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Having reviewed the Constitution, and
Penal Code, promulgated by Law No. 16 of 1960, and the amending laws thereof, and
Law No. 38 of 1964 concerning work in the Private Sector, and the amending laws thereof, and
Law of Social Affairs, promulgated by Amiri Order, by Law No. 61 of 1976, and the amending laws thereof,
Law Decree No. 28 of 1980, promulgating the law of maritime commerce, and the amending laws thereof, and
Law Decree No. 38 of 1980 on promulgating the Civil and Commercial Procedure code, and
Law Decree No. 67 of 1980 on promulgating the Civil Law,
Law Decree No. 64 of 1987 on establishing labor chamber in the first instance court, and
Law Decree No 23 of 1990 concerning the Judiciary organization Law, and the law amending thereof, and
Law No. 56 of 1996 concerning promulgating the industry law, and
Law No. 1 of 1999 concerning Foreigners Health Insurance, and imposing fees on medical services, and
Law No. 19 of 2000 concerning promoting national workmanship, encouraging working in non governmental bodies, and

The National Assembly has approved the text of the following law, and we have ratified and enacted it.

SECTION I
General Provisions

Article (1)

In applying the provisions of the present 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: each male or female who performs a manual or mental work for the benefit of the employer, and under his management and supervision, in return for a wage.
4. The Employer: each natural or juridical person employs workers in return for a wage.
5. The Organization: an association that combines group of workers or employers, whose business, works or jobs are similar or interconnected. Such association shall care for their interests, protects their rights, and shall represent them in all cases related to their affairs.
Article (2)

The provisions of the present law shall apply to the workers in the private sector.

Article (3)

The provisions of the present law shall apply to the seafarers’ contract as for what is not covered in the law of maritime commerce law, or where the text of the present law is more beneficial to the worker.

Article (4)

The provisions of the present law shall apply to Petroleum sector as for what is not covered in the law of Petroleum Sector Labor Law, or where the text of the present law is more beneficial to the worker.

Article (5)

In applying the present law the following categories are excluded:
- Workers who are subject to the provisions of others laws, as for what are prescribed by such laws.
- Domestic workers, where the competent minister shall issue a resolution concerning the rules that regulate their relations with the employers.

Article (6)

Without any prejudice to any better benefits or rights, in favor of the worker, set in the individual or collective labor contract, or in private systems, or in internal regulations applied by the employer, or are given by virtue of professional practices or public traditions, the provisions of the present law shall represent the minimum of the worker’s rights.

SECTION II

Employment, Apprenticeship
And Vocational Training

Chapter (1)

Employment

Article (7)

The minister shall issue resolution on regulating the terms and conditions for hiring labors in the private sectors, and in particular the following:
1. Terms of transferring labors from an employer to another.
2. Terms of authorization, by an employer to the workers, for a part time work with another employer.
3. Date that are required by the employers to report to the ministry as for the government employees, who are permitted to work for another employer in times other than government office hours.

4. Jobs, professions and works that are only occupied after passing vocational tests according to the standards and controls set by the ministry in coordination with the competent departments.

Article (8)

Each employer shall report the ministry of his demands of workers. He shall report the ministry annually about the numbers of workers he has, by filling relevant forms, in accordance to the terms and controls that are decided by a resolution issued by the minister.

Article (09)

Public corporation shall be established under the title “Manpower Public Corporation”. It shall have a juridical person and an independent budget. It shall be supervised by the minister of social affairs and labor. It shall be assigned with the jurisdiction, which empowered to the ministry by virtue of the present law. It shall empowered to import and recruit foreign workers by requests from the employers. Law for its organization shall be passed within one year form the effective date of the present law.

Article (10)

It is prohibited for an employer to employ a foreign worker unless he is permitted by the concerned body to work for such employer. The Minister shall issue a decision to specify proceedings, documents and fees that should be provided by the employer. In case of refusal it should be grounded. The amount of the capital should not be a cause of refusal; otherwise the decision of refusal shall be absolutely null and void.

It is prohibited for the employer to import worker from abroad, or to recruit worker locally, then he abstains from allowing him to commence the work, or it may be proved that the employer is not in actual need of his service.

The employer shall incur the expenses of repatriating the worker to his home country. In case the worker discontinues from work, and he proceeds to work for a third party, the latter shall bear the expenses of repatriation of the worker, following an abscond report is filed by the original sponsor against the worker.

Article (11)

It is prohibited for the ministry and the concerned bodies to show any discrimination or precedence in dealing with the employers upon granting work or transfer permissions, by granting them to some parties and suspending them for other parties under any excuse or justification.

For the purpose of organization, the ministry may suspend granting work and transfer permissions for a period not to exceed two week in the year. It is not allowed to
exclude certain employer from such suspension during that period. It shall be absolute null and void any action taken in violation to this article.

Chapter (2)
Apprenticeship and Vocational Training

Article (12)
Apprentice is a person who has completed the age of fifteen years, and has contracted with a firm with the purpose of learning a vocation within a specified period according to terms and conditions agreed upon. For matters that are not covered in this chapter, the vocational training contract shall be subject to the provisions of employment of juveniles as presented in the present law.

Article (13)
Vocational training contract shall be produced in writing in triple copies. One copy shall be delivered to each of its parties, and the third one shall be delivered to the ministry within one week for approval. The contract shall prescribe the vocation, period of learning, its consequential stages, and gradual remuneration for each stage of learning. Remuneration at the last stage shall not be less than the minimum wage for similar work. At any case it is prohibited to calculate remuneration at the base of production or per piece.

Article (14)
The employer may terminate the apprenticeship contract if the learner breaches his obligations set by the contract, or periodical reports prove he has no capacity for learning.
The learner may terminate the contact. The party, willing to terminate the contract shall serve the other one with a notice of seven days minimum.

Article (15)
Vocational training shall mean theoretical and practical procedures and programs that provide chances for workers to develop their knowledge and skills, and to acquire practical education for advancing capabilities and upgrading productive efficiency in order to qualify them for certain profession, or transferring them to other work. Training shall be provided in schools or center or facilities which shall satisfy such goal.

Article (16)
The Minister, in cooperation and coordination with the concerned academic and vocational bodies, shall decide terms and conditions, required for organizing the vocational training programs, limits of training hours, theoretical and practical classes, systems of examination, and certificates to be produced for this purpose and particularities therein.
This decision may include obliging one firm or more to provide training for the workers in centers or institute of another firm, if no training center or institute available at the first firm’s premise.

**Article (17)**

The firms that are subject to the provisions of this chapter shall be obligated to pay full wage to the worker for the period of training whether it is conducted inside or outside the firm.

