



International
Labour
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▶ Extending social protection to migrant
workers in the Gulf Countries

▶ Review of National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries



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► Extending social protection to migrant workers in the Gulf Countries
Research Report 1

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Clyde & Co and ODI (formerly the Overseas Development Institute) were commissioned by the ILO to prepare this report. Clyde & Co. conducted a legal review of relevant laws and regulations, as well as bilateral agreements for each GCC country. ODI conducted a literature review of migrant worker coverage across the region and within each GCC country and a synthesis of the legal review findings.

The report was produced under the technical supervision of Luca Pellerano and Ryszard Cholewinski and project coordination of Lea Bou Khater (ILO). The authors of the report are Sara Khoja, Sarit Thomas, Christina Lowe, Jessica Hagen-Zanker, Caterina Mazzilli, Lea Bou Khater and Luca Pellerano. The team is grateful for strategic guidance received throughout the assignment from Peter Rademaker, Deputy Regional Director for ILO Regional Office for Arab States. Comments were received from Paolo Salvai, Samia Kazi Aoul, Clara Van Panhuys, Max Tunon and Niyama Rai from ILO. The team particularly grateful for extensive comments received by Tanja Dedovic from International Organization for Migration (IOM) and Marius Olivier, Director of the Institute for Social Law and Policy. The report was edited by David Cann and graphically designed by Valerie Nseir.

This review constitutes a background source for the forthcoming report “Social protection for migrant workers in countries of the Cooperation Council for the Arab States of the Gulf (GCC): A Regional mapping of provisions on paper and in practice”. Additional resources and publications produced by the project “Extending Social Protection to Migrant Workers: Exploratory Research and Policy Dialogue in the Gulf Cooperation Council Countries” can be consulted on this page: https://www.ilo.org/beirut/projects/WCMS_884951/lang--en/index.htm

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► Introduction

Social protection is a basic human right for all, as enshrined in multiple international human rights, labour and social security instruments and agreements. Through a combination of contributory schemes and non-contributory schemes, social protection systems provide benefits for children and families, maternity, unemployment, employment injury, sickness, old age, disability, survivors, as well as health protection. Globally, social protection systems have seen impressive growth in recent decades, having now been established in virtually all countries.

However, coverage has not expanded equally to all types of workers, with migrant workers standing out as an important group continuing to receive lower levels of coverage. Such gaps are likely to emerge where migrant workers¹ are unable to access social protection provisions in the host country on the same terms as citizens, lack access to benefits or contribution systems in their country of origin while working overseas, or lose access to benefits or rights that they have previously acquired upon changing country of residence. The challenges of extending social protection to migrant workers are particularly evident in the countries of the Cooperation Council for the Arab States of the Gulf (GCC), where migrants comprise between 76 per cent (Saudi Arabia) and 95 per cent (Qatar) of the workforce. Such a large share implies a need to better understand the current state of social protection coverage for migrant workers, and the factors that determine the level of coverage afforded to them.

In this context, this report analyses the legal (de jure) coverage of social protection for migrant workers among the six Member States of the GCC, which currently comprises the Kingdom of Bahrain (Bahrain), the Kingdom of Saudi Arabia (KSA), the State of Kuwait (Kuwait), the Sultanate of Oman (Oman), the State of Qatar (Qatar) and the United Arab Emirates (UAE).

This report constitutes a background source for the report “Social protection for migrant workers in countries of the Cooperation Council for the Arab States of the Gulf (GCC): A Regional mapping of provisions on paper and in practice” (Forthcoming),

which gives an overview of de facto and de jure access to social protection for migrant workers across nine contingencies, including enablers and barriers to expanding coverage.

The following section of the report outlines the methodology used in this research and its limitations. Section 2 examines the ILO standards regarding the social protection for migrant workers. Section 3 focuses on the legal coverage of migrant workers across the nine contingencies, and Section 4 closes with concluding remarks on the trends in legal coverage and the implications for reform.

The annexes provide further details from the legal review.

- Annex 1 provides further country-specific detail on the legal provisions in place in relation to each of the nine contingencies.
- Annex 2 offers a brief overview of the legal framework for immigration and recruitment as a central element that delimits the protection environment for migrant workers.
- Annex 3 outlines the distinct provisions in place relating to domestic workers.
- Annex 4 presents a summary of the laws referenced in this report.
- Annex 5 briefly discusses the contents of the Bilateral Labour Agreements as examples of provisions agreed between countries of origin and countries of destination to improve protection for migrant workers in the GCC region.

►► This report analyses the legal coverage of social protection for migrant workers among the six Member States of the GCC.

1. The term “migrant worker” is used in accordance with international standards, in particular, Article 2 of the International Convention on the Protection of the rights of all Migrant Workers and Members of their Families (1990), which defines a “migrant worker” as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. Similar definitions are found in the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

▶ 1. Methodology

The legal review included in this report is based on two sources of information: a) a legal review of relevant laws and regulations, as well as bilateral agreements for each GCC country which was undertaken between September 2021 and August 2022 with a series of updates until July 2023; b) a literature review of migrant worker coverage across the region and within each GCC country, which was conducted in September–October 2021, and then updated in March 2022. Additional references retrieved during the report-writing stage were also included.

For the legal review, the study team reviewed the legal gazette in each of the GCC countries to map out the legislation surrounding social insurance and social protection. Annex 1 summarizes each of the laws identified, with a breakdown of the area of focus to which they relate. The report refers to these laws throughout and elaborates on their provisions, where relevant.

Beyond specific matters of social protection, the study team considered elements that delimit the protection environment of migrant workers, including:

- ▶ processes of recruiting migrant workers from their home countries to GCC destination countries (e.g. recruitment fees and documentation required to migrate);
- ▶ immigration procedures and restrictions, notably the kafala [sponsorship] system and its recent reform across the GCC;
- ▶ dispute resolution procedures that may impede migrant workers from having their rights enforced and the degree of access to such dispute procedures.

One particular limitation was our inability to locate certain legislation or regulations regarding immigration matters, as many regulations and administrative orders are not published by government authorities. This has a large impact on the level of institutional protection for migrant workers.

For the literature review, academic, institutional and grey literature, as well as news articles, were retrieved and key knowledge gaps were identified. English and Arabic publications were searched using a protocol to identify key terms/strings. Bibliographies and reference lists of relevant reports were then used to identify further literature.

Literature that specifically focused on social protection and labour migration in GCC countries was prioritized. Reports of a global nature were included where relevant, such as those produced by the ILO, the IOM and the Regional UN Issue-Based Coalition on Social Protection (IBC-SP). Given that this was a rapid review, the quality of the literature was not assessed. However, literature published in high-quality peer-reviewed journals and grey literature published by well-respected organizations and institutes was prioritized.

► 2. ILO standards regarding social protection for migrant workers

At the core of the ILO's mandate is "the extension of social security measures to provide basic income to all in need of such protection and comprehensive medical care" (ILO Governing Body 2022). The ILO Constitution recognizes the importance of "protection of the interests of workers when employed in countries other than their own".

To achieve this, the ILO has developed a comprehensive body of standards that aim to guarantee the social security rights of all workers, including migrant workers, based on the overarching principle of equality of treatment and non-discrimination (ILO Governing Body 2022).

These instruments establish several key social security principles, including:

1. equality of treatment between nationals and non-nationals whereby migrants have the same rights and obligations as nationals in the destination country;
2. determination of the applicable legislation to ensure that the social security of a migrant worker is governed at any time by the legislation of one country only;
3. maintenance of acquired rights and payment of benefits abroad (portability of earned benefits), meaning that migrant workers who have acquired rights in one territory should be guaranteed those rights in any of the States parties to the relevant instruments;
4. maintenance of rights in the course of acquisition, which represents the accumulation of qualifying periods under different national social security schemes to allow for the aggregation or totalization of periods of insurance, employment or residence;
5. mutual administrative assistance, including data and information exchange, to facilitate the implementation of social security agreements (ILO 2021a).

Moreover, social security agreements are often based on the principle of reciprocity, meaning that each State party agrees to apply the same mechanisms as every other State party to make its social security benefits more accessible to migrant workers (ILO 2021a).

These principles stem from several ILO Conventions and Recommendations that contain provisions on the social security rights of migrant workers and their family members. First and foremost, this includes the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which is the only international instrument that sets global minimum standards for all nine branches of social security, including protections for migrant workers. The nine branches comprise: (1) medical benefit; (2) sickness benefit; (3) unemployment benefit; (4) injury benefit; (5) old-age benefit; (6) invalidity benefit; (7) family benefit; (8) maternity protection; and (9) survivors' benefit. Convention No. 102 contains a provision dedicated to the equality of treatment between national and non-national residents (Art. 68)². From this Convention the following obligations to extend social security coverage to migrant workers are derived:

- Benefits need to be comprehensive and adequate.
- The benefits provided to migrant workers must be in periodical and predictable payments.
- The inclusion of migrant workers should be based on the principle of solidarity in financing and risk-pooling. Social solidarity and solidarity in financing are at the heart of social security.

2. Article 68 stipulates, "Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes. 2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity". In the GCC context, the considerable share of migrant workers in the workforce implies a large degree of subsidization of social assistance to nationals only.

- Governments need to ensure the enforceability of rights and accountability, highlighting the role of the State as a guarantor of the social security system. The Government should administer benefits or ensure that the recognized parties administering the benefit are accountable and are protecting the rights of workers.

Another important reference to the right to social security for migrant workers and their families is the ILO Social Protection Floors Recommendation, 2012 (No. 202). The Recommendation outlines four basic social security guarantees, including access to essential healthcare and income security for children, persons of working age who are unable to earn sufficient income and older persons. The Recommendation calls on signatories to provide these social security guarantees to at least all residents and children, as defined in national laws and regulations.

Several other ILO Conventions and Recommendations are also of key relevance for migrant workers' right to social protection:

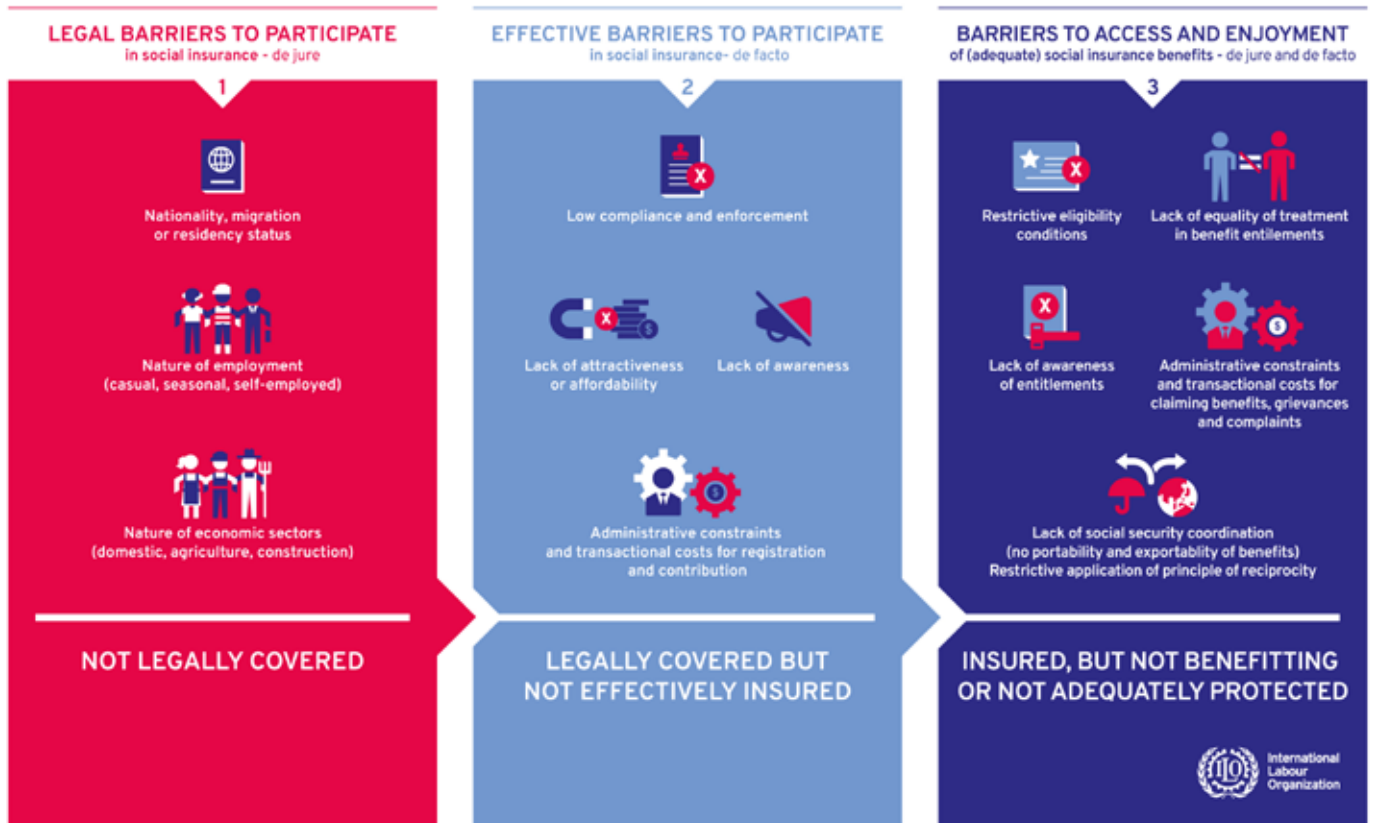
- The Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), guarantees to nationals of any Member State that has ratified the Convention who suffer personal injury as a result of a work accident equality of treatment with respect to national workers' compensation, without any condition as to residence.
- The Migration for Employment Convention, 1949 (No. 97), introduces the principle of equality of treatment in social security between nationals and migrants without discrimination with respect to nationality, race, religion or sex.
- The Equality of Treatment (Social Security) Convention, 1962 (No. 118), sets forth the right to equality of treatment between national and non-national workers and their family members with a view to specifically addressing the situation of migrant workers in relation to social security.
- The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), puts forth equality of treatment as a human right. It extends the principle beyond social security to include equal opportunities, and rights to freedom of association and trade union participation.
- The Maintenance of Social Security Rights Convention, 1982 (No. 157), provides for the maintenance of acquired social security rights or rights in the course of acquisition for migrant workers.
- The Domestic Workers Convention, 2011 (No. 189), introduces domestic workers' rights, including freedom of association, the elimination of forced labour and conditions equal to those granted to workers generally.
- However, none of the GCC countries have ratified any of these ILO Conventions, and this presents a clear obstacle to extending international standards on social protection to non-nationals working in the GCC².
- The barriers and obstacles that migrant workers face in accessing and benefitting from employment-related social insurance in the Arab region can be divided in three main categories :

► Social security agreements are often based on the principle of reciprocity, meaning that each State party agrees to apply the same mechanisms as every other State party.

3. For a more detailed discussion of the international legal framework, see ILO (2021).

BARRIERS TO THE PARTICIPATION OF MIGRANT WORKERS IN NATIONAL SOCIAL PROTECTION SYSTEMS IN THE ARAB REGION

A conceptual framework



Source: ILO (2023)

Legal barriers to registration in social insurance:

This entails obstacles entrenched in the legal framework of countries of employment which exclude migrant workers from national insurance systems, either on the basis of their nationality, their employment status or the sector in which they are employed.

Practical barriers to participation in social insurance:

This entails to obstacles that lead to the effective exclusion of migrant workers from social insurance systems, even when they are legally entitled to participate. Low compliance with social security obligations, limited interest or lack of affordability, lack of information and knowledge of rights and complex procedures for registration are amongst the factors that hamper the effective participation of migrant workers in social insurance.

Barriers to access/ enjoyment of benefits or the enjoyment of adequate social insurance benefits:

Migrant workers who participate in social insurance systems face additional challenges to adequately benefit from such systems due to reasons such as the existence of restrictive eligibility conditions, lack of effective mechanisms to claim benefits. Moreover, the absence of mechanisms that allow coordination amongst social security systems in countries of origin and destination prevent the portability of benefit and enjoyment of benefits upon return in countries of origin.

► 3. De jure coverage of social protection

This section explores de jure access to social protection, defined as protection in the event of the nine contingency areas outlined in the Social Security (Minimum Standards) Convention, 1952 (No. 102). Although none of the GCC countries have ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Convention is considered an important set of reference benchmarks with respect to social protection.

International Social Security Standards clearly designate inclusion in national systems of social protection in countries of destination as the primary route to the realization of the right to social security of migrant workers. While legal coverage (de jure coverage) is a key step in ensuring social protection coverage, the impact of legislation is limited if it does not translate into effective access in practice (de facto coverage). One category of barriers and obstacles that migrant workers face in accessing and benefitting from employment-related social insurance in the Arab region are the legal barriers to registration in social insurance: This entails obstacles entrenched in the legal framework of countries of employment which exclude migrant workers from national insurance systems, either on the basis of their nationality, their employment status or the sector in which they are employed (ILO 2023a). In this section we focus on the legal social protection coverage (de jure) provided to migrant workers in the GCC countries.

Section 3.1 outlines the general framework for de jure access to social protection in the region. Section 3.2 maps de jure access to each of the nine contingencies for migrant workers employed in the formal private sector across the GCC countries⁴. This analysis discusses the regional picture for each contingency area, with the content extracted directly from the full legal review conducted by Clyde & Co. unless otherwise stated. For detailed analysis at the level of each GCC country (and the sub-national level, if different legislation applies⁵), see Annex 1. Section 3.3 then discusses variations in de jure access for those migrant workers who work in diverse forms of employment that deviate from full-time permanent employment⁶.

►► While legal coverage is a key step in ensuring social protection coverage, the impact of legislation is limited if it does not translate into effective access in practice.

4. Social protection for public-sector workers is not discussed since public-sector employment is dominated by nationals and the smaller number of migrants working in that sector are typically covered by the same (extensive) legislation as their national counterparts (see the ISSA country profiles for details on these provisions).

5. This is often the case for the UAE, which is a federation of seven emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al-Quwain, Fujairah and Ras Al Khaimah), in which different laws may apply. Within Abu Dhabi and Dubai, legislation on the mainland differs from legislation in the ADGM and the DIFC, which are independent jurisdictions.

6. The term “diverse forms of employment” is used throughout this report as the preferred ILO term where previously the term “non-standard forms of employment” may have been used. Both terms refer to temporary, part-time or multiple jobs, agency work and self-employment arrangements, and other forms of employment that deviate from full-time, open-ended employment with a single employer. The term “diverse” forms of work includes traditional part-time and temporary work, as well as new and digital forms of work.

3.1. General legal framework for social protection provisions in the GCC countries

In the GCC countries, the majority of nationals are employed in the public sector, which is well-remunerated and generously covered by contributory systems (ILO 2021b; Radwan and Akram Malik 2021). By contrast, the majority of migrant workers work in the private sector, where contributory systems are much weaker. Even for GCC nationals, the schemes in place for private-sector workers often provide lower benefit levels, as in the case of old-age, invalidity and survivors' pensions. Some contingencies are not covered at all (e.g. family allowances in all cases except Bahrain, and unemployment in Qatar), or are covered only by employer-liability arrangements that fall short of public-sector benefits (e.g. sickness and maternity leave) and are not aligned with the ILO's core principles (see box 1).

►Box 1. Employer-liability approaches to social protection and international social security standards

ILO standards promote collectively financed mechanisms and broad risk-sharing, whether in tax-financed or social security contributory schemes. These mechanisms yield positive redistributive effects and aim to transfer financial and labour market risks from individuals to society. However, in many countries, social protection is only available under employer-liability or private arrangements, which are often suboptimal with respect to coverage, equity and sustainability.

Such arrangements often do not conform with ILO standards and may have adverse effects. As solidarity in financing is de facto limited and coverage is often restricted to salaried workers, certain categories of workers, such as casual workers and those on hourly wages are excluded from any type of protection. In the case of sickness benefits, maternity/parental benefits and access to healthcare, individual enterprises bear the costs. This may pressure workers not to take sick leave or maternity leave, or encourage discrimination against recruiting workers with declared diseases, and small enterprises may struggle with the financial implications, creating an incentive to employ workers in forms of employment that are not subject to statutory sick leave or maternity/parental leave.














However, employer-liability arrangements may possibly have a role in complementing collectively financed protection mechanisms. Several countries have made efforts to reduce gaps in coverage and adequacy through replacing employer-liability mechanisms with collectively financed social insurance.

Source: ILO 2020; 2021b.

Furthermore, even where contributory systems are in place for private-sector employees, these systems do not necessarily include migrant workers from non-GCC countries. While separate – but sometimes less advantageous – forms of coverage are at times in place for these migrant workers, they are excluded from general provisions covering GCC citizens in relation to old-age, invalidity and survivors' pensions, health protection, family allowances (where they exist), employment injury (except Bahrain and Saudi Arabia) and unemployment (except Bahrain and the UAE). The infographic below outlines the systems of social protection available for each contingency across each country.

Social protection coverage for national and migrant workers

NATIONAL PRIVATE SECTOR EMPLOYEES

	 Bahrain	 Kuwait	 Oman	 Qatar	 KSA	 UAE
 Old age, disability, and survivors						
 Employment injury		3		2		
 Sickness						
 Medical care						6
 Maternity			7			
 Unemployment						
 Family						

(1) EOSI does not work as a social insurance mechanism and falls short of minimum standard of protection for old age, disability and survivors.







(2) Survivors of Qatari nationals insured with GRSIA are eligible to a periodical pension equal to 100% to the previous wage in case of work-related death regardless of years of service.






(3) Employment injury provision of social insurance for nationals is not implemented. Article 88 of the labour code stipulates a mandatory private insurance.

(4) Roll out of the mandatory private insurance is underway.

ment workers employed in the formal private sector

NON-NATIONAL PRIVATE SECTOR EMPLOYEES

 Bahrain	 Kuwait	 Oman	 Qatar	 KSA	 UAE
8	1	8	1	1	1
	3				
	4	5			
		7			

-  Social Insurance
-  National Health System (NHS)
-  Employer Liability
-  Mandatory Private Insurance (MPI)
-  Not Available

(5) Coverage was not previously mandatory but non-nationals did have the right to access the NHS, on a subsidized rather than free basis. Roll out of mandatory private insurance is still under debate.

(6) MPI in Dubai International Financial Centre (DIFC) and Dubai and NHS in Abu Dhabi.

(7) Maternity and Paternity

(8) Provident Fund managed by the national social security institution

In addition, many migrants work outside of the formal private sector, whether self-employed or in part-time, temporary, seasonal, casual or domestic work. These workers often have the worst-paid and least-secure jobs. Yet, diverse forms of employment are barely covered by social protection legislation (for both nationals and migrants, although in practice such jobs are predominantly performed by migrant workers).

Non-contributory social protection schemes (publicly funded by the national government) are relatively limited in the region, amounting to just 1.5 per cent of GDP, on average, and often comprise less than 20 per cent of total national expenditure on social protection (excluding health) (ILO 2021b). Despite migrants' increasing levels of tax contributions via consumption or income taxes (Schofield, 2021), migrant workers are excluded from non-contributory social protection provisions, except in relation to emergency medical care from public health systems (discussed in section 3.2.1), and limited provisions from Islamic *zakat* funds⁷ (Machado et al. 2018).

3.2. De jure social protection coverage by contingency



3.2.1. Access to medical care

According to legislation across the GCC, emergency medical care is free for all, irrespective of nationality, migration status or health insurance coverage (Vital Signs Partnership 2022). In Bahrain, Kuwait and Qatar, migrant workers have, historically, also had access to non-emergency care through the national health system, which they could access by showing a health card (provided for an annual fee, often paid directly by the employer). Access to health facilities has been provided either free or, more often, on a subsidized basis (meaning that nominal service fees are charged on a per-visit basis). Although there have been concerns about disparity between the service given nationals and migrants⁸, this public healthcare model was in place in Bahrain⁹, Kuwait¹⁰ and Qatar¹¹ at the time of data collection (November 2021 to October 2022). In Oman, migrant workers may access non-emergency care through the national health system, paying for services on a subsidized basis rather than the free care provided to citizens (Habersky and Damir 2021).

However, all the countries mentioned above have announced new arrangements that shift away from a national public health system model towards privately funded health insurance. First, a new National Health Insurance Law was passed in Bahrain in 2018 and is soon expected to be implemented. It will cover migrants' healthcare through mandatory employer-funded health insurance¹². Membership

7. *Zakat* is an obligatory donation required as one of the main pillars of Islam for Muslims whose wealth exceeds a minimum threshold. The donations are then distributed to those who meet certain criteria relating to poverty and vulnerability. In many Arab countries, *zakat* is a formalized system of almsgiving overseen by a *zakat* fund, with direct or indirect links to the national social protection system. However, there is limited information on recipients in GCC countries, and *zakat* assistance is not a legal entitlement that migrant workers can rely on. For this reason, it has not been discussed in this report, except where the research identified it as playing a prominent and official role in the protection of migrant workers. For more information, see Iyer et al. (2021) and Hammad (2022).

8. For example, in Kuwait, some clinics segregate appointments between nationals and migrants, and the latter are denied access to public hospitals in the mornings for non-emergency care (Migrant-Rights.org 2020).

9. Under current arrangements in Bahrain, there is an annual fee for basic healthcare of 72 Bahraini dinars for migrants to access public health services (typically paid by the employer to the Labour Market Regulatory Authority), and migrants are then required to pay additional fees at the point of service (approximately 7 dinars per visit), although emergency services are free for migrants (Migrant-Rights.org 2020).

10. In Kuwait, employers are required to pay a nominal annual fee of 50 Kuwaiti dinars for migrant workers to access to the public healthcare system, and most medical services at public hospitals then cost 10 dinars per visit (previously 5 dinars until 2019).

11. In Qatar, foreign residents have access to free basic public health care by registering for a government health card for an annual fee of 100 Qatari riyals, which is typically paid by the employer. There are also several primary healthcare centres that primarily serve migrant workers.

12. Mandatory health insurance for migrant workers was due to be implemented from 2019, but the Ministry of Health reportedly pushed back the start date to the third quarter of 2022 (IMTJ Team 2022).

will be paid by the Government on behalf of Bahraini citizens and domestic workers, and paid by employers for other migrant workers, who will also be charged a co-payment at the point of service¹³. A similar move is evident in Qatar where a new law (No. 22/2021) will shift migrant workers' access to healthcare away from the current public health services to mandatory employer-funded private health insurance¹⁴. As far as possible, this system will ensure migrant workers' treatment via private health facilities, but where such facilities do not exist, migrants will be referred to public services (Qatar, MOPH 2022). The new system will be implemented for private-sector employees from 2023, and for the public sector and domestic workers from 2024¹⁵. In Kuwait, the Ministry of Health and the Kuwaiti Investment Authority have been working on a public-private partnership to introduce a new mandatory health insurance system specifically for migrant workers in the private sector and their families. Under the new Dhaman [guarantee] scheme, employers will be required to pay 130 dinars (per individual) to Kuwait's Health Insurance Hospitals Company¹⁶, which will cover primary and secondary care via private health services specifically aimed at migrant workers (Axelson 2022). The system is expected to be rolled out over 2 years starting from December 2022¹⁷. In Oman, private employer-funded health insurance for all private-sector workers and their dependents, including migrant and domestic workers, will become mandatory if a new law from 2019 is fully implemented¹⁸.

Combined with existing laws in Saudi Arabia, Dubai and Abu Dhabi, these developments mean that employer-funded health insurance arrangements will be mandatory for migrant workers in all of the GCC region, with the exception of five of the seven emirates in the UAE (Sharjah, Ajman, Fujairah, Umm Al-Quwain and Ras Al Khaimah). Current provisions for mandatory private health insurance date back to 1999 for Saudi Arabia, 2005 for Abu Dhabi mainland, 2013 for Dubai mainland, and 2019 for the free zones of the Abu Dhabi General Market (ADGM) and the Dubai International Financial Centre (DIFC).

This shift towards the private-insurance model is not aligned with international social security standards for health coverage (ILO 2020). Systems based on private insurance are premised on the principle of individual risk management, as opposed to collective risk-sharing, and this is likely to lead to excessive fragmentation and, ultimately, higher costs overall. Such systems are not in line with the principle of universality of coverage and solidarity-based financing, which are at the core of ILO social security standards on healthcare coverage.

► Systems based on private insurance are premised on the principle of individual risk management, as opposed to collective risk-sharing, and this is likely to lead to excessive fragmentation and, ultimately, higher costs overall.

