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A Guide for Working Women in the Workplace

According to the Yemeni Labor Law



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Introduction

Dear Working Woman,

You are a fundamental pillar of our society, and your contribution to development is invaluable. To fully realize your potential in the workplace, it is essential to be fully aware of your rights guaranteed by law.

Dear Esteemed Employers,

We fully recognize the vital and impactful role women play in the development and progress of our society. A work environment that respects women's rights and provides them with safety and stability is the foundation of success and prosperity for all.

This guide is not merely a legal reference but an invitation to build work relationships based on mutual respect, fairness, and appreciation. Therefore, we have taken care to provide a comprehensive and simplified guide for everyone, outlining the most important rights in the workplace, based on the Yemeni Labor Law No. (5) of 1995 and relevant international conventions.

We hope this guide will be a valuable addition to your professional journey and inspire you to achieve an ideal work environment.

Hub

Established on January 16, 2023

As part of the "Active Communities" project, "Bottom-Up Peacebuilding," the hub represents the third outcome of the project, implemented by the organizations NODS Yemen and Youth Without Borders in partnership with SAFERWORLD.

Wahj Womanish Hub

Is a civil, non-governmental, and non-profit hub comprising 15 influential womanish leaders from various segments of the local community in Taiz.

Mission

Aims to unify efforts to enhance the active participation of women in peacebuilding and conflict resolution by addressing issues that strengthen women's status and role in political decision-making processes.

Vision

Is towards a society that enjoys peace and development.

Objectives

1. Raise community awareness of women's issues and peacebuilding.
2. Enhance communication between different peacebuilding tracks.
3. Strengthen women's role in peacebuilding and promote social co-existence.

Project to Improve the Working Environment for Women

The guide activity is the second initiative following an in-depth survey on the working environment for women in the districts of Al-Qaherah and Al-Mudhaffar.

The project aims to identify the challenges and difficulties faced by working women in Taiz and contribute to creating sufficient awareness among working women about their rights and the guidelines they should follow if they face any violations or discrimination at work.

Through all its activities, the project seeks to contribute to creating a friendly and supportive work environment for working women by encouraging employers to adhere to labor law provisions during hiring or termination, ensuring fairness for both employers and employees.

Objectives of the Guide

- 1** Empower working women to understand their fundamental rights and advocate for them in the workplace, from recruitment to termination of employment.
- 2** Encourage employers to comply with the law and provide a fair and equitable work environment for working women.
- 3** Protect working women from occupational hazards and safeguard their health and safety in the workplace.
- 4** Enable working women to seek legal recourse to protect their rights and obtain justice.
- 5** Improve work relations, reduce conflicts, and foster a positive work environment.

Target Audience

- ▶ Working women in the public and private sectors across various professional fields, whether they work full-time or part-time, under permanent or temporary contracts.
- ▶ Employers in the public and private sectors across various professional fields, whether individuals, companies, or institutions, and regardless of the size of their workforce.
- ▶ Women's organizations, civil society organizations, government entities concerned with women's rights and labor, and all entities working to support and empower working women.

Local and International Laws and Legislation

- ▶ Yemeni Labor Law No. 5 of 1995, which outlines and protects the rights of working women and defines the obligations of employers.
- ▶ Social Insurance Law No. 26 of 1991, which guarantees financial and social protection for working women in cases of old age, disability, illness, or death.
- ▶ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which promotes gender equality in the workplace and protects women from all forms of discrimination.
- ▶ Other relevant conventions, such as the International Labour Organization (ILO) Convention No. 111 on Discrimination in Employment and Occupation, and ILO Convention No. 190 on Violence and Harassment in the World of Work.

Chapter One:

Fundamental Concepts in Labor Law

Labor law is the legal framework that governs the relationship between the worker and the employer. This law aims to balance the rights and obligations of both parties and protect the interests of workers. In this chapter, we will define the most important terms and concepts that form the basis of labor law.



Labor Law

It is a set of rules and regulations that govern the relationship between the employer and the worker, defining the rights and obligations of each party.



Employer

It is the individual or entity (such as a company or institution) that employs you and pays you wages in exchange for your work.



Worker

This is you—the individual who works for the employer in exchange for wages and is committed to fulfilling work duties.



Employment Contract

It is a written agreement between you and the employer that specifies the nature of the work, wages, working hours, leave, and other conditions.



Wages

It is the financial amount you receive from the employer in exchange for your work.



Unjust Dismissal

It is the termination of your employment without a legitimate legal reason or in violation of the dismissal procedures stipulated by law.



Social Insurance

It is a system that provides you with protection in cases of old age, disability, illness, or death, through contributions paid by the employer or the state.

Chapter Two:

Fundamental Rights of Working Women

Fundamental Rights of Working Women
Working women are a fundamental pillar of the economic and social fabric of society. With the increasing participation of women in the labor market, it has become essential to protect their rights and ensure equality with men. In this chapter, we will discuss the most important fundamental rights guaranteed by law for working women, empowering them to perform their work with dignity and fairness.

Equality and Non-Discrimination



**You
have
the
right**

to equal employment opportunities with men at all stages of employment (from job posting to appointment and promotion), equal wages, benefits, and bonuses, and equal access to training, qualification, and professional development opportunities. You should not face discrimination based on your gender, marital status, or any other reason (Article 42 of the Labor Law)¹.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Labour Organization (ILO) principles support women's right to equality and non-discrimination in the workplace.

Example: Being denied employment because you are a woman, receiving lower wages than a male colleague, or being deprived of training and promotion opportunities due to your gender.

