

KUWAIT DIGEST

Issue No. 963

21 February 2010

THE LAW OF LABOR IN THE PRIVATE SECTOR No. 6 of 2010

963

21.02.2010

Issue No. 963

Al-Kuwait Al-Yawm
Kuwait Official Gazette

Sunday, 7 Rabie Al-Awwal 1431 AH
February 21, 2010 AD

Law No. 6 of the year 2010
Promulgating the Law of Labor in the Private Sector

Having perused the Constitution;

Penal Law No 16 of the year 1960, as amended;

Law No. 38 of the year 1964 concerning Labor in the Private Sector, as amended;

Law No. 28 of the year 1969 concerning Labor in the Oil Sector;

Social Security Law issued by the Amiri Order in Law No. 61 of the year 1976, as amended;

Law Decree No. 28 of the year 1980 concerning enacting the Marine Commercial Law, as amended;

Law Decree No. 38 of the year 1980 concerning enacting the Law of Civil and Commercial Proceedings, as amended;

Law Decree No. 67 of the year 1980 concerning enacting the Civil Law, as amended by the Law No. 15 of the year 1996;

Law Decree No. 64 of the year 1987 concerning the Establishment of a Labor Department at the Court of First Instance;

Law Decree No. 23 of the year 1990 concerning the Law Regulating the Judicature, as amended;

Law No. 56 of the year 1996 promulgating the Law of Industry;

Law No. 1 of the year 1999 on Aliens Health Insurance and the Imposition of Fees for Medical Services;

And Law No. 19 of the year 2000 concerning Support of National Manpower and Encouraging it to Work in Non-governmental Entities, as amended;

The National Assembly has ratified the following law which is hereby approved and promulgated.

Chapter One

General Provisions

Article (1)

In the application of the provisions of this Law, the following terms shall mean:

- 1- The Ministry: The Ministry of Social Affairs and Labor.
- 2- The Minister: The Minister of Social Affairs and Labor
- 3- The Worker: Any male or female person who performs a manual or mental work for an employer under the employer's management and supervision against a remuneration.
- 4- The Employer: Every natural or legal person who uses the services of workers against a remuneration.
- 5- The Organization: An organization that gathers workers or employers with similar or related businesses, occupations or jobs in order to protect their interests, defend their rights and represent them in all matters related to their affairs.

Article (2)

The provisions of this Law shall apply to all workers in the private sector.

Article (3)

The provisions of this Law shall apply to marine work contract in respect of any thing not provided for in the Marine Commercial Law or in the event where the text of this Law is more beneficial to the worker.

Article (4)

The provisions of this Law shall apply to the oil sector in respect of any thing not provided for in the Law of Labor in the Oil Sector or in the event where the text of this Law is more beneficial to the worker.

Article (5)

The following shall be excluded from the application of this Law:

- Workers who are subject to other laws and to the provisions of those laws;
- Domestic workers: the competent minister shall issue a resolution concerning their affairs setting forth the rules that organize their relations with the employers.

Article (6)

Without prejudice to any more advantageous benefits and rights granted to workers in individual or collective contracts, special regulations or by-laws observed by the employer or in accordance with professional or general customs, the provisions of this Law shall represent the minimum level of workers rights.

Chapter Two
Employment, Apprenticeship and Professional Training
Section One – Employment

Article (7)

The Minister shall issue resolutions that regulate the conditions of employment in the private sector, particularly the following:

- 1- Conditions for the moving of manpower from one employer to another.
- 2- Conditions for the granting of permission for the manpower of one employer to work for another employer for some time.
- 3- The particulars that employers should provide to the Ministry with regard to the government employees who are authorized to work for employers out the government official working hours.
- 4- Jobs, occupations, and works that employees may not be engaged in unless they pass professional examinations subject to such controls as are laid down by the Ministry in coordination with the concerned entities.

Article (8)

Every employer shall inform the competent authority about its need for manpower and shall annually inform the competent authority of the number of manpower employed by him, using such forms as are prepared for this purpose subject to such controls and conditions as are laid down by a resolution from the Minister.

Article (9)

There shall be established a public authority that shall be a corporate body with an independent budget, and named The Public Authority for Manpower, under the supervision of the Minister of Social Affairs and Labor. It shall have the responsibilities given to the Ministry under this Law and undertake the importation and employment of expatriate manpower upon the request of employers. A law that regulates the said Public Authority shall be issued within one year after the date of entry into force of this Law.

Article (10)

The employer shall be prohibited from employing foreign manpower unless the competent authority has granted them a permit to work for him. The Minister shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer. In the event of refusal, such refusal shall be justified by stating the reason thereof, and the reason for such refusal shall not be related to the amount of the capital, otherwise the decision shall be absolutely null and void.

Employers shall not bring workers from outside the country or hire workers from inside the country then fail to provide them with employment at his own entity, or subsequently be found not to have a an actually need for them. The employer shall bear the expenses of the worker's return to his country. In the event where

the worker stops working for his employer and joins the service of another employer, the latter shall bear the cost of the worker's return to his country after the original sponsor has reported that the worker has been absent from work.

Article (11)

The Ministry and the competent authority shall not engage in any discriminatory or preferential treatment in dealing with employers with regard to the granting of work or transfer permits by granting such permits to some employers and denying them to others for any pretext or justification. The Ministry may, for organization reasons suspend the issue of work and transfer permits for a period not exceeding two weeks in any one year, and no employers may be excluded from such suspension during such period. Any act made in violation of this Article shall be absolutely null and void.

Section Two **Apprenticeship and Professional training**

Article (12)

A professional apprentice is every person who, having completed his 15th year of age, signs a contract with the entity in order to learn a profession within a specific period in accordance with conditions and regulations that are agreed upon. The professional apprenticeship contract shall, in respect of any thing not provided for in this Section, be subject to the provisions contained in this contract governing juvenile employment.

Article (13)

The professional apprenticeship contract should be written and made in three copies: one copy for each party and a third copy to be submitted to the competent authority at the Ministry within a week for approval. The contract shall state the profession, apprenticeship period, successive stages and remunerations in a gradual manner at every level of learning. The minimum remuneration during the last stage shall not be less than the minimum remuneration specified for the remuneration of a similar job.

The remuneration shall in no event whatsoever be specified based on production or piecework.

Article (14)

The employer shall have the right to terminate the apprenticeship contract in the event where the apprentice fails to perform his duties under the contract or it is found in the periodic reports that he lacks the aptitude to learn.

The apprentice too shall have the right to terminate the contract. Any party who wishes to terminate the contract shall notify the other of his wish to do so at least seven days in advance.

Article (15)

Professional training includes theoretical and practical means and programs that provide the workers with the opportunity to develop their knowledge and skills and acquire a practical training to enhance their abilities, increase their production efficiency, prepare them for a certain profession or transfer them to other professions. Training shall take place at institutes, centers or establishments that achieve this objective.