13. The initial premium will be set at 120 dinars per year. Employers will also have the option to pay for private insurance for their workers, if preferred (providing that it at least matches the mandatory package). Non-nationals without an employer will have to pay their own membership and service fees.

14. Qatari citizens will continue to receive free care at public providers, while non-citizens will be covered by premiums paid by employers (for the migrant worker, their spouse and three children under the age of 18) or by sponsors/recruiters (e.g. in the case of domestic workers). There will be a mandatory basic insurance package, with options to pay more for an extended package (Qatar, MOPH 2022).

15. While awaiting implementation, current arrangements will remain in place. Rollout to residents from 2023 onwards follows the rollout of the less comprehensive, but mandatory, insurance package for tourists/visitors from September 2022.

16. This is expected to cover all healthcare needs of migrant workers, including medical consultations, diagnostics, treatment, medicine, and all specialty treatment that Dhaman provides (Arab Times 2021). According to Dhaman representatives in the interviews, this more comprehensive coverage justifies the higher cost compared with the current annual payment of 50 dinars to the Ministry of Health for coverage of migrant workers and their dependents.

17. This time frame is based on estimates reported in *Arab Times* (2022).

18. In Oman, employer-funded health coverage was not previously mandatory and was accessed by migrants either through health insurance voluntarily purchased, employer-provided health facilities or out-of-pocket payments by migrants at the point of service (except for free emergency services). Migrants working in the public sector could access free public health services, akin to Omani citizens. If implemented, the 2019 health insurance law will require mandatory private health insurance for all migrants, funded by the employer. Known as Dhamani, the new compulsory private health insurance system is being developed by the Capital Market Authority, with plans for a phased implementation starting with migrant workers. It is expected that the scheme will allow employers to purchase private insurance for their workers from a range of accredited private insurance providers, all of which must meet minimum criteria for the basic package.

International social security standards provide guiding principles to ensure universal protection in a way that reflects risk-sharing, equity and solidarity – across income groups, men and women and generations – in a fiscally, economically and socially sustainable fashion.

In particular, international social security standards promote collectively financed mechanisms to cover the costs of accessing health services, recognizing the contributions made by workers, employers and government. Likewise, the standards recognize a range of institutional arrangements, namely national health services, under which public services deliver affordable health interventions, and national social health insurance, whereby an autonomous public entity collects revenue from different sources (social contributions and government transfers) to purchase health services, either only from public providers or from both public and private providers. Consequently, the transition towards financing social health protection by private insurance should be carefully considered, as it has the potential to significantly reduce elements of solidarity and widen inequities in access to healthcare, while increasing inefficiencies and costs. Globally, private health insurance has a minor role in health-financing, and is generally used only as a complementary mechanism to national solidarity-based financing systems.



3.2.2. Sickness benefits

Across the GCC countries, migrant workers employed in the private sector have the right to statutory sick leave and to remain in the country while using it. Sickness benefits are the same for all full-time employees in the private sector, regardless of whether the worker is a national or migrant. These provisions are not as generous as those in the public sector yet still guarantee a period of annual sick leave, provided that the worker presents a valid medical certificate (in all countries) and has completed the first 3 months of employment (e.g. Bahrain and Qatar) or probation period (federal UAE law).

The laws outline specific limits on the maximum amount of sick leave that an employee can take in a 12-month period, after which the employment contract can be terminated (although in Bahrain, Saudi Arabia and Oman, the legislation makes clear that the worker can also combine annual leave and sick leave entitlements). The sick pay arrangements differ by country, but in all cases start with an annual allowance of fully paid leave¹⁹, followed by an allowance of partially paid leave²⁰ and then, in most cases, a specific allowance of unpaid sick leave²¹.

Paid sick leave is entirely covered by the employer as a headcount cost. It is not required to be underwritten by any insurance, nor can it currently be reclaimed from any government authority. During the period of unpaid sick leave, there are no state-funded schemes under which migrant workers may benefit. Oman is the only case in the GCC region where a recently approved social protection reform introduces a social insurance scheme for sickness benefits, which covers both national and migrant workers.

► Paid sick leave is entirely covered by the employer as a headcount cost. It is not required to be underwritten by any insurance, nor can it currently be reclaimed from any government authority.

19. Thirty days in KSA, 15 days in Bahrain and Kuwait, 2 weeks in Qatar and Oman, 10 days in the ADGM and DIFC. In the rest of the UAE, 15 days of fully paid sick leave are granted except where the sickness resulted from the employee's misconduct.

20. Sixty days in KSA, 50 days in Kuwait, 7 weeks in Oman, 30 days in UAE (except where the sickness resulted from the employee's misconduct), 4 weeks in Qatar, 20 days in Bahrain, ADGM and DIFC (with the degree of partial pay ranging from 25 per cent to 75 per cent of remuneration).

21. Six weeks for Qatar, 30 days for KSA, 20 days for Bahrain, 45 days in the UAE, 30 days in the ADGM and DIFC.



3.2.3. Unemployment benefits

In the previous two decades all countries in the GCC introduced unemployment insurance schemes for national workers in the private sector. Migrant workers have not been granted access to these unemployment benefits, except in Bahrain, where migrants are eligible for a public scheme under Law No. 78/2006 (with equal treatment for nationals and migrants in the law). Through this scheme, workers are entitled to monthly compensation, typically worth 60 per cent of their wage (based on the monthly wages during the 12-month period prior to their unemployment, without exceeding a sum of 1,000 dinars), for a maximum period of 9 consecutive or non-consecutive months. Workers must have been employed for a minimum period (generally 12 months), to be able to claim unemployment benefits, and their employers must have contributed.

While migrant workers have not historically been covered by national unemployment systems (outside of Bahrain), there is a growing need to consider how migrant workers should be protected given reforms to the kafala system and the increased mobility of migrant workers.

Increased mobility combined with the growth in diverse forms of employment seems to have stimulated legal reforms in the UAE, where a new unemployment insurance scheme covering both national and migrant workers came into effect in October 2022 (Federal Decree Law No. 13 of 2022). The scheme consists of a mandatory employee-funded private insurance scheme for national and migrant workers in either the private or public sector (excluding domestic workers, temporary employees and business owners who manage their entire business). Workers who have paid the insurance premium for at least 12 consecutive months will be eligible for compensation equal to 60 per cent of their basic salary, for a period of no more than 3 months from the date of their unemployment (UAE Government Portal 2022). While the development is significant, it should be noted that the lack of progressivity in contribution, risk-pooling and financial participation of employers contradict the core principles of international social security standards. Since the premium is calculated as a flat yearly amount²², but the benefit is calculated as a portion of the salary, the effective contribution rate is significantly higher for low-wage earners.



3.2.4. Old-age, natural death and survivors' benefits

To date, none of the GCC countries provide old-age benefits to migrant workers. Instead, provisions are limited to the statutory EOSI of each country. These EOSI arrangements fall short of social security standards²³. The exact terms of the EOSI vary by country, with the size of the benefit increasing with longer periods of service (sometimes capped²⁴, or reduced if the employee resigns²⁵) (see Annex 1 for details). In some cases (such as Qatar, Oman, mainland Abu Dhabi and mainland Dubai), the law requires employees to have worked for more than 1 year in continuous service to be entitled to the EOSI. Rules for migrant domestic workers differ from those for other types of workers (see section 3.3.1). Depending on national legislation, EOSI may also apply in cases where the employment relationship ends because of illness, injury, disability or death (whether of natural causes or related to an employment injury), in which case survivors should be eligible to claim the benefit. However, details on eligibility terms under such circumstances are often limited in the legislative framework (2023c).

22. Workers with a basic salary of 16,000 dirhams or less will need to pay a monthly insurance premium of 5 dirhams. Those with a basic salary exceeding 16,000 dirhams will need to pay 10 dirhams per month. The worker may choose to pay the premium monthly, quarterly, half-yearly or annually.

23. See ILO (2023c) for a discussion of the key shortcomings of EOSI and proposals for alternatives.

24. In Kuwait, employees paid on a monthly basis are entitled to receive 15 days remuneration for each of the first 5 years of service, and 1 month's remuneration per subsequent year, capped at 1.5 years' remuneration. In Bahrain, employees are entitled to half a month for each of the first 3 years of employment, and 1 month for each subsequent year. In KSA, employees are entitled to half a month's wage for every year for the first 5 years, and 1 month's wage for each of the following years. In Qatar, employees are entitled to a gratuity determined under agreement between the employer and employee that is not less than the wage of three weeks for each year of service (the QFC employment regulations do not contain any provisions relating to this benefit). In Oman, employees are entitled to the wage of 15 days for each year of service for the first 3 years and 1 month for subsequent years. In mainland Dubai and in Abu Dhabi, employees are entitled to a wage of 21 days for each of the first 5 years, and 30 days for each additional year (in ADGM the total of the gratuity shall not exceed the wages of 2 years of service).

25. In case of resignation, the employee would be entitled to: one third the standard benefit in KSA and mainland Abu Dhabi, and half of the standard benefit in Kuwait, if the period of service is 2–5 years; two thirds of the benefit in Kuwait, KSA and mainland Abu Dhabi if 5–10 years; and the full benefit if the period of service is 10 years or longer.

In practice, challenges are common with payment of the EOSI (see ILO 2023b). In some cases, such as Qatar and the UAE, this has led to the establishment of new legal mechanisms to guarantee EOSI payments (without actually reforming EOSI benefits or entitlements). Qatar has established the WSIF, which is financed through the state budget (ILO 2023b). The fund holds employers and business owners financially accountable when they fail to pay workers their wages and other benefits in full. In April 2022, the WSIF laid out the conditions and regulations pertaining to the disbursement of dues and benefits, including unpaid wages and unpaid end-of-service payments. The WSIF disburses funds based on the final decision of the Dispute Settlement Committee or the specialized court in emergency and exceptional situations. An electronic platform dedicated to fund disbursements will be created and, in case of death, survivors may apply for the payment of the worker's benefits. The fund was established in 2019 and, as of 30 September 2022, has disbursed 1,165,316,181 riyals (over US\$320 million) in unpaid wages and benefits. It is not known how many workers have benefitted, although ILO Qatar (2022) reports that as of mid-2022, around half that amount had reached more than 37,000 workers.

In the UAE, the Ministry of Human Resources and Emiratization began in 2018 to implement measures to replace a mandatory bank guarantee for recruiting and employing workers in the private sector with a low-cost voluntary insurance system. A group of national private insurance companies (administered by Dubai Insurance) launched the Establishment Workers Scheme as an alternative to the Banking Guarantee System²⁶, to protect the rights and financial dues of all private-sector and domestic workers registered with the Ministry (ILO 2023b). The scheme aims to protect employees from employers who refuse or are unable to pay labour dues, with a maximum coverage up to 20,000 dirhams. In case of an employer's financial failure, the policy covers end-of-service benefits and unpaid wages, the cost of an airfare to their home country, and compensation for work-related injuries or the repatriation of the body of a deceased worker for both private-sector and domestic workers, as well as all financial labour rights stipulated in Federal Law No. 8 of 1980 regarding the regulation of labour relations. Insurance policies for private-sector workers cost 120 dirhams and are valid for 2 years. For domestic

workers, the cost of the policy is 60 dirhams and valid for 1 year. If the employer cannot pay, the insurance pool covers the employee's dues when an order is issued by the labour execution department of the competent court. This does not mean that the employer can avoid responsibility, as they remain liable to reimburse the insurance scheme (ILO 2023b).

However, in the UAE and, potentially, Saudi Arabia, there are signs of governments experimenting with more substantial reforms to replace the EOSI system with retirement or other individual savings accounts in certain cases. In the UAE, the DIFC Employee Workplace Savings (DEWS) plan for expatriate workers became effective in February 2020. It is a defined-contribution pension plan for employees in the DIFC, and replaces the EOSI arrangement, with the intention to "attract and retain the best professional talent into the region by offering employees to earn returns on their benefits ... [and] create greater cash-flow certainty with EOSI entitlements" for employers and "have clarity about employers EOSI liability with assurance of no further obligation once paid". The scheme is administered privately by Zurich Insurance Group and expected to protect around 25,000 employees by utilizing a mix of insurance providers. Member contributions may be invested into a single default fund, and a shari'a compliant option is also available.

Employers contribute a minimum of 5.83 per cent of the basic salary for members with less than 5 years' service, and 8.33 per cent for members with 5 years' service or more. The scheme claims that employers would normally pay less into the qualifying scheme than they would have paid under the old end-of-service system as payments are paid monthly based on current salary, not on final salary. The initiative also offers a voluntary complementary savings plan for employees (ILO 2023).

There are signs of governments experimenting with more substantial reforms to replace the EOSI system with retirement or other individual savings accounts.

26. The Banking Guarantee System requires those recruiting and employing migrant workers in the private sector to show bank guarantees worth 3,000 dirhams annually.



Photo ILO Arab States , Bahrain

In July 2022, the Government of Dubai launched a scheme targeting migrant workers employed in the government sector called the Savings Scheme for Employees in Government of Dubai with the DIFC as the entity responsible for supervising implementation. This scheme has since opened to non-national staff at 61 government firms and is expected to enhance the economic and social stability that the Government offers to workers in Dubai and strengthen the position of Dubai as a global financial centre operating under international best practices (ILO 2023b).

In October 2022, the UAE National Bonds Corporation, an investment company owned by the Investment Corporation of Dubai, also launched a separate initiative called the Golden Pension Plan. The optional pension plan caters for large enterprises that contribute a lump-sum amount or monthly deposits from, or on behalf of, their employees in lieu of EOSI. Companies can register for the Golden Pension Plan by investing all or part of their employees' accumulated end-of-service benefits. The initiative responds to the dual objective of allowing workers to "bridge the savings gap and better plan for their retirement needs" and "support businesses with employee retention efforts, as well as help them to plan their end-of-service financial commitments rather than paying them out of company cash when the benefits fall due" (ILO 2023b).

Meanwhile, Saudi Arabia is considering a mandatory mobility saving account for migrant workers, which would consist of privately administered savings account into which the worker or employer would contribute monthly. It would be linked to a retirement savings scheme, but migrants could also tap into these savings in cases of unemployment (ILO 2023b).

Such solutions still fall short of minimum social security standards, though, as private savings arrangements are not linked to social security contingencies and eschew the principles of risk-pooling and solidarity. Individual savings accounts and private pension schemes offer weaker levels of protection against social security risks because of their overly flexible approach to withdrawals, lack of options for long-term periodical benefits and lack of solidarity in financing benefits. Where products are offered and administered by (perhaps several) private-sector financial institutions, transaction costs and complexity increase from both the worker's and employer's perspectives. This is a disadvantage when compared with the enforceability, rights and accountability derived from publicly managed systems. Moreover, individual workers are exposed to investment risks and increased costs due to private sector profit margins and the fragmentation of risk pools (ILO 2023b).

Following a different approach, a recently approved law in Bahrain requires employers of migrant workers to deposit funds for paying EOSI into the state's Social Insurance Organization (Lockton Global Compliance 2022)²⁷. This public institution will then be responsible for paying EOSI benefits to migrants at the end of their contract. Implementing regulations are expected to be passed to clarify this new process. Some similar proposals have also been discussed in Oman, where there are plans to establish a defined-contribution national provident fund to replace the EOSI. If it proceeds, the fund would collect mandatory employers' contributions and administer benefits to non-Omani workers in cases of retirement, death or disability and upon the worker's return to their country of origin. The proposed design includes options to convert lump-sum benefits into annuities and minimum guarantees on investment returns. Moreover, the option to transfer the accumulated fund and make further contributions to the origin country's social security system is envisaged as a future development. The provident fund would be managed by the same public institution that runs the social security system for Omani nationals. Omanis participating in the main pension scheme could also join the provident fund on a voluntary basis to receive complementary retirement benefits (ILO 2023b). Discussions on the direction of further reforms are proceeding in KSA, Qatar, and Kuwait.



3.2.5. Employment injury benefits

With the exception of the DIFC (where the law does not cover medical expenses), employment law across the GCC region accords workers employed in the private sector (nationals and migrants) the right to receive medical treatment at the employer's expense after suffering a workplace injury²⁸. Different rules are in place for domestic workers (see section 3.3.1). Generally, employees also have the right to remain in the country and continue to receive their salary, for a certain period, while recovering or undergoing treatment. Payment arrangements vary between countries, but generally the labour law prescribes that the employer must pay the employee their full salary during treatment, up to 6 months in Bahrain, Kuwait, Qatar mainland, Abu Dhabi mainland and much of the UAE, and 60 days in Saudi Arabia. After that, the employer is liable to pay the employee a partial salary (typically 50 or 75 per cent) until the worker is recovered or is declared to have a disability that does not allow them to resume work, or dies. Sometimes, partial remuneration is limited to a certain time period (in Saudi Arabia and Abu Dhabi it is capped at 6 months).

Certain jurisdictions also require employers to pay workplace injury compensation in the event that the injury causes disability or death, with some countries only requiring compensation in the case of the latter (e.g. UAE federal law). In other contexts (Bahrain and Kuwait), the labour law is somewhat less prescriptive, simply stating that employees may be eligible for such compensation.

The amount of mandated compensation also varies, with some laws leaving the amount unspecified²⁹ and others specifying the

►► Payment arrangements vary between countries, but generally the labour law prescribes that the employer must pay the employee their full salary during treatment

27. Law No. (14) of 2022 On amending the provisions of the Social Insurance Law Promulgated by Decree-Law No. (24) of 1976. According to Article 10 'The non-Bahraini worker is subject to the end-of-service remuneration system, and a decree is issued by the Prime Minister to determine the percentages of contributions and the conditions and requirements for calculating the end-of-service remuneration, while taking into account the provisions of the Labor Law for the Private Sector promulgated by Law No. (36) of 2012'

28. In most cases, the same law applies to nationals and migrants working in the private sector; however, in the case of Oman, nationals' rights to employment injury protection are enshrined by the Social Insurance Law (Decree No. 72/1991 and subsequent amendments), whereas migrants are not covered by social insurance legislation, so they continue to be covered by the earlier Decree No. 40/1977 on Compensation of Occupational Injuries and Diseases, as well as Oman Ministerial Decision No. 286/2008.

29. E.g. in Kuwait and the QFC. In Bahrain, the Labour Law simply states that the required compensation will be set "according to the schedule to be issued by an order of the Minister". However, as discussed later, migrant workers employed in the private sector in Bahrain should theoretically be covered by social insurance legislation for employment injuries, which is more prescriptive (and generous) regarding compensation.

amount to be paid³⁰. In Oman, the Labour Law does not specify workplace injury compensation amounts, but migrant workers are covered by Decree No. 40 of 1977 issuing the Compensation for Work Injuries and Occupational Diseases Law. This law specifies that employers should insure their employees against workplace injuries, subject to certain exceptions. It requires employers to pay a minimum of 1,300 Omani rials and a maximum of 2,400 rials in cases of permanent disability or death related to their employment.

Beyond these requirements in labour legislation, there are also certain requirements specified in social insurance legislation, which generally applies to both national and migrant workers formally employed in the private sector in Bahrain³¹ and Saudi Arabia (and soon in Oman). In Bahrain and Saudi Arabia, employers are required to make monthly contributions to the social insurance system. In the event that the employee suffers a work injury or occupational disease (including an accident while commuting to or from work), Social insurance covers the cost of the worker's salary during treatment and recovery, and more generous compensation than outlined in the Labour Law. In the context of planned reforms, Oman has approved the gradual inclusion of migrant workers into national social security schemes covering employment injury insurance, as well as maternity and sickness.

In the rest of the GCC, it is generally not mandatory for employers to take out insurance to cover the costs of treating or compensating workplace injuries, although, in Kuwait, the Labour Law does oblige the employer to insure workers, in coordination with insurance companies, against work-related illnesses, taking into account the rules of the Social Insurance Law. Elsewhere in the region, if employers fail to cover the costs as per the abovementioned laws, the employee may file a complaint to oblige the employer to pay expenses related to treating the injury. In all of the GCC jurisdictions, there is a duty on the employer to report an occupational injury at the workplace to the police (or other appropriate authority) and to the country's Ministry of Labour or Ministry of Human Resources, which should then conduct an investigation.



3.2.6. Disability benefits

Beyond the provisions discussed above³², migrant workers (including domestic workers) are not entitled by law to invalidity or disability benefits in the GCC countries.



3.2.7. Survivors' benefits

In the event of a migrant worker's death while overseas, the worker's heir or dependents would be legally entitled to the end-of-service compensation listed in section 3.2.4, as well as the employment injury provisions discussed in section 3.2.5, if the death was assessed to be a workplace accident or injury. Beyond this scenario, migrant workers' families are not entitled by law to a survivors' pension or equivalent in any of the GCC countries.

30. E.g. under UAE Federal Law, employers must pay 24 months of salary (minimum 18,000 dirhams up to a maximum of 200,000 dirhams) in the event of an employee's death from workplace injury. In KSA, employers must pay 3 years' wages in the event of permanent/total disability or death, or a proportionate amount for permanent/partial disability. In the ADGM, the employer is liable to pay compensation as specified by the board of directors. In Qatar mainland, the amount is to be determined according to the provisions of *shari'a*.

31. In Bahrain, the legislation excludes "non-citizen workers delegated for training purposes for a period not exceeding 12 months by parent companies working abroad or by any foreign branch thereof operating in Bahrain".

32. I.e. the disability-related provisions covered by health insurance schemes, compensation for a workplace-related disability, and end-of-service payments when a worker ceases employment because of a disability. These are not discussed here since they relate to other types of social protection benefits, rather than targeted, ongoing support to provide at least basic income security for those who are unable to earn sufficient income because of a disability (see Social Protection Floors Recommendation, 2012 (No. 202)).



3.2.8. Family benefits

Migrant workers are not entitled to family benefits in any of the GCC countries and, in most instances, low-paid migrant workers are not even eligible to bring their families to the country of destination. Employers can choose to provide visas and other forms of support for the family members of some migrant workers, but this is only likely to be considered in relation to highly paid employees.



3.2.9. Maternity benefits

Workers within the private sector have, in principle, the right to the statutory maternity leave, provided that they meet the minimum service requirements of each GCC Member State. The entitlement is the same for most workers in the private sector, regardless of nationality. Migrant workers also, *de jure*, have the right to stay in the country while on maternity leave (provided they have a valid residency visa). However, they may find themselves unable to avail of such rights in the context of *zina* laws³³, which criminalize pregnancy outside of marriage in much of the GCC.

In all GCC countries, maternity benefits are financed for both nationals and migrant workers as an employer liability, which is not in line with international standards. This means that any period of maternity leave is required to be paid by the employer as a headcount cost, which creates a disincentive to employ women (Addati 2015). The only exception is new legislation in Oman, which is in the process of establishing a nationalized social insurance scheme for maternity (and paternity) benefits.

The specific arrangements for leave duration, payments and minimum service requirements for private-sector workers vary by country. Across the region, a period of paid maternity leave is granted, typically at least 50 days³⁴, although sometimes payments are split between full and partial pay (as in the UAE and the Qatar Financial Centre (QFC)). In some countries (Bahrain, Kuwait and Saudi Arabia), women are then entitled to an additional period of unpaid leave, while in others (Oman, Qatar and some parts of the UAE), they are entitled to additional unpaid leave only if required for medical reasons. In the QFC, ADGM and DIFC, the legislation makes clear that maternity leave provisions also apply to female employees adopting a young child³⁵.

Maternity legislation in all GCC countries also protects women against dismissal in cases related to the pregnancy or maternity leave and, in all cases except Oman, ensure the right to take daily breaks during working hours to nurse the infant (typically 1–2 hours per day). In Kuwait and Saudi Arabia, employers with a certain number of female employees are required to provide care facilities for young children³⁶.

As with all other measures discussed in this section, the measures discussed above do not extend to domestic workers, the majority of whom are women, nor workers in diverse forms of employment or residency arrangements. The limitations for these workers are discussed in the following section.

►► Across the region, a period of paid maternity leave is granted, typically at least 50 days, although sometimes payments are split between full and partial pay.

33. *Zina* is defined as any act of illicit sexual intercourse between a man and a woman.

34. See the legal review accompanying this paper for specifics in each country.

35. In QFC and ADGM, this applies only when adopting a child younger than 3 months old, whereas in DIFC the child may be up to 5 years old.

36. In Kuwait, employers with more than 50 female employees or with more than 200 employees in total must provide care facilities for children under the age of four, while in Saudi Arabia, employers with more than 50 female employees (who have ten children or more between them) must provide care facilities for children under the age of six.

3.3. Variation in de jure access by migration group

Domestic workers, others in diverse forms of employment and those with irregular residency status generally experience additional limitations on their rights with respect to social protection.



3.3.1. Domestic workers

Across the GCC, general labour laws typically do not apply to domestic workers (whether migrants or nationals), meaning that employers of domestic workers are not be liable for the benefits specified in legislation regulating the private sector. The one exception is Bahrain, where domestic work is covered by some select provisions in the 2012 Labour Code³⁷, namely the articles regarding the existence of an employment contract, wage protection, annual leave and end-of-service benefits. Beyond this, domestic workers in the GCC are not covered by any of the employment legislation provisions discussed in section 3.2.

In four GCC countries (Saudi Arabia³⁸, Kuwait³⁹, Qatar⁴⁰ and UAE⁴¹), separate laws have recently been enacted to provide domestic workers (whether migrants or nationals) with some elements of labour protection, albeit with limited scope (typically for the EOSI and sick leave, where mentioned). These developments are encouraging, although provisions often fall short of those extended to other migrant workers employed in the private sector. For example, for domestic workers none of the laws provide access to maternity protection, and legislation in Saudi Arabia and Kuwait does not cover employment injuries. Kuwait does not require employers to grant sick leave, and in both the UAE and Saudi Arabia, the sick leave allowance is lower than for workers in the private sector. Similarly, for end-of-service gratuity, the allowance in Saudi Arabia and the UAE is much smaller for

37. Law No. 36 of 2012 promulgating the Labour Law for the Private Sector.

Ministerial Decision No. 310 of 1434 regulates the employment of domestic workers in Saudi Arabia. In February 2017, a new Ministerial Decision No. 605 of 1434 was issued permitting domestic workers to transfer between employers in certain circumstances (together with the Domestic Workers Law). Domestic workers under the Domestic Workers Law includes both male and female household workers, private chauffeurs, gardeners and security guards. As announced by the Ministry of Human Resources and Social Development (KSA, MHRSD 2022; reported in English in Saudi Press 2022), the Government will soon implement a new bylaw, including very similar labour regulations to those of Ministerial Decision No. 310. The new bylaw will include improved and unified (or standard) contracts made since the end of 2017, and requires that the employer declares, among other things, the nature of the job, working and resting hours, and weekly days off.

38. Law No. 68 of 2015 (on Domestic Labour) and the associated Ministerial Orders No. 2194 of 2016 and No. 2302 of 2016 aim to remedy previous legislative gaps related to the regulation of domestic workers' affairs given they are not covered by the 2010 Labour Law (Kuwait Society for Human Rights 2018a and 2018b).

39. Law No 15 of 2017 (Qatar Domestic Workers Law) regulates the employment relationships of domestic workers in Qatar. The law defines domestic worker as an individual "who performs housework under the management and supervision of the employer in return for a wage" and provides examples of the types of occupations that would be captured by such a definition, including driver, nanny, cook and gardener. The law does not appear to provide a list of occupations in the same manner as that provided in other countries, such as UAE and Saudi Arabia.

40. Federal Law No. 10 of 2017 on Support Service Workers, as amended (UAE Domestic Workers Law), affords domestic workers fundamental working rights, which previously were absent. The law applies to such individuals working at the temporary or permanent residence of their employer, including private farms, and captures 19 domestic worker occupations, including employee/worker, housekeeper, sailor, guard, shepherd, ostler, tamer, falconer, chef, nursemaid, farmer, gardener, personal trainer, private teacher, home-based caregiver, special representative, private agricultural engineer and personal driver. More recently, Federal Decree Law No. 9 of 2022 Concerning Domestic Workers was also passed, outlining further protections.