**Article (18)**

Having completed learning or training period, the apprentice and the trainee worker shall be obligated to work for the employer for duration equal to the period of apprenticeship or training, with maximum five years. If the worker does not honor such obligation, the employer is entitled to restore the cost of learning or training in pro rata to the remaining time supposed to be taken up in by the worker the work. This article shall not apply to cases of apprenticeship or learning that do not exceed three months.

**Chapter (3)**

**Employment of Juveniles**

**Article (19)**

It is prohibited to employ persons whose ages are under fifteen years as per Gregorian calendar.

**Article (20)**

With a permission form the ministry it could be allowed to employ the persons who completed the age of fifteen years, but not reach the age of eighteen years, with the following terms:

- To be employed in non hazardous non harmful industries professions which are determined by a decision from the minister.
- To be medically examined before starting work, and later at a periodical intervals not to exceed six months.

The minister shall issue a decision to determine these industries and professions, and proceedings and schedules of periodical medical examinations.

**Article (21)**

The maximum working hours for the juveniles are six hours daily, provided that they are not employed for more than four consecutive hours, followed by at least one hour brake.

It is prohibited to employ the juveniles for additional hours or during the weekly holidays or the official holidays or from seven p.m. to six a.m.
Chapter IV
Employment of Women

Article (22)

It is prohibited to make women work at night between 10 p.m. and 7 a.m.
This article shall not apply to hospitals, medical centers, private clinics and other institutions for which a decision shall be issued by the minister of social affairs and labor. In all institutions, cited to in this article, these employers shall be obligated to provide security measures for women, and supply transportation to and from the premise of the work.

The provision of this article shall not apply to working hours in the month of holy Ramadan.

Article (23)

It is prohibited to employ women in hazardous, arduous or insalubrious work. It is prohibited to employ them in indecent work that is based upon abusing her gender in a manner does not comply with the public morals. It is prohibited to employ women in the locations that provide services to men only. Such works shall be decided by a decision to be issued by the minister of social affairs and labor after consulting with the consultative committee for labor affairs, and the concerned organization.

Article (24)

The pregnant worker is entitled to paid leave, which shall not deducted from her other leaves, for a period of seventy days, provided that delivery be in-between such leave. Upon expiry of delivery leave, the employer may grant her unpaid leave upon her request for a period not to exceed four months for nursing the infant. They employer is prohibited to terminate the contract of the woman during that delivery leave or during absence from work as a result of health disorder, to prove by a medical certificate, it is connected with pregnancy or delivery.

Article (25)

Female worker shall be granted two hours during working time for nursing, according to terms and conditions specified by a decision from the minister. The employer shall establish a nursery for the children under the age of four years inside the premises of the work where the number of female workers exceeds fifty persons, or the number of the workers exceeds 200 persons.

Article (26)

The female worker is entitled to receive the same wage of the male worker if she is doing the same work.
SECTION III
Individual Employment Contract

Chapter 1
Formation of Employment Contract

Article (27)

A person who completed the age of fifteen years old shall have the capacity to conclude employment contract if it is indefinite period. If the contract is definite period its span should not exceed one year till the worker reach the age of eighteen years old.

Article (28)

Employment contract shall be concluded in writing, in particular indicating the date of conclusion, date of expiry, the salary, duration of the contract if it is a definite, and nature of work. It shall be produced in triple copies. One copy shall be given to each party and the third one to be delivered to the concerned body in the ministry. If employment contract is not recorded in a document it shall be considered as actual in force. In this case the worker may prove his rights by all ways of evidence, whether the employment contract is a definite or not, it is not allowed to reduce the wage of the worker during the term of the contract. It shall be absolute null and void as it is against the public order, any agreement, prior or posterior the effectiveness of the contract, which violates that article.

It is not permitted for the employer to assign a work to the worker that does not comply with the nature of job indicated in the employment contract, or it does not suit the qualification or experience of the worker, upon which contract is concluded.

Article (29)

All contracts shall be produced in Arabic. Translation to any other languages may be added to the contract. When dispute arises the Arabic version shall prevail. The provision of this article shall apply to all communications, announcement, regulations and circulations that are passed by the employer to his workers.

Article (30)

If the contract is a definite it should not exceed five years and not to be less than one year. Upon expiry the contract may be renewed by the consent of the two parties.

Article (31)
If the employment contract is a definite and the two parties continue in enforcing it after expiration date, the contract shall be considered renewable for similar period with terms therein, unless the two parties agree to renew it with other terms. In all cases renewal should not affect the due rights provided the previous contract.

Chapter (2)
The obligations of the worker, The employer and disciplines

Article (32)
Probation period shall be specified in the employment contract provided that it shall not exceed one hundred working days. Either party may terminate the contract during probation without a notice. If the contractor is terminated by the employer he is obligated to pay end of service remuneration to the worker for his work duration according to the provisions of the present law.

It is prohibited to employ the worker under probation with one employer more than once. The minister shall issue a decision to regulate terms and conditions of work during probation.

Article (33)
If an employer subcontracts a job of his work or a part of it to another employer, under same circumstances of performance, the assignee employer shall treat the workers of the original employer as equal to his workers in all rights. Both employers are jointly responsible in fulfilling that.

Article (34)
The employer, who is contracted to implement a governmental project, or who employs workers in a remote areas, far from dwellings, is obligated to provide free of charge the workers with convenient housing, in addition to transportation to the areas far from dwellings. In case not providing housing he shall a suitable housing allowance. A decision by the minister shall decide the areas far from dwellings and the terms and conditions of suitable housing and the housing allowance.

In all other cases in which the employer is obligated to provide housing to his workers, the provisions of the decision, mentioned in the previous paragraph, shall apply as for the terms of the suitable housing and the amount of housing allowance.

Article (35)
The employer shall place in viewable location in the work premise a list of disciplinary rules, which may be imposed on violating workers. In preparing of disciplines the following should be considered:
  a. To enlist violations that may be committed by the worker, and penalty to each.
  b. To include gradual penalties for violations.
c. No more one punishment for one violation shall be imposed.
d. The worker shall not be punished for a violation he commits after fifteen days have elapsed from the date of confirming the violation.
e. The worker shall not be punished for a matter he commits outside the work premise, unless it is related to the work.

**Article (36)**

Before applying, the employer shall have the disciplinary rules approved by the ministry. The ministry may amend it according to the nature of the business in the firm, or conditions of the work to comply with the provisions of the present law. The ministry shall refer this regulation to the concerned organization if exists. If there is no concerned organization, the ministry shall refer to the general trade union for providing comments and suggestions on this regulation.