Article (16)

The Minister shall, in cooperation and coordination with competent academic and professional entities, determine all conditions and circumstances necessary for holding professional training programs, the periods of training, the theoretical and practical programs, the examination system, and the certificates given in this regard and the information that should be stated therein.

This resolution may also oblige one or more establishments to conduct training sessions for workers at centers or institutes of another establishment in the event where the first establishment does not have its own training center or institute.

Article (17)

The establishment which is subject to the provisions of this Chapter, shall pay the worker his entire remuneration during the period of training whether such training is provided inside or outside the establishment.

Article (18)

The professional apprentice or trainee worker shall, after completing his apprenticeship or training, to work for the employer for a period equal to that of his apprenticeship or training or for a maximum period of 5 years. In the event where the apprentice or trainee fails to honor this obligations, the employer shall have the right to recover from him the apprenticeship or training expenses incurred proportionate to the remainder of the period that he has an obligation to work at the said employer.

Section Three **Employment of Juveniles**

Article (19)

It shall be prohibited to employ persons who are below the age of 15 years.

Article (20)

Subject to the approval of the ministry, it shall be allowed to employ juveniles who reached 15 years of age but did not exceed 18 years subject to the following conditions:

- a- They shall not be employed in industries or professions that are, by a resolution of the Minister, classified as hazardous or harmful to their health.
- b- They shall have a medical examination before the start of employment and thereafter have periodical similar examinations at intervals not exceeding six months. The Minister shall issue a resolution in which he shall determine these industries and professions, as well as procedures for and intervals of such medical examinations.

Article (21)

Juveniles shall work for maximum of six hours per day, and shall not be employed for more than four hours straight, followed by a break of not less than one hour.

They shall not be employed for overtime working hours, on weekly rest days, official holidays or at any time from 7:00 in the evening to 6:00 in the morning.

Section Four **Employment of women**

Article (22)

It is prohibited to employ women at night during the period from 10:00 at night to 7:00 in the morning. This excludes hospitals, sanatoriums, private treatment homes and establishments in respect of which a resolution by the Minister of Social Affairs and Labor shall be issued. The employer shall, in all cases referred to in this article, provide them with all security requirements as well as transportation means from and to the workplace.

The working hours during the holy month of Ramadan shall be excluded from the provisions of this Article.

Article (23)

It shall be prohibited to employ any woman in works that are hazardous, arduous or harmful to health. It shall also be prohibited to employ any woman in jobs that violate morals and that exploit her femininity in violation of public morals. No woman shall be made to work at establishments that provide services exclusively for men.

Such works and establishments shall be specified by a resolution from the Minister of Social Affairs and Labor after consultation with the Labor Affairs Consulting Committee and the competent organization.

Article (24)

A pregnant working woman shall be entitled to a paid maternity leave of 70 days, not included in her other leaves, provided that she gives birth within this period.

After the end of the maternity leave, the employer may give the working woman, at her request, an unpaid leave for a period not exceeding four months to take care of the baby.

The employer may not terminate the services of a working woman while she is on such leave or during her absence from work because of a sickness that is proved by a medical certificate that states that the sickness resulted from pregnancy or giving birth.

Article (25)

The working woman shall be allowed a two-hour break during her working hours in order to feed her baby according to such conditions as shall be set forth in the Ministry's decision. The employer shall establish a nursery for children below the age of 4 at the place of work in the event where the number of female workers exceeds 50 or the number of workers exceeds 200.

Article (26)

A working woman shall be entitled to a remuneration similar to the remuneration of a man if she performs the same kind of work.

Chapter Three
Individual Work Contract

Section One
Work Contract Structure

Article (27)

Anyone who has completed 15 years of age shall be eligible to conclude a work contract if the period of the contract is not specified. In the event where the period is specified, it should not exceed one year, until he will reaches 18 years of age.

Article (28)

The work contract shall be made in writing and contain, in particular, the signing and effective dates of the contract, the amount of remuneration, the term of the contract if it is for a specific period and the nature of work. The contract shall be made in three copies, one for each party and the third shall be lodged with the competent authority at the Ministry. In the event where the work contract is not established by means of a written document, it shall still be deemed to exist and the worker may, in such event, establish his rights by all means of evidence.

Regardless of whether the work contract is for a specific or an indefinite term, the remuneration of the worker may not be reduced during the contract validity period. Any agreement to the contrary, whether made before or after the effective date of the contract, shall be deemed null and void because this matter is related to the general order.

The employer may not assign to the worker any task that is not consistent with nature of the work stated in the contract or that is unsuitable to the worker's qualifications and experience on the basis of which the contract was signed with him.

Article (29)

All contracts shall be written in Arabic and translations to any another language may be added thereto, provided that the Arabic version shall prevail in the event of any dispute. The provision of this Article shall apply to all correspondences, publications, bylaws and circulars issued by the employer to his workers.

Article (30)

In the event where the term of the work contract is specified, such term shall not exceed five years nor shall it be less than a year. The contract may be renewed after the expiry of the specified period with the consent of both parties.

Article (31)

If the period of the work contract is specified and both parties continue to implement it after the expiry of the period thereof without formal renewal, the contract shall be deemed renewed for a similar period with the same conditions, unless both parties agree to renew it under other conditions. In all events, renewal may not adversely affect the worker's entitlements acquired under the previous contract.

Section Two **Obligations of Workers and Employers** **and Disciplinary Penalties**

Article (32)

The probation period of the worker shall be specified in the work contract, provided that it shall not exceed 100 working days. Either party may terminate the contract during the probation period without notice. In the event where the termination is made by the employer, he shall pay the worker's end of service benefit for the period of work in accordance with the provisions of this Law.

The worker shall not be on probation more than once for the same employer. The Minister shall issue a resolution to organize the conditions and regulations of work during the probation period.

Article (33)

In the event where the employer entrusts another employer with the performance of a task or part thereof under the same conditions, the employer entrusted with the work shall treat his own workers and those of the original employer equally concerning all rights and both employers shall be jointly liable in this regard.

Article (34)

The employer, who contracts for the execution of a government project or who employs his workers in remote areas, shall be obliged to provide them with a suitable accommodation and means of transportation to such remote areas free of charge. In the event where no accommodation is provided, the employer shall pay them an appropriate accommodation allowance. The Minister shall, by means of resolution, determine the areas that are distant from urban development, the conditions of suitable accommodation and the accommodation allowance.

In all other events where he is required to provide accommodation for his workers, the employer shall be subject to the provisions of the resolution referred to in the preceding paragraph concerning the conditions of suitable accommodation and determining the accommodation allowance.

