SAUDI ARABIA

REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS [1]

Updated December 2023

International Labour Organization

	PRIVATE SECTOR WORKERS *(other than domestic workers)*	DOMESTIC WORKERS
KEY LEGISLATION	Labour Law approved by Royal Decree M/51 of 1426 (2005); and its Implementing Regulations.	Ministerial Decision No. 310/1434 (2013) Regulating the Employment of Domestic Workers. **Note: This will be replaced by Ministerial Decision No. 40676/1445, which comes into effect 21 September 2024.**
RECRUITMENT		
RECRUITMENT FEES	The employer shall bear the recruitment fees and the residence permit and work permit fees of the worker.[2]	Charging recruitment fees to domestic workers is not explicitly prohibited, but employers cannot deduct recruitment fees from workers' wages.[3]
PASSPORT CONFISCATION	Employers are prohibited from confiscating migrant workers' passports. Such confiscation is subject to a 5,000 riyal (US$1,300) fine.[4]	Employers are not explicitly prohibited from confiscating a domestic worker's passport.
WORKING CONDITIONS		
CONTRACT	A written employment contract in Arabic is considered the official version in case of dispute. The Ministry of Human Resource and Social Development (MHRSD) is required to set a standard form for the employment contract.[5]	A written employment contract, in Arabic, is considered the official version in case of dispute.[6]
MINIMUM WAGE	Not specified by law.[7]	Not specified by law.

1 The information in this factsheet is made available for general information purposes only. The information included does not, and is not intended to, constitute legal advice. No obligations or rights can be derived from the information provided. This factsheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and is based on publicly available information.
2 The Labour Law as approved by Royal Decree M/51 of 1426 (2005) (hereafter the "Labour Law"), article 40. If the employer charges the worker with any of the costs/fees that are set by law on the employer, the employer is fined 10,000 Saudi riyals (US$2,660) (as provided by Ministerial Decision No. 178743/1440 (2019), clause 18).
3 Ministerial Decision No. 310/1434 (2013), article 9.
4 The fine was established under Council of Ministers Decision No. 166/1421 (2000) Regulating Relations between Migrant Workers and Their Employers, and was later increased in 2019 by Ministerial Decision No. 178743/1440 (2019) approving the table of violations and corresponding penalties to the Implementing Regulations of the Labour Law (available in Arabic at: https://mlsd.gov.sa/sites/default/files/178743.pdf).
5 Labour Law, article 52, as amended by clause 9 of Cabinet Decision No.258/1436 (2015). If the term of the contract is not specified, the term of the work permit will be the term of the contract (Labour Law, article 37).
6 Ministerial Decision No. 310/1434 (2013), article 3(1). Furthermore, the contract must be documented through the MUSANED electronic platform for the direct hiring of domestic workers, in compliance with Ministerial Decision No. 61842/1439 (2017).
7 While Saudi Arabia does not have a minimum wage, in order for a Saudi worker to be taken into account in the points system of the Nitaqat (Saudi employment nationalization programme), they must receive a monthly wage of no less than 4,000 riyals (approximately US$1,060). The Labour Law does reserve to the Council of Ministers the power to impose a minimum wage upon a recommendation by the Minister of Labour.

