



COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: OMAN

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Omani Chamber of Commerce and Industry (OCCI), The General Federation of Oman Trade Unions (GFOTU) and the Board of Employers' and Workers' Organizations (the Oman Oil Company; Khimji Ramdas, Oman Oil Company, Ahmed and Mohammed Khunji, W.J. Towel and Baqir Salman) through communication of Government reports and tripartite meetings on reporting issues.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the OCCI.
	Workers' organizations	<p>2008 AR: Observations by the General Federation of Oman Trade Unions (GFOTU) that substituted the Main Omani Workers' Committee (MOWC). Observations by the International Trade Union Confederation (ITUC).</p> <p>2007 AR: Observations by the Main Omani Workers' Committee (MOWC). Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2006 AR: Observations by the MOWC. Observations by the ICFTU.</p> <p>2005 AR: Observations by the ICFTU.</p> <p>2002 AR: Observations by the ICFTU.</p> <p>2001 AR: Observations by the ICFTU.</p> <p>2000 AR: Observations by the ICFTU.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Oman has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).
		Ratification intention	<p>YES, since 2002 for C.87 and C.98.</p> <p>2008 AR: The Government reiterated its support to the ratification of C.87 and C.98 and added that once national labour laws come in line with international standards, the process of ratification will be initiated. The GFOTU supported the ratification of C.87 and C.98.</p> <p>2007 AR: The Government indicated that ratification of C.87 and C.98 was under consideration. It also mentioned, together with the OCCI and the MOWC, the need for tripartite discussions and ILO support for ratification of all ILO Fundamental Conventions by Oman.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (2002): The Government intended to ratify C.87 and C.98.</p>
	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Constitution	YES, the Basic Statute, article 80, provides for freedom of assembly and association.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy The Government's prospects: Compliance with the fundamental principles and rights of workers in the Constitution, legislation and labour laws. • Legislation <ul style="list-style-type: none"> • Oman has amended its Labour Law in 2006 by a Royal Decree (74/2006) and (112/2006). • The 2003 Labour Law, the Statute on the establishment of associations and the Civil Service Law for the establishment of workers' committees in the Public Service relate to the principle and right (PR). • Regulations 2008 AR: The Government indicated that Ministerial Decisions No. 294/2006 and 17/2007 were issued on the regulation of collective bargaining, peaceful strike and closure. It added that Ministerial Decision No.24/2007 was also issued relating to the establishment of trade unions and the General Federation of Oman Trade Unions (GFOTU). The Government noted that all draft decrees and decisions had been sent to the ILO Norms Department for comments and subsequently issued in accordance with international labour standards. 2007 AR: Two Ministerial Decrees (No. 135/2004 and No. 136/2004)) relate to the composition of workers' committees and committees for employers of enterprises. Sultan Decree No. 8/80 (1982) provides for service regulations in the Public Service, including the establishment of workers' committees and the settlement of disputes.

		Main legal provisions	<p>2008 AR: The Royal Decree No. 74/2006 issued on 8 July 2006 together with a Ministerial Decision No.24/2007 on the formation, functioning and registration system of the labour unions and labour associations. Moreover, ministerial Decision No.24/2007 was issued relating to the establishment of trade unions and the GFOTU.</p> <p>2007 AR: The amendment of Decrees No. 135/2004 and 136/2004 to comply with the Royal Decree 74/2006 and Ministerial Decision No. 294/2006 on Regulation of collective bargaining, peaceful strike and closure was issued on 29 October 2006.</p> <p>(i) Section 80 of the Basic Statute; (ii) the Statute on the establishment of associations; (iii) the Labour Law (No. 35/2003); (iv) the Civil Service Law for the establishment of a staff committee for workers in the Public Service; (v) two Ministerial Decrees (No. 135/2004 and No. 136/2004) relating to the composition of workers' committees and employers of enterprises employing 50 workers or more.</p>	
		Judicial decisions	NIL	
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2007 AR: According to the Government: Government approval to conclude collective agreements is not required since the amendment of the Labour Law.</p> <p>2003-2005 ARs: Prior government authorization is necessary to operate employers' organizations and conclude collective agreements. All categories of employers can set up their organizations.</p>
For Workers			<p>2007 AR: There is no more restriction on the right to form trade unions or to conclude collective bargaining since the amendment of the Labour Law.</p> <p>2002-2005 ARs: Prior government authorization is necessary to operate workers' organizations (Law No.35/2003 and two Ministerial Decrees (No. 135/2004 and No. 136/2004). Freedom of Association (FOA) can be exercised by all workers in the public service; medical professionals; teachers; agricultural workers; workers engaged in domestic work; workers in export processing zones (EPZs) or enterprises/industries with EPZ status; migrant workers; workers of all ages; and workers in the informal economy.</p> <p>However, it cannot be exercised by categories of workers subject to the formation of committees and associations (Ministerial Decree No. 135/2004 for the establishment of labour committees in private sector companies, in line with sections 108-109-110 of the Labour Law No. 35/2003).</p>	
Special attention to particular situations			<p>2008 AR: The GFOTU indicated that it has been working with NGOs on promoting women participation in trade unions and even to establish a union for working women in Oman.</p> <p>2005 AR: According to the Government: Women.</p> <p>2003 AR: According to the Government: People with disabilities and persons with special needs.</p>	