Advice: If you face discrimination, do not hesitate to report it to the relevant authorities.

¹ - Article (42) of Labor Law: Women and men are equal in all conditions of work, rights, duties, and relationships without any discrimination. Equivalence between women and men must be ensured in employment, promotion, wages, training, qualification, and social insurance. Any requirements dictated by the nature of the work or profession shall not be considered discrimination.

Employment Contract



**You
have
the
right**

to a written employment contract that clearly outlines all work conditions, such as the type of work, workplace, basic wage, working hours (Article 27 of the Labor Law)², leave, and termination conditions. The contract should be clear and understandable; you should receive a copy.

Example:

Being employed without a contract, having an unclear or unfair contract, or being denied a copy of the contract.

Advice:

Before signing an employment contract, read it carefully and request clarification for any unclear terms.

Fair Wages

**You
have
the
right**

to receive equal pay for equal work. If you and a male colleague perform the same job with the same efficiency and qualifications, you are entitled to the same wages, including all bonuses, incentives, and allowances (Article 67 of the Labor Law)³.



Example:

Receiving lower wages than a male colleague despite performing the same job with the same efficiency, or being denied certain bonuses or allowances that your male colleague receives.

Advice:

Do not waive your right to fair wages. Demand equal pay for equal work compared to your male colleagues.

2 - Article 27: An employment contract is an agreement between the employer and the worker that specifies the terms of employment. Under this contract, the worker commits to working under the management and supervision of the employer in exchange for wages.

3 - Article 67 (1): A working woman is entitled to wages equal to those of a working man if she performs the same work under the same conditions and specifications.

Working Hours

**You
have
the
right**

to work no more than 8 hours per day, with appropriate rest periods during the day. You should not be required to work overtime without your consent, and any overtime must comply with the law (Articles 71 to 75 of the Labor Law)⁴.



Example:

Being forced to work long hours without adequate rest, or being compelled to work overtime without your consent or additional compensation.

Advice:

Adhere to legal working hours and avoid working excessively long hours that harm your health. Demand your right to appropriate rest periods.

Leave

**You
have
the
right**

to paid annual leave, paid sick leave in case of illness, and paid maternity leave for 60 days after childbirth (which may extend to 70 days in special cases). You are also entitled to take leave at the appropriate time and under the conditions specified by the law (Articles 77 to 82 of the Labor Law)⁵.



Example:

Being denied annual leave, being forced to work during sick leave, being denied maternity leave, or having a portion of your salary deducted during your leave.

Advice:

Assert your right to leave. Notify your employer of any illness on time and provide the necessary medical certificates.

4 - Articles 71 to 75: Official working hours shall not exceed eight hours per day or forty-eight hours per week. The weekly working hours shall be distributed over six working days, followed by a full-paid rest day... etc.

5 - Articles 77 to 82: Friday shall be the weekly rest day. However, this day may be replaced with another day of the week for all or some workers if the nature of the work necessitates it... etc.

Participation in Strikes



**You
have
the
right**

to participate in peaceful and lawful strikes with your colleagues to express your demands and improve your working conditions, without discrimination based on your gender or any other reason. This right stems from the freedom of expression, peaceful assembly, and collective bargaining, which are guaranteed by the Constitution, the law, and international principles.

Example:

Being prevented from participating in a strike because you are a woman, facing threats or intimidation for participating in a strike, or being dismissed or discriminated against after a strike.

Advice:

If you face discrimination, threats, or dismissal due to your participation in a strike, do not hesitate to report it to the relevant authorities. Communicate with labor and women's unions that support your rights.

However, it is important to consider the following ⁶:

- Join labor unions that defend workers' rights, through which you can exercise your right to strike.
- Ensure that the strike is peaceful and lawful, avoiding any acts of violence or sabotage.
- The strike should aim to demand legitimate rights, such as improved wages, working conditions, occupational safety, and other rights guaranteed by law.

6 - Article 146: A strike in an establishment shall be conducted peacefully and gradually after fulfilling the necessary conditions for its implementation as outlined in the preceding article of this law, as follows:

- A red cloth shall be placed on the arm of each worker in the establishment as a notice of the intention to resort to a strike for three consecutive days prior to its commencement.
- Work shall be halted in some sections of the establishment for a limited period during official working hours, with the duration gradually increased until a complete halt of work in all sections occurs after four consecutive days.
- Work shall be halted in all sections of the establishment for a limited period during official working hours, with the duration gradually increased until a complete halt of work in the entire establishment occurs one week from the start of the strike unless circumstances arise that lead to its suspension.

Article 147: The trade union committee or workers' representatives shall cancel the call for a strike or halt its practice immediately if the employer agrees to implement the decision resolving the dispute under the provisions of Article 144.

Article 148: 1. Employment relations between the employer and the workers shall not be severed during the strike period.

2. No penalties, including dismissal, shall be imposed on workers or any of them for practicing or calling for a strike if it has been conducted under the provisions of this law.

Chapter Three:

Special Rights for Working Women

Working women face unique challenges that require special legal protections. In addition to the rights shared with male workers, women have additional rights related to maternity and breastfeeding. This chapter highlights the most important rights specific to working women.

Maternity Leave

You have the right

to paid maternity leave for 60 days after childbirth, which may extend to 70 days in cases of difficult childbirth or the birth of twins. You are entitled to receive your full salary during this leave and to return to your job after the leave ends (Article 45 of the Labor Law)⁷.



Example:

Being denied maternity leave, being forced to work during your leave, being dismissed due to pregnancy or childbirth, or having a portion of your salary deducted during your leave.

