



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

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

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2003 Annual Review (AR).
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Employer representative of the Council of Saudi Chambers of Commerce and Industry (SCCI), the Chairman of the Aramco Workers' Committee (AWC) and the Chairman of the Saudi Telecom Workers' Committee (STWC) through communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the SCCI. 2007 AR: Observations by the SCCI.
	Workers' organizations	2008 AR: Observations by the STWC. 2007 AR: Observations by the AWC. 2006 AR: Observations by the STWC. Observations by the AWC. 2005 AR: Observations by the STWC. Observations by the International Confederation of Free Trade Unions (ICFTU). 2004 AR: Observations by the ICFTU. 2003 AR: Observations by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU. 2000 AR: Observations by the ICFTU.

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	<i>Saudi Arabia 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).</i>			
		Ratification intention	<p>Under consideration, since 2000, for C.87 and C.98.</p> <p>2008 AR: The Government indicated that it had no intention at this time to ratify C.87 and C.98. The SCCI and the STWU expressed their support to the ratification of C.87 and C.98.</p> <p>2000 AR: The Government stated that it was examining the possibility to ratify the remaining fundamental Conventions.</p>			
	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Constitution	YES According to the Government: The Constitution of the Kingdom of Saudi Arabia, represented by the Sharia (Islamic rules), pursues the same objectives as those of freedom of association and collective bargaining.			
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Legislation The Labour laws relate to the principle and right (PR). • Regulations Decree No. 12 dated 2 April 2001 approving rules for the establishment of labour committees at the enterprise level relate to the PR. 			
		Basic legal provisions	(i) Constitution of the Kingdom of Saudi Arabia (Islamic Sharia); (ii) Labour laws and (iii) Decree No. 12 dated 2 April 2001 approving rules for the establishment of labour committees at the enterprise level.			
		Judicial decisions	NIL			
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	NIL		
			For Workers	NIL		
	EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	Special attention to particular situations	NIL	
				Information/Data collection and dissemination	NIL	
At international level			NIL			
Monitoring, enforcement and sanctions mechanisms		<p>2004 AR: According to the Government: Decree No. 12 dated 2 April 2001 opens the possibility of establishing one labour committee in each enterprise, consisting of Saudi workers employed in the enterprise.</p> <p>2001 AR: According to the Government: The <i>Shura</i> Council (the Consultative Council) had recently approved a proposal on a mechanism for workers' organizations, which suits the conditions and particularities of the Kingdom of Saudi Arabia.</p> <p>2000 AR: According to the Government: In the case of a conflict between an employer and a worker on a specific subject, the Labour</p>				

		Inspector plays the role of an intermediary providing advice and guidance and trying to bring about an amicable settlement of the dispute. The settlement is therefore consolidated and the Labour Inspector supervises its application.	
	Involvement of the social partners	2004 AR: According to the Government: Information meetings were held to familiarize workers and employers with the fundamental principles and rights at work, and the role of the workers' committees in enterprises in this regard.	
	Promotional activities	<p>2007 AR: According to the Government: Some activities were organized to promote the ILO Declaration and the development of workers' committees all over the country. Moreover, the Government took part in workshops on small and medium enterprises (SMEs) held in Oman in 2006.</p> <p>The Government, the SCCI and the AWC mentioned their participation in the ILO/Gulf Cooperation Council (GCC) on the Declaration Follow-up organized in Kuwait City in April 2006.</p> <p>According to AWC: Some progress has been made in the establishment of workers' committees in Saudi Arabia.</p> <p>According to STWC: The number of workers' committees has slightly increased, but the STWC is working on the establishment of additional ones.</p> <p>2004-2005 ARs: According to the Government: Several information meetings on the role of workers' committees in enterprises were held in different regions, and the convening of a seminar on social dialogue is being discussed with the ILO.</p>	
	Special initiatives/Progress	<p>2006 AR: The Government indicated that it is closely monitoring the creation of labour committees in enterprises. Recently, a number of committees were established in several enterprises and a number of other enterprises are setting up new labour committees. According to the ICFTU: Four workers' committees were established in 2004. A draft Bill revising the Labour Law was sent to the Council of Ministers for adoption in September 2004; it would also cover domestic workers.</p> <p>2005 AR: According to the Government: The setting up of several workers' committees in a number of establishments, and two committees chairpersons have participated for the first time in the 92nd Session of the International Labour Conference held in June 2004. The Government expects to establish more committees in the future.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT		Employers' organizations	NIL
	According to the social partners	Workers' organizations	<p>2007-2008 ARs: The ICFTU raised the following additional challenges: The 2005 labour law still does not give workers the right to organise, bargain or strike, the law still only allows for workers' committees. Moreover, the revised Labour Code, which entered into force in April 2006, does not grant workers the right to bargain collectively. It was furthermore drafted without any input from workers' representatives. Wages are fixed by employers, based on the nature of work and the nationality of the worker. Therefore, Saudi and western workers are paid at least 30 to 50 per cent more than other foreign workers.</p> <p>2006 AR: Observations by the Aramco Workers' Committee (AWC): (i) the establishment of workers' committees is supported by the Government, but some enterprises are very slow in establishing these committees; (ii) there is also a need to share experience on the development of freedom of association (FOA) and other</p>