			Information/ Data collection and dissemination	<p>2007 AR: According to the Government: the Directorate of Inspection collects information and data on the PR.</p> <p>According to the Government: There is a lack of information and data on the PR.</p>
		At international level		According to the Government: There are no particular restrictions on the international affiliation of employers' and workers' organizations.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Monitoring, enforcement and sanctions mechanisms	<p>2008 AR: According to the Government: Ministerial Decision No.24/2007 was issued relating to the establishment of trade unions and the GFOTU.</p> <p>2000-2005 ARs: According to the Government:</p> <ul style="list-style-type: none"> -The Labour Law has legalized the right to establish trade unions, and the committees only register themselves at the Ministry of Labour after being formed. The establishment of joint committees of employers and workers in enterprises with significant workforces can play a monitoring and defensive role in relation to the PR. -The Ministry of Civil Service settles labour disputes concerning workers in the civil service, in accordance with the Service Regulations promulgated by Sultan Decree No. 8/80 (1982). These regulations provide for the establishment of Workers' Committees to deal with personnel questions and the right to submit complaints. - Inspection/monitoring mechanisms have been implemented. - The PR is enforced through law, collective agreements, free dispute settlement procedures and tripartite consultations at all levels. - In instances where the Government finds that this PR has not been respected, tripartite discussions free dispute settlement procedures are held by the social partners. Measures are taken to ensure respect for this PR. 		
	Involvement of the social partners	<p>2001-2001 ARs: According to the Government: Employers' and workers' organizations have been involved in: (i) training and awareness programmes, (ii) decision-making process; (iii) improving labour market conditions and (iv) promoting career development.</p>		
	Promotional activities	<p>2008 AR: The Government indicated that several tripartite seminars and trainings have been organized in collaboration with ILO, in particular the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman. Moreover, training programmes are being undertaken jointly with USAID in order to enhance the efficiency of manpower. It also added that a labour inspection had been undertaken and several training programmes for workers will be organized in 2007 in conjunction with ILO, such as the tripartite workshop on dispute settlement scheduled for the 20 June 2007.</p> <p>The GFOTU indicated that it has been working with ILO this year to implement a project on the creation of trade unions and to finalize the constitution of the General Federation of Oman Trade Unions. It has furthermore been working with NGOs on promoting women participation in trade unions and even to establish a union for working women in Oman. The GFOTU also participated as a social partner in number of tripartite activities organized by the Arab Labour Organization (ALO).</p> <p>2007 AR: According to the Government: A few seminars were organized to make social partners about their rights and obligations as stated in the amendment. Moreover, tripartite activities were organized in Oman with the support of the Arab Labour Organization (ALO).</p> <p>The Government, the OCCI and the MOWC referred to their participation in the Fourth ILO Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p> <p>2005 AR: The Government reported on frequent training and awareness-raising activities on the 2003 Labour Law, participation in programmes and symposia of training conferences, and publication of a series of public information pamphlets including on labour disputes.</p>		