Article (35)

The employer shall affix at a conspicuous location at the work place, the table of penalties that may be imposed on violating workers. In preparing the tables of penalties, the employer shall take into consideration the following:

- a- The violations committed by workers and the penalty corresponding to each violation shall be specified.
- b- Penalties shall be progressively list for the violations.
- c- Only one penalty may be imposed for each violation.
- d- The worker may not be punished for any act he committed if such act is proved 15 days after the date of committing such act.
- e- The worker may not be punished for an act he committed outside the work site, unless such act is related to the work.

Article (36)

The employer shall obtain the Ministry of Social Affairs and Labor's approval of the tables of penalties before the implementation thereof. The ministry may modify these tables depending on the nature of the establishment or of the work and in line with the provisions of this Law.

The Ministry shall present these tables to the competent organization, if any. Where no such competent organization exists, the general union shall be referred to and requested to provide its remarks and suggestions with regard to these tables.

Article (37)

No penalty may be imposed on the worker unless he has been informed in writing of the act attributed to him, his statements have been heard, his defense investigated and the minutes of the investigation kept in his personnel file. The worker shall be notified in writing of the penalties imposed upon him, their type and amount and the causes of the imposition thereof as well as the punishment that he will be exposed to in the event of repetition of the violation.

Article (38)

Deduction from the worker's remuneration shall not exceed 5 days in any one month. In the event where the punishment exceeds such deduction, the exceeding amount shall be deducted from remuneration of the following month or the following months.

Article (39)

The worker may be suspended from work during the period of investigation conducted by the employer or his representative provided that it does not exceed than 10 days. In the event where the investigation is completed and the employee

is not held liable for any violation, he shall be paid his remuneration for the period of suspension.

Article (40)

The employer shall keep the proceeds of all deductions from remunerations of workers in a fund allocated for use in the social, economic and cultural matters that benefit the workers. Deductions imposed on workers as penalty shall be recorded in a special register, stating the name of the worker, the amount of deduction and the reason of such deduction. In the event where the establishment is liquidated, the total amount of the deductions existing in the fund shall be distributed among the workers employed by the employer at the time of the liquidation, in proportion to their respective periods of service.

The Minister shall issue a resolution setting forth the regulations that regulate the said fund and the method of distribution.

Section Three **Termination of Work Contract** **and End of Service Benefit**

Article (41)

Subject to the provisions of Article (37) of this Law:

- a- The employer may terminate the services of a worker without notice, compensation or benefit in the event where the worker has committed any of the following acts:
 - 1- If the Worker has committed a mistake that resulted in a large loss for the employer.
 - 2- If it was found that the worker obtained employment through cheating or fraud.
 - 3- If the worker divulged secrets related to the establishment which caused or would have caused real losses.
- b- The employer may dismiss the worker in any of the following events:
 - 1- If he been found guilty of a crime that relates to honor, trust or morals.
 - 2- If he committed an act against public morals at the work site.
 - 3- If he assaulted one of his colleagues, his employer or deputy during work or for a reason thereof.
 - 4- If he breached or failed to abide by any of the obligations imposed on him by the contract and the provisions of this Law.
 - 5- If he is found to have repeatedly violated the instructions of the employer.

In such events, the decision of dismissal shall not result in the deprivation of the worker of his end of service benefit.

- c- The employee who is dismissed for any of the reasons stated in this article shall have the right to object against such decision before the competent labor department in accordance with the procedure set forth in this Law. If it is established, by virtue of the final verdict, that the employer arbitrarily dismissed his worker, the latter shall be entitled to an end of service benefit and a compensation for material and moral damages.

In all cases, the employer shall inform the Ministry about his decision to dismiss and the reasons for such decision, and the Ministry shall inform the Manpower Restructuring Team.

Article (42)

In the event where the employee is absent from work for 7 consecutive days or 20 separate days within a year without a valid excuse, the employer shall have the right to consider him as having resigned. In such event, provisions of Article 53 of this Law shall apply with regard to the worker's end of service benefit.

Article (43)

In the event where the worker is imprisoned due to an accusation by the employer and placed in preventive detention or is detained in execution of a non-final court verdict, he shall be deemed suspended from work. However, the employer shall have no right to terminate his contract, unless he has been convicted with a final judgment.

In the event where the verdict acquitted him from the accusation of the employer, this latter shall pay the remuneration of the worker for the period of suspension and pay him a fair compensation that shall be assessed by the court.

Article (44)

In the event where the term of the work contract is not specified, both parties shall have the right to terminate the same by means of a notice to the other party as follows:

- a- Three months prior to the termination of the contract for the workers earning a monthly remuneration.
- b- One month prior to the termination of the contract for other workers.

In the event where the party wishing to terminate the contract does not abide by the period of notice, he shall be obliged to pay the other party a compensation for the notification period equal to the remuneration of the worker for the same period.

- c- In the event where the notification of termination is issued by the employer, the worker shall have the right to be absent one day or 8 hours per week in order to search for other work. He shall also be entitled to his remuneration for the day or hours of absence.

The worker shall decide on the day or hours of absence and shall notify the employer at least one day prior to such absence.

- d- The employer may exempt the employee from work during the period of notification while but shall count such period within the worker's period of service. The employer shall pay the worker all his entitlements and remuneration for the period of notification.

Article (45)

The employer shall not use the right of termination granted to him by virtue of the previous article when the worker is enjoying one of the leaves stipulated in this Law

Article (46)

The service of the worker shall not be terminated without any justification or as a result of his activity in the syndicate or a claim or his legal rights in accordance with the provisions of the law. The service of the worker may not be terminated for reason of gender, race or religion.

Article (47)

In the event where the term of the work contract is specified and the contract was unrightfully terminated by either party, the terminating party shall compensate the other party for damage provided that the amount of the compensation shall not exceed the remuneration of the worker for the remaining period of the contract. The damage suffered by the parties shall be determined according to trade custom, the nature of the work, the duration of the contract and in general all considerations that may have an effect on the damage with regard to its existence and extent. All debts due to the other party shall be deducted from the value of the compensation.

Article (48)

The worker shall have the right to terminate his work contract without notification and shall be entitled to his end of service benefit in any of the following cases:

- a- If the employer does not abide by the terms of the contract or the provisions of the law;
- b- If the worker was assaulted by or by provocation from either the employer or his deputy;
- c- If continuing work will endanger his safety and health pursuant to the decision of the medical arbitration committee at the Ministry of Health.

- d- If the employer or his deputy committed an act of cheating or fraud with regard to work conditions upon signing the contract.
- e- If the employer has accused the worker of committing a punishable act and the final verdict acquitted him.
- f- If the employer or his deputy commits an act that violates public morals against the worker.

Article (49)

The work contract shall be terminated by the death of the worker or in the event where the worker is proven incapable of performing his work, or due to a sickness that uses up all the worker's sick leave entitlements as evidenced by a medical report approved by competent official medical bodies.