			<p>fundamental principles and rights at work (FPRW) with unions of other countries.</p> <p>-Observations by the Saudi Telecom Workers' Committee (STWC): (i) there is a need to speed up the process of establishment of workers' committees in enterprises where they do not exist; (ii) there is also a need to educate these committees on FOA issues and other FPRW and the STWC is supporting this process.</p> <p>-The ICFTU raised the following additional challenges: (i) in spite of positive developments, such as the creation of workers' committees, trade unions and strikes are banned.</p> <p>2005-2006 ARs: Observations by the ICFTU: (i) only one committee can be formed in each qualifying enterprise and it must have between three and nine members; (ii) only Saudi workers may be members of a workers' committee, and these workers must be older than 25 years and have worked for more than two years at the same enterprise; (iii) the main tasks of these committees are limited; (iv) the law allows the administrative dissolution of workers' committees.</p> <p>2000-2002 ARs: The ICFTU raised the following challenges: (i) trade unions and strikes are banned by royal decree; (ii) collective bargaining is forbidden; (iii) anyone trying to form a union can be sacked, jailed, or in the case of migrant workers, expelled from the country; (iv) there are no mechanisms to promote the aims set out in the Sharia.</p>
	<p>According to the Government</p>		<p>2008 AR: In response to the ITUC's observations, the Government indicated that it is taking steady steps so that the workers' committees can fully play their role. The Ministry of Labour has already established a working group to visit a number of large cities in the Kingdom in order to make these committees known and sensitize workers on the importance and the need for total independence of these committees. It also held a number of meetings with several workers for this purpose. Procedures for the establishment of a national workers' committee are thus taking place in a steady and regular way with a view to reaching the committee's goals. Moreover, a number of professional groups and bodies fulfil the role of those committees and contribute to that process, such as the: (i) Saudi Economics Association; (ii) Saudi Journalists Association; (iii) Saudi Society of Certified Accountants; (iv) Saudi Commission for Health Specializations; and (v) Saudi Engineers Organization. Furthermore, no one can be dismissed, imprisoned or deported without a rightful reason. The workers' committees are simply a first step towards the creation of workers' organizations. Finally, migrant workers have the right to elect the members of the workers' committees and to submit any suggestion, point of view or complaint to the committee members. Section 11 of the Rules for the Creation of the Workers' Committees gives the Minister the right to dissolve a workers' committee only when it commits a serious violation to the provisions of these rules or offends the public security of the country, on condition that a decision in this respect is issued by the Supreme Authority for the Settlement of Labour Conflicts, as provided for in the labour regulations. Finally, it indicated that the Labour Code does not provide for any distinction on the basis of gender, religion, race or nationality. The wages in the private sector are determined according to the supply and demand rule and to the worker's competencies, capacities and experience. The wage is furthermore fixed on agreement between the worker and the employer before the arrival of the foreign worker in the Kingdom. As regards domestic workers, their conditions in the country lacked accuracy since section 7 of the Labour Code provides that the Ministry shall set, in coordination with the competent bodies, regulations concerning domestic workers and the likes to determine the relationship with their employers and the rights and obligations of both parties. In this regard, draft statutory regulations concerning domestic workers were submitted to the competent bodies for adoption. A copy of these regulations will be sent to the ILO upon their promulgation.</p> <p>2006 AR: In response to the observations by the AWC and the STWC, the Government made the following comments: (i) The Government has requested the organization of a regional seminar on Social Dialogue and the Role of Workers' Committees in Enterprises; (ii) there is a need to promote Workers' Committees; (iii) the Ministry of Labour has set up a working group to visit a number of large cities in the Kingdom in order to make these committees known and sensitize workers on the importance and the</p>

