Labor Law

Chapter I

Scope of Implementation

Article 1

- In applying the provisions of the present law, the following terms shall denote the meanings indicated next to each of them:
  Worker: any male or female performing manual or mental work in return for a wage under management or supervision of the Employer.
  Employer: any natural or juridical person who practices a profession or engages in business and employs workers in return for a wage.

Article 2

- The provisions of the present law shall not apply to domestic service workers and/or workers governed by other laws, as provided in the said laws.
Labor Law
Chapter II
Migration and Work Permits

Article 3
- The Employer shall be prohibited from employing non-Kuwaiti workers or workers from countries other than Arab Gulf Cooperation Council Member States unless otherwise obtaining a work license from the Ministry of Social Affairs and Labor to that effect.
- The Employer may not recruit workers from outside Kuwait and thereafter decline to allow such workers to undertake work or prove the lack of real need to such workers.
- Annullled.

Article 4
- The Work Permit may be issued under the following conditions:
  1- Worker has legally entered the Country;
  2- Worker holds a valid passport;
  3- Worker has obtained a residency permit;
  4- Worker shows good conduct.
The Work Permit is issued in return for a fee to be defined by the Ministry of Social Affairs and Labor.

Article 5
- The Work Permit shall be valid for a period of two years to be renewed once every year. The Work Permit term shall not, in any case whatever, exceed the term of the validity of the residency permit granted to the Worker.

Article 6
- The Ministry of Social Affairs and Labor shall have the right to cancel the Work Permit in one or more of the following cases:
  1- One Provision or more of Article 4 ceased to apply to the Work Permit holder.
  2- The Ministry sees to it that the continuation of the employment of the Worker in Kuwait poses competition to national workers in the labor market, without prejudice to the worker rights set forth in Article 54.
  3- The Worker ceased to attend for work for at least a period of three months.

Article 7
- The Ministry of Social Affairs and Labor shall issue the decrees regulating issuance of Work Permits and Cards.
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Chapter III

Employment

Article 8

- Unemployed workers may register their names at the Ministry of Social Affairs and Labor or at any branch thereof within whose jurisdiction lie their areas of residence. The Ministry will endeavor to appoint such workers in vacancies that suit their age and technical qualifications.

Article 11

- The Ministry of Social Affairs and Labor may authorize and license work of employment agencies whose function is to facilitate the recruitment of expatriate workers by employers from within or outside the country in accordance with the professions and specializations such agencies are authorized to employ. No owner of such agencies may receive any amounts of money from workers in return for employing them or for retaining and keeping them whether directly or indirectly. The Minister of Social Affairs and Labor shall by decree define the conditions and procedures necessary for granting such license, validity term, procedures for obtaining such and conditions for cancellation thereof, and shall regulate the work of such agencies and the books and records which such agencies will be bound to keep.

Article 9

- No unemployed Worker may be employed at any permanent work unless such Worker is registered at the Ministry of Social Affairs and Labor.

Article 10

- The priority in employment shall be given as follows:
  1- Kuwaiti Worker;
  2- Arab Worker who holds a valid Work Permit and/or is registered;
  3- Foreign Worker who holds a valid Work Permit and/or is registered.
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Chapter IV
Contract

Article 12
- The Worker shall be employed by virtue of a Contract, verbal or in writing, comprising in particular the start date of appointment, wage agreed upon, term of the contract, if it is a fixed-term contract, and the nature of work. In case the Contract is concluded in a verbal form, the Employer and/or the Worker may by whatever means admissible prove the rights thereof.

Article 15
- If an Employer entrusts another employer with carrying out one of the works or part thereof, provided that the work(s) is in the same work area practiced by the two employers respectively, the workers of the first Employer shall be entitled to the same rights and privileges as those conferred upon the workers of the second employer. The original Employer shall be jointly liable with the second employer within the limits of the amounts payable to the second employer.

Article 16
- The period of probation shall be defined in the labor Contract. The Worker shall not be appointed under probation for a period exceeding one hundred (100) days. The Employer is entitled to terminate the employment contract without notice during the probationary period, without prejudice to the Worker payments, in accordance with the provisions prescribed in Article 54. No Worker shall be appointed under probation for more than once with the same Employer.

Article 13
- The Contract may be a fixed-term Contract or an indefinite Contract. Should the Contract be a fixed-term contract, the term shall not exceed five (5) years. The Contract may however be renewed upon termination thereof.