**Article (37)**

No penalty shall be imposed on the worker without notifying him in writing of what he is accused of, hearing his statement, and investigating his pleas. All these matters shall be recorded in a report to be entered in the worker own file. The worker should be notified in writing of what penalty is imposed on him in term of type, amount, reasons, and the next penalty he may suffer in case of recidivism.

**Article (38)**

It is not allowed to deduct amount form the worker wage more than five days per month. If the penalty exceeds more than that amount, the excessive portion shall be deducted from the wage in the next month or the following months.

**Article (39)**

The worker may be suspended for the interest of the investigation conducted by the employer or his representative, for a period not to exceed ten days. If investigation proves he is not liable, his wage for the period of suspension shall be paid to him.

**Article (40)**

The employer shall collect the proceeds of the deduction of workers wages into a fund which shall be allocated for spending on social, financial and cultural affairs that bring benefits to the workers. Penalties of deduction, which are imposed on workers, shall be recorded in a special registry, which shall indicate the worker name, amount of deduction and reason of imposing it.

In case of liquidating the firm, the proceeds of deductions available in the fund shall be distributed to the workers, present at the time of liquation, each in proportional to the period of his service. The Minister shall issue a decision on controls that regulate the referred fund and method of distribution.
Chapter (3)
Termination of Labor Contract, And End
Of Service Remuneration

Article (41)

Taking into consideration the provision of article (37) of the present law:
  a. The employer may discharge the worker without a notice, compensation nor
     reward, if the worker commits one of the following acts:
     1. If the worker commits wrong action which results in gross
        loss to the employer.
     2. If it is proved that the worker is employed as a result of fraud
        and deceit.
     3. If the worker disclosed private secret of the firm which
        caused or may have caused inevitable loss
  b. The employer may terminate the worker in one of the following cases:
     1. If a final judgment is passed against the worker in an offence
        involving moral turpitude.
     2. If he commits immoral or indecent act in the work premise.
     3. If he assaults one of his associates or the employer or his
        representative during working hours or because of the work.
     4. If he fails to observe any of his obligations as stipulated by
        the employment contract and the provisions of the present
        law.
     5. If it is proved that he repeatedly violates the instructions of
        the employer.

In these cases, dismissal shall not deprive the worker from end service remuneration.

  c. Dismissed in one of the mentioned case, the worker has the right to challenge
     the dismissal decision before the concerned labor office according to the rules
     specified in the present law. If it is proved by final judgment that the employer
     has acted abusively in discharging the worker, the latter shall be entitled to end
     service remuneration in addition to compensation in return for the corporeal
     and moral harms inflicted him. In all cases the employer should report the
     decision of dismissal and its causes to the ministry. The ministry shall report
     the issue to Restructuring Manpower Authority.

Article (42)

If the worker discontinues work, without acceptable excuse, for seven consecutive
 days, or twenty dispersed days during one year, the employer may consider him
 virtually resigned. In the case the provisions of article (53) of the present law shall
 apply as for the worker’s entitlement to end service remuneration.

Article (43)
If the worker is detained in protective custody because of charges, raised the employer, or as a result of judicial sentence but not final one, he shall be considered suspended from work. The employer is not allowed to terminate his contract till he is convicted with final verdict.

If he is acquitted from guilt or guilt’s alleged by the employer, the latter is obligate to pay him his wage for the period of suspension in addition to a fair compensation which shall be estimated by the court.

**Article (44)**

If the employment contract is indefinite, each party may terminate it after serving the other party with a notice. The notice shall be as follows:

a. Three months at least before the expiration of the contract as for the workers employed by monthly wages.

b. One month at least before the expiration of the contract for other workers. If the terminating party does not observe the notice time, he shall be obligated to pay to the other party an amount as notice compensation equal to the wage of the worker for the same period.

c. If termination is made by the employer, the worker to leave the work for a complete day in a week, or eight hours during a week to seek another job. He is entitled to full pay for the day or hours of absence. The worker shall decide the day and hours of absence, provided that he shall notify the employer of that at least in the day before leaving.

d. The employer may relieve the worker from work during the notice period. The service of the worker shall be considered continual till the end of such notice period, sustaining all arising legal consequences particularly the entitlement of the worker for his wage for the notice period.

**Article (45)**

It is not allowed for the employer to use his right in terminating the contact, empowered to him by virtue of the previous article, during the time in which the labor is enjoying one of the leaves stipulated in the present law.

**Article (46)**

It is prohibited to terminate the service of the worker without a reason, or because of his guild activities, or because he claims his legal rights, or exercising them in according to the provisions of the present law. In addition it is prohibited to terminate the service of the worker because of gender, origin or religion.

**Article (47)**

If the labor contract is indefinite and one party terminates it unfairly, such party shall be obligated to compensate the other party for damages he suffers. The amount of compensation shall not exceed what is equal to the wage of the worker for the remaining period in the contract. Upon assessment of damages to each party, it should be taken into account prevailing customary practice, nature of work, term of the
contract, and in general all considerations which shall affect damage in term of its actuality and extents. Any debits that may be due to the other party shall be deducted from the amount of compensation.

**Article (48)**

The worker may terminate the contract without a notice, while being entitled to end of service remuneration, in any of the following cases:

a. If the employer does not observe the text of the contract, or the provisions of the law.

b. If he suffers an assault from the employer or his representative or it is incited by any one of them.

c. If to continue in work shall threaten his safety or health according to a decision, issued by the medical arbitration commission in the Ministry of Health.

d. If at the time of contracting, the employer, or his representative use fraud and deception concerning the terms of the employment.

e. If the employer accuses him of a criminal act, and he is acquitted by virtue of a final judgment.

f. If the employer or his representative commit indecent or immoral act against the worker.

**Article (49)**

The employment contract shall come to an end by the death of the worker, or if it is established the worker’s disability to carry out his work, or because of an ailment that consumes up all his sickness leave. All these shall be established by medical certificates, approved by the official concerned medical departments.

**Article (50)**

The employment contract shall be come to an end in the following case:

a. Passing a final decision of bankruptcy of the employer.

b. Closing down the firm ultimately.

In case the firm is sold or merged with another entity, or is transferred by inheritance or legacy or any other legal dispositions, the employment contract shall be valid as against the successors with the same terms mentioned in it. The obligations and rights of the previous employer towards the workers shall be transferred to the substitute employer.

**Article (51)**

The worker is entitled to end service remuneration as follows:

a. He is entitled to wage of ten days for each year of service in the first five years. He is entitled to wage of fifteen days for each following year. The remuneration should not exceed the wage of one year. This is applied for workers who receive their wage per day, week or hour or per piece.
b. Wages of fifteen days for each year of service in the first five years. He is entitled to wage of one month for each following year. The remuneration should not exceed the wage of one year and half. This is applied for the workers who receive their wage per month.

