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SAWI PROJECT
Support and Accelerate Women's Inclusion
تعزيز مشاركة المرأة في سوق العمل



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Prospects of Equal Employment Opportunities in the Middle East and North Africa

Technical Report:

A Legislative Perspective
2024

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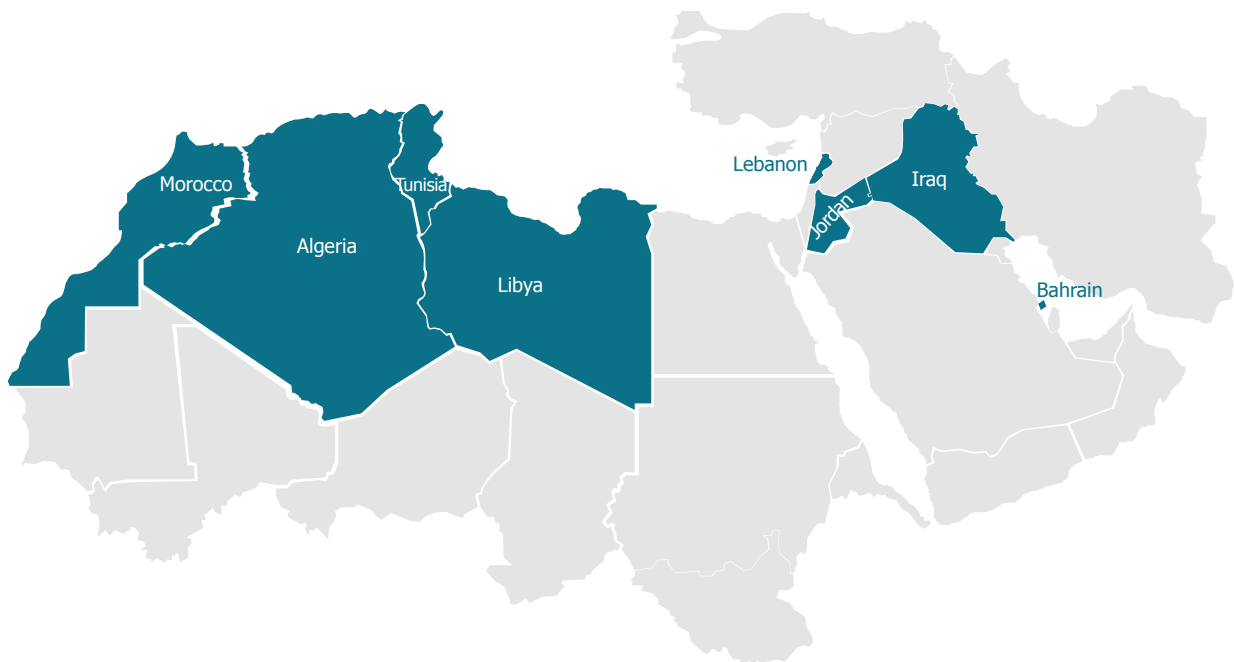
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INTRODUCTION

This report serves to provide a comprehensive overview of the method employed for identifying and analyzing the documents crucial for the composition of the **executive report** centered on the prospects of enacting and implementing Equal Employment Opportunity (EEO) Legislation across eight MENA countries: Algeria, Bahrain, Iraq, Jordan, Lebanon, Libya, Morocco, and Tunisia. The report also includes all the extracted laws related to EEO in the 8 countries and identifies the entities responsible for monitoring and enforcing these laws. By compiling this information, we aim to offer a straightforward resource for understanding the legal requirements and mechanisms regarding EEO in these countries.



METHODOLOGY

For the purpose of this report, and keeping in mind that the legislative procedure and format differs from one country to another, we define EEO legislation as any law, act, code, executive decree, or article that protects employees from being discriminated against throughout their lifetime with their employer (from recruitment, selection, benefits, career advancement), based on defined protected characteristics, or provide specific categories of citizens with opportunities that secure their integration into civil and social life (e.g.: opportunity for social justice).

Accordingly, in this review, in order to assess EEO legislation within each national context, our approach focused on identifying 4 key elements within each specific national context:

1. Equality-related legislation that explicitly attempts to provide equality between different groups of people (eg: prohibition of discrimination in employment on the basis of certain characteristics, equal pay for equal work, employment quotas).
2. Discriminatory legislation that discriminates between different groups of people (eg: prohibition of certain protected characteristics from equal working opportunities such as prohibition of working at night or in certain sectors)
3. Equality-enabling legislation that indirectly promotes an environment that is more equitable for individuals in the workplace (eg: childcare support).
4. Main monitoring entities responsible for overseeing and enforcing compliance with EEO legislation.

To collect the relevant data, we used a mixed-methods approach. First, we held consultation meetings with subject-matter experts from the 8 countries, including lawyers, members of parliament, activists, and members of civil society in order to outline the process for enacting EEO laws in each country. Then, we followed a systematic online search across 8 countries in the MENA, and collect the relevant legislation from the following:

1. Constitutions of each of the 8 countries
2. SAWI Database (Including a desk review published in 2022 on current laws and policies related to inclusive recruitment, retention, and promotion of women in the 8 MENA countries)
3. Ministry of labor for each of the 8 countries (including law and other available law)
4. Additional relevant ministries for each of the 8 countries (eg: social affairs, internal security, NSSF)
5. Websites of governmental and para-governmental bodies that focus on recruitment and/or promotion (eg: gender machineries)
6. INGOs that highlight achievements and current country status relating to equal opportunity in recruitment and/or promotion (ILO, UN Women, ESCWA, UNDP, Human Rights Watch, AWO, etc.)

Key words: discrimination, equal, equality, equity, opportunity, protection, gender, sex, women, men, race, age, religion, sect, harassment

STRUCTURE OF COUNTRY EEO OVERVIEW

The next section of the report will present the overview of the findings for each country. Each country overview will be split into four sections: existing EEO legislation, discriminatory legislation, equality-enabling legislation, and monitoring entities. By examining the gaps, patterns, and trends of EEOs of different countries, we can gain a deeper understanding of the current legislative landscape in the MENA region. This is a key step in order to juxtapose the MENA with other regions in the world, as well as inform policymakers and advocates for change about best practices and areas for improvement.

Section 1: Equal Employment Opportunity Legislation

This section provides an overview of the existing EEOs in each country within the defined parameters of the methodology. It summarizes the legal rules directly related to equal opportunity in employment.

Section 2: Discriminatory Legislation

This section details discriminatory laws pertaining to employment practices. These laws identify instances where certain groups of people may face discrimination or unequal treatment based on certain characteristics.

Section 3: Equality-Enabling Legislation

This section details laws that indirectly lead to more equitable opportunities in the workplace. While not as explicit as EEO legislation, they play a critical role in fostering a fair and inclusive work environment.

