Law
No. 6 For The Year 2010
Regarding Labor In The Private Sector

Following perusal of the constitution,

The penal code issued by law No. 16 for the year 1960, and laws amending it,

Law No. 38, regarding labor in the private sector and laws amending it,

Law No. 28 for the year 1969, regarding work in the petroleum business sector,

The social insurance law issued according to the Princely order for law No. 61 for the year 1976, and laws amending it,

The decree for law No. 28 for the year 1980, regarding the issuance of the law for maritime trade and laws amending it,

The decree for law No. 38 for the year 1980, regarding the issuance of the civil and commercial procedural law, and laws amending it,

The decree for law No. 67 for the year 1980, regarding the issuance of the civil law amended by law No. 15 for the year 1987,

The decree for law No. 64 for the year 1987, regarding the establishment of a labor circuit in the plenary court,

The decree for law No. 23 for the year 1990, regarding the law for the organization of judiciary and laws amending it,

Law No. 56 for the year 1996, regarding the issuance of the law for industry,

Law No. 1 for the year 1999, regarding expatriates' health insurance, and imposing charges against health services,

And law No. 19 for the year 2000, regarding supporting national labor, encouraging it to work in non-governmental parties and laws amending it,

The parliament approved the following law whose context is as follows, and we authenticated and issued it:-

Part One
General Rules

Article -1-

In the application of the rules of this law it shall be meant by the terminology:-

1- The Ministry: The Ministry of Social Affairs and Labor.

2- The Minister: The Minister of Social Affairs and Labor.

3- The Laborer: Every male or female who performs a manual or an intellectual work for the interest of the employer, under his direction and supervision against a wage.

4- The Employer: every natural or juristic person that employs laborers against a wage.

5- The Organization: An organization that contains a group of laborers or employers whose works, professions or jobs are similar and it looks after their interest, defends their rights, and represents them in all issues relating to their affairs.

Article -2-

The rules of this law shall govern all laborers in the private sector.

Article -3-

The rules of this law shall govern the maritime labor contract as regards what does not come under a provision in the maritime trade law or the provision in this law is more beneficial to the laborer.

Article -4-

The rules of this law shall govern the petroleum sector as regards what does not come under a provision in the labor law regarding the petroleum business sector or the provision in this law is more beneficial to the laborer.

Article -5-

It shall be exempted from the application of the rules of this law:-

- Laborers who are governed by other laws and according to what are provisioned in these laws.
- Household workers, and the minister who has the competency of their affairs shall issue a decree with the rules that organize the relation between them and employers.

Article -6-

Without prejudice to any privileges or better rights that are decided for laborers in the individual, or collective contracts or the special systems, or the regulations enforced by the employer or according to the profession customary practice or the public customs, the rules of the law shall represent the minimum limit of the laborer' rights.

Part Two
Employment, Apprenticeship And Vocational Training
Chapter One
Employment

Article -7-

The minister shall issue the decrees organizing the conditions for the employment of laborers in the private sector and especially the following:-

1- The conditions for the movement of the laborers from one employer to another.
2- The conditions to permit the laborers of one employer to work part-time with another employer.
3- The information which employers shall have to notify the ministry with it and that pertains to the civil servants who are authorized to work with employers during non official governmental working hours.
4- Positions, professions and works that shall not be permissible to hold except after passing the professional tests according to the controls which are set forth by the ministry in coordination with the concerned parties.

Article -8-

Every employer shall have to notify the competent party with his requirements of labor and he shall have to notify the competent party annually of the number of laborers working with him. This shall be on the format prepared for this and according to the controls and conditions which are issued in a decree by the minister.

Article -9-

It shall be established a public organization with a juristic personality and an affiliated budget that is called the Public Organization for Labor Force which shall be supervised by the Minister of Social Affairs and labor. It shall undertake the competencies decided for the ministry in this law, and shall also import and employ the incoming labor force according to the applications of employers and a law for its organization shall be issued.

Article -10-

The employer shall be prohibited from employing foreign labor unless he is authorized by the Organization. The minister shall issue a decree regarding the procedures, the documents and the charges that shall have to be fulfilled by the employer. In case of rejection the decision shall have to be justified. It shall not be permissible that the reason of the rejection is the capital's amount otherwise the decision shall be void an absolute voidance as if not existent.

The employer may not import laborers from abroad or employs laborers from inside the country and then deliberately does not hand them work with him, or he proves that he actually does not require them. The employer shall bear the expenses of the laborer's return to his country. In case the laborer absents from work and works for another , the latter shall have to bear the expenses of the laborer's return to his country. In case the laborer ceased to work or joined work with other , the latter shall bear the expenses of the return of the laborer to his country after the submission of a notice of absence against the laborer by the original employer.

Article -11-

It shall be prohibited that the ministry and the competent authority exercise any preference or discrimination in the treatment of employers in respect of granting work permits or transfer, and this shall be by granting them to some and revoking them to others under any excuse or justification. However, it shall be permissible for the ministry due to organizational reasons to suspend the issuance of the work permits and transfer for a period that does not exceed two weeks during the year. But it shall not be permissible to exempt some employers of such suspension apart from others during that period. It shall be considered an absolute voidance and as non existent every act that is undertaken contrary to this article.

Chapter Two
Apprenticeship And Vocational training

Article -12-

It shall be considered a vocational apprentice every person who completes fifteen years of age and who covenants with an establishment with the purpose of learning a vocation during a specific period according to the conditions and rules which are agreed upon, and what does not come under a special provision in this part, the vocational apprenticeship contract shall be governed by the special rules for employing juveniles that are stated in this law.

Article -13-

The vocational apprenticeship contract shall be in writing and drafted in three copies, one for each of its parties and the third shall be deposited at the competent party at the ministry within a week for accreditation. It shall be defined in the contract, the vocation, the period for learning it, its consecutive stages, and the remuneration in a gradual form for each stage of the education stages provided that it shall not be less, in the final stage than the minimum limit decided for similar work's wage.

It shall not be permissible in any case of cases to decide the remuneration on the basis of production or by piece.

Article -14-

The employer shall have the right to terminate the apprenticeship contract if the apprentice breaches his duties that are entailed by the contract, or if its proven from the periodical reports in his respect that he is not ready to learn.

The apprentice may also terminate the contract. The party desiring to terminate the contract shall have to notify the other party by his desire of this seven days at least prior to this.

Article -15-

It is meant by the vocational training the means, and the theoretical and practical programs that prepare the laborer to the opportunity to develop their knowledge and their skills, and also to gain practical training to polish their capabilities and upgrade their production competencies. That is alongside preparing them for a certain occupation or to transfer them to another vocation. The training is undertaken in institutes, centers, or establishments which fulfill this purpose.

Article -16-

The minister, in cooperation and coordination with the competent academic and professional parties, shall define the conditions and the positions whose availability are necessary to hold vocational training programs. This is besides, the limits decided for the training period, the theoretical and applied programs, the method of examinations and certificates which, shall be granted in this respect together with the information inscribed in them.

This decree may also include obligating an establishment or more to undertake the training of laborer in centers or institutes of another establishment if the first establishment has not a training center or institute.

Article -17-

The institute which is governed by the rules of this part shall be obligated to pay to the laborer his wage in full for the period of his training whether it is inside the establishment or outside it.

