



**CHAPTER 2**  
**FUNDAMENTAL PRINCIPLES**

Prohibition of forced employment 3. (a) No person shall be compelled or forced into employment.

(b) "Forced employment" shall mean any services or labour obtained from a person under threat of punishment, undue influence or intimidation, and does not include services or labour performed of his own volition by any person. The following are exempted from such definition:-

(1) labour carried out by, or services obtained from a person under the control and supervision of the relevant State authority in pursuance of a court judgement; or

(2) labour or services obtained to the extent deemed reasonable in instances of emergencies which may pose risk to the life or well being of the entire populace or a section of the population.

Non-discrimination 4. (a) It is prohibited to discriminate amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations, and in so far as it does not contravene the provisions herein age or disability.

(b) The implementation of any principles, activities or programmes with the objective of assisting those persons

disadvantaged against for any of the reasons specified in sub-section (a) or socially disadvantaged persons shall not be deemed as discrimination amongst employees carrying out equal work.

(c) Sub-section (a) does not prevent the taking into consideration of matters such as educational qualifications required for employment, aptitude, experience and such other matters directly related to employment.

(d) Where a complaint is lodged against an employer alleging contravention of sub-section (a), the onus is on the employer to show that there has been no discrimination or that any discrimination is based on reasonable cause and does not contravene sub-section (a).

(e) Any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination as provided herein.

Contravention of basic principles 5.

(a) Any person whose rights conferred pursuant to the basic principles specified in this Chapter have been affected, may submit such matter to the Tribunal specified in Section 10.

(b) Complaints submitted to the Tribunal in connection with a right conferred pursuant to the basic principles specified in this Chapter shall be dealt with expeditiously by the Tribunal. The complainant and the respondent shall both be afforded ample opportunity to make submissions and respond to arguments.

(c) Where the Tribunal deems that a complaint submitted to it is based on legitimate and valid grounds, it has the power to issue orders mandating compliance with the basic principles specified in this Chapter, including:-

- (1) an order to perform or cease performance of an act;

- (2) an order to re-instate a dismissed employee;
- (3) an order to restore a benefit or advantage that has been denied to a person; or
- (4) an order providing for compensation.

### CHAPTER 3

#### EMPLOYMENT OF MINORS

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| Minimum age                         | 6. | Minors under the age of sixteen years shall not be employed except in connection with training associated with their education or deportment. Minors under the age of sixteen years who participate in the family's line of work of their own will shall be exempted from this principle.  |
| Prohibition of employment of minors | 7. | (a) No minor shall be employed in any work or employment or in conditions of work or employment that may have a detrimental effect on his health, education, safety or conduct.<br>(b) All age limits stipulated in this Chapter shall be computed according to the Gregorian calendar. A child shall be deemed to be under eighteen years of age as provided for in Law No 9/91 (The Law on the Protection of the Rights of the Child). |
| Obtaining guardian's approval       | 8. | (a) A minor shall only be engaged in any employment or work, in accordance with Section 6 and Section 7, after the written approval of the minor's legal guardian or guardian recognised at law has been obtained.<br>(b) For the purposes of sub-section (a) a legal guardian or guardian recognised at law shall be defined as is provided in Law No 4/2000 (The Family Law).  |
| Hours of work                       | 9. | (a) A minor employed in accordance with Section 6, shall not   |