Section 4: Monitoring Entities

This section outlines the main monitoring entities responsible for overseeing compliance with EEO regulations and ensuring adherence to EEOs in the workplace. These entities may include ministries, governmental agencies, labor departments, and other specialized bodies.

APPENDIX A: ALGERIA EEO OVERVIEW

Table 1: Summary of laws extracted from Algeria

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 32, 35, 37, 51, 68, 69, 70, 71, 72 2. Labor Law: Articles 6, 17, 61, 84, 91 to 113, and 135 to 155 3. Law No. 02-09 of 25 February 2002 on the Protection and Promotion of Persons with Disabilities: Articles 1, 2, 23 to 30, 33 to 35 4. Executive Decree No. 97-474 of December 8, 1997 establishing the specific regime for labor relations concerning homeworkers: Articles 2, 10
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 91 and 195 2. Labor Law: Article 29 3. Executive Decree No. 91-05 of January 19, 1991: Article 26 4. Act No. 16-15 on Retirement: Article 6
Enablers of Equality	<ol style="list-style-type: none"> 1. Law No. 15-19 of 30 December 2015 amending the Penal Code: Articles 333bis, 341 bis 2. Labor Law: Articles 54, 55

Section 1: Equal Employment Opportunity Legislation

Protected Characteristics: Algeria has a large number of protected categories that are mentioned in at least one of several legislations including the constitution, the labor law, and the penal code. The protected categories of which discrimination is prohibited against are: birth¹, race², gender³, political opinion⁴, social/economic conditions⁵, religion⁶, personal condition⁷ age⁸, marital status⁹, family relations¹⁰, and union memberships¹¹. An executive decree on work performed by women from home, such as production of goods and services, stipulates that such work should be paid and that women should benefit from social security¹².

¹ Article 37 of the Algerian Constitution

² Articles 32 & 37 of the Algerian Constitution

³ Articles 37 and 71 of the Algerian Constitution and Article 17 of the Algerian Labor Law

⁴ Article 37 of the Algerian Constitution and Article 17 of the Algerian Labor Law

⁵ Article 37 of the Algerian Constitution and Article 17 of the Algerian Labor Law

⁶ Article 51 of the Algerian Constitution

⁷ Article 37 of the Algerian Constitution

⁸ Article 17 of the Algerian Labor Law

⁹ Article 17 of the Algerian Labor Law

¹⁰ Article 17 of the Algerian Labor Law

¹¹ Article 17 of the Algerian Labor Law

¹² Executive decree n° 97-474 of December 8, 1997 n° 82 – 1997, art. 2.

Scope: The protected characteristics mentioned above are guaranteed equal access to the following employment related categories: education¹³, employment in the public sector¹⁴ and employment in general¹⁵, pay¹⁶, training¹⁷, promotion¹⁸, and company benefits¹⁹. Articles 94, 141, 142 and 143 of the outlines fines and punishments if employers are found to be in violation of the previous non-discriminatory regulations.

Gender quota in parliament: The law prescribes the following quotas in relation to the magnitude of the electoral constituencies: 20% for Constituencies with 4 seats; 30% for those with 5 or more seats; 35% for those with 14 or more seats; 40% for those with 32 or more seats and 50% for the Constituencies abroad²⁰.

Gender quota in Wilaya (municipality): Candidate lists presented for elections to the Wilaya Assemblies must contain at least 30% women candidates.

Law No. 02-09 on the Protection and Promotion of Persons with Disabilities: Algeria's main legal provision regarding people with disability is Law No. 02-09, that was introduced in 2002. It provides a definition of disability, prohibits discrimination in all several areas including recruitment, pay, promotion, and termination and requires employers to provide accommodations that enable people with disabilities to perform their duties, by mandating the removal of architectural and communication barriers that hinder access. It also guarantees their right to a paid leave for an undetermined number of days for medical treatment and rehabilitation related to their disability. An interesting provision in the law is a quota of 1% of employees to be people with disability. Otherwise, employers are required to pay a financial contribution as determined by the regulation into a fund that benefits people with disability²¹. A national committee was also established within the law, and is responsible for monitoring and ensuring implementation of the law.

Section 2: Discriminatory legislation

Discrimination in eligibility criteria for certain public positions: Article 35 of the constitution stipulates that all citizens have equal access to political life. However, Article 91 emphasizes that one of eligibility criteria for Presidency is to be Muslim and above the age of 40. Article 195 also emphasizes that elected members of the Constitutional Court should also be above the age of 40.

Gender-based discrimination in employment: Article 29 of the Labor Law prohibits women from working at night, unless an exemption has been granted. An executive decree determines that women can lift a maximum of 25 kg²².

¹³ Article 68 of the Algerian Constitution

¹⁴ Article 70 of the Algerian Constitution

¹⁵ Articles 35 & 69 of the Algerian Constitution & Article 6 of the Algerian Labor Law

¹⁶ Article 84 of the Algerian Labor Law & Article 6 of the Algerian Labor Law

¹⁷ Article 68 of the Algerian Constitution & Article 6 of the Algerian Labor Law

¹⁸ Article 6 of the Algerian Labor Law & Article 61 of the Algerian Labor Law & Article 71 of the Algerian Constitution

¹⁹ Article 6 of the Algerian Labor Law

²⁰ Article 2 of 2012 Electoral Law

²¹ Article 27 of Law No. 02-09 of 25 February 2002 on the Protection and Promotion of Persons with Disabilities

²² Executive Decree No. 91-05 of January 19, 1991 relating to prescriptions general protection rules applicable in terms of hygiene and safety in a working environment, Article 26

Gender-based discrimination in retirement age: Article 6 of the Act No. 16-15 on retirement sets the mandatory age of retirement at 60 for men and 55 for women, for whom there is also a reduction of one year for each child, up to a maximum of three children.

Section 3: Enablers of Equality

Criminalization of sexual harassment: The 2015 amendment of Algeria’s penal code criminalizes and punishes violence against women, including sexual harassment that occurs in public and in the workplace²³.

Breastfeeding periods: In Algeria, the “Working Woman Charter” ratified in 2014 increased breastfeeding periods to two hours a day for two years, and provided flexible working hours for parents of children with special needs. A similar law is enshrined in the Public Officials Status Law.

Parental leaves: In line with ILO Conventions, women have the right to 14 weeks paid maternity leave²⁴. NSSF covers expenses incurred from delivery of the child including medication. Women are also given an un-paid leave up to one year for care-giving purposes while guaranteeing her return to work*. Male employees are only allowed to take 3 days of paternal leave²⁵.

* There are no laws that prohibit the termination of employment based on pregnancy.