Article -18-

The vocational- apprentice and the trainee- laborer shall be committed to work following the termination of their education or training period with the employer for a period equaling the apprenticeship or the training period, with a maximum period of five years. If he violates such a commitment the employer shall have the right to be refunded the expenses he bore for the laborer's apprenticeship or his training proportionately to the remaining period which he should have spent at work.

Chapter Three
Juveniles Employment

Article -19-

It shall be prohibited to employ those whose ages are less than fifteen calendar years.

Article -20-

It shall be permissible, with the permission of the ministry, to employ juveniles who reached fifteen years of age but did not reach eighteen years of age according to the following conditions:-

A- That their employment is in other than hazardous industries or occupations, or these which, are harmful to health and for which are issued a decree by the minister.

B- That they undergo a medical examination prior to joining work and after that on periodical dates which shall not exceed six months. The minister shall issue a decree defining these industries and professions, the procedures and the dates organizing the periodical medical examination.

Article -21-

The maximum limit for juveniles working hours is six hours daily, and that is provided they do not work for more than four consecutive hours followed by a rest break of not less than one hour.

It is prohibited to make them work additional working hours or during the weekend vacations or the official holidays, or from seven o'clock in the evening till six o'clock in the morning.

Chapter Four
Female's Employment

Article -22-

It shall not be permissible for females to work at night during the time from ten o'clock at night till seven o'clock in the morning. It shall be exempted from this hospitals, sanatoriums, private clinics, and other institutions for which shall be issued a decree by the minister of social and affairs and labor. This is provided that the work party, at all times which are indicated in this article, shall provide the security requirements for them together with availing means of transportation for them from and to the work place.

It shall be excluded from the rules of this article working hours during the holy month of Ramadan.

Article -23-

It is prohibited to employ a woman on hazardous, arduous, or healthily harmful jobs. It is also prohibited to employ her on immoral jobs that are based on exploiting her femininity in contradiction with public ethics. Further, it is prohibited her employment in places that offer their services solely to men.

These works and places shall be defined in a decree issued by the minister of social affairs and labor after deliberating with the advisory committee for labor affairs and the competent organization.

Article -24-

The pregnant female laborer shall be entitled to a fully-paid leave that is not reduced from her other vacations and for a period of seventy days for maternity, provided that delivery occurs during it.

It shall be permissible for the employer, following the termination of the maternity leave, to grant the female laborer upon her request an unpaid leave whose period shall not exceed four months for childhood care.

It shall not be permissible for the employer to terminate the female laborer's service during her enjoyment of this leave or due to her work disruption due to illness which is proven by a medical certificate that it is due to pregnancy or delivery.

Article -25-

The female laborer shall be granted two hours for breastfeeding during work according to the conditions and positions that are decided by the ministry's decree. The employer shall have to establish a children's nursery for those under 9 years of age at the work's headquarters, in which the number of female laborers exceeds 58 female laborers or the number of laborers exceeds 200 laborers.

Article -26-

The female laborer is entitled to a similar wage to that of the man if she is performing the same work.

Part Three
Individual Employment Contract
Chapter One
The Formation Of the Employment Contract

Article -27-

The person who reached the age of fifteen years of age shall have the legal capacity to conclude an employment contract if it is of an indefinite term In case the it is of a fixed term, it shall not be permissible that it exceeds the year, and this shall be until he reaches the age of eighteen.

Article -28-

The employment contract must be established in writing and it especially exhibits in it the date of concluding the contract, the date of its validity, the wage's value, the duration period of the contract if it is of a fixed term and the nature of work. It shall be drafted in triplicate copies and each of the parties shall receive a copy and the third copy shall be deposited at the competent party in the ministry. If the employment contract is not established in writing in a document the contract shall be deemed existing. The laborer may, in this case prove his right through all means of proofs.

And whether the employment contract is of a fixed term or an indefinite term, it shall not be permissible to reduce the laborer's wage during the contract's validity period. It shall be considered void an absolute voidance as it is related to the public order every agreement prior or after the validity of the contract for its violation of this.

Also, it shall not be permissible for the employer to assign the laborer to perform work that is not compatible with the nature of the work exhibited in the contract or is not suitable

with the qualifications and experiences of the laborer on the basis of which it was contracted with him.

Article -29-

All contracts shall be drafted in Arabic language. It shall be permissible to add a translation of it to one of the other languages together with taking into consideration the Arabic text on the occurrence of any dispute. The rule of this article shall govern all correspondences, bulletins, regulations, and directives, which are issued by the employer to his laborers.

Article -30-

In case the employment contract is of a fixed term its duration shall not have to exceed five years and shall not be less than one year. It shall be permissible to renew the contract upon the expiry of its duration period according to the two parties' approvals.

Article -31-

If the employment contract is of a fixed term and both parties continued its execution after the expiry of its duration without renewal, it shall be deemed renewed for a similar period and with the same conditions stated in it unless the two parties agree to renew it according to other conditions. In all cases the renewals shall not touch the laborer's gained entitlements that were created by the previous contract.

Part Two
The Laborer's And The Employer's Obligations And The Disciplinary Penalties

Article -32-

The probation period of the laborer shall be decided in the employment contract provided that it shall not exceed one hundred working days, and either of the contract's two parties shall have the right to terminate it during the probation period without a notice. If the termination is on the part of the employer he shall be committed to settle the end of service gratuity for the laborer in respect of his employment period according to the rules of this law.

It shall not be permissible to obtain the services of a laborer under probation at the employer's workplace for more than once, and the minister shall issue a decree organizing the conditions and controls of work during the probation period.

Article -33-

If the employer sub-assigns another person to perform a work of his works or part of it, and this is on equal work conditions, the person assigned the work shall have to treat both his laborers and the laborers of the original employer equally as regards all rights. Each of them shall be joint with the other in this respect.

Article -34-

The employer that is contracted to execute a governmental project or who appoints his laborers in remote areas that are far from urbanization shall be committed to provide the appropriate residence for his laborers and the means of transportation to these remote areas that are far from urbanization free of charge. In case of non-provision of residence, he shall grant them an appropriate housing-allowance. The minister shall issue a decree deciding the

remote areas that are far from urbanization, the conditions for the appropriate residence and the housing allowance.

In all other cases in which the employer is committed to provide a residence for his laborers, he shall be governed by the rules of the decree stated in the previous paragraph in respect of the conditions of the appropriate residence and deciding the housing- allowance.

Article -35-

The employer shall hang on a conspicuous place at the work's location the penalty rules which may be imposed on the violating laborers. It shall be taken into consideration when preparing the penalty rules the following:-

A- That they determine the violations that could be committed by laborers, and they decide the penalty for each of them.

B-That they include gradual penalties for the violations.

C- That no more than one penalty is imposed in respect of the one violation.

D- That the laborer is not penalized for an act he committed and fifteen days elapsed as from the date of its establishment.

E- That a penalty is not imposed on the laborer for an act he committed outside the work place unless it is related to work.

Article -36-

The employer shall have to authenticate the penalty regulations prior to is application from the ministry. The ministry shall have the right to amend it according to the nature of the establishment's activity, or work conditions which are compatible with the rules of this law.

