

Ministry of Manpower

Ministerial Decree

189/2004

On labor rules and conditions for domestic employees

Based on the labor law issued by Sultanate Decree 35/2003,

And pursuant to the demands of the public interest,

It is decreed:

#### Article 1

In the application of the provisions of this decree, a domestic employee shall be considered every person who performs work in or out of the home who, by the nature of his work, is privy to the secrets of his recruiter. A recruiter shall be considered every person who recruits the employee to work under his management and supervision.

#### Article 2

A permit to recruit employees is conditional on the following:

1. That the applicant meet the set conditions.
2. That the domestic employee be in adequate health and free of the diseases enumerated by the Ministry of Health.
3. That the applicant pay the set fee.

#### Article 3

Permits for the recruitment of employees, their labor cards, their medical examinations, and transfer of their sponsorship shall be subject to the same terms as non-Omani workers provided it does not contravene the provisions of this decree.

#### Article 4

The employment contract must be written in Arabic. If the contract is in a language other than Arabic, a copy must be appended in Arabic, signed by both parties, to have the same probative force.

The contract must include all the rights and obligations of the two parties and the conditions of work.

#### Article 5

The employment contract must include the following obligations of the recruiter:

1. To pay to the domestic employee a monthly wage in national currency within seven days of the end of each month or at the end of the period in which the wage is due.

The recruiter's wage obligation shall not be discharged until the employee signs a receipt for the wage.

2. To provide appropriate room and board when the nature of the work requires it, as well as local medical care, without remuneration from the employee for the duration of the contract.

3. To notify the competent department in the ministry in the event the employee's service is terminated or he absconds; in the case of absconding, established procedures must be followed.

#### Article 6

The employee is entitled to a travel ticket to his country if the recruiter wishes to terminate the labor relationship during the trial period, which is three months, or during the duration of the employment contract or at the conclusion of its duration.

The employee is also entitled to a round-trip travel ticket to his country to spend his vacation, agreed upon in the contract, and the return to his place of work.

#### Article 7

The employment contract must include the following obligations of the employee:

1. To work in the service of the recruiter in the employed position, complying with his orders under his management and supervision, and to preserve the secrets of the work.

2. Maintain the objects given to him to perform his job and return them at the conclusion of his service.

3. Respect the Islamic religion; comply with the laws and regulations in force in the sultanate, and its social customs and traditions and moral values; and to not engage in any activities harmful to the security of the country.

4. To not work for any other person before the recruiter relinquishes his sponsorship and completes the necessary procedures in this regard under regulations in force.

#### Article 8

The employment contract shall expire with the death of the employee or recruiter. If the family of the recruiter wishes to retain the employee, it must fulfill the established procedures in this regard. The recruiter may terminate the employment contract provided he notifies the employee of this one month prior to the date set for the termination of the contract or pays his wages for the notification period.

The employee may also terminate the contract provided he notifies the recruiter one month prior to the date set for the termination of the contract; the employee may do so if it is proven that he was assaulted by the recruiter or a member of his family.

#### Article 9

The right of the employee to claim any of the rights arising from the contract shall lapse one year after the date of expiration or the termination of the employment contract.

#### Article 10

The jurisdiction to hear disputes arising from the application of the employment contract shall fall to the department competent to settle labor disputes. It must take all necessary measures to settle the dispute amicably within two weeks. If a settlement is reached, it must document it and monitor its execution.

If no settlement is reached during this period, or it is reached and either party refuses to execute it, the competent department must refer the matter to the competent court within no more than two weeks of the conclusion of the aforementioned period or of the beginning of the refusal to execute the settlement. The referral shall be supported by a brief including a summary of the dispute and the arguments of the two parties.

#### Article 11

Everything that contravenes the provisions of this decree is hereby repealed.

#### Article 12

This decree shall be published in the Official Gazette and enter into force on the date of publication.

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Equivalent to June 16, 2004

Jum`a Bin `Ali Bin Jum`a

Minister of Manpower