Article 14
- All Contracts, correspondences, circulars, bulletins, and regulations made by the Employer shall be drawn up in Arabic. The Contract may be translated into any other language, provided that the Arabic version shall be held legally binding and shall prevail in the event of any dispute.
Labor Law

Chapter V

Employment of Juveniles

Article 20
- The Ministry of Social Affairs and Labor may authorize work by juveniles if the objective is to provide apprenticeship training in any of the industries and professions prescribed in Clause C, Article 19 of the present law, under the following conditions:
  1- Juvenile is not less than fourteen years of age;
  2- Juvenile has demonstrated fitness for employment in such industry;
  3- Ensuring that all regulations and conditions on which a decree may be issued concerning apprenticeship are applied.

Article 17
- In applying the provisions of the present law, a juvenile shall mean any person reaching the fourteen years of age, and not reaching the eighteen years of age.

Article 18
- Employment of female and/or male person not reaching the age of fourteen years of age shall be prohibited.

Article 19
- Juveniles over the age of fourteen years to eighteen years may be employed under the following conditions:
  A- Obtaining a license to that effect from the Ministry of Social Affairs and Labor;
  B- Conducting medical examination for juveniles before they are made to work and thenceforth periodically;
  C- Employment of Juveniles is in professions other than hazardous and health-endangering professions on which the Ministry of Social Affairs and Labor issues a decree defining such.

Article 21
No Juvenile shall be made to work at night, that is to say, during the period from sunset up to sunrise.

Article 22
Juveniles shall not be employed for more than six hours a day. Such period shall be specified in a way by which juveniles shall not be made to stay at work more than four continuous hours which shall be followed by break period not less than one hour.
Labor Law

Chapter VI

Employment of Woman

Article 23

Employment of women at night shall be prohibited. Female workers employed in local medical institutions and other institutions in whose respect a decree by the Ministry of Social Affairs and Labor is issued shall be excepted from applying the provisions of the present article.

Article 24

No female worker shall be employed in hazardous and/or health-endangering industries or professions on which a decree is issued by the Ministry of Social Affairs and Labor.

Article 25

A pregnant woman worker shall be entitled to a maternity leave on full pay not exceeding thirty days before delivery and maximum of forty days after delivery. The woman worker may after the determined maternity leave choose to absent herself from the work without pay for a period of maximum one hundred days whether continuous or intermittent if such absence is due to a disease established in a medical certificate to be the result of pregnancy and/or delivery.

Article 26

A woman worker shall not be entitled to annual leave if she benefited from the privileges enshrined in Article 25.

Article 27

Wage of woman worker shall be equal to that of a male if she performs the same work.
Chapter VII

Wages

Article 30

A Worker shall not be obliged to buy foods or goods from specific stores or to buy goods produced by the Employer.

Article 31

The Employer shall not deduct more than ten (10) percent from the worker's wage for payment of the money the Employer loaned to the Worker nor shall the Employer charge the Worker any interest on these loans or debts.

Article 32

No retention or relinquishment of the wage due to the worker shall be made for settlement of the alimentary debt, food, clothing or other debts except within the limits of 25% of that wage. The alimentary debt shall be given precedence over all other debts. Subject to Article 25, the provisions of the present Article and Article 31 shall apply to all amounts due to the Worker.

Article 28

The term "wage" shall mean all that the Worker obtains of the basic wage. In determining the wage, consideration shall be given to the last wage paid to the worker. In case the worker is paid on a piece-rate basis, the estimation of wage shall be conducted on the base of the average wage paid to the worker in return for the actual days of work in the last three months.

Article 29

Wages may be determined per hour, per day, per week, per month, or per piece. Wages shall be paid in one of official work days and at the workplace of the workers in the currency legally in circulation, subject to the following provisions:

A- A Worker appointed on a monthly pay shall be paid the wage thereof at least once per month;

B- a Worker paid per hour, day laborer, worker with a weekly wage, or worker paid on the piece-rate basis shall be paid the wage thereof at least once every two weeks;

C- The Employer shall be prohibited to transfer a monthly paid worker to the category of day laborers or to category of workers appointed with a weekly wage or on a piece-rate basis except with the approval of the worker on transferring thereof.
Labor Law

Chapter VII

Wages
Chapter VIII
Working Hours and Leaves

Article 35
The Worker shall be entitled to a weekly period of rest not less than one day without pay, and in case the Worker is made to work in the weekly rest, he/she shall be entitled to a wage in return for that day equaling the original wage per day plus 50% at least.