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- Ministry of Labor, Employment and Social Security
- Labor Inspectorate
- Participation Committee
- National Employment Agency
- National Social Security Fund
- National Commission for the Promotion of Employment
- National Worker’s Union and other workers unions
- National Council for Family and Women
- National Committee for Persons with Disabilities

²³ Law No. 15-19 of 30 December 2015 amending the Penal Code

²⁴ Article 55 of the Algerian Labor Law

²⁵ Article 54 of the Algerian Labor Law

APPENDIX B: BAHRAIN EEO OVERVIEW

Table 2: Summary of laws extracted from Bahrain

<p>EEO Legislation</p>	<ol style="list-style-type: none"> 1. Labor Law: Articles 2, 29, 33, 36, 39, 63c, 104, 114, 183-197 2. Private Sector Labor Law: Articles 2bis, 29, 39, 36 3. Constitution: Articles 13, 16, 18 4. Law No. 74 of 2006 with respect to Care, Rehabilitation and Employment of Disabled Person: Articles 1, 4, 11, 15, 16 to 22 5. Laws No. 50, 51, and 52 of 2020 6. CSB Annual Leave for Women 7. CSB Law: Article 14
<p>Discriminatory Legislation</p>	<ol style="list-style-type: none"> 1. Constitution: Article 1, 53, 57 2. Family Law: Article 56
<p>Enablers of Equality</p>	<ol style="list-style-type: none"> 1. Penal Code: Articles 344 – 356 2. Private Sector Labor Law: Articles 35, 63b, 192 bis, 3. Labor Law: Articles 32, 33, 34, 35, 63b 4. Decision No. 84 of 2019

Section 1: Equal Employment Opportunity Legislation

Protected Characteristics: Bahrain has a small number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: origin²⁶, gender²⁷ religion²⁸, and language²⁹. It is worthy to note that protection of women’s rights is guaranteed so long as they do not breach the provisions of Shari’a law. However, the Family Law stipulates that women cannot be employed against her husband’s wishes³⁰. Another interesting finding is that the labor law mandates that women are made aware of their rights, where a copy of regulations for the employment of women must be shared with them during recruitment³¹.

²⁶ Article 18 of the Bahraini Constitution & Article 39 of the Bahraini Labor Law & Articles 2bis & 39 of the Bahraini PSLL

²⁷ Article 18 of the Bahraini Constitution & Article 29 of the Bahraini Labor Law, Article 2bis of the Bahraini PSLL, & Article 29 of the Bahraini PSLL

²⁸ Article 18 of the Bahraini Constitution, Articles 39 & 104 of the Bahraini Labor Law & Article 39 of the Bahraini PSLL

²⁹ Article 18 of the Bahraini Constitution, Article 39 of the Bahraini Labor Law & Article 2 bis of the Bahraini PSLL

³⁰ Article 56 of Law No. 19/2017

³¹ Article 36 of the Bahraini Labor Law and PSLL

Scope: The protected characteristics mentioned above are guaranteed by the constitution, and labor law, equal access to the following employment related categories: employment in the public sector in accordance with conditions specified by the law³² employment in general³³, and pay³⁴. It is worthy to note that in 2021, Bahrain lifted restrictions on women’s ability to work at night, as well as restrictions on women from working in certain jobs or industries³⁵. Bahrain also took unified the retirement age for both men and women by changing the retirement age for women from 55 to 60³⁶. Articles 187, and 188 of the outlines fines and punishments if employers are found to be in violation of women-related laws and equal pay laws. Article 104 of the outlines that termination of employment on the basis of protected characteristics, pregnancy, and breastfeeding is deemed unfair and that the court shall rule, upon the request of the dismissed employee, for their reinstatement.

Equal Pay for Equal Work: On 27 August 2020, the Bahraini Government issued Resolution No. 52 of 2020 setting out an outright prohibition on the discrimination of wages between male and female employees who hold the same job and who work in similar conditions.

Law No. 74 on the Care, Rehabilitation and Employment of Persons with Disabilities: Bahrain enacted this law in 2018 with the aim of promoting the rights of people with disabilities in many aspects of life, including employment. It defines disability³⁷ and sets out provisions for organizations to follow. One of its most equal employment related provisions is a mandatory 2% quota of people with disabilities for organizations of over 50 employees³⁸. It also protects employees who suffer a work injury that results in a disability from being dismissed³⁹. A Higher Committee for Handicapped Affairs was also established as part of this law for the purpose on working on disability-related strategies, legislations, procedures, and monitoring violations⁴⁰.

Section 2: Discriminatory Legislation

Discrimination in eligibility criteria for certain public positions: Article 1 of the constitution validates Bahrain as a hereditary monarchy, and limits the inheritance of the head of state position to the eldest sons from each generation, therefore excluding women from this right. Articles 53 and 57 require that a member of the Consultative Council and Chamber of Deputies respectively, must be above 35 and 30 years of age respectively.

Gender-based discrimination in employment: Even though gender equality is enshrined in the constitution and labor law, the family law still prohibits women from being employed against their husband’s wishes⁴¹.

³² Article 16 of the Bahraini Constitution

³³ Article 13 of the Bahraini Constitution

³⁴ Article 39 of the Bahraini Labor Law & Article 39 of the Bahraini PSSL & Law No. 52 of 2020

³⁵ Laws No. 50 & 51 of 2020

³⁶ Article 115 of Bahraini Labor Law

³⁷ Article 1 of Law No. 75 of 2006

³⁸ Article 11 of Law No. 74 of 2006

³⁹ Article 15 of Law No. 74 of 2006

⁴⁰ Articles 16 to 22 of Law No. 74 of 2006

⁴¹ Article 56 of Law No. 19/2017

Protection for people with disability: Employers have the right to terminate a contract with an employee in case of their total disability to perform their job duties. However, if the employee has a partial disability, employers cannot terminate the contract unless it is established that no other suitable job can be given to them⁴².

Section 3: Enablers of Equality

Criminalization of sexual harassment: Sexual harassment is criminalized in Bahrain's Penal Code⁴³. A 2018 amendment to the Private Sector Labor Law also criminalizes sexual harassment⁴⁴.

Breastfeeding periods: While in the public sector female employees are entitled to two hours per day for breastfeeding up until the child is 2 years old, in the private sector, two hours per day are offered until the child is only 6 months old⁴⁵.

Parental leaves: Bahrain offers 8 weeks paid maternity leave, which is not aligned with ILO recommendations, and an additional 15 days that are unpaid⁴⁶. Interestingly, women also have the right to take 6 months of unpaid leave to provide child care, on condition that the child is less than 6 years old, and that it doesn't exceed 3 times throughout her period of service⁴⁷. Male employees are only allowed to take 1 day of paternal leave⁴⁸.

Flexible working arrangements: Women are offered a reduced working schedule of «two periods of care not less than an hour» until her child is six months old, and «two periods of care for 30 minutes» until her child is a year old, with the option of combining both periods, without any reduction in pay⁴⁹.

