

Saudi Arabia: Decision No. 310 of 1434 on Domestic Workers

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Abstract	<p>Keywords: Saudi Arabia; Laws & Regulations; Domestic Workers; Work Conditions; Foreign Labour</p> <p>Art. 1 lists the definitions of terms used in this decision. The term domestic worker includes both male and female household workers, private chauffeurs, gardeners, and security guards.</p> <p>Art. 2 prohibits the employer from assigning work to the domestic worker that was not agreed upon in the contract or forcing him/her to work for another.</p> <p>In accordance with Art. 3, the relationship between the employer and the domestic worker is regulated by the work contract between them, the Arabic version of which is the binding one, and requires that three copies be made to be kept by both parties and the recruitment office.</p> <p>Art. 4 determines that the work contract must define the following:</p> <ol style="list-style-type: none">1. The kind of work to be performed by the domestic worker2. The amount of money the employer undertakes to pay the domestic worker3. The rights and obligations of both parties4. The probation period5. The contract validity and extension <p>Art. 5 allows for a 90 day probation period during which the employer may end the service of the domestic workers without assuming any responsibility if the worker is determined to be incompetent. The probation period is limited to one unless both parties agree that the worker will perform a different kind of work.</p> <p>Art. 6 and 7 list the obligations of the domestic worker and the employer respectively.</p> <p>The domestic worker is allocated one weekly rest day as stipulated in the contract (Art. 8).</p> <p>Art. 9 defines the situations in which the domestic worker's pay may be deducted as:</p> <ol style="list-style-type: none">1. Compensating the employer for purposeful or neglectful damage2. Receiving advance payments3. Executing a judicial or administrative order as long as it does not exceed half of the worker's pay. <p>The domestic worker is entitled to one month paid leave after two years of service if the contract is renewed (Art. 10).</p> <p>The domestic worker is also entitled to up to thirty days of sick leave as long as a medical report proving his/ her need for leave is provided (Art. 11).</p> <p>The domestic worker must be provided with health care in accordance with the rules and regulations of the Kingdom (Art. 12).</p> <p>If a domestic worker absconds, the employer is required to notify the nearest police station which in turn must (Art. 13):</p> <ol style="list-style-type: none">1. Notify the Passports Administration2. Notify the Labor office to ensure that no pending case exists between the two parties and in case it does, the Labor office must notify the Passports Administration of the case.3. Provide the employer with an abscondment report. <p>Art. 14 determines that the contract is terminated if the employer dies and if his family wishes to keep the domestic worker then it must report to the Labor Office to correct the name of the employer.</p> <p>If the validity of the contract expires, the employer unjustly terminates it or the domestic worker terminates it for a valid reason, the employer must bear the expense of repatriating the worker (Art. 15).</p> <p>Art. 16 entitles the domestic worker to receive end of service benefits in the amount of one month's wage if s/he has spent four consecutive years with the same employer.</p> <p>Art. 17 and 18 list the penalties that may be imposed on employers and domestic workers who violate the terms of this decision respectively.</p>