	<p>Special initiatives/Progress</p>	<p>2007 AR: According to the Government: After the amendment of the Labour Law, the Joint Committees have become trade unions and the Main Omani Workers' Committee is renamed into the Omani General Labour Federation. Moreover, trade unions have been established in 33 companies.</p> <p>2006 AR: According to the Government: Under the 2003 Labour Law, 23 Workers' Committees have been established in 23 companies and they have elected a Main Omani Workers' Committee.</p> <p>2004-2005 ARs: According to the Government: The new Labour Law in 2003 and the establishment of committees in each organization.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2007 AR: The OCCI mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.</p>
		<p>Workers' organizations</p>	<p>2008 AR: The GFOTU indicated the following challenges: (i) promoting the culture of trade unionism in Oman between workers and employers still needs to be strengthened; (ii) capacity building and training of workers and trade unions members on the Declaration Follow-up is lacking in Oman; (iii) tripartite discussion in all work related issues has not yet been applied; (iv) trade union leadership nationally and internationally is still lacking; (v) skills for collective bargaining amongst trade union members should be raised and (vi) the participation and involvement of women in the trade union activities is still weak.</p> <p>According to the ITUC: (i) a decree promulgated on 8 July 2006 grants workers the right to form trade unions however the reference to the «General Federation of the Sultanate of Oman» implies a monopoly with a single trade union federation; (ii) a decree of 31 October 2006 authorizes collective bargaining and peaceful strike action by workers if it is supported by an absolute majority of the workforce; and (iii) half of Oman's workers are migrant workers and they represent a cheap and vulnerable source of labour.</p> <p>2007 AR: The MOWC also mentioned its lack of capacity building and training on the ILO Declaration and its follow-up. According to the ICFTU: The law still does not recognise the right to form unions and to bargain collectively; (ii) strikes are not prohibited anymore but the right to strike is not clearly recognized.</p> <p>2006 AR: According to the Main Omani Workers' Committee: Oman and countries of the Gulf Cooperation Council (GCC) need some time to organize themselves and adapt their structures progressively to freedom of association and the effective recognition of the right to collective bargaining. The ICFTU raised the following challenges: (i) the Labour Law, 2003, does not allow workers to form trade unions but they can form representational committees; (ii) the Labour law does not apply to members of the armed forces, security and government personnel, or domestic workers; (iii) the right to collective bargaining is still not recognised under the new law; (iv) the joint labour-management committees do not appear to be effective.</p> <p>2000-2005 ARs: The ICFTU raised the following challenges: (i) trade union rights are being violated; (ii) the Government's position on strikes is not clear; (iii) there is a binding arbitration for solving labour disputes; (iv) there is no collective bargaining and (v) joint labour-management committees are not efficient.</p>

	<p style="text-align: center;">According to the Government</p>	<p>2008 AR: The Government reiterated the same challenges mentioned in the 2007 and 2005 ARs.</p> <p>2007 AR: According to the Government: Lack of capacity of employers' and workers' organizations to understand their obligations, especially concerning collective bargaining.</p> <p>2003-2005 ARs: According to the Government: The main difficulties encountered in realizing the PR in Oman are as follows: (i) lack of public awareness and/or support; (ii) social and economic circumstances; and (iii) lack of capacity of workers' organizations.</p> <p>2005 AR: In response to the ICFTU's observations, the Government made the following comments: In the 2003 Labour Law, the Civil Service Law and the Laws on employment in the armed forces deal with issues related to employment and workers' rights in relation to the PR. The 2003 Labour Law does not mention prohibition of strikes and any punishment in case of strike. In addition, Chapter VIII (sections 104-107 of the 2003 Labour Law) deals with solving labour disputes. As regard collective bargaining, the establishment of representative committees will give incentive to workers to discuss issues related to employment with employers and the Government to achieve collective bargaining requirements.</p> <p>2002 AR: In response to the ICFTU's observations, the Government made the following comments: Authorization is provided to establish associations for workers and employers in enterprises employing 50 workers or more. It is looking forward to enforce the new Labour Code in 2004, in line with the PR. The Labour Law does not determine wages and salaries, but only provides for the minimum wage, by virtue of Ministerial Order No.222/98. In the private sector, wages are determined by both parties, and contracts should be in conformity with the Labour Laws and the Directives of the Government in this regard. Furthermore, the Sultanate enjoys benefits that do not justify strikes - which can be detrimental to the country.</p>
<p>TECHNICAL COOPERATION</p>	<p style="text-align: center;">Request</p>	<p>2008 AR: According to the Government: ILO technical assistance has been provided in carrying out seminars and training and it hopes that it will be sustained. The GFOTU requested ILO technical assistance for the capacity building of trade union members in Oman. Furthermore, field visits and best practices from other international federation of trade union are needed.</p> <p>2007 AR: According to the Government, the OCCI and the MOWC: ILO technical cooperation would be needed to organize a national tripartite workshop on International Labour Standards and the ILO Declaration. Moreover, employers' and workers' organizations need special training on their roles in the Declaration Follow-up.</p> <p>2006 AR: According to the Main Omani Workers' Committee: A need for technical cooperation to facilitate the realization of the PR exists in establishing Workers' Committees and raising awareness on the role of the Workers' Committees in promoting the principle and right and other fundamental principles and rights at work in line with the 1998 ILO Declaration.</p> <p>2005 AR: According to the Government: There is a need for technical cooperation to facilitate the realization of the PR in the following areas, in order of priority: 1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; 2) strengthening data collection and capacity for statistical analysis; 3) strengthening tripartite social dialogue and 4) sharing of experiences across countries/regions.</p> <p>2002 AR: The Government stated that the assistance of the ILO and the Arab Labour Organization (ALO) were needed in carrying out studies to support the organization and development of the labour force in the country.</p>