Protection against dismissal for pregnancy: Article 33 of the labor law prohibits employers to terminate a contract for a female worker because of marriage, or during maternity leave.

Safety of pregnant employees: Decision No. 84 of 2019 prohibits the employment of pregnant women in a number of hazardous environments including exposure to extreme heat, continuous physical exertion, harmful vibrations, and exposure to radiation, exposure to bacterial infections, and exposure to certain hazardous materials. It also requires employers to take necessary measures to protect the health of pregnant women and their unborn children when there may be a danger to them as a result of the work performed by the employee. It is worthy to note that similar safety procedures can be found in different countries, however they are applicable to all women, regardless if they're pregnant (eg: Lebanon), and therefore in these cases, such articles are deemed as discriminatory.

⁴² Article 114 of the Bahraini Labor Law & PSLL

⁴³ Articles 344 to 356 of Bahraini Penal Code.

⁴⁴ Article 192bis of the PSLL

⁴⁵ Article 35 of the Bahraini Labor Law

⁴⁶ Article 32 of the Bahraini Labor Law

⁴⁷ Article 34 of the Bahraini Labor Law

⁴⁸ Article 63b of the Bahraini Labor Law & PSLL

⁴⁹ Article 35 of the Bahraini Labor Law & PSLL

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- **Ministry of Labor and Social Development**
- **The Labor Market Regulatory Authority**
- **Social Insurance Organization**
- **Civil Service Bureau**
- **Supreme Council for Women**
- **High Committee for the Care of People with Disabilities**
- **Other Industry-Specific Entities (Eg: The National Health Regulatory Authority, Central**

Bank of Bahrain, The Council for Regulating the Practice of Engineering Professions, and the Ministry of Justice)

APPENDIX C: IRAQ EEO OVERVIEW

Table 3: Summary of laws extracted from Iraq

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 14, 16, 20 49 2. Labor Law: Articles 1, 4, 8,16, 20, 41, 48, 87, 89, 92, 3. Law No. 38 on the Care of Persons with Disabilities and Special Needs: Articles 1, 5, 8, 9, 12, 27, 28
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 14, 16, 20 49 2. Labor Law: Articles 1, 4, 8,16, 20, 41, 48, 87, 89, 92, 3. Law No. 38 on the Care of Persons with Disabilities and Special Needs: Articles 1, 5, 8, 9, 12, 27, 28
Enablers of Equality	<ol style="list-style-type: none"> 1. Labor Law: Articles 10, 48, 87, 89, 91, 92

Section 1: Equal Employment Opportunity Legislation

Protected Characteristics: Iraq has the largest number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: nationality⁵⁰, origin⁵¹, gender⁵², religion (in addition to sect)⁵³, race (in addition to ethnicity and color)⁵⁴, belief or opinion⁵⁵, and economic or social status⁵⁶. The Iraqi labor law explicitly prohibits the violation of equal opportunities and equal treatment, whether by direct or indirect discrimination of employees⁵⁷. In fact, an interesting finding that could not be found in other countries is that the labor law also includes a definition of both direct and indirect discrimination⁵⁸.

Scope: The protected characteristics mentioned above are guaranteed by the constitution, and labor law, equal access to the following employment related categories: equal opportunities in general⁵⁹, employment in the public sector⁶⁰, employment in general⁶¹, vocational training⁶²,

⁵⁰ Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵¹ Article 14 of the Iraqi Constitution

⁵² Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵³ Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵⁴ Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵⁵ Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵⁶ Article 14 of the Iraqi Constitution & Article 1 of the Iraqi Labor Law

⁵⁷ Article 8 of the Iraqi Labor Law

⁵⁸ Article 1 of the Iraqi Labor Law

⁵⁹ Article 16 of the Iraqi Constitution

⁶⁰ Article 20 of the Iraqi Constitution

⁶¹ Article 8 of the Iraqi Labor Law

⁶² Article 8 of the Iraqi Labor Law

and terms and conditions of employment⁶³, including pay, benefits, bonuses, allowances, career advancement opportunities⁶⁴, and termination of employment⁶⁵.*

* All provisions related to working women are not applicable to women who are engaged in a family business, in which only family members work and which is under the authority and supervision of the spouse, father, mother or brother⁶⁶.

Gender quotas in the government: Article 49 of the constitution requires that there should be at least a quarter of the members of the council of representatives should be women⁶⁷. Article 16 of the Election law stipulates that 25% of seats must be filled by women.

Law No 38. Care of Persons with Disabilities and Special Needs: Iraq enacted this law in 2013 with the aim of promoting the rights of people with disabilities in many aspects of life, including employment. It defines disability and discrimination⁶⁸ and sets out provisions for organizations to follow, based on the principle of equality and non-discrimination based on several conventions that have been ratified by Iraq⁶⁹. One of its most equal employment related provisions is a mandatory 5% quota of people with disabilities for organizations, which is higher than the other Arab countries⁷⁰, and a 3% quota for government departments⁷¹. The law also stressed the importance of raising awareness on equal rights issues especially in matters pertaining to religion, ethnicity, gender, and people with disabilities, through a series of workshops, training programs, and through the modification of school curricula⁷². The law also issues specific directives that must be taken into account in building design and project implementation to provide full access to people with disabilities⁷³. The law also lays out fines and punishments for violations of the laws⁷⁴. Interestingly, people with disabilities are exempted from the 10% tax on their income⁷⁵.

Section 2: Discriminatory Legislation

Discrimination in eligibility criteria for certain public positions: Article 68 of the Iraqi constitution require that the president of the Republic must be above the age of 40⁷⁶.

Gender-based discrimination in employment: The labor law prohibits women from working at night or in “arduous and harmful works” unless deemed necessary⁷⁷.

Gender-based discrimination in retirement age: While the labor law does not determine the retirement age in Iraq, the social security law states that the age of which an employee becomes entitled to a retirement salary is 60 for men and 55 for women⁷⁸.

No paid paternity leave: Iraq does not offer paid paternity leave.

⁶³ Article 8 of the Iraqi Labor Law

⁶⁴ Article 41 of the Iraqi Labor Law

⁶⁵ Article 48 of the Iraqi Labor Law

⁶⁶ Article 93 of the Iraqi Labor Law

⁶⁷ Article 49 of the Iraqi Constitution

⁶⁸ Articles 1 and 5 of Law No 38. Of 2013

⁶⁹ Article 5 and 12 of Law No. 38 of 2013

⁷⁰ Article 5 of Law No 38. Of 2013

⁷¹ Article 27 of Law No 38 of 2013

⁷² Article 8 of Law No. 38 of 2013

⁷³ Article 9 of Law No. 38 of 2013

⁷⁴ Article 27 of Law No. 38 of 2013

⁷⁵ Article 28 of Law No. 38 of 2013

⁷⁶ Article 48 of the Iraqi Constitution

⁷⁷ Articles 85 & 86 of the Iraqi Labor Law

⁷⁸ Article 65 of the Social Security Law

Section 3: Enablers of Equality

Prohibition of sexual harassment: The labor law offers a definition of sexual harassment, and prohibits it and any other hostile behavior is prohibited in the labor law, especially during job search, vocational training, recruitment, and work conditions and terms⁷⁹. The law also includes a reporting mechanism and outlines punishments.