WORKING HOURS	*The Rule* Eight hours per day, or 48 hours per week. *Exceptions* During the month of Ramadan, the working hours for Muslims shall be reduced to 6 hours per day, or 36 hours per week. Working hours may be increased to 9 hours per day or decreased to 7 hours per day for some categories of workers.[8] Workers are entitled to 30-minute breaks for rest, prayer and meals for every five hours worked.	Up to 15 hours per day, including breaks. Break time is not specified, but the total daily rest period should be at least nine hours.[9]
REST PERIODS	Weekly day off on Friday. However, the employer may – after notifying the MHRSD – replace Friday by any other day for some workers, provided that the employer allows the worker to perform their religious duties.[10] In remote areas and in jobs where conditions require "continuous work", weekly rest periods may be consolidated for up to eight weeks, upon mutual agreement between employers and workers. Such an agreement is subject to MHRSD approval. In some limited cases, the MHRSD may determine professionals who necessitate continuation of work without a rest period for technical or operational purposes.	One day per week.
OVERTIME	Overtime is paid at a rate of 150 per cent of the basic hourly wage. All working hours spent during holidays will be considered as overtime hours.[11]	Not specified by law.
PAYMENT OF WAGES	Wages must be paid monthly through the Wage Protection System to an accredited bank.	Wages must be paid by the end of the Islamic calendar month, unless contractually agreed otherwise.[12] Employers should, upon the worker's request, either pay in cash, by cheque or by deposit of the wage in a bank account.[13] Domestic workers are not included in the Wage Protection System, but all employers must register for the Household Payroll Card, under which workers can withdraw their salary via an ATM.[14]

8 According to Ministerial Decision No. 2836/1/1427 (2006) on the Activities Requiring the Increase or Decrease of Working Hours, working hours were **increased** to nine hours per day in the following fields of activity: (1) restaurants; (2) hotels and furnished apartments; (3) coffee shops; (4) canteens; (5) hospitals, dispensaries and medical clinics; (6) commercial shops and markets; (7) hairdressing and sewing; and (8) gas stations. Working hours were **decreased** to seven hours per day in the following fields of activity: (1) mechanical industries; (2) construction; (3) textile industries; (4) chemical industries (5) leather industries; (6) paper industries; (7) wood processing industries; and (8) underground work.
9 Ministerial Decision No. 310/1434 (2013), article 7(6).
10 Labour Law, article 104.
11 Labour Law, article 107.
12 Ministerial Decision No. 310/1434 (2013), article 7(3).
13 Ministerial Decision No. 310/1434 (2013), article 7(4).
14 The debit-like card was introduced in December 2017 and became mandatory for all employers as of July 2018 via the Musaned system. It aims to enable domestic workers to withdraw their monthly salary through ATMs and can also be used to pay for purchases. The card is acceptable within Saudi Arabia only, and it accepts deposits only from the sponsor.

ANNUAL LEAVE	*During the first five years* 21 days of annual leave. *For subsequent years* 30 days of annual leave.[15]	30 days every two years.[16]
OSH AND LABOUR ACCOMMODATION	Working outdoors is prohibited between 12.00 p.m. and 3.00 p.m. in summer, usually from 15 June through 15 September, except for oil and gas workers. Violations can be reported through the unified number 19911 or through the MHRSD mobile application.[17]	Workers must be provided with suitable accommodation.[18]
LEGAL ACCESS TO SOCIAL PROTECTION [19]		
MEDICAL INSURANCE COVERAGE	Employers to provide and finance private cooperative health insurance coverage for expatriate employees and their dependents. Residency permits cannot be issued in the absence of such coverage.[20]	Insurance coverage is not specified by law at present, but the worker must be provided with healthcare by the employer.[21] *[Under new framework from September 2024, employers will be expected to provide medical health insurance.]*
SICKNESS LEAVE AND PAY	Workers are entitled to 30 days of sick leave at full pay; 60 days of sick leave at three-quarters pay; and 30 days of unpaid leave per year thereafter.[22]	30 days of paid sick leave per year based on a medical report proving the need for leave.[23]
UNEMPLOYMENT BENEFITS	Not specified by law.	
EMPLOYMENT INJURY BENEFITS	All costs related to treatment of a work injury or occupational disease to be borne by the employer. In the event of temporary disability, the worker is to receive full pay for the first 60 days of treatment and thereafter is to be paid three-quarters of their wage for the remainder of their treatment, or 6 months, or until the worker is determined to have a total disability, whichever comes first. In the event of permanent or total disability or death, the worker (or their heirs) will be entitled to compensation equivalent to 3 years of wages (at no less than 54,000 riyals, or US$14,400).[24] If the injury results in a permanent partial disability, the injured person is entitled to compensation equal to the percentage of the estimated disability in accordance with the approved disability percentage guide schedule multiplied by the amount of compensation for permanent total disability.	Not specified by law at present. *[Under the new framework from September 2024, as per insurance policy.]*

