



REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS¹

Updated November 2019



International
Labour
Organization

PRIVATE SECTOR WORKERS

(other than domestic workers)

DOMESTIC WORKERS

<u>KEY LEGISLATION</u>	Labour Law, Royal Decree 35/2003.	Ministerial Regulation No. 189 of 2004, on Labour Rules and Conditions for Domestic Employees. Oman standard employment contract (2011). ²
RECRUITMENT		
<u>RECRUITMENT FEES</u>	It is prohibited for recruitment agencies to charge fees to workers. ³	
<u>PASSPORT CONFISCATION</u>	It is prohibited for employers to confiscate ⁴ workers' passports.	
WORKING CONDITIONS		
<u>CONTRACT</u>	The contract must be drafted in Arabic in two original copies, one for each party.	The employment contract must be written in Arabic, signed by both parties. ⁵
<u>MINIMUM WAGE</u>	None applicable. ⁶	
<u>WORKING HOURS</u>	<p><u>The Rule</u> 9 hours a day, 48 hours per week.</p> <p><u>The Exception</u> The Ramadan month.</p>	Not specified.
<u>REST PERIODS</u>	2 days per week. ⁷	One day per week.
<u>OVERTIME</u>	<p>Overtime compensation depends on the type of day when the task is performed:</p> <ul style="list-style-type: none"> • During weekly working days; • During weekly rest; • During national holidays. <p>Overtime provisions are at a rate that ranges from:</p> <ul style="list-style-type: none"> • 125 to 200 per cent of employee's hourly basic wage. • Overall working hours per day, initial and overtime combined, cannot exceed 12 hours. 	Not specified.

1 This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

2 However, the 2004 regulations provide no penalties so effectively guidance rather than enforceable labour protections under law.

3 Ministerial Decision No. 1 of 2011 on Issuing the Regulations for Recruiting Non-Omani Workforce and article 20 of Labour Law.

4 Circular No. 2 in 2006 as quoted in GLMM 2019. *The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination.*

5 If the contract is in a language other than Arabic, a copy must be appended in Arabic.

6 The minimum wage for nationals in the private sector is currently OMR 325 or (US\$ 845), comprising OMR 225 minimum basic salary and OMR100 as minimum allowance.

7 Labour Law, Art 71.

<u>PAYMENT OF WAGES</u>	Employers have to pay workers at least on a monthly basis through the Wage Protection System to an accredited bank, within 7 days from the end of the period when wages become due. Late payments are subject to a penalty of OMR 100 (US\$ 260) per employee.	Employers have to pay domestic works on a monthly basis in OMR, within seven days of the end of each month, with a worker signed receipt.
<u>ANNUAL LEAVE</u>	30 days upon completion of one year of service.	30 days of paid leave every two years, including a round-trip travel ticket.
<u>OTHER REQUIREMENTS</u>	Employers do not have the obligation to work under direct sunlight/outdoors, between 12:30pm and 03:30pm, during summer, from June till August. ⁸	Employers have to provide domestic workers with an appropriate room and board, as well as local medical care.
<u>END OF SERVICE GRATUITY</u>	15 day basic salary for each year of service.	Not specified.
FREEDOM OF ASSOCIATION		
<u>ABILITY TO JOIN TRADE UNION</u>	All workers can join a trade union. ⁹	
GRIEVANCES AND DISPUTE RESOLUTION		
<u>LODGING COMPLAINTS/ RESOLVING DISPUTES</u>	<p><u>Conciliation</u> Disputes must be registered with the Ministry of Manpower and should, according to the regulations, be resolved within 15 days.</p> <p><u>Judicial remedy</u> In case of failure of the amicable remedy unresolved disputes can be brought before the Primary Court.</p> <p>Several hearings may precede the judgment. Verdicts can be challenged at the Appellate Court.</p>	
<u>SHELTERS AND PROTECTION SERVICES</u>	There is a women's shelter for victims of trafficking.	
SPONSORSHIP		
<u>SPONSORSHIP AND CHANGING EMPLOYERS</u>	<p><u>With permission of employer</u> Anytime.</p> <p><u>Without permission of employer</u> It is possible to operate a transfer of sponsorship only after two years of service with the original employer and with approval from Directorate General of Labour.</p> <p><u>Penalty for non-compliance</u> Employers can file absconding charges. A two year ban can also be applied. Workers have 60 days from the absconding notice to object and submitting their evidence. If the charge is not disputed, the worker may be subject to a fine that ranges between OMR 400 (US\$ 1,040) and OMR 800 (US\$ 2,079), deportation and an entry ban.¹⁰</p>	
<u>LEAVING THE COUNTRY</u>	There is no requirement for an exit permit to leave the country. ¹¹	

⁸ Article 16/3-3 of Ministerial Resolution No. 286/2008 as amended by Ministerial Resolution No. 322/2011.

⁹ Labour Law and Ministerial Decision 500 of 2018 on the Regulation Governing the Formation, Registration and Functioning of Trade Unions and Federations and the General Federation of Oman Trade Unions.

¹⁰ Ministry of Manpower, Ministerial Decision 270 of 2018.

¹¹ However, there are some indications that "Oman requires the sponsor to submit to the competent authority a sponsored exit request two weeks prior to the expiry of the residence permit, in case of its non-renewal or cancellation" (GLMM 2019. *The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination*. P12.