The ministry shall bring these regulations before the competent organization, if found. However, if the competent organization is non existent, it shall recourse to the general union to express its remarks and suggestions in respect of these regulations.

Article -37-

It shall not be permissible to impose a penalty on the laborer except after notifying him in writing regarding what is attributed to him, hearing his statement, investigating his defense, and establishing this in a minutes that is deposited in his special file. The laborer shall be notified of what is imposed on him of penalties, their types, their amounts, the reasons for imposing them and the penalty which he shall be subjected to in case of recurrence.

Article -38-

It shall not be permissible to execute a deduction from the laborer's wage equaling a period exceeding five days monthly. In case the penalty exceeds this, the excess amount shall be deducted from the wage of the following month or the months thereafter.

Article -39-

It shall be permissible to suspend the laborer for the interest of the investigation, which is undertaken by the employer or the person who deputizes him for a period not exceeding ten days. If the investigation with him ends with being not responsible he shall be disbursed his wage for the suspension period.

Article -40-

The employer shall have to deposit the deduction- receipts from the wages of his laborers in a fund that is allocated to disburse from it on the social, economic and cultural aspects which shall entail benefits for the laborers. The deduction penalties inflicted on the laborer shall be entered in a special record that exhibits the name of the laborer, the amount of deduction and the reason for imposing it. In case of the liquidation of the establishment the receipts from the deduction that exist in the fund shall be distributed among laborers existing in it at the time of its liquidation proportionately to the employment period of each of them.

The minister shall issue a decree for the controls organizing the aforementioned fund and the method of its distribution.

Chapter Three
Termination of Employment Contract And End of Service's Gratuity

Article -41-

Taking into consideration the rules of article 37 of this law:-

A- The employer shall have the right to discharge the laborer without notice or indemnity or a remuneration if the laborer commits one of the following acts:-

V

1- If the laborer commits an error which entails a gross loss for the employer.

2- If it is proven that the laborer obtained the work due to deceit and fraudulence.

3- If the laborer divulges the special secrets of the establishment which, caused or shall cause a definite loss to it.

B- The employer shall have the right to discharge the laborer in one of the following cases:-

V

1- If he receives a final judgment in respect of a crime touching honor, honesty or ethics.

2- If he commits an act which, is in violation of public ethics at the work place.

3- If he assaults one of his colleagues or the employer or his deputy during work or because of it.

4- If he violates or failed to undertake any of his commitments according to the provisions of the contract and the rules of this law.

5- If it is proven his repeated violation of the employer's instructions.

In these cases, the dismissal resolution shall not entail depriving the laborer from the end of service gratuity.

C- The dismissed laborer according to one of the aforementioned cases in this article shall have the right to contest the dismissal resolution before the competent labor circuit. This shall be according to the procedures provisioned in this law. If it is proven according to a final ruling that the employer acted arbitrarily in dismissing the laborer, the latter shall be entitled the end of service gratuity and an indemnity against moral and

material damages inflicted on him.

In all cases the employer shall notify the ministry with the dismissal resolution and its reasons, and the ministry shall notify the authority for restructuring the labor force.

Article -42-

In case the laborer ceases to come to work without an acceptable excuse for seven consecutive days or for twenty separated days during one year, the employer may consider him legally resigned. In this case the rules of article 53, herein, shall govern in respect of the entitlement of the laborer to the end of service gratuity.

Article -43-

In case the laborer is detained due to the charges of the employer against him in protective custody, or in execution of a judicial judgment that is not final, he shall be deemed as suspended from work. The employer may not terminate his contract except if he is convicted with a final judgment.

If the judgment is issued for his acquittal from the charge or the charges that were attributed to him by the employer, this latter shall be committed to disburse the laborer's wage for the suspension period, together with indemnifying him a fair indemnity that is estimated by the court.

Article -44-

In case the employment contract is for an indefinite term it shall be permissible for each of the two parties to terminate it after notifying the other party, and the notice shall be as follows:-

A- Three months at least prior to the termination of the contract as regards laborers appointed on a monthly wage.

B- One month at least prior to the termination of the contract in respect of the other laborers. If the party that terminated the contract did not observe the notice period, he shall be committed to pay the other party a notice grace period- allowance which equals the wage of the laborer for the same period.

C- If the termination notice is on the part of the employer, the laborer shall have the right to absent an entire day during the week or eight hours during the week in order to search for another job, together with being entitled his wage for the day or hours of absence. The laborer shall have the right to determine the day of absence or the hours provided that he notifies the employer of it at least the day precedent to his absence

D- The employer shall have the right to exempt the laborer from work during the notice grace period together with considering the laborer's service period as continued till the termination of this grace period. This is together with what it entails of effects especially the entitlement of the laborer of his wage for this notice grace period.

Article -45-

It shall not be permissible for the employer to use the right to terminate the contract invested in him in virtue of the precedent article while the laborer is enjoying a vacation of the vacations stipulated upon in this law.

Article -46-

It shall not be permissible to terminate the laborer's service without justification or due to his syndicate's activity or because of enjoying his legal rights according to the rules of this law. Also, it shall not be permissible to terminate the laborer's service due to gender or origin or religion.

Article -47-

If the employment contract is of a fixed term, and one of its two parties ended it without due right he shall be committed to indemnify the other party for what was inflicted on him of harm, provided that the indemnity amount shall not exceed the equivalent of the laborer's wage for the remaining period of the contract. It shall be taken into consideration when determining the damage in respect of both parties, the current custom, the nature of work, the contract's term, and in general all considerations which affect the damage as regards its existence and its extent. It shall be deducted from the indemnity amount what could be due to the other party of debts.

Article -48-

The laborer shall have the right to terminate the employment contract without notification together with his entitlement of the end of service gratuity in any of the following cases:-

A- If the employer does not comply with the contract's clauses or the rules of the law.

B- If he is assaulted by the employer or his deputy or through incitation by either of them.

C- If his continuation in work threatens his safety or his health according to a resolution from the medical arbitration committee at the ministry of health.

D- If the employer or who deputizes him entered fraud or deception at the time of contracting in respect of the contract's conditions.

E- If the employer accuses him of committing an act that is criminally penalized and he received a final judgment of acquittal.

F- If the employer or the person deputizing him commits an act that is in breach of ethics against the laborer.

Article -49-

The contract shall terminate with the death of the laborer or, it is established his incapacity to undertake his work or due to an illness that exhausted his sick leave. This shall be according to an authenticated certificate from the official competent medical authorities.

Article -50-

The employment contract shall terminate in the following cases:-

A- A final adjudication of bankruptcy is issued

B- The final closure of the establishment.

In case of the sale of the establishment or its merger with other, or its transfer through inheritance, or donations or other legal actions than these, the employment contract shall be valid before the successors with the same conditions contained in it. The obligations and rights of the previous employer towards the laborers shall transfer to the employer who substitutes him.

Article -51-

The laborer shall be entitled the end of service gratuity according to the following:-

A- The wage of ten days for every year of service of the first five years, and fifteen days for every year of the years thereafter, so that the gratuity shall not exceed the wage of a year. This shall be for the laborers who receive their wages either daily, weekly, hourly, or according to piece.

