

Bahrain



Regulatory framework governing migrant workers¹

Updated September 2019

	Private Sector workers (other than domestic workers)	Domestic workers
Key Legislation	Law No. 36 of 2012, Labour Law provision for the Private Sector. Domestic workers can only benefit from certain provisions. ² There is no separate law/regulations covering domestic workers.	
Recruitment		
Recruitment fees	It is not explicitly prohibited to charge recruitment fees to workers by law.	
Passport confiscation	It is not explicitly prohibited for employers to confiscate passports. ³	
Working conditions		
Contract	<p>The labour contract must be drafted in Arabic and in two original copies, one for each party. If there is a version in another language, it has to be attached to its Arabic version.</p> <p>Employers who do not comply may be subject to a 200 -500 BD (US\$530 – 1326) penalty.</p> <p>Flexi-permit holders, (limited workers eligible) appear not to require a contract.⁴</p>	<p>The Labour Market Regulatory Authority (LMRA) introduced a dual/tripartite contract system in October 2017 for domestic workers hired through a recruitment agency.</p> <p>One standard contract must be signed between the recruitment agency, worker and employer, and a second one between the worker and the employer.</p> <p>Employers who do not comply with the above mentioned provisions are subject to a 200 – 500 BD (US\$530 – 1326) penalty.</p>
Minimum wage	Not applicable. ⁵	Not applicable.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² These provisions relate to some benefits regarding the labour contract, wages, end of service benefit and exemption from judicial fees, among others. In 2018, the government added a new provision (which also applies to domestic workers) that “Discrimination among workers subject to the provisions of this Law on the basis of gender, origin, language, religion or creed shall be prohibited.”

³ However, the Bahraini Penal Code creates the legal basis for the liability of persons who withhold the passports of workers. Moreover, numerous rulings issued by the Discrimination Court prohibit employers from confiscating the passports of workers. GLMM (2019) *The Legal Framework of the Sponsorship Systems of the GCC Countries*, No. 4/2019

⁴ A ‘flexible’ work permit for eligible migrant workers in an irregular situation was introduced in Bahrain in 2017. The permit allows workers to work without a sponsor. Under the scheme, workers bear the costs of the issue of the work permit, healthcare, social insurance, monthly fee payable to the Labour Markets Regulatory Authority (LMRA) and a deposit for a return flight ticket. Flexible permit holders can work for multiple employers simultaneously, and essentially are self-employed.

⁵ The minimum wage only applies to Bahraini nationals in the public sector (300 Bahraini dinar (BHD) (US\$ 796).

Working hours	<p><u>The Rule:</u> 8 hours per day or 48 hours per week.⁶</p> <p><u>The Exceptions:</u> Working hours may be increased up to 11 hours per day including breaks⁷. They can exceptionally be increased to 12 hours per day for workers who handle tasks that are 'discontinuous' by nature, the latter⁸ being determined by a Ministerial decision,⁹ and working hours can also be decreased by the Minister.</p> <p>Workers are entitled to at least half an hour break for prayer, meals or rest after 6 hours of consecutive work per day.¹⁰</p>	Not specified by law.
Rest periods	<p>1 day per week, Friday unless otherwise agreed.</p> <p>An employer may require a worker to work on his/ her weekly day of rest or a public holiday. In this case, the worker may choose to either receive an additional wage equivalent to 150 per cent of the normal wage or to have an additional rest day.</p>	Not specified by law.
Overtime	Overtime provisions range from 125 per cent of the hourly rate for hours worked during the day and 150 per cent the hourly rate for hours worked at night.	Not specified by law.
Payment of wages	<p>Workers on a monthly wage must be paid at least once a month.¹¹</p> <p>Employers are only cleared with regard to payment once it is fully paid to the worker according to the mechanism 'designated by a ministerial decision'. In future this will include the Wage Protection System.¹²</p>	
Annual leave	30 days.	30 days.
Other requirements	Working outdoors / in open areas is banned usually between 12:00 and 16:00pm during summer, from June till end of August, excepted for oil and gas workers engaged in emergency maintenance. ¹³	Although not specified by law, the LMRA standard contract/obligation pledge form (for direct recruitment) specifies that the employer must provide the worker with a decent residence, respect for privacy, food and clothing, occupational safety and health, medical care, and enable the domestic worker to

⁶ During Ramadan Muslim workers are required to work a maximum of 6 hours a day and 36 hours a week.

⁷ Article 53 paragraph b of the Bahraini Labour Law.

⁸ Article 53 paragraph c of the Bahraini Labour Law.

⁹ Article 56 of the Bahraini Labour Law.

¹⁰ The Minister may specify in a decision workers who can to continue working without a break and specify the type of hard/difficult or exhausting labour where the worker is given breaks that are counted within working hours" Article 52 paragraph b of the Bahraini Labour Law.

¹¹ Where payment of wages is delayed by the employer for a period less than 6 months the employer must compensate the worker at the rate of 6 per cent per annum and up to a maximum of 12per cent for longer periods of delay.

¹² Decree on Law No. 59 of 2018 On Amending Some Provisions of the Labor Law in the Private Sector Law No. 36 of 2012. Additionally, the public and private authorities shall release to the competent authorities the information on payment of worker wages in the amount necessary for verifying payment in accordance with the controls outlined in the Minister's decision.