41. In Saudi Arabia, domestic workers are entitled to 1 month's wage for every 4 consecutive years of service, whereas workers in the private sector are entitled to a half-monthly wage for each year of the first 5 years, and then 1 month's wage for every month of the following years. In the UAE, under Federal Law No. 10 of 2017, domestic workers are entitled to 14 days of wage per year of service, whereas workers in the private sector are entitled to 21 days' wages for each of the first 5 years of service, plus 30 days of wage for every additional year. However, Federal Decree Law No. 9 of 2022 states that "on the Minister's recommendation, the UAE Cabinet shall adopt the rules and regulations for calculation and payment of end-of-service gratuity for domestic workers". Domestic workers are included in the optional Taa-meen insurance scheme covering EOSI payments, as well as wage protection and compensation for workplace-related injuries for migrant workers in the private sector.

domestic workers compared to other migrant workers in private-sector jobs⁴². In Qatar, EOSI entitlements for domestic workers and other workers employed in the private sector are calculated at not less than 3 weeks for every year of service but, for domestic workers, there is no requirement that this calculation be based on the worker's last basic wage (unlike for other workers in the private sector, where the requirement is stipulated in the Labour Law). In Kuwait the legislation ensures at least as generous EOSI payments for migrant domestic workers as for other migrant workers employed in the private sector⁴³. In all four countries, the legislation requires employers to provide healthcare coverage for domestic workers, but the minimum policy requirements differ between domestic workers and other workers in the private sector.

In Bahrain and Oman, there are no specific national laws outlining social protection rights for domestic workers but in both countries, new health insurance legislation has provisions that ensure coverage for domestic workers. In Oman, the new mandatory health insurance scheme (Dhamani) is expected to be extended to domestic workers in the third phase of rollout (after major corporations and unorganized workers). In Bahrain, the 2018 Health Insurance Law requires domestic workers to be covered for free by the Government (although this regulation has not yet been implemented). In Bahrain, as noted at the start of this section, domestic workers are also covered by certain social protection provisions in the labour code. Specifically, they are entitled to end-of-service benefits on the same terms as other migrant workers in the private sector.



3.3.2. Workers in diverse employment or irregular residency arrangements benefits

A second major category of excluded workers comprises those without a standard employment contract (e.g. self-employed, temporary, part-time, seasonal or casual workers), some of whom may also lack regular residency status, which usually depends on sponsorship by a formal employer.

For workers with an irregular residency status, the gaps in social protection are most stark. In some cases, these workers may have entered the country without valid documents. However, in many cases, workers fall into this category when their residency expires after the end of a contract (i.e. “overstaying” their visa). Beyond access to emergency medical care⁴⁴, they are not covered by any legal protections, since they lack employment-based protections afforded to migrant workers employed in the private sector and the limited provisions for workers registered in other arrangements.

Partly in response to this situation, flexible permits have sometimes been used to regularize migrant workers' status on a self-sponsored basis. The most formalized scheme of this nature was the flexi-permit system adopted in Bahrain in 2017. This was intended for workers of either irregular or regular status who were victims of unpaid wages and had filed a complaint in the labour court (Migrants & Refugees, n.d.). The scheme gave migrant workers the possibility to self-sponsor their stay in Bahrain, although the conditions to qualify were strict and the fees high, making it prohibitive for low-wage workers (Migrant-Rights.org 2022). In October 2022, it was announced that the flexi-permit programme would be cancelled, likely because of opposition from elected officials, business interests and the declining number of flexi-permit holders.

COVID-19 also prompted some increases in flexible work arrangements. In the UAE, new labour legislation expanded the range of migrant work permits available, including for freelance work (KPMG 2022). New freelance visa schemes target migrant workers in such professions as media, consultancy, communication and marketing, among others (Abbas 2022).

42. In Saudi Arabia, domestic workers are entitled to 1 month's wage for every 4 consecutive years of service, whereas workers in the private sector are entitled to a half-monthly wage for each year of the first 5 years, and then 1 month's wage for every month of the following years. In the UAE, under Federal Law No. 10 of 2017, domestic workers are entitled to 14 days of wage per year of service, whereas workers in the private sector are entitled to 21 days' wages for each of the first 5 years of service, plus 30 days of wage for every additional year. However, Federal Decree Law No. 9 of 2022 states that “on the Minister's recommendation, the UAE Cabinet shall adopt the rules and regulations for calculation and payment of end-of-service gratuity for domestic workers”. Domestic workers are included in the optional Taa-meen insurance scheme covering EOSI payments, as well as wage protection and compensation for workplace-related injuries for migrant workers in the private sector.

43. In Qatar, both domestic workers and workers in the private sector are entitled to three weeks of remuneration per year of service. In Kuwait, the 2015 Domestic Workers' Law provides for EOSI benefits of 1 month's wage for each year of service, whereas the 2010 Labour Law covering private-sector workers requires benefits equivalent to 15 working days for each of the first 5 years, and 1 month's wage for each subsequent year (provided that the overall total does not exceed the wage of a year and a half for workers paid on a monthly basis) (Kuwait Society for Human Rights 2018a; 2018b).

44. Emergency care is, de jure, free for workers regardless of their migration status across the GCC.

Ultimately, while flexible permits give migrant workers the right and freedom to move between employers or work for several different employers at once, they effectively place them in a situation of self-employment, bearing the full responsibility, risk and economic burden of complying with insurance and permits. This is especially problematic from a social protection perspective, given that the already limited social protection provisions for migrant workers in GCC countries are financed by individual employers, and there are no clear frameworks to extend these to migrant workers who are effectively self-employed.

Protections are similarly weak for migrant workers engaged in part-time, temporary, casual or seasonal work. In the few cases where migrant workers in the private sector are covered by social insurance provisions, those engaged in diverse employment are typically excluded. The only exception documented in the research was Saudi Arabia, where part-time, temporary, seasonal and casual workers are, reportedly, covered by employment injury provisions. Even where private healthcare coverage is mandated for migrant workers, the same requirements do not apply to those in diverse employment. However, workers may still voluntarily participate in insurance schemes (or may be required to do so by their country of origin) (ILO 2021b).

A final sector which requires attention is the growing “gig” economy (Kantaria 2021). Unlike in many other parts of the world, gig workers in GCC countries are, in general, not self-employed because of the limitations with self-employment status that derive from the kafala system. Rather, these workers need to be sponsored and employed by an entity in the GCC. Usually, that entity has been contracted by the original gig platform. For example, Uber drivers must be sponsored by a local limousine company in the UAE. That company is officially their employer, and is responsible for adhering to the terms and conditions of the Labour Law (including social protection provisions). In practice, however, it appears that such conditions are often not adhered to.



Photo ILO Arab States - KSA

► Concluding remarks

Legislation across the region is increasingly granting migrant workers access to a limited range of social protection benefits. While many risks remain legally unaddressed, there is potential to build on this positive trend. In Bahrain and Saudi Arabia migrant workers are legally allowed access to social insurance systems on equal terms with nationals with respect to employment injury. In the case of Bahrain, this also applies to unemployment, and reforms are underway to make the Social Insurance Organization that oversees citizens' pensions responsible for administering employer-funded EOSI benefits to migrant workers too. Oman is paving the way for broader social protection inclusion, having recently introduced legislation that gives migrant workers access to national social insurance coverage across multiple contingencies – sickness, maternity and employment injury – . In Bahrain and several other countries plans under discussion to establish a national provident fund to administer end-of-service benefits. Employer-funded health insurance coverage for migrant workers will soon be mandatory for migrant workers for all GCC countries, except in five of the seven UAE emirates. Migrant workers are also included in a new mandatory unemployment insurance scheme in the UAE, where new approaches are also being trialled to transition from end-of-service-indemnities to pension-style schemes. Although legal coverage for those in diverse forms of employment is still extremely weak, there has been some progress, including new legal provisions that recognize domestic workers' entitlements to certain basic social protections in five GCC countries.

In general, *de jure* social protection provisions for migrant workers in GCC countries continue to exhibit important gaps, shaped by the legacy of the sponsorship system, an assumption that migration is only short-term, and a dual social protection system that discriminates between national and migrant workers. In practice, this means that coverage for migrant workers still tends to be directly financed by employers, and there is very limited recognition of social security rights independent of the employer–employee relationship. For migrants working full time in the private sector, legal entitlements typically consist of paid sickness and maternity leave, access to

healthcare while in the host country, compensation in case of employment injury and an end-of-service lump-sum benefit upon termination of the employment contract. As a result, the long-term risks of old age, disability and access to healthcare upon return to the country of origin, as well as unemployment, are almost entirely unaddressed, as are the rights of family members and survivors. This places a significant burden on the formal and informal social protection systems of the countries of origin.

Consequently, the systems and provisions in the GCC countries currently fall short of international social security standards, notably those in ILO Conventions related to solidarity in financing, coverage, comprehensiveness, adequacy, predictability and the role of the State in ensuring effective access. There are also recurrent violations of the core principle of equality of treatment between nationals and migrant workers. With bilateral social security arrangements mostly non-existent, the absence of coordination principles, such as the maintenance of acquired rights and rights in the course of acquisition, further limits migrant workers' enjoyment of their social security rights – an element that is common among many countries in the Arab region.

►► In general, *de jure* social protection provisions for migrant workers in GCC countries continue to exhibit important gaps, shaped by the legacy of the sponsorship system, an assumption that migration is only short-term, and a dual social protection system that discriminates between national and migrant workers.

In GCC countries where the sponsorship system is in the process of being reformed, the implications of these reforms on social protection systems and workers' entitlements still need to be addressed. Initiatives that enhance migrant workers' mobility between employers and jobs are highly needed, but this brings a new risk of eroding social protection for workers who are no longer engaged in a single-employer framework, including workers who are part-time, freelance, self-sponsored or sponsored by a recruitment agency. Moreover, migrant workers may experience longer periods during which they are not directly employed, but still residing in a GCC country, creating a need for forms of social protection that were not previously common, such as unemployment protection.

In practice, recent reforms relating to the social protection of migrant workers have primarily entailed a shift away from a social protection model based on direct employer liability, which has demonstrated limitations for both workers and employers, towards one of two approaches. Either (a) including migrant workers in national social insurance systems or (b) mandatory, publicly-regulated private insurance. In cases such as Oman, and previously in Bahrain and Saudi Arabia, efforts to protect migrant workers against specific risks have used existing national social insurance schemes, either on the same terms as national workers or through special arrangements under the same national social security administration. This approach contributes to enhancing equity and solidarity in financing, and recognizes the role of national institutions, as opposed to individual employers, in guaranteeing social protection benefits for migrant workers.

In other cases, there has been a shift towards mandating social protection through private insurance. In the UAE, the new unemployment insurance scheme and the retirement savings accounts for migrant workers operate as mandatory private insurance mechanisms under public regulation. In the same vein, there has been a shift towards the private financing of health insurance across the GCC countries, coupled with reforms that separate healthcare facilities between national and migrant workers. This represents a notable retrenchment of the previously inclusive access to the public health system, which, in

some cases, was the only risk for which migrant workers were protected through national systems on the same terms as national residents. More broadly, solutions based on private insurance need to be assessed carefully as, in the absence of strong public regulation and monitoring, they may significantly reduce elements of solidarity, widen inequities based on nationality, skill, wage level, sector and company size, and risk benefit adequacy, as well as increase inefficiencies and transaction costs across the board⁴⁵. Moreover, the lack of involvement of public institutions prevents options for effective coordination between social protection systems in countries of origin and destination.

Improving de jure protections requires further ratification and implementation of key conventions and international and regional declarations relating to social protection, which remain largely unsigned to date by GCC countries. In relation to national legislation, efforts are needed to sustain positive reform trends where such trends exist, to: reduce the gap between public and private sector provisions; enable migrant workers' inclusion in national social protection systems; extend social protection legislation to cover workers in diverse forms of employment; and strengthen the role of the state as guarantor of social security rights. There is also a need to halt and reverse some of the more concerning trends that have been documented, including where national social protection systems has been further segmented, for example through fragmented private-based solutions. Ongoing kafala system reforms must be paired with efforts to develop effective social protection covering workers' increased mobility in the evolving migration system. There is also a need to determine how migrant workers can be protected against the long-term risks they will face upon return from GCC employment, and to explore solutions to the long-standing issue of social security coordination between systems in countries of destination and countries of origin. Governments of destination and origin countries, workers and employers organizations, diplomatic missions and civil society all have critical roles to play in ensuring that migrant workers' access to social protection in the GCC is maintained and improved⁴⁶.

45. For example, in the new mandatory unemployment private insurance scheme in the UAE, employers do not contribute and low-wage workers contribute disproportionately more, relative to salary, than high-wage workers. The new private pension schemes based on a defined-contribution design, which raises concerns from the perspective of international social security standards (see ILO 2023b).

46. For specific recommendations to improve the jure protections for migrant workers, refer to "Social protection for migrant workers in countries of the Cooperation Council for the Arab States of the Gulf (GCC): A Regional mapping of provisions on paper and in practice". Geneva: International Labour Office (forthcoming).

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► Annex 1. Legal review of legal access to social protection for migrant workers in formal private-sector employment, by contingency and country

Although none of the GCC countries have ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Convention represents an important set of reference benchmarks with respect to social protection. Each of the nine contingencies provided for in Convention No. 102 are examined below, identifying where migrant workers are covered, whether wholly or partially.

►► Domestic workers are almost completely excluded from the labour laws that cover migrant workers generally.

An important point to note is that domestic workers are almost completely excluded from the labour laws that cover migrant workers generally. Only in Qatar, UAE, Kuwait, and KSA is there a domestic workers law that sets out entitlements akin to those that cover migrant workers under the general labour laws for the private sector (see Annex 3 for a summary of the specific domestic workers laws in these countries). Legal protection of domestic workers in the other GCC countries is limited to bilateral agreements with labour-exporting countries and certain immigration regulations that document the employment relationship between the employer and the domestic worker.



1. Medical insurance Coverage

Migrant workers within the private sector will generally have access to private medical insurance through their employer or sponsor.



Bahrain

The relevant law is Law No. 23 of 2018 (the Health Insurance Law), which provides for the following:

- ▶ Article 26 makes it compulsory for private health insurance coverage to be provided to all citizens, residents and visitors to the country as of January 2019.
- ▶ Pursuant to articles 28 and 29, the mandatory health insurance must be provided and financed by the employer of any non-Bahraini worker. Employers must also ensure that such insurance covers the dependents of the worker, including their spouse and children.
- ▶ Article 37(b) sets out a list of benefits included in the health packages of the mandatory health insurance, and comprises preventive, curative, rehabilitation and medical examination services. The Government pays the subscriptions for Bahraini citizens.
- ▶ Article 38 cites the Supreme Council of Health as the administrative body responsible for setting out what must be included within the mandatory health packages and for publishing a list of approved health insurance providers.



KSA

The relevant law is Royal Decree No. 10/1420 (Cabinet Decision No. 71/1420, Hijri calendar) (1999), which provides for the following:

- ▶ Articles 1, 2, 3 and 10 require employers to provide and finance private cooperative health insurance coverage (private medical insurance) to their expatriate employees and their respective family members. Residence permits will not be granted in the absence of a cooperative health insurance policy, which must cover the duration of the worker's employment.
- ▶ Article 7 sets out a list of benefits that mandatory private medical insurance should cover, including medical examinations, outpatient treatment, medications, preventive measures, laboratory tests and radiology, hospitalization and treatment (including obstetrics and surgical procedures), and dental treatment.
- ▶ Under article 14, employers who fail to provide and finance cooperative health insurance for their employees and family members will be obligated to pay all outstanding premiums, and a fine not exceeding the amount of the annual insurance subscription. In addition, employers may be permanently or temporarily prohibited from recruiting expatriate workers.

Kuwait

The relevant law is Law No. 1/1999 concerning Health Insurance for Foreign Nationals and the Imposition of Charges in Return for Medical Services, which provides for the following:

- ▶ Mandatory private health insurance is required for all expatriates in Kuwait on a very basic tariff and enforced through residency requirements. That is, in order to obtain a residency visa expatriates must have in place the basic mandatory tariff required for residency and employment status. Employers (or sponsors if not employed) bear the responsibility of arranging and paying for such a policy.⁴⁷
- ▶ All residents, including expatriates, have access to Kuwait's public healthcare system despite the requirement for mandatory health insurance. Kuwaiti nationals are entitled to free medical treatment at government facilities, while expatriate residents are expected to pay a nominal annual fee to access the public healthcare system.
- ▶ Kuwait's Health Insurance Hospitals Company (Dhaman) announced in November 2020 that it will seek to introduce a new compulsory health insurance scheme for all expatriate residents working in the private sector⁴⁸. However, such plans have not yet been put in place.

Oman

The relevant law is Resolution No. 34 of 2019 on the Issue of Unified Healthcare Insurance Policy, which provides that mandatory private health insurance, providing coverage for basic healthcare services, is required for all expatriates and their dependants residing in Oman, and funded by the employer.

The law is in force, but in practice the system is not yet mandated. It is expected to be implemented in stages in 2023.

The Oman Ministry of Health offers free healthcare services to all Omani nationals and for expatriates working in the public sector.

Qatar including the Qatar Financial Centre (QFC)

The relevant law is Law No. 22 of 2021 on Healthcare Services in the State of Qatar, and Resolution of Minister of Public Health No. 8 of 2022 concerning the issuance of executive regulations of Law No. 22 of 2021, which aims to regulate the health sector according to the following:

- ▶ Mandatory private health insurance, providing coverage for basic healthcare services, is required for all expatriates and visitors in Qatar, and funded by the employer or recruiter. Visas will not be granted without a medical insurance scheme in place (article 10 of Law No. 22/2021).
- ▶ In accordance with article 32 of Law No. 22 of 2021, any employer or recruiter who refrains from providing insurance coverage or paying the health insurance premium or collecting any part of the premium value from any of their employees or the persons obligated to pay the premiums on their behalf shall be punished with a fine not exceeding 30,000 Qatari riyals [about US\$8,240]. The penalty shall be multiplied by the number of persons for whom the violation occurred.
- ▶ Law No. 22 of 2021 came into force in May 2022 with the executive regulations being published later, in September 2022. While the law and regulations are in effect, the Qatar Ministry of Public Health has not yet implemented the law in practice, and it is expected that such implementation will be undertaken in phases, with the first phase applying to tourists and business visa holders.
- ▶ Until such time as the law is implemented in practice, employers are not required to provide health insurance for workers. Expatriate residents, however, can access free basic public health care by purchasing a government health card for a nominal fee.

47. Article 2 of Kuwait Law No. 1/1999 (concerning Health Insurance for Aliens and the Imposition of Charges in Return for Medical Services).

48. See <https://p4h.world/fr/node/11908>.



UAE

Abu Dhabi (mainland)

Law No. 23 of 2005 concerning Health Insurance in the Emirate of Abu Dhabi provides for the following:

- ▶ Articles 2, 4 and 5 require an employer to provide and finance a compulsory private health insurance scheme to its expatriate employees, their spouse and up to three dependent children. Residence permits and renewals cannot be obtained unless the expatriate employee is enrolled in the compulsory health insurance scheme from the date of their arrival.
- ▶ Under article 12, the benefits to be included in the compulsory health insurance scheme comprise medical examinations and treatment, laboratory tests, x-rays, in-patient stays, regular dental care and accommodation charges in critical cases.
- ▶ Article 24 provides that an employer failing to subscribe its employee to the compulsory health insurance scheme will be fined no less than 300 Emirati dirhams [around US\$82] for each month that the employee remains unsubscribed.⁴⁹

Abu Dhabi Global Market (ADGM)

Article 50 of the ADGM Employment Regulations 2019 provides that:

- ▶ An employer is required to maintain private health insurance cover for its employees.

There is no further guidance within the employment regulations governing the extent of such insurance cover.

Dubai (mainland)

Law No. 11 of 2013 concerning Health Insurance in the Emirate of Dubai provides for the following:

- ▶ Articles 9 and 10 require an employer to provide and finance basic private health insurance to their employees (expatriates and UAE nationals) for the duration of employment (for expatriates, the policy applies from the date of the employee's residence issuance or renewal). Employers have discretion to extend the policy coverage to the dependents of employees. However, if such policy coverage is not extended by the employer, then the obligation to obtain insurance for their dependents lies with the employee.
- ▶ Article 23 imposes penalties on employers who fail to provide the requisite health insurance. Such penalties may comprise warnings, licence cancellation or fines of between 500 and 150,000 dirhams.

Dubai International Financial Centre (DIFC)

DIFC Employment Law No. 2 of 2019 provides for the following:

- ▶ Article 56 requires an employer to obtain and maintain private health insurance cover for each of their employees, pursuant to DIFC regulations, federal law or Dubai law. An employer who contravenes this provision is liable to a fine of US\$2,000.⁵⁰

Other emirates (Ajman, Fujairah, Ras Al Khaimah, Sharjah, Umm Al Quwain)

There is no legal mandate for an employer to provide medical insurance (whether public or private) to their employees working in these emirates.

49. See also Table No. 4 (Violations and Administrative Fines) of Abu Dhabi Decision No. 25/2006 (on the issuance of the Implementing Regulation of Abu Dhabi Law No. 23/2005 on Health Insurance in the Emirate of Abu Dhabi).

50. Article 56 and Schedule 2 (Contraventions and Fines) of Dubai International Financial Centre Law No. 2 of 2019 (Employment Law), as amended.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

Where an employer is obligated to provide private medical insurance, the main enforcement mechanism is the immigration system, which requires that an insurance policy is in place before the visa is granted or renewed. It is also possible for the relevant health authorities to inspect and verify that medical insurance has been provided.

(b) Are there mandatory private insurance requirements and what are the quality standards?

With the exception of certain emirates within the UAE, there are mandatory private insurance requirements in all jurisdictions (Qatar and Oman will include the requirements as soon as the laws are mandated). The mandatory requirements are mostly relevant to migrant workers but may also extend to nationals depending on the jurisdiction (e.g. Bahrain).

In terms of quality standards, the Ministry of Health and, in the UAE, the health authorities in each emirate regulate the licensing of medical professionals and medical providers (clinics and hospitals). An accreditation scheme relies on medical professionals maintaining their professional qualifications in their home countries. There are no local exams or medical board that must be satisfied for migrants to practice as medical professionals.



ILO/Apex Image 2011 - A foreign female worker works as an employee in a local pharmacy, UAE



2. Sickness leave and pay

Migrant workers within the private sector have the right to use statutory sick leave and remain in the country while doing so. However, once the sick leave mandated by law is exhausted, employment can be terminated. There are no social insurance schemes from which migrant workers may benefit during a period of unpaid sick leave. Across all GCC countries, sickness benefits are financed as employer liability. For domestic workers refer to Annex 3.



Bahrain

Law No. 36/2012 on the Issuance of the Labour Law in the Private Sector provides for the following:

- ▶ Article 65 provides that a worker who has spent 3 consecutive months at the employer's company and holds a sickness certificate, issued by a government health centre or clinic approved by the employer, shall be entitled to sick leave (within a 1-year period) of:
 - ▶ 15 days with full pay;
 - ▶ 20 days on half pay; and
 - ▶ 20 days without pay.

The sick leave accessible to the worker may accumulate up to a period not exceeding 240 days.

- ▶ Article 66 states that a worker may combine their annual leave and sick leave.
- ▶ Under article 117, an employer cannot terminate the employment contract because of illness, unless the employee has exhausted their annual and sick leave. The employer must notify the worker of their desire to terminate the contract 15 days before the exhaustion of the worker's leave. If the worker returns to health before the end of the 15-day notice period, the employer can no longer terminate the employment contract.



KSA

Cabinet Decision No. 219 of 1426 (Hijri calendar) on the Approval of the Labour Law in the Private Sector provides for the following:

- ▶ Article 117 provides that, for the year following the first date of the sick leave, a worker with a valid sickness certificate is entitled to:
 - ▶ fully paid sick leave for the first 30 days;
 - ▶ three quarters of pay for the following 60 days; and
 - ▶ no pay for the following 30 days.

The sick leave can be consecutive or intermittent.

- ▶ Article 82 states that an employer cannot terminate the worker's services because of illness if the timeframes set out in article 117 have not lapsed. The worker is also permitted to combine their annual leave and sick leave.

Once the sick leave mandated by law is exhausted, employment can be terminated. There are no social insurance schemes from which migrant workers may benefit during a period of unpaid sick leave.



Kuwait

Law No. 6/2010 on Labour in the Private Sector provides for the following:

- ▶ Article 69 provides that, within one year, a worker is entitled to:
 - ▶ 15 days of fully paid sick leave;
 - ▶ three quarters of pay for 10 days;
 - ▶ half pay for 10 days;
 - ▶ quarter pay for 30 days; and
 - ▶ no remuneration thereafter.

The worker is required to prove their sickness by way of a medical report, issued by either a physician elected by the employer or a senior physician at a government health unit. Incurable diseases will be excluded from this article following the issuance of a ministerial decision, which determines the respective disease.

- ▶ Article 49 provides that an employment contract will be terminated where an employee exhausts their sick leave.



Oman

Sultani Decree No. 35/2003 on the Promulgation of the Labour Law in the Private Sector provides for the following:

- ▶ Article 66 provides that, where the illness is verified by a medical report, a worker is entitled to receive sick pay for 10 weeks as follows:
 - ▶ the first 2 weeks with full wage;
 - ▶ three quarters of the wage for the next 2 weeks;
 - ▶ 2 weeks thereafter on half wage; and
 - ▶ the final 3 weeks on quarter wage.

The worker is also permitted to combine their annual leave and sick leave.

- ▶ Article 43 states that the contract of work will terminate where the worker is unable to work because of sickness, continuously or intermittently, beyond 10 weeks within one year.
- ▶ Under article 124 of the Sultani Decree No. 52/2023 promulgating the new Social Protection Law, and within two years of the law taking effect, non-Omani employees in the private and public sectors will be able to take paid sick leave for up to 182 days in a year, starting at 100 per cent of pay and declining after the 21st day according to a scale. In addition, they will be entitled to take limited paid leave in cases of marriage, bereavement and family medical reasons.



Qatar including the Qatar Financial Centre (QFC)

Article 82 of Law No. 14/2004 on the Promulgation of the Labour Law in the Private Sector provides for the following:

- ▶ A worker is entitled to paid sick leave for every year of service. Such leave, however, is only granted:
 - ▶ 3 months after the employee is employed by the employer; and
 - ▶ where the employee provides a medical certificate issued by a physician approved by the employer.
- ▶ In terms of sick pay, a worker is entitled to receive a full wage if the sick leave does not exceed 2 weeks. Should the employee's sick leave extend for a further 4 weeks, the

employee will be entitled to receive half of their wage. Any period of sick leave thereafter will be unpaid.

- ▶ The employee's service may be terminated at the end of the 12th week of the sick leave if the medical report states that the worker is unable to resume work.
- ▶ If the employee resigns as a result of the illness, the employer is still obligated to pay the employee's sick leave, provided that the employee presents a medical report before the end of their employment.



Federal Law No. 33/2021, concerning the Regulation of Labour Relations in the Private Sector (UAE Labour Law) provides the following:

- ▶ Under article 31 of the UAE Labour Law, the employee must notify the employer of their sickness within 3 days and submit a medical certificate.
- ▶ Article 31 provides that a worker is not entitled to any paid sick leave during their probation period. However, the employer may be granted unpaid leave during such a period, provided that the employee has obtained a medical certificate. Following completion of the probation period, a worker is entitled to consecutive or intermittent sick leave, not exceeding 90 days for every year of service. This is calculated as follows:
 - ▶ the first 15 days with full pay;
 - ▶ the following 30 days with half pay; and
 - ▶ the remaining period without pay.
- ▶ An employer may terminate the employment contract where the worker exhausts their sick leave and is unable to return to work.⁵¹
- ▶ Sick leave shall not be paid where the sickness is as a result of the employee's misconduct.⁵²
- ▶ Pursuant to article 35, notice of termination may be served while on leave, but the notice period shall not commence until the worker has returned to work.

Abu Dhabi (mainland)

See UAE Federal Law No. 33/2021 on Regulation of Labour Relations in the Private Sector.

Abu Dhabi Global Market (ADGM)

- ▶ Under Regulation 29 of the Employment Regulations 2019 an employee is entitled to sick leave of up to 60 aggregate business days, within a 12-month period. Employees requiring sick leave must:
 - ▶ notify their employer as soon as reasonably practicable; and
 - ▶ if required by the employer, provide a medical opinion from a registered practitioner at least every 7 days, which states that the employee cannot fulfil their duties.
- ▶ Subject to the employee providing a medical opinion, Regulation 30 obligates the employer to pay 100 per cent of the employee's daily wage for the first 10 workdays and 50 per cent for the next 20 workdays. Thereafter, the employee is not entitled to receive any wage for additional sick leave within the same 12-month period.
- ▶ Regulation 31 provides that, unless the sickness constitutes a disability (as defined by the Employment Regulations), the employer may terminate the employment contract with immediate effect on written notice to the employee in circumstances where the employee takes more than an aggregate of 60 workdays sick leave in a 12-month period.