Advice:

Notify your employer of your pregnancy on time, assert your right to maternity leave, and do not waive any part of your rights during pregnancy and childbirth.

Breastfeeding Period

You have the right

to one or two breastfeeding breaks during working hours, without any deduction from your salary. Your employer must provide a suitable and equipped space for breastfeeding and respect your privacy during this period (Articles 43 and 44 of the Labor Law)⁸.



Example:

Being denied breastfeeding breaks, being forced to work during these breaks, having your salary deducted due to breastfeeding breaks, or being provided with an unsuitable or unequipped space for breastfeeding.

Advice:

Demand your right to breastfeeding breaks and a suitable space for breastfeeding. Do not waive this right.

7 - Article 45: 1. A pregnant worker is entitled to maternity leave with full pay for sixty days.. 2. Under no circumstances may a working woman be employed during her maternity leave. . 3. The pregnant worker is granted an additional twenty days beyond the period mentioned in paragraph (1) in the following two cases: a. If the delivery is difficult, as confirmed by a medical report.. b. If she gives birth to twins.

8 - Articles 43 and 44: 1. The daily working hours for a pregnant woman are set at five hours if she is in her sixth month of pregnancy or if she is breastfeeding until the end of the sixth month. This period may be reduced for health reasons based on an approved medical report. . 2. The calculation of working hours for a breastfeeding woman begins from the day following the end of maternity leave until the end of the sixth month.

Pregnancy Period

**You
have the
right**

to reduced working hours and no overtime work starting from the sixth month of pregnancy (Article 44 of the Labor Law)⁹.



Example:

Being denied reduced working hours, being forced to work overtime during pregnancy, or having your salary deducted due to pregnancy.

Advice:

Assert your right to reduced working hours during pregnancy, ensure you receive your full salary, and avoid working overtime.

⁹ - Article 44 of the Labor Law:

It is prohibited to assign a woman to work overtime starting from the sixth month of pregnancy and during the six months following her return to work after enjoying maternity leave.

Protection from Harassment and Discrimination

You have the right

to a safe work environment free from sexual harassment and discrimination. Your dignity must be respected, and you should not be subjected to any abusive or degrading behavior. You have the right to report any harassment or discrimination you face, and your complaint should be handled seriously and confidentially (Article 270 of the Penal Code)¹⁰.



Example:

Being subjected to verbal or physical sexual harassment, being insulted or mocked because of your gender, or being discriminated against in treatment or opportunities.

Advice:

Do not hesitate to report any harassment or discrimination you face. Seek help from the relevant authorities and do not remain silent about any violation of your rights.

10 - Forms of Harassment - Article 270 of the Crimes and Penalties Law:

Any act that affects a person's body and offends modesty, committed by one person against another without constituting adultery, sodomy, or lesbianism, is considered a violation of honor.

Article 273:

An indecent act that violates modesty is any act that contradicts public morals or offends modesty, including intentional exposure, indecent exposure, and words or gestures that are indecent or contrary to morals.

Article 291:

Defamation is the attribution of an offensive fact to another person, which, if true, would legally punish the accused or cause them to be despised by their community. It also includes any insult that harms a person's honor or reputation without attributing a specific incident to them.

Leave in Case of Husband's Death



You have the right

to paid leave for 40 days in the event of your husband's death, starting from the date of death. You may also take unpaid leave for up to 90 days to complete the waiting period, if you wish (Article 87 of the Labor Law) ¹¹.

Example:

Being denied paid leave in the event of your husband's death, being forced to work during the leave, having a portion of your salary deducted during the leave, or being denied unpaid leave to complete the waiting period.

Advice:

Notify your employer immediately in the event of your husband's death and demand your right to paid leave. If you wish to take additional leave to complete the waiting period, mention this in your request and do not waive any part of your rights during this period.

¹¹ - Article 87 of the Labor Law: A working woman is entitled to paid leave for forty days in the event of her husband's death, starting from the date of death. She may also take unpaid leave for a period not exceeding ninety days to complete the waiting period if she wishes.

Protection from Unjust Dismissal

You have the right

not to be dismissed unjustly or without a legitimate reason, especially due to pregnancy or childbirth. You must be informed of the justified reason for dismissal and are entitled to appropriate compensation in case of unjust dismissal (Article 93 of the Labor Law)¹².



Example:

Being dismissed due to pregnancy or childbirth, being dismissed without a justified reason, or being denied compensation in case of unjust dismissal.

Advice:

Know the reasons for dismissal and assert your rights in case of unjust dismissal. Do not waive any part of your rights.

11 - Article 93: In the event of a worker's violation of their duties as specified in this law or the employment contract, the employer may impose one of the following penalties:

1. Written notice. 2. Written warning. 3. Deduction from wages not exceeding (20%) of the basic wage. 4. Termination of employment while retaining the worker's right to all entitlements stipulated in this law and other labor legislation.

*If termination occurs without going through the aforementioned stages and the reason for termination violates fundamental rights or the specific rights of women, the termination is considered arbitrary.

Chapter Four:

Occupational Safety and Health Protection for Working Women

Working women face many health and safety challenges in the workplace, which vary depending on the sector and job. These challenges may negatively affect their health and productivity and increase the risk of occupational diseases. In this chapter, we will discuss the employer's obligations to protect working women from health risks and ensure a safe and healthy work environment ¹³ .

¹³ - Article 113: The employer must provide occupational health and safety conditions when operating any new establishment, and the relevant ministry must ensure the availability of appropriate occupational health and safety conditions.