¹³ Article 1 of Ministerial Resolution No. 3 of 2013.

		communicate with his/her family periodically and regularly.
End of service gratuity	<u>During the first 3 years of service:</u> Half a month wage for each year of service. <u>For more than 3 years of service:</u> One month wage for each year of service. All end of service gratuity calculations are made pro-rata.	
Freedom of association		
Ability to join trade union	All workers can join a trade union federation. ¹⁴	
Grievances and dispute resolution		
Lodging complaints/ resolving disputes	<u>Conciliation:</u> Problems or disputes that arise between workers and employers may be brought to the Individual Labour Disputes Settlement Authority at the Ministry of Labour and Social Development (MOLSD). <u>Judicial remedy:</u> Workers are able to seek judicial remedy by filing a claim with the Labour Case Administration Office. A hearing is scheduled within the two months consequent to the filing of the claim. It is possible to directly resort to the judicial remedy without having previously sought the MOLSD. Workers are exempt from Court fees.	
Shelters and protection services	A mixed shelter ‘Migrant Worker Service Center and Shelter’ is created in November 2015 by the LMRA. It has a maximum capacity of 120 persons, men and women being in separate sections. The Service Center contains the migrant worker protection unit, physical and mental health professionals and a representative of the police anti-trafficking unit.	
Sponsorship		
Sponsorship and changing employers	<u>With permission of employer:</u> Anytime. <u>Without permission of employer:</u> Only after the completion of 1 year service. The worker has the obligation to notify the first employer of his decision to terminate his contract by registered mail. ¹⁵ Workers can lodge applications against absconding charges at the Grievances Unit	<u>With permission of employer:</u> Anytime. <u>Without permission of employer:</u> Only with the permission of the LMRA. <u>Penalty for non-compliance:</u> ¹⁶ Identical to other workers.

¹⁴ Workers Trade Union Law No 33 of 2002.

¹⁵ Notice period for termination of service according to the provisions of the Law or the contract of employment concluded between the two parties, provided that it does not exceed 3 months from the specified date of transfer.

¹⁶ According to Article 195 of the Labour Law 'No stay of execution shall be granted in respect of the monetary fines specified in this Title. The minimum sanction prescribed by law shall not be diminished under any excuse or by reason of extenuating circumstances.'

	<p>Counter at the LMRA Expatriate Protection Center.</p> <p>Workers who start executing another employment contract while “absconding” may be fined, imprisoned, blacklisted and deported.</p> <p><u>Penalty for overstay:</u></p> <p>Workers who overstay must pay a standard regularization fee of BHD 15 (US\$ 40) for the first year and at the rate of BD10 (27 \$) for every additional year or fraction thereof.</p>	
<i>Leaving the country</i>	No exit permit is required.	

Regulatory framework governing migrant workers¹

Updated September 2019

	Private Sector workers (other than domestic workers)	Domestic workers
Key Legislation	Private Sector Labour Law, No. 6 of 2010.	Law No. 68 on Domestic Workers and Ministerial Decision No. 2194 of 2016.
Recruitment		
Recruitment fees	It is not explicitly prohibited ² to charge recruitment fees to workers by law.	Employers are required to pay the recruitment agency fees, which cannot be deducted from the worker's remuneration.
Passport confiscation	It is prohibited for employers to confiscate workers' passports. ³	
Working conditions		
Contract	The labour contract can be verbal or written in Arabic. The latter has to be issued in 3 copies, if written.	The employment contract must be signed in the form prescribed by the Domestic Workers Department at the Ministry of Interior in both English and Arabic. ⁴
Minimum wage	KWD 75 (US\$ 250) per month. ⁵	KWD 60 (US\$ 200) per month.
Working hours	<u>The Rule:</u> 8 hours per day or 48 hours per week. <u>The Exceptions:</u> The month of Ramadan. Workers are entitled to a 1 hour rest after 5 hours of work, per day.	Cannot exceed 12 hours per day including breaks, for a total of 72 hours per week. Domestic workers are entitled to an hour rest after 5 hours of work per day and a nightly rest of 8 consecutive hours.
Rest periods	1 day per week. Employers may require a worker to work during a day-off. If this occurs, a worker is entitled to at least 150 per cent of the daily rate of the basic wage, or any other compensation agreement that is more beneficial to the worker.	1 day per week.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² The Minister shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer.

³ Art. 2, 5 & 6, Kuwaiti Ministerial Decree No. 166 of 2007 Concerning the Prohibition of Confiscating Travel Documents of Workers in the Private Sector

⁴ The contract can be renewed annually unless the parties decided not to renew it, in which case they have to send a notice to the other party before the end of the contract within 2 months.

⁵ PAM Ministerial decision 14/17.