Breastfeeding periods: The labor law offers one breastfeeding hour per day⁸⁰. Women can also take an unpaid leave of not more than 3 days for childcare. However, it is not clear if these 3 days are applicable per month or per year⁸¹.

Parental leaves: In line with ILO Conventions, women have the right to 14 weeks paid maternity leave, with an option to start it 8 weeks before her expected delivery date⁸². The period of leave may be extended for up to 9 months in certain conditions such as a difficult childbirth, birth of more than one child, and other complications⁸³. Women also have the option to take an unpaid leave for up to a year, however her employment contract shall be suspended during this period, and there is no mention of protective provisions to ensure she can come back⁸⁴. As for pregnant women with disabilities, they are entitled to take a special paid leave that is not part of the maternity leave, however the duration is not specified⁸⁵.

Childcare support: Employers are responsible to provide nurseries, by virtue of instructions issued by the Minister⁸⁶.

Protection against dismissal during pregnancy: Article 87 of the labor law ensures that working mothers should be able to go back to the same position or similar position with the same wage after her maternity leave. Article 48 also forbids the termination of employment of an employee who is on “a legal leave”, of which maternity leave is included.

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- The Ministry of Labor and Social Affairs
- The Labor Inspectorate
- The High Committee for Women's Affairs
- Commission on the Care of Persons with Disabilities and Special Needs
- Iraqi Federation of Industries & Kurdistan Federation of Trade Unions
- General Federation of Iraqi Trade Unions
- Chambers of Commerce in Iraq & the KRI
- Kurdistan Regional Parliament
- Kurdistan Region – General Board of Inspection

⁷⁹ Article 10 of the Iraqi Labor Law

⁸⁰ Article 91 of the Iraqi Labor Law

⁸¹ Article 91 of the Iraqi Labor Law

⁸² Article 87 of the Iraqi Labor Law

⁸³ Article 87 of the Iraqi Labor Law

⁸⁴ Article 89 of the Iraqi Labor Law

⁸⁵ Article 28 of Law No. 38 of 2013

⁸⁶ Article 92 of the Iraqi Labor Law

APPENDIX D: JORDAN EEO OVERVIEW

Table 4: Summary of laws extracted from Jordan

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 6, 23, 24 2. Amended Labor Law: Articles 2, 13, 53, 54 3. Law No 20: Articles 3, 4, 5, 25, 48
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Personal Status Law: Article 61 2. Constitution: Articles 28, 64, 70 3. Social Security Law: Article 62
Enablers of Equality	<ol style="list-style-type: none"> 1. Amended Labor Law: Article 72 2. Labor Law: Articles 27, 66, 68, 70

Section 1 Equal Employment Opportunity Legislation

Protected Characteristics: Jordan has the smallest number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: race⁸⁷, language⁸⁸, and religion⁸⁹. Unlike the rest of the countries, there is no mention of discrimination based on gender in the constitution nor in the labor law.

Scope: The constitution states that the government shall work to ensure equal opportunities to all citizens, however does not go into further details on said opportunities⁹⁰. The constitution also states that work is the right of every citizen, and that every employee will receive wages equivalent to their type of work, and that special conditions shall be made for the employment of women⁹¹. Recently, labor law provisions which prohibited women from night work and certain sectors have been removed. Recent amendments to the labor law also introduced a definition of wage discrimination as inequality in wages due to gender, and sets fines for employers that violate this law⁹². The labor law also appoints a “wage authority” that overlooks on all aspects related to wage disputes⁹³.

⁸⁷ Article 6 of the Jordanian Constitution

⁸⁸ Article 6 of the Jordanian Constitution

⁸⁹ Article 6 of the Jordanian Constitution

⁹⁰ Article 6 of the Jordanian Constitution

⁹¹ Article 23 of the Jordanian Constitution

⁹² Articles 2 and 53 of the Amended Labor Law

⁹³ Article 54 of the Amended Labor Law

Gender quota in parliament: One seat per electoral district should be allocated to women (18 total)⁹⁴.

Gender quota in municipality: 30% of all municipal seats should be assigned to women.

Law No 20 of 2017 on the Rights of Persons with Disabilities Act: Jordan enacted this law in 2017 with the aim of promoting the rights of people with disabilities in many aspects of life, including employment. It defines disability⁹⁵ and sets out provisions for organizations to follow, based on the principles of equality and non-discrimination set in Articles 4 and 5. It also forms an “Equal Opportunities Committee” with the purpose of reinforcing the rights of people with disabilities at work. The law prohibits the exclusion of people with disabilities from employment or training, and mandates employers to provide the right accommodation needed for them to carry out their tasks⁹⁶. An interesting finding is that while the labor law sets a mandatory quota of 2%, this law actually raises the quota to 4%. The law also lays out fines and punishments for violations of the law, with a fine for employers who do not recruit someone because of his disability⁹⁷.

Section 2: Discriminatory Legislation

Permission needed for women to work: Article 61 of the Personal Status Law states that a woman cannot work without the implicit or explicit agreement of her husband.

Discrimination in eligibility criteria for certain public positions: Article 28 of the constitution validates Jordan as a hereditary monarchy, and limits the inheritance of the head of state position to the eldest sons from each generation, therefore excluding women from this right. Articles 64 and 70 require that a member of senate and deputy must be above the age of 40 and 30 respectively.

Gender-based discrimination in retirement: Article 62 of the social security law sets the retirement age for women to 55 and men to 60.

Section 3: Enablers of Equality

Prohibition of sexual harassment: A recent amendment to the labor law introduced one of the first protections against sexual harassment in the workplace in Jordan.

Breastfeeding periods: The labor law offers one breastfeeding hour per day for the duration of one year⁹⁸.

On-site daycares: Amendments to the labor law have recently removed the requirement that employers who employ at least 20 women need to provide them with an onsite nursery. Instead, the new law now obliges all employers whose employees cumulatively have at least 15 children under the age of 5, to provide a nursery in the workplace⁹⁹.