The worker is entitled to remuneration for the fraction of the year in proportional to what he spends in the work. Any debits or loans that are owed by the worker shall be deducted from his due end service remuneration.

Upon working out this calculation, the provisions of the social insurance law should be taken into account. The employer shall be obligated to pay the net difference between the amounts he bears in return for enlisting the worker in the social insurance, and the due amounts for service end remuneration.

**Article (52)**

Taking into consideration the provision of article (45) of the present law, the worker is entitled to end of service remuneration as stipulated in the previous article in full in the following cases:

a. If the contract is terminated by the employer.
b. If an indefinite contract is expired without renewal.
c. If the contract is terminated according to the provisions of articles (48, 49 and 50) of the present law.
d. If a female worker terminates the contract because of her marriage within a period of one year from the date of marriage.

**Article (53)**

The worker is entitled to half of the remuneration prescribed in article (51) if he terminates the indefinite contract, and his service duration is not less than three years and does not reach five year. If his service period amounts to five years but does not reach ten years he shall be entitled to two thirds of the remuneration. If his service period amounts to fifteen years he shall be entitled to a full remuneration.

**Article (54)**

The worker, whose contract is expired, is entitled to receive an end of service certificate which shall include details of his service duration, his job, and last wage he receives. It is not allowed to include any phrases in the certificate that offend to the worker, nor to issue in a form that may abate expressly or implicitly chances of work for him. The employer shall be obligated to return back to the worker all documents, confiscates or tools that the worker has delivered to him.

**SECTION IV**

**System and conditions of work**

**Chapter (1)**

**Wages**
Article (55)

Wage is what the worker receives as a basic pay or he should receive in return for his work and out of it, in addition to all items prescribed in the contract or in the regulation of the employer.

Without prejudice to social raise, and children raise provided by Law No. 19 of 2000, in calculating the wage, it shall include what the worker receives regularly in form of raises, remunerations, allowances, grants, gifts or monetary privileges.

If the wage of the worker is decided by a share of the net profit, and the firm does not yield profit, or makes very little profit that share of the worker does not match with the work he has completed, the wage should be estimated based upon the wage of an equal, or according to professional practices or as per equity principles.

Article (56)

Wages shall be paid in one of working day in circulating currency, taking into consideration the following:

a. The workers, employed with monthly wage, shall receive their wages once at least every month.

b. Other workers shall receive wages once at least every two weeks.

It is not allowed to delay payment of wages after the seventh day of maturity date.

Article (57)

The employer, who is hiring workers in according to the provisions of the present law, must reimburse the due amounts of his workers into their accounts with the local financial enterprises. A copy of statements, sent by these enterprises, should be sent to the Ministry of Social Affairs and Labor. A decision form the council of ministers, based upon the recommendation of the Ministers of Social Affairs and Labor, and Finance, shall prescribe these enterprises, rules of dealing with these accounts as for costs, charges, and regulating proceedings in this respect.

Article (58)

It is not allowed for the employer to transfer a worker, working with monthly wage, to another category without his written consent, and without breach of the worker’s rights he has gained during his work with monthly wage.

Article (59)

a. It is not allowed to deduct more than 10% of the worker’s wage for payment of debits or loans due to the employer. The latter should not collect any interests for these amounts.
b. It is not allowed to attach the wage due to the worker, nor is it allowed to waive it or deduct from it except within 25%. This deduction shall be allocated to debits of alimony, food stuff, or apparel, or other indebts including debits of the employer. In case of overlapping, the one of alimony shall be advanced before other debits.

Article (60)

It is not allowed to compel the worker to purchase foodstuff nor commodities from certain outlets, nor from what is produced by the employer.

Article (61)

The employer shall be obligated to pay the wages of the workers during closing time, if he deliberately closes the firm in order to force the workers to surrender and obey his requests. The employer shall be obligated to pay the wages of the workers during the partial or total discontinuity of the firm for reasons not pertaining to the workers, as long as he is willing them to continue working for him.

Article (62)

In calculating the amounts due to the worker, it should be taken into account the last wage he receives. If the worker receives his age per piece, his wage shall be worked out by the average of what he has received during the actual working days in the last three months. Estimation of monetary and in kind privileges shall be made by dividing the average of what the worker has received thereof during the last twelve months by the $\text{......}$ It is not allowed to reduce the wage of the worker during the period of his service for whatever reason.

Article (63)

The Minister must issue a decision each five years at maximum to prescribe the minimum wages in according to the nature of professions and industries. He shall be guided by the rate of inflation that the country may undergo, after consultations with the concerned Consultative Commission for Labor and Organization Affairs.

Chapter (2)

Working Hours and Weekly Rest

Article (64)

Without prejudice to the provisions of article (21) of the present law, it is not allowed to put the workers on work for more than forty eight hours per week, or eight hours per day, except in the cases provided by the present law. Working hours in the holy month of Ramadan shall be thirty six hours per week. It is allowed to reduce the working hours in overstrained or unhealthy works or in sever conditions by a decision issued by the Minister.
Article (65)

a. It is not allowed to put the worker on work more than five continuously hours in daily without a period of rest not less than one hour. Times of break shall not be included in working hours.

Banking, financial and investment sectors are excluded from provision, whereas the working time shall be eight consecutive hours.

b. It is allowed after the Minister’s approval to put the workers in work without rest time for technical reasons or emergency case or in office works provided that the total of daily working hours shall be, at minimum, one hour less than the working hours prescribed in article (64) of the present law.

Article (66)

Without prejudice to the provisions of articles (21) and (64) of the present law, it is allowed with a written order from the employer to put the worker in work for additional period if is necessary to prevent a dangerous accident, or repair what result from it, or to avoid assured loss or to face overload in work more than the daily share. It is not allowed that additional working hours exceed two hours daily, with maximum one hundred eighty hours per year. Additional working hours shall not exceed three days per week and ninety days per year. This article shall not obstruct the right of the worker in proving, with all means of evidence, the assignment of the employer in working for additional period. Nor it shall intercept the right of the worker in receiving a wage for the time of the additional work that exceeds the normal fare in the similar period at the rate of 25%. In working out this wage, the stipulation of article (56) should be observed. The employer should keep a special record for the additional works, which shall indicates the dates of additional works, number of additional working hours, wages for these additional works which are assigned to the worker.

Article (67)

The worker is entitled to paid weekly rest which is estimated by twenty four consecutive hours after six days of work. Upon necessity the employer may have the worker work in his weekly rest time if work conditions require that. The worker shall receive 50% at least of his wage in addition to his basic wage. He shall be compensated with another rest day.

The provision of the previous paragraph shall not prejudice working out the rights of the worker, including his daily wage and his leaves. The right of the worker shall be calculated by dividing his wage by the number of the actual working days, without including his weekly rest days, though these rest days are paid.