Overtime	<p>Overtime provisions range from 125 to 150 per cent of the basic hourly rate.</p> <p>Overtime is limited to 2 hours per day, 6 hours per week and 180 hours per year.</p> <p>The total annual overtime days cannot exceed 90 days.</p>	<p>Overtime cannot exceed 2 hours per day.</p> <p>The domestic worker is entitled to a compensation equal to a half day wage.</p>
Payment of wages	<p>Wages must be paid on a fortnightly or monthly basis through the Wage Protection System, to an accredited bank.</p>	<p>Wages must be paid at the end of the month along with a receipt.</p> <p>The employer is charged a KWD 10 (US\$ 33) penalty for each month of delayed payment.</p>
Annual leave	<p><u>After 6 months of completed service:</u> 30 days of paid annual leave.</p>	<p>The Standard Contract for domestic workers provides a 2 month paid leave after 2 years of service.</p> <p>The employer handles return airfares.</p>
Other requirements	<p>Working outdoors is banned between 11:00 and 16:00 o'clock during summer, from June until end of August, except for oil and gas workers.⁶</p>	<p>Provide decent food, clothing and treatment at public hospitals.</p>
End of service gratuity	<p><u>Employees who are paid, hourly, daily, weekly or on a piecemeal basis.</u> During the first 5 years of service, 10 day remuneration. More than 5 years of service, 15 day remuneration for any remaining years of service, not to exceed one years' remuneration overall.</p> <p><u>Concerning employees who are paid on a monthly basis.</u> During the first 5 years of service, 15 day remuneration. More than 5 years of service: One month of remuneration, not to exceed 18 months' remuneration overall.</p> <p>Employees with who work more than three years but less than five are entitled to half of the end of service gratuity mentioned above.</p> <p>All end of service gratuity calculations are made pro-rata.</p>	<p>1 month of wage for every year of service, at the end of the contract.</p>
Freedom of association		
Ability to join trade union	<p>All workers can join a trade union.⁷</p>	
Grievances and dispute resolution		

⁶ Ministerial Decree 535/2015.

⁷ Labour Law, Articles 98 and 99.

Lodging complaints/ resolving disputes	<p><u>Conciliation:</u> Workers must lodge a dispute at a local Public Authority for Manpower (PAM) office (6 offices across the country). A PAM investigator tries to mediate an outcome. If no settlement is reached within a month, the PAM investigator refers the case to the Civil Court (Labour Circuit).</p> <p><u>Judicial remedy:</u> Cases can be brought to the Civil Court (Labour Circuit).</p> <p>All cases are free of Court fees.</p>	<p><u>Conciliation:</u> Domestic workers are required to bring disputes to the Domestic Workers' Department at the Public Authority for Manpower.⁸</p> <p><u>Judicial remedy:</u> Cases can be brought to the Civil Court (Labour Circuit).</p> <p>All cases are free of Court fees.</p>
Shelters and protection services	<p>A women's shelter is established in December 2014 by the PAM. The shelter has a maximum capacity of 500 individuals and provides accommodation, food and legal and medical assistance. A men's shelter may soon open providing similar services.</p>	
Sponsorship		
Sponsorship and changing employers	<p><u>With permission of employer:</u> Transfers are approved by PAM. Usually even with permission of employer, transfer is permitted only after 1 year of continuous employment though this condition may be waived for a KWD 300 (US\$ 989)) fee. However, there appear to be additional restrictions for workers recruited to work on government contracts, and those working on farming, fishing, agriculture, and industry.⁹</p> <p><u>Without permission of employer:</u> Only 3¹⁰ years after the issuance of the work permit.</p> <p>If the worker wishes to transfer prior to the end of this period without the consent of the original employer, he will have to file a complaint with the Labour Relations Department of the PAM.</p> <p><u>Penalty for non-compliance:</u> An employer can file an absconding charge against a worker, but this will not be registered by PAM until 90 days later.¹¹</p> <p>At the expiry of this period, the absconding charge is registered with the Ministry of Interior and the residency permit is revoked which</p>	<p><u>With permission of employer:</u> Transfer of sponsor is still managed by the Ministry of Interior. The transfer with permission appears possible but not confirmed.</p> <p><u>Without permission of employer:</u> Transfer of sponsor is still managed by the Ministry of Interior. The transfer without permission appears possible only after end of 2 year contract.</p> <p><u>Penalty for non-compliance:</u> An absconding charge may be placed on the worker 7 days after the employer's registration of the charge, unless the worker notifies the Domestic Workers Department or presents him/herself at the PAM shelter.</p> <p>The worker may be subject to arrest, detention for up to 6 months, payment of a fine of up to KWD 600 (US\$ 1,979) and deportation. Deportation is usually accompanied with at least a 6 year entry ban to Kuwait</p>

⁸ Council of Ministers' Decision No. 614, (2018) on transfer of the powers stated in Law No. 68 of 2015 regarding domestic labor to the Minister of Social Affairs and Labor and General Manpower Authority. Although this decision was passed with immediate effect in May 2018, a postponement was later made deferring the change to 31 March 2019.

⁹ Art 2, Kuwaiti Ministerial Order No. 227 of 2014 Amending Ministerial Order No. 200 of 2011 concerning the regulation of employment in the private sector

¹⁰ The worker is also required to provide three months' notice to the employer.

¹¹ (assuming that the worker has not contested the charge, or it has been dropped)

	subjects the worker to arrest, detention for up to 6 months, a fine up to KWD 600 (US\$ 1,979) and deportation. Deportation is usually accompanied with at least a 6 year entry ban to Kuwait.	
<i>Leaving the country</i>	No exit permit is required.	