	Offer	<p>ILO, GCC, ALO</p> <p>2007 AR: According to the Government: A continuous dialogue is being held between Oman and the ILO. In this respect, a team of ILO experts visited Oman in April 2006, and a report on the Labour Law amendment was prepared. The ALO has supported some tripartite activities in Oman.</p> <p>2006 AR: According to the Government: The Plan of Joint Activities 2004-05 concluded between the Council of Ministers of Labour and Social Affairs in the GCC States and its Executive Bureau and the ILO includes the fundamental principles and rights at work as a top priority.</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs welcomed the efforts made by Oman (new regulations on collective bargaining and the right to strike) in implementing the principle and right and asked Oman (and other countries) to complete its legal review process to remove the obstacles to ratification of C.87 and C.98. They drew, however, the attention to the practice in some countries where only one official trade union is allowed, including Oman, and recalled in this regard the following: «the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right». The IDEAs finally acknowledged the high number of promotional activities concerning the PR in the Gulf States (and some other countries), and encouraged the Office to maintain its efforts to support these activities. (Cf. Paragraphs 12, 33, 34 and 36 of the 2008 AR Introduction – ILO: GB.301/3).</p> <p>2006 AR: The IDEAs observed the following: «It is important to note that the majority of workers in some Gulf States are migrant workers. Therefore, while we note that certain measures have been reported relating to this principle [...] we stress that the principle should be given full effect as regards all the workers present in these countries, including migrant workers, if these countries are to progress meaningfully in this area» (Cf. Paragraph 45 of the 2006 AR Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs listed Oman among the countries where progress was being made under the Annual Review on the promotion of freedom of association and the effective recognition of the right to collective bargaining (paragraph 12 of the 2005 Annual Review Introduction). Furthermore, the ILO Declaration Expert-Advisers noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (GCC) (Cf. Paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs stated that they were encouraged by the continuing steps taken by countries of the Gulf Cooperation Council (GCC) in relation to this PR, but noted that there was a long way to go and much to do. They further indicated that the Gulf Cooperation Council States were providing more information on the PR, but not enough on the other three PRs. This would help to illustrate the link between all four PRs. The IDEAs also wished that the positive measures taken by countries in the Gulf Cooperation Council (GCC) be expanded upon (Cf. Paragraphs 29 and 84 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Oman for its continuing dialogue with the Office (Cf. Paragraph 4 of the 2003 AR Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs recommended that, with a view to a more in-depth discussion of certain aspects of the Introduction, the Governing Body invite clarifications from Oman in relation to the continuation of steps undertaken in the country, in cooperation with the Office, concerning the principle of freedom of association and effective recognition of the right to collective bargaining. Furthermore, they acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the Government (Cf. Paragraphs 41 (b) and 82 of the 2002 AR Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped that the Governments of Oman would continue a dialogue with the Office regarding the ways in which the PR could be achieved (paragraph 77 of the 2001 Annual Review Introduction). They also recommended to the governing body that further information be requested from the Government of Oman in relation to efforts made to promote the principle and right (Cf. Paragraph 30 (b) (ii) of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>	