B- The wage of fifteen days for every year of the first five years, and one month for every year of the years thereafter, so that the gratuity shall not exceed in its total the wage of a year and half. This shall be for the laborers who receive monthly wages

The laborer shall be entitled to a gratuity for the fraction of the year in proportion to what he spent of it at work. It shall be deducted from the end of service gratuity due to the laborer the value of what are due on him of debts or loans.

It shall be observed in this the rules of the social insurance laws, provided the employer shall settle the difference between the amounts he bore against the contribution of the laborer in the social insurances and the amounts due for the end of service gratuity.

Article -52-

Taking into consideration the rules of article 45 of this law, the laborer shall be entitled to the complete end of service gratuity that is stipulated upon in the previous article in the following cases:-

A- If the contract is terminated by the employer.

B- If the duration period of the fixed term contract expires without being renewed.

C- If the contract expires according to the rules of articles 48, 49, and 50 of this law.

D- If the female laborer terminates the contract on her part due to her marriage within a year from the date of marriage.

Article -53-

The laborer is entitled to half the end of service gratuity stipulated in article 51, herein, if he terminates the indefinite period contract on his part, and his service period is not less than three years but did not reach five years. But, if his service period reaches five years and did not reach ten years he deserves two third of the gratuity, and if his service period reaches ten years he is entitled to the full gratuity.

Article -54-

The laborer whose employment contract expires shall be entitled to obtain from the employer an end of service's certificate that contains a statement of his employment period, his job and the last wage he disbursed. It shall not be permissible that this certificate includes any phrases, which could harm the laborer or is drafted in a manner that lessens employment's opportunities for him whether expressly or purportedly. The employer shall be committed to return to the laborer all what he deposited with him of documents, certificates or tools.

Part Four
Work Organization And Circumstances
Chapter One
The Wage

Article -55-

It is meant by the wage what the laborer receives of basic wage or which he should disburse against his work and due to it added to it all the elements which are stipulated in the contract or the employer's regulations.

Without prejudice to the social allowance, and the children allowance that are decided according to the aforementioned law No. 19 for the year 2000, it shall enter in the computation of the wage what the laborer receives in a periodical capacity of bonuses, remunerations, allowances, grants, donations or monetary privileges.

If the laborer's wage is determined as a share of the net profits and the establishment does not realize profits, or materializes a meager profit according to which the laborer's share is not compatible with the work he performed, then his wage shall have to be estimated on the basis of the similar person's wage or according to the profession's customs or justice's requirements.

Article -56-

Wages shall be settled during one of the working days and in the circulating currency together with observing the following:-

A- Laborers who are appointed on monthly wages, their wages shall be settled at least once every month.

B- The other laborers their wages shall be settled at least once every two weeks.

It shall not be permissible to delay payment of wages till the seventh day from the due date.

Article -57-

The employer, who appoints a number of not less than five laborers according to the rules of this law, shall to settle his laborers' dues in their accounts at the local financial institutions. The Public Authority for Manpower shall have the right to request a copy of the transfer lists forwarded to these financial institutions.

It shall be issued a decree from the cabinet upon the proposal of both the ministers of the social affairs and work and of finance , that determines these financial institutions, the rules of the special treatment of these accounts in respect of expenses, commissions and the organizational procedures in this regard.

It shall be permissible according to a decree from the Cabinet to exempt some of these activities from transferring the expatriate labor force's wages to the local financial institutions.

Article -58-

It shall not be permissible to the employer to transfer a laborer on a monthly wage to another category without his written approval of this, and without prejudice to the rights which the laborer gained during the period of his employment on a monthly wage.

Article -59-

A- It shall not be permissible to deduct more than (10 per cent) of the laborer's wage to settle debts or loans due to the employer, and the latter shall not charge any interest on them.

B- It shall not be permissible to sequester the wage due to the laborer or to assign it or to deduct from it except within the limit of (25 per cent) of the wage and this shall be for an alimony debt, or food or clothing debts or other debts including in them the employer's debt. In case of lapping the alimony debt shall precede the other debts.

Article -60-

It shall not be permissible to obligate the laborer to purchase foodstuffs, or commodities from certain stores or of the production of the employer.

Article -61-

The employer shall be committed to pay his laborer's wages during the closure period if he deliberately closed the establishment to compel laborers to submit and to yield to his demands. He shall also be committed to pay his laborers' wages during the suspension period of the establishment totally or partially due to any other reason for which laborers are not responsible so long as the employer desires them to continue to work for him.

Article -62-

It shall be taken into consideration when computing the laborer's dues the last wage he disbursed. If the laborer was among those receiving their wages by piece his wage shall be decided according to the average of what he received during the actual working days of the last three months. The estimation of the monetary and in kind privileges shall be by dividing the average which the laborer received of them during the twelve months prior to entitlement. In case his service period is less than one year the average shall be computed on the proportion of time he spent of it in employment. It shall not be permissible to lessen the laborer's wage during the period of his employment for any reason of the reasons.

Article -63-

The minister shall have to issue a decree every five years as a maximum in which he defines the minimum limit for wages according to the nature of the professions and industries, guided in this by the inflation proportions which are witnessed by the country. This shall be following deliberation with the advisory committee for labor affairs and the competent organizations.

Chapter Two
Working Hours And Weekends Breaks

Article -64-

Without prejudice to the rules of article (21) of this law it shall not be permissible to engage an laborer to work more than forty eight hours weekly or eight hours per day except in cases stipulated in this law. The working hours in the holy month of Ramadan shall be thirty six hours weekly.

It shall be permissible to decrease working hours in arduous jobs or which are harmful to health or for severe circumstances, and a decree by the minister shall be issued in this respect.

Article -65-

A- It shall not be permissible that the laborer is engaged to work for more than five consecutive hours without a rest break following it which is not less than one hour. The rest break shall not be included among working hours.

It is exempted from this the banking, financial and investment sectors as working hours shall be eight consecutive hours.

B- It shall be permissible, subject to the approval of the minister, to engage laborers without a break rest for technical or emergency reasons or in clerical works provided that the total daily working hours shall be at least one hour lesser than that provisioned in article 64 of this law.

Article -66-

Without prejudice to the rules of both articles 21 and 64, of this law, it shall be permissible according to a written order by the employer to make the laborer work additional time. This is if it is necessary to prevent the occurrence of a dangerous accident or for the reparation of what was resulted from it or to prevent a certain loss, or to confront works exceeding the daily quota. It shall not be permissible that the work's overtime hours exceed two hours per day and with a maximum of one hundred and eighty hours annually. Further, it shall not be permissible that overtime work exceeds three days weekly and ninety days annually. This shall not hinder the right of the laborer in proving his assignment of the overtime additional work by the employer by all means of proof, or the entitlement of the laborer to obtain a wage for the overtime that exceeds 25% of his usual wage during the similar period. It shall be taken into consideration in respect of this wage what is stipulated in article 56 of this law. The employer shall have to maintain a special record for overtime in which it is exhibited the dates of the days, the number of overtime hours, and the wages against the additional work assigned to the laborer.

Article -67-

The laborer shall have the right of a weekly paid rest and it is defined by twenty four consecutive hours following every six working days. It shall be permissible for the employer when necessary, to engage the laborer during his weekly rest day if work conditions necessitate this. The laborer shall disburse 50% at least of his wage in addition to his basic wage, and his rest day shall be indemnified by another rest day.