15 Labour Law, article 109(1).
16 Ministerial Decision No. 310/1434 (2013), article 10.
17 Ministerial Resolution No. 3337/1435 (2014).
18 Ministerial Decision No. 310/1434 (2013), article 7(5).
19 For further information on migrant workers access to social protection in the Gulf Council Cooperation Countries, please see: ILO (2023). Review of National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries.
20 Royal Decree No. 10/1420 (1999), articles 1–3, 10.
21 Ministerial Decision No. 310/1434 (2013), article 12.
22 Labour Law, article 117.
23 Ministerial Decision No. 310/1434 (2013), article 11.
24 Labour Law, articles 133, 135 and 137; Ministerial Decision No. 2833/1/1427 (2006) on Workers' Injury at Work.

	The General Organization for Social Insurance (GOSI) covers workplace injuries, and its regulations apply to compensation. Employers contribute 2 per cent of the employee's basic salary and housing allowance for workplace injury coverage.	
OLD-AGE, NATURAL DISABILITY, DEATH AND SURVIVORS' BENEFIT INSURANCE COVERAGE	No old-age, natural disability, death or survivors' benefits are provided for migrant workers by law. However, there is a statutory benefit of an end-of-service gratuity that is determined as follows[25]: ***During the first five years*** Half a month's wage per year. ***For subsequent years*** One month's wage per year. End of service gratuity is reduced if the employee resigns with less than 10 years of service.[26]	No old-age, natural disability, death or survivors' benefits are provided for migrant workers by law. However, there is a statutory benefit of an end-of-service gratuity that is determined as follows: One month's wage for every four consecutive years of service.[27]
MATERNITY LEAVE AND PROTECTION	Maternity leave – 10 weeks of maternity leave at full pay to be distributed as the worker wishes, but with a maximum of 4 weeks to be taken immediately before the expected date of delivery. Worker also may not work during the first 6 weeks after delivery. There is no minimum length of service required to secure leave. Worker may take an additional month of unpaid leave if she chooses. If the baby is ill or disabled then the mother is entitled to another month of paid leave. Maternity protection – Employer shall provide medical care to the employee during pregnancy and childbirth. Employee may not be terminated during her pregnancy or maternity leave, including any period of sick leave resulting from her pregnancy, up to 180 days in one year (consecutive or non-consecutive days).[28]	Not specified by law. Parties to agree contractually.
FREEDOM OF ASSOCIATION		
RIGHT TO JOIN TRADE UNION	Saudi workers are allowed to form workers' committees in workplaces that employ more than 100 Saudi workers.[29] Migrant workers are not able to join such committees.	

25 Labour Law, article 84.
26 Labour Law, article 85.
27 Ministerial Decision No. 310/1434 (2013), article 16.
28 Labour Law, articles 151, 153–155.
29 Council of Ministers Decree No. 12/1422 (2001).

GRIEVANCES AND DISPUTE RESOLUTION

LODGING COMPLAINTS/ RESOLVING DISPUTES

Conciliation

Before filing a claim with the Labour Court, a claim must be filed for amicable resolution with the local Labour Office.[30] This can be done electronically through the MHRSD using the Ministry's application.

The Amicable Settlement Department will set two sessions for the dispute to be negotiated between the parties. If the defendant in the dispute does not attend after two requests, the MHRSD will refer them to the police. If the parties are present yet no settlement is reached, the case will then be transferred by the MHRSD to the Labour Court.[31]

If there is a settlement between the parties, the report issued by the Amicable Settlement Department is recognized as an "enforceable document" that can be filed with the enforcement judiciary.[32] In case of non-compliance by either party, the enforcement judge may issue an invoice that is sent to the party's mobile. If they do not settle the invoice within five days, they shall be subject to various penalties. including a travel ban.[33] The parties cannot raise again (in a new claim) any of the issues that were covered by the settlement .

