

Kuwait: Ministerial Order No. 106 of 1994 regarding Work in the Private Sector

Title	Kuwait: Ministerial Order No. 106 of 1994 regarding Work in the Private Sector
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Abstract	

This order applies to employers employing both Kuwait and non-Kuwaiti workers as well as workers and professionals licensed to work in Kuwait, partners in Kuwaiti companies and craftsmen who've received permission to work from the Ministry (Art. 1).

Chapter IV covers the employment of non-Kuwaitis:

Art. 9 lists the required documents that must be submitted along with the application form to request a work permit for a non-Kuwaiti worker.

The employer must undertake to submit the documents listed in this article within one month of the worker's entry into Kuwait in order to obtain the work permit. Failing to do so will result in the suspension of the employer's right to recruit new workers for up to six months (Art. 10).

In accordance with Art. 11, an employer is forbidden from hiring non-Kuwaiti workers unless they hold a work permit. Moreover, any employer who recruits foreign workers is prohibited from refusing to employ them or allowing them to be employed by another employer. Violating this latter condition will lead to the cancellation of the work permit for the worker and his repatriation at the expense of the employer who is currently employing him. Moreover both employers will have their right to recruit new workers suspended for no less than six months.

The work permit issued for foreigners covered by this order is valid for a maximum of three years, which can be renewed if an application is submitted three months prior to the expiry of the work permit (Art. 13).

Chapter V covers the cancellation and transfer of work permits.

Art. 14 stipulates that the employer is responsible for his workers for the duration of the work permit and that the work permit may not be transferred to a new employer before the lapse of two years except in the following cases:

1. The dissolution of the establishment
2. The transfer of the work permit for workers in the private sector to the public sector and vice versa if both parties approve.
3. The transfer of the work permit for those working in the private sector in order to join their family member and vice versa.
4. The transfer of work permits issued for licensed professionals and craftsmen and non-Kuwaiti partners to the private sector
5. Anyone who has resided in the country continuously for 10 years if his contract has concluded with the knowledge of the employer or in accordance with articles 57 and 59 of the labour law for the private sector
6. Special cases which involve humanitarian considerations at the discretion of the Minister

Chapter VI covers the final cancellation of work permits.

Art. 16 requires the employer to cancel the work permit once his employment is concluded and bear the cost of the employee's repatriation except in a number of cases.