The rule of the precedent paragraph shall not prejudice the computation of the laborer's right including in this his daily wage and his holidays when this right is computed by dividing his salary on the number of actual working days without computing among it his weekly rest days, although these rest days are paid.

Article -68-

The fully paid official holidays decided for the laborer are:-

A- Hijri New Year's day - one day
B- Al Israa and Al Mearag Day - one day
C- Eid Al Fitr (lesser Bairam) - two days
D- Vigil Day of the Greater Bairam - one day
E- The Greater Bairam (Eid Al Adha) - three days
F- The Birthday of the Prophet - one day
G- The National Day- 25th Feb. - one day
H- The Liberation Day 26th Feb. - one day
I - New Year's day (A.D.) - one day

In case circumstances necessitate the engagement of the laborer in one of these days it shall be decided for him a double pay for it together with indemnifying his with another substitute day.

Article -69-

Taking into consideration the rules of article 24 of this law, the laborer shall be entitled the following sick leaves during the year:-

- Fifteen days – with full pay.
- Ten days – with three quarter of the wage.
- Ten days – with half wage.
- Ten days – with the quarter of the wage.
- Thirty days – without pay.

Sickness necessitating the leave shall be proven by a certificate from the physician who is appointed by the employer, or the responsible physician in the governmental health unit. In case a dispute arises regarding the entitlement of the leave or its duration, the certificate of the governmental - physician shall be the authenticated one.

As regards incurable diseases they shall be exempted by a decree from the competent minister that defines in it the kind of these diseases.

Part Three
Paid Annual Holidays

Article -70-

The laborer shall have the right in fully paid annual holidays of 30 days duration.

The laborer is not entitled a holiday for the first year except after spending nine months at least in the service of the employer. It shall not be computed among the annual holidays the official holidays and the days of sick leaves which occur during it. The laborer is entitled a vacation for the fraction of the year proportionately to the period he spent in it in employment even if it is the first year of service.

Article -71-

The laborer shall be paid his due wage for the annual holidays before he undertakes it.

Article -72-

The employer shall have the right to determine the date of the annual holidays. He shall also have the right to divide it to the satisfaction of the laborer after the first fourteen days of it.

The laborer shall have the right to accumulate his holidays for not more that the two years, and he is entitled, subject to the approval of the employer to take them at one time. It shall be permissible with the mutual consent of the two parties to accumulate the annual holidays for more than two years.

Article -73-

Without prejudice to the rules of both articles 70 and 71, the laborer shall have the right to obtain a monetary offset for the total days of his annual holidays in case of the termination of his contract.

Article -74-

Without prejudice to the rules of article 72, it shall not be permissible to the laborer to assign his annual holidays against an offset or without pay. The employer shall have the right to be refunded the wage he settled for it if it is proven that the laborer worked during it for another employer.

Article -75-

The employer may grant the laborer a paid sabbatical leave to obtain a higher qualification in the sphere of work provided that he shall be committed to work for him a period similar to the sabbatical leave and with a maximum limit of five years. In case the laborer violates this condition he shall be committed to return the wages he disbursed during this leave proportionately to what remains of the period that he should have spent at work.

Article -76-

The laborer who spent two consecutive years in the service of the employer is entitled to a paid leave of twenty one days duration to perform the religious duty of pilgrimage provided that he did not perform it previously.

Article -77-

If one of the laborer's relatives of the first or second degree dies, he is entitled to a full paid leave of three days duration.

The female Muslim laborer whose husband dies is entitled to (Edda) leave with full pay for a period of four months and ten days as from the date of death. This is provided that she does not practice any work with others during the period of leave. The minister shall issue a decree regarding the conditions for granting this leave.

The female non-Muslim laborer whose husband dies shall be granted a leave for twenty one days with full pay.

Article -78-

It shall be permissible for the employer to grant the laborer a paid leave to attend conferences, and periodical and social labor meetings.

The minister shall issue a decree for the conditions and rules in respect of granting this leave.

Article -79-

It shall be permissible for the employer to grant the laborer, upon his request a special leave of absence without pay apart from the other aforementioned vacations and leaves in this chapter.

Chapter Four
The Occupational Safety And Health
Branch One
Rules for Maintaining Occupational Safety And Health

Article -80-

Every employer shall have to maintain a work-file for every laborer that contains a copy of the work permit, a copy of the employment contract, a copy of the civil identity, and the documents indicating annual vacations, sick leaves, overtime hours, injuries at work, occupational diseases, penalties imposed on him, date of termination of employment, the reason for its termination, a copy of the receipts regarding the receipt of all that he deposited with the employer of papers, tools, experience certificates which, were delivered to him following the termination of his work.

Article -81-

Every employer shall have to maintain the occupational safety records according to the format and controls issued by the minister in their regard.

Article -82-

The employer shall have to hang in a conspicuous place at work the authenticated regulations which are accredited by the competent labor department. They shall contain specially the daily working hours, the rest break during them, the weekend breaks, and the official holidays.

Article -83-

The employer shall have to undertake all the necessary safety precautions to protect laborers, machines, and materials which are handled in the establishment and those frequenting it from work hazards. This is together with providing the means necessary for occupational safety and health, and for which a decree shall be issued by the competent minister after taking the opinion of the concerned parties.

It shall not be permissible to charge the laborer with any expenses or to deduct amounts from his wage against the provision of protective instruments for him.

Article -84-

The employer shall have to show the laborer prior to undertaking the work the risks which he could be subjected to and the protective means which he should undertake. The minister shall issue the decrees specially for the instructions and the warning signs which shall be placed in conspicuous places at the work place, the personal safety equipment which the employer is committed to provide in the diverse activities.

Article -85-

The minister shall issue, after taking the opinion of the concerned authorities, a decree to decide the kind of activities that are committed to provide the necessary equipment for occupational safety and health in respect of the laborers in establishments. This shall be together with the appointment of technicians or specialists to control the availability extent of the occupational safety and health conditions in respect of the establishment. The decree shall decide the qualifications and the duties of these technicians and specialists and their training programs.

Article -86-

The employer shall have to undertake the appropriate precautions to safeguard the laborers from health damages and occupational diseases which arise from practicing work and to provide the first aid means together with the medical services.

The minister shall, following consultation with the ministry of health, issue the decrees which organize precautions, the list of the occupational diseases, the industries and businesses that cause them, the list of harmful materials and concentration degrees which are allowed.

Article -87-

The laborer shall have to use the protective means, to undertake to use what he possesses of them carefully, and to execute the instructions set forth for his safety, his health, and his protection from injuries and occupational diseases.

Article -88-

Taking into considerations the rules of the social insurance's law, the employer shall be committed to insure his laborers with insurance companies against work injuries and occupational diseases.

Branch Two
Work Injuries And Occupational Diseases

Article -89-

On the application of the insurance against work injuries according to the social insurances law, these rules regarding the insured who are governed by this insurance shall replace the rules stated in the following article regarding work injuries and occupational diseases.

Article -90-

In case a laborer is injured in an incident due to work or during it, or on the road going to work and coming from it, the employer shall have to report the accident immediately on its occurrence or upon his knowledge of it, according to cases to each of:-

A- The police station in whose circuit the work place is located.