Article (50)

The employment contract shall be deemed terminated in the following events:

- a- If a final verdict was issued declaring bankruptcy of the employer;
- b- If the establishment was permanently closed;

In the event where the establishment is sold, merged with another establishment or transferred by inheritance, donation or other legal action, the work contract shall remain valid under the same conditions and the obligations and rights of the original employer towards the workers shall be transferred to the employer who has taken his place.

Article (51)

The worker shall be entitled to an end of service benefit as follows:

- a- The worker shall be entitled to a 10 days remuneration for each of the first five years of service and a 15 days remuneration for each year thereafter. The total of the end of service benefit shall not exceed one-year remuneration for employees who are paid on daily, weekly, hourly or piecework basis.
- b- The worker shall be entitled to a 15 days remuneration for each of the first five years of service and one month remuneration for every year thereafter. The total of the end of service benefit should not exceed one and a half year remuneration for employees who are paid on a monthly basis.

The worker shall be entitled to a benefit for the fraction of the year in proportion to the period of service. Loans and credits owed by the worker shall be deducted from the end of services benefit.

The provisions of the Social Security Law shall be taken into consideration in this regard, and the employer shall pay the net difference between the amounts accrued due to the subscription of the worker in the social security and to the end of service benefit.

Article (52)

Subject to the provisions of Article 45 of this Law, the worker shall be entitled to the entire end of service benefits stated in the preceding Article as follows:

- a- If the employer terminates the contract;
- b- If the duration of the contract expired without being renewed.
- c- If the contract was terminated in accordance with Articles 48, 49 and 50 of this Law.
- d- If the female worker terminates the contract as a result of her marriage within a year after the date of marriage.

Article (53)

The worker shall be entitled to half of the end of service benefits stipulated in Article 51 in the event where he terminates the work contract which has an indefinite term and the period of service reaches not less than three years and not more than five years. In the event where the period of service reaches five years and less than 10 years, the worker shall be entitled to two thirds of the benefit and if the period of service exceeds 10 years, the worker shall be entitled to his entire benefit.

Article (54)

The worker who terminates his work contract shall be entitled to an end of service certificate from the employer stating the duration of his services, his position and the last remuneration he received. The employer shall not have the right to include, explicitly or implicitly, any expressions that may harm the employee or limit his employment prospects. The employer shall return to the worker all the documents, certificates or tools delivered to him by the employee.

Chapter Four **Work System and Conditions**

Section One **The remuneration**

Article (55)

The remuneration means the basic payment the worker receives or should receive in consideration of his work in addition to all elements stipulated in the contract or the employer by-laws.

Without prejudice to the social allowance and the children allowance granted by virtue of Law No. 19 of the year 2000, the remuneration shall include the payments made to the worker on periodic basis such as bonuses, benefits, allowances, grants, endowments or cash benefits.

In the event where the worker's remuneration is a share of the net profits and the establishment did not make any profits or made little profits in such a way that the worker's share is not proportionate to the work he performed, his remuneration shall be estimated based on the remuneration determined for a similar job or according to the profession custom or the prerequisites of fairness.

Article (56)

Remunerations are paid during the working days in the country's currency, as follows:

- a- Workers with a monthly remuneration shall receive their remunerations at least once a month.
- b- Other workers shall receive their remunerations at least once every two weeks.

Payment of remunerations shall not be delayed for more than seven days after the due date thereof.

Article (57)

The employer, who employs his workers in accordance with the provisions of this Law, shall pay the workers' entitlements to their accounts at local financial establishments. He shall also send a copy of statements submitted to these institutions in this regard to the Ministry of Social Affairs and Labor.

A resolution by the Council of Ministers shall be issued based on the proposal of the ministers of Social Affairs and Labor, and Finance in order to determine these institutions and the regulations relevant to these accounts in terms of charges, commissions and relevant organizational procedures.

Article (58)

The employer shall not be allowed to transfer a worker who is paid on a monthly basis to another category of payment without a written consent from such worker and without prejudice to the rights the worker has acquired by working on a monthly basis.

Article (59)

- a- It is not allowed to deduct more than 10 percent of the worker's remuneration for the payment of loans or debts due to the employer who shall not impose any interest thereon.
- b- Not more than 25% of the remuneration due to the worker may be attached, waived or deducted for the debt of alimony or the debt related to food, clothes or other debts including debts toward the employer. Where the various debts compete for the aforesaid portion of the remuneration, the alimony debt shall have priority over the other debts.

Article (60)

The worker shall not be obliged to buy foodstuffs or commodities from specific outlets or products produced by the employer.

Article (61)

The employer shall pay the workers' remunerations during the closure period, in the event where he deliberately closes the establishment to force the workers to obey and submit to his demands. He shall also pay the remuneration of workers throughout the complete or partial period of closure in case such closure is due to any other reason not related to the workers, as long as the employer wishes them to keep working for his account.

Article (62)

The calculation of the worker's entitlements shall be made on the basis of the last remuneration received by the worker. In the event where the worker is paid based on piecework, his remuneration shall be defined by the average of the remuneration earned by him during the actual working days in the last three months.

The cash and in-kind benefits shall be calculated by dividing the average of the amount earned by the worker during the last 12 months by the entitlements. In the event where the period of service is less than one year, the average shall be calculated according to the period of his actual service. The worker's remuneration may not be reduced for any reason during the period of service.

Article (63)

The Minister shall issue a resolution every five years at the latest, in which he shall fix the minimum remuneration depending on the nature of the various professions and industries, taking into consideration the rate of inflation witnessed by the country and after discussing such resolution with the Advisory Committee for Labor Affairs and the competent organizations.

Section Two **Working hours and weekends**

Article (64)

Without prejudice to the provisions of Article (21) of this Law, it is forbidden to allow workers to work for more than 48 hours per week or 8 hours a day, except in such events as are specified in this Law. Working hours during the month of Ramadan shall be equal to 36 hours per week.

However, it shall be allowed, by a ministerial resolution, to reduce working hours in hard jobs, jobs that are harmful by nature or for severe circumstances.

Article (65)

- a- Workers shall not be required to work for more than five consecutive hours a day without a break of a minimum of one hour that is not included in the working hours.

The Financial, commercial and investment sectors shall be excluded from this provision and the working hours shall be equal to eight consecutive hours.

- b- After having obtained the consent of the Minister, workers may be required to work without a rest break for technical and urgent reasons or in office work provided that the total daily working hours is one hour less than the number of daily working hours specified in Article (64).

Article (66)

Without prejudice to Articles (21) and (64) of this Law, the employer may, by means of a written order, have workers work overtime if the necessity arises for the purpose of preventing a dangerous accident, repairing damages arising from such accident, avoiding a loss or facing an unusual work load. The overtime work should not exceed two hours a day, a maximum of 180 hours a year, three days a week or 90 days a year. The worker shall have the right to prove by any means that the employer required him to perform additional works for an additional period of time. The worker shall also be entitled to a 25 percent increase over his original remuneration for the period of overtime.