Oman



Regulatory framework governing migrant workers¹

Updated September 2019

	Private Sector workers (other than domestic workers)	Domestic workers
Key Legislation	Labour Law, Royal Decree 35/2003.	Ministerial Regulation No. 189 of 2004, on Labour Rules and Conditions for Domestic Employees. Oman standard employment contract (2011). ²
Recruitment		
Recruitment fees	It is prohibited for recruitment agencies to charge fees to workers. ³	
Passport confiscation	It is prohibited for employers to confiscate ⁴ workers' passports.	
Working conditions		
Contract	The contract must be drafted in Arabic in two original copies, one for each party.	The employment contract must be written in Arabic, signed by both parties. ⁵
Minimum wage	None applicable. ⁶	
Working hours	<u>The Rule:</u> 9 hours a day, 45 hours per week. <u>The Exception:</u> The Ramadan month.	Not specified.
Rest periods	2 days per week. ⁷	One day per week.
Overtime	Overtime compensation depends on the type of day when the task is performed: <ul style="list-style-type: none">• During weekly working days;• During weekly rest;• During national holidays. Overtime provisions are at a rate that ranges from: <ul style="list-style-type: none">• 125 to 200 per cent of employee's hourly basic wage.• Overall working hours per day, initial and overtime combined, cannot exceed 12 hours.	Not specified.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² However, the 2004 regulations provide no penalties so effectively guidance rather than enforceable labour protections under law.

³ Ministerial Decision No. 1 of 2011 on Issuing the Regulations for Recruiting Non-Omani Workforce.

⁴ Circular No. 2 in 2006 as quoted in GLMM 2019. *The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination*

⁵ If the contract is in a language other than Arabic, a copy must be appended in Arabic.

⁶ The minimum wage for nationals in the private sector is currently OMR 325 or (US\$ 845), comprising RO225 minimum basic salary and RO100 as minimum allowance

⁷ Labour Law, Art 71.

Payment of wages	Employers have to pay workers at least on a monthly basis through the Wage Protection System to an accredited bank, within 7 days from the end of the period when wages become due. Late payments are subject to a penalty of OMR 100 (US\$ 260) per employee.	Employers have to pay domestic works on a monthly basis in OMR, within seven days of the end of each month, with a worker signed receipt.
Annual leave	30 days of paid leave upon completion of one year of service.	30 days of paid leave every two years, including a round-trip travel ticket.
Other requirements	Employers do not have the obligation to work under direct sunlight/outdoors, between 12:30 and 15:30 o'clock, during summer, from June till August. ⁸	Employers have to provide domestic workers with an appropriate room and board, as well as local medical care.
End of service gratuity	15 day of basic salary for each year of service.	Not specified.
Freedom of association		
Ability to join trade union	All workers can join a trade union. ⁹	
Grievances and dispute resolution		
Lodging complaints/resolving disputes	<u>Conciliation:</u> Disputes must be registered with the Ministry of Manpower and should, according to the regulations, be resolved within 15 days. <u>Judicial remedy:</u> In case of failure of the amicable remedy unresolved disputes can be brought before the Primary Court. Several hearings may precede, the judgment. Verdicts can be challenged at the Appellate Court.	
Shelters and protection services	There is a women's shelter for victims of trafficking.	
Sponsorship		
Sponsorship and changing employers	<u>With permission of employer:</u> Anytime. <u>Without permission of employer:</u> It is possible to operate a transfer of sponsorship only after two years of service with the original employer and with approval from Directorate General of Labour. <u>Penalty for non-compliance:</u> Employers can file absconding charges. A two year ban can also be applied. Workers have 60 days from the absconding notice to object and submitting their evidence.	

⁸ Article 16/3-3 of Ministerial Resolution No. 286/2008 as amended by Ministerial Resolution No. 322/2011.

⁹ Labour Law and Ministerial Decision 500 of 2018 on the Regulation Governing the Formation, Registration and Functioning of Trade Unions and Federations and the General Federation of Oman Trade Unions

	If the charge is not disputed, the worker may be subject to a fine that ranges between OMR 400 (US\$ 1,040) and OMR 800 (US\$ 2079), deportation and an entry ban. ¹⁰
<i>Leaving the country</i>	There is no requirement for an exit permit to leave the country. ¹¹

¹⁰ Ministry of Manpower, Ministerial Decision 270 of 2018.

¹¹ However, there are some indications that “Oman requires the sponsor to submit to the competent authority a sponsored exit request two weeks prior to the expiry of the residence permit, in case of its non-renewal or cancellation” (GLMM 2019. *The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination*. P12

Qatar Factsheet



Regulatory framework governing migrant workers¹

Updated October 2019

	Private Sector workers (other than domestic workers)	Domestic workers
Key Legislation	Labour Law No. 14 of 2004 and Entry, Exit and Residence Law No. 21 of 2015.	Law No. 15 of 2017 concerning domestic workers.
Recruitment		
Recruitment fees	It is clearly prohibited by Labour Law to charge workers recruitment fees or expenses or any other costs.	Employers are prohibited from deducting recruitment fees, expenses or commissions from workers’ pay.
Passport confiscation	It is illegal for employers to confiscate passports. Persons engaging in such act may be subject to fines of up to 25,000 Qatari Riyal (QAR) (6865 US\$). Employers are required to design accommodation including storage facilities that can be locked while being accessible to workers at any time where they can keep their personal belongings and documents, including passports. Passports can only be kept at employers’ custody with the written consent of the worker.	
Working conditions		
Contract	Contracts must be in Arabic and certified by the Ministry of Administrative Development, Labour and Social Affairs (ADLSA). It is possible to attach to the Arabic version a translated one in another language. ADLSA issued a standard contract in 2017, to be used by recruiters and employers. A copy is handed to each party to the contract.	
Minimum wage	A temporary minimum basic wage of QAR 750 (US\$ 206) per month was introduced in 2017.	
Working hours	<u>The Rule:</u> 8 hours per day or 48 hours per week. <u>The Exception:</u> The month of Ramadan.	<u>The Rule:</u> 10 hours per day, excluding rest, food and worship breaks. ² <u>The Exception:</u> Can be longer if both parties agree.
Rest periods	1 day per week.	1 day per week.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² Period of rest breaks not specified.