B- The labor department in whose circuit the work place is located.

C- The social insurances institution or the insurance company where laborers are insured against work injuries. It shall be permissible that the laborer undertakes such reporting if his condition permits to do it, and it shall be permissible for who represents him to undertake it.

Article -91-

Without prejudice to the rules of law No. 1 for the year 1999, regarding expatriates health insurance and imposing charges against health services, the employer shall bear the treatment expenses of the laborer who suffers from work injuries or occupational diseases in one of the governmental hospitals or private treatment clinics which are decided, including in this the value of medicaments and the transportation expenses. The treating doctor shall define in his report the treatment duration, the proportion of incapacity resulting from the injury and the capability of the laborer to continue to undertake work.

It shall be permissible for each of the laborer and the employer, through an application submitted to the competent department, to contest the medical report within one month as from the date it came to his knowledge before the medical arbitration committee at the ministry of health.

Article -92-

Every businessman shall have to periodically provide the competent ministry with a statistic about work injuries and occupational health incidents that occurred in his establishment.

The minister shall issue a decree for the dates decided for this.

Article -93-

The laborer who is suffering from work injury or an occupational disease shall have the right to disburse his wage during the treatment period which is decided by the physician. If the treatment period exceeds six months he shall only be paid half the wage till his recovery or it is proven his incapacity or he dies.

Article -94-

The injured laborer or his entitled successors shall have the right in an indemnity for work injury or occupational diseases according to the table that shall be issued by a decree from the minister and this shall be after consulting the minister of health.

Article -95-

The right of the laborer for indemnity against injury shall lapse if it is proven from the investigation the following:-

A- That the laborer deliberately injured himself.

B- That the injury occurred due to gross misbehavior intended by the laborer. It shall be considered likewise every act which the injured undertakes under the influence of alcohol or drugs and every violation to the special instruction for protection from work's risks and the occupational damages which are attached on a conspicuous place of the work's places, unless it arises from the injury the death of the laborer, or it leaves a permanent incapacity whose proportion is over 25% of the complete incapacity.

Article -96-

In case the laborer is suffering from one of the occupational diseases or symptoms of the occupational disease appears during his employment or within a year as from leaving the work, he shall be governed by the rules of articles 93, 94 and 95 of this law.

Article -97-

1- The medical report issued by the treating physician or the decision of the medical arbitration committee regarding the state of the injured laborer, shall decide the responsibility of the previous employers. It shall obligate them – each proportionately with the period that the laborer spent in his service – if the industries or businesses that they practice are those from which arises the disease with which the laborer is suffering from.

2- The laborer or his entitled successors shall receive the indemnity stipulated upon in article 94 of the public institution for social insurances or the insurance company where he is insured, according to cases. Each of them has the right to refer to the previous employers as regards their commitments stipulated in paragraph 1 of this article.

Part Five
Collective Labor Relation
Chapter One
Laborers and Employers Organizations And The Syndicate's Right

Article -98-

The right to form unions for employers and the right of a syndicate organization for

laborers is guaranteed according to the rules of this law. The rules of this law govern employees of the private sector and its rules shall be enforced on laborers working in both the governmental and petroleum sector in what shall not conflict with other laws that organize their affairs.

Article -99-

All Kuwaiti laborers shall have the right to constitute in between themselves syndicates that take care of their interests, work on the improvement of their material and social status, and represent them in all issues relating to them. The employers have the right to form their unions for the same objectives.

Article -100-

It shall be followed in respect of the procedures for the formation of the organization the following:-

1- A number of laborers who desire to establish a syndicate or a number of employers wishing to establish a union shall meet in the capacity of a formation general assembly for either of the two teams. This shall be through the advertisement relative to this in two daily newspapers prior to at least two weeks from the date of the general assembly's convention, together with determining the place of the convention, its date and objectives.

2- The formation general assembly shall endorse the regulations of the statutes for the organization, and it shall have the right to seek guidance for this in the exemplary regulations for which shall be issued a decree from the minister.

3- The formation general assembly shall elect the board of directors according to the rules stated in its statute.

Article -101-

The statute shall exhibit to the organization its objectives and the purposes for which, it was established, its membership's conditions, the rights of its members and their duties, the subscriptions to be collected from members, the competencies of both the general and extraordinary assembly, the number of the board of directors' members, the conditions for its membership, its duration, and competencies. Also, the rules relative to the budget, the procedures for the amendment of the basic education of the organization, the procedures for its dissolution and the liquidation of its monies besides the records and the books which the organization maintains and the basis of auto control.

Article -102-

The elected board of directors shall have to deposit, within fifteen days as from the date of its election, the formation papers of the organization at the ministry.

The juristic personality of the organization shall be established as from the date of the issuance of the minister's decree for endorsing its establishment after depositing the papers completed and fulfilled at the ministry.

The ministry shall have the right to direct and guide the organization towards correcting its formation procedures and fulfilling formation papers prior to its registration and declaration, If the ministry does not answer within fifteen days from the date of depositing the papers, the juristic personality of the organization shall be established with the force of the law.

Article -103-

The laborers, the employers and their organizations when enjoying the rights stated in this part, shall have to respect all enforced laws in the state just likewise all organization parties, and to exercise their activities within the limits of the objectives that are stated in the organization's statute without exceeding these objectives or diverting from them.

Article -104-

The ministry shall have to guide the syndicates' organization and the organization of the employers towards the sound application of the law, the method of entry into records, and financial books relating to each of them and direct them towards rectifying any shortcoming in the data and entries registered in them.

It shall be prohibited for the syndicates:-

1- To engage in political, religious or denominational issues.

2- To invest their monies in financial or real estates' speculations or any other speculations.

3- To accept donations and bequests except after the knowledge of the ministry.

Article -105-

The syndicates shall have the right, after the approval of the employer and concerned parties in the state, to open cafeterias and restaurants to service laborers within the framework of the institution.

Article -106-

The registered syndicates according to the rules of this part shall have to form in between themselves unions that take care of their joint interests. The registered unions according to the rules of this law shall have to constitute between themselves a general union provided that there shall not be more than one general union for each of the laborers and the employers. It shall be followed in the formation of unions and the general union the same procedures especially for the formation of syndicates.

Article -107-

The unions, the general union and the syndicates shall have the right to associate with Arab or international unions, which they consider that their interests are connected to them. This is provided the ministry is notified of the date of joining them. In all cases it shall be taken into consideration that such association is not violating the public order or the public interest of the state.

Article -108-

It shall be permissible to dissolve the employers and laborers' organization an optional dissolution by a resolution issued from the general assembly according to the organization's statute. The fate of the syndicate' money shall be decided after its liquidation according to the resolution which the general assembly takes in case of optional dissolution.

It shall also be permissible to dissolve the board of directors of the organization by raising a lawsuit on the part of the ministry before the plenary court for the issuance of a judgment for the dissolution of the board of directors. This is if the board performs a work that is considered in violation to the rules of this law and the laws related to maintaining the public order and ethics. It shall be permissible to appeal the court's judgment within 30 days as form the date of its issuance at the appeal court.

Article -109-

The employers shall have to provide laborers with all the decrees and regulations related to their rights and duties.