Article 36
The official public holidays paid in full to the Worker shall be as follows:
One day for the New Year Day;
One day for The Isra and Mi'raj Day (the Prophet's Night Journey and Ascension);
Two days for Eid al-Fitr (the Feast of Fast Breaking);
Two days for Eid al-Adha (the Greater Bairam);
One day for the Prophet's Birthday;
One day for the Coronation Day;
One day for the National Day.

Whenever a Worker is made to work in an official public holiday due to work conditions, such Worker shall be entitled to a double wage for that day.

Article 37
The Worker whose sickness is recorded in a medical certificate issued by a physician appointed by the Employer or by the attending physician of any government health unit shall be entitled to sick leaves during the year. The sick leaves shall be computed as follows:
Six days with full pay;
Then six days with three quarters of the pay;
Then six days with half of the pay;
Then six days with quarter of the pay;
Then six days without pay.

In case a dispute arises concerning determination of the period needed for the medical treatment, the certificate of the physician of the government health unit shall prevail over the certificate of the Employer-appointed physician.

Article 33
Subject to the provisions of Article 23 of the present law, the worker shall not be employed for more than eight hours a day, or forty eight hours a week, except in the cases prescribed in the present law. The worker shall not be made to stay at work more than five continuous hours without a break period, totaling not less than one hour. The break period shall not be counted as a working time.
Chapter VIII
Working Hours and Leaves

Working hours may by a decree of the Minister of Social Affairs and Labor be increased in certain cases as in hotel works, restaurants, security works, or hospitals, and may be reduced for arduous and health-endangering professions and industries and for severe weather conditions.

Article 34
The Employer may by a written order employ the worker for extra work time not exceeding two hours a day if the extra hours are necessary to prevent serious accident or to repair what resulted from such, or to avoid an assured loss, or to meet the needs of extra works of irregular nature. In any of such cases, the Worker shall be entitled to a wage for every extra hour equaling the original wage the worker is paid per hour plus 25% at least, provided that such wage shall be paid under the provisions prescribed in Article 29.

Article 38
The Worker spending one continuous year in the service of the Employer shall have the right to annual leave of fourteen days with full pay. The annual leave shall be extended to twenty one days for the Worker spending five continuous years.

Article 39
The Employer shall have the right to determine the date of the annual leave, and may with the approval of the Worker divide such leave but only after expiry of the first half determined thereto. The provision concerning dividing leaves shall not apply to the leaves determined for juveniles.
Labor Law

Chapter IX

Work Conditions

Article 40
The Employer shall provide the necessary means of vocational safety to protect workers during the work from all injuries arising from using work tools comprising among other things machines, gears, and lifting and transport equipment. The Employer shall in addition take all necessary and appropriate measures to provide protection to the workers from the dangers of collapse, falling objects, fragments, sharp objects, inflammables, explosives, acids, toxics, electric current and light reflection among other things.

Article 44
The Employer shall provide a first-aid kit readily accessible to the workers in the workplace containing medicine, bandages, and antiseptic. Every one hundred workers shall be entitled to one first-aid kit which shall be assigned to an experienced health nurse.

Article 45
The Employer shall provide transportation to workers employed in areas inaccessible by public transportation.

Article 46
The Employer shall provide workers employed in areas lying away from urbanization with the appropriate housing accommodation, potable water, and means of supply as agreed upon by the two parties. The Ministry of Social Affairs and Labor shall determine the areas on which the provisions of this Article have effect.

Article 41
The means of protection from injuries and the necessary precautions shall be determined and organized as may be decided by the Ministry of Social Affairs and Labor.

Article 42
Subject to the decrees of the Ministry of Health and the Kuwait Municipality concerning licenses of public stores, commercial and industrial stores and other license, the Employer shall take all precautions and measures as necessary to ensure complete sanitation, ventilation, appropriate lighting, and sewage disposal in accordance with the detailed regulations to be issued by the Ministry of Social Affairs and Labor.

Article 43
The Employer shall take all the necessary precautions to protect the workers employed thereby from occupational diseases in industries and professions on which a statement is issued by the Ministry of Social Affairs and Labor. The Ministry of Social Affairs and Labor
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Chapter IX

Work Conditions

shall regulate the means of protection necessary for each industry and profession.
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Chapter X

work regulations and

Article 47

The Employer shall keep a permanent record of each Worker containing at least Worker's name, profession, nationality, place of residence, his/her social status, the date of starting the service, his/her wage, sanctions imposed on him/her, annual and/or sick leaves obtained thereby, the date of his/her end of service and reasons therefore.