51. Article 31 UAE Federal Law No. 33/2021 concerning the Regulation of Labour Relations.

52. Article 31 UAE Federal Law No. 33/2021 concerning the Regulation of Labour Relations.

Dubai (mainland)

See UAE Federal Law No. 33/2021 on Regulation of Labour Relations in the Private Sector.

Dubai International Financial Centre (DIFC)

- ▶ Under article 34 of DIFC Employment Law No. 2 of 2019, as amended, an employee is entitled to sick leave of 60 consecutive or intermittent workdays within a 12-month period. Employees requiring sick leave must:
 - ▶ notify their employer on the first day of the absence if possible, and at least once every 3 days thereafter; and
 - ▶ provide a sick leave certificate from a registered practitioner, if required by the employer.
- ▶ Further to article 35, and subject to the employee's compliance with article 34, the employer is required to pay 100 per cent of the employee's daily wage for the first 10 workdays and 50 per cent for the next 20 workdays. Thereafter, the employee is not entitled to receive any wage for additional sick leave within the same 12-month period.
- ▶ Under article 36, unless the sickness constitutes a disability (as defined by the Employment Law), the employer may terminate the employment contract with immediate effect on written notice to the employee in circumstances where the employee takes more than an aggregate of 60 workdays sick leave in a 12-month period.

Other emirates (Ajman, Fujairah, Ras Al Khaimah, Sharjah, Umm Al Quwain)

There is no legal mandate for an employer to provide medical insurance (whether public or private) to their employees working in these emirates.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

Employer obligations can be checked by a labour inspector from the Ministry of Human Resources and Emiratization (MOHRE) or Ministry of Labour (MOL).

(b) Do employees have a right to stay in the country when on sick leave?

An individual's right to stay in the country is linked to the individual's immigration status and whether the individual has a suitable residence visa. Save for some exceptions, employees in general will be sponsored for residence visa and work permit purposes by their employer and, therefore, assuming the individual has such requirements in place, the employee has the right to stay in the country while on sick leave.

(c) Can sick leave be enjoyed abroad/away from the country of employment?

There is no statutory right that specifies whether sick leave can be enjoyed away from the country of employment. Neither is the right to enjoy sick leave away from the country of employment denied under the statutory law. However, the medical insurance of the employee may not offer global coverage and, therefore, may not cover the worker away from the country of employment. In that case, local medical insurance may prevent the worker from leaving the country of employment during sick leave in order to benefit from medical coverage.

(d) Are there mandatory private insurance requirements?

Sickness benefits are entirely covered by the employer as a headcount cost. They are not underwritten by any insurance, nor can they be reclaimed from any government authority.

(e) Is the benefit the same for non-nationals and nationals of the relevant GCC country?

The benefit is the same for all workers, whether expatriates or nationals, working in the private sector. However, the public-sector workforce, which consists mostly of nationals, has more beneficial sick leave and sick pay provisions under separate laws that govern employment in the public sector.





3. Unemployment benefit

There is no legislation that provides for unemployment benefit in KSA, Kuwait, Oman or Qatar for migrant workers or domestic workers. Bahrain is the only country in the region that provides a national unemployment insurance scheme that is open to expatriate workers, and the UAE recently introduced mandatory individual private insurance for unemployment.



Bahrain

Until recently, Bahrain was the only country in the GCC providing a public unemployment insurance scheme whereby expatriate workers may be covered. This has been regulated under Bahrain Decree Law No. 78/2006 on Unemployment Insurance⁵³. The main points to consider regarding this scheme include the following:

- ▶ The individual worker (whether a Bahraini or non-national) shall be entitled to compensation from the 8th day after the termination of the employment relationship if the individual has registered their name at the MOL within 30 days from the date of termination of such relationship; otherwise, the compensation shall be due from the date of the application for such compensation.
- ▶ Compensation shall be paid on a monthly basis at the rate of 60 per cent of the individual's wage based upon their monthly wages during the 12-month period prior to their unemployment, without exceeding a sum of 1,000 Bahraini dinars.
- ▶ Minimum compensation shall be 200 dinars per month or the average insured's monthly wage during the 12 months preceding their unemployment, whichever is less.
- ▶ Compensation is paid for a maximum period of 9 consecutive or non-consecutive months.
- ▶ An insured worker is entitled to first-time compensation if they are employed with an insured employer for a continuous period of 12 months. An insured worker is entitled to compensation for the second time if they are employed subsequently for a period of no less than 12 months during the 18-month period preceding the worker's first period of unemployment. Compensation for the third time may be payable where the insured worker is employed again with an insured employer for a period of no less than 18 months during the 24-month period preceding their third claim for compensation. Compensation on any subsequent occasion may be claimed subject to being employed with an insured employer for a period of no less than 36 months during the 48-month period preceding the worker's last claim for compensation.

Subject to the provisions of Law No. 78/2006, there is equality of treatment in eligibility, benefit determination and administration of benefits between national and expatriate workers.

53. Articles 11, 12 and 20 from the Bahrain Decree Law No. 78/2006 on Unemployment Insurance (as amended).



A mandatory private unemployment insurance system was announced in the UAE in October 2022. As per Federal Decree No. 13 of 2022, Cabinet Decision No. 97 of 2022 and Resolution No. 604 of 2022 concerning the unemployment insurance, the unemployment insurance scheme will provide financial support for a limited period of time in the event of unemployment in exchange for mandatory worker contributions. The main points to consider regarding this scheme include the following:

- ▶ The law applies to all employees in the private sector, state government, or federal government except for investors (owners of the establishments in which they work), domestic workers, contractual workers, workers aged under 18 years, and pension-receiving retirees who have joined a new employer. The scheme currently does not apply within the free zones.
- ▶ The law stipulates that, to be eligible for compensation, the employee must have been insured for no less than 12 continuous months, calculated from the date of subscription to the insurance system, and not have been dismissed for a disciplinary reason or have resigned.
- ▶ Application for compensation should not be undertaken fraudulently or by deception.
- ▶ Compensation will be paid monthly, calculated at 60 per cent of the employee's subscription salary and subject to a maximum of 20,000 dirhams per month, for a period of no more than 3 months from the date of their unemployment per claim, subject to a maximum of 12 months' compensation in aggregate during the insured period of service in the UAE. Additional benefits may be agreed with the insurance provider. Payment of compensation is suspended where the employee joins a new employer during the compensation entitlement period.
- ▶ Contributions are set at 5 dirhams per month for employees earning a monthly salary of 16,000 dirhams or less, and 10 dirhams per month for employees earning a monthly salary of more than 16,000 dirhams.
- ▶ The onus of subscribing and paying the contributions lies with the employee. Failure to comply can lead to penalties being imposed.
- ▶ Claims must be made within 30 days of termination.
- ▶ Service providers are private insurance companies licensed by the Central Bank of the UAE (CBUAE) and must comply with the requirements for the provision of unemployment insurance, released by the UAE Cabinet following consultation with the CBUAE or any other government entity assigned to provide unemployment insurance services.
- ▶ Insurance is mandatory since 1 January 2023 and employees have until 30 June 2023 to subscribe.
- ▶ Benefit determination and administration of benefits between national and expatriate workers.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

Other than what is set out above, there are no specific unemployment insurance obligations on the employer. However, in general, inspection may be undertaken by the MOHRE or MOL to ensure compliance with general labour laws.

(b) Are there any barriers to accessing and exercising the right to benefits that derive from subsidiary legislation or legislation in other areas?

A potential barrier to accessing unemployment insurance is that migrant workers are required to remain in the country in order to claim a benefit. Migrant workers sponsored for residency purposes by their employer may find this a challenge given the requirement for a residency visa in order to remain in the country.

(c) Are there mandatory private insurance requirements?

Mandatory private unemployment insurance requirements exist only in the UAE.

(d) Is the benefit the same for non-nationals and nationals of the relevant GCC country?

The benefit is the same for all workers, whether expatriates or nationals, in countries when the benefit is granted to non-nationals (i.e. Bahrain)

(e) Do migrant workers have a right to stay in country while receiving an unemployment benefit?

The right to reside in each GCC country is subject to having in place a valid residence visa. Each country offers various visa categories that migrant workers may qualify for, which, in turn, allow them to remain in the applicable country. The right to reside in each GCC country is not linked to subscription to an unemployment insurance scheme. However, upon termination of the employment relationship, the worker is awarded a grace period within which the visa remains valid. It is during this period that the worker may remain in country while benefiting from the unemployment insurance scheme.



4. Employment injury benefits

Migrant workers within the private sector suffering a workplace injury generally have the right to receive medical treatment and continue to be paid for a certain period of time while recovering or undergoing treatment. In certain jurisdictions workplace injury compensation may also be payable by the employer, as set out in more detail below.

In all of the GCC jurisdictions, there is a duty on the employer to report an occupational injury at the workplace to the police (or other relevant authority) and to the Ministry of Human Resources or Manpower (respectively, as named in each country), which will carry out an investigation.

If an employer fails to cover the costs as prescribed in the laws described below, the employee is able to file a complaint in order to oblige the employer to pay treatment expenses. However, there is no monitoring of whether payments are actually made.

The heirs of a deceased victim may also be able to claim Diya money (also known as “blood money”) as compensation for the death of the victim under the applicable criminal system. In some instances, a percentage of the Diya money may also be claimed in instances where an individual has suffered physical harm. This is a separate claim that sits outside the employment relationship and applies in instances where a death has taken place (whether intentionally or accidentally) and in some instances where an injury has taken place. Thresholds differ in each jurisdiction. In the UAE and Qatar, the maximum level is currently set at 200,000 dirhams/rials; in KSA the maximum level is currently set at 300,000 riyals for accidental death; in Oman the maximum level is currently set at 15,000 rials; in Bahrain and Kuwait the amount is assessed by the courts. These amounts are subject to change and the amount awarded lies with the discretion of the applicable criminal court.



Bahrain

Workplace injury benefits are predominantly covered under Law No. 24 of 1976 promulgating the Social Insurance Law (Bahraini Social Insurance Law), as amended. Law No. 36 of 2012 on the Issuance of the Labour Law in the Private Sector (Bahraini Labour Law) applies to those workers not subject to the provisions of the Bahraini Social Insurance Law.

Exclusions to the Bahraini Social Insurance Law are set out under article 3. The Bahraini Social Insurance Law mandates the following:

1. Article 47 requires employers to pay 3 per cent of the employee’s monthly wage to the Social Insurance Organization towards work injury insurance, which is managed through the national social insurance system for both national and non-national workers.⁵⁴ On sustaining a workplace injury, the Social Insurance Organization undertakes to provide medical care to the insured worker in a public

health centre until the worker either recovers, is declared to have a permanent disability or dies.⁵⁵

2. The employer is required to provide first aid to the injured worker and transport the worker to a designated medical centre.
3. The employer is required to pay the worker’s wage on the day they sustain the injury, and thereafter wages are paid by the Social Insurance Organization for the duration of the worker’s incapacity, until they recover, a permanent disability is established or the worker dies.⁵⁶
4. In the event of permanent disability, compensation may also be claimed through the Social Insurance Organization, the amount of which depends on the disability established.⁵⁷

54. Article 47 of Law No. 24 of 1976 promulgating the Social Insurance Law, as amended.

55. Article 50 of Law No. 24 of 1976.

56. Article 52 of Law No. 24 of 1976 promulgating the Social Insurance Law, as amended.

57. Articles 55–62 of Law No. 24 of 1976.

Bahraini Labour Law mandates the following:

1. Articles 87–88 provide that the employer shall bear full treatment costs, including medicines, transportation expenses, rehabilitation services (if needed), and the costs of the necessary compensatory prostheses (if any). In case of disagreement on the determination of the costs of treatment of the injured worker, the medical committee at the Ministry of Health shall determine the costs and liability.

2. The employer is liable to pay the employee their remuneration during the period of their treatment. If the period of treatment exceeds

6 months, the employer shall be paid half the wage until their recovery or until their disability is proven.⁵⁸

3. Article 92 of the Labour Law further mandates that employees (or their heirs) may also be eligible for workplace injury compensation. Entitlement to compensation depends on the extent of injury sustained as set out under the Bahraini Social Insurance Law.



Under article 133 of Cabinet Decision No. 219 of 1426 (Hijri calendar) on the Approval of the Labour Law, the employer bear the cost of all necessary medical expenses, whether directly or indirectly, including hospital stay, examinations, medical tests, radiology, prosthetic devices and transport to the places of treatment for the worker who suffered a work injury or occupational disease. Where the worker is left with a temporary disability that resulted from the workplace injury, the injured worker is entitled to be paid 100 per cent of their wage for a period of 60 days, and thereafter 75 per cent of their wage for the remaining period of their treatment, or 6 months, or until the worker is medically stated to have a total disability, whichever comes first. Where the injury results in permanent or total disability or death, the worker or their heirs will be entitled to compensation equivalent to 3 years of wages subject to a total of not less than 54,000 Saudi riyals (about US\$14,370). Where the injury results in permanent or partial disability, compensation will be a proportionate amount.⁵⁹

KSA has a social security system that provides for old-age retirement, survivors' pensions, unemployment benefits, long-term disability and employee compensation benefits for personal injury at work. The social security system is enforced and regulated by the General Organization for Social Insurance (GOSI). Every employer in KSA is required to register with GOSI and all employees (both foreign and Saudi nationals) must be registered by their employer with GOSI, together with their respective employment contracts. Employers are required to pay contributions on behalf of their national employees with respect to old-age retirement, survivors' pensions, unemployment benefits, long-term disability and workplace injury. However, only workplace injury insurance applies to migrant workers. Employers are required to pay 2 per cent of their non-national employee's monthly wage towards occupational hazards injury insurance.⁶⁰ Domestic workers do not benefit from such insurance. Payment of wages and any compensation in case of employment injury is undertaken by GOSI, while other labour law requirements continue to be borne by the employer.

58. Article 91 of Law No. 36 of 2012 on the Issuance of the Labour Law in the Private Sector, as amended.

59. Chapter 3, articles 133, 135 and 137 of Cabinet Decision No. 219 of 1426 AH on the Approval of the Labour Law; Saudi Arabia Ministerial Decision No. 2833/1/1427 on Workers' Injury at Work.

60. Article 18 of Cabinet Decision No. 199/1421 on the Approval of the Social Insurance Law.


Kuwait

According to article 91 of the Kuwait Law No. 6/2010 on Labour in the Private Sector (the Labour Law), the employer must bear the treatment expenses of the injured worker suffering from work injuries.

The employer is also liable to pay the employee their remuneration for the whole treatment period specified by the physician. Should the treatment period exceed 6 months, they shall be paid only half their remuneration until they are recovered or until they are proven to be disabled or dead (article 93). Article 94 of the Kuwait Labour Law further mandates that employees may also be eligible for workplace injury compensation, the

amount of which shall be determined by the court depending on the circumstances and severity of the injury. In case of death, the court determines the payment of compensation to heirs.

Article 88 of the Labour Law further requires employers to take out occupational injuries and diseases insurance for its employees to cover any compensation and treatment required following a workplace injury. While the Occupational Safety Centre at Kuwait's Public Manpower Authority has stated that it will start to monitor companies more closely, in practice, such policy has not been enforced to date.


Qatar
Mainland

Article 109 of Law No. 14/2004 on the Promulgation of the Labour Law states that a worker who suffers a work injury shall have the right to receive treatment that is commensurate with their condition, at the expense of the employer. The worker shall receive their full wage throughout the treatment period or for a period of 6 months, whichever is sooner. If the treatment period exceeds 6 months, the worker shall receive half of their wage until the worker recovers or is declared as having a total disability, whichever is sooner. In the event of death, total disability,

or partial disability, the worker (or their heirs) shall have the right to obtain compensation. The amount of compensation shall be calculated according to the provisions of the Islamic Sharia.

QFC

Article 51 of the QFC Employment Regulations (Version 7, June 2020) impose an obligation on the employer to bear the costs of all medical treatments appropriate to an employee who sustains a work-related injury. The employer shall also pay an unspecified amount of compensation.


Oman

Neither the Labour Law nor the Law on Occupational Health and Safety expressly mention that the employer is liable to cover the expenses of a worker suffering an injury in the course of their employment.⁶¹

However, article 22 of Ministerial Decision No. 286/2008, as amended, on the Issuance of the Regulation Governing the Occupational Health and Safety Measures in Establishments Subject to the Labour Law, states that an employee who suffers from an occupational disease is not liable for any expenses in relation to examinations undertaken, and will not be deprived of their salary for the dates during which the medical examination is undertaken. The law does not make any reference to compensation.

Royal Decree No. 40/1977 further provides that employers (subject to certain exceptions) are

required to insure their employees in case of workplace injuries.

As per the Sultani Decree No. 52/2023, Employment injury benefits will be covered under the Social Protection Law within three years of the law taking effect. Under article 88, uniform employment injury insurance is stipulated for all employed workers in Oman, including non-Omanis within three years. It is financed based on a 1 per cent contribution from employers.

The insured injured shall be entitled to compensation in a lump sum in the event of permanent partial occupational disability resulting from the injury whose rate does not reach (30%) thirty percent of the permanent total occupational disability.

If the injury prevents the insured from performing his work, the payment of his wages

61. Oman Sultani Decree No. 35/2003 on the Promulgation of the Labour Law and Oman Ministerial Decision No. 286/2008, as amended, on the Issuance of the Regulation Governing the Occupational Health and Safety Measures in Establishments Subject to the Labour Law.

shall be suspended, and the Social Protection Fund shall bear a daily allowance that shall be paid to the injured throughout the period of his inability to perform his work until his recovery or stabilization of his condition.



Abu Dhabi (mainland)

If an employee sustains a work injury or occupational disease in the course of their employment, the employer is obligated to pay the employee's treatment expenses, transport expenses arising from the treatment of the employee and a financial subsidy equal to full pay throughout the period of treatment for a period of 6 months.⁶²

Federal Labour Law No. 33/2021 concerning the Regulation of Labour Relations will also apply, under which article 37 of the UAE Labour Law provides that, in cases of occupational injuries or diseases, the employer shall undertake to pay the cost of the treatment of the worker in a governmental or private local medical centre until their recovery or disability is proven. Such treatment shall include the costs of hospitalization or stay at a sanatorium, surgeries, x-rays and medical analyses, medicines and rehabilitation

ADGM

Article 49 of the ADGM Employment Regulations 2019 provides that the employer shall bear the cost and expenses (if not covered by health insurance) of any adequate medical assistance for any employee who suffers an injury as a result of an accident arising out of or in the course of their employment.

The employer is also liable to pay compensation to the employee, to be specified by the Board of Directors in the ADGM.

Other Emirates

Ajman

There is no specific law in the Emirate of Ajman that covers injury benefit and, therefore, the UAE Labour Law would apply.

Fujairah

There is no specific law in the Emirate of Fujairah that covers injury benefit and, therefore, the UAE Labour Law would apply.

Sharjah

Sharjah Executive Council Decision No. 15/2021 on Sharjah Regulation for Occupational Safety and

The application of these provisions is mandatory for non-Omani workers according to the categories for which a decision is issued by the Council of Ministers.

equipment, as well as the supply of artificial limbs and other prosthetic appliances when disability is established. Furthermore, the employer shall pay the cost of any transport required regarding such treatment.

Should the injury prevent the worker from performing their work, the employer shall pay the employee an allowance equal to a full wage for the entire period of treatment, or for a period of 6 months, whichever is shorter. Should the duration last for more than 6 months, the allowance shall be reduced by half for the following 6 months, or until the worker fully recovers, is declared disabled or dies.

Should the workplace injury result in the worker's death, the worker's heirs will be entitled to compensation equal to the worker's basic salary for a period of 24 months, subject to a minimum of 18,000 dirhams and a maximum of 200,000 dirhams (about US\$54,450).

Dubai (mainland)

Federal Law No. 33/2021 concerning the Regulation of Labour Relations in the Private Sector applies – see Abu Dhabi (mainland) section above.

DIFC

The DIFC Employment Law does not cover medical expenses and benefits. It only provides that the employer is liable to pay compensation to an employee who suffered a work injury, up to an equivalent of 2 years of annual salary, but only if the injury was caused by the employer's negligence.

Health is silent regarding the expenses and costs of workplace injuries. Therefore, the Labour Law as applicable in the mainland of the UAE would apply.

Ras Al Khaimah

There is no specific law in the Emirate of Ras Al Khaimah that covers injury benefit and, therefore, the UAE Labour Law would apply.

Um Al Quwain

There is no specific law in the Emirate of Um Al Quwain that covers injury benefit and, therefore, the UAE Labour Law would apply.

62. Articles 9 and 10 of Abu Dhabi Law No. 1/1965 on the Regulation of Provisions of Labourer Compensations or Their Families in Case of Death of Labourers or Their Injuries with Permanent Disabilities as a Result of Their Working Contracts.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

Employer obligations can be checked by a labour inspector from the MOHRE or MOL carrying out a random audit, as well as the police. Social security inspection mechanisms focus on compliance with mandatory employment injury insurance in the case of Bahrain and KSA.

(b) Are there any barriers to exercising the right to benefits that derive from subsidiary legislation or legislation in other areas?

There are no additional barriers to accessing and exercising the right to benefits that derive from subsidiary legislation or legislation in other areas (e.g. immigration law).

(c) Can injured migrant workers enjoy benefits if they return to countries of origin?

The benefits apply during the course of the employee's employment. The law does not expressly specify whether a migrant worker can enjoy employment injury related benefits away from the jurisdiction of employment. It is important to note, however, that the medical insurance policy taken out by employers may not be a global policy, and workers may only benefit from such policy while undertaking local treatment within the policy's coverage. In the case of returning to the country of origin after the end of the employment relationship, the worker's visa would be cancelled, and the wage and compensation will have, in practice, already been paid at this point. Compensation could also be claimed following termination of the employment relationship.

(d) Are there mandatory private insurance requirements and what are the quality standards?

Insurance cover is optional.

(e) Is the benefit the same for non-nationals and nationals of the relevant GCC country?

Yes, the statutory entitlement is the same for all workers working in the private sector, regardless of whether the worker is a migrant worker or a national of the country. That said, nationals who have suffered a workplace injury or suffered illness unconnected to the work and have paid into their applicable social insurance scheme may also be eligible for early sickness disability pension. If employment injury compensation is set in the Labour Law, the statutory requirement would apply to both nationals and non-nationals in the private sector. There may be additional statutory benefits for nationals through social insurance, which varies across the jurisdictions. For instance, in Qatar the statutory requirements apply to national and non-national workers in the private sector. In Oman, there are different requirements for nationals and non-nationals.

(f) Do migrant workers have a right to stay in country while recovering from employment-related injury? Is the right to stay in the applicable country extended despite their employment injury?

Yes, providing they have a valid residency visa. Any right to stay in the country is linked to the residence sponsorship. Migrant workers are only able to continue residing in the country if their sponsor maintains their visa sponsorship or they obtain an alternative type of visa. While benefiting from the minimum statutory requirements, the employer is required to maintain the employment relationship and, therefore, the worker is able to stay in the applicable country. However, when the worker exceeds the statutory requirements, the employer may be able to terminate the employment relationship and the individual may be required to find an alternative sponsor or leave the country.

(g) How does the regulatory framework differentiate between natural death and death caused by an employment injury?

Workplace injury and the applicable compensation is defined under the applicable labour law. There are no express provisions dealing with instances of natural death during an employee's working hours. Ultimately, a workplace injury is generally an injury that is due to the worker's performance of work. In instances where an employee suffers a natural death while working, it would be up to the authorities/ medical practitioners to determine the cause of death.



5. Old-age, natural disability, death and survivors' benefit insurance Coverage

There are no benefits for old age, natural disability death or survivors in any of the GCC countries for migrant workers. Nevertheless, there is the statutory benefit of end-of-service gratuity in each of the GCC countries within their respective labour laws. This benefit is designed as a substitute for national pension schemes, which GCC nationals are entitled to.

Gratuity is an end-of-service benefit that the employee is entitled to receive in the event their employment comes to an end, including in the event of death (subject to any minimum service requirements). Surviving beneficiaries are not defined, and it would be up to the deceased's heirs to go through the applicable probate process to receive the deceased's estate. Probate is the administration of a deceased's estate.



Bahrain

Under article 87 of Law No. 36/2012 on the Issuance of the Labour Law in the Private Sector, employees shall be entitled to an end-of-service gratuity as follows:

- half a month for each of the first 3 years of employment; and
- 1 month for each subsequent year.

There are no separate provisions related to resignation.

A recently approved Law (14/2022) requires employers of migrant workers to pay contributions for EOSI into the national Social Insurance Organization, who will become responsible for paying EOSI benefits to migrants at the end of their contract. Details of term of implementation are to be defined by decree.



KSA

Unlike other GCC countries, KSA nationals receive the same end-of-service gratuity as expatriate employees. Under article 133 of Saudi Arabia Cabinet Decision No. 219/1426 on the Approval of the Labour Law, when the employment is terminated, the employee is entitled to an end-of-service gratuity as follows:

- half a month for every year of employment for the first 5 years; and
- 1 month's wage for each subsequent year.

If the employment relationship ends because of resignation, the employee is entitled to an end-of-service gratuity as follows:

- One third of the benefit if their period of service is not less than 2 years and does not exceed 5 years;
- Two thirds of the benefit if the period of service is between 5 and 10 years;
- Full benefit If the period of service is more than 10 years.



Kuwait

Under article 51 of Labour Law No. 6/2010, as amended, employees paid on a monthly basis are entitled to the following end-of-service gratuity as follows:

- ▶ 15 days remuneration for each of the first 5 years of service; and
- ▶ 1 month's remuneration per year for subsequent years, provided that the total gratuity does not exceed 18 months of remuneration for employees.

Employees paid on a daily, weekly, or hourly basis are entitled to:

- ▶ 10 days remuneration for each of the first 5 years of service; and 15 days per year for subsequent years, provided that the total gratuity does not exceed 1 year of remuneration.

If the employment relationship ends because of resignation, the employee is entitled to an end-of-service gratuity as follows:

- ▶ half of the benefit mentioned above if their period of service is not less than 2 years and does not exceed 5 years;
- ▶ two thirds of the benefit if the period of service is between 5 and 10 years;
- ▶ full benefit if the period of service is more than 10 years.



Oman

Under article 39 of Sultani Decree No. 35/2003 on the Promulgation of the Labour Law, the employee, having spent 1 year or more in continuous service, shall be entitled to an end-of-service gratuity equal to the wage of 15 days for each year of service for the first 3 years and 1 month for every subsequent year.

Under article 136 of Sultani Decree No. 52/2023, and within three years of the law taking effect, non-Omanis remain entitled to end-of-service indemnity and will be administered through a dedicated Provident Fund.



Qatar

Mainland

Under article 109 of Qatar Law No. 14/2004 on the Promulgation of the Labour Law, the employee, who has completed one year of continuous service, shall be entitled to an end-of-service gratuity, which should be determined under agreement between the employer and the employee, provided that it is not less than the wage of 3 weeks for each year of service.

QFC

Article 50 of QFC Employment Regulations (Version 7, June 2020) is silent in relation to end-of-service benefit.



Abu Dhabi and Dubai (mainland)

Federal Law No. 33/2021 provides that an employee, having spent 1 year or more in continuous service, shall be entitled to an end-of-service gratuity based on basic salary, as follows:

- the wage of 21 days for each of the first 5 years of service;
- the wage of 30 days for every additional year.

ADGM

Article 58 of the ADGM Employment Regulations 2019 requires UAE and GCC nationals to be enrolled in the relevant pension scheme. Article 59 provides that an employee, having spent 1 year or more in continuous service, shall be entitled to an end-of-service gratuity based on basic salary, as follows:

- the wage of 21 days for each of the first 5 years of service;
- the wage of 30 days for every additional year.

DIFC

Since 1 February 2020, the end-of-service gratuity has been replaced by a defined contribution savings scheme, referred to as the DIFC Employee Workplace Savings Plan (DEWS).⁶³ Monthly employer contributions, paid into a default option of the scheme, are calculated according to the following:

- 5.83 per cent of the employee's monthly basic wage, for each of the first 5 years of service;
- 8.33 per cent of the employee's monthly wage for each year in excess of 5 years; and
- a pro rata amount for an incomplete month (annual salary/365 days for the daily rate).