Article -110-

The employer may have one member or more of the board of directors devoted to manage the syndicate or the union or to follow-up the syndicate affairs with the work party or the concerned parties in the state.

Chapter Two
Collective Employment Contract

Article -111-

The collective employment contract is the contract that organizes the conditions and circumstances of work between a syndicate or a laborer union or more and one employer or more or those representing them of employers' unions.

Article -112-

The collective employment contract shall have to be in writing and signed by the laborer, shall be brought before the general assembly of each of the workers and the employers' organization or their parties, and shall be endorsed by its members according to the regulations of the organization's statute.

Article -113-

The collective employment contract shall have to be of a fixed term provided that its duration shall not exceed three years. If both of its parties continue to execute it after its expiry date, it shall be considered renewed for a duration of one year with the same conditions stated in it unless otherwise is provisioned in the contract's conditions.

Article -114-

If any of the employment contract's two parties desires not to renew it he shall have to notify the other party and the competent ministry in writing at least three months prior to the termination date of the contract. However, if there are multiple parties in the contract, its termination in respect of one of them shall not terminate it for the others.

Article -115-

1- It shall be void every condition in the individual or collective employment contracts, which contradicts the rules of this law even if it precedes its enforcement unless the condition is more beneficial to the laborer.

2- It shall be void every condition or agreement concluded prior to the enforcement of this law or preceding it according to which the laborer waives any right of his rights granted to him by the law. It shall also be void every reconciliation or acquittal that includes a decrease or an acquittal of the laborer's rights which had arisen due to the employment contract during the period of his validity or three months as from the date of its expiry if it is in violation to the rules of this law.

Article -116-

The collective employment contract shall not be valid except after its registration at the competent ministry and publishing its summary in the official gazette.

It shall be permissible for the competent ministry to contest the conditions, which it considers in violation of the law. Both parties shall have to amend the contract within fifteen days as form the date of receiving the contest otherwise the registration application shall be considered as non-existent.

Article -117-

It shall be permissible to conclude a collective employment contract on the level of the establishment or the industry or the national level. If a collective employment contract is concluded on the industrial level it shall have to be concluded by the industrial syndicates union on behalf of the laborers, but if it is concluded on the national level the general laborer union shall have to conclude it. The concluded contract on the industrial level shall be considered an amendment to the contract concluded on the establishment level, and the contract concluded on the national level shall be considered an amendment of any of the two other contracts. This shall be within the limits of the joint rules stated in both of them.

Article -118-

The rules of the collective employment contract shall govern:-

A- The laborers' syndicates and their unions, which concluded the contract or joined it following its conclusion.

B- The employers or their unions, which concluded the contract or joined it following its conclusion.

C- The syndicates which organize the union that concluded the contract or joined it following its conclusion.

D- The employers who joined the union which concluded the contract or joined it following its conclusion.

Article -119-

The withdrawal of the laborers from the syndicate or dismissing them from it shall not have an impact on the laborers being governed by the rules of the collective employment contract if the withdrawal or the dismissal is after the date on which the syndicate concluded the contract or joined it.

Article -120-

It shall be permissible for others than the contracting parties of laborers, syndicates or their union or the employers or their unions to join the collective employment contract after publishing its summary in the official gazette. This shall be with the approval of both parties that request to join it without the need to the approval of the original contracting parties. This joining shall be through submitting an application to the competent ministry signed by both parties. The approval of the competent ministry on the joining shall be published in the official gazette.

Article -121-

The collective employment contract, which is concluded by the establishment syndicate, shall govern all the establishment's workers even if they are not members of the syndicate. This shall be without prejudice to the rule of article 115 of this law in respect of the conditions, which are more beneficial to the laborer. As for the contract that is concluded by a union or a syndicate with a certain employer, it shall only govern the workers of the employer who is concerned with this.

Article -122-

The laborers and employers' organization which are a party in the collective employment contract shall have the right to raise all cases arising from the violation of the contract's rules for the interest of any member of its members without the need to obtain a power of attorney from him for this.

Chapter Three
Collective Labor Conflicts

Article -123-

The collective labor conflicts are the conflicts arising between one or more of the employers and all his laborers or a team of them due work or the conditions of work.

Article -124-

In case collective conflicts arise both of its parties shall have to recourse to direct negotiations between the employer or who represents him and the laborers or who represent them. The competent ministry shall have the right to send its deputy to attend these negotiations in the capacity of a controller.

In case of an agreement between them, this agreement shall have to be registered at the competent ministry within fifteen days only according to the rules that shall be issued by a decree from the minister.

Article -125-

Any of the two conflict's parties, if the direct negotiations failed to lead to its solution, shall have to come forward to the competent ministry with an application for the amicably solution of the conflict through the conciliation committee for collective labor conflicts that shall be formed by a decree from the minister.

The application shall have to be signed by the employer or his delegated agent or by the majority of the litigating laborers or the person they delegate to represent them.

Article -126-

The conciliation committee for collective labor conflicts shall be constituted of:-

A- Representatives selected by the syndicate or the litigating laborers.

B- Representatives who are selected by the employer or the litigating employers.

C- The president of the committee and the representatives of the competent ministry who shall be assigned by a decree from the competent minister in which he shall also define the number of the representatives of the conflict's parties.

The committee shall have the right to seek the assistance of whom it considers to undertake its assignments. In all the previous stages, it shall be permissible for the competent minister to require the information he considers necessary to settle the dispute.

Article -127-

The conciliation committee shall have to finish viewing the conflict within one month from the date of the application's receipt. If it is able to settle it completely or partially it shall have to establish what it is agreed upon in its respect in a minutes of three copies, the attendees sign it, and it shall be considered a final and binding agreement for the two parties. In case the conciliation committee failed to settle the conflict during the decided period, it shall have to refer it or to refer what is not agreed upon within one week as from the date of its last meeting to arbitration accompanied by all documents.

Article -128-

The arbitration panel for the collective labor conflicts shall be constituted as follows:-

1- One of the appeal court's circuits which is annually assigned by the general assembly of this court.

2- The President of a prosecution office delegated by the public prosecutor.

3- The representative of the competent ministry who is assigned by its minister and the conflict's parties or who legally represents them shall attend before the panel.

Article -129-

The arbitration panel shall view the conflict on a date that shall not exceed twenty days as from the date its documents arrive to its clerical department. Both parties of the conflict shall have to be notified of the session's date by a period of a week at least prior to its convention. This is provided that adjudgment of the conflict shall be within a period that shall not exceed three months as from the date of its first session to view it.

Article -130-

The arbitration panel shall have all the authorities of the appeal court according to the rules of the law organizing judiciary, and the rules of the law regarding civil and commercial procedures. It shall issue its awards justified and they shall be as the judgments issued by the appeal court.

Article -131-

In exception of the rules of article 126 of this law, it shall be permissible for the competent ministry in case a collective conflict arises, if necessary, to interfere without being asked by one of the conflicting parties to settle the conflict amicably. It shall also be permissible for it to refer the conflict to the conciliation committee or the arbitration panel as it shall consider. The conflicting parties, shall have in this case to submit all documents, which the competent ministry requires, and also they shall have to attend when summoned.