Providing a Safe and Healthy Work Environment



The employer is obligated

to provide a safe and healthy work environment for working women, take all necessary precautions to protect them from occupational hazards, provide adequate lighting and ventilation, fire prevention measures, organize workspaces, provide necessary safety tools and equipment, safely dispose of waste, provide clean water, and ensure sanitary restrooms (Article 114 of the Labor Law) ¹⁴.

Example

Working in an unsafe or unhealthy environment, being forced to work in a cramped, dark, or poorly ventilated space, using hazardous materials without proper protection, or not being provided with necessary safety tools and equipment.

14 - Article 114 of the Labor Law: The employer must adhere to the following rules:

1. Maintain the workplace in a healthy and safe condition as required by occupational health and safety standards.
2. Ensure proper ventilation and adequate lighting in the workplace during working hours according to the levels and standards set by the occupational health and safety authorities.
3. Take necessary precautions to protect workers from harm caused by gases, dust, smoke, industrial waste, or emissions. 4. Take necessary precautions to protect workers from the risks of machinery, equipment, or transportation and handling methods, including the risk of collapse. 5. Take necessary precautions against natural hazards such as heat, humidity, and cold. 6. Take precautions to protect against risks from intense lighting, noise, harmful or dangerous radiation, vibrations, or abnormal atmospheric pressure, including the risk of explosion.
7. Construct restrooms in easily accessible locations, with separate restrooms for women if women are employed.
8. Provide sufficient potable water for workers' use and facilitate its accessibility.
9. Take necessary precautions to address fires and prepare technical means to combat them, including ensuring escape routes are available and functional at all times.

Conducting Medical Examinations

The employer is obligated

to conduct medical examinations for working women to ensure their safety and freedom from occupational diseases, detect any diseases in their early stages, and maintain medical examination records (Articles 119 and 114 of the Labor Law)¹⁵.



Example

Being denied medical examinations, undergoing incomplete medical examinations, or being denied access to examination results.

Providing First Aid

The employer is obligated

to provide necessary first aid for working women in case of any workplace accidents or injuries, provide necessary medical tools and materials, and train a number of workers to provide first aid (Article 115 of the Labor Law)¹⁶.



Example

Not being provided with necessary first aid in the workplace or not having anyone trained to provide first aid.

15 - Article 119 of the Labor Law:

a. The employer must provide healthcare for workers, including:
1. Conducting a medical examination for the worker before employment.

Article 114, Paragraph 10 of the Labor Law:

Maintain a record of work accidents and occupational diseases, report them to the relevant authorities, and provide statistics on work injuries and occupational diseases to the ministry upon request.

16 - Article 115, Paragraph 4 of the Labor Law: Provide first aid supplies at the workplace.

Training Workers on Safety

The employer is obligated

to train working women on how to use safety tools and equipment, how to avoid accidents and occupational diseases, and raise their awareness of workplace risks and necessary preventive measures (Article 116 of the Labor Law)¹⁷.



Example

Not being trained on how to use safety tools and equipment or not being informed about workplace risks and necessary preventive measures.

Prohibiting Hazardous Work

The employer is obligated

The employer is obligated not to employ working women in hazardous, strenuous, or health-damaging work or to employ women at night except during Ramadan, except in specific cases and under special conditions. The employer must also announce in a visible place at the workplace the system for employing women and comply with providing special safety and prevention conditions for women (Article 46 of the Labor Law)¹⁸.



Example

Being employed in hazardous, strenuous, or health-damaging work, being employed at night outside the times specified by law, or not being provided with special safety and prevention conditions for women in the workplace.

17 - Article 116 of the Labor Law.

18 - Article 46 of the Labor Law:

a. It is prohibited to employ women in hazardous, strenuous, or unhealthy industries and jobs. The minister shall determine by decision the prohibited jobs under this paragraph. - Women may not be employed at night except during Ramadan and in jobs specified by a ministerial decision.

Article 47 of the same law:

The employer employing women must display the women's employment regulations in a visible place at the workplace.

Establishing a Nursery for Workers' Children

The employer is obligated

in case the number of female workers in the facility exceeds fifty, to establish a nursery for workers' children or contract with a nearby nursery to provide necessary care for workers' children, in accordance with the conditions and standards specified by applicable regulations and laws (Article 45 bis of the Labor Law)¹⁹.



Example

If you work in a facility with more than fifty female workers and face difficulty finding someone to care for your child during work, remember that the employer is obligated to provide a nursery to care for your child.

Workplace Injuries

The employer is obligated

to grant a working woman who suffers from an occupational disease or injury while performing her work or because of it paid sick leave based on the recommendation of the competent medical committee until her health condition is determined in accordance with the Social Insurance Law (Article 83 of the Labor Law)²⁰.



Example

Being injured while performing your work in a factory or similar workplace and being granted paid sick leave based on the recommendation of the medical committee without being denied your salary or part of it.

19 - Article 45 bis of the Labor Law:

Public and private institutions employing fifty or more women in a single establishment must establish or contract a nursery to care for the children of female workers under the conditions specified by a ministerial decision.

20 - Article 83 of the Labor Law:

1. A worker who suffers from an occupational disease or injury while performing their job or as a result of it is entitled to paid sick leave based on the recommendation of the relevant medical committee until their health condition is determined in accordance with the Social Insurance Law.

Right to Insurance Before Injury

Social insurance is a system that provides you with protection and care in various cases, including occupational injuries and diseases.

