

Kuwait: Labor Law

Title	Kuwait: Labor Law
Date of adoption	2010 <i>Last amended by: Law No. 90 of 2013 (effective 17.03.2013)</i>
Entry into force	21 February 2010
Text versions	— Arabic English Source: — <i>Al Kuwait Al Youm, Al Jarida Al Rasmiyya, 21-2-2010, No. 963, pp. 1-16</i>
Abstract	

The provisions of this law apply to all workers in the private sector (Art. 2).

Excluded from the scope of application of the Law are:

- Workers whose relations with their employers are governed by other laws.
- Domestic workers; the competent Minister is to issue a decision of the rules governing their relationship with their employers (Art. 5).

Art. 9 (as amended by Law No. 90 of 2013) allows for the establishment of the Public Authority for Manpower under the supervision of the Minister of Social Affairs and Labor. The Authority is responsible for carrying out the responsibilities assigned to the Ministry by this law and for recruiting expatriates upon the request of employers.

Art. 10 (as amended by Law No. 90 of 2013) prohibits employers to employ foreign workers without obtaining a permit from the competent authority. The Minister is required to issue a resolution setting forth the procedures, documents and fees that are to be paid by the employer. The reason for refusing to grant a permit must be given and it cannot be related to the amount of capital the employer has. If permission is withheld for that reason then the decision is considered null and void.

Furthermore, employers are not to recruit foreign workers or hire workers from within the country then fail to provide them with employment, or subsequently claim not to have an actual need for them. The employer is to bear the expenses of the worker's repatriation. In the event where the worker discontinues his employment and joins the service of another employer, the latter must bear the cost of the worker's repatriation after the original employer has reported that the worker has been absent from work.

Art. 29 regulates the conclusion of employment contracts requiring them to be written in Arabic. Additional translations can be added to the contract but the Arabic version prevails in the event of any dispute. The provisions of this article also apply to all correspondences, publications, by-laws and circulars issued by the employer to his workers.

Art. 46 prohibits an employer from terminating a worker's employment without just cause, or for any of the following reasons: participating in union activity, demanding or enjoying his legal rights, on grounds of sex, religion or origin.

Workers who terminate their employment are entitled to receive an end of service certificate from their employer stating the duration of the services, the position and the last remuneration received. The employer is prohibited from including, either explicitly or implicitly, any expressions that may harm the employee or limit his employment prospects. The employer must also return to the worker all the documents, certificates or tools given to him by the employee (Art. 54).

Art. 57 aims to safeguard the right of an employee to his/her wages by requiring the employer to deposit them into the employee's bank account and providing the Ministry with a copy of the bank statement.

Art. 64 – 69 cover working hours and overtime compensation.

Art. 70 – 79 cover paid annual leaves.

Art. 137 to 142 cover penalties for violations of specific articles of the labour law.