This remuneration shall be in conformity with Article (56) of this Law. The employer shall keep a special record for overtime work showing the dates, number of hours worked and remunerations paid in consideration of the additional work assigned to the worker.

Article (67)

The worker shall be entitled to a paid weekend which is equal to 24 continuous hours after every six working days. The employer may call the worker for work during his weekend if the necessity arises. The worker shall be entitled to at least 50 percent of his remuneration, in addition to his original remuneration and to another day off instead of the one on which he worked.

The preceding paragraph does not affect the calculation of the worker's rights including his daily remuneration and his leaves. This right is calculated by dividing his remuneration by the actual working days without including the weekends, although these weekends are paid.

Article (68)

The fully-paid official holidays are as follows:

- a- Hegira New Year: 1 day
- b- Isra' and Mi'raj day: 1 day
- c- Eid Al-Fitr: 3 days
- d- Waqfat Arafat: 1 day
- e- Eid Al-Adha: 3 days
- f- Prophet's Birthday (Al-Mawlid Al-Nabawi): 1 day
- g- National Day: 1 day
- h- Liberation Day: 1 day
- i- Gregorian New Year: 1 day

In the event where the worker is required to work during any of the above-mentioned holidays, he shall be entitled to a double remuneration and an additional day off.

Article 69

Subject to the provisions of Article (24) of this Law, the worker shall be entitled to the following sick leaves during the year:

- 15 days – at full pay
- 10 days – at three quarters of the pay
- 10 days – at half pay
- 10 days – at quarter pay
- 30 days without pay.

The worker shall provide a medical report from the doctor appointed by the employer or the doctor of the government medical center. In the event of conflict

regarding the necessity of a sick leave or its duration, the report of the government doctor shall be adopted.

Incurable diseases shall be excluded pursuant to a resolution issued by the competent minister, in which he shall specify the types of incurable diseases.

Section Three **Paid Annual Leaves**

Article (70)

The worker shall be entitled to a 30-day paid annual leave. However, the worker shall not be entitled to a leave for the first year of work except after at least 9 months of service for the employer. Official holidays and sick leaves during the year shall not be counted as annual leave. The worker shall be entitled to a leave for the fractions year in proportion with the period he spent in actual service, even the first year of service.

Article (71)

The worker shall be paid for his annual leave before taking such leave.

Article (72)

The employer shall have the right to determine the date of the annual leave and divide such leave after the first 14 days thereof, with the consent of the worker.

The worker shall have the right to accumulate his leave entitlements provided that they do not exceed two years and he shall be entitled to take his accumulated leave all at once subject to the approval of the employer.

The annual leave can be accumulated for more than two years with the consent of both parties.

Article (73)

Without prejudice to the provisions of Articles 70 and 71, the worker shall be entitled to a cash consideration for all his accumulated annual leaves upon the expiry of his contract.

Article (74)

Without prejudice to the provisions of Article (72), the worker shall not waive his annual leave with or without compensation. The employer shall have the right to recover the remuneration paid to the worker for this leave in the event where the worker is found to have worked for another employer during that leave.

Article (75)

The employer may grant the worker a paid academic leave to obtain a higher degree in his work field, provided that the worker shall work for the employer for a period of time equal to the period of the academic leave that should not exceed 5 years. In the event where the worker violates this condition, he shall be obliged to repay the remuneration paid to him during the leave in proportion to the remaining period of work.

Article (76)

The worker who spent two continuous years working for the same employer shall be entitled to 21 days leave with pay to perform Al-Hajj provided that he had not performed hajj before.

Article (77)

In the event of a first and second degree relative's death, the worker shall be entitled to a three-day fully paid leave.

The Muslim working woman, whose husband has died, shall be entitled to a fully paid *iddat* leave for four months and ten days from the date of death. During this leave, the working woman shall not be entitled to work for another employer. The conditions of granting this leave shall be organized by a resolution of the Minister.

The non-Muslim working woman, whose husband has died, shall be entitled to a paid leave of 21 days.

Article (78)

The employer shall have the right to give the worker a paid leave to attend conferences, annual gatherings and labor meetings.

The Minister shall issue a resolution setting forth the conditions and regulations governing the granting of such leave.

Article (79)

The employer may grant his worker, upon his request, an unpaid leave other than the leaves mentioned in this chapter.

Section four
Safety and Occupational Health

Part One
Rules of Safety and Occupational Health

Article (80)

Each employer shall maintain a file for each worker wherein shall be kept copies of the worker's work permit, work contract, civil ID, documents relevant to annual leaves and sick leaves, overtime hours, work injuries and occupational diseases, penalties imposed on the worker, end of service date and reasons behind, copy of receipts proving that documents he submitted to the employer such as documents, tools, certificates have been returned to him after the end of his service.

Article (81)

Each employer shall keep occupational safety registers in accordance with the forms and regulations stipulated in a resolution issued for this purpose by the Minister.

Article (82)

The employer shall post at a conspicuous locate at the work place a list approved by the competent labor department stating the daily working hours, break, weekends and official holidays.

Article (83)

The employer shall take all the safety measures to protect workers, machines and materials used in the establishment, and occasional visitors against work risks. The employer shall further provide safety and occupational health aids required for this purpose as stipulated in the resolution issued by the competent minister after considering the opinion of competent authorities.

The worker shall not bear any costs and no amounts shall be deducted from the worker's remuneration in consideration for providing him with protection means.

Article (84)

The employer shall, before the worker starts work, clarify to the latter the risks that he may face during work and the preventive measures that should be taken.

The Minister shall issue resolutions concerning the instructions and warnings that should be placed at conspicuous locations at the work place, and personal safety equipment that should be provided by the employer for the various activities.

Article (85)

The Minister shall, after seeking the opinion of competent authorities, issue a resolution specifying the types of activities for which safety and occupational health equipment and means should be provided for workers. Technicians or specialists shall also be appointed to monitor observance of safety and occupational health requirements. The resolution shall specify the qualifications and duties of those technicians and specialists and the training programs they shall undertake.

Article (86)

The employer shall take the necessary precautions to protect the worker from health damage and occupational diseases that may arise from the performance of the work. He shall also provide first aid treatments and medical services.

The Minister shall, after seeking opinion of the Ministry of Health, issue resolutions regulating the precautions and specifying the list of occupational diseases and the industries and works that cause them, hazardous materials and permitted levels of concentrations.

Article (87)

The worker shall take preventive measures and use the equipment in his possession with care. He shall also abide by the safety and health instructions designed to protect him from injuries and occupational diseases.

Article (88)

Subject to the provisions of the social security law, the employer shall provide insurance coverage for his workers from insurance companies against work injuries and occupational diseases.