Conciliation

In case of a financial claim between a domestic worker and the employer, a claim can be made to a specialized Committee, which will be guided by Sharia Procedure Law. The Committee will examine the dispute in the presence of the parties (or their representatives) and try to come to an amicable resolution. If there is no resolution within ten working days from the submission of the claim, the Committee will issue its decision.[34]

The party against whom the decision was issued shall have the right to appeal to the Labour Court within ten days from the date of its receipt.[35]

Judicial remedy

Labour Courts in Saudi Arabia can hear disputes related to employment contracts, rights, injuries, compensation, termination and social insurance claims.[36] If there is no amicable settlement, a case can be brought before a Labour Court. According to an announcement of the Ministry of Justice, labour claims should not take more than 30 days from the date of the first hearing for a judgment to be issued. [37]

A judgment of the Labour Court can be appealed, except judgments with respect to small labour claims, which are final, namely:[38]

- labour claims where the value of the claim does not exceed 50,000 riyals (US$13,300);
- claims for service certificates; or
- objections to any penalties imposed by the employer on the worker, except for dismissal.

SHELTERS AND PROTECTION SERVICES

None identified.

The MHRSD operates a shelter in Riyadh to assist domestic workers in claiming their wages and returning home. Some countries of origin also operate embassy/consulate shelters.

30 Royal Decree No. M/14 of 1440 (2018).
31 Ministerial Decision No. 2835/1427 (2006).
32 Mediation reports can be filed online via the Ministry of Justice portal. See: www.moj.gov.sa.
33 The penalties are set out under article 46 of the Enforcement Law. For further information, see Alarabiya News, "Saudi Justice Ministry: Labor Mediation Reports Are Now Enforceable Documents", 1 January 2019. See also: Arab News, "Saudi Labor Reports Are Now 'Enforceable Documents'", 1 January 2019.
34 Ministerial Decision No. 310/1434 (2013), article 21.
35 Ministerial Decision No. 310/1434 (2013), article 21(7).
36 The full list of matters where Labour Courts have jurisdiction can be found in article 34 of the Law of Civil Procedures.
37 Ministry of Justice, "2 ".المحاكم العمالية تحقق مستهدفها... مدة القضية لا تتجاوز 30 يوماً Jumada al-Thani 1441 (27 January 2020).
38 Supreme Judicial Council Resolution No. 413/10/40 of 1440 (2018).

SPONSORSHIP

SPONSORSHIP AND CHANGING EMPLOYERS

With permission of employer

Only after at least one year of employment with the current employer.

Without permission of employer

From March 2021, workers covered by the Labour Law can change employers after one year, without the permission of the first employer, subject to certain conditions being met, [39] including that the new employer submits a job offer through the Qiwa platform, and that the contractual notice period is complied with.

During the first year of service, termination of the contract by the worker without the permission of the employer will only be permissible in the following circumstances:

- During the trial or probationary period.[40]
- The employer fails to renew the worker's residency permit.
- If the employer fails to pay the worker's wages for three consecutive months, the worker can change employers at any time during the year that follows the due date of the third month of delayed wages.
- The worker has denounced a commercial cover-up activity involving the employer, with evidence to this effect and without involvement on the worker's own part.[41]

The Ministry may, however, prevent a renewal of the worker's work permit or prevent the transfer if the new employer violates the standards related to nationalization.[42]

With permission of employer

Anytime.

Without permission of employer

After two years of work with the employer.