Article (68)
The official holidays provided to the worker with full pay are:

a. First day of Al-Hijra Calendar Year .......... One day
b. Day of Esraa and Miraaj ......................... One day
c. Eid Al-Fitr ........................................ Two days
d. Wakfat Eid Al-Adha............................... One day
e. Eid A-Adha........................................ Two days
f. The Prophet’s Birthday .......................... One day
g. National Day 25th February ..................... One day
h. Liberation Day 26th February ................. One day
i. First day of New Gregorian calendar year... One day

If conditions of work require employing the worker in one of these days, he shall be entitled to double wage and he shall be compensated with a substitute day.

**Article (69)**

Taking into consideration the provisions of article (24) of the present law, the worker is entitled to the following sick leave during one year:

-十五天 with full pay
-十天 with three quarters of pay
-十天 with half of the pay
-十天 with one quarter of the pay
-三十天 without pay

Sickness that requires a leave shall be proved by certificate from the doctor, who is appointed by the employer, or the doctor in charge of governmental medical center. If dispute arises on entitlement of leave or its duration, the certificate issued by the government doctor shall be the approved one. As for incurable diseases they shall be excluded by a decision from the concerned minister, in which these diseases are specified.

**Chapter (3)**

Paid Annual Leave

**Article (70)**

The worker is entitled to paid annual leave of thirty days. The worker is entitled to a leave for the first year only after spending nine months at least in the service of the employer. Official holidays and sickness leave shall not be calculated within the annual leave if any comes in between. The worker is entitled to a leave for the fraction of the year in proportional to the time he spends in the work, even if it is the first year of the employment.

**Article (71)**

The wage, due to the worker for the annual leave, shall be paid to him before commencing it.
The employer is entitled to decide the time of the annual leave. The employer may divide it, after the first fourteen days from it, upon the consent of the worker. The worker is entitled to accumulate his leaves provided that they shall not exceed two years. He may, after the approval of the employer, take them in one batch. With the consent of the two parties it is allowed to accumulate the annual leaves for more than two years.

**Article (73)**

Without prejudice to the provisions of articles (70) and (71), the worker is entitled to receive a monetary consideration in return for the days of his accumulated annual leaves if he contract expires.

**Article (74)**

Without prejudice to the provision of article (72) the worker is not allowed to waive his annual leave in return of compensation or without it. The employer is entitled to take back the wages he pays to the worker if it is proved the worker has worded for a third party during the annual leave.

**Article (75)**

The employer may grant the worker paid schooling leave to receive higher qualification in the subject of his work. The worker shall be obligated to work for the employer for a period equal to the schooling leave with maximum five years. If the worker breaches such stipulation he shall be obligated to pay back all the wages he has received during the schooling leave in proportional to what is remaining form the period he is supposed to spend in work.

**Article (76)**

The worker, who has spent two consecutive years in working for the employer, is entitled to have paid leave for twenty one days to travel for Hajj (pilgrimage), provided that he has never performed such duty before.

**Article (77)**

The worker, if one of his first or second kin dies, is entitled to a full paid leave for three days. The Moslem woman worker, if her husband dies, is entitled to a full paid leave for the period of four months and ten days. It is prohibited for her to do any work for a third party during such leave. Terms and conditions of such leave shall be regulated by a decision from the Minister.

Non Moslem woman worker, whose husband dies, shall be entitled to a full paid leave for twenty one days.

**Article (78)**
The employer may grant the worker a special paid leave to attend periodical and social conferences and meetings of the workers unions.

The minister shall issue a decision on terms and rules of granting such leave.

Article (79)

The employer may grant the worker, upon his request, a special leave without pay other than the leaves referred to in this chapter.

Chapter IV
Occupational Safety and Hygiene

Sub-chapter (A)

Article (80)

Every employer shall keep a file for each worker that include a copy of work permit, copy of employment contract, copy of Civil Identification card, documents for annual leaves, sickness leaves, overtime reports, work injuries reports, vocational diseases reports, penalties imposed upon him, date of service expiration, reasons for service expiration, a copy of receipts proving that the worker has received back all what he has delivered to the employer in form of documents or tools or experience certificates, after his employment is ended.

Article (81)

The employer shall keep records of professional safety according to the forms and controls, which are issued by a decision from the minister.

Article (82)

The employer shall announce in a viewable location in the work premise a regulation, approved by the concerned labor department, which in particular indicates daily working hours, break times, weekly rest day, and official holidays.

Article (83)

The employer shall take all safety precautions, necessary for protecting the workers, machinery, materials being processed in the firm, and visitors against the risks of the work. He shall provide safety and professional hygiene tools required for this purposes. In this respect a decision shall be issued by the minister after consulting with the concerned bodies.

Article (84)

The employer should explain to the worker, before commencing the work, the risks he may be exposed to, and means of protections he should follow. The minister shall
issue special decisions concerning instructions and warning signs which should be placed in a viewable location in the work premise, as well as personal safety tools, that the employer is obligated to provide in different types of business.

**Article (85)**

After receiving the opinions of the concerned bodies, the minister shall issue a decision to determine the types of businesses that must provide equipments and means needed for safety and professional hygiene of the workers in the firms. Technical and specialist persons shall be appointed for monitoring how far the firm is meeting the terms of safety and professional hygiene. The decision shall specify the qualifications and duties of these technical and specialist persons, the training programs for them.

**Article (86)**

The employer should to take the precautions, appropriate to protect the worker from unhealthy effects and profession diseases, which result from practicing such vocation. He shall provide first aid toolkits and medical services.

After taking the opinion of the ministry of health, the minister shall issue a decision that regulate measures of precautions, a table of occupation diseases, industries and occupations that cause them, and table of harmful materials and the admissible percentage of concentration.

**Article (87)**

The worker must use the protection means. He shall undertake to use what are provided to him carefully. He shall carry out the instructions, set for his safety, health, and protecting him from injuries and diseases.

**Article (88)**

Taking into consideration the provisions of social insurance law, the employer is obligated to provide insurance for his workers against work injuries and occupation diseases by one of the insurance companies.

**Sub-section (B)  
Work Injuries and Occupation Diseases**

**Article (89)**

Upon the application of the provisions related to work injuries according to the social insurance law, for insured persons subject to this system of insurance, such provisions shall replace the following provisions, mentioned in the next articles as for work injuries and occupational diseases.

**Article (90)**
If the worker is injured in an accident as a result of the work, or during it, or on the way to it, or in the way back from it, the employer must report the accident, the moment it happens, or the moment he knows about it, based upon the situation, to each of:
   a. Police station, in whose jurisdiction the work premise is located.
   b. Labor Department, in whose jurisdiction the work premise is located.
   c. Social Insurance Corporation, or the insurance company, with which the workers are insured against work injuries, and occupational diseases.