Part Two
Work Injuries and Occupational Diseases

Article (89)

When implementing the provisions of work injury insurance according to the Social Security Law, the said provisions shall replace the provisions set forth in the following articles in respect of work injuries and occupational diseases with regard to the persons covered by such insurance

Article (90)

In the event where the worker suffers an injury in an accident that took place by cause of or during the work or while he was on his way to work or back from work, the employer shall immediately report the accident upon the occurrence thereof or as soon as he becomes aware thereof, as the case may be, to the following:

- a- Nearest police station
- b- Nearest labor department
- c- Public Institution for Social Security or the competent insurance company providing insurance for workers against work injuries. The worker or his representative shall also have the right to report the incident if he is able to do so.

Article (91)

Without prejudice to the provisions of Law No. 1 of the year 1999 concerning health insurance for expatriates and the imposition of fees against health services, the employer shall bear all costs for the treatment of the worker who suffers work injuries or occupational diseases, at governmental hospitals or private treatment centers, including medicine and transportation expenses. The attending physician shall determine in his report the period of treatment, extent of disability resulting from the injury, and the extent of the worker's ability to resume his work.

The worker and the employer shall have the right to object against the medical report before the Medical Tribunal at the Ministry of Health within a month from the date of issue of such report and by virtue of an application submitted to the competent authority.

Article (92)

Each employer shall periodically submit to the competent ministry statistics relevant to work injuries and occupational diseases that occurred in his establishment.

The Minister shall issue a resolution specifying the time limits for submitting these reports.

Article (93)

The worker who suffers a work injury or occupational disease shall be entitled to his full remuneration throughout the period of treatment specified by the attending physician. In the event where the treatment period exceeds six months, the employee shall be entitled to half the salary until he completely recovers or until he is proven disabled or dead.

Article (94)

The worker or the beneficiaries through him shall have the right to claim compensation for the work injury or occupational disease in accordance with the list issued by means of a resolution of the Minister after considering the opinion of the Minister of Health.

Article (95)

The worker shall not be entitled to compensation in the event where the investigation reveals that:

- a- The worker has intentionally injured himself.
- b- The injury was a result of a gross and deliberate misconduct by the worker, and such misconduct shall be deemed to include any conduct resulting from the consumption of alcohol or drugs, any violation of the instructions designed to ensure protection against work hazards and occupational diseases posted at a conspicuous location at the work place except injuries that result in the death of the worker or his suffering a permanent loss of 25% of his total body ability.

Article (96)

In the event where the worker suffers an occupational disease or shows symptoms of occupational disease during the period of service or one year after his resignation, he shall be subject to Articles 93, 94 and 95 of this Law.

Article (97)

- 1- The medical report issued by the attending physician or by the Medical Arbitration Panel regarding the condition of the injured worker shall specify the liability of the former employers - each in proportion with the period spent by the worker in his service - in the event where the industries or the works performed by such employer result in such disease.
- 2- The worker or the beneficiaries through him shall be entitled to the compensation stipulated in Article (94) from the Public Institution for Social Security or the insurance company, and each of these two entities shall have the right of recourse against the former employers in respect of their respective liability provided for in paragraph (1) of this Article.

Chapter Five
Collective Work Relation

Section One
Workers, Employers Organizations and Syndicate Right

Article (98)

The right to establish unions for employers and the right to syndicate organization for workers is guaranteed in accordance with the provisions of this Law. The provisions of this chapter shall apply to workers in the private sector. They shall also apply to the workers in the public and oil sectors to the extent that they do not conflict with the provisions of other laws regulating their affairs.

Article (99)

Kuwaiti workers shall have the right to form syndicates to protect their interests, improve their financial and social conditions, and represent them in all affairs related to them. Employers shall also have the right to form unions for the same purposes.

Article (100)

The procedures that shall be implemented for the establishment of the organization are as follows:

- 1- The employees who wish to establish a syndicate or employers who wish to establish a union shall meet in their capacity as constituent general assembly pursuant to a notice that shall be published in at least two daily newspapers at least two weeks before the date of the general assembly meeting. The announcement shall state the location, time and objectives of the meeting.
- 2- The general assembly shall approve of the organization's articles of association and may, in doing so be guided by the model by-law issued by a resolution of the Minister.
- 3- The constituent assembly shall elect the board of directors in accordance with the provisions of its articles of association.

Article (101)

The articles of association of the organization shall specify the objectives and goals for which it has been established, the conditions of membership, rights and duties of members, subscriptions to be collected from members, and the responsibilities and powers of the ordinary and extraordinary general assembly. The articles of association shall also specify the number of the board of directors members, conditions and duration of membership, the board's responsibilities

and powers, regulations relevant to the budget, procedures for amending the articles of association, procedure for liquidation, records and books that shall be kept by the organization and bases of self-auditing.

Article (102)

The elected board of directors shall submit to the Ministry all papers relevant to the establishment of the organization within fifteen days after election thereof.

The body corporate shall be deemed to exist from the date of issue of a resolution of the Minister approving the establishment of the organization following the submittal of the required papers or documents to the Minister.

The Ministry shall have the right to guide and instruct the organization with regard to the correction of the procedures of establishment and completion of the necessary papers before its announcement. In the event where the Ministry fails to respond within 15 days after the submittal of the papers, the body corporate of the organization shall be deemed to exist by the force of law.

Article (103)

Workers, employers and organizations shall, upon acquiring all rights stated in the Chapter, abide by all applicable laws like all other organizations. They shall also carry on their activities within the limits of their objectives stated in the articles of association.

Article (104)

The Ministry shall guide the syndicates and employers unions in implementing the law, keeping records and financial books relevant to each, and remedying any shortage in data or records.

The syndicates shall not:

- 1- Engage in political, religious and sectarian matters.
- 2- Invest money in financial, real-estate speculations, or other forms of speculations.
- 3- Accept gifts and donations without the approval of the Ministry.

Article (105)

The syndicates may open restaurants and cafeterias for the workers at the establishment after obtaining the approval of employers and concerned authorities.

Article (106)

Syndicates registered in accordance with the provisions of this Chapter shall have the right to form unions to protect their common interests. Unions registered in accordance with the provisions of this Law shall have the right to form one general union provided that there shall not be more than one general union for each of the workers and the employers. The establishment of unions and the general union shall be subject to the same regulations governing the establishment of syndicates.

Article (107)

Unions, general unions and syndicates shall have the right to join Arab and international unions of similar interests. The Ministry shall be notified of the date of joining, and in all cases this shall not be considered a violation of the general order or the public interest of the State.

Article (108)

Workers and employers organizations may be voluntarily dissolved by a resolution of the general assembly in accordance with the organization's articles of association. The fate of the association financial assets shall be determined after its liquidation in accordance with the resolution issued by the general assembly in case of the voluntary dissolution.