Article 48

The Employer shall provide each Worker with a copy of a work attendance card the original of which shall be kept with the Employer.

Article 49

The Employer shall put up at the workplace a schedule of working hours including in particular the work hours per day, weekly day of rest, and official public holidays.

Article 50

The Employer in case of employing ten workers or more shall post at a prominent location within the workplace a statute for the sanctions that may be imposed on the violating workers, subject to the provisions prescribed in Article 51 and the regulations to be issued by the Ministry of Social Affairs and Labor.

Article 51

In preparing the sanctions statute and application thereof, consideration shall be given to the following:
1- The statute shall determine the infractions perpetrated by the workers and degrees thereof;
2- The statute shall include an upward list of sanctions;
3- The employer shall not impose more than one sanction for the same infraction;
4- The Worker shall not be sanctioned for an infraction occurring outside the workplace except if such infraction is related to the work;
5- Sanction of wage deduction shall not exceed the wage of five days;
6- Suspension shall not exceed ten days in a month;
7- The Worker shall not be sanctioned for an infraction which is proven to be perpetrated after fifteen days on the day it was committed or the regular day of payment of wages.
Chapter XI
Termination of Labor

Article 55

The Employer may dismiss the Worker without prior notice and without end-of-service remuneration in any of the following cases:

a- if the Worker commits a fault causing substantial loss to the Employer;
b- if the Worker fails to comply repeatedly with the instructions made by the Employer, except for the cases necessary for the workers safety and safety of work on which repetition is not required, subject to the provisions prescribed in the approved sanctions list;
c- if the Worker absent himself or herself from work for more than seven consecutive days without reasonable cause;
d- if a final judgment is entered against the Worker for a criminal offense or misdemeanor involving a breach of honor and trust or morality;
e- if the Worker commits an assault upon a colleague, or upon the Employer or upon any representative of the Employer during the work or by reason thereof, subject to the provisions prescribed in the approved sanctions list;
f- if the Worker commits a grave breach of or fails to honor any of the obligations as agreed upon in the Worker's labor contract and as prescribed in the provisions of the present law;
g- if the Worker is found to have resorted to forgery or fraud to obtain the employment;
h- if the Worker discloses any of the work secretes.

Article 53

If the labor contract is for an indefinite period, each of the two parties may terminate it on condition of notifying the other party in writing of such termination. The notification shall be provided as follows:

a- in the case of workers appointed on monthly wage basis, the notification shall be delivered at least fifteen days before the contract is terminated;
b- in the case of other workers, the notification shall be delivered at least seven days before the contract is terminated. The party terminating the contract may pay to the other party compensation in return for the notification equaling the wage due to the Worker for the period determined for the notification as prescribed in paragraphs (a) and (b) of this article.

If the labor contract concluded with a definite period and is terminated by one party and the contract fails to mention anything dealing with such case, the party terminating the contract shall compensate the other party for damages. If such termination is initiated by the Employer and for reasons other than those prescribed in Article 55 of the present law, the Employer shall be obliged to compensate the Worker for any damage in accordance with the customary practices and work nature, the period of the contract, and in general the conditions where the damage is made certain and the scope of such damage, provided that the amount of compensation shall not by any means exceed the value of the remainder of the wage due to the Worker for the remaining period of the contract. If the termination is
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Termination of Labor

initiated by the Worker and for reasons other than those prescribed in Article 57 of the present law, the Worker shall be obliged to compensate the Employer for the loss that the Employer incurred as a result of the termination of the contract.

Article 57

The Worker may quit the work before termination of the contract period or without a notice and retain his/her full remuneration in any of the following cases:

a-if the Employer fails to comply with the terms and conditions of the contract and the provisions set forth in the present law;

b-if the Worker is assaulted by Employer or the representative thereof;

c-If for any reason there is a danger threatening the safety and/or health of the Worker in case the Worker continues to work.

Article 59

The labor contract shall terminate upon dissolution, liquidation, closure, or bankruptcy of the establishment, or the merger thereof with another establishment, or succession thereof by inheritance, will, gift, sale, surrender, or by other acts of disposal. The workers rights and remuneration shall become a debt payable by the Employer’s heirs or successors. The workers may continue to serve the successors of the Employer and retain the remuneration due thereto for the past period.

Article 60

Article 52

If the labor contract concluded with a definite period expires and its two parties continue to execute it, it shall be considered by them as a renewal of the contract for an indefinite period under the conditions prescribed therein.