The worker may report the accident if his conditions allow that, and it is allowed that one, on his behalf, may report the accident.

Article (91)

Without prejudice to the provisions of law Number (1) of 1999 concerning Foreigners Health Insurance, and imposing fees against medical services, the employer shall incur the cost of treatment for the worker, who is injured by a work injury or occupational disease in one of the governmental hospitals, or private dispensaries which are decided by the employer, including the cost of medication and transportation.

The physician, who is in charge of treatment, shall decide the duration of the treatment, percentage of disability resulting from injury, the extent to which the worker shall be able to resume performing the work.

It is allowed for the worker and the employer, by an application to be submitted to the concerned department, to object to the medical report within one month from the date of knowing about it, before the medical arbitration commission in the ministry of health.

Article (92)

Each employer must provide periodically the concerned ministry with statistics on the work injuries and occupational diseases that take place in his firm. The Minister shall issue a decision on these periods.

Article (93)

The worker, who is inflicted with work injury or occupational disease, shall be entitled to receive his wage during the period of treatment, which shall be decided by the physician. If the duration of treatment exceeds six months, the worker shall be paid half of his wage till he is cured, or his disability is proved, or he dies.

Article (94)

For the injured worker, or his successors, shall have to receive compensation for work injury or occupational disease, according to a table issued by a decision form the minister, after taking the opinion of the minister of health.

Article (95)
The worker shall loose his right in compensation if investigations prove:
   a. The worker deliberately injuries himself.
   b. Injury is a result of deliberated mischief and misbehavior from the worker. It shall be assumed equally the same any act committed by the worker under the effects of alcohol or drugs. The same shall apply to any violations to the safety and protection instructions that are related to protecting from risks of work and occupation harms, which are placed in a viewable location in the work place, unless injury leads to the death of the worker, or results in permanent disability, at the rate exceeds 25% from total disability.

**Article (96)**

If a worker is inflicted with one of the occupational disease, or suffers symptoms of an occupational disease during service or within one year after leaving the work, he shall be subject to the provisions of articles (93, 94 and 95) of the present law.

**Article (97)**

1. The medical report on the injured worker, issued by the physician who is in charge of treatment, or the medical arbitration commission, shall decide the responsibility of the former employers. Those employers shall be liable, in proportional to the period the worker has served with each, if industries and occupations they are managing could result in such disease that the worker suffers from.
2. The worker, or his successors, shall receive the compensation, stipulated in article (94) from the Public Social Insurance Corporation, or from the insurance company, based upon the situation. Each of them is entitled to have recourse against the former employers as for their obligations, prescribed in paragraph (1) from this article.

**SECTION V.**

**Collective Labor Relations**

**Chapter (1)**

**Workers and Employers Organizations, and Unions Rights**

**Article (98)**

Right to form association for the employers and right to form trade unions for workers are guaranteed by virtue of the provisions of the present law. The provisions of this section shall apply to the workers in the private sector. Its provisions shall apply to the persons working in the governmental and oil sectors, in matters which do not conflict with the laws that regulate their affairs.

**Article (99)**
All Kuwaiti workers have the right to form amongst them associations, that care for their interests, seek to improve their financial and social standings, and represent all their own issues. Employers have the same right to form unions with the same goals.

**Article (100)**

In establishing an organization, the following shall be followed:

1. A number of workers, or a number of employers, who are willing to establish an organization, shall meet as a general constituent assembly for either of the two teams. This meeting shall be advertised in two daily newspapers at least, in a date not to be less than two weeks before holding the general meeting. Venue, time and purposes of the meeting shall be specified in the advertisement.

2. The general constituent assembly shall approve the statue of the organization. It may be guided by the model statute, which will be issued by a decision of the minister.

3. The constituent assembly shall elect the board of directors in accordance with the provisions prescribed in its statute.

**Article 101**

The statute of the organization shall provide objectives and purposes for which it is established, terms of membership, rights and obligations of its members, fees to be collected from the members, powers of ordinary and non ordinary general assembly, numbers of the members in the board of directors, terms for the office of the directors, term of the board, powers of the board, rules of the budget, formalities for amending the statute, proceedings for dissolving the organization, methods of liquidating its funds, books and records to be kept and rules of self-monitoring.

**Article 102**

The elected board shall, within fifteen days from the date of election, deliver the documents of establishing the organization to the ministry.

Juridical personality shall be attributed to the organization from the date the minister approves its establishment, following filing all complete relative documents with the ministry.

The ministry may guide and instruct the organization concerning correction of formalities of completing documents required for establishing before registration. If the ministry does not reply within fifteen days from the date of filing the documents, the juridical personality shall be attributed to the organization by force of law.

**Article (103)**

Upon availing the rights mentioned in this section, the workers and the employers and their respective organizations should respect all applicable laws in the state. They
should act in orderly manners, comparable to all other organized entities. They should exercise their activities within the limits of objectives, provided in the statute of the organization without any over passing or violating these objectives.

**Article (104)**

The ministry shall guide the trade unions, and the employers' associations on the proper application of the present law, how to make entries into their own financial records and books, and shall guide them to make up for deficiency in data and entries, made into records.

It is prohibited for the organizations:

a. To involve in political, religious or sect issues.

b. To invest its funds in financial or real estate speculation or any other type of speculations.

c. To accept gifts, grants or legacies only after informing the ministry.

**Article (105)**

After the approval of the employer and the concerned departments in the ministry, the trade unions are allowed to open canteens and restaurants for serving the workers inside the enterprise.

**Article (106)**

Trade unions that are formed pursuant to the provisions of this section are allowed to form, amongst each others, federations which care for their common interests. Federations, which are registered by virtue of the provisions of the present law, may form one general confederation, provided that there will be no more than one confederation for the workers and for the employers. Federations and confederations shall be formed by applying the same measures for forming the trade unions.

**Article (107)**

The federations and the general confederation is allowed to become a member in any other Arabic or international confederations, they deem their interests are connected with. They should report the ministry of the date of affiliation. In all cases such affiliation should not conflict with public order, or the supreme interests of the state.

**Article (108)**

The organizations of the employers and the workers may be voluntarily dissolved by a decision issued by the general assembly pursuant to the statute of the organization. After dissolving, the end of the assets and funds of the organization shall be decided by the decision made by the general assembly in case of voluntary dissolution.

The board of the directors of organization may be dissolved by filing a legal action by the ministry before the first instance court. The court shall rule out dissolution of the board if it commits a breach to the provisions of the present law and laws related to
public orders and morals. This ruling may be appealed within thirty days from the date of issue before the appeal court.