Other emirates (Ajman, Fujairah, Ras Al Khaimah, Sharjah, Um Al Quwain)

There is no specific legislation in these emirates related to end-of-service gratuity. Therefore, the Federal Labour Law (Law No. 33 of 2021) of the UAE mainland would apply.

As there is no specific legislation in relation to old-age benefit, no requirements are applicable in this regard. Pension and end-of-service gratuity are calculated differently and nationals' benefits under the pension scheme are considered to be more beneficial compared to the end-of-service gratuity that expatriate workers receive. Thus, treatment in eligibility between nationals and non-nationals with respect to end-of-service benefits may be considered unequal.

63. Dubai International Financial Centre Law No. 2 of 2019 (Employment Law), as amended.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

It is possible for a labour inspector to check whether an employer is accruing for this liability in its accounts and, under recent changes to the laws on companies in KSA and UAE, there is a requirement for companies to accrue for liabilities in line with international accounting standards. This implies that the amounts to cover such liabilities should actually be set aside by an employer. However, this does not occur in practice.

(b) Are there any barriers to accessing and exercising the right to benefits that derive from subsidiary legislation or legislation in other areas?

No. If end-of-service gratuity is not paid then a worker can raise a complaint and, ultimately, seek a court order to claim the benefit. However, there is no protection for a worker to receive this payment if the employer is bankrupt. Administrative fees may also be payable in order to raise a complaint or seek redress through the courts, and these can be daunting for a migrant worker. In case of death, and in case the term "survivor" is not defined in the law, the heirs of the estate will be proven through the will of the deceased or through the probate process. The court will have to establish who is the next of kin.

(c) Are there mandatory private insurance requirements?

Only in the DIFC is there a mandatory requirement for the employer to pay into the workplace savings scheme.

(d) Is the benefit the same for non-nationals and nationals of the relevant GCC country?

Migrant workers are not eligible for old-age, natural disability, death or survivors' benefits. Instead, they may receive an end-of-service gratuity.

(e) Do migrant workers have a right to stay in country in old age and in case of natural disability?

The right to stay in country is linked to the residence sponsorship. Migrant workers will only be able to continue residing in the country if their sponsor maintains their visa sponsorship or they obtain an alternative type of visa, such as a visit visa or alternative residence visa.



Photo ILO Arab States 2019 - Domestic workers on their day off - Priya, Qatar



6. Maternity leave and protection

Migrant workers employed in the private sector have the right to statutory maternity leave, subject to minimum service requirements. Any period of paid maternity leave is expected to be paid for by the employer; there are no statutory social insurance schemes. For domestic workers, refer to Annex 3.



Bahrain

Female employees are entitled to 60 days of maternity leave with full pay, which includes the period before and after the delivery, provided that she submits a medical report indicating the date of delivery. No employer may terminate employment on the grounds of marriage, pregnancy, maternity leave, family responsibilities or for exercising statutory leave entitlements. Under Bahrain Law No. 36 of 2012 on the Issuance of the Labour Law in the Private Sector (as amended),⁶⁴ the following provisions apply:

- ▶ It is prohibited to work for the first 40 days following delivery.
- ▶ A female employee is entitled to take up to 15 days of unpaid maternity leave in addition to the paid maternity leave.
- ▶ A female employee is entitled, after the end of her maternity leave and until her child reaches the age of 6 months, to two breastfeeding breaks per day of not less than 1 hour each.
- ▶ A female employee is entitled to two half-hour breaks [per day] to provide care for her child until the child reaches the age of 1 year. The female employee may combine these two breaks together and this time shall be deemed to be part of her working hours and shall not entail any wage deduction. The times at which such breaks can be taken shall be determined by the employer.
- ▶ A female employee is entitled to unpaid childcare leave, of up to 6 months per instance, to care for a child under the age of 6 years. This leave is granted a maximum of three times during the woman's period of service.



KSA

A female employee is entitled to a minimum of 10 weeks of paid maternity leave, to be distributed as she wishes, with a maximum of 4 weeks to be taken immediately preceding the expected date of delivery, and then 6 weeks following the birth of the child. Cabinet Decision No. 219 of 1426 (Hijri calendar) on the Approval of the Labour Law (as amended) provides for the following⁶⁵:

- ▶ A female employee may take an additional month of unpaid maternity leave if she chooses.
- ▶ If the baby is ill or disabled the mother is entitled to an additional month of paid leave.
- ▶ A woman may not work during the 6-week period immediately following delivery.
- ▶ There is no minimum length of service.
- ▶ The employer shall provide medical care to the female employee during pregnancy and childbirth.
- ▶ Upon returning to work, the female employee shall have the right to take rest periods of up to 1 hour per day for breastfeeding. This time shall be counted as a working hour and no deduction in wage is permitted.
- ▶ A female employee may not be terminated (or disciplined) during her pregnancy or maternity leave, including any period of sick leave resulting from her pregnancy (if confirmed by a medical certificate) up to 180 days in 1 year (taken either consecutively or non-consecutively).
- ▶ Every workplace where 50 or more women are employed shall provide a convenient place with a sufficient number of childcare workers to take care of female employees' children aged under 6 years (if the total number of children of female employees is ten or more).

64. Articles 32, 33, 34 and 35 of Bahrain Law No. 36 of 2012 on the Issuance of the Labour Law in the Private Sector (as amended).

65. Articles 151, 153, 154, 155 and 159 of Cabinet Decision No. 219 of 1426 on the Approval of the Labour Law (as amended).



Kuwait

Law No. 6 of 2010 on Labour in the Private Sector⁶⁶, as amended, provides that female workers are entitled to:

- ▶ 70 days paid maternity leave;
- ▶ up to 4 months unpaid leave;
- ▶ a female worker may not be dismissed from work during pregnancy, maternity or sick leave if the absence is certified by a medical certificate;
- ▶ a female worker may take additional breaks of 2 hours to nurse her infants, subject to certain requirements (i.e. written request to the employer). This right expires 2 years from the birth of the baby.
- ▶ In establishments where more than 50 women are employed, or where more than 200 workers in total are employed, employers must provide nursery facilities for children under the age of 4 years.



Oman

According to Sultani Decree No. 25 of 2003 on the Promulgation of the Labour Law, a female employee is entitled to 50 days of maternity leave with full pay, which includes the period before and after the delivery, provided that she has at least one year of continuous service.⁶⁷ Maternity leave may not be taken more than three times during the course of employment.

A female employee is entitled to an additional period of 6 months of unpaid leave in the event of sickness attributable to pregnancy or delivery (if proven by a medical certificate), and the employer may not dismiss the employee during such period.

Maternity leave does not count as part of any other leave. This means that a female employee cannot be on both maternity and sick or annual leave concurrently; it must be one or the other.

The Social Protection Law promulgated by the Sultani Decree No. 52/2023 provides for the gradual inclusion of migrant workers in national social insurance cash benefits for maternity

and paternity on same terms as Omani national workers (within one year of the law taking effect).

The employer is obligated to pay the monthly contributions of the maternity leave insurance branch to the Social Protection Fund at the rate of (1%) (article 128).

The insured mother of newborn is entitled to a maternity leave allowance for a period of ninety-eight days, of which fourteen days may be before the date of delivery. The insured father of a newborn is also entitled to a paternity leave allowance for a period of seven days. The employer may not oblige the insured woman to start work during the leave period, and in the event that the insured woman moves to another employer, the maternity leave allowance shall continue to be paid according to the last wage before the transfer (article 129).

The application of these provisions is mandatory for non-Omani workers according to the categories for which a decision is issued by the Council of Ministers.



Qatar

Mainland

Law No. 14 of 2004 on the Promulgation of the Labour Law (as amended)⁶⁸ provides that:

- ▶ Female employees who have completed one year of service shall have the right to maternity leave, comprising a total of 50 days with full pay, which includes the pre- and post-delivery periods, provided that the post-delivery period shall not be less than 35 days.
- ▶ Maternity leave is granted in accordance with a medical certificate, issued by a licensed medical practitioner, indicating the expected date of delivery. If the portion of paid maternity leave post-delivery is less than 35 days, any additional leave required to make up the 35 days minimum post-delivery leave shall be adjusted against the employee's annual leave; otherwise it will be considered as unpaid leave.
- ▶ If a woman's post-delivery health condition hinders her return to work after the end of her maternity leave, the excess period will be without pay, provided it does not exceed 60 consecutive or non-consecutive days, on the condition that a medical certificate from a licensed practitioner is provided.

66. Articles 24 and 25 from Kuwait Law No. 6 of 2010 on Labour in the Private Sector (as amended).

67. Articles 83 and 84 of Oman Sultani Decree No. 25 of 2003 on the Promulgation of the Labour Law.

68. Articles 96, 97 and 98 of Qatar Law No. 14 of 2004 on the Promulgation of the Labour Law (as amended).

- ▶ A female employee who is nursing her child is entitled to a nursing hour of 1 hour each day for a period of 1 year following the birth of the child.
- ▶ An employer has no right to serve notice of termination of contract during maternity leave.

QFC

QFC Regulation No. 10 of 2006, the QFC Employment Regulations (as amended),⁶⁹ provides for the following:

- ▶ 14 weeks paid maternity leave (7 weeks on full pay and 7 weeks on half pay), provided that the employee has completed a minimum of 1 year of service.
- ▶ 14 weeks unpaid maternity leave, where the employee has less than 1 year of service (preceding the expected week of childbirth).
- ▶ Notice of maternity leave must be provided at least 2 months prior to the expected week of childbirth and 3 weeks prior to the date the employee wishes to commence maternity leave.
- ▶ A female employee adopting a child younger than 3 months is entitled to the same leave as a pregnant employee.
- ▶ Time off is permitted for ante-natal appointments.
- ▶ A female employee, upon returning to work from maternity leave, shall be entitled to a one-hour nursing break per day until her child reaches 1 year of age, to be taken during normal working hours with no deduction in salary.
- ▶ The employer cannot terminate a female employee for reason of pregnancy. If a female employee is terminated within 6 months of childbirth, the employer must prove the termination was not for reasons relating to childbirth (compensation shall be payable if not proven).



Photo ILO Arab States 2019 - Signing the message board at domestic workers day celebration, Qatar

69. Articles 40, 41, 42 and 42A of the Qatar Financial Centre Regulation No. 10 of 2006, the QFC Employment Regulations (as amended).



UAE

Abu Dhabi, Dubai and other emirates

Article 30 of Federal Law No. 33 of 2021 concerning the Regulation of Labour Relations (as amended) provides that an employee who has completed a minimum of 6 months of pregnancy is entitled to:

- ▶ 45 calendar days maternity leave at full pay;
- ▶ 15 calendar days maternity leave at half pay;
- ▶ up to 45 days of unpaid leave (following paid maternity leave) for medical reasons;
- ▶ an additional 60 days of leave (30 with full pay and 30 unpaid) following maternity leave in instances where the child is affected by a disability or a medical condition that requires

full-time care, subject to a medical certificate being provided;

- ▶ two breaks a day of not more than half an hour each to nurse her child, without any loss to remuneration, for 6 months following the date of delivery.

A female employee may not be terminated or served notice of termination because of her pregnancy.

ADGM

The Abu Dhabi Global Markets Employment Regulations 2019⁷⁰ provides for the following:

- ▶ 12 months minimum service is required by the expected week of delivery.
- ▶ A female employee may take 65 working days of maternity leave, comprised of 33 workdays on full pay and 32 workdays on half pay.
- ▶ The employee must notify her employer of her pregnancy 8 weeks before her expected week of delivery (if requested by the employer) and serve 21 days of notice of the date on which she wishes to commence maternity leave.

- ▶ The employee must also provide a medical report confirming the date of expected delivery.
- ▶ A female employee adopting a child younger than 3 months is entitled to the same leave as a pregnant employee.
- ▶ Vacation leave shall continue to accrue during maternity leave and may be taken separately.
- ▶ Any national holiday falling on a workday during a period of maternity leave shall be treated as additional leave, having the effect of extending the maternity leave by the period of the national holiday.

DIFC

DIFC Law No. 2 of 2019⁷¹ provides for the following:

- ▶ 12 months minimum service is required by the expected week of delivery.
- ▶ A female employee may take 65 working days of maternity leave, comprised of 33 workdays on full pay and 32 workdays on half pay.
- ▶ The employee must notify her employer of her pregnancy 8 weeks before her expected week of delivery (if requested by the employer) and serve 21 days of notice of the date on which she wishes to commence maternity leave.

- ▶ The employee must provide a medical report confirming the expected date of delivery.
- ▶ A female employee adopting a child younger than 5 years is entitled to the same leave as a pregnant employee.
- ▶ Vacation leave shall continue to accrue during maternity leave and may be taken separately.
- ▶ Any public holiday falling on a workday during a period of maternity leave shall be treated as additional leave, having the effect of extending the maternity leave by the period of the public holiday.

70. Articles 33 and 34 of the ADGM Employment Regulations 2019.

71. Articles 37 and 38 of Dubai International Financial Centre Law No. 2 of 2019 (the Employment Law), as amended.

Questions and answers

(a) Are there legislated/regulated mechanisms for inspection and verification of compliance with employer obligations?

Employer obligations can be checked by a labour inspector from the MOHRE or MOL carrying out a random audit.

(b) Are there any barriers to accessing and exercising the right to benefits that derive from subsidiary legislation or legislation in other areas?

There are no additional barriers.

(c) Are there benefit packages of mandatory private insurance and what are the quality standards?

This benefit is entirely covered by the employer as a headcount cost. It is not underwritten by any insurance nor can it be reclaimed from any government authority.

(d) Is the benefit the same for non-nationals and nationals of the relevant GCC country?

In the private sector, the benefit is the same for all workers, regardless of whether the worker is an expatriate or national of the country. However, the public sector offers more beneficial maternity leave and pay provisions under separate laws that govern employment in the public sector.

(e) Do migrant workers have a right to stay in country while on maternity leave (or extended maternity leave)?

Yes, providing they have a valid residency visa. The residency visa and work permit are not interrupted as a result of a period of maternity leave; they continue as normal until their expiry date, at which point they will need to be renewed (which may fall during the employee's period of maternity leave). The law does not prescribe a right to stay in country or the refusal of this right – such right is linked to the individual's immigration status.

► Annex 2. Legal framework for immigration and recruitment

The kafala system and visas

In simple terms, the kafala (sponsorship) system for non-nationals to work in any of the GCC countries means that any non-national working in a GCC country must be sponsored by either a GCC national or corporate entity established in that GCC country. Sponsorship is employer-specific and it is a breach of the immigration regulations (i.e. a criminal offence) to work for another entity or individual for remuneration or otherwise without authorization from the authorities, such as the Department of Immigration in the Ministry of Interior and the Ministry of Labour or Human Resources (also referred to in some GCC countries as the Ministry or Public Authority of Manpower).

It is not possible for a migrant worker to hold any form of independent immigration status.

Within this system, the employer is obligated to take responsibility for the worker's immigration status and applying for and maintaining the individual's work and residency authorizations. It is not possible for a migrant worker to hold any form of independent immigration status outside of their employment. This system, in effect, binds the worker to their employer and places a

strong burden on the employer, who is effectively required to take on certain responsibilities on behalf of the State. For example, employers must monitor the worker's status, comply with recruitment procedures and report when the worker's employment is terminated, including their repatriation.

Until recent years, all GCC countries restricted the ability of a worker to change employers without their current employer's consent. However, over the past 5 years such restrictions have been eased.

In recent years, GCC countries have also relaxed prohibitions on a worker working for a third party other than their own sponsor or

employer. However, many of these mechanisms are actually designed to enable employers to share employees or provide business-to-business services, rather than to enable worker autonomy. Moreover, certain regulations, such as those in the UAE, permit migrant workers to enter into more than one employment relationship, but such regulations are only applicable to skilled workers. In 2009, Bahrain's MOL announced that the Labour Market Regulatory Authority would assume a sponsorship role. However, in practice, the migrant worker is still tied to an individual sponsor.

Once employment is terminated, a worker has no entitlement to remain in the country⁷² and their employer must report the worker if they fail to cancel their visa. Otherwise, the employer potentially faces liability and the company's general manager can face criminal liability for failing to ensure that the sponsorship has been cancelled and the worker repatriated following termination of employment.⁷³ If an individual brings a labour complaint then the individual can maintain their residency visa while the claim is being heard and until a final judgment is issued. However, there is no mechanism for the worker to start working for another employer in the meantime, apart from in the UAE, where the individual can request a court order for a temporary work permit. Alternatively, once the claim is issued they can request the cancellation of their visa enabling a new employer to sponsor them.⁷⁴

Article 8 of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), provides that, on condition that a worker has resided legally in the country for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of employment. Unfortunately, in the GCC it is not possible for a migrant worker to maintain the right to reside unless they are employed.

72. For example, article 26 of Oman Decision No. 63/1996 on the Issuance of the Implementing Regulation of the Foreigners' Residence Law, UAE Federal Law No. 6/1973 on Entry and Residence of Aliens, Saudi Arabia Royal Order No. 17/2/25/1337/1371 on the Residence Law.

73. For example, article 36 of Bahrain Law No. 19/2006 on the Regulation of the Labour Market and article 181 of UAE Federal Law No. 8/1980 concerning the Regulation of Labour Relations.

74. Advanced Search | Ministry of Human Resources & Emiratisation (mohre.gov.ae).

Recruitment procedures and repatriation

Recent amendments to immigration and labour legal frameworks have also included improving the transparency of recruitment processes and associated fees for the worker's visa, identity card and employment authorization. In most cases, these must now be covered by employers and cannot be deducted from the worker's wages. All labour laws in the GCC now state that an employer is responsible for all visa fees and that the worker should not pay any fee to secure their employment (i.e. recruitment fees should be borne by the employer). However, in practice, there is little to no monitoring carried out to ensure that this is the case.

All of the GCC countries require the worker's employment contract to be registered with the authorities in order to secure work and immigration clearance, and much of this process has been digitalized over the past 2 years. However, only the UAE has implemented steps aimed at removing some of the known abuses of migrant workers. Since January 2017, job offers must be made in a standard prescribed form, and employment conditions agreed with a migrant worker during the recruitment stage must be the same when they arrive in the UAE and obtain work authorization. Although currently applicable only to low-skilled workers from select countries, the process involves a consular appointment in the home country and labour-awareness training upon arrival in the UAE. Although this adds an additional layer of complexity to the immigration process and increases costs, the new requirement helps to educate the visa applicant about their rights and curb the practice of contract substitution. Similar procedures are in place in other countries where a consular component plays a significant role in the immigration process, including in Qatar and Saudi Arabia, although certain requirements differ from one country to another.

All employers across the GCC are required to submit a cash deposit as a guarantee for the sponsorship to be approved. This guarantee is designed to cover the cost of a return flight should the worker be required to be repatriated.

Limitations

A limitation (not for the purposes of this report) in assessing the legal protections in this area is enforcement. Some measures are announced, but then not enforced and, generally, the enforcement of regulations in this region can be problematic because of the lack of inspectors and adequate dispute resolution mechanisms, as well as structural problems. For example, a typing or submission fee charged for a worker to submit a complaint; even low fees of, say, 50 dirhams may be significant for a migrant worker. There is no publicly available information regarding the number of inspectors in each GCC country employed by the Ministry of Human Resources or other relevant authority, nor is there information regarding the findings of inspections and the sanctions imposed.

Some measures are announced, but then not enforced

► Annex 3. Specific provisions for domestic workers

The labour laws in each GCC country exclude domestic workers, as well as certain other categories, such as members of the armed forces and agricultural workers (as applicable). The only exception to this is the Bahrain Labour Law, which applies a limited number of provisions within the Labour Law to domestic workers. Domestic workers fall under an entirely separate legislative regime within four GCC countries, which have introduced separate labour laws to provide them some protection. The tables below set out a summary of these laws.

UAE

Federal Law No. 9 of 2022 concerning domestic workers (UAE Domestic Workers Law) was published and comes into effect on 15 December 2022. The law repeals Federal Law No. 10 of 2017. Cabinet Decision No. 106 of 2022 further issues executive regulations to the law (Executive Regulations). The UAE Domestic Workers Law affords domestic workers fundamental working rights. The law applies to such individuals working at the temporary or permanent residence of their employer, and applies to the recruitment and employment of domestic workers. The executive regulations further specify the occupations captured by the law under Schedule 1, which includes professions such as servant, sailor, guard, shepherd, housekeeper, cook, nanny, gardener, home nurse, private driver. In total there are 19 professions.

Qatar

Law No. 15 of 2017 (Qatar Domestic Workers Law) regulates the employment relationship of domestic workers in Qatar. The law defines a domestic worker as an individual “who performs house work under the management and supervision of the employer in return for a wage” and provides examples of the types of occupations that would be captured by such definition, including driver, nanny, cook and gardener⁷⁵. The law does not list occupations in the same manner as the UAE Domestic Workers Law.

Kingdom of Saudi Arabia

Ministerial Decision No. 310 of 1434 (Hijri calendar) regulates the employment of domestic workers in KSA. In February 2017, Saudi Arabia issued new Ministerial Decision No. 605 of 1434 permitting domestic workers to transfer between employers in certain circumstances (together with the Domestic Workers Law). Domestic workers under the Domestic Workers Law includes both male and female household workers, private chauffeurs, gardeners and security guards.⁷⁶

Kuwait

Ministerial Decree No. 68 of 2015 regarding Domestic Workers, and Ministerial Decision No. 22 of 2022 on the Implementing Regulation of Kuwait Decree No. 68 of 2015 regarding Domestic Workers (Domestic Workers Law) regulate the recruitment and employment of domestic workers in Kuwait. A “domestic worker” under the Domestic Workers Law refers to both male and female household workers, assigned to undertake manual tasks inside private households pursuant to a written contract.

Bahrain

Bahrain Law No. 36 of 2012, as amended, on the Issuance of the Labour Law in the Private Sector, applies a number of its provisions to domestic workers, who are otherwise excluded. Such provisions primarily include the requirement for an employment contract, probation, payment of wages, annual leave and end-of-service gratuity. The following tables set out the relevant provisions.

75. Article 1 of Qatar Law No. 15/2017, as amended, on Domestic Workers.

76. Article 1 of KSA Ministerial Decision 310/1434 on Domestic Workers.

►Table 1. Minimum statutory entitlements for domestic workers by country

Minimum entitlements	UAE ⁷⁷	Qatar ⁷⁸	KSA ⁷⁹	Kuwait	Bahrain ⁸⁰
Working hours	-	10 hours per day (excluding rest breaks) unless the parties agree otherwise	9 hours per day	12 hours per day	-
Probation	6 months	-	90 days	-	3 months
Daily break	At least 12 hours per day of which 8 hours must be consecutive	-	-	-	-
Rest day	1 day per week*	1 day per week	1 day per week	1 day per week	-
Annual leave	30 days per annum after completing 1 year of service. 2 days per month where the period of service is between 6 and 12 months	3 weeks per annum	-	30 days per annum	30 days per annum after completing 1 year of service at a rate of 2.5 days per month. Where the employee has less than 1 year of service, leave will be in proportion to the period of service.
Sick leave	30 days per annum (first 15 days at full pay and the remaining 15 days at half pay)	No statutory minimum but the standard MOL contract form provides for contractual sick pay in accordance with the Labour Law (12 weeks per annum (2 weeks at full pay, 4 weeks at half pay, and 6 weeks with no pay)). See section 2 for full entitlements and requirements.	30 days per annum	-	-
Airfare	Return flight once every 2 years	1 return flight once every 2 years	-	-	-
End-of-service gratuity	Further guidance is expected. Previous law mandated 14 days per year of service	3 weeks per year of service	1 month's wage for every 4 consecutive years of service	1 month's wage for each of year of service following completion of a minimum of 1 year	Half a month's wage for the first 3 years and 1 month's wage for each subsequent year.

77. All the following article references relate to UAE Federal Law No. 10/2017, as amended, on Domestic Workers: article 9 (probation); article 12 (daily break and rest day); article 13 (annual leave); article 14 (sick leave); article 13(4) (airfare); article 26 (end-of-service gratuity).

78. All the following article references relate to Qatar Law No. 15/2017, as amended, on Domestic Workers: article 12 (working hours); article 13 (rest day); article 14 (annual leave and airfare); article 15 (end-of-service gratuity).

79. All the following article references relate to KSA Ministerial Decision 310/1434: article 5 (probation); article 8 (rest day); article 11 (sick leave); article 16 (end-of-service gratuity).

80. All the following article references relate to Bahrain Law No. 36/2012, as amended: article 21 (probation); article 58 (annual leave); article 116 (end-of-service gratuity).

Laws in the UAE, Qatar, Bahrain and KSA introduce further requirements and protections for domestic workers in these countries (table 2).

► **Table 2. Further requirements and protections for domestic workers by country**

Further requirements	UAE ⁸¹	Qatar ⁸²	KSA ⁸³	Kuwait	Bahrain ⁸⁴
Employment contract	Parties must execute a standard form employment contract provided by the MOHRE, which sets out minimum terms and a maximum term of two years, renewable, setting out minimum terms.	Parties are required to execute an employment contract in Arabic and in a form certified by the Ministry of Administrative Development, Labour and Social Affairs, setting out minimum terms.	Parties must enter into a written employment contract in Arabic, setting out minimum terms.	Parties must enter into a written employment contract in Arabic and English setting out minimum terms.	Parties are required to enter into a contract that includes minimum data as prescribed by the Labour Law.
Discrimination	Discrimination against workers is prohibited on the basis of race, colour, gender, religion, nationality, ethnic origin or disability.	-	-	Discrimination against the worker on the basis of race, religion, gender, age or social status is prohibited.	-
Abuse	Prohibition of any form of sexual harassment, and forced labour. Forced labour or any practice that constitutes human trafficking is prohibited. The employer must treat the worker with respect and avoid exposing them to violence.	The employer must treat the worker well and keep the worker safe.	The employer must treat the worker with dignity and keep the worker safe.	-	-
Minimum and maximum age limits	Workers must be a minimum of 18 years of age.	Workers must be aged between 18 and 60 years (subject to maximum exceptions).	-	Workers must be aged between 21 and 60 years.	-

81. All the following article references relate to the UAE Federal Law No. 10/2017, as amended, on Domestic Workers: article 7 (employment contract); article 3(3)(a) (discrimination); article 3(3)(b) and article 15(5) (abuse); article 3(2) and article 22(1)(f) (minimum and maximum ages); article 15 (employer's duties); article 16 (employee's duties).

82. All the following article references relate to the Qatar Law No. 15/2017, as amended on Domestic Workers. article 2 (employment contract); article 7(2) (Abuse); article 5 (minimum and maximum ages); article 7 (employer's duties); article 11 (employees' duties).

83. All the following article references relate to KSA Ministerial Decision 310/1434: article 3 and article 4 (employment contract); article 7(2) (abuse); article 7 (employer's duties).

84. Articles 19 and 20, Bahrain Law No. 36/2012, as amended.

Further requirements	UAE ⁸¹	Qatar ⁸²	KSA ⁸³	Kuwait	Bahrain ⁸⁴
Employer's duties	<p>The employer must provide appropriate accommodation, clothing, medical, food, be paid on time, treat workers with courtesy, maintain their dignity and safety, and compensate them for any injury sustained while at work. The domestic worker shall be allowed to retain all official documents.⁸⁵</p> <p>Employers are also required to pay workers in dirhams within a period not exceeding 10 days from the salary due date.⁸⁶ Any deductions should not exceed a quarter of the worker's salary.⁸⁷</p>	Employers are expected to house and feed workers, provide healthcare and pay the worker on a monthly basis.	Employers should provide suitable accommodation, assign work in accordance with the employment contract, provide healthcare, and pay the worker on a monthly basis (or as agreed).	Employers are required to pay workers on time and not delay longer than 7 days from the due date, not make any deductions from salary, and must provide nourishment, clothing, medical and nursing treatment. Employers are required to provide suitable accommodation, not keep their personal documents, not require the worker to undertake harmful or dangerous work, and allow the worker to acquire a mobile phone and other means of communication outside of working hours. Employers are also required to cover medical treatment and compensation in the event of workplace injury (amount unspecified).	-
Employee's duties	The worker is to diligently perform their duties in accordance with the employer's instructions, preserve the employer's property and the employer's privacy, not take any work tools outside the workplace, and maintain any confidential secrets.	The worker is to diligently perform their duties, preserve the employer's property, the employer's privacy and maintain any secrets as confidential, and not harm children or the elderly within the household.	-	The worker is required to fulfil the work agreed contractually, follow instructions, maintain the employer's funds, property, secrets and respect the laws, customs and traditions of the country and not work for a third party.	-
Transfer of employment	Permitted providing all contractual requirements have been met.	-	Domestic workers are permitted to transfer their employment to a new employer, with certain conditions.	-	-

85. Article 11(9) of UAE Federal Law No. 9/2022 on Domestic Workers.

86. Article 15 of UAE Federal Law No. 9/2022 on Domestic Workers.

87. Article 16 of UAE Federal Law No. 9/2022 on Domestic Workers.



► Annex 4. Legislative summary

This table summarizes the current statutory framework in each of the GCC Member States in relation to:

1. social insurance;
2. immigration and labour;
3. health insurance;
4. labour accommodation;
5. infectious diseases;
6. occupational health and safety;
7. international treaties relevant to the ILO;
8. COVID-19-specific entitlements and protections; and
9. bilateral labour agreements.