The organization's board of directors may be dismissed by the lodging of a case by the Ministry before the Court of First Instance that rules for the dismissal of the board in the event where it engages in an activity that violates the provisions of this Law or the laws relevant to the preservation of public order and morals. The verdict of the court may be appealed against before the Court of Appeal within 30 days after the rendering thereof.

Article (109)

Employers shall submit to workers all resolutions and by-laws related to their rights and duties.

Article (110)

The employer may delegate one or several members of the syndicate or union board of the directors to follow-up the affairs of the syndicate with the employer or the competent government authorities.

Section Two **Collective Work Contract**

Article (111)

The collective work contract organizes conditions and circumstances of work between one or more syndicates or unions on the one hand and one or more employers or the representatives thereof, on the other hand.

Article (112)

The collective work contract shall be made in writing and signed by the worker. It shall also be submitted to the General Assembly of both Labors and Employers organizations. The contract shall be approved by the members of these general assemblies in accordance with the articles of association of each organization.

Article (113)

The collective work contract shall be made for a definite period not exceeding three years. However, in the event where both parties continue the implementation of the contract after its expiry, it shall be considered renewed for one additional year with the same conditions stipulated therein, unless otherwise stipulated in the conditions of the contract.

Article (114)

In the event where any party of the collective work contract expresses its wish not to renew after the expiry of the contract period, it shall inform the other party and the competent Ministry in writing at least three months prior to the expiry of the contract. In the event where the contract was signed by multiple parties, the termination of the contract in respect of a party shall not be deemed to constitute termination in respect of the other parties.

Article (115)

- 1- Any condition contained in the individual or collective work contracts and that violates the provisions of this Law shall be considered null even if the contract was signed prior to the entry into force of this Law, unless such condition is more beneficial to the worker.
- 2- Any condition or agreement signed prior or subsequent to the entry into force of this Law whereby the worker waives any of the rights stipulated in this Law shall be invalid. Any reconciliation or settlement that involves a reduction or discharge of the worker's rights arising from the work contract made during its term or three months thereafter shall be invalid if it conflicts with the provisions of this Law.

Article (116)

The collective work contract shall enter in effect upon its registration with the concerned ministry and its publication in the Official Gazette.

The concerned ministry shall have the right to object to the conditions that it deems to violate this Law. Both parties shall amend the contract within 15 days after the receipt of the objection otherwise the application for registration shall be considered null and void.

Article (117)

The collective work contract may be concluded at the establishment level, the industry level or the national level. In the event where the collective work contract is signed at the industry level, the Union of Industrial Syndicates shall sign on behalf of the workers. If signed at the national level, the general union of workers shall sign it on behalf of the workers. The contract signed at industry level shall constitute an amendment to the contract signed at the establishment level. The contract signed at the national level shall constitute an amendment to both other contracts within the limits of common provisions therein set forth.

Article (118)

The provisions of the collective work contract shall apply to the following:

- a- Workers syndicates and unions that signed the contract and joined it after the signing thereof;
- b- Employers or employers unions that signed the contract and joined it after the signing thereof;
- c- Syndicates of the union that signed the contract and joined it after the signing thereof;
- d- Employers who joined the union that signed the contract and joined it after the signing thereof.

Article (119)

The worker's withdrawal or dismissal from the syndicate shall not affect their being bound by the provisions of the collective work contract, in the event where such resignation or termination occurred after the union signed or joined the contract.

Article (120)

Non-contracting workers syndicates, unions or the employers unions may join the collective work contract after the publishing of an outline of the said contract in Official Gazette, pursuant to the agreement of both parties to join the contract, without the need for the approval of the original contracting parties. Joining the

collective work contract requires the submittal of an application to the competent ministry signed by both parties. The ministry's approval of the application shall be published in the Official Gazette.

Article (121)

The collective work contract signed by the syndicate of the establishment shall apply to all workers of such establishment, regardless of their membership in the syndicate, without prejudice to the provision of Article (115) of this Law with regard to the conditions that are the most beneficial to the worker. However, the contract signed between the union, the syndicate and a specific employer shall only apply to the workers of that specific employer.

Article (122)

Workers and employers organizations that are party to the collective work contract shall have the right to file all cases resulting from the violation of the contract provisions for the benefit of any member, without need for a power of attorney from that member to do so.

Section Three **Collective Work Disputes**

Article (123)

Collective work disputes are the disputes that arise between one or more employers and all his or their workers or a group thereof due relevant to the work or the working conditions.

Article (124)

In the event of collective disputes, the involved parties shall resort to direct negotiations between the employer or his representative and workers or their representative. The competent ministry shall delegate a representative to attend the negotiation as controller.

In the event where an agreement is reached among them, the agreement shall be registered at the competent ministry within 15 days in accordance with the regulations issued in a resolution of the Minister.

Article (125)

Either party to the dispute may submit to the competent ministry a request to settle the dispute amicably through the Collective Work Disputes Reconciliation Committee established by a decision of the Minister, in the event where direct negotiation fails to lead to a solution.

The request shall be signed by the employer or his authorized representative, or the majority of the disputing workers or their authorized representatives.

Article (126)

The Work Disputes Reconciliation Committee shall consist of the following:

- a- Two representatives designated by the syndicate or the disputing workers.
- b- Two representatives designated by the employer or the disputing employers.
- c- The chairman of the committee and representatives from the competent ministry appointed by the competent Minister by a resolution that shall also specify the number of representatives of the disputing parties.

The Committee shall consider the opinion of any person it deems useful for the accomplishment of its mission. In all the preceding stages, the competent ministry can request all information necessary to settle the dispute.

Article (127)

The Reconciliation Committee shall hear the dispute within one month after the submittal of the application. In the event where it is able to settle the dispute, wholly or partially, it shall register the settlement reached by both parties in minutes of proceedings made out in three copies signed by the attendants. The settlement shall be considered final and binding upon both parties. In the event where the Reconciliation Committee is unable to settle the dispute within a specific period of time, it shall refer the dispute or the unsettled part thereof, within a week after its last meeting, to the Arbitration Panel along with all documents.

Article (128)

The Arbitration Panel shall, in the event of collective work disputes, be formed as follows:

- a- A circuit of the Court of Appeal established annually by the general assembly for this court;
- b- A chief prosecutor delegated by the Attorney General.
- c- A representative from the competent ministry appointed by the Minister. The disputing parties or their legal representatives shall appear before the Panel.

Article (129)

The Arbitration Panel shall hear the dispute within 20 days from the date of submittal of the documents to the Clerks Department. Both disputing parties shall be notified of the date of the session at least one week earlier. The dispute shall be settled within three months after the date of the first session.

Article (130)

The Arbitration Panel shall have all the powers of the Court of Appeal in accordance with provisions of the law regulating the judicature and the law of civil and commercial procedure. The verdicts rendered by this tribunal shall be final and shall have the same effect as the verdicts rendered by the Court of Appeal.