**Article (109)**

The employers should provide the workers with all decisions and regulations that are related to their rights and obligations.

**Article (110)**

The employer may assign one worker or more, from the member of the board of union or federation, to be entirely engaged in handling the organization's affairs with the employer office, or the concerned department in the state.

**Chapter II**

**Collective Labor Contract**

**Article (111)**

Collective labor contract is this agreement that regulates terms and conditions of work between one or more trade unions and one or more employers or the organization that represent them.

**Article (112)**

Collective labor contract should be in writing and signed by the worker. It should be presented to the general assembly for each of the organization of the trade union and the employers, or to its both parties. Its members should approve the contract in according to the provisions of the articles of association of the organization.

**Article (113)**

The collective labor contract should be definite provided that its term shall not exceed three years. If its parties continue in implementing it after expiration, it shall be considered as renewed for one year with the same terms motioned in it, unless terms of contract requires otherwise.

**Article (114)**

If one party of the collective labor contract wishes not to renew the contract after expiration, he should notify the other party and the concerned ministry three months at least before the date of expiration. If the parties of the contract are multiple, expiration of the contract to one of them does not imply expiration to the others.

**Article (115)**
1. It shall be null and void any clause in the individual or collective labor contracts that violates the provisions of the present law, even if it antecedent in its enforcing, unless the clause is more beneficial to the worker.

2. It shall be null and void each term or agreement, concluded before applying this law, or after it, by which the worker waives any of his rights that are granted by the law. As well, it shall be null and void any compromise or quitclaim involve reducing or release of the worker’s rights which arise from the contract during its validity, or three months after expiration as long as these acts violate the provisions of the present law.

**Article (116)**

Collective labor contract shall be effective only after registration with the concerned ministry, and publishing its summation in the official gazette. The concerned ministry may object to the terms which it deems violating the law. The two parties must amend the contract within fifteen days from the date of receiving the objection; otherwise the application of registration shall be null and void.

**Article (117)**

The collective labor contract may be concluded at the level of the firm, the industry, or at the national level. If the collective labor contract is concluded at the level of the industry, it should be concluded by the Union of Industrial Trades Syndications on behalf of the workers. If it is concluded at the national level, it should be concluded by the General Union of Workers. The contract, which is concluded at the industry level, shall be considered amending to the contract, concluded at the level of the firm, and the contract which concluded at the national level shall be considered as amending to the other two contracts within the limits of the joint provisions in the two contracts.

**Article (118)**

The provisions of the collective labor contract shall apply to:

a. The syndications and unions of the workers, which have concluded the contract, or have acceded to it after conclusion.

b. The employers, or their organizations, which have concluded the contract, or have acceded to it after conclusion.

c. The syndications, affiliated to the union which has concluded the contract, or have acceded it after conclusion.

d. The employer who joined the union which has concluded the contract, or who have acceded it after conclusion.

**Article (119)**

Withdrawal of the worker from the syndication, or dismissal from it shall not affect being subject to the provisions of the collective labor contract, if such withdrawal or dismissal is subsequent to the date of concluding the contract by the syndication, or the date of acceding to it.
Article (120)

It is allowed for non contracting parties from the syndications or trade unions of the workers, or the employers or their organization to accede to the collective labor contract, after is summation is published in the official gazette. This shall be completed by the agreement of the two parties which request acceding without the need for the approval of the original contractors. Accession shall be made by submitting an application to the concerned ministry signed by the two parties. The approval of the concerned ministry to the accession application shall be published in the official gazette.

Article (121)

The collective labor contract which is concluded by the syndication of the firm shall apply to all the workers of that firm, even if they are not members in such syndication. This is made with prejudice to the provisions of article (115) of the present law as for the terms more beneficial to the worker.

Article (122)

The organization of workers or employers, which is a party in a collective labor contract, is entitled to file all actions arising from breaching the provisions of the contract, for the interest of any one of its member, with no need for a power of attorney from him.

Chapter III
Collective Labor Disputes

Article (123)

Collective labor disputes are these disputes that arise between one and more of the employers and all his workers or a group of them because of the work, or because of the terms of the work.

Article (124)

If a collective dispute arises, the two parties have to recourse to direct negotiations between the employer or his representative and the workers or their representative. The concerned ministry may assign a representative to attend such negotiations on its behalf in the capacity of an observer.

If an agreement is reached between the parties, this agreement should be registered with the concerned ministry within fifteen days according to the rules, which shall be decided by a decision from the minister.
If direct negotiations do not result in solving the dispute, each of the parties of disputes is allowed to submit a request to the concerned ministry for solving the dispute amicably through the Reconciliation Commission for collective labor dispute, which shall be formed by a decision from the minister.

The request should be signed by the employer or his authorized representative, or by the majority of the disputing workers or who is empowered to represent them.

**Article (126)**

A commission for conciliation in labor disputes as follows:

a. Representatives selected by the syndication or the disputing workers.
b. Representatives selected by the employer or the disputing employer.
c. The head of the commission and representatives on behalf of the concerned ministry, who shall be appointed by the concerned minister by virtue of decision in which the number of the representatives of the disputants shall be decided as well.

The commission may seek the consultation whomsoever it deems necessary for completing its task. In all the previously mentioned stages the concerned ministry may request the information it deems necessary to solve the dispute.

**Article (127)**

The conciliation commission should bring the dispute to an end within one month from the date of receiving the application. If it manages to settle the matter totally or partially, it should record what agreed upon in triple copy report. The report shall be signed by the present parties. It shall be final and binding to the two parties. If the conciliation commission could not manage to settle the dispute within the set time, it should refer it, or refer what they agreed upon thereof, within one week from the date of its last meeting to the Arbitration Panel, enclosed with all relative documents.

**Article (128)**

An arbitration panel for labor disputes shall be formed as follows:

1. One chamber of the appeal court, which shall be designated by the general assembly of this court annually.
2. Head of public prosecution district, who shall be designated by the Attorney General.
3. Representative for the concerned ministry, who shall be designated by its minister. The parties of the dispute or their empowered representatives shall appear before the arbitration panel.

**Article (129)**

The arbitration panel shall decide the dispute within a time limit not to exceed twenty days from the date its papers arrive to the Clerks Office. Each party of the dispute
should be served a notice of the date of the hearing at least one week before holding the proceedings. Decision on the dispute should be completed within a time limit not to exceed three months from the date of first session, held for hearing the dispute.

**Article (130)**

The arbitration panel shall have all competences of the appeal court in accordance to the provisions of the Judiciary Regulation Law, and Civil and Commercial Procedure Law. Its rulings shall be grounded, and shall be conclusive equal to rulings passed by the appeal court.