► Table 3. Legislative summary by subject, country and document

Jurisdiction	Legal document	Brief summary
Social insurance		
UAE	Federal Law No. 2/2001 on Social Security	<p>This law applies only to UAE nationals (with few exceptions) who reside within the UAE. The amount of social assistance is determined by a cabinet decision upon a proposal by the Minister of Community Development.</p> <p>The amount of assistance depends on whether the person has an income or not. In the first case, the assistance shall be paid in full whereas in the second case, the assistance will be reduced to not less than 625 dinars.</p> <p>The Social Assistance Committee may disburse exceptional social assistance for persons who are not engaged in any work because of reasons beyond their control and have no other income source.</p> <p>The Social Security Department is responsible for conducting research regarding the status of each applicant and keeping track of the status of the person entitled to assistance twice every year.</p> <p>Payment is made every month following approval by the Social Assistance Committee. An individual may file a grievance to the Minister of Community Development against a decision to reject their application.</p>

Jurisdiction	Legal document	Brief summary
UAE	Law No. 7/1999 concerning the Issuance of the Law on Pensions and Social Security	<p>UAE national employees working in the private sector (except in Abu Dhabi) are subject to the Pension Law.</p> <p>An employer in the private sector who is employing UAE national employees, and giving these employees a salary, should participate in the pensions scheme established by the General Pension and Social Security Authority (the “Authority”) and register UAE nationals working for them with the Authority.</p> <p>A UAE national employee will be entitled either to a retirement pension or a retirement gratuity. Whether the employee receives a retirement pension or a retirement gratuity will depend on the reason for the service of the employee ending, or the contribution periods calculated as part of the insurance.</p> <p>If the service period of the UAE national employee in the private sector is between 1 and 15 years, they are entitled to a retirement gratuity. If the service period is greater than 15 years (without prejudice to article 16 of the Pension Law), then they are entitled to a retirement pension.</p> <p>The contribution and pension salary in the private sector is determined as follows:</p> <ul style="list-style-type: none"> ► basic salary + allowances and bonuses, as agreed in the labour contract; ► the employer share is 12.5 per cent of the pension salary; ► the UAE national share is 5 per cent of the pension salary; ► the total of 17.5 per cent shall be paid monthly by the employer to the Authority. <p>The UAE Federal Government, through the Authority, then adds a further 2.5 per cent contribution to the contributions made by the employer and the employee, giving a total of 20 per cent.</p> <p>For a UAE national employee, if the employer offers a pension scheme that is more advantageous than that provided under the Pension Law, that UAE national employee will be entitled to participate in that scheme (but not also the Pension Law scheme).</p> <p>The Pension Law states that the mandatory retirement age for a UAE national employee is 60 years of age.</p> <p>An employee's pension will become payable to the employee upon death or total disability. If a national employee dies while they are employed, the employee must pay an additional 60,000 dinars to their successors. If the death is work-related, that amount increases to 75,000 dinars.</p>
KSA	Cabinet Decision No. 211/1442 on the Approval of the Social Security Law, together with Decision of the Minister Of Human Resources and Social Development No. 192891 of 1442H Approving the Implementing Regulations of the Social Security Law (Cabinet Decision No. 211 of 1442H (17.11.2020))	<p>This law was issued to provide for social assistance to those in poverty who do not meet the minimum income level requirements. It applies only to Saudi nationals with a permanent residence in the Kingdom (with few exceptions).</p> <p>Pension applications are submitted through an electronic platform or by calling the Ministry of Human Resources and Social Development (MHRSD) requesting pension support. Applications need to be supported by documentary evidence of the applicant's situation. Applicants are required to notify the Ministry of any changes to their circumstances within 15 days of any changes.</p> <p>The minimum basic amount for the calculation of the pension shall be determined by a decision of the Cabinet, based on the proposal by the Ministry. Payment is made every month following approval.</p> <p>There are three categories of beneficiary under this law, based on data and information related to the health, physical and social situation of the beneficiary:</p> <ol style="list-style-type: none"> 1. a beneficiary who is not eligible for rehabilitation; 2. a beneficiary who is eligible for rehabilitation; and 3. a beneficiary who is capable of working. <p>The MHRSD will prepare a rehabilitation plan for a beneficiary who is eligible for rehabilitation and provide a research service for a beneficiary who is capable of working. There are penalties for providers who fail to distribute the pension and to whomever unduly obtains a pension.</p> <p>The social security resources include <i>zakat</i> funds [an Islamic alms-based tax] collected by the State, any allowance approved by the State and any contributions and donations.</p>

Jurisdiction	Legal document	Brief summary
KSA	Royal Decree No. M45/1427 Social Security	<p>This law applies to Saudi nationals residing in KSA (with few exceptions). Beneficiaries of this law are limited to:</p> <ul style="list-style-type: none"> ▶ orphans (up to the age of 18 years old); ▶ individuals unable to work (medically or for lack of capacity); ▶ individuals who have reached the retirement age (60 years); ▶ women who have no breadwinner; ▶ families with no source of living. <p>Male beneficiaries will continue to be supported until reaching the age of 18 years. If he continues studying at that age, then the support will be extended until the age of 26 years or until he finds a job.</p> <p>Female beneficiaries will continue to be supported until married.</p> <p>Beneficiaries who support their family shall be paid 9,400 Saudi riyals and additional 3,100 riyals for each additional member of the family. The total amount of support for the whole family shall not exceed 30,100 riyals.</p> <p>Payments are made on a monthly basis.</p> <p>The Ministry of Social affairs shall keep track of each beneficiary's social situation. Social security resources include <i>zakat</i> funds collected by the State, any allowance approved by the State and any contributions and donations.</p>
KSA	Royal Decree No. 33 on 3/9/1421H(1) – The Council of Ministers Decision No. 199 on 17/8/1421H(2) on the Approval of the Social Insurance Law, as amended, and Ministerial Decision No. 128/1421 on the Implementing Regulations of the Social Insurance Law, as amended	<p>This decree applies to employees who have executed employment contracts within the KSA, or abroad if the employer's headquarters are located in KSA. The decree does not extend to the following groups of employees:</p> <ul style="list-style-type: none"> ▶ employees in the public sector who benefit from the civil or military retirement scheme; ▶ diplomatic services (foreign); ▶ agricultural, forestry, or pastoral sector; ▶ marine sector; ▶ family businesses; ▶ domestic labour services; ▶ artisanal services; and ▶ foreign employees being recruited temporarily, for a period not exceeding 3 months. <p>This decree provides for various mandatory employer and employee contributions to be made towards occupational hazards and non-occupational benefits such as disability, retirement and death.</p>
Qatar	Law No. 38 of 1995 (Social Security Law)	<p>This law applies to Qatari nationals residing in Qatar (with few exceptions). Beneficiaries of this law are limited to:</p> <ul style="list-style-type: none"> ▶ widows with no income; ▶ divorced women with no income; ▶ families with no source of livelihood; ▶ persons with a disability; ▶ orphans until the age of 18, or more if they are pursuing studies; ▶ individuals unable to work; ▶ individuals who have reached 60 years old and have no source of income; ▶ prisoner's family; ▶ abandoned wife; ▶ the family of a missing person. <p>If a deceased husband leaves more than one widow, each one of them will be entitled to pension support under this law.</p> <p>Applications are submitted to the Minister of Social Development and Family which will investigate each social situation and issue its decision within 1 month of the application being submitted.</p> <p>Payments are made on a monthly basis.</p> <p>Applicants are required to notify the Minister of Social Development and Family immediately of any changes to their circumstances.</p> <p>The Minister of Social Development and Family provides rehabilitation programmes to beneficiaries with a view to enabling them to become self-reliant.</p>

Jurisdiction	Legal document	Brief summary
Oman	Sultani Decree No. 87 of 1984 (Social Security Law)	<p>This law applies to Omani nationals and families only.</p> <p>Beneficiaries are entitled to receive a monthly pension – categories include:</p> <ul style="list-style-type: none"> ▶ orphans; ▶ widows; ▶ divorced females; ▶ unmarried females; ▶ persons with a disability; ▶ senior citizens (aged above 60 years); ▶ abandoned females; ▶ prisoners' families. <p>If a deceased husband leaves more than one widow, each one of them will receive a widow pension.</p> <p>Applications are submitted to the Department of Social Development located in the area of the beneficiary's residence, which will then investigate each social situation and issue its decision. If the beneficiary fails to collect their pension for 3 months in a row, he shall lose their right to the pension amounts due for that period.</p> <p>The Ministry of Social Development provides rehabilitation services and social welfare.</p>
Bahrain	Law No. 18 of 2006 (the Social Security Law)	<p>This law applies to Bahraini nationals and families.</p> <p>Beneficiaries are entitled to receive a monthly pension. Categories include:</p> <ul style="list-style-type: none"> ▶ widows; ▶ orphans; ▶ divorced females; ▶ persons with a disability and individuals unable to work; ▶ abandoned females; ▶ prisoner's family; ▶ youth (female and male until the age of 18, or more if they have no source of income until obtaining a university degree); ▶ unmarried female (between 18 and 60 years old). <p>The pension shall not be less than 70 Bahraini dinars per person and 120 dinars for a family of fewer than five members and 150 dinars for a family of five or more members. The social payment shall not be combined with any other payments/aid made to the beneficiary.</p>
Kuwait	Law No. 61 of 1976 promulgating the Social Security Law	<p>This law applies to Kuwaiti nationals working for an employer, Kuwaiti nationals working individually and members of the National Assembly and municipality councils.</p> <p>The provisions of this law apply to individuals aged between 18 and 65 years.</p> <p>This law covers pension for retirement, disability and death.</p> <p>Participation in this pension is mandatory.</p> <p>Contributions to the pension fund in federal entities are broken down as follows:</p> <ul style="list-style-type: none"> ▶ 5% paid by the insured, which shall be deducted from their salary monthly; and ▶ 10 % paid by the employer. <p>The pension is paid at the termination of employment, or because of death or because of complete disability for a period that does not exceed 2 years.</p> <p>The pension fund covers also work-related injuries for the insured while working for the employer, even if the place of work is outside KSA (where the country of residence does not have a similar coverage as KSA).</p> <p>Employers must register the insured within 10 days from their commencement date.</p>

Jurisdiction	Legal document	Brief summary
Immigration and labour		
UAE	UAE Labour Law No. 8/1980, as amended	<p>This law applies to all employees, whether UAE nationals or foreigners working in the UAE.</p> <p>This law governs the relationship between employer and employees.</p> <p>The main provisions relate to an employee's benefits and rights with respect to annual leave, maternity, end-of-service gratuity, reasons for termination and notice periods.</p> <p>Workplace injuries are also covered under this law.</p> <p>The law outlines rules and guidance for disciplinary procedures.</p>
UAE	Federal Law No. 6/1973 on the Entry and Residence of Aliens	<p>This law applies only to foreign nationals (any person who does not have the nationality of the United Arab Emirates).</p> <p>This law governs visas and entry permit rules for foreigners into UAE.</p> <p>Any person on a visit visa cannot perform any type of work in the UAE and shall leave on or before the expiry date of the visa, otherwise an overstay fine will apply.</p> <p>In order for an individual to lawfully work for in the UAE they must hold a residence permit and shall not work with any other company than the one sponsoring them.</p> <p>Severe penalties are listed for breach of this law, including, for example:</p> <ul style="list-style-type: none"> ▶ fines for each breach of up to 50,000 dinars for each of the companies who employ a foreigner without relevant authorization; ▶ imprisonment for up to 12 months of the relevant employee and the relevant company's general manager; ▶ other penalties, such as "blacklisting" the offending company (i.e. it may be precluded for a period of time from making any applications for new work permits and UAE residence visas or renewing existing work permits and UAE residence visas) and, in the most serious cases of non-compliance, suspension or revocation of the offending company's licences; and/or ▶ deportation of the relevant employee and/or a possible fine of 10,000 dinars.
UAE	Min. Res. 19 of 1973 Organising Executive Regulations of Entry and Exit of Foreigners in the UAE	<p>This law regulates the requirements to enter and exit the UAE.</p> <p>Every traveller should have a valid passport to enter the UAE, with at least 5 months' validity and have valid entry permit (visa).</p> <p>The law provides for a list of ports (sea, air and land) from which it is permitted to enter the UAE.</p> <p>Any person entering from a different port should inform the police, who will then decide whether the person is eligible to stay or not.</p> <p>The law provides for categories of people who are restricted from entering the UAE.</p>

Jurisdiction	Legal document	Brief summary
UAE	Cabinet Decision No. 3/1977 concerning the Regulation of the Supply and Recruitment of Migrant workers	<p>This law does not apply to:</p> <ul style="list-style-type: none"> ▶ employers and workers who are brought by the Federal Government or the Emirates to work in ministries, departments or public institutions, whether through secondment or contracting; ▶ whomever is brought by diplomatic and consular missions, branches of regional and international organizations, and specialized agencies operating within the State's territory (such persons shall be prohibited from working for any other party); ▶ domestic workers and similar. <p>All other employers fall within the scope of application of this law, which relates to the supply and recruitment of foreigners.</p> <p>The Ministry of Labour and Social Affairs shall not provide a permit for the supply of foreigners, except where no national can perform the required work.</p> <p>The minimum age to obtain a permit is 17 years.</p> <p>Once a worker is recruited, they shall not work for another employer unless approval from the Ministry is obtained.</p> <p>Employers shall keep records of their employees recruited as per the Ministry's rules.</p>
UAE	Federal Law No. 10 of 2017 on Support Service Workers (Domestic Workers)	<p>This law introduces a regulatory platform for the protection of domestic workers. The law affords domestic workers fundamental minimum working rights. The law applies to such individuals working at the temporary or permanent residence of their employer, including private farms and captures 19 occupations, including housemaid, cook, gardener, driver and more unusual roles such as herdsman, falconer and private agricultural engineer.</p>
KSA	KSA Labour Law (Royal Decree M/51 of 1426, as amended) and Decision of the Minister of Labour and Social Development No. 70273 of 1440 H (the Kingdom of Saudi Arabia) Issued on 11 Rabi' Al-Thani 1440 H (corresponding to 18/12/2018) on the Approval of the Implementing Regulation of the Labour Law and its Attachments	<p>This law and the implementing regulations applies to all employees whether KSA nationals or foreigners working in KSA, and governs the employment relationship between employer and employees.</p> <p>The main provisions relate to employee benefits and rights, such as annual leave, maternity, end-of-service gratuity, reasons for termination and notice periods. The law outlines rules and guidance for disciplinary procedures.</p>
KSA	Royal Order No. 17/2/25/1337/1371 on the Residence Law	<p>This law applies to foreign nationals entering and exiting KSA. No foreign national may be authorized to enter KSA unless they hold a legal passport or entry visa granted by the consular or diplomatic authorities of the Government of KSA abroad or an arrival permit.</p> <p>Foreigners shall only enter through the recognized ports (by sea, air and land), otherwise they need to refer to the nearest police on arrival.</p> <p>The law also provides for the following information, which every foreign national admitted to KSA needs to present:</p> <ul style="list-style-type: none"> ▶ the purpose of entry; ▶ money carried at the time of entry; ▶ the party that will financially support them (in cases where the foreigner cannot financially support themselves); ▶ the sponsor's details; ▶ address and travel destination. <p>The visiting foreigner will get an exit visa by the airport.</p> <p>A foreigner who wishes to work shall obtain a work visa. Rules regarding sponsoring family members, either studying in the KSA, visiting or working, are covered under this law.</p> <p>Penalties for breaching this law amounts to 200 riyals and/or imprisonment for a maximum of 1 month.</p>

Jurisdiction	Legal document	Brief summary
KSA	Ministerial Decision No. 310 of 1434 Regulating the Employment of Domestic Workers	This law introduces a regulatory platform for the protection of domestic workers. Domestic workers include both male and female household workers, private chauffeurs, gardeners and security guards. The law sets out certain minimum worker entitlements and obligations on the parties. The law also permits domestic workers to transfer between employers in certain circumstances.
KSA	Ministry of Labour and Social Development Resolution No. 18632 of 1441H concerning Working at Night	The resolution outlines various minimum requirements by employers who require their employees to work between the hours of 11 p.m. and 6 a.m. Requirements include the need to have in place appropriate first aid arrangements and procedures, provide appropriate benefits such as transportation, be compensated accordingly and receive the same rights and benefits as those undertaking normal working hours, provide access to adequate food services, not discriminate in terms of wages between daytime and night-time employees, save for any additional remuneration and benefits legally prescribed, comply with minimum rest periods and shift cycle requirements, and have alternative employment for those unfit to undertake night-time work without prejudicing the employee.
KSA	The MHRSD Contractual Relationship Enhancement Initiative Guide	The MHRSD has launched a contractual relationship enhancement initiative to improve contractual relationships. As part of the initiative, the MHRSD proposed the following three main objectives in the guide: <ul style="list-style-type: none"> a. (an employment mobility service – proposes abolishing the requirement for employees to obtain their existing employer’s approval in order to transfer to a new employer, subject to certain conditions being met; b. exit and re-entry visas – foreign national employees will no longer require permission from their Saudi employer to exit and re-enter the country, employers will be notified electronically on departure through the Absher platform, subject to certain conditions; c. final exit visa – subject to conditions being met, expatriate employees will no longer require their employer’s consent to obtain a final exit visa to leave the country after termination of their employment. The employer will be notified electronically and the employee accepts any consequences pertaining to terminating the contractual relationship. <p>The reforms came into effect in March 2021.</p>
Qatar	Qatar Labour Law (14/2004, as amended)	This law applies to all employees, whether Qatari nationals or foreigners working in the State of Qatar, and governs the employment relationship between the employer and employee. The main provisions relate to an employee’s benefits and rights, such as annual leave, maternity, end-of-service gratuity, reasons for termination and notice periods. The law outline rules and guidance for disciplinary procedures.
Qatar	Law No. 21/2015 on the Regulation of the Expatriates’ Entry, Exit and Residence	This law regulates the entry, exit and residency of expatriates in Qatar. Expatriates shall not enter or exit Qatar except through approved ports as determined by the Ministry of Interior. To obtain a work visa, the expatriate should have a labour contract with the expatriate’s recruiter in accordance with the conditions and controls prescribed by law. The law provides for rules to sponsor dependents in Qatar. The original passport and other travel documents must be submitted to be granted residency status in Qatar. An expatriate, with a valid residency, no longer needs an exit permit to leave Qatar. Expatriates can move from one employer to another, subject to the consent of both parties. Penalties for breaching some of the fundamental provisions of the law can reach 50,000 riyals and imprisonment up to a maximum period of 3 years.
Qatar	Decision No. 25/2019 on the Issuance of the Implementing Regulation of Qatar Law No. 21/2015 on the Regulation of Expatriates’ Entry, Exit and Residence	Implementing regulation of Law No. 21 of 2015 (above). Covers all types of visas to enter the State of Qatar (work residence visa, non-work residence visa, visitor visa, return visas and entry visas for other purposes). In addition, the transfer of expatriates’ rules is covered under this law. Any change of employment shall be informed to the Ministry of Administrative Development, Labour and Social Affairs.

Jurisdiction	Legal document	Brief summary
Qatar	Law No. 17/2020 Determining the National Minimum Wage for Workers and Domestic Workers	This law sets a national minimum wage level to be reviewed on an annual basis for workers, including domestic workers.
Qatar	Ministerial Decision No. 25/2020 on the Determination of the Minimum Wages of Domestic Workers and Helpers	This decision sets a national minimum wage of 1,000 riyals per month for workers and domestic workers. Where the employer does not provide housing or food, an additional amount of 500 riyals for housing and 300 riyals for food is required to be provided per month.
Qatar	Law No. 15/2017 concerning House Workers	This law seeks to introduce a regulatory platform for the protection of domestic workers employed in the country. The law defines domestic worker as an individual “who performs house work under the management and supervision of the employer in return for a wage” and goes on to provide examples of the types of occupations that would be captured by such definition, including driver, nanny, cook and gardener. The law sets out the minimum statutory entitlements for domestic workers.
Oman	Oman Labour Law (35/2003, as amended)	<p>This law applies to all employees whether Omani nationals or foreigners working in the state of Oman.</p> <p>This law governs the employment relationship between employer and employees. The main provisions relate to employee benefits and rights, such as annual leave, maternity, end-of-service gratuity, reasons for termination and notice periods. The law outlines the rules and guidance for disciplinary procedures.</p>
Oman	Decree No. 16/1995 on the Foreigners Residence Law	<p>This law regulates the entry, exit and residency of expatriates in Oman. Expatriates shall not enter or exit Oman except through the ports of entry determined by the Inspector General.</p> <p>Expatriates may not enter or leave the territories of the Sultanate unless they hold valid documentation.</p> <p>It is not possible to get an entry visa in Oman for:</p> <ol style="list-style-type: none"> expatriates whose names are included in the list of unwanted persons; expatriates coming for employment; holders of transit visas; or other categories of persons who are determined by decision of the Inspector General. These should first go through the competent authorities to get approval and then apply for such visa. <p>All rules relating to the terms, conditions, renewals, rules and procedures of the visas shall be determined by the Inspector General.</p> <p>Political asylum is covered under this law.</p> <p>Penalties for breaches can reach 500 Omani rials and/or imprisonment for up to 3 years.</p>
Oman	Decision No. 63/1996 on the issuance of the Implementing Regulation of the Foreigners Residence Law	<p>Implementing regulation of Law No. 16/1995 (above).</p> <p>Covers all rules and procedures related to the types of visas to enter the Sultanate. It also covers entry visa fees, residence permit renewal fees and road permit fees in a table mentioned at the end of the law.</p> <p>Registration of foreigners is done in person and not through the sponsor (stamping the passport on entry is considered the same as registration).</p>

Jurisdiction	Legal document	Brief summary
Bahrain	Bahrain Labour Law (36/2012, as amended)	<p>This law applies to all employees, whether Bahraini nationals or foreigners working in the state of Bahrain, and governs the employment relationship between employer and employee.</p> <p>The main provisions relate to employee benefits and rights, such as annual leave, maternity, end-of-service gratuity, reasons for termination and notice periods.</p>
Bahrain	Decision No. 76 of 2008 regarding Organising Work Permits of Migrant workers Other than House Servants	<p>This decision regulates the work permit for expatriates in Bahrain.</p> <p>The law provides for very specific rules for an employer to obtain a working visa for an expatriate in Bahrain.</p> <p>The employer should be registered in the commercial register; have paid the government fees and expenses to relevant authority; have a real necessity to employ an expatriate (this would be on the basis of the company's size, activities, etc.); have not breached any fundamental provisions of the Labour Law and other rules related to compliance.</p> <p>The employer shall not employ an expatriate in a job restricted to Omani nationals only. Work permits are valid for 2 years from the date of arrival in Oman and can be renewed following certain conditions.</p>
Kuwait	Kuwait Labour Law (6/2010, as amended)	<p>This law applies to all employees, whether Kuwaiti nationals or foreigners working in Kuwait, and governs the employment relationship between employer and employee.</p> <p>The main provisions relate to employee benefits and rights, such as annual leave, maternity, end-of-service gratuity, reasons for termination and notice period.</p>
Kuwait	Ministerial Resolution No. 957 of 2019, Promulgating the Executive Regulations of the Foreigner Residency Law	<p>This resolution regulates the entry, exit and residency of expatriates in Kuwait. Expatriates shall not enter or exit Kuwait except through the ports of entry mentioned under this law.</p> <p>Expatriates should have valid entry permits to enter Kuwait.</p> <p>All hotels and rentals should notify the General Department of Residence and Foreign Affairs about any expatriates residing at their premises. The same applies to individuals.</p>

Health insurance

UAE	Dubai Law No. 11 of 2013 on Health Insurance in the Emirate of Dubai	<p>This law provides for mandatory medical insurance in Dubai for all UAE nationals and residents, including their dependents and domestic workers. The law applies across the emirate including the free zones. The primary responsibility in relation to the provision of medical insurance lies with the employer, rather than the sponsor.</p>
UAE	Abu Dhabi Law No. 23 of 2005 on the Health Insurance Scheme in the Emirate of Abu Dhabi and Abu Dhabi Decision No. 25 of 2006 on the issuance of the Implementing Regulation of Abu Dhabi Law No. 23 of 2005 on Health Insurance in the Emirate of Abu Dhabi	<p>This law is applicable to health insurance policies covering individuals, whether UAE nationals or expatriate residents in Abu Dhabi under group or individual schemes. The law, together with the implementing regulations, requires that mandatory basic cover is provided to cover applicable individuals.</p> <p>The law applies to sponsored families and dependents of a resident expatriate, and other persons sponsored by a resident expatriate. UAE and GCC nationals are entitled to enrol in a scheme known as the Thiqa Programme.</p> <p>Employers are obligated to purchase basic health insurance coverage for any non-national employees and their dependents (one spouse and three children under the age of 18).</p> <p>However, employee beneficiaries will have to pay half of the insurance policy's premiums for these dependents and are responsible for their other dependents, such as a father, mother and fourth child.</p> <p>Where the employee receives a monthly compensation that exceeds the income threshold specified by the implementing regulations, the employer is required to purchase an enhanced product.</p> <p>An expatriate cannot be granted a residence visa nor have the visa renewed without the required subscription to the health insurance scheme.</p>

Jurisdiction	Legal document	Brief summary
UAE	Sharjah Executive Council Decision No. 19 of 2018 on the Health Insurance Regulation in the Emirate of Sharjah	The Sharjah Health Insurance law provides that the Sharjah Health Authority will provide health insurance to all UAE nationals and expatriate residents in Sharjah. The level of insurance provided will be based on the level specified in the law, which considers the type of employment in which the individual is engaged and whether the individual is a dependent.
KSA	Saudi Arabia Cabinet Decision No. 71 of 1420 on the Approval of the Cooperative Health Insurance Law	The KSA Health Insurance Law is applicable to health insurance policies covering individuals, whether KSA nationals or expatriates working in the private sector or residing in KSA under group or individual schemes, and mandates private health insurance for such individuals. The law mandates that employers provide and cover the cost of mandatory basic health insurance cover for employees and their dependents (spouse, sons under 18 years and unmarried daughters) from the date of their arrival into KSA. Without adequate health insurance cover, a visa is not issued.
Qatar	Law No. 7 of 2013 on the Social Health Insurance System and Ministerial Decision No. 22 of 2013 Promulgating the Implementing Regulations of the Qatar Law No. 7 of 2013 on the Social Health Insurance Scheme (to be repealed by Law No. 22/2021 – see below)	This law seeks to mandate a health insurance system for the provision of basic health services to all Qatari citizens, GCC citizens, foreign residents of Qatar and visitors. The law requires that the entire population be insured by a national health insurance company (referred to as Seha) by 2016 and obliges employers and sponsors to participate in the scheme. However, rollout of the system was suspended in 2015 and, as such, the provisions of this law have not yet been implemented.
Qatar	Law No. 22 of 2021 Regulating the Health Services in Qatar and Resolution of Minister of Public Health No. 8 of 2022 concerning the Issuance of Executive Regulations of Law No. 22 of 2021	This law provides for mandatory health insurance cover for basic health care services, to be provided to all expatriates and visitors in Qatar, funded by the employer (for employees), recruiter (in instances where the employer is not required to fund the premiums), and visitors.
Oman	Decision No. 34/2019 on the issuance of the Unified Health Insurance Policy Form and Decision No. 78/2019 on the issuance of the Health Insurance Rules	This law prescribes a unified health insurance scheme called <i>Dhamani</i> , and is applicable to private-sector employers and employees and employees' dependents residing in Oman, including the employee's spouse and children of the employee who are under 21 years age, and any other person who resides in Oman and is dependent on the employee, including the employee's parents and domestic workers who are sponsored by the employee. The <i>Dhamani</i> scheme is being rolled out in phases, with Phase 1 expected to be introduced in 2023

Jurisdiction	Legal document	Brief summary
Bahrain	Law No. 23/2018 (Health Insurance Law)	<p>This law applies to Bahraini nationals, foreign residents and tourists.</p> <p>One of the objectives of this law is to achieve a high-quality integrated health system that is flexible and capable of developing and responding to the expectations of beneficiaries and investors in the health sector.</p> <p>The Ministry of Health created the Health Guarantee Fund which helps to finance health benefits covered under the insurance.</p> <p>The Health Guarantee Fund reports annually on the requirements of the health sector.</p> <p>The law provides for rules related to supervision and control of the Health Guarantee Fund, rights and obligations, as well as the form of meetings and voting system in the Ministry.</p> <p>Additional provisions relate to the obligations of sponsors, employers and residents to enrol in health insurance and renew policies whenever work permits are renewed.</p> <p>Tourists are covered in urgent cases, such as incidents that may happen suddenly while visiting Bahrain.</p> <p>In addition to the mandatory health insurance, there are other schemes for optional health insurance for residents and additional optional coverage.</p>
Kuwait	Law No. 1 of 1999 concerning Health Insurance for Foreigners and the Imposition of Charges in Return for Medical Services, and Ministerial Order No. 126 of 2000 (concerning Implementation of the Health Insurance Scheme Provided by the Ministry of Health to Foreigners under Law No. 1 of 1999)	<p>Law No. 1 of 1999 envisaged a national health insurance scheme in Kuwait. However, the scheme, as envisaged, never came into operation nor was it enforced by the Kuwaiti authorities. Subsequently, in 2000, Ministerial Order No. 126 of 2000 provided that the health insurance scheme be substituted by a health insurance system to be provided by the Ministry of Health with respect to foreigners with effect from 10 April 2000. Foreign nationals are mandated to pay an annual fee to the Ministry of Health in order to access public healthcare facilities. The scheme does not cover treatment at private facilities.</p> <p>Kuwaiti citizens and GCC nationals currently receive free medical services at government facilities.</p>

Labour accommodation

UAE	Cabinet Decision No. 13/2009 Approving the General Standards Manual for Group Labour Accommodation and Related Services	<p>This is a manual for collective labour accommodation for employers with 500 employees or more.</p> <p>Companies are obliged to comply with the minimum standards and requirements under this law.</p> <p>This decision regulates the following:</p> <ul style="list-style-type: none"> ▶ planning standards – having licensing approval from relevant authorities, space between residential units shall not be less than 5 metres; ▶ public health requirements regarding ventilation and air conditioning (window area must be at least 10 per cent of room floor area), lighting levels etc.; ▶ firefighting systems – equipment and emergency exits must comply with the civil defence standards; ▶ residential unit design – every person shall have a minimum space of 3 square metres and bedrooms shall have a minimum ceiling height of 7 feet; ▶ health and safety related to drinking water, water pumps and electricity supply; ▶ transportation and vehicle systems, which must conform to the requirements imposed by the authorities and shall be inspected yearly by such authorities.
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Jurisdiction	Legal document	Brief summary
UAE	Ministerial Decision No. 212/2014 on the Adoption of the General Standards of Collective Labour Accommodation Allocated to Less than Five Hundred Workers	<p>This is a manual for collective labour accommodation for employers with fewer than 500 employees.</p> <p>This decision regulates the following:</p> <ul style="list-style-type: none"> ▶ planning standards – the site should be at a distance at least 5 km away from family residences, far from tourist roads, commercial places and environmental pollution resources. Residential units shall not be closer than 5 metres to one another; ▶ public health requirements regarding ventilation and air conditioning (window area must be at least 10 per cent of room floor area), lighting levels etc.; ▶ firefighting systems – equipment and emergency exits must comply with the civil defence standards; ▶ residential unit design – every person shall have a minimum space of 3 square metres, with a maximum of eight to ten workers in a bedroom and bedrooms shall have a minimum ceiling height of 7 feet. ▶ health and safety related to drinking water, water pumps and electricity supply; ▶ transportation and vehicle systems, which must conform to the requirements imposed by the authorities and shall be inspected yearly by such authorities.
UAE	Ministerial Decision No. 591/2016 concerning the Commitment of Establishments to Provide Accommodation to their Workers	<p>Companies shall provide accommodation to their workers in cases where the number of workers is 50 or more, and the total remuneration per worker is less than 2,000 dinars per month.</p> <p>Accommodation shall be provided to the worker within a month of obtaining a permit to work.</p> <p>Local authorities are given discretion to impose such obligations on employers with fewer than 50 workers.</p>
UAE	Cabinet Decision No. 18/2022 on the Classification of Private-Sector Establishments Subject to the Provisions of the Law Regulating Labour Relations and Ministerial Decision No. 318 of 2022 concerning Bank Guarantees and Employee Protection Insurance	<p>Companies in the UAE that are subject to the Labour Law are classified into three categories. Classification is based on the level of compliance with the legislation, regulations and standards issued by the MOHRE.</p> <p>Each company must deposit a bank guarantee of 3,000 dinars per employee paid through a UAE bank, or provide an insurance policy (in accordance with the procedures prescribed by the Undersecretary of Human Resources Affairs).</p>
KSA	Labour Order No. 89 of 1402, dated 10.3.1402 AH, fixing the Conditions and Specification of Quarters for the Workforce	<p>Applies to employers who employ workers in undeveloped remote areas. Accommodation shall be at least 1 km away from any industrial installations and from sources of pollution.</p> <p>The quarters shall be divided into two residential sections: one for married and one for unmarried workers.</p> <p>Further rules regarding the space of kitchen areas, bedrooms and bathrooms are regulated under this law.</p> <p>Additional ventilation, lightning and health and safety rules are included in this order.</p>
Qatar	Ministerial Decision No. 18/2014 on the Determination of the Requirements and Specifications of Appropriate Accommodation for Workers	<p>Any employer providing labour accommodation to its worker shall comply with the following requirements under this decision.</p> <ul style="list-style-type: none"> ▶ Accommodation shall be outside of urban areas. ▶ Accommodation rooms shall provide space of at least 6 square metres per bed in a shared room, with adequate air conditioning and lighting, and one water cooler dispenser per 20 workers. There should be one bathroom per six workers. ▶ Public health requirements shall be complied with, including standards with respect to ventilation and air conditioning (window area must be at least 10 per cent of room floor area), lighting levels etc. ▶ Firefighting systems, equipment and emergency exits must comply with the civil defence standards. ▶ Health and safety standards related to first aid kits shall be complied with. ▶ A resident physician or practitioner nurse shall be appointed, based on the number of employees.

Jurisdiction	Legal document	Brief summary
Oman	Conditions and Specifications of Labourers' Accommodation in Duqm Special Economic Zone	<p>These conditions only apply to companies based in the Duqm Special Economic Zone, and include:</p> <ul style="list-style-type: none"> ▶ a list of requirements regarding the minimum level of facilities to be provided, such as sleeping bed, toilet, kitchen, laundry etc.; ▶ requirements for sleeping rooms and specifications of the bed and mattress (e.g. 6cm thickness); ▶ food safety obligations and water requirements; ▶ health requirements – one employee qualified in health and safety and an equipment room (where the maximum number of employees is 50); ▶ transportation, which should be provided for free between the worksite and the site of accommodation; ▶ environmental requirements, such as sewage and other waste management; ▶ fire prevention measures and equipment, including directions and a means of escape.
Bahrain	Resolution No. 76/202 regarding the Health Requirements for Labour Accommodation	<p>Accommodation rooms should be of a space of at least 4 square metres for each worker. The maximum number of workers per room is eight.</p> <p>Very general rules relate to providing an adequate place of living for workers with ventilation, lighting, bed and mattresses and wardrobes.</p> <p>Employers are required to provide equipment for firefighting, clean water for drinking, first aid kits and a place for laundry.</p>
Kuwait	Minister of Labour Decision No. 199 of 2010 concerning the Requirements of Labour Accommodation	<p>This law applies to employers committed to implementing government projects, employers who employ workers in remote areas, and employers who are committed to providing accommodation to their workers.</p> <p>Accommodation rooms should be of a space of at least 4 square metres for each worker. The maximum number of workers in a room is four.</p> <p>Very general rules relate to providing an adequate place of living for workers with ventilation, lighting, bed and mattresses and wardrobes.</p> <p>Employers are required to provide equipment for firefighting, clean water for drinking, first aid kits and a place for laundry.</p>

Infectious disease

UAE	Cabinet Decision No. 17/2020 on the issuance of the Regulation of the Detection of Violations of Precautionary Measures, Instructions and Duties Imposed to Reduce the Spread of Corona Virus (COVID-19)	<p>Administrative fines will be given to whoever violates the preventive measures issued with respect to COVID-19.</p> <p>Fines may range between 500 and 50,000 dinars.</p>
UAE	Attorney General's Decision No. 38/2020 on implementing the Updated Charter for Fines and Administrative Punishments issued by Ministerial Decision No. 17/2020 to Combat the Spread of COVID-19	<p>This decision provides a table of all expected violations in relation to infectious diseases, together with the stipulated</p>

Jurisdiction	Legal document	Brief summary
UAE	Ministerial Decision No. 281/2020 on Regulating Remote Work in the Private-Sector Enterprises during the Period of Implementing the Precautionary Measures to Limit the Spread of COVID-19	<p>This decision reduced the workforce to the minimum level necessary to facilitate work in response to COVID-19 and applies to private-sector employers.</p> <p>Capacity was reduced to 30 per cent of the original workforce.</p> <p>Pregnant women, employees aged 55+ years, persons with a disability, employees suffering chronic disease and females with children in grade 9 or under were given priority not to attend work.</p>
UAE	Federal Law No. 14/2014 on the Control of Communicable Diseases	<p>This law aims at protecting public health and preventing the spread of communicable diseases in the UAE.</p> <p>Communicable disease is defined as an infectious disease resulting from transmission of a pathogenic agent or one of its toxic products or secretions, either directly or indirectly to another person, and infecting them with the disease.</p> <p>The law imposes an obligation on every person who becomes aware of a communicable disease to report to the Department of Preventive Medicine at the UAE Ministry of Health. It also covers the rights and duties of infected people, along with the inspection protocols designed by the Ministry of Health, and lists the penalties imposed accordingly for non-compliance.</p> <p>It also includes a list of communicable diseases to be reported and the terms of isolation and quarantine for infected persons and those who are considered to have been in close contact with an infected person.</p>
KSA	N/A	N/A
Qatar	Decree No. 17/1990 on the Prevention of Infectious Diseases	<p>This law aims at protecting public health and preventing the spread of communicable diseases in the Qatar.</p> <p>Infectious disease is defined as any disease that can be transmitted to other persons from humans, or through livestock, insects, food, places, or via other objects or materials (fomites) contaminated by the microorganisms causing such an infectious disease.</p> <p>There is an obligation to report any infected person or person suspected to be suffering from any infectious disease.</p> <p>The law also covers rules regarding vaccination.</p>
Oman	Decree No. 73/1992 on the issuance of the Law on Combating Infectious Diseases	<p>Infectious diseases are the only category mentioned in the table of infections in this law. The Ministry of Health may amend this table as appropriate from time to time. There is an obligation to report any infected or suspected person to be suffering from any infectious disease within a certain period of time, depending on the section in which the disease falls as per this law.</p>
Bahrain	Minister of Health Decision No. 12 of 2020 regarding the Identification of Communicable Diseases	<p>This law identifies the applicable communicable diseases as of the year 2020. The diseases are divided into four groups (A, B, C and D), based on the seriousness of the disease.</p>
Kuwait	N/A	N/A

Jurisdiction	Legal document	Brief summary
Occupational health and safety		
UAE	Cabinet Decision No. 3 of 2016 on the UAE Scheme for the Control of Equipment, Tools and Materials Used for Personal Protection and Occupational Safety and Health	<p>This law provides instructions for the control of equipment and materials used for personal protection and occupational safety and health.</p> <p>Degrees of risk are defined in accordance with their classification in an appendix to this law.</p>
UAE	Federal Decree No. 48 of 2004 ratifying Arab Labour Agreements No. (18) of 1996 and No. (19) of 1998	<p>This law applies to children between the ages of 13 and 18 years.</p> <p>The law regulates the applicable rules for children's work, such as:</p> <ul style="list-style-type: none"> ▶ a child shall not perform industrial work until they reaches the age of 15 years old; ▶ a child shall not work in hazardous industries or perform work that is harmful to the health or moral development of the child until they reach 18 years old; ▶ a child shall undergo a medical examination before joining any work; ▶ a child shall not work at night; ▶ a child shall receive remuneration, whether they are undergoing training or working in a full-time job; ▶ working hours shall not exceed 6 hours per day, which shall include rest breaks; ▶ a child shall not work during weekends or public holidays; ▶ a child is entitled to 21 days of annual leave. <p>The law sets out a list of obligations imposed on every employer hiring a child.</p>
UAE	Ministerial Decision 55 of 2004 concerning the Basic Regulatory Rules for the Protection against Ionic Radiations	<p>This ministerial decision provides for the minimum requirements imposed for an individual's protection against ionic radiation and for ensuring the safety of radioactive sources.</p>
UAE	Ministerial Resolution No. 32 of 1982 specifying Precautions for Protection of Workers from Work Hazards	<p>This law imposes rules and obligations on the employer related to employees' safety at the workplace, and includes specific requirements for lighting, industrial operations, contents of first aid kits, and a template form to complete when reporting an incident that was caused by a work hazard.</p>
KSA	Cabinet Decision No. 328/1442 on the Approval of the National Policy on Occupational Safety and Health	<p>The National Policy on Occupational Safety and Health was developed out of the goals of the National Transformation Programme and Saudi Vision 2030.</p> <p>The principle of prevention is directly linked to the protection and promotion of the worker's physical, mental and social health.</p> <p>The aim is to create and develop new laws related to occupational safety and health, define the responsibilities of governmental bodies with respect to creating such laws, and find mechanisms for cooperation between employers and employees in this regard.</p>
KSA	Ministerial Decision No. 161238/1439 on the Approval of the Occupational Safety and Health (OSH) Management Regulations (Minimum, Medium and Higher Level)	<p>This decision provides for three levels of management for the regulation of occupational health and safety: (a) minimum; (b) medium; and (c) higher.</p> <p>The medium level applies to all facilities employing 50+ employees working in limited activities mentioned in the law. The minimum level applies to all facilities employing 50+ employees in other activities than those listed for the medium level.</p> <p>The regulations are based on international practices, some ILO standards and Saudi labour market requirements.</p>

Jurisdiction	Legal document	Brief summary
Qatar	Ministerial Decision No. 20 of 2005 on the Precautions and Requirements Necessary to be Provided in the Workplaces and Areas to Protect the Workers, Employees and Visitors against Occupational Hazards	This law imposes rules and obligations on both the employer and the employee related to safety in the workplace, including provisions regarding the required precautions concerning protection from machinery, handling and storage of work materials and tools, risks of electricity, risks of fire, natural risks and hazardous and harmful materials.
Qatar	Resolution No. 18 of 2005 by the Minister of Civil Service and Housing Affairs concerning Survey Forms for Work Injuries and Occupational Diseases and Procedures for Reporting the Same	This law obligates an employer to inform the labour department of any accident of fire, collapse or explosion that suspends operations at work, as well as every occupational disease suffered by a worker at the establishment within 3 days from the date of the employer becoming aware of such accident or disease. In addition, statistics shall be reported every 6 months, noting injuries, gross accidents and occupational disease, in accordance with the forms enclosed with this resolution.
Oman	Ministerial Decision No. 286 of 2008 on the Issuance of the Regulation Governing the Occupational Health and Safety Measures in Establishments Subject to the Labour Law	<p>This law imposes rules and obligations on both the employer and the employee related to health and safety at the workplace.</p> <p>The law covers the general management of workplace and facilities, healthcare related to the protections of employees, hazard controls and special measures related to construction and agricultural activities.</p> <p>Rules regarding lighting standards, temperature, noise and radioactivity exposure are also covered under this law.</p>
Bahrain	Resolution No. 8 of 2013 on Regulating Occupational Safety and Health in the Facilities	<p>This law imposes rules and obligations on both the employer and the employee related to health and safety at the workplace.</p> <p>The employer is obligated to provide safe tools, safeguard hazardous material, inform the worker of the various risks of the job, and implement preventive measures and training. Employees are obligated to maintain their own safety and health and the safety of others.</p>
Bahrain	Resolution No. 5 of 2014 instituting Necessary Conditions and Precautions to Protect Workers from Lifting Equipment Hazards	<p>This law applies to the operation of all lifting equipment.</p> <p>Employers shall inform their employees of the risks of operating lifting equipment before using it, and take all precautionary measures to protect workers from the risks associated from such operations.</p>
Bahrain	Resolution No. 15 of 2014 on Protecting Workers from Chemical Materials, Gases and Flammable Liquids Hazards in Establishments and Work Sites	<p>This law applies to all companies using chemical materials, gases and flammable liquids in establishments and worksites.</p> <p>Employers are restricted from making any deductions to employees' salaries in order to provide protective equipment.</p> <p>The employer shall assess the risks of chemicals located or used in the establishment or worksite at least every 3 years.</p> <p>Further, the law provides precautionary rules and imposes certain obligations on employers in case of hazardous incidents that are caused by chemical materials.</p>
Bahrain	Minister of Labour Decision No. 31 of 2013 concerning the Protection of Workers from the Dangers of Electricity in Establishments and Work Sites	<p>This decision provides for requirements to protect workers from the risks of electricity.</p> <p>The person who installs or repairs electrical appliances, machines and connections shall be a qualified person licensed by the designated electrical authority. The employer must ensure that electrical appliances and machines are validated by a qualified person at least every 3 months.</p>

Jurisdiction	Legal document	Brief summary
Bahrain	Minister of Labour Decision No. 9 of 2014 concerning the Protection of Workers from Natural "Physical" Hazards in Establishments and Work Sites	The employer is under an obligation to protect the worker from physical hazards related to the increase or decrease in the ambient temperature that may affect the worker's health, humidity, loud noises, radiation or air pressure. Remedies include isolating the thermal source or source of radiation, and providing adequate ventilation, adequate equipment for ear protection and other equipment to protect the worker from physical hazards.
Bahrain	Minister of Labour Decision No. 6 of 2013 concerning the Protection of Workers from the Dangers of Fire in Establishments and Work Sites	This law imposes an obligation on employers to equip the workplace with firefighting equipment and a fire alarm system. Training should be provided to employees to use such equipment and take appropriate action in case of fire.
Bahrain	Resolution No. 12 of 2013 on the Necessary Procedures to Report Work Injuries and Occupational Diseases	<p>This law regulates the procedures to report work injuries and occupational diseases.</p> <p>The employer has an obligation to report any work injury within 24 hours of its occurrence and which result in:</p> <ul style="list-style-type: none"> a. the employee's death; b. serious injury; c. a worker's interruption of work for 7 consecutive days; or d. vehicle accidents occurring inside the facility or premises. <p>The employee is under a similar obligation as the employer.</p> <p>The employer shall implement an internal regulation that provides for the rules and methods of employees reporting a work injury.</p>
Bahrain	Law No. 25 of 2009 concerning the Approval of the Accession of the Kingdom of Bahrain to the Occupational Safety and Health Convention, 1981 (No. 155)	<p>This law applies to all branches of economic activity and all employees, including government employees.</p> <p>Each Member State signatory to this law shall implement an independent national policy on OSH and the work environment. The objective of this policy shall be to prevent accidents and damage to health resulting from, related to, or occurring during work.</p> <p>The law includes obligations imposed on each Member State relating to the implementation of policy, inspections, promulgating laws and the management of employees doing work in Bahrain.</p>
Bahrain	Decree No. 2 of 1994 regarding the Accession of the State of Bahrain to Arab Convention No. 7 of 1977 and Recommendation No.1, 1977, concerning Occupational Safety and Health	<p>All Arab workers must be treated equally with national workers in the application of OSH provisions and provisions with respect to work accidents and occupational diseases, and vocational qualifications.</p> <p>The legislation of each Member State shall define the procedures and means of ensuring the safety of the working environment and protection of the neighbourhood environment.</p> <p>A child shall not perform industrial work until they reach the age of 15 years. A child shall not work in hazardous industries or perform work that is harmful to their health or moral development until the age of 18 years.</p> <p>A woman shall not perform dangerous work that is harmful to their health, as defined by each Member State.</p> <p>Further obligations are imposed on employers under this law, such as providing first aid and treatment for urgent cases inside the employer's establishment.</p>

Jurisdiction	Legal document	Brief summary
Bahrain	Law No. 38 of 1968 approving the Arab Labour Charter and the Constitution of the Arab Labour Organization	This law relates to the creation of the Arab Labour Charter to insure the application of the Constitution, which aims to harmonize labour laws and working conditions across the Arab States.
Kuwait	Law No. 38 of 1968 regarding Approval of the Arab Labour Charter and the Constitution of the Arab Labour Organization	This law relates to the creation of the Arab Labour Charter to ensure application of the Constitution, which aims to harmonize labour laws and working conditions across the Arab States.
Kuwait	Decision of the Minister of Social Affairs and Labour No. 198 of 2010 regarding the Necessary Precautions and Requirements to be Available in Work Areas and Places to Protect Workers and Visitors from Work Risks	This law provides for the necessary precautions that each employer shall have in place to ensure that the conditions prevailing in work areas are fully protective of the health and safety of workers and visitors.
Kuwait	Minister of Health No. 552 of 2003 regarding the Adoption of a Regulation Regulating the Use of Ionizing Radiation and the Procedures and Safety Precautions to Prevent its Risks	This law regulates the use of ionizing radiation and associated procedures and safety precautions to mitigate its risk. The law covers the licensing and registration for the use of ionizing radiation by companies, as well as prevention of risk and safety requirements, in addition to preventing occupational exposure.

International treaties relevant to the ILO

UAE	Hours of Work (Industry) Convention, 1919 (No. 1)	This Convention was ratified by the UAE in May 1982. It proposes the application of the principal of the 8-hour day or 48 hour week within industrial sectors such as mines, quarries, manufacturing, transport and handling of goods, and others.
UAE	Equal Remuneration Convention, 1951 (No. 100)	This Convention was ratified by the UAE in February 1997. It proposes that Members of the ILO promote the principle of equal pay for men and women workers for work of equal value.
UAE	Abolition of Forced Labour Convention, 1957 (No. 105)	This Convention was ratified by the UAE in February 1997. It proposes that Members of the ILO take measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.
UAE	Discrimination (Employment and Occupation), 1958 (No. 111)	The UAE ratified this Convention on 25 June 1958. The discrimination includes: (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.

Jurisdiction	Legal document	Brief summary
UAE	Minimum Age Convention, 1973 (No. 138)	This Convention was ratified by the UAE in October 1998. It proposes that Members of the ILO introduce a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young persons.
UAE	Worst Forms of Child Labour Convention, 1999 (No. 182)	This Convention was ratified by the UAE in June 2001. It proposes that Members of the ILO take immediate measures to prohibit and eliminate the worst forms of child labour.
UAE	Forced Labour Convention, 1930 (No. 29)	This Convention was ratified by the UAE in May 1982. It proposes that Members of the ILO suppress the use of forced or compulsory labour in all its forms within a period of 5 years. Forced or compulsory labour is defined to mean "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".
UAE	Labour Inspection Convention, 1947 (No. 81)	This Convention was ratified by the UAE in May 1982. It proposes that each Member of the ILO maintain a system of labour inspection in industrial workplaces.
UAE	Night Work (Women) Convention (Revised), 1948 (No. 89)	This Convention was ratified by the UAE in May 1982. It proposes that each Member of the ILO require that women, without distinction of age, shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than in instances where only members of the same family are employed. Night-time work is defined as a period of at least 11 consecutive hours, including an interval prescribed by the competent authority of at least 7 consecutive hours falling between 10 p.m. and 7 a.m.
UAE	Dec. 52 of 1982 rat. ALII Agt. No. 81 of 1947 on Labour Inspection	This Convention proposes that each Member State maintain a system of labour inspection in industrial workplaces. The functions of the system of labour inspection shall be to: <ul style="list-style-type: none"> a. secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work; b. supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; c. to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.
UAE	Dec. 51 of 1982 rat. ALII Agt. No. 29 of 1920 on Slavery and Forced Labour	This Convention imposes an obligation on each Member of the ILO that ratifies this Convention to undertake to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
UAE	Decree No. 30 of 1996 ratifying ILO Basic Agt. No. 100 of 1951 concerning Equal Wages for Male and Female Workers for Work of Equal Value	This Convention imposes an obligation on each Member to, by the use of national laws or regulations or collective agreements or any other means, regulate the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
UAE	Decree No. 31 of 1996 rat. ILO Basic Agt. No. 105 of 1957 concerning the Abolition of Forced Labour	This Convention simply provides that each Member of the ILO shall take effective measures to secure the immediate and complete abolition of forced or compulsory labour.

Jurisdiction	Legal document	Brief summary
UAE	Decree No. 32 of 1996 ratifying ILO Basic Agreement No. 138 of 1973 concerning the Minimum Age for Employment	This Convention requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work.
UAE	Dec. 35 of 1980 rat. Agt. between the UAE and the ILO concerning Execution of a Technical Cooperation Project	The UAE ratified this agreement on 11 December 1979 with the ILO for the purpose of financing the project to strengthen the structures of the Department of Law and Social Affairs. In other terms, under this agreement the ILO will provide services for the UAE for a period of 2 years in return of a fee paid by the UAE for this purpose. A sub-agreement for the implementation of the project can also agree as part of this agreement.
UAE	Decree No. 42 of 1983 ratifying Accession of UAE to the International Convention on Standards of Training, Issue of Certificates and Watch Duties for Those Working at Sea 1978	This decree simply approves the UAE joining the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.
UAE	Federal Decree 48 of 2004 ratifying the Arab Labour Agreements No. (18) of 1996 and No. (19) of 1998	This Convention was ratified by the UAE in relation to the employment of minors and on labour inspection.
UAE	Dec. 33 of 1972 rat. UAE accession to the ALII	This Decree simply approves the UAE joining the ILO.
KSA	International Convention on Standards of Training, Issue of Certificates and Watch Duties for Those Working at Sea 1978	This Convention requires ratifying states to promote safety of life and property at sea and the protection of the marine environment by establishing, in common agreement, international standards of training, certification and watchkeeping for seafarers.
Qatar	Decree No. 26 of 2003 – Convention No. 29 concerning Forced Labour	This decree simply approves Qatar joining Convention No. 29, which provides that Members of the ILO suppress the use of forced or compulsory labour in all its forms as soon as possible.
Qatar	Decree No. 14 of 2007 ratifying the International Labour Convention No. 105 of 1957 on Abolition of Forced Labour	Qatar ratified this Convention, which provides that each Member of the ILO shall take effective measures to secure the immediate and complete abolition of forced or compulsory labour.
Qatar	Decree 29 of 2001 ratifying Convention on Prohibition of the Worst Forms of Child Labour and Urgent measures to Eliminate the Same	Qatar ratified this Convention, which imposes on each Member State of the ILO to take immediate measures to guarantee the prohibition of the worst forms of child labour. The Convention outlines five of the worst forms of child labour.

Jurisdiction	Legal document	Brief summary
Qatar	Decree No. 65 of 2010 ratifying the Amendment to the Constitution of the International Labour Organization	This decree simply approves Qatar ratifying the amendments of the Constitution of the ILO.
Oman	N/A	N/A
Bahrain	Law 25 of 2009 accession to the Occupational Safety and Health Convention, 1981 (No. 155)	Bahrain ratified this Convention, which imposes on each Member to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The aim is to prevent accidents and injury to health occurring in the course of work.
Bahrain	Decree Law 12 of 2001 accession to the Worst Forms of Child Labour Convention, 1999 (No. 182)	Bahrain ratified this Convention, which imposes on each Member State of the ILO to take immediate measures to guarantee the prohibition of the worst forms of child labour. The Convention outlines five of the worst forms of labour.
Bahrain	Decree Law 17 of 1999 accession to the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	This Convention imposes on each Member State to consider the purpose of vocational rehabilitation as enabling a person with a disability to secure, retain and advance in suitable employment.
Bahrain	Decree 9 of 1977 accession to the International Labour Organization	This decree simply approves Bahrain joining the ILO.
Bahrain	Decree 11 of 2000 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Bahrain ratified Convention No. 111. The discrimination includes (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.
Bahrain	Decree 7 of 1998 Abolition of Forced Labour Convention, 1957 (No. 105)	This Convention simply provides that each Member of the ILO shall take effective measures to secure the immediate and complete abolition of forced or compulsory labour.
Kuwait	Law 37 of 1986 Forced Labour Convention, 1930 (No. 29)	Kuwait ratified this Convention, which imposes on each Member of the ILO to undertake to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Jurisdiction	Legal document	Brief summary
Kuwait	Law 24 of 1964 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Kuwait has ratified Convention No. 111. Discrimination includes (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.
Kuwait	Amiri Decree 1964 on Guarding of Machinery Convention, 1963 (No. 119)	Kuwait has ratified this Convention, which imposes an obligation on each Member State that ratifies this Convention to determine whether and how far machinery, new or second-hand, operated by manual power presents a risk of injury to the worker and shall be considered as machinery for the purpose of the application of this Convention.
Kuwait	Decree 79 of 1999 regarding the Minimum Age Convention, 1973 (No. 138)	This Convention requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment.
Kuwait	Decree 84 of 1998 accession to the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	This Convention imposes on each Member State to consider the purpose of vocational rehabilitation as enabling a person with a disability to secure, retain and advance in suitable employment.
Kuwait	Decree 125 of 2000 accession to the Worst Forms of Child Labour Convention, 1999 (No. 182)	Kuwait has ratified this Convention which imposes on each Member State of the ILO to take immediate measures to guarantee the prohibition of the worst forms of child labour. The Convention outlines five of the worst forms of child labour.
Kuwait	Decree 29 of 1998 accession to the International Convention on Standards of Training, Issue of Certificates and Watch Duties for Those Working at Sea 1978	This Decree simply approves Kuwait joining the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.
Kuwait	Decree 33 of 1968 International Convention on Combating Discrimination	Kuwait has ratified the International Convention on the Elimination of All Forms of Racial Discrimination adopted in 1965 by the United Nations General Assembly, which remains the principal international human rights instrument defining and prohibiting racial discrimination in all sectors of private and public life.
Kuwait	Decree No. 121 of 2003 approving the Accession of the State of Kuwait to the Convention on Technical and Vocational Education	This Decree approves Kuwait joining the Convention on Technical and Vocational Education (1989), which requires ratifying states to develop policies and programmes of vocational guidance and training, closely linked with employment.

Jurisdiction	Legal document	Brief summary
COVID-19-specific entitlements and protections		
UAE	Resolution No. 279 of 2020 concerning Employment Stability in Private-Sector Establishments	The resolution encourages employers to implement a range of measures to mitigate the financial impact of COVID-19 in an effort to avoid or reduce the need for layoffs, and to mutually agree the following measures gradually, and in turn, with expatriate employees: <ul style="list-style-type: none"> ▶ remote working; ▶ paid leave; ▶ unpaid leave; ▶ a temporary reduction of salary; ▶ a permanent reduction of salary.
UAE	MOHRE Resolution No. 280 of 2020 Establishing a Committee to Monitor the Stability of the Conditions of Locals Working in the Private Sector	This resolution seeks to review measures for promoting the employment of UAE nationals in the private sector, including: <ul style="list-style-type: none"> ▶ reviewing the process for recruitment and appointment of nationals to roles; ▶ reviewing information provided in the exit interviews submitted when a national's employment is terminated; and ▶ making recommendations to the Minister for measures to be introduced to promote stability of employment for nationals.
UAE	MOHRE Circular No. 4 of 2020 concerning the Stability of the National Workforce Conditions in the Private Sector during the Period Implementation of Precautionary Measures to Limit the Spread of the Novel Coronavirus	This circular restricts the ability of firms to restructure the UAE national workforce by requiring employers to undertake certain steps before terminating employees.
UAE	Administrative Decision No. 110 of 2020 on Regulating the Provision of Service Activities in Labour Accommodation	This decision sets out the planning conditions for obtaining a permit, which grants permission to the owner of the labour accommodation to add or to partly modify the usage of the labour accommodation (whether already built or still under construction) in order to provide certain service activities for the workers living in such accommodation.
KSA	The MHRSD Circular Requiring Private-Sector Establishments to Apply Sick Leave, Emergency Leave and Domestic Quarantine	The MHRSD mandated the following: <ul style="list-style-type: none"> ▶ 14 days of paid leave (additional to all usual leave entitlements under the Labour Law) must be granted to employees in categories which are identified as high-risk with regard to COVID-19. These include those with an autoimmune disease, cancer, respiratory illness, chronic illnesses and pregnant women or breastfeeding women, as well as employees aged 55 years and above. Such employees are not required to work from home during this 14 day period. ▶ Employees remaining outside of the Kingdom because of the suspension of commercial flights are regarded as being on official leave over and above the minimum under the Labour Law (MHRSD has not stated whether this should be paid or not but merely that its status is that it is authorized leave). ▶ Employees who have been ordered to quarantine (even if self-imposed) for 14 days will be on official leave over and above the minimum under the Labour Law (MHRSD has not stated whether this should be paid or not but merely that its status is that it is authorized leave).
KSA	The MHRSD Temporary Guiding Manual on Remote Working in the Private Sector	The Ministry instructed private-sector companies on 18 March 2020 to suspend work at their main office or headquarters and instead activate working-from-home procedures. Companies were required to reduce the number of employees working in their branches, offices and other facilities to a maximum of 40 per cent of the headquarters' normal staffing level. The working-from-home initiative was initially implemented for 15 days, but then extended until the Ministry of Interior and MHRSD advised otherwise.

Jurisdiction	Legal document	Brief summary
KSA	Ministerial Resolution 142906 of 13/8/1441H (equivalent to 6 April 2020) amending the Implementing Regulations to the Labour Law (last issued in January 2019) by adding a new clause (41), together with the MHRSD Explanatory Note dated 10/9/1441H (3 May 2020) MD 146652	<p>This resolution amends the implementing regulations to the KSA Labour Law by adding clause 41, which provides that, in the event the Kingdom adopts measures as recommended by an international organization to provide for adjusted working hours or to avoid a situation where termination of employment by reason of force majeure may take place, an employer will be able to agree any of the following measures with an employee for a 6-month period following the introduction of such measures:</p> <ul style="list-style-type: none"> ▶ reducing the employee's salary in correspondence with a reduction in the employee's working hours; ▶ putting the employee on annual leave as part of their annual leave entitlement; ▶ putting the employee on exceptional leave in accordance with Article 116 (unpaid leave) of the Labour Law.
KSA	Resolution No. 142906 dated 13.08.1441 H amending Article 27 of the Implementing Regulations to the Labour Law (last issued in January 2019)	The resolution amends article 27 of the implementing regulations to the KSA Labour Law and the amended article allows for part-time flexible working arrangements subject to certain conditions being met.
KSA	Guidelines for controlling COVID-19 in labour camps	These guidelines set out the requirements and measurements that must be taken by residents of labour camps, as well as companies, factories and health facilities in order to reduce the spread of the virus and to limit public health emergencies resulting from it.
KSA	SANAD announcements (furlough programme)	<p>On 3 April KSA announced a furlough programme for the private sector, which provided the following:</p> <ul style="list-style-type: none"> ▶ The employer may apply to GOSI to cover 60 per cent of KSA national employees' salaries up to a maximum of 9,000 riyals per employee through the SANAD programme (unemployment benefit programme). If the employer has five or fewer employees, then all of them will be covered, otherwise up to 70 per cent of the employer's KSA national workforce may be covered through this initiative. ▶ Payments will be made for 3 months: May, June and July 2020. The employer does not have to top up the salaries of the employees during this period to 100 per cent of what they would normally be. The employee does not have to work during this period when the employee is receiving funds directly from the SANAD programme through GOSI. ▶ The KSA employee must have been registered with GOSI prior to 1 January 2020. ▶ The employer must be able to demonstrate that it is in a sector impacted badly by COVID-19. The following sectors are exempted from this programme: financial services (including banks, insurance companies and exchanges), communications, food retail outlets and food companies. ▶ The employer must pay wages to all other employees, both KSA nationals and foreign nationals during this period. ▶ The employer must have paid its employees their complete and accurate salaries during the first quarter of 2020. ▶ The employer must undertake that once the 3-month period is over (end of July), the employer will resume paying such employees their salaries in full.
KSA	Human Resources Development Fund (HRDF) programme to supplement salaries	This programme was announced on 2 April 2020 and permitted private-sector employers to apply to the HRDF for support of up to 30 per cent of KSA nationals' salaries, subject to lower and upper limits on salary and other conditions.

Jurisdiction	Legal document	Brief summary
KSA	The MHRSD Covid-19	<p>The guide sets out certain requirements that must be taken by employers in order to allow employees to return to work. In summary the guidelines provide for the following:</p> <ul style="list-style-type: none"> ▶ prior to returning to work, employers are required to evaluate the health risks using the MHRSD “Mawid” application; ▶ employees in high-risk categories are to remain working from home; ▶ visitors are to wear masks, visitors are limited to 1 per 10 square metres and visitor seating is to be spaced out; ▶ staff members are to wear masks when entering the workplace and use them in communal areas of the workplace; ▶ social and transport protocols are to be followed when travelling to work; ▶ handshaking is prohibited; ▶ social distancing and barriers to be used between staff members; ▶ separate entry and exit points where possible, with floor markings indicating safe distance in queues at entry and exit points; ▶ temperature screening guidelines are to be followed; ▶ flexible working hours are to be applied; ▶ a cleaning schedule must be set up at least once a day; ▶ employees are to maintain social distancing; ▶ paper cups or personal cups are to be used; ▶ the use of different stairs to go up and down, where possible. ▶ floor markings indicating safe social distancing to be used in certain areas; ▶ food halls, rest areas and nurseries are to be closed; ▶ personal mats, face masks and safe distancing to be used for prayer; ▶ an isolation room needs to be allocated in the building; ▶ awareness training is to be provided.
KSA	The MHRSD Administrative Violations of Precautionary Measures Followed to Combat COVID-19 Outbreak	This document applies to employees covered by the Civil Service Law or the Employees’ Discipline Law, and sets out the sanctions imposed for violating any COVID-19 restrictions in the workplace.
Qatar	N/A	N/A
Oman	N/A	N/A
Bahrain	N/A	N/A
Kuwait	N/A	N/A

Jurisdiction	Legal document	Brief summary
Bilateral labour agreements		
UAE and Egypt	Federal Decree No. 75 of 1988 approving the Agreement Organising the Employment of Egyptian Manpower in the UAE, Entered between Egypt and the UAE	<p>This decree approves and attaches the terms of agreement with Egypt. Some of the key provisions of the agreement include the following:</p> <ul style="list-style-type: none"> ▶ Article 4 specifies what must be included in the recruitment application. The application must specify the required qualifications and expertise and the potential duration of the employment. Further, it must include detailed conditions of employment including wages, end-of-service benefits, employment conditions, and transportation and accommodation facilities. ▶ Article 6 makes the employer responsible for the employee's travel expenses when first coming to the UAE and when returning to Egypt at the end of the contract, or its termination, where the employee is not at fault. The employer is not responsible for travel expenses where the employee leaves the employment of their own volition prior to the end of the contract term, or where there exists a circumstance entitling the employer to end the contract under the UAE Labour Law. ▶ Article 7 states that the employment contract should be based on the template employment contract attached to the agreement. ▶ Article 8(a) provides that the employment contract must specify the employer's obligations regarding accommodation. ▶ Article 8(b) states that the employer will provide an advance equivalent to 1 month's wages to the employee to be deducted from their salary. This advance is to be made when the employee first arrives in the UAE. ▶ Article 10 gives the employee a 30-day grace period to find alternative employment following the end of their contract or termination by agreement. If no alternative employment is obtained, the employee will be repatriated at the employer's expense and must be paid all their entitlements under the law.
KSA and the Philippines	KSA Resolution No. 19 of 1436 approving the Agreement concerning the Employment of Domestic Workers between the Ministry of Labour in Saudi Arabia and the Ministry of Labour and Employment in the Philippines	<p>This resolution approves and attaches the terms of the agreement signed between the two states in 2013 with some amendments to the Arabic version of the agreement. Some of the key provisions of the agreement include the following:</p> <ul style="list-style-type: none"> ▶ Article 3(3) provides that domestic workers shall be recruited through agencies with a sound reputation. ▶ Article 3(5) provides that both states will ensure that neither the employer nor the recruitment agency will impose fees or make deductions from the worker's wages in connection with the costs of recruitment and ensure that there are no irregular salary deductions. ▶ Article 4(2) provides that the Saudi MOL shall protect workers' rights, in accordance with the law. ▶ Article 4(5) provides that the Saudi MOL shall work to facilitate opening a bank account for the worker by the employer to deposit their salary. ▶ Article 4(6) provides that the Saudi MOL shall work to implement a mechanism to provide 24-hour support to domestic workers.
Qatar and Pakistan	Additional Protocol to the Agreement between the Government of the State of Qatar and the Government of the Islamic Republic of Pakistan concerning the Organisation of Pakistani Manpower Employment in the State of Qatar	<p>This bilateral agreement amends an agreement between Qatar and Pakistan in efforts to achieve cooperation between the states on employment opportunities in Qatar. The following provisions are notable:</p> <ul style="list-style-type: none"> ▶ The Joint Committee is to review employment opportunities in Qatar, including information on development plans, projected employment opportunities and their duration in various labour categories and the willingness of Pakistani nationals to utilize these opportunities. ▶ The Joint Committee is to meet alternately in each of the two states once every year. ▶ The Qatar government may repatriate Pakistani workers on the expiry of their employment contracts. This must be done before the expiration of the contract and when the need for such employment comes to an end. ▶ The Qatar Government can repatriate any number of Pakistani employees if their presence becomes contrary to the public interest or national security. All wages and rights accrued under the employment contract and labour law must be paid before repatriation.

Jurisdiction	Legal document	Brief summary
Qatar and Bangladesh	Decree No. 32 of 1988 ratifying the Agreement concerning the Employment of Bangladeshi Workers in Qatar	<p>This decree ratifies and attaches the terms of the agreement with Bangladesh. Some of the key provisions of the agreement include the following:</p> <ul style="list-style-type: none"> ▶ Article 3 states that the Qatar Ministry of Labour and Social Affairs shall send to the Bangladesh Ministry of Labour and Manpower recruitment applications submitted by employers. ▶ Article 4 stipulates that the recruitment application must include details of the required qualifications and expertise, the potential duration of the employment and the conditions of employment including wages, end-of-service benefits, and transportation and accommodation facilities. ▶ Article 7 provides that the Qatar Ministry of Labour and Social Affairs shall provide the workers with information on the living conditions in Qatar. ▶ Article 8 makes the employer responsible for the employee's travel expenses when first coming to Qatar, when returning to Bangladesh at the end of the contract and travelling between the two countries during holidays. The employer is not responsible for travel expenses where the employee leaves their employment prior to the end of the contract term for reasons not permitted by law or where the employee commits a violation that requires dismissal with no entitlement to benefits under the Qatar Labour Law. ▶ Article 9 states that the employment contract should be based on the template employment contract attached to the agreement. ▶ Article 10 mentions that the employment contract must specify the employer's obligations regarding accommodation. ▶ Article 11 prohibits the employer from amending the employment contract unless it is more beneficial to the employee and only after obtaining the approval of the Qatar Ministry of Labour and Social Affairs. <p>Some of the key terms of the template contract include the following:</p> <ul style="list-style-type: none"> ▶ Clause 3 provides for a loan to be paid to the employee before travelling to Qatar. ▶ Clause 4 relates to basic wages for a 48-hour working week. The employee should receive one paid day off every week on a Friday and should be paid overtime for additional hours worked, as per the provisions of the Qatar Labour Law. ▶ Clause 5 provides that the employer shall provide the employee with accommodation for free, including toilets and a kitchen, in accordance with health requirements. The employer should provide the employee with cold water and drinking water. ▶ Clause 6 relates to health and social care. The employer must provide the employee with free medical treatment and medical aid at the employee's accommodation, and undertake to compensate the employee for work-related injuries, impairments and death. ▶ Clause 7 provides the employee with: (a) a minimum of 2 weeks paid leave; and (b) paid sick leave (after 6 months of continuous employment).
Kuwait and Sri Lanka	Memorandum of Understanding on the field of Labour Recruitment and Development of Manpower between the Government of the State of Kuwait and the Government of the Democratic Socialist Republic of Sri Lanka	<p>This memorandum of understanding (MOU) seeks to establish cooperation between the two states on the development of labour and employment within the existing legal frameworks of the two countries. In addition to this, the MOU seeks to facilitate:</p> <ul style="list-style-type: none"> ▶ movement of the respective nationals of both countries; ▶ exchange visits to share knowledge and expertise on employment opportunities. <p>The basic conditions of employment, together with the rights and duties of employees and employers, are to be stipulated in employment contracts.</p> <p>This MOU is valid for 4 years, has automatic renewal unless either of the two states elect to terminate it 6 months before its expiration.</p> <p>A joint working group is to be constituted to ensure the following:</p> <ul style="list-style-type: none"> ▶ implementation of the MOU; ▶ proposals of any necessary revisions to the MOU, and the resolution of any problems during its implementation; ▶ the study of emerging employment opportunities and considerations of proposals regarding the training and skill enhancement of employees for the mutual benefit of the two states; ▶ meetings of the joint working group take place once every year.

Jurisdiction	Legal document	Brief summary
Kuwait and the Philippines	Kuwait Decree No. 225 of 2018 approving the Memorandum of Understanding in the Field of Manpower Exchange between Kuwait and the Philippines	<p>This decree approves and attaches the terms of the MOU signed between Kuwait and Philippines in 2012 regarding the exchange of workers. It is drafted in general terms. Some of the key provisions of the MOU include the following:</p> <ul style="list-style-type: none"> ▶ Article 3 provides that the recruitment and employment of workers will be in accordance with the laws and procedures in force between the countries and will be subject to the principles of transparency and mutual benefit. ▶ Article 5 stipulates that the employment contract must be in English and Arabic, with each language having equal force. ▶ Article 7 relates to disputes concerning the employment contract. Disputes should be resolved by amicable settlement, but the worker has the right of recourse to the courts.
Kuwait and the Philippines	Decree No. 16 of 2019 approving the Agreement concerning the Employment of Domestic Workers between Kuwait and the Philippines	<p>This decree approves and attaches the terms of the agreement signed in 2018. Below are some of the key provisions of the agreement:</p> <ul style="list-style-type: none"> ▶ Article 1(2) provides that the employment of domestic workers shall be based on the template contract. ▶ Article 1(6) stipulates that a mechanism to inspect the level of care given to domestic workers shall be established by the Kuwaiti authorities. ▶ In article 2(1) Kuwait agrees to guarantee workers' rights. ▶ In article 2(2), Kuwait agrees to guarantee that the employer will provide workers with food, accommodation and clothing, and register workers in the health insurance scheme to cover illnesses or injuries at work. The employer must also compensate the worker for work-related injuries and repatriate the bodies of workers who die in Kuwait while paying the full wage for the month in which they passed away. ▶ In article 2(3), Kuwait agrees to guarantee that the employer will not take possession of any documents or personal identification papers (e.g. passport) of the worker. ▶ In article 2(4), Kuwait agrees to allow workers to own cell phones and other means of communication, and to not allow employers to confiscate them. ▶ In article 2(5), Kuwait agrees to not allow employers with a record of mistreating workers from recruiting workers. ▶ In article 2(6), Kuwait agrees to facilitate the opening of bank accounts in workers' names and to allow workers an appropriate opportunity to remit money to the Philippines. ▶ Article 2(7) deals with disputes between the worker and employer and provides for the worker to be excused from paying any court fees. ▶ Article 2(10) provides for the employer to abide by the wages agreed upon in the contract and the minimum legal age for recruits, according to Kuwaiti law. ▶ Article 2(11) provides that legal assistance will be provided to workers in cases of violation of the contract or domestic labour law. ▶ In article 2(12), Kuwait agrees to set up a mechanism to provide 24-hour support to workers. ▶ In article 3(3), the Philippines agrees to prevent Filipino employment agencies from imposing fees on or deducting wages from workers, or from making any deductions illegally.

► Annex 5. Bilateral agreements

Dozens of bilateral agreements and memoranda of understanding regulating employment conditions with migrant countries of origin have been signed by the GCC Member States. Although many of these agreements emerged out of origin countries' concerns for workers' wellbeing, it has also been in the interest of destination countries to contribute to addressing the specific needs of workers and creating a more transparent employment and immigration landscape. The latter is especially important in countries such as Kuwait and Saudi Arabia, where separate labour laws regulate the employment of specific groups of migrants (e.g. domestic workers).

While some of the agreements are rather generic, others specify recruitment and immigration processes, or address certain categories of workers, such as domestic helpers, healthcare professionals and so on. For example, signed in 2014, the agreement between Saudi Arabia and India aims not only to protect the rights of employers and domestic workers, but also regulates the contractual relationship between them by introducing a standard employment contract. The agreement ensures that the recruitment process is possible through accredited agencies and that

the cost of the process is not charged to the worker. It also obligates the employer to pay salaries into a bank account and grants the parties the pathway for legal recourse in case of a dispute. The agreement also reinforces certain obligations for entry to Saudi Arabia that must be met by the job candidate, including medical fitness and a clear criminal record, which stem from the legislative framework of the GCC bloc. Finally, the agreement guarantees the necessary assistance in emergency situations and provides general conditions for repatriation. Similar agreements were signed by Saudi Arabia with the Philippines and with Indonesia in 2013 and 2014, respectively.

The remaining GCC states have also entered into similar agreements with popular migrant countries of origin, including Bangladesh, China, Egypt, India, Indonesia, Morocco, Nepal, Pakistan, Philippines, Syria, Tunisia and Turkey. The variety of issues that these agreements cover signifies the importance of having strong and transparent mechanisms regulating recruitment, immigration and employment processes in the GCC. Summaries of the provisions included in some of these agreements are listed below.



Bahrain – Nepal

The MOU in the areas of labour and occupational training between the Government of Nepal and the Government of the Kingdom of Bahrain (2008) covers the following:

- ▶ Exchange of expertise, statistics, data and information related to the labour market and programmes related to integration of young women and men in the labour market.
- ▶ Cooperation in the areas of skill level assessment and training.
- ▶ A recruitment agency in the origin country must ensure medical fitness and appropriate training prior to departure for Bahrain. In the case of the employee not being fit for work, it is the agency's responsibility to replace them.
- ▶ An employment contract is mandatory; it must be in line with the local labour law and must include fundamental details relating to employment, such as terms of the contract, agreed wages, type of work and so on.
- ▶ The employer must ensure that the worker has appropriate accommodation in Bahrain.
- ▶ The employee has the right to convert salaries into a currency of choice that can be remitted outside of Bahrain.
- ▶ Settlement of employment disputes should be arranged amicably, or through an arbitration process in accordance with local laws.

Bahrain – Philippines

The Memorandum of Agreement between the Government of the Republic of the Philippines and the Government of the Kingdom of Bahrain on Health Services Cooperation (2007) covers the following:

- ▶ The creation of an ethical framework for policies and procedures related to recruiting healthcare professionals.
- ▶ Cooperation in the areas of healthcare, education, training and exchange of technical development programmes.
- ▶ Promotion and development of health-related training institutions.
- ▶ Support for the transfer of technologies, including joint research projects and sharing best practices in the healthcare sector.
- ▶ An internationally accepted employment contract is mandatory and must be in line with the labour laws of both countries, and must specify employment details, such as position, job description and other terms. Workers must enjoy the same rights and responsibilities as those provided in the relevant international labour Conventions.
- ▶ Equal employment opportunities must be provided in terms of pay and other employment conditions, as well as access to training and education, career development and the right to due process in cases of violation of employment contract.
- ▶ Access to internships and graduate and post-graduate scholarship programmes should be provided by the local government, including access to leading universities in Bahrain.

Kuwait – Philippines

The MOU on labour and manpower development between the Government of the Republic of the Philippines and the Government of the State of Kuwait (1997) covers:

- ▶ the promotion and strengthening of cooperation in development within the areas of labour and the workforce;
 - ▶ facilitation of the deployment of labour into both countries.
- Basic conditions of employment, including the rights and duties of both parties must be clearly set out in an employment contract, which must be in line with the labour laws of Kuwait and the Philippines.



The MOU between the Ministry of Overseas Indian Affairs in the Republic of India and the Ministry of Manpower in the Sultanate of Oman in the field of manpower (2008) covers:

- ▶ the facilitation of recruitment of Indian workers to Oman;
- ▶ the promotion of bilateral consultations on job creation and generation of employment opportunities;
- ▶ job specification, including skill level, which must be provided to the worker in advance of travel to Oman;
- ▶ amendments of the provisions of the contract, which must be agreed to by the worker;
- ▶ settlement of disputes, which should be done in an amicable way, or through internal arbitration as per the local laws.

An employment contract is mandatory and must specify the conditions of employment, including salary details, end-of-service gratuity details, medical insurance, leave entitlement, transportation and accommodation. It should clearly state the rights and obligations of the parties, in line with the local labour law. The contract must be authenticated by the Ministry of Manpower in Oman, and is renewable automatically unless a termination notice is issued by any of the parties.



The Additional Protocol to the Agreement between the Government of the Republic of the Philippines and the Government of the State of Qatar (1997 and 2008) covers the following:

- ▶ Promotion and strengthening of cooperation in the development in the areas of labour and the workforce.
- ▶ Facilitation of deployment of workers into both countries.
- ▶ Recruitment of a Filipino worker must be arranged through an accredited agency in the origin country and the Government of the Philippines may refuse such a recruitment if it is contrary to the interests of the worker or national security.
- ▶ Conditions of employment must be regulated through a "Model Contract", a template of which is attached to the bilateral agreement. Renewals of the employment contract must be agreed to in writing.
- ▶ The bilateral agreement refers to specific provisions of the Qatari Labour Law in relation to dismissal from work without notice and without end-of-service gratuity payment. It requires that, in the case of labour disputes, the relevant authorities in Qatar inform the Embassy of the Philippines about such issues.
- ▶ Specific provisions relate to the repatriation of Filipino workers from Qatar by the relevant authorities in Qatar.



Saudi Arabia - India



The Agreement on Labour Cooperation for Domestic Service Workers Recruitment between the Ministry of Overseas Indian Affairs of the Republic of India and Ministry of Labour of the Kingdom of Saudi Arabia (2014) covers the following:

- ▶ Cooperation in the recruitment of domestic workers to ensure the rights of employers and workers, as well as the wellbeing of the latter.
- ▶ The agreement specifies categories of domestic workers, including gardeners, drivers and carers.
- ▶ Recruitment of workers may be arranged directly or through accredited agencies in India and Saudi Arabia. Legal measures can be taken against recruiters who violate the laws of either country.
- ▶ The recruiter in India must ensure the medical fitness and clear criminal record of the worker prior to departure for Saudi Arabia. Recruitment fees cannot be charged to the worker.
- ▶ Conditions of employment must be regulated through a standard employment contract, which must be approved by the competent authorities in each country and authenticated through the Indian consular posts.
- ▶ The employer must facilitate the opening of a bank account for workers to deposit their salary in accordance with the employment contract.
- ▶ The establishment of a mechanism for 24-hour assistance to domestic workers.
- ▶ Facilitation of the issuance of exit visas for the repatriation of workers at the end of their employment or in emergency situations.
- ▶ Settlement of disputes should be done through an internal arbitration process, as per local laws.



UAE - Indonesia



The MOU between the Government of the Republic of Indonesia and the Government of the United Arab Emirates in the field of manpower (2007) covers the following:

- ▶ Facilitation of the recruitment of Indonesian workers to the UAE.
- ▶ Recruitment of Indonesian workers must be conducted in accordance with the Memorandum and in line with the relevant laws and procedures of the signatory countries. It should be done through accredited recruitment agencies. Legal measures can be taken against recruiters who violate the laws of either country.
- ▶ A job offer ("job order") is mandatory for the recruitment process and must include all job specifications and employment conditions, especially related to wages, accommodation and transportation.
- ▶ Terms and conditions of employment should be defined in the employment contract, which must set out the rights and obligations of both parties, including those mentioned above.
- ▶ The employee has the right to remit all their savings outside of the UAE.
- ▶ Settlement of disputes should be done in an amicable way, or through internal arbitration, as per local laws.



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