Article -132-

It shall be prohibited for both the conflict's parties to suspend work whether completely or partially during the direct negotiations procedures and before the conciliation committee or the arbitration panel, or due to the interference of the competent ministry in the conflict according to the rules of this part.

Part Six
Work Inspection And Penalties
Chapter One
Work Inspection

Article -133-

The competent officers who are designated by the minister, according to a decree issued by him, shall have the capacity of law officers in order to control the execution of this law, its regulations and decrees for its execution. It is mandatory that these officers perform their work with honesty, integrity and neutrality. They shall be committed to the non-divulgence of the employers' occupation's secrets, which they view due to their work. Each one of them shall take before the minister the following oath:-

"I swear by almighty God to perform my work with honesty m, neutrality, integrity and truthfulness and to safeguard the secrecy of the information which I view due to may work even after the termination of my service."

Article -134-

The aforementioned officers in the precedent article shall have the right to enter work places during the official working hours of the establishment, to view records and books, and to request the information and data relative to labor's affairs. For this, they shall have the right to inspect, and to take samples of handled materials for the purpose of analysis. They shall also have the right to enter places, which employers allocate for the purpose of the labor's services. Further, they shall have the right to seek the assistance of the public force with a view to executing their jobs' assignments.

They shall also have to draft minutes for the violation of the employers, to give them the necessary grace period so that they shall remedy the violation, and shall refer the violations' minutes to the competent court to impose the penalty that is provisioned for in this law.

Article -135-

The competent officers shall have the right of inspection when the employer violates the rules of articles 83, 84 and 86 of this law and the decrees issued for its execution, in a way that threatens to pollute the environment or threatens the public health, or the laborers' health or their safety, They shall draft a minutes in respect of the violation and shall submit it to the competent minister. He shall in coordination with the competent parties issue a decree for the complete or partial closure of the store, or to suspend the use of a certain machine or machines until the remedy of this violation.

Article -136-

The officers who have the inspection competency shall have the authority to draft violation notices against the labor-force that is working without a definite work center. In order to fulfill this they can seek the public authorities, and coordinate with the concerned parties regarding the goods which are left by any of the said labor-force, and whose owners are not found.

Chapter Two
Penalties

Article -137-

Without prejudice to any severer penalty stipulated by any other law, he shall be penalized with a fine that shall not exceed five hundred Dinars every person who violated the rules of both articles 8 and 35 of this law. In case of recurrence within three years as from the date of the final judgment, the penalty shall be doubled.

Article -138-

Without prejudice to any severer penalty stipulated by any other law, he shall be penalized with imprisonment for a period that shall not exceed three years and a fine that shall not be less than two thousand Dinars and shall not exceed ten thousand Dinars or with either of these two penalties, every person who shall violate the rules of the second paragraph of article 10.

In case the laborer joins the employment of another employer in violation of the rules of Article 10, item 2, that is aforementioned, the other employer shall be penalized with the same penalty stipulated in the previous paragraph of this Article. This shall be without prejudice to the right of the administrative party to expulse the violating laborer.

Article -139-

In case of violating the rules of article 57 of this law the employer shall be penalized with a fine that does not exceed the total of laborers' dues, which he delayed in settling them. This shall be without prejudice to his commitment to settle these due to the laborers and with the same procedures stipulated upon in the aforementioned article 57.

Article -140-

Without prejudice to any severer penalty stipulated upon in any other law he shall be penalized with a fine that shall not exceed five hundred Dinars and shall not exceed one thousand Dinars every person who hinders the competent officers who are designated by the minister, from performing their duties which are provisioned in both articles Nos. 133 and 134 of this law.

The penalty shall be doubled in case of recurrence.

Article -141-

Without prejudice to any severer penalty stipulated upon in any other law, every person who violated the remaining rules of this law and the decrees executing it shall be penalized as follows:-

A-A notice is addressed to the violator to remedy the violation within a period that shall be decided by the ministry provided it shall not exceed three months.

B- If the violation is not remedied during the determined period, the violator shall be penalized with a fine that is not less than one hundred Dinars and does not exceed two hundred Dinars for every laborer against whom the violation is committed. In case of recurrence during three years as from the date of issuing the final ruling the penalty shall be doubled.

Article -142-

He shall be penalized with imprisonment for a period that is not less than one month and does not exceed six months and a fine that is not less than five hundred Dinars does not exceed two thousand Dinars or by either of the these two penalties every person who violates the suspension or the closure order which is issued in application of the rules of Article 135, without remedying the violations for which the competent inspector notified him.

Part Seven
Final Rules

Article -143-

It shall be formed according to a decree from the minister a consulting committee for labor affairs which include representative from the ministry, the authority for restructuring the

labor force, the executive authority, the laborers and employers' organization and whom shall be considered by the minister. Its assignment shall be to express opinion in respect of what is brought before it of issued by the minister. The decree shall include the procedures for inviting the committee, work in it, and the method of issuing its recommendations.

Article -144-

It shall not be heard on repudiation, with the elapsement of one year as from the date of expiry of the labor contract, the cases which are raised by the laborers relying on the rules of this law. Repudiation shall be governed by the rules of paragraph 2 of article 44 of the civil law. And the cases which are raised by the laborers or those his successors shall be exempted from the judicial charges. However, it shall be permissible for the court when rejecting the cases to judge that the person who raised it bears all or part of the expenses. The labor law suit are viewed expeditiously.

Article -145-

In exemption of the rule of article 1074 of the civil law the decided right of the laborer according to the rules of this law shall have a privilege right on all the assets of the employer of movables, real estates with the exception of the private residence. These amounts shall be settled after the judicial expenses and amounts due to the public treasury besides safeguard and reparation expenses.

Article -146-

The case shall be preceded an application which the laborer or his beneficiary successors shall submit to the competent labor department. The department shall call both the conflict's parties and their representative. In case the department fails to settle the conflict amicably, it shall have within one month from the date of the application's submission to commit it to the plenary court to adjudge it.

The committal shall be by a memorandum including a summary of the conflict, the pleas of both parties and the remarks of the department.

If it is apparent to the court the abstention of the employer to disburse the laborer's dues, it shall have the right to rule an indemnity to his benefit that equals 1% of the value of these dues for every month in delay of its disbursement as from the date of submitting the aforementioned application in the first paragraph. The ruled amount shall be governed by the provision of Article 145 of this law, and this is without prejudice with the right of the employee to claim before the same court any other indemnities.

Article -147-

The clerical department shall have, within three days from the date of the application's receipt, to decide a date for the session to hear the lawsuit, and both the conflict parties shall be summoned.

Article -148-

The minister shall issue the regulation and the decrees, which are necessary for the enforcement of this law within six months as from the date of the publication of this law in the official gazette, together with deliberation with employers and laborers.

Article -149-

The law No. 38 for the year 1964,regarding labor in the private sector, shall be revoked and the laborers shall keep all their rights which were entailed by it prior to its revocation. All decrees, which were issued for its execution, shall remain in force except those, which are in conflict with the rules of this law until the issuance of the regulations and the decrees that are necessary for its execution.

Article -150-

The Prime Minister and the minister, each within his competency, shall execute this law, and it shall come into force as from the date of its publication in the official gazette.

Prince of Kuwait
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