Domestic workers can change employers before two years if:[43]

- The employer fails to pay the worker's salary for three consecutive or intermittent months.
- The employer is not present to receive the worker when they arrive in the country, or does not "pick up" the worker within 15 days of arrival.
- The employer fails to obtain a residency permit or to renew the expired permit.
- The employer assigns the domestic worker to work for others (non-relatives).
- The employer requires the domestic worker to perform hazardous tasks.
- The employer files an "invalid complaint" that a worker has absconded.
- The employer fails to attend two sessions addressing a complaint filed by the worker.

In the event that a domestic worker quits their work, the employer must report this to the police station nearest to their home.[44]

CONTRACT TERMINATION AND "UNEXPLAINED ABSENCE"

If the worker is absent without a valid reason for: (1) more than 30 non-consecutive days in one year; or (2) more than 15 consecutive days, the employer can register an "unexplained absence".[45] In this case, the worker shall be notified by the MHRSD that such a report has been made. If the worker has completed 12 months of service with the employer, then the worker may transfer to another employer within a period of 60 days, or apply for a final exit visa.[46] If the worker leaves the country, this is considered a regular departure and they may return to Saudi Arabia (that is, no entry ban is imposed).

It is not clear what process is followed if an "unexplained absence" report is made with respect to a worker who has worked less than 12 months with the employer.

A domestic worker must not "leave the service premises without legitimate reason". In case the domestic worker quits the job, the employer must report this to the police station nearest to their home. The police authorities shall:

1. Inform the General Directorate of Passports that the domestic worker has quit the job, so that the Directorate can take any necessary actions.
2. Notify the Labour Office (presumably the MHRSD) to ensure that the domestic worker has no claim against the employer, or the employer against the worker. If there is a case claimed by any of the parties, the Labour Office must inform the General Directorate of Passports.

39 Ministry of Human Resources and Social Development Resolution No. 51848/1442 (2020). The employee must obtain the new job offer through the Qiwa portal. The worker, taking into account their notice period, must submit a notice of the transfer request to their current employer. There are no additional fees for transferring.
40 If the worker is on a trial period, this trial period shall be stated explicitly in the employment contract and not exceed 90 days (but can be extended by written agreement between the worker and the employer to up to 180 days).
41 Implementing Regulations, which came into effect in April 2016 (Ministerial Decree No. 1982/1437).
42 Labour Law, article 35. Nitaqat guide issued by the Ministry of Labour, Saudi rules on transfer of services.
43 Ministerial Decision No. 605/1438 (2017).
44 Ministerial Decision No. 310/1434 (2013), article 13.
45 Dismissal should be preceded by a written warning from the employer to the worker after an "unexplained absence" of 20 non-consecutive days or 10 consecutive days.
46 Procedural Guide, Termination of Contractual Relationship 2022-10-25 (1444-03-27)

		3. Provide the employer with a copy of the notification stating the domestic worker has quit their job.[47] A domestic worker who is found to have "left the service premises without legitimate reason" may face a fine of up to 2,000 riyals (US$530) and/or a permanent ban from working in Saudi Arabia. In addition, the worker shall bear the costs of their return to their country of origin. If the worker does not have sufficient finances to pay the fines imposed on them, they will be returned at the expense of the State.[48]
LEAVING THE COUNTRY	***Automatic exit and re-entry visa*** Workers can apply for a visa to exit and re-enter Saudi Arabia during the period of their contract. Workers are required to submit an application through the Absher portal. The worker will incur the fees associated with the application.[49] ***Automatic Exit visa*** If a worker wishes to leave Saudi Arabia permanently during their contract period or after it expires, they must apply for an automatic exit visa through the Absher portal, provided that they are not subject to any unpaid fines or government violations.	Domestic workers require an exit permit to leave the country.

47 Ministerial Decision No. 310/1434 (2013), article 13.
48 Ministerial Decision No. 310/1434 (2013), article 18.
49 Please see: Saudi Arabia, Ministry of Human Resources and Social Development, Labor Reform Initiative (LRI) Services Guidebook, 2020. A worker can also apply for an automatic exit and re-entry visa for their dependents.