⁹⁴ Article 8 of the 2022 Electoral Law

⁹⁵ Article 3 of Law No. 20

⁹⁶ Article 25 of Law No. 20

⁹⁷ Article 48 of Law No. 20

⁹⁸ Article 70 of the Jordanian Labor Law

⁹⁹ Article 72 of the Amended Labor law

Parental leaves: Women in Jordan have the right to 10 weeks paid maternity leave, which is less than the ILO recommendation¹⁰⁰. An extended period of one year unpaid is given to her with the right to be reinstated at the end of her leave¹⁰¹. The recent amendments to the labor law also grants new fathers a three-day paternity leave¹⁰².

Protection against dismissal for pregnancy: Article 27 of the labor law protects women from being dismissed during their pregnancy or maternity leave.

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- The Ministry of Labor
- The Directorate of Labor Affairs and Inspection
- Social Security Cooperation
- Civil Service Bureau
- Jordan Chamber of Industry
- Jordan Chamber of Commerce
- General Federation of Trade Unions
- Jordan Labor Watch
- Equal Opportunities Committee
- Jordanian National Commission for Women
- Higher Council for the Affairs of Persons with Disabilities
- Jordanian National Center for Human Rights

¹⁰⁰ Article 70 of the Jordanian Labor Law

¹⁰¹ Article 68 of the Jordanian Labor Law

¹⁰² Article 66 of the Amended Labor law

APPENDIX E: LEBANON EEO OVERVIEW

Table 5: Summary of laws extracted from Lebanon

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 7, 9, 12, 24 2. Labor Law: Article 26 3. Law No 200: Articles 2, 6-26, 73, 74 4. Penal Code: Articles 503, 504
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Labor Law: Article 27
Enablers of Equality	<ol style="list-style-type: none"> 1. Law No 25 on Criminalizing Sexual Harassment 2. Labor Law: Articles 28, 29, 52

Section 1: Equal Employment Opportunity Legislation

Protected Characteristics: Lebanon, along with Jordan, has the smallest number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: religion¹⁰³ and gender¹⁰⁴.

Scope: The constitution does not mention anything around equal employment access categories, and only states that citizens shall equally enjoy civil and political rights¹⁰⁵. The constitution also mentions that appointments to public office should be based on merit and competence, and that there will be an equal representation of Christians and Muslims¹⁰⁶. The labor law prohibits discrimination between men and women based on type of work, pay, employment, promotion, professional qualification, and apparel¹⁰⁷.

Law No 200 of 2000 on the Rights of People with Disabilities Act: Lebanon enacted this law in 2000 with the aim of promoting the rights of people with disabilities in many aspects of life, including employment. It defines disability¹⁰⁸ and sets out provisions for organizations to follow based on the principle of equal opportunities and people with disabilities' right to employment.

¹⁰³ Article 9 of the Lebanese Constitution

¹⁰⁴ Article 26 of the Lebanese Labor Law

¹⁰⁵ Article 7 of the Lebanese Constitution

¹⁰⁶ Articles 12 and 24 of the Lebanese Constitution

¹⁰⁷ Article 26 of the Lebanese Labor Law

¹⁰⁸ Article 2 of Law No. 200

The law sets a 3% quota for PwDs in the public sector and private companies employing more than 60 people, and lays out fines in case of infringement¹⁰⁹. The law also forms a “National Council of Disability Affairs”, which is the official reporting body for validating issues related to PwDs¹¹⁰.

Section 2: Discriminatory Legislation

Gender-based discrimination in employment: While the labor law prohibits discrimination in employment between men and women, women are prohibited from working in over 10 jobs and industries¹¹¹. And while the reasoning for this might be to protect them from hazardous and/or tough jobs, the freedom of choice and equal opportunity should be given to women.

Section 3: Enablers of Equality

Criminalization of sexual harassment: In 2020, Lebanon enacted Law No. 25 which criminalizes sexual harassment in the workplace and in public, and lays out fines and punishments that range with the severity of the crime. Sexual harassment, mainly in the form of rape, is criminalized in the penal code¹¹².

Breastfeeding periods: The labor law offers one breastfeeding hour per day for the duration of one year.

Parental leaves: Women in Lebanon have the right to 10 weeks paid maternity leave, which is less than the ILO recommendation¹¹³. Men have recently been granted a 3-day paternity leave.

Protection against dismissal for pregnancy: Article 52 of the labor law protects women from being dismissed during their pregnancy or maternity leave.

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- **The Ministry of Labor**
- **Department of Labor Inspection, Prevention and Safety**
- **National Commission for Lebanese Women**
- **National Council of Disability Affairs**

¹⁰⁹ Articles 73 and 74 of Law No. 200

¹¹⁰ Articles 6 to 26 of Law No. 200

¹¹¹ Article 27 of the Lebanese Labor Law

¹¹² Article 503-504 of the Lebanese Penal Code

¹¹³ Articles 28 and 29 of the Lebanese Labor Law

APPENDIX F: LIBYA EEO OVERVIEW

Table 6: Summary of laws extracted from Libya

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 5,6,8 2. Labor Law: Articles 2,9 3. Law 3 of 1981 on Disabled Persons: 1, 2, 22
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Labor Law: Article 24
Enablers of Equality	<ol style="list-style-type: none"> 1. Labor Law: Articles 12, 25, 26 2. Penal Code: Articles 407, 408

Section 1: Equal Employment Opportunity Legislation

Protected Characteristics: Libya has a wide scope of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: religion¹¹⁴, language¹¹⁵, wealth¹¹⁶, gender¹¹⁷, kinship¹¹⁸, political opinion¹¹⁹, social status¹²⁰, tribal, regional or familial adherence¹²¹.

Scope: The constitution explicitly mentions equal opportunity as it relates to the right to work, as well as access to education, medical care, and social security¹²². Section 2 of the labor law also explicitly mentions equal opportunity between men and women, as well as citizens or non-nationals legally residing in Libya. Section 24 of the labor law prohibits discrimination in treatment and pay between men and women.

Gender quota in parliament: 16% of the seats in the house of representatives must be allocated to women¹²³.

¹¹⁴ Article 6 of the Libyan Constitution

¹¹⁵ Article 6 of the Libyan Constitution

¹¹⁶ Article 6 of the Libyan Constitution

¹¹⁷ Article 6 of the Libyan Constitution & Section 2 and 24 of the Libyan Labor Law

¹¹⁸ Article 6 of the Libyan Constitution

¹¹⁹ Article 6 of the Libyan Constitution

¹²⁰ Article 6 of the Libyan Constitution

¹²¹ Article 6 of the Libyan Constitution

¹²² Article 8 of the Libyan Constitution

¹²³ Article 18 of Law No. 2 on the Election of Parliament

Law No. 3 of 1981 on Disabled Persons: Libya was one of the first countries in the region to enact a law to promote the rights of people with disabilities. The law defines disability¹²⁴, however, it does not seem to ensure equal working opportunities for people with disabilities. Article 22 entitles people with disabilities to employment opportunities and activities that “conform and are suitable to their abilities”. The law also bounds communities to employ disabled persons however it is not clear how this will be ensured as there are no quotas nor monitoring procedures that are outlined. Article 5 of the Constitution also guarantees the protection of people with disabilities.