**Article (131)**

As an exception from the provisions of article (126) of the present law, the concerned ministry may, in case of collective dispute, if it is necessary, to interfere without a request from the disputant parties, to solve the dispute amicably. It may refer the dispute to the conciliation commission or the arbitration panel as it deems appropriate. In this case, the disputants should deliver all the documents, requested by the concerned ministry. They should appear upon summoning them.

**Article (132)**

It is prohibited for the parties of the dispute to suspend the work totally or partially during the time of direct negotiation, or hearing the dispute before the conciliation commission, or before the arbitration panel, or because of the ministry’s interference by virtue of the provisions of this section.

**Sections VI.**

**Labor Inspection and Penalties**

**Section (1)**

**Article 133**

The competent public officials, who shall be designated by a resolution issued by the minister, shall have the capacity of law enforcement officers, for the purpose of monitoring enforcement of the present law, and its executive regulations and resolutions. These officials shall perform their work in honest, impartial and unbiased way. They shall be committed not to disclose secrets of the works of the employers, which may come to their knowledge by reasons of their office. Each of them shall swear the following oath before the minister: “I do swear by Almighty God to perform my duties in honest, biased, impartial and true manner and to keeps the confidentiality of the information that may come to my knowledge by reasons of my office, even after leaving the public service”

**Article 134**
The public officers, referred to in the previous article, shall have the right to access all premises during the official office hours, to examine records and books, to require producing data and information related to workers’ affairs. For such purpose the public officers have the right to examine and collect samples of the materials being used. They have the right to access the locations, provided by the employers for services of the workers. They may request the public authority assistance in order to discharge their duties. They are empowered to prepare a contravention report to the employers, to grant them due time to clear off such violation, and to send the contravention report to the competent court to impose the penalty prescribed in the present law.

Article 135

In case the employer has violated the provisions of articles No. 83, 84 and 86 of the present law and resolutions thereof, the officers, assigned with inspection shall produce contravention report, and submit it to the competent minister, who, in coordination with other competent departments, shall issue a resolution for total or partial closing of the premise or ceasing to operate certain machine or machinery to the time of clearing away the contravention.

Article (136)

The officers, assigned with inspection, shall have the power to produce contravention report to the workers, who work without fixed working point. For this purpose the officers may request the assistance of the public authorities, and they may coordinate with the competent departments as for the stuff, left by such workers when no owner could be identified.

Chapter (2)

Penalties

Article (137)

Without prejudice any server penalty, prescribed by another law, any person violates the provisions of articles 8 and 35 of the present law, shall be punished by a fine not to exceed five hundreds Dinar. In case of repeat within three years from the final judgment, the penalty shall be doubled.

Article (138)

Without prejudice any server penalty, prescribed by another law, he shall be punished by imprisonment for a period not to exceed three years, and a fine not less than one thousand Dinar, and not to exceed five thousands Dinar or one of the two penalties, the person who violates the provisions of the third paragraph from article (10) of the present law.

Article (139)
In case violating the provisions of article (57) of the present law, the employer shall be punished by a fine not to exceed the total of the amounts due to the workers, which he defers in paying them, without prejudice to his obligation to pay these due amounts to the workers with the same proceedings, prescribed in the referred article (57).

**Article (140)**

Without prejudice to any sever penalty, prescribed by any other law, he shall be punished by a fine not to exceed one thousand any person who does not allow the competent officers, designated by the minister, to perform their duties, prescribed in the two article (133 and 134) of the present law.

**Article (141)**

Without prejudice to any sever penalty, prescribed by any other law, a person violates the remaining provisions of the present law and its executive decisions shall be punished as follows:

a. The violator shall be served with a notice to correct the violation within a time limit decided by the ministry, provided it shall not exceed three months.

b. If the violation is not removed within the time limit, the violator shall be punished with a fine not less one hundred Dinar, not to exceed two hundreds Dinar for each worker, a violation is committed in connection with him. In case of repeat within three years from the date of passing the final judgment, the penalty shall be doubled.

**Article (142)**

He shall be punished with an imprisonment for a period not to exceed six months and fine not to exceed one thousand Dinars, or by one of these two penalties, this who violates suspension or closing orders, passed in applying the provisions of article (135), without removing the violations which he is notified about by the concerned inspector.

**Section VII**

**Closing Provisions**

**Article (143)**

Consultative Commission for labor affairs shall be formed by a decision from the minister. It shall include representatives for the ministry, and Restructuring Manpower Authority, and the executive authority, and the employers and workers organizations, and whosoever is deemed by the minister. The function of the commission shall be showing opinions on the subjects, presented the minister. The decisions shall contain the proceedings for inviting the commission, system of work inside it, and manner of raising its recommendations.

**Article (144)**
Upon denial and after one year from the date of labor contract expiration, legal actions that are filed by the workers, by virtue of the provisions of the present law, shall not be heard. Denial shall subject to the provisions of paragraph (2) of article (442) of the civil law. Lawsuits which are files by the workers, or their representatives shall be exempted from judicial charges. However, upon refusal the case, the court may sentence the plaintiff to pay all or part of the charges. Labor cases shall be heard in speedy session.

**Article (145)**

As an exception from the provisions of article (1074) of the civil law, the rights of the workers, decided by the provisions of the present law, shall be preferential ones on all funds of the employer whether movables or real estates save the private housing. These amounts shall be collected after the judicial charges, amount due to public treasury, and expenses of and repairs.

**Article (146)**

Before filing a lawsuit, the worker, or his representatives, should submit a petition to the concerned labor department. The department shall summon the parties of disputes or their representatives. If the department does not manage to settle the dispute amicably, it should, within one month from the date of filing the petition, refer it to the first instance court to decide it.

Referral shall be completed through a memorandum including summary of the dispute, the pleas of the two parties and the notices of the department.

**Article (147)**

The Clerks Office in the court, within three days from receiving the application, shall set a session for hearing the lawsuit. The parties of the disputes shall be notified of it.

**Article (148)**

The minister, after consultation with the employer and workers, shall issue the regulations and decisions, required for enforcing the present law within six months from the date of publishing the law in the official gazette.

**Article (149)**

Law No. 38 of 1964 concerning labor in the private sector shall be repealed. The workers shall maintain all rights which are prescribed by it before annulment. All executive decisions, which are passed in execution thereof, shall remain valid, except where they conflict with the provisions of the present law, till issuing the regulations and decisions required for implementing the present law.

**Article (150)**
The prime minister and the ministers, each within his competence, shall enforce the present law. It shall be enacted from the date of publishing in the official gazette.

Amir of Kuwait
Sabah Al Ahmad Al Jaber Al Sabah
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