclamation 118/2001 continues with legal personality and shall file updated particulars within one year without seeking new permission.
2. A collective agreement continues for its stated term, subject to the minimum rights of this Code.
3. A pending dispute continues before the constitutionally competent body, which shall apply the former substantive law to completed events and this Code to continuing conduct where just.

4. Members and staff of the former Labour Relations Board continue temporarily only to the extent compatible with Article 196 and a published transition plan.

Article 229 — Implementation and periodic review

1. Within twelve months the Ministry shall publish an implementation plan for inspection, labour courts, Board transition, digital services, minimum wages, employment agencies and public awareness.
2. The National Labour Council shall review operation after three years and every five years thereafter, using data on wages, employment, enterprise, equality, disputes, injuries, child labour and forced labour.
3. The Minister shall submit the review and proposed amendments to the National Assembly without power to amend the Code administratively.

Article 230 — Commencement

1. This Code enters into force on a date appointed by the National Assembly, not later than twelve months after publication.
2. Different administrative provisions may commence earlier to establish institutions, prepare regulations and educate the public.
3. No delayed commencement postpones the constitutional prohibitions of slavery, servitude, forced labour or discrimination.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA