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## **THE LAW OF LABOR IN THE PRIVATE SECTOR No. 6 of 2010**

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**Law No. 6 of the year 2010**  
**Promulgating the Law of Labor in the Private Sector**

Having perused the Constitution;

Penal Law No 16 of the year 1960, as amended;

Law No. 38 of the year 1964 concerning Labor in the Private Sector, as amended;

Law No. 28 of the year 1969 concerning Labor in the Oil Sector;

Social Security Law issued by the Amiri Order in Law No. 61 of the year 1976, as amended;

Law Decree No. 28 of the year 1980 concerning enacting the Marine Commercial Law, as amended;

Law Decree No. 38 of the year 1980 concerning enacting the Law of Civil and Commercial Proceedings, as amended;

Law Decree No. 67 of the year 1980 concerning enacting the Civil Law, as amended by the Law No. 15 of the year 1996;

Law Decree No. 64 of the year 1987 concerning the Establishment of a Labor Department at the Court of First Instance;

Law Decree No. 23 of the year 1990 concerning the Law Regulating the Judicature, as amended;

Law No. 56 of the year 1996 promulgating the Law of Industry;

Law No. 1 of the year 1999 on Aliens Health Insurance and the Imposition of Fees for Medical Services;

And Law No. 19 of the year 2000 concerning Support of National Manpower and Encouraging it to Work in Non-governmental Entities, as amended;

The National Assembly has ratified the following law which is hereby approved and promulgated.

## **Chapter One** **General Provisions**

### **Article (1)**

In the application of the provisions of this Law, the following terms shall mean:

- 1- The Ministry: The Ministry of Social Affairs and Labor.
- 2- The Minister: The Minister of Social Affairs and Labor
- 3- The Worker: Any male or female person who performs a manual or mental work for an employer under the employer's management and supervision against a remuneration.
- 4- The Employer: Every natural or legal person who uses the services of workers against a remuneration.
- 5- The Organization: An organization that gathers workers or employers with similar or related businesses, occupations or jobs in order to protect their interests, defend their rights and represent them in all matters related to their affairs.

### **Article (2)**

The provisions of this Law shall apply to all workers in the private sector.

### **Article (3)**

The provisions of this Law shall apply to marine work contract in respect of any thing not provided for in the Marine Commercial Law or in the event where the text of this Law is more beneficial to the worker.

### **Article (4)**

The provisions of this Law shall apply to the oil sector in respect of any thing not provided for in the Law of Labor in the Oil Sector or in the event where the text of this Law is more beneficial to the worker.

### **Article (5)**

The following shall be excluded from the application of this Law:

- Workers who are subject to other laws and to the provisions of those laws;
- Domestic workers: the competent minister shall issue a resolution concerning their affairs setting forth the rules that organize their relations with the employers.

**Article (6)**

Without prejudice to any more advantageous benefits and rights granted to workers in individual or collective contracts, special regulations or by-laws observed by the employer or in accordance with professional or general customs, the provisions of this Law shall represent the minimum level of workers rights.

**Chapter Two**  
**Employment, Apprenticeship and Professional Training**  
**Section One – Employment**

**Article (7)**

The Minister shall issue resolutions that regulate the conditions of employment in the private sector, particularly the following:

- 1- Conditions for the moving of manpower from one employer to another.
- 2- Conditions for the granting of permission for the manpower of one employer to work for another employer for some time.
- 3- The particulars that employers should provide to the Ministry with regard to the government employees who are authorized to work for employers out the government official working hours.
- 4- Jobs, occupations, and works that employees may not be engaged in unless they pass professional examinations subject to such controls as are laid down by the Ministry in coordination with the concerned entities.

**Article (8)**

Every employer shall inform the competent authority about its need for manpower and shall annually inform the competent authority of the number of manpower employed by him, using such forms as are prepared for this purpose subject to such controls and conditions as are laid down by a resolution from the Minister.

**Article (9)**

There shall be established a public authority that shall be a corporate body with an independent budget, and named The Public Authority for Manpower, under the supervision of the Minister of Social Affairs and Labor. It shall have the responsibilities given to the Ministry under this Law and undertake the importation and employment of expatriate manpower upon the request of employers. A law that regulates the said Public Authority shall be issued within one year after the date of entry into force of this Law.

**Article (10)**

The employer shall be prohibited from employing foreign manpower unless the competent authority has granted them a permit to work for him. The Minister shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer. In the event of refusal, such refusal shall be justified by stating the reason thereof, and the reason for such refusal shall not be related to the amount of the capital, otherwise the decision shall be absolutely null and void.

Employers shall not bring workers from outside the country or hire workers from inside the country then fail to provide them with employment at his own entity, or subsequently be found not to have a an actually need for them. The employer shall bear the expenses of the worker's return to his country. In the event where

the worker stops working for his employer and joins the service of another employer, the latter shall bear the cost of the worker's return to his country after the original sponsor has reported that the worker has been absent from work.

#### **Article (11)**

The Ministry and the competent authority shall not engage in any discriminatory or preferential treatment in dealing with employers with regard to the granting of work or transfer permits by granting such permits to some employers and denying them to others for any pretext or justification. The Ministry may, for organization reasons suspend the issue of work and transfer permits for a period not exceeding two weeks in any one year, and no employers may be excluded from such suspension during such period. Any act made in violation of this Article shall be absolutely null and void.

### **Section Two** **Apprenticeship and Professional training**

#### **Article (12)**

A professional apprentice is every person who, having completed his 15<sup>th</sup> year of age, signs a contract with the entity in order to learn a profession within a specific period in accordance with conditions and regulations that are agreed upon. The professional apprenticeship contract shall, in respect of any thing not provided for in this Section, be subject to the provisions contained in this contract governing juvenile employment.

#### **Article (13)**

The professional apprenticeship contract should be written and made in three copies: one copy for each party and a third copy to be submitted to the competent authority at the Ministry within a week for approval. The contract shall state the profession, apprenticeship period, successive stages and remunerations in a gradual manner at every level of learning. The minimum remuneration during the last stage shall not be less than the minimum remuneration specified for the remuneration of a similar job.

The remuneration shall in no event whatsoever be specified based on production or piecework.

#### **Article (14)**

The employer shall have the right to terminate the apprenticeship contract in the event where the apprentice fails to perform his duties under the contract or it is found in the periodic reports that he lacks the aptitude to learn.

The apprentice too shall have the right to terminate the contract. Any party who wishes to terminate the contract shall notify the other of his wish to do so at least seven days in advance.

#### **Article (15)**

Professional training includes theoretical and practical means and programs that provide the workers with the opportunity to develop their knowledge and skills and acquire a practical training to enhance their abilities, increase their production efficiency, prepare them for a certain profession or transfer them to other professions. Training shall take place at institutes, centers or establishments that achieve this objective.

#### **Article (16)**

The Minister shall, in cooperation and coordination with competent academic and professional entities, determine all conditions and circumstances necessary for holding professional training programs, the periods of training, the theoretical and practical programs, the examination system, and the certificates given in this regard and the information that should be stated therein.

This resolution may also oblige one or more establishments to conduct training sessions for workers at centers or institutes of another establishment in the event where the first establishment does not have its own training center or institute.

#### **Article (17)**

The establishment which is subject to the provisions of this Chapter, shall pay the worker his entire remuneration during the period of training whether such training is provided inside or outside the establishment.

#### **Article (18)**

The professional apprentice or trainee worker shall, after completing his apprenticeship or training, to work for the employer for a period equal to that of his apprenticeship or training or for a maximum period of 5 years. In the event where the apprentice or trainee fails to honor this obligations, the employer shall have the right to recover from him the apprenticeship or training expenses incurred proportionate to the remainder of the period that he has an obligation to work at the said employer.

### **Section Three** **Employment of Juveniles**

#### **Article (19)**

It shall be prohibited to employ persons who are below the age of 15 years.

#### **Article (20)**

Subject to the approval of the ministry, it shall be allowed to employ juveniles who reached 15 years of age but did not exceed 18 years subject to the following conditions:

- a- They shall not be employed in industries or professions that are, by a resolution of the Minister, classified as hazardous or harmful to their health.
- b- They shall have a medical examination before the start of employment and thereafter have periodical similar examinations at intervals not exceeding six months. The Minister shall issue a resolution in which he shall determine these industries and professions, as well as procedures for and intervals of such medical examinations.

#### **Article (21)**

Juveniles shall work for maximum of six hours per day, and shall not be employed for more than four hours straight, followed by a break of not less than one hour.

They shall not be employed for overtime working hours, on weekly rest days, official holidays or at any time from 7:00 in the evening to 6:00 in the morning.

### **Section Four** **Employment of women**

#### **Article (22)**

It is prohibited to employ women at night during the period from 10:00 at night to 7:00 in the morning. This excludes hospitals, sanatoriums, private treatment homes and establishments in respect of which a resolution by the Minister of Social Affairs and Labor shall be issued. The employer shall, in all cases referred to in this article, provide them with all security requirements as well as transportation means from and to the workplace.

The working hours during the holy month of Ramadan shall be excluded from the provisions of this Article.

#### **Article (23)**

It shall be prohibited to employ any woman in works that are hazardous, arduous or harmful to health. It shall also be prohibited to employ any woman in jobs that violate morals and that exploit her femininity in violation of public morals. No woman shall be made to work at establishments that provide services exclusively for men.

Such works and establishments shall be specified by a resolution from the Minister of Social Affairs and Labor after consultation with the Labor Affairs Consulting Committee and the competent organization.

#### **Article (24)**

A pregnant working woman shall be entitled to a paid maternity leave of 70 days, not included in her other leaves, provided that she gives birth within this period.

After the end of the maternity leave, the employer may give the working woman, at her request, an unpaid leave for a period not exceeding four months to take care of the baby.

The employer may not terminate the services of a working woman while she is on such leave or during her absence from work because of a sickness that is proved by a medical certificate that states that the sickness resulted from pregnancy or giving birth.