Article 54

The Worker shall be entitled to end-of-service remuneration as follows:

a-Wage of fifteen days for each year of service for the first five years, and the wage of fifteen days for each of the following years in the case of workers who are paid per day, per week, per piece, or per hour;

b-Wage of twenty five days for each year of service for the first five years and the wage of one month for each of the following years, provided that the remuneration in total shall not exceed the wage of one year and half, in the case of monthly paid workers.

The Worker shall be entitled to remuneration for a fraction of the year proportionate to the period of his/her service. The Worker shall not however be entitled to remuneration for the
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Chapter XI

Termination of Labor

years of service delivered prior to enforcement of the present law and publication thereof in the Official Journal on the 15th of March 1959.

The provisions of the attached law shall not violate the Worker's rights and/or privileges previously obtained as derived from contracts or the applicable rules at an institution, quarter, or an Employer.

Article 56

The Worker shall not be entitled to end-of-service remuneration, if the Worker willingly quits the work but shall however be entitled to half-term remuneration as prescribed in Article 54 in case the Worker's period in service exceeded five consecutive years.

A woman Worker for reason of marriage shall at any rate have the right to claim her complete remuneration for her period in service in case she quits her work within six months of the date of marriage.

Article 58

The labor contract shall terminate upon the happening of any of following events:
- The death of the Worker;
- Disability of the Worker to perform work;
- If the Worker developed a disease exhausting sick leaves without prejudice to the provisions prescribed in Article 37 and Article 64.

In the event of the termination of the contract for any of the aforementioned reasons, the Employer shall pay the Worker or the heirs thereof the Worker's remuneration as prescribed in Article 65. The Employer may not use the right of termination established thereto by virtue of Article 53 during illness or injury of the Worker.
Chapter XII
Compensation for Work

Article 66
The Ministry of Social Affairs and Labor shall issue a statement indicating occupational diseases and the industries and occupations causing such diseases. New occupational diseases may be added to the said statement.

Article 65

Article 68
The liability of former employers and the recent Employer of a Worker suffering from an occupational disease shall be determined in the light of the medical report made by the attending physician. Former employers shall be obliged to pay compensation, each in proportion to the period such Worker spent in the service thereof, provided that the industries or occupations such employers engage in cause the disease the Worker suffers from.

Article 61
In case a Worker sustains an injury due to an accident arising out of and in the course of employment, the Employer shall report the accident to:

a-the police station within whose jurisdiction the workplace lies;
b-The Ministry of Social Affairs and Labor or a branch thereof within whose jurisdiction the workplace lies.

The Worker may make such reporting if his/her health condition allows doing so.

Article 62

Article 63
The injured Worker shall have the right to treatment at a public medical institution or at a private medical institution as decided by the Employer. The attending physician may determine in the medical report prepared thereby the period needed for the treatment, the disability resulting from the injury, the capacity of the Worker to continue to meet occupational demands. Where a dispute arises concerning any of the aforementioned, the matter shall be referred to the Ministry of Health for arbitration and the award issued thereby shall be binding and final.

The Employer shall incur the full expenditure of the medical treatment including medication and transportation.
Labor Law

Chapter XII

Compensation for Work

Article 64

Article 67
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Chapter XIII

Laborers and Employers

Article 70

Workers employed in the same establishment, trade, industry or of identical or related professions, industries, or trades may form amongst themselves unions with a view to protecting the interests of workers and for defending the rights due thereto and to attempt to improve the financial and social status of such workers and to represent the workers in all matters that relate to the affairs of any of such workers.

Article 69

The right to form employers' associations and workers' trade unions shall be secured by virtue of the present law.

Subject to the provisions of this Chapter, the formed trade unions or associations shall have legal personality.

The provisions of this Chapter shall apply to the workers employed in the government and petroleum sectors without prejudice to the rules laid down in the staff regulations in such sectors.
The Ministry of Social Affairs and Labor shall issue decrees and regulations and rules regulating the procedures prescribed in the preceding Article.

The Ministry of Social Affairs and Labor shall issue decrees and rules regulating formation of the Higher Advisory Committee and the procedures thereof.
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Chapter XIIIV

General Rules

Article 94

Article 95

Article 96

Article 97

Article 98

Article 99

Article 100

Article 101

Article 102

Article 103
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Chapter XIIIV

General Rules

Article 104

Article 105

Article 106

Article 107

Article 108

Article 109

Article 110