Although the Labor Law does not address insurance in detail, it obligates the employer to provide a safe and healthy work environment, provide first aid, and conduct periodic medical examinations. These measures are preventive and aim to prevent occupational injuries and diseases, as mentioned in the previous paragraph. It is the employer's duty under the law to provide you with a safe work environment and conduct medical examinations to protect you from any injuries or diseases caused by work.

The Social Insurance Law stipulates that all wage earners, including working women, must be covered by insurance (Article 3 of the Social Insurance Law)²¹. This means you have the right to participate in social insurance on an equal basis with men.

The Social Insurance Law obligates the employer to register you in social insurance and pay the monthly contributions due (Article 27 of the Social Insurance Law)²².



Protection Before Injury Occurs

- Participation in insurance guarantees your right to compensation and insurance benefits in case of any injury or occupational disease, in addition to the right to a pension (Article 30 of the Social Insurance Law)²³.

- You must participate in insurance because it will protect you if you suffer any injury or disease due to work and give you the right to a pension in the future.



21 - Article 3 of the Social Insurance Law:

a. The provisions of this law apply to all private sector employers and their workers who have reached the age of fifteen, as well as Yemeni workers abroad.

22 - Article 27, Paragraph 1 of the same law: The funds of this insurance consist of the following:

a. Monthly contributions that employers are obligated to pay to the institution, amounting to (4%) of the wages of the insured workers.

23 - Article 30 of the Social Insurance Law: The rights of the insured include:

- Medical care for the injured. - Temporary disability compensation.
- Compensation or pension in case of permanent disability. - Pension in case of the insured's death.

Importance of Insurance Before Injury Occurs

- Insurance provides you with financial security in case of injury or occupational disease, as you will receive appropriate compensation, necessary treatment, and maintain your income.
- Insurance ensures you receive necessary healthcare in case of injury or occupational disease, contributing to your recovery and return to work.
- Participation in insurance guarantees your right to a pension in the future, providing you with a dignified life after the end of your working period (Article 120 of the Labor Law) .



Important Tips for You

- Ensure that your employer has registered you in social insurance and request proof of this.
- Monitor the insurance contributions paid by your employer on your behalf and ensure they are paid regularly.
- If you have any inquiries or doubts about insurance, contact the General Organization for Social Insurance to inquire about your rights.
- Keep all documents related to insurance, such as proof of participation, pay slips, and others.

Social insurance is a fundamental right for all working women. It is a safety net that protects you against life's uncertainties. Do not hesitate to demand this right and ensure you receive it before any harm occurs.



24 - Article 120 of the Labor Law: 1. A worker is entitled to a monthly pension or a lump-sum gratuity upon the end of their service in accordance with the provisions of the Social Insurance Law or any other specific system if its terms are more favorable to the worker. 2. If the worker is not covered by the Social Insurance Law or any specific system as per the previous paragraph, they are entitled to an end-of-service gratuity from the employer of at least one month's salary for each year of service, calculated based on the last salary received by the worker. 3. Under no circumstances may the worker be deprived of their entitlements under this article or any part thereof in all cases of termination of the employment contract.

Article 121: The employer, if not insured, bears financial responsibility under this law and the Social Insurance Law for any occupational diseases or injuries sustained by the worker while performing their job or as a result of it.

Chapter Five:

Working Women's Obligations Towards Employers

The success of any institution depends on the cooperation of all its workers, including working women. Each individual in this institution has a fundamental role in achieving common goals. In this chapter, we will learn about the obligations that fall on working women towards their employers and how these obligations contribute to institutional success.

Commitment to the Employment Contract

Your duty

is to adhere to the terms of the employment contract, perform the agreed work accurately and honestly, strive to achieve the institution's goals, follow the employer's instructions, and communicate effectively with them (Article 90 of the Labor Law)²⁵.

Example

Being absent from work without an acceptable excuse, neglecting to perform required work, ignoring the employer's instructions, or intentionally damaging the institution's assets.

Preserving Work Assets

Your duty

is to preserve the tools, equipment, and materials you use at work, not to damage or misuse them, report any damage or malfunction, and not use them for personal purposes.

Example

Intentionally damaging tools and equipment, using them for personal purposes, or neglecting to report any damage or malfunction.

25 - Article 90 of the Labor Law: The worker must commit to the following:

1. Perform work diligently, honestly, and regularly, dedicating full working hours to performing duties efficiently and effectively, and adhering to the instructions of the employer or their representative or supervisor.
2. Strive to increase production, maintain tools, and improve the quality of products and services.
3. Adhere to the work system, rules, and regulations.
4. Maintain attendance and respect work schedules.
5. Continuously work to develop their qualifications, professional, technical, and cultural competence, and train and develop the skills of their colleagues.
6. Maintain work property, including machinery, tools, materials, records, and files under their control, and return any unused tools or raw materials upon the end of work.
7. Preserve work secrets.
8. Provide sincere assistance in cases of emergencies or disasters that threaten the safety of work, the workplace, or production.
9. Optimize the use of work and production tools under their control and practice sound economy in using funds and other materials.
10. Undergo a medical examination when requested by the employer.

Implementing Lawful Instructions

Your duty

is to implement the instructions and directives issued by the employer or their representative, as long as these instructions do not violate the law or the employment contract, and to cooperate with colleagues in completing required tasks.

Example

Refusing to implement the employer's instructions without a legitimate reason, intentionally obstructing work progress, or neglecting to cooperate with colleagues.

Adhering to Work Ethics

Your duty

is to adhere to work ethics, treat the employer, colleagues, and clients with respect, maintain professional confidentiality, and not disclose work secrets.

Example

Treating the employer, colleagues, or clients inappropriately, disclosing work secrets, or engaging in any unethical behavior in the workplace.