#### **Article (25)**

The working woman shall be allowed a two-hour break during her working hours in order to feed her baby according to such conditions as shall be set forth in the Ministry's decision. The employer shall establish a nursery for children below the age of 4 at the place of work in the event where the number of female workers exceeds 50 or the number of workers exceeds 200.

#### **Article (26)**

A working woman shall be entitled to a remuneration similar to the remuneration of a man if she performs the same kind of work.

**Chapter Three**  
**Individual Work Contract**

**Section One**  
**Work Contract Structure**

**Article (27)**

Anyone who has completed 15 years of age shall be eligible to conclude a work contract if the period of the contract is not specified. In the event where the period is specified, it should not exceed one year, until he will reaches 18 years of age.

**Article (28)**

The work contract shall be made in writing and contain, in particular, the signing and effective dates of the contract, the amount of remuneration, the term of the contract if it is for a specific period and the nature of work. The contract shall be made in three copies, one for each party and the third shall be lodged with the competent authority at the Ministry. In the event where the work contract is not established by means of a written document, it shall still be deemed to exist and the worker may, in such event, establish his rights by all means of evidence.

Regardless of whether the work contract is for a specific or an indefinite term, the remuneration of the worker may not be reduced during the contract validity period. Any agreement to the contrary, whether made before or after the effective date of the contract, shall be deemed null and void because this matter is related to the general order.

The employer may not assign to the worker any task that is not consistent with nature of the work stated in the contract or that is unsuitable to the worker's qualifications and experience on the basis of which the contract was signed with him.

**Article (29)**

All contracts shall be written in Arabic and translations to any another language may be added thereto, provided that the Arabic version shall prevail in the event of any dispute. The provision of this Article shall apply to all correspondences, publications, bylaws and circulars issued by the employer to his workers.

**Article (30)**

In the event where the term of the work contract is specified, such term shall not exceed five years nor shall it be less than a year. The contract may be renewed after the expiry of the specified period with the consent of both parties.

### **Article (31)**

If the period of the work contract is specified and both parties continue to implement it after the expiry of the period thereof without formal renewal, the contract shall be deemed renewed for a similar period with the same conditions, unless both parties agree to renew it under other conditions. In all events, renewal may not adversely affect the worker's entitlements acquired under the previous contract.

## **Section Two** **Obligations of Workers and Employers** **and Disciplinary Penalties**

### **Article (32)**

The probation period of the worker shall be specified in the work contract, provided that it shall not exceed 100 working days. Either party may terminate the contract during the probation period without notice. In the event where the termination is made by the employer, he shall pay the worker's end of service benefit for the period of work in accordance with the provisions of this Law.

The worker shall not be on probation more than once for the same employer. The Minister shall issue a resolution to organize the conditions and regulations of work during the probation period.

### **Article (33)**

In the event where the employer entrusts another employer with the performance of a task or part thereof under the same conditions, the employer entrusted with the work shall treat his own workers and those of the original employer equally concerning all rights and both employers shall be jointly liable in this regard.

### **Article (34)**

The employer, who contracts for the execution of a government project or who employs his workers in remote areas, shall be obliged to provide them with a suitable accommodation and means of transportation to such remote areas free of charge. In the event where no accommodation is provided, the employer shall pay them an appropriate accommodation allowance. The Minister shall, by means of resolution, determine the areas that are distant from urban development, the conditions of suitable accommodation and the accommodation allowance.

In all other events where he is required to provide accommodation for his workers, the employer shall be subject to the provisions of the resolution referred to in the preceding paragraph concerning the conditions of suitable accommodation and determining the accommodation allowance.

### **Article (35)**

The employer shall affix at a conspicuous location at the work place, the table of penalties that may be imposed on violating workers. In preparing the tables of penalties, the employer shall take into consideration the following:

- a- The violations committed by workers and the penalty corresponding to each violation shall be specified.
- b- Penalties shall be progressively list for the violations.
- c- Only one penalty may be imposed for each violation.
- d- The worker may not be punished for any act he committed if such act is proved 15 days after the date of committing such act.
- e- The worker may not be punished for an act he committed outside the work site, unless such act is related to the work.

### **Article (36)**

The employer shall obtain the Ministry of Social Affairs and Labor's approval of the tables of penalties before the implementation thereof. The ministry may modify these tables depending on the nature of the establishment or of the work and in line with the provisions of this Law.

The Ministry shall present these tables to the competent organization, if any. Where no such competent organization exists, the general union shall be referred to and requested to provide its remarks and suggestions with regard to these tables.

### **Article (37)**

No penalty may be imposed on the worker unless he has been informed in writing of the act attributed to him, his statements have been heard, his defense investigated and the minutes of the investigation kept in his personnel file. The worker shall be notified in writing of the penalties imposed upon him, their type and amount and the causes of the imposition thereof as well as the punishment that he will be exposed to in the event of repetition of the violation.

### **Article (38)**

Deduction from the worker's remuneration shall not exceed 5 days in any one month. In the event where the punishment exceeds such deduction, the exceeding amount shall be deducted from remuneration of the following month or the following months.

### **Article (39)**

The worker may be suspended from work during the period of investigation conducted by the employer or his representative provided that it does not exceed than 10 days. In the event where the investigation is completed and the employee