Overtime	<p><u>The Rule:</u> Overtime provisions are at 125 per cent of the wage, noting that the actual working hours per day cannot exceed 10 hours.</p> <p><u>The Exceptions:</u> Daily working hours can exceed 10 in very limited circumstances.³</p> <p>Workers who work between 21:00 and 03:00 are paid 150 per cent of their basic wage, excepted for shift workers.</p>	<p>The Domestic Workers Law does not prohibit overtime work.</p> <p>However, the standard contract states that overtime work cannot exceed 2 hours per day. No additional wages are specified for overtime work.</p>
Payment of wages	Employers have to pay wages electronically in accordance with the Wage Protection System introduced in November 2015.	It is possible for the employer to pay wages through the worker's bank account, or in cash by virtue of a receipt signed by the worker, which confirms his/her receipt of the full wage. Employers must pay wages at the end of the month and no later than the third day of the following month.
Annual leave	<p><u>During the first 5 years:</u> 3 weeks three per year.</p> <p><u>After this period:</u> At least 4 weeks per year.</p>	3 weeks per year.
Other requirements	<p>Working outdoors or in open spaces for more than 5 hours is banned during summer, from 15 June till 31 August.</p> <p>Working in the same spaces for the same period is totally banned between 11:30 and 15:00.⁴</p>	<p>Employers have to provide workers with accommodation, food and healthcare.</p> <p>There are no legal provisions for sick leave.</p>
End of service gratuity	At least 3 weeks of basic salary per year.	At least 3 weeks per year.
Freedom of association		
Ability to join trade union	Trade unions are not permitted however according to the Labour Law, worker committees – enterprise-level unions – are permitted at establishments in which the number of Qatari workers is 100 or more. ⁵ Enterprise unions in the same industry can affiliate into an industry-wide federation.	
Grievances and dispute resolution		
Lodging complaints/resolving disputes	<p><u>Conciliation:</u> Workers can submit their dispute to the ADLSA for amicable settlement.</p> <p><u>Judicial remedies:</u> In cases where an amicable solution is not reached, ADLSA submits the case to a Workers' Dispute Settlement Committee.⁶</p>	

³ if: "the overtime work is necessary for the prevention of gross loss or dangerous accident or for mitigation of the consequences of the said loss or accident".

⁴ Ministerial Resolution No. 16 of 2007.

⁵ Labour Law, Art 116.

⁶ Created in 2018 by the Council of Ministers Decision No. 6.

	<p>The Committee meets three times a week. It is chaired by judges of the First Instances Court and 2 representatives from ADLSA.</p> <p>During these hearings, parties can present their evidence and explain their reasons.</p> <p>It is possible to appeal against the decision issued by the Workers' Dispute Settlement Committee before the Appellate Court.</p>
Sponsorship	
<i>Sponsorship and changing employers</i>	<p><u>With permission of employer:</u> Anytime, as long as there is permission from the ADLSA alongside with the employer's permission.</p> <p><u>Without permission of employer:</u></p> <ul style="list-style-type: none"> • If the worker can proof the employer's abusive behavior. • At the expiry of the contract and at the end of a 5 year period for open end contracts. <p>In both cases, The worker must register on the ADLSA website indicating whether he/she is applying for a change of employer or final departure. The worker must submit a certified copy of the employment contract as well as a copy of a certificate attesting to the amicable termination of the contract or outlining abuse by the employer.</p> <p><u>Penalties for non-compliance:</u> Workers who terminate their contracts and leave the country prior to the completion of the contract period are not allowed to return to the country before the end of the contract period. Workers who are terminated by their employer on disciplinary grounds can be banned for four years. An administratively deported worker can be banned for life from Qatar.</p>
<i>Leaving the country</i>	<p>Migrant workers willing to leave Qatar temporarily or definitively are free to do so provided they do not fall within the category of the 5% of workers who require the employer's prior approval.</p> <p>If a worker is not able to leave the country, regardless the reason, he/she can appeal to the Expatriates' Exit Appeals Committee that issues a decision within 3 working days.</p>