Informing the Employer of Absence

Your duty

is to inform the employer of any absence from work, provide acceptable justifications for it, and submit necessary medical certificates in case of absence due to illness.

Example

Being absent from work without informing the employer, providing unacceptable justifications for absence, or delaying the submission of medical certificates.

Chapter Six:

Complaint Procedures



Steps to File a Complaint

1. Try to resolve the issue amicably with the employer through dialogue and understanding.
2. If the issue is not resolved amicably, submit a formal complaint to the relevant authority (the Social Affairs and Labor Office) (Article 129 of the Labor Law) ²⁶, providing all available details and evidence.
3. Do not hesitate to follow up on the complaint with the authority to which you submitted it until necessary actions are taken.
4. If you need legal or social assistance, contact women's organizations that support working women's rights.

Key Labor Issues and Violations Working Women May Face in the Workplace

1. Wage inequality.
2. Lack of an employment contract.
3. Not receiving wages on time.
4. Not receiving entitled leave (annual, sick, maternity).
5. Not being provided with breastfeeding breaks.
6. Sexual/verbal harassment.
7. Unjust dismissal without a legal justification.
8. Gender-based discrimination.
9. Not receiving fair wages.
10. Compensation for damages resulting from workplace accidents.

26 - Article 128 of the Labor Law: Labor disputes refer to disagreements between employers and workers arising from the application of the provisions of this law, its regulations, other labor legislation, and individual or collective employment contracts.

Article 129: 1. The disputing parties or their representatives must hold a joint session to settle the dispute amicably through negotiation within a maximum period of one month, documented in signed minutes that remain confidential.

2. If amicable settlement is not possible, the dispute is referred to the ministry or its relevant office, which must summon the disputing parties to resolve the dispute within a period not exceeding two weeks from the date of referral.

Article 130: When mediation does not result in a final resolution, either party may refer the dispute to the relevant arbitration committee within a maximum period of two weeks from the date of the mediation failure report.

Example of Procedures to Take in Case of Any Violation

Dear Working Woman, if you are, for example, unjustly dismissed from work, the Yemeni Labor Law No. 5 of 1995 guarantees your right to file a complaint and demand compensation for the damage you suffered. These steps will clarify the procedures to follow to file a complaint for unjust dismissal.

First: Attempting an Amicable Resolution

Before resorting to formal procedures, try to speak with the employer or the responsible manager, explain your point of view, and attempt to reach an amicable resolution to the issue.

This step may succeed in resolving the issue and avoiding lengthy formal procedures.

Second: Gathering Evidence and Documents

Collect all evidence and documents that support your complaint, such as employment contract (if available), dismissal letter (if provided to you), pay slips, witness statements (if available), or any other relevant correspondence or documents.

The stronger the evidence and documents, the greater your chances of obtaining your rights.

Third: Submitting the Complaint to the Labor Office

Go to the labor office in your area and submit a formal written complaint, detailing all aspects of the unjust dismissal and the damages you suffered.

Request a stamped copy of the complaint as proof of submission.

Fourth: Investigation and Mediation

The labor office, through the Dispute Resolution Department, will conduct an investigation into the complaint, listen to your statements and those of the employer, and attempt mediation to reconcile between you.

This step may take about two weeks, and you will need to follow up with the labor office. If the dispute is not resolved at this stage, the complaint will be referred to the Arbitration Committee.

Fifth: Issuing a Decision

After the complaint is referred to the Arbitration Committee, the committee will begin the investigation according to the established procedures, and the labor office will issue a decision on the complaint. This decision may include obligating the employer to reinstate you or pay you financial compensation.

Note

The decision issued by the labor office is binding on the employer, as the committee has judicial powers through administrative orders.

Complaint Template

To: Relevant Authority (Ministry of Social Affairs and Labor or Labor Office)

Subject: Complaint Regarding [Specify the Type of Complaint and the Name of the Establishment or Employer]

Complainant's Information:

- Name of the Worker - Address - Job Title - Serial Number

Respondent's Information:

- Name of the Respondent - Name of the Establishment or Employer

- Address of the Establishment - Job Title of the Respondent

Summary of the Complaint:

[Briefly describe the type of violation you faced, such as wage inequality, lack of an employment contract, harassment, unjust dismissal, etc.] [If possible, mention the date and time of the violation.] [Briefly mention the damages you suffered.]

Note: Here, you should refer to any attached evidence or documents.

Legal Basis:

[Relevant legal texts related to the complaint.]

Requests:

[Briefly state what you are requesting from the relevant authority, such as conducting an investigation, obligating the employer to apply the law, compensation for damages, etc.]

Finally, I kindly request your esteemed authority to consider this complaint and take the necessary actions.

With utmost respect,

Attachments:



With utmost respect,
[Name of the Worker]
[Signature of the Worker]
[Date of Submission]

Important Tips

- ✓ Keep a copy of the complaint and attachments.
- ✓ Ensure the complaint is submitted to the relevant authority.
- ✓ Follow up on the complaint with the authority to which it was submitted.
- ✓ You can request assistance from women's organizations.



Relevant Authorities

Ministry of Social Affairs and Labor:

The government authority responsible for enforcing labor laws and protecting workers' rights. You can approach it to file complaints and investigate violations.

Labor Offices:

Located in most governorates, they provide legal consultations and assistance in resolving labor disputes. You can approach them to file complaints.

Dispute Resolution Department in the Labor Office:

Specializes in resolving disputes amicably within 15 days. If the dispute is not resolved, the file is referred to the Arbitration Committee (Labor Committee).