Section 2: Discriminatory Legislation

Gender-based discrimination in employment: While the labor law prohibits discrimination in employment between men and women, the same article prohibits women from being employed in types of work that are “unsuitable for women”¹²⁵.

No paternity leave: There are no legal provisions in the labor law related to paid or unpaid paternal leaves.

Section 3: Enablers of Equality

Criminalization of sexual harassment: Section 12 of the labor law prohibits employees from committing or inciting to commit an act which is deemed to be sexual harassment. However, there is no clear definition of sexual harassment in the law, nor are there specific penalties laid out for these acts. Sexual harassment is also criminalized in the penal code. Articles 407 and 408 in the Penal code criminalize sexual harassment and lay out punishments.

Breastfeeding periods: The labor law offers minimum one breastfeeding hour per day for the duration of 18 months¹²⁶.

Parental leaves: Women in Libya have the right to 14 weeks paid maternity leave, in line with ILO recommendations¹²⁷. In case of more than one child being delivered, maternity leave is extended to 16 weeks.

Childcare support: Employers who employ women with children are required to provide a nursery for their children, and may collaborate with other employers to provide this¹²⁸.

Protection against dismissal for pregnancy: Section 25 of the Labor Law prohibits employers from terminating a woman’s employment while she is pregnant or on maternity except for “justifiable reasons that are not connected to her pregnancy, confinement, complications, and breastfeeding”.

¹²⁴ Articles 1 and 2 of Law No. 3 of 1986

¹²⁵ Section 24 of the Libyan Labor Law

¹²⁶ Section 25 of the Libyan Labor Law

¹²⁷ Section 25 of the Libyan Labor Law

¹²⁸ Section 26 of the Libyan Labor Law

Section 4: Monitoring Entities

This section outlines the main monitoring entities responsible for overseeing compliance with EEO regulations and ensuring adherence to EEOs in the workplace. These entities may include ministries, governmental agencies, labor departments, and other specialized bodies.

- **The Ministry of Labor**
- **Labor Inspectorate**
- **Minister of Women's Affairs**
- **National Committee for Assistance and Care to Disabled Persons**

APPENDIX G: MOROCCO EEO OVERVIEW

Table 7: Summary of laws extracted from Morocco

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 3, 6, 19, 31, 34, 35, 115, 2. Labor Law: Articles 9, 346 3. Law No 97-13 on the Rights of Persons with Disabilities: Articles 2, 15 4. Penal Code: Article 431 5. Law No 20-16 (Electoral Law): Article 23 6. Law No. 59-11 on the election of council members of local authorities 7. Directive No. 3-130-00 of 10 July 2000
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Constitution: Article 43 2. Labor Law: Article 179, 181
Enablers of Equality	<ol style="list-style-type: none"> 1. Labor Law: Articles 40, 41, 152, 156, 153, 159, 161, 162, 163 2. Law No. 103-13 on Combatting Violence Against Women

Section 1: Equal Employment Opportunity Legislation:

Protected Characteristics: Morocco has a large number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: race¹²⁹, gender¹³⁰, disability¹³¹, religion¹³², political opinion¹³³, marital status¹³⁴, trade union affiliation¹³⁵, and nationality or origin¹³⁶.

¹²⁹ Article 9 of the Moroccan Labor Law

¹³⁰ Article 6 of the Moroccan Constitution & Article 9 of the Moroccan Labor Law

¹³¹ Article 9 of the Moroccan Labor Law

¹³² Article 9 of the Moroccan Labor Law

¹³³ Article 9 of the Moroccan Labor Law

¹³⁴ Article 9 of the Moroccan Labor Law

¹³⁵ Article 9 of the Moroccan Labor Law

¹³⁶ Article 9 of the Moroccan Labor Law

Scope: Morocco offers the widest scope of equal access to men and women with regards to their participation in civil, political, economic, cultural, and social life, as well as works for the realization of parity between men and women¹³⁷. Article 9 of the labor law prohibits discrimination for the mentioned protected characteristics with regards to: employment, training, pay, promotion, social benefits, disciplinary measures, and dismissal. The Penal code also criminalizes gender-based discrimination in the mentioned categories and outlines fines, with some exclusions such as if gender is a requirement of the position, and if the activity is deemed as risky¹³⁸.

Equal pay: Article 346 of the labor law re-iterates the prohibition of discrimination in pay between men and women.

It is worth to note here that Article 19 in the constitution stipulates that an authority for parity and the struggle against all forms of discrimination shall be created, the only provision of its kind among the countries.

Gender quota in public sector: Article 115 of the constitution requires a minimum representation of female magistrates.

Gender and age quotas in house of representatives: 60 seats out of 395 are reserved for women, while 30 are reserved for young men and women under the age of 40¹³⁹.

Gender quota in regional councils: One third of the seats in regional councils must be reserved for women¹⁴⁰.

Employment quota for people with disabilities: Directive No. 3-130-00 of 10 July 2000 states that there is a 7% quota in governmental departments and agencies for persons with disabilities.

Law No 97-13 on the Rights of Persons with Disabilities: Morocco enacted this law in 2016 with the aim of promoting the rights of people with disabilities in many aspects of life, including employment. It defines disability and discrimination based on disability¹⁴¹ and sets out provisions for organizations to follow, based on the principles of equality and non-discrimination. However, no quota for the private sector has been set since the enactment of the law, even though Article 15 stipulates that a quota should be set between the private sector and the government.

Section 2: Discriminatory Legislation

Gender-based discrimination in eligibility criteria for certain public positions: Article 43 of Morocco's the constitution limits the inheritance of the throne to the sons of the family.

Gender-based discrimination in employment: Articles 179 and 181 prohibits the employment of women and people with disabilities in quarries, underground works, and other jobs that are deemed "risky".

¹³⁷ Articles 19, 31, 35 of the Moroccan Constitution

¹³⁸ Article 431 of the Moroccan Penal Code

¹³⁹ Article 23 of Law No 20-16

¹⁴⁰ Law No. 59-11 on the election of council members of local authorities

¹⁴¹ Article 2 of Law No 97-13

Section 3: Enablers of Equality

Prohibition of sexual harassment: Article 40 and 41 of the Moroccan labor law prohibits sexual harassment and outlines a grievance procedure for the employee to receive compensation or to be able to file a lawsuit in court. In addition, Law No. 103-13 on Combatting Violence Against Women also defines and criminalizes sexual harassment.