Saudi Arabia

Regulatory framework governing migrant workers¹

Updated October 2019



	Private Sector workers (other than domestic workers)	Domestic workers
Key Legislation	Labour Law approved by Royal Decree M/51, of 2005 and its Implementing Regulations.	Ministerial Decision No. 310 of 1434 H, 2013 regulating the employment of domestic workers.
Recruitment		
Recruitment fees	It is illegal to charge recruitment fees to workers.	It is not explicitly prohibited to charge recruitment fees to workers but employers cannot deduct it from workers' wages.
Passport confiscation	It is prohibited for employers to confiscate migrant workers' passports. Such confiscation is subject to a 5,000 Saudi Arabian Riyal (SAR) (US\$ 1300) fine. ²	It is not explicitly prohibited to confiscate a domestic worker's passport.
Working conditions		
Contract	A written employment contract, in Arabic, is considered the official version in case of dispute.	A written employment contract, in Arabic, is considered the official version in case of dispute.
Minimum wage	Not applicable. ³	Not applicable.
Working hours	<p><u>The Rule:</u> 8 hours per day or 48 hours per week.</p> <p><u>The Exceptions:</u> The month of Ramadan.</p> <p>The number of hours may be raised to 9 hours in certain cases to a maximum of 10 hours per day.</p> <p>Workers are entitled to 30 minute breaks for rest, prayer and meals per day, at least every 5 hours.</p>	<p>Up to 15 hours per day including breaks.</p> <p>Break time is not specified but the total rest period should be at least of 9 hours.</p>

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² Increased in the 2019 ministerial order amending the Labour Law Implementing Regulations: available in Arabic at <https://mlsd.gov.sa/sites/default/files/178743.pdf>. Saudi Arabian Council of Ministers Decision No. 166 of 12/7/1421 AH Regulating Relations between Migrant Workers and Their Employers, Supreme Economic Council

³ While Saudi Arabia does not have a minimum wage, in order for a Saudi worker to be taken into account in the Nitaqat (Saudi employment nationalization programme) points system, he or she must receive a monthly wage of no less than SAR3,000 (around US\$800).

Rest periods	<p>1 day per week on Friday in addition to the above mentioned daily breaks.</p> <p>In remote areas and in jobs where conditions require 'continuous work', weekly rest periods may be consolidated for up to 8 weeks, upon mutual agreement between employers and workers. Such agreement is subject to the Ministry's approval.</p> <p>In some limited cases, including 'unusual work pressure', there may be an exception to the rest period requirement.</p>	1 day per week.
Overtime	Overtime is paid at a 150 per cent rate of the basic hourly wage.	Not provided for by law.
Payment of wages	Wages must be paid monthly through the Wage Protection System to an accredited bank.	<p>Wages must be paid by the end of the Islamic calendar month, unless contractually agreed otherwise.</p> <p>Employers should pay in cash, cheque or deposit the wage in a bank account upon workers' request.</p> <p>Domestic workers are not included in the Wage Protection System but all employers must register for the Household Payroll Card under which workers can withdraw salary by automated teller machine (ATM).⁴</p>
Annual leave	<p><u>During the first 5 years:</u> 21 days of annual leave.</p> <p><u>For subsequent years:</u> 30 days of annual leave.</p>	30 days every 2 years.
Other requirements	<p>Working outdoors is banned between 12:00 and 15:00 o'clock in summer, usually from 15 June till 15 September, except for oil and gas workers.</p> <p>There is a dedicated hotline to report violations of this rule.⁵</p>	Workers must be given suitable accommodation, paid sick leaves and healthcare.
End of service gratuity	<p><u>During the first 5 years:</u> Half a month wage per year.</p> <p><u>For subsequent years:</u> 1 month per year.</p>	1 month wage for every 4 consecutive years of service.
Freedom of association		

⁴ The debit-like card was introduced in December 2017 and is to be mandatory for all employers as of July 2018 via the Musaned system (electronic platform for the direct hiring of domestic workers). It aims to enable domestic workers to withdraw their monthly salary through ATMs and can also be used to pay for purchases. The card is acceptable within Saudi Arabia only and it accepts deposits only from the sponsor.

⁵ Ministerial Resolution No. 3337 dated 14/05/2014.

Ability to join trade union	Trade unions are not explicitly prohibited in Saudi Arabia but they do not exist in practice. However, the Labour Law permits the establishment of worker councils for Saudi nationals only.	
Grievances and dispute resolution		
Lodging complaints/ resolving disputes	<p><u>Conciliation:</u> Amicable resolution by the Labour Offices within 12 months of the dispute arising. If the matter is not resolved, disputes are referred to the Preliminary Commission for Settlement of Labour Disputes which must try to resolve the dispute within 4 weeks. Either party may appeal the decision of the Preliminary Commission for Settlement of Labour Disputes to the High Commission for Settlement of Labour Disputes.</p> <p><u>Judicial remedy:</u> Recently established Labour Courts in Saudi Arabia are governed by the regulations of Sharia Pleadings and are competent for disputes related to employment contracts, rights, injuries, compensation and social insurance claims.⁶ Plaintiffs can directly or through an attorney file complaints in these Courts.</p> <p>Mediation reports issued by Amicable Settlement Departments of labour offices are now recognized as “enforceable documents” that can be directly filed to the enforcement judiciary, similar to the ones issued by other mediation entities.</p> <p>These mediation reports can be filed online via the MoJ portal⁷ without having to visit any Court. The latter can instantly verify the documents and enforce the mediation report.</p> <p>If the report includes financial claims, the enforcement judge may issue an invoice that is sent to the execution debtor’s mobile. If he/she does not settle the invoice within five days, he shall be subject to the penalties in Article 46 of the Enforcement Law, including a travel ban⁸.</p> <p>The Ministry of Justice plans to provide legal aid to plaintiffs who cannot afford an attorney⁹.</p>	
Shelters and protection services	None identified.	<p>The Ministry of Labour and Social Development, in cooperation with the police, operates a shelter in Riyadh to assist domestic workers in claiming their wages and returning home.</p> <p>Other smaller centers may also exist around the country.</p>
Sponsorship		
Sponsorship and changing employers	<p><u>With permission of employer:</u> At least one year of employment with current employer except if the regulations of the</p>	<p><u>With permission of employer:</u> Anytime.</p> <p><u>Without permission of employer:</u></p>

⁶ Furthermore, 27 circuit courts will be established in various provinces and governorates to deal with labour cases in addition to six appellate courts which will review judgments issued by the lower courts.