Arbitration Committee²⁷:

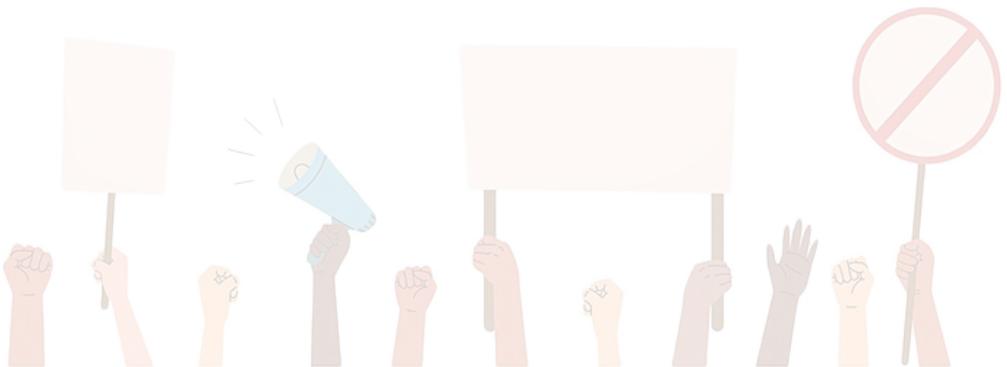
Specializes in considering the following:

- a. Disputes and conflicts arising between employers and workers regarding the application of this law, its regulations, and employment contracts.
- b. Violations referred to it related to the inspection of workplaces.
- c. Other matters stipulated by relevant laws under the jurisdiction of arbitration committees.

It is worth noting that the Arbitration Committee is not authorized to consider workplace harassment cases, as jurisdiction lies with the police department, public prosecution, and the competent court.

Women's Organizations:

There are many organizations that support working women's rights, provide legal and social assistance, and you can contact them for support.



²⁷ - Articles 132 and 133 of the Labor Law:

Arbitration committees have all the powers necessary to summon any person for questioning, hear witnesses after administering the legal oath, conduct inspections, including entering any workplace relevant to the dispute, and delegate one of their members to perform these tasks. They may also seek assistance from experts and have the right to review all documents or any data they deem necessary.

Chapter Seven:

Safeguarding Policy to Improve the Work Environment and Protect Working Women



Concept of Safeguarding Policy

It is a set of measures and principles adopted by workplaces to protect individuals from any form of abuse, exploitation, harassment, or violence. This policy includes mechanisms for reporting and addressing such cases.

Importance of Safeguarding Policy

1. Ensures respect for human rights, especially the right of individuals to live in a safe environment free from violence.
2. Aims to prevent cases of abuse, exploitation, and harassment by establishing clear procedures for prevention and response.
3. Contributes to enhancing individuals' trust in workplaces and encourages them to report any violations they face.
4. Creates a safe and healthy work environment, increasing workers' productivity and loyalty to the institution.



Measures Employers Should Take to Improve the Work Environment for Women

Developing a Clear and Comprehensive Safeguarding Policy:

Employers should develop a written and clear safeguarding policy that includes a clear definition of abuse, exploitation, and harassment and outlines necessary procedures for prevention and response.

This provides a clear reference for workers and employers and defines their responsibilities in implementing the safeguarding policy.

Providing Training for Workers and Employers:

Employers should provide regular training for workers and employers on the safeguarding policy, how to identify cases of abuse, exploitation, and harassment, and how to report them.

This increases awareness of the importance of the safeguarding policy and enables workers and employers to implement it effectively.

Providing Safe and Confidential Reporting Mechanisms:

Employers should provide safe and confidential mechanisms for reporting cases of abuse, exploitation, and harassment, ensuring the protection of whistleblowers from any retaliation or discrimination.

This encourages individuals to report any violations they face and provides a safe and confidential channel to express their complaints.

Immediate and Fair Investigation of Reports:

Employers should conduct immediate and fair investigations into any reports of abuse, exploitation, or harassment, determine responsibility, and take appropriate actions.

This ensures that victims receive justice and that deterrent penalties are applied to perpetrators.

Providing Support and Protection for Victims:

Employers should provide psychological, social, and legal support to victims and ensure their protection from any threats or intimidation.

This helps victims overcome trauma, restore their normal lives, and protect their rights.

Promoting a Culture of Respect and Equality:

Employers should promote a culture of respect and gender equality in the workplace by organizing awareness events, providing equal opportunities for all, and encouraging positive communication among workers.

This creates a healthy and positive work environment that contributes to development and productivity.

Regularly Reviewing and Updating the Safeguarding Policy:

Employers should regularly review and update the safeguarding policy to ensure its effectiveness and relevance to changes in the work environment.

This ensures continuous improvement in the work environment and provides necessary protection for workers.

The Close Relationship Between Safeguarding Policy and Harassment

Sexual, verbal, or physical harassment is a form of abuse and exploitation, and the safeguarding policy should include clear mechanisms to address it.

This is because the safeguarding policy contributes to preventing harassment by raising workers' awareness of their rights, clarifying acceptable and unacceptable behaviors, and providing safe channels to report any harassment cases.

The safeguarding policy includes clear procedures for responding to harassment cases, such as conducting immediate and fair investigations, providing protection to victims, and applying deterrent penalties to harassers.

