

TITLE ELEVEN SANCTIONS

Article 181 –

As amended by Federal Law no . 8 dated 13/11/2007 :

Without prejudice to any severer penalty provided for in any other law , shall be sentenced to imprisonment and to a fine amounting to ten thousand Dirhams at least , or to either penalties :

1 – Whoever breaches any imperative provision hereof , or the executive regulations or decisions issued in application thereof .

2 – Whoever hinders or prevents , or attempts to stop any official entrusted with the implementation of the provisions hereof or the executive regulations or decisions issued in application thereof , from performing his duties , whether through actual or threatened use of force or violence .

3 – Every official entrusted with implementation of the provisions hereof , who divulges , even after termination of his services , any work secret , patent right , or other work method that came to his knowledge in his capacity as such official .

Article 181/1 –

Added by Federal Decree – Law no . 8 dated 13/11/2007 :

1 – Subject to the provisions mentioned in the law of entry and residence of foreigners , and without prejudice to any severer sanction imposed by any other law , shall be sentenced to a fine amounting to fifty thousand Dirhams :

a – Whoever employs a foreigner subject to the provisions of the Labor Law , without obtaining a work permit .

b – Whoever closes down or ceases the activity completely without the settlement of the insured persons .

2 – The sentence shall be imprisonment and a fine amounting to fifty thousand Dirhams in case of recidivism of any of the crimes provided for in the present Article .

3 – The sponsor who notifies the fleeing of his sponsored shall receive a compensation amounting to five thousand Dirhams deducted from the fine imposed by court order . The price of the travel ticket of the sponsored shall also be deducted from the fine .

Article 181/2 –

Added by Federal Decree – Law no . 8 dated 13/11/2007 :

1 – Every owner of an establishment employing a foreigner not based on his guarantee , or leaves him without work , or makes him work for a third party without the commitment to conditions and situations set for the transfer of the sponsorship or without the receipt of the appropriate statement thereof shall be sentenced to a fine amounting to fifty thousand Dirhams .

The sentence shall be imprisonment and a fine amounting to 50.000 Dirhams in case of recidivism .

2 – Every owner of an establishment employing or harboring a fugitive shall be sentenced to imprisonment for a period of two months at least and a fine amounting to one hundred thousand Dirhams .

3 – The owner of the establishment shall be exempt from the set penalty should it be proven that he did not know of the incident of the crime . Whoever carries out the employment or harboring of the fugitive shall be punished by the decided incarceration penalty , and the establishment shall pay the determined fine .

4 – The crimes stipulated in this Article shall be excepted from the provisions of the alternating circumstances provided for in the Penal Law .

Article 182 –

As amended by Federal Decree – Law no . 8 dated 13/11/2007 :

A number of fines shall be imposed on the employer in accordance with the number of workers against whom and infringement is made , with a maximum of 5,000.000 Five Million Dirhams .

Article 183 –

In the event of recidivism in the perpetration of a crime prior to the lapse of one year form the date of the judgment of the court in a crime similar thereto , the penalty may be doubled .

Article 184 –

Subject to Articles 34,41 and 126 , penal proceedings shall be initiated against the responsible manager of the establishment ; it may also be initiated against the owner of the establishment should there be reason to believe that the owner is aware of the facts constituting the offence .

Article 185 –

Should the employer fail to fulfill his obligations under the present Law , the Labor Department concerned may issue an order specifying the violation committed and instructing the employer to remedy such violation within a specific period starting from the date of the notification by the employer . Should the violation not be remedied within the specified period , the said department shall carry out the required remedial activities at the employer's expense and recover such expenses by way of attachment .

Article 186 –

In the implementation of the present provisions hereof , its executive regulations and decisions issued in execution thereof , the Labor Department shall , to the extent possible , refrain from initiating penal action until it extends advice and guidance to employers and workers who commit violations against the Law and , when necessary , issues them written warning to remedy such violations .