		<p>need for total independence of these committees. 13 enterprises Workers' Committees have been established in 2005, and a further 7 are in the process of formation.</p> <p>In response to the ICFTU's observations, the Government observed that: (i) the rules governing the creation of Workers' Committees provide that a Minister may only dissolve a Committee if it commits a serious violation of the rules or undermines national security; (ii) the new Labour Code provides that the Ministry shall establish special rules for domestic workers; (iii) several bodies and professional associations have been set up such as the Journalist Association's Council or the Saudi Engineer's Council; (iv) the Ministry of Labour is monitoring these cases of work suspension due to protests over wage increase.</p> <p>2005 AR: In response to the ICFTU's observations, the Government observed that: (i) four committees have been constituted to date; another four committees are being formed and the establishment of other committees is also expected.</p> <p>2000-2001 ARs: In response to ICFTU's observations, the Government made the following comments: (i) there is no applicable Royal Decree that prohibits the establishment of trade unions; (ii) the Islamic Sharia (the Constitution of the Kingdom) guarantees the achievement of objectives that go beyond those pursued by trade unions.</p>
TECHNICAL COOPERATION	Request	<p>2008 AR: The Government and the SCCI reiterated the same request mentioned in the 2007 AR. The STWC reiterated the same requests mentioned in the 2007 AR.</p> <p>2007 AR: The Government, the SCCI and the AWC mentioned the need for ILO technical cooperation to promote the Declaration principles and rights in the country.</p> <p>According to the STWC: There is a need for workers' education to increase awareness among workers and the importance of workers' organizations and their role in improving working conditions. This step is fundamental to develop freedom of association and collective bargaining in Saudi Arabia and ILO should provide adequate training in this respect.</p> <p>ILO should also train the Government and employers' organizations so that they know how to deal with workers' organizations. This will at the same time decrease resistance to change and give to the Government and employers' organizations more acceptance to deal with workers and their organizations. All this process will help develop the capacity building of workers' organizations and their ability to be part of an initial collective bargaining and tripartite process.</p> <p>The AWC supported this view.</p>
	Offer	ILO and GCC.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS		<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 were also concerned that the Government of Saudi Arabia (and three other governments) had indicated the current impossibility to ratify C. 87 and C.98 without further justification. (Cf. Paragraphs 12 and 29 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs listed Saudi Arabia among the countries that have been indicating their intention to ratify C.87 and C.98 for several years, with no indication that progress has been made (paragraph 33 of the 2007 AR Introduction).The IDEAs also noted with interest that some progress had been achieved in the Gulf States regarding the right of workers and employers to organize freely and voluntarily, without being subjected to control by their governments. (Cf. Paragraph 36 of the 2007 AR Introduction – ILO GB.298/3).</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 Annual Review Introduction – ILO GB.295/5).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (paragraph 148 of the 2005 Annual Review Introduction). Furthermore, they listed Saudi Arabia among the countries where progress was being made under the Annual Review in the promotion of freedom of</p>

	<p>association and the effective recognition of the right to collective bargaining (Cf. Paragraph 12 of the 2005 Annual Review Introduction – ILO GB.292/4).</p> <p>2004 AR: The IDEAs mentioned that they were encouraged by the continuing steps taken by countries of the GCC in relation to this principle and right, but noted that there was a long way to go and much to do. Moreover they observed that the Gulf Cooperation Council States were providing more information on the principle of freedom of association and the effective recognition of the right to collective bargaining, but they considered that it would be useful to receive more information on the other three principles. This would help to illustrate the interlinkages among all four principles (Cf. Paragraph 85 of the 2004 Annual Review Introduction – ILO GB.289/4).</p> <p>2003 AR: The IDEAs commended Saudi Arabia for its continuing dialogue with the Office (Cf. Paragraph 4 of the 2003 Annual Review Introduction – ILO GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the Government (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the Government of Saudi Arabia would continue a dialogue with the Office regarding the ways in which the principle and right 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 Saudi Arabia 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>