Important Notes

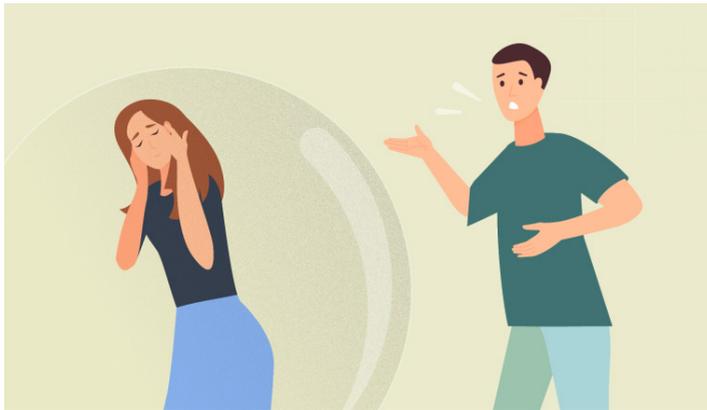
- ▶ There is no unified and nationally approved safeguarding policy in Yemen yet, but many organizations and institutions have adopted their own safeguarding policies.
- ▶ The safeguarding policy should align with Yemeni societal culture and respect the privacy of working women.
- ▶ The safeguarding policy should be practical and implementable, with the support and commitment of all workers and employers.

Dear Working Women:

- ▶ The safeguarding policy is your right, aiming to protect you and provide a safe and fair work environment. Do not hesitate to demand the implementation of safeguarding policies in your workplaces, and know that you have an important role in building a society free from violence and abuse.

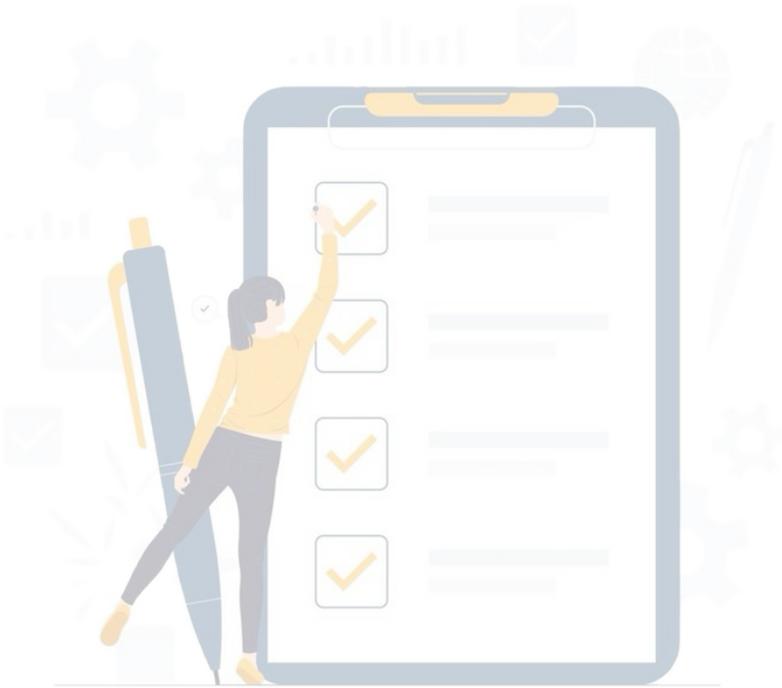
Dear Employers:

- ▶ The success and progress of your institution are not limited to profits and material gains but extend to building a positive and motivating work environment where all workers feel safe and respected. Implementing a safeguarding policy is not just a legal obligation but a real investment in human capital and a foundation for building a good reputation for your institution within your community.



Chapter Eight:

Tips and Guidelines



Dear Working Woman

- ✔ Before signing an employment contract, read it carefully and request clarification for any unclear terms.
- ✔ Keep a copy of the employment contract in a safe place and ensure you understand all its terms.
- ✔ Be aware of your legal rights. Read the Labor Law and understand your rights well, and follow any amendments to the law.
- ✔ Do not hesitate to demand your rights. Do not remain silent about any violation of your rights, and be confident in demanding and defending your rights.
- ✔ Demand your wages on time and do not waive any part of your financial rights.
- ✔ Communicate and share information about your rights with your colleagues, and exchange experiences on how to deal with workplace problems.
- ✔ If you face harassment, do not be afraid. File a complaint and seek help from the relevant authorities to provide legal assistance. Your silence gives the harasser more opportunity to persist.
- ✔ If you face any problem at work, contact the relevant authorities. Do not hesitate to approach the Social Affairs and Labor Office or women's organizations for assistance.
- ✔ Remember that you have rights guaranteed by law, and do not be afraid or hesitate to demand and defend them.

Dear Employer

- ✔ You must comply with all provisions of the Labor Law and apply them fairly and equitably to all your workers, especially working women.
- ✔ You must provide a safe and healthy work environment for all your workers, especially working women, and take all necessary precautions to protect them from occupational hazards.
- ✔ You must treat working women with respect and appreciation and not discriminate against them based on their gender or any other reason.
- ✔ You must listen to working women's complaints seriously and attempt to resolve them amicably and fairly, and not ignore these complaints.
- ✔ You must respect all rights of working women and not waive them, and provide them with the necessary support and assistance.
- ✔ You must consider working women as essential partners in the success of the work and appreciate their role and contribution in achieving the institution's goals.



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نحو رؤية تكاملية للتنمية في اليمن

Towards a Development Integrated Vision in Yemen

المساهمة في التنمية الاجتماعية والاستقرار الاقتصادي والسلام والأمن على المدى الطويل في اليمن من خلال تعزيز الشراكة مع الكيانات العاملة ضمن المجتمع المدني، لاسيما التكتلات لزيادة دورها كجهات فاعلة للحكم الرشيد
