

Qatar: Ministry of Civil Service Affairs and Housing Decree No. 7 of 2005 issuing a Template List of Penalties

Title	Qatar: Ministry of Civil Service Affairs and Housing Decree No. 7 of 2005 issuing a Template List of Penalties
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Abstract	

The attached template of penalties may be used by employers as a guideline for drafting their own regulations (Art. 1)

Template List of Penalties

The provisions of this template are to be considered a guideline by organizations to which the labor law is applicable. Each organization may adapt the list to the conditions and nature of its work. If new situations arise which require the use of new penalties, the organization may adopt them so long as it obtains the approval of the Labor Administration (Art. 1).

The use of penalties in this template as a guideline must correspond to the type of offense, the appropriate penalty for each offense, and the degree of the penalty depending on the recurrence of the offense. The penalties in this template are to be considered as the highest penalties that may be imposed without prejudice to the right of the organizations to exceed those penalties in a way that befits their work conditions (Art. 2).

Disciplinary actions are without prejudice to an organization's right to file a criminal or civil lawsuit against the offender (Art. 3).

Art. 4 lists the disciplinary penalties that may be imposed on workers and these include:

1. Warning letter
2. Deduction of no more than five days work fees for one offense
3. Suspension from work without pay for no more than five days for one offense
4. Suspension from work without pay or with reduced pay until the criminal charges against him are settled. If his innocence is proven, the suspension is cancelled and payment of wages must be made for the whole period of suspension.
5. Postponement of yearly bonus for no more than six months or non-payment of bonus.
6. Postponement of promotion for no more than one year.
7. Termination of work with payment of end of service reward
8. Termination of work without payment of end of service reward.

The employer may increase the severity of the penalty if the same offense is repeated more than four times within six months of committing the first offense. If the same offense occurs after the lapse of six months since the worker is informed of the penalty for the first offense then the new offense is considered as a first-time offense (Art. 5).

The following must be taken into consideration when imposing penalties on offending workers (Art. 6):

1. A worker may not be accused of an offense if the employer has known about the offense for fifteen days and has not taken action except in the case of offenses that constitute criminal offenses.
2. A penalty may not be imposed on a worker if the offense is not directly related to work whether or not it takes place in the workplace.
3. A penalty may not be imposed on a worker until he is informed of the accusation and a written inquiry is conducted. A verbal inquiry may be accepted for minor offenses for which the penalty does not exceed a warning or a deduction of one day of wages so long as this is all documented in the worker's file.
4. It is prohibited to impose more than one penalty for the same offense.
5. Only the employer, his deputy or the head of the organization may impose penalties.
6. Disciplinary penalties may not be imposed for actions not mentioned in this list.
7. Deduction of wages for any one offense may not exceed five days' worth of wages.
8. The deduction of five days' worth of wages may not be imposed more than once a month.
9. Suspension of work without pay may not exceed five days for the same offense.

The worker must be notified of the penalty imposed on him in writing and in case of refusal to receive the notification then it must be announced prominently in the workplace. If the worker is absent from work, then he must be notified by registered mail (Art. 7).

Art. 8 details the procedure for appealing against the penalty. Before the worker can submit an appeal to the appropriate court, he must submit his appeal to his employer within seven days of receiving the notification of penalty. The employer in turn must respond within seven days. Non-response is considered to be a rejection of the appeal. In this case the worker may appeal to the Labor Administration within seven days of the rejection. The Labor Administration must respond within seven days of the submission and non-response is to be considered a rejection of the appeal. In such a situation, the worker may appeal to the appropriate courts. If the court determines that the termination of the employee was wrongful then it may order the cancellation of the termination and the reinstatement of the worker in addition to receiving payment for the period of time he was deprived of work in implementation of the penalty, or compensation of the worker.

If the worker's offence has caused the loss, damage, or destruction of the organization's equipment, products or machinery then he must compensate the employer for the damage after an investigation is conducted. The employer may deduct the worker's wages so long as the deduction does not exceed seven days' worth of wages per month. The worker may submit an appeal to the Labor Administration within seven days of being notified of the amount of compensation he must pay. The Administration may then repeal the decision or reduce the amount of compensation (Art. 9).

The employer may terminate the worker without warning or payment of end of service reward in the following cases (Art. 10):

1. If the worker impersonates someone or claims to have a nationality other than his own or submits falsified documents or certificates.
2. If the worker makes a mistake that results in substantial loss to the employer so long as the latter informs the Labor Administration of the incident within one day of the incident.
3. If the worker violates the safety regulations more than once despite receiving a written warning and so long as the regulations are written and announced in a prominent place.
4. If the worker breaches any of his core obligations as determined by his labor contract or the labor law more than once, despite having received a written warning about the breach.
5. If the worker reveals any of the organization's secrets.
6. If the worker is found drunk or drugged during the work hours.
7. If the worker assaults the employer, director or anyone in charge of the work during work or as a result of it.
8. If the worker assaults any of his colleagues despite receiving a written warning.
9. If the worker misses work or no good reason for more than seven continuous days or for fifteen days total in one year.
10. If the worker is convicted of an honor or integrity related crime.

The employer must keep a record of all penalty payment deductions in which he records the name of the worker, the amount of deduction, the reason for it and the date (Art. 11).