Breastfeeding periods: The labor law offers one breastfeeding hour per day for the duration of one year¹⁴². The law also necessitates employers of more than fifty employees to provide a nursing room for breastfeeding that can also be used as nurseries for children of employees working in the company¹⁴³.

Parental leaves: Women in Morocco have the right to 14 weeks paid maternity leave, in line with ILO recommendation¹⁴⁴, with an option to take up to one-year unpaid leave¹⁴⁵. The recent amendments to the labor law also grants new fathers 15 days paid paternity leave, the longest in the region.

Childcare support: Organizations of over 50 employees must provide a nursery for children of employees, and neighboring organizations can open common daycares¹⁴⁶. An additional clause in the labor law advises organizations to lighten the work load for women in the period directly preceding and following childbirth¹⁴⁷.

Protection against dismissal for pregnancy: Article 159 of the labor law protects women from being dismissed during their pregnancy or maternity leave.

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- The Ministry of Economic inclusion, Small business, Employment and Skills
- The Directorate of Labor
- Ministry of Employment and Professional Integration
- Labor Inspectorates
- ANAPEC
- Moroccan Labor Union, the Democratic Confederation and Federation of Labor (C.D.T and F.D.T) or the General Union of Workers of Morocco (U.G.T.M).
- Ministry of Solidarity, Social Development, Equality, and Family
- National Committee for the Promotion of the Rights of Persons with Disabilities

¹⁴² Article 161 of the Moroccan Labor Law

¹⁴³ Article 162 of the Moroccan Labor Law

¹⁴⁴ Article 152 of the Moroccan Labor Law

¹⁴⁵ Article 156 of the Moroccan Labor Law

¹⁴⁶ Articles 162 and 163 of the Moroccan Labor Law

¹⁴⁷ Article 153 of the Moroccan Labor Law

APPENDIX H: TUNISIA EEO OVERVIEW

Table 8: Summary of laws extracted from Tunisia

EEO Legislation	<ol style="list-style-type: none"> 1. Constitution: Articles 6, 21, 46, 48, 65 2. Labor Law: Articles 5, 21 3. Law No 50-2018: Protection against Racial Discrimination 4. Law No 83 of 2005 for the Empowerment and Protection of Persons with Disabilities: Articles 23, 26, 29
Discriminatory Legislation	<ol style="list-style-type: none"> 1. Constitution: Article 74 2. Labor Law: Articles 64, 66
Enablers of Equality	<ol style="list-style-type: none"> 1. Penal Code: Article 226 2. Law No. 60 of 2016 on the Elimination of Violence Against Women 3. Labor Law: Articles 20, 64, 122

Section 1: Equal Employment Opportunity Legislation:

Protected Characteristics: Tunisia has a small number of protected categories that are mentioned in at least one of several legislations including the constitution and the labor law. The protected categories of which discrimination is prohibited against are: gender¹⁴⁸, disability¹⁴⁹, and religion¹⁵⁰.

Scope: Tunisia's constitution grants equal rights and duties between genders without any discrimination, and commits to protect, strengthen, and develop women's rights, and works to achieve parity between men and women in elected assemblies¹⁵¹. Article 5 of the labor law prohibits discrimination between men and women on all provisions of the labor law.

Law No 50 on Racial Discrimination: In 2018 Tunisia passed an organic law that penalizes racial discrimination. This law is the first of its kind in the region, and it allowed victims of racism to seek redress through the courts for verbal abuse or physical acts. It gives a clear definition of racial discrimination. While the law does not specifically mention discrimination in employment, it does encompass acts that prevent, hinder, or deprive an individual from exercising or enjoying equal rights and duties.

¹⁴⁸ Article 21 of the Tunisian Constitution & Article 5 of the Tunisian Labor Law

¹⁴⁹ Article 48 of the Tunisian Constitution

¹⁵⁰ Article 6 of the Tunisian Constitution

¹⁵¹ Article 46 of the Tunisian Constitution

Law No 83 of 2005 for the Empowerment and Protection of Persons with Disabilities: Tunisia was one of the first countries in the region to enact a disabilities law, back in 1981. One of the main provisions of the most recent law is to prohibit discrimination in employment based on disabilities¹⁵² and set out employment quotas for the public and private sector¹⁵³. The law also creates and sets out the main responsibilities of the responsible committee. The law also enforces a 1% disabilities quota for public and private sector organizations of 50 and 100 employees and a 2% for organizations of over 100 employees. Penalties are incurred for failure to comply with the obligation to employ persons with disabilities, and doubled for repeat offences.

Section 2: Discriminatory Legislation

Religion-based discrimination in eligibility criteria for certain public positions: Article 74 of Tunisia's the constitution limits eligibility to run for president for Muslims.

Gender-based discrimination in employment: Women cannot be employed at night for a period of at least 12 hours consecutive hours which must include the interval between 10 p.m. and 6 a.m. in the morning¹⁵⁴.

Section 3: Enablers of Equality

Criminalization of sexual harassment: Article 226 of the penal code criminalizes sexual harassment. Moreover, Law No. 60 of 2016 on the Elimination of Violence Against Women also prohibits sexual harassment and outlines punishments for the crime.

Breastfeeding periods: The labor law offers one breastfeeding hour per day for the duration of one year¹⁵⁵. The law also necessitates employers of more than fifty women to provide a nursing room for breastfeeding.

Parental leaves: Women in Tunisia have a maternity leave of 30 days, with an option to extend another 15 days in case of medical needs¹⁵⁶. Women in the public sector have a maternity leave of 2 months. Fathers are entitled to a one-day paternity¹⁵⁷.

Protection against dismissal for pregnancy: Article 20 of the Tunisian labor law protects women from being dismissed during their pregnancy or maternity leave.

¹⁵² Article 26 of Law No. 83

¹⁵³ Articles 29 and 23 of Law No. 83

¹⁵⁴ Article 66 of the Tunisian Labor Law

¹⁵⁵ Article 64 of the Tunisian Labor Law

¹⁵⁶ Article 64 of the Tunisian Labor Law

¹⁵⁷ Article 122 of the Tunisian Labor Law

Section 4: Monitoring Entities

There are several entities with the power to enforce and monitor the laws outlined previously. However, the method of implementation and monitoring remains vague. This list of entities is not exhaustive but represents a compilation drawn from expert insights, online research, and analysis of pertinent legislation.

- **Ministry of Employment and Vocational Training**
- **Ministry of Social Affairs**
- **General Directorate of Labor, Labor Inspection and Conciliation**
- **General Committee on Labor and Professional Relations**
- **General Directorate of Social Security**
- **National Agency for Employment and Self-Employment**
- **National Observatory for Employment and Qualifications**
- **National Institute of Labor and Social Studies**
- **Ministry of Women, Family, and Elderly Affairs**
- **Committee for the Rights of Persons with Disabilities**
- **Institute for the Promotion of the Disabled**

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