Article (131)

As an exception from Article (126) of this Law, the competent Ministry may interfere in the event of collective dispute, if necessary, without a request from any of the disputing parties in order to settle the dispute amicably. The Ministry shall also have the right to refer the case to the Reconciliation Committee or the Arbitration Panel, as it may deem appropriate. The disputing parties shall submit all documents required by the competent Ministry, and shall attend whenever required to do so.

Article (132)

The disputing parties shall not be allowed to suspend work, whether entirely or partially, during direct negotiations or when the dispute is pending before the Reconciliation Committee or the Arbitration Panel or upon interference by the competent Ministry in accordance with the provisions of this Chapter.

Chapter Six
Work Inspection and Penalties

Section One
Work Inspection

Article (133)

The competent employees designated by a resolution from the Minister shall have the capacity of judicial officers to supervise the implementation of this Law, by-laws and regulations. These employees shall perform their task with loyalty, integrity and neutrality. They shall not divulge the secrets of the employers that they become acquainted to due to the nature of their work. Each employee shall before the minister make the following oath:

"I solemnly swear to perform my duties with loyalty, neutrality and integrity and to keep the confidentiality of the information I become acquainted with in the course of my work and until the end of my service".

Article (134)

The employees referred to in the preceding Article shall have access to the establishments during the official working hours in order to inspect their records and registers and request data and information related to workers. They shall have the right to test and take any samples of the materials for conducting an analysis thereof. These employees shall have the right to access areas allocated by the employer for labor services, and shall have the authority to use public security force in carrying out their duties.

They shall also write violations tickets to employers and give sufficient time to remedy their violations. They may also submit violation tickets to the competent court in order to impose the penalty provided for by this Law.

Article (135)

In the event where employers violate the provisions of Articles 83, 84 and 86 of this Law and the resolutions passed in execution hereof in a manner that may threaten the environment, public health or the health and safety of workers, the employees entrusted with the inspection may write violation tickets and submit them to the competent Minister who shall cooperate with the competent authority in order to issue a resolution to entirely or partially close the work place, or suspend the use of a specific machine or machines until the violation shall have been remedied.

Article (136)

Employees entrusted with the inspection shall have the authority to write violation tickets to workers who work in unspecified locations. They shall have the right to request the assistance of public authorities and cooperate with competent authorities with regard to any goods left by said workers, where the whereabouts of the owners thereof are not known.

Section Two **Penalties**

Article (137)

Without prejudice to any more severe punishment stipulated in any other law, a fine of not more than KD 500 shall be imposed on those who violate the provisions of Articles 8 and 35 of this Law. In the event of repetition of the violation within three years from the date of the final judgment, the penalty shall be doubled.

Article (138)

Without prejudice to any more severe punishment stipulated in any other law, any person who violates the provision of paragraph 3 of Article (10) of this Law shall be punished by imprisonment for a term not exceeding three years and a fine not less than KD 1,000 and not more than KD 5,000 or either of these penalties.

Article (139)

In the event of violation of the provisions of Article (57) of this Law, the employer shall be subject to a fine that does not exceed the total of the workers' entitlements that he failed to settle, without prejudice to his duty to settle such entitlements to workers as stipulated in Article (57).

Article 140

Without prejudice to any more severe punishment stipulated in any other law, a fine of not more than KD 1,000 shall be imposed on those who obstruct the work of the competent employees designated by the Minister in the performance of their duties specified in Articles 133 and 134 of this Law.

Article (141)

Without prejudice to any more severe punishment stipulated in any other law, any person who violates the remaining provisions of this Law and its by-laws shall be punished as follows:

- a- Violators shall be warned that they should remedy their violation within a period that shall be specified by the Ministry, provided that such period shall not exceed three months.

- b- In the event where the violator does not remedy the violation within the specified period, he shall be subject to a fine of not less than KD100, and not more than KD 200 for each of the workers who are involved in the violation. In the event of recurrence within three years from the date of the final judgment, the punishment shall be doubled.

Article (142)

Any person, who violates the order of closure or suspension issued pursuant to the provisions of Article (135), failing to remedy the violations specified by the competent inspector, shall be subject to imprisonment for a period not more than six months and a fine not more than KD1,000 or either of these penalties.

Chapter Seven

Final Provisions

Article (143)

The minister shall issue a resolution for the establishment of a Labor Affairs Consulting Committee that consists of representatives of the Ministry, Team for the Restructuring of the Manpower and the Executive Branch of the State, employers and workers organizations and whomever deemed appropriate by the Minister. The committee shall give its opinion regarding any issue referred to it by the Minister. The resolution shall also include the procedure relevant to convening the Committee and the manner of issuing recommendations.

Article (144)

Upon denial, the lawsuits filed by the workers one year after the end of the work contract on the basis of the provisions of this Law shall not be heard. Denial shall be subject to the provisions of Paragraph 2 of Article 442 of the Civil Law. Lawsuits filed by workers or beneficiaries shall be exempted from judicial fees. However, upon the dismissal of lawsuits by the court, the court may order the party who files the case to pay all or part of the court fees. Labor lawsuits shall be heard as summary matters.

Article (145)

As an exception from Article (1074) of the Civil Law, the rights of the workers granted by the provisions of this Law shall have a lien over the employer's movable and immovable properties except his private residence. Such amounts shall be settled after deduction of the judicial fees, amounts due to the treasury as well as preservation and repair expenses.

Article (146)

Prior to filing a lawsuit, the worker or the beneficiaries through him shall submit an application to the competent Labor Department which shall summon the disputing parties or their representatives. In the event where the Department is unable to settle the dispute amicably, it shall, within a month after the submittal of the application, refer the case to the Court of First Instance for settlement.

The referral shall be made by virtue of a memorandum that includes a summary of the dispute, the defenses of the parties and the remarks of the Department.

Article (147)

The Clerks Department of the Court shall, within three days after the receipt of the request, set a session to hear the case and notify the parties to the dispute thereof.

Article (148)

The Minister shall, within six months from the date of the publishing hereof in the Official Gazette, issue all by-laws and resolutions required for the implementation of this Law, in consultation with the employers and workers.

Article (149)

The Law No. 38 of the year 1964 concerning Labor in the Private Sector is hereby cancelled. All rights granted to workers prior to this cancellation shall remain in effect as well as all applicable resolutions that do not conflict with the provisions of this Law until the issue of the necessary by-laws and resolutions for its implementation.

Article (150)

The Prime Minister and ministers, each within his jurisdiction, shall Implement this Law which shall come into force on the date of its publication in the Official Gazette.

Amir of Kuwait
Sabah Al-Ahmad Al-Jaber Al-Sabah

Issued at Al-Seif Palace
on 26 Safar 1431 H
Corresponding to February 10, 2010 AD