⁷ www.moj.gov.sa.

⁸ <http://english.alarabiya.net/en/business/economy/2019/01/01/Saudi-justice-ministry-Labor-mediation-reports-are-now-enforceable-documents.htm>.

See also: <https://www.arabnews.com/node/1429016/saudi-arabia>.

⁹ https://www.zawya.com/saudi-arabia/en/legal/story/Exclusive_labor_courts_in_Saudi_Arabia_to_expedite_settlement_of_disputes-SNG_121627571/.

	<p>Nitaqat programme are adhered to by new employer.</p> <p><u>Without permission of employer</u>, only in the following circumstances:</p> <ul style="list-style-type: none"> • If the employer fails to renew the worker's residency permit; • If the employer fails to pay the worker's wages for 3 consecutive months and at any time during the year that follows the due date of the third month of delay; or • If the worker has denounced a commercial cover-up activity involving the employer, with evidence to this effect and without involvement on his or her part.¹⁰ <p>It appears that the worker can also move freely if moving from a Nitaqat yellow or red category sponsor to green category companies¹¹</p> <p><u>Penalty for non-compliance:</u> Workers who have an absconding charge registered against them may be to arrest, fine and deportation. Deportation is usually accompanied with at least 5 year entry-ban from Saudi Arabia.</p> <p>Employers who report a false "runaway"/"absconding" case against a worker can be fined 20,000 SAR Saudi Riyals (US\$ 5300).¹²</p>	<p>After 2 years at the sponsor's service, unless:¹³</p> <ul style="list-style-type: none"> • The employer fails to pay the salary for 3 consecutive or intermittent months; • The employer is not present to receive the worker when he/she arrives in the country, or does not 'pick up' the worker within 15 days of arrival; • The employer fails to obtain a residency permit or to renew the expired permit; • The employer assigns the domestic worker to work for others (non-relatives); • The employer requires the domestic worker to perform hazardous tasks; • The employer files an 'invalid complaint' that a worker has absconded; or • The employer fails to attend two sessions addressing a complaint filed by the worker.
Leaving the country	An exit permit is required for migrant workers to leave Saudi Arabia.	

¹⁰ Implementing Regulations, which came into effect in April 2016 (Ministerial Decree No. 1982).

¹¹ Nitaqat guide issued by the Ministry of Labour, Saudi rules on transfer of services.

¹² Increased in the 2019 ministerial order amending the Labour Law Implementing Regulations

¹³ Ministerial Decision No. 605, dated 15/5/1438 H.

United Arab Emirates

Regulatory framework governing migrant workers¹

Updated October 2019



	Private Sector workers (other than domestic workers) ²	Domestic workers
Key Legislation	Federal Labour Law 1980.	Federal Law No. 10 of 2017 on Support Service Workers (UAE Domestic Workers Law). ³
Recruitment		
Recruitment fees	It is illegal to charge recruitment fees to workers. ⁴	It is illegal to charge recruitment fees to workers whether prior to or after employment. ⁵
Passport confiscation	It is illegal for an employer to confiscate a passport. ⁶	
Working conditions		
Contracts	The employment contract must be in accordance with the Approved Standard Employment Contract, drafted. ⁷	The contract, modelled on the unified standard contract mandated by the MOHRE must be signed in four copies. It must be drafted in Arabic but it is possible to attach a version in another language, knowing that the officially admitted version is the Arabic one.
Minimum wage	No minimum wage.	No minimum wage.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² This section does not apply to workers in the 'free zones' (approximately 37 free zones exist across the country).

³ Based on the terms of the law as found here.

⁴ A licensed 'labour mediator or supplier' may not request or accept from any worker, whether prior or subsequent to their admission to employment, any fees, or to charge the worker for any expenses unless it is provided for or approved by the Ministry of Human Resources and Emiratization (MOHRE).

⁵ Recruitment agencies for domestic workers have been replaced with 'Tadbeer Centres' that are publicly regulated but privately operated. Services provided by Tadbeer Centres include: conducting pre-arrival interviews with domestic workers to ensure that they understand their contractual rights; providing training and education to new workers; resolving disputes between workers and employers, and inspecting worker accommodation.

⁶ Internal administrative order by Ministry of Interior, reference number not provided

⁷ No alteration or substitution may be entered unless it benefits the worker and it is approved by both the worker and the MOHRE. Ministerial Decree 764 of 2015 On the Implementation of the Ministry of Labor's Approved Standard Employment Contracts.

Working hours	<p><u>The Rule:</u> 8 hours per day and 48 hours per week.</p> <p><u>The Exceptions:</u> The Ramadan month.</p> <p>Working hours may be increased to 9 hours per day for persons employed in commercial establishments, hotels, restaurants, guards or similar operations.</p> <p>Employees are entitled to a daily break for rest, meals and prayer after 5 consecutive hours of work per day.</p>	<p>A maximum of 12 hours per day and up to 72 hours per week.</p> <p>Domestic workers are entitled to at least an 8 consecutive hour rest.</p>
Rest periods	<p>1 day per week, on Friday.</p> <p>Workers who complete work on Friday are entitled to request a rest day in lieu which can be taken at a later date or be paid at 150 per cent rate of their basic wage.</p>	1 day per week.
Overtime	<p><u>The Rule:</u> Overtime provisions are at a rate of 125 per cent of the wage.</p> <p><u>The Exceptions:</u> Overtime provisions increase up to 150 per cent of the wage for work between 21:00 and 4:00.</p> <p>Overtime cannot exceed 2 hours per day, unless extreme circumstances justify it.</p>	Not specified.
Payment of wages	Employers must pay workers via the Wage Protection System at least once a month or at the dates specified in the work contract if the frequency of payment is more than monthly.	Employers have to pay domestic workers on a monthly basis no later than 10 days after the due date. A written receipt must be provided.
Annual leave	30 days per year ⁸ .	30 days per year.
Other requirements	<p>Working outdoors is banned for construction and industrial workers between 12:30 and 15:00 o'clock during summer, from 15 June till 15 September⁹.</p> <p>Workers are entitled to a 15 day paid sick leave and an additional 15 day sick leave at half-pay. After this period, sick leaves are not paid.</p>	<p>Employers have to provide domestic workers with an appropriate accommodation, medical care, food and work attire.</p> <p>Workers are entitled to a 15 day paid sick leave and a 15 day unpaid sick leave as well as a compensation for work-related injuries or illnesses.</p>
Freedom of association		
Ability to join trade union	Trade unions are not permitted, however there is no prohibition on committees at company level, which can include worker representatives.	

⁸ 2 days per month if the person has been employed less than a year but more than 6 months and 30 days a year if the person has been employed for more than a year.

Workers receive any sums of accumulated annual leave days in case of dismissal or resignation, after the notice period.

⁹ Ministerial Decree No. 401 of 2015 Concerning the Determination of Midday Working Hours.

Grievances and dispute resolution		
Lodging complaints/resolving disputes	<u>Conciliation:</u> It is possible to file a complaint before the MOHRE for an amicable dispute resolution. If not settlement is reached within 2 weeks of submission of the complaint, the MOHRE can refer the dispute to the competent court.	
	<u>Judicial remedy:</u> Disputes which cannot be resolved by MOHRE can be brought before the Labour Court or other Civil Courts. The court must, within 3 days from the date of reception of the file, fix a hearing date. For domestic workers, no legal action to recover rights under the provisions of this law may be brought more than six months after the end of the employment relationship without a legal justification. ¹⁰	
Sponsorship		
Sponsorship and changing employers	<u>With permission of employer:</u> After 6 months of service and with a notice. Exceptions apply for workers categorized under Skill Levels 1, 2 or 3. ¹¹	<u>With permission of employer:</u> Anytime.
	<u>Without permission of employer:</u> only after the term of the contract has expired (2 years) or: <ul style="list-style-type: none">• If the current employer has failed to meet their legal or contractual obligations;• If the business has closed down, provided an inspection report attests it; or• If a worker has brought a successful complaint to the Labour Court against their current employer, provided that the final ruling attests that the worker is owed wages for no less than 2 months of work or indemnity for arbitrary or early termination or any other rights violated. <u>Penalties for non-compliance:</u> An absconding charge can be made if the worker is absent for more than 7 consecutive days. Ban for 6 months for cancellation of residence but extended to 1 year due to strikes, unlawful strike, cancellation of the work permit due to contracting an infectious disease, and cancellation of the worker's residence permit due to a deportation order. ¹² However, in cases of 'absconding' the ban can be much longer.	<u>Without permission of employer:</u> A domestic worker can terminate the contract if the employer violates his legal obligations. However, the MOHRE decides if the domestic worker can change his employer or has to leave the country. <u>Penalties for non-compliance:</u> A domestic worker can be charged of absconding if he/she did not report quitting his/her job within 48 hours. ¹³ An administratively deported worker due to 'absconding' charges generally receives a permanent entry ban to the UAE.

¹⁰ Article 8, Federal Law No. 10 of 2017 on Support Service Workers. These procedures are under the Federal Law N0 10 of 2017 Support Service Workers and do not exist in the general text of the initial Labour Law which only mentions group actions and not individual claims.

Law 10 also has specific dispositions concerning the labour contracts that is a standardized one contrary to the provisions of the Emirati Labour Law that does not impose a format.

The procedure described here is the one of article 21 of Law 10, 2017.

¹¹ Pursuant to Resolution 766 of 2015, workers cannot terminate the contract before completion of 6 months without incurring a labour ban of up to one year, unless they qualify as skill level 1 (undergraduate degree or higher), 2 (diplomas in any field) and 3 (higher-secondary or high-school).

¹² Art. 13, UAE Ministerial Decision No. 707 of 2006 Regarding the Rules and Procedures for the Work of Non-nationals in the Country, Ministry of Labour,

¹³ Employer must report any illegitimate absence within 5 days.

<i>Leaving the country</i>	No exit permit is required.
-----------------------------------	-----------------------------