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ROYAL DECREE NO. 35/2003

ISSUING THE LABOUR LAW

We, Qaboos Bin Said, Sultan of Oman,

After perusal of the State Basic Law promulgated by the Royal Decree No. 101/96,

And the Labour Law issued by the Royal Decree No. 34/73 and amendments thereof,

And in accordance with the public interest,

- Have Decreed as Follows -

Article 1. The provisions of the attached Labour Law shall be enforced.

Article 2. The Minister of Manpower shall issue such regulations and decisions as may be necessary for the implementation of the provisions of the attached law.

Article 3. The Labour law issued by the Royal decree no. 34/73 above referred to shall be repealed, as well as, all that is contrary to or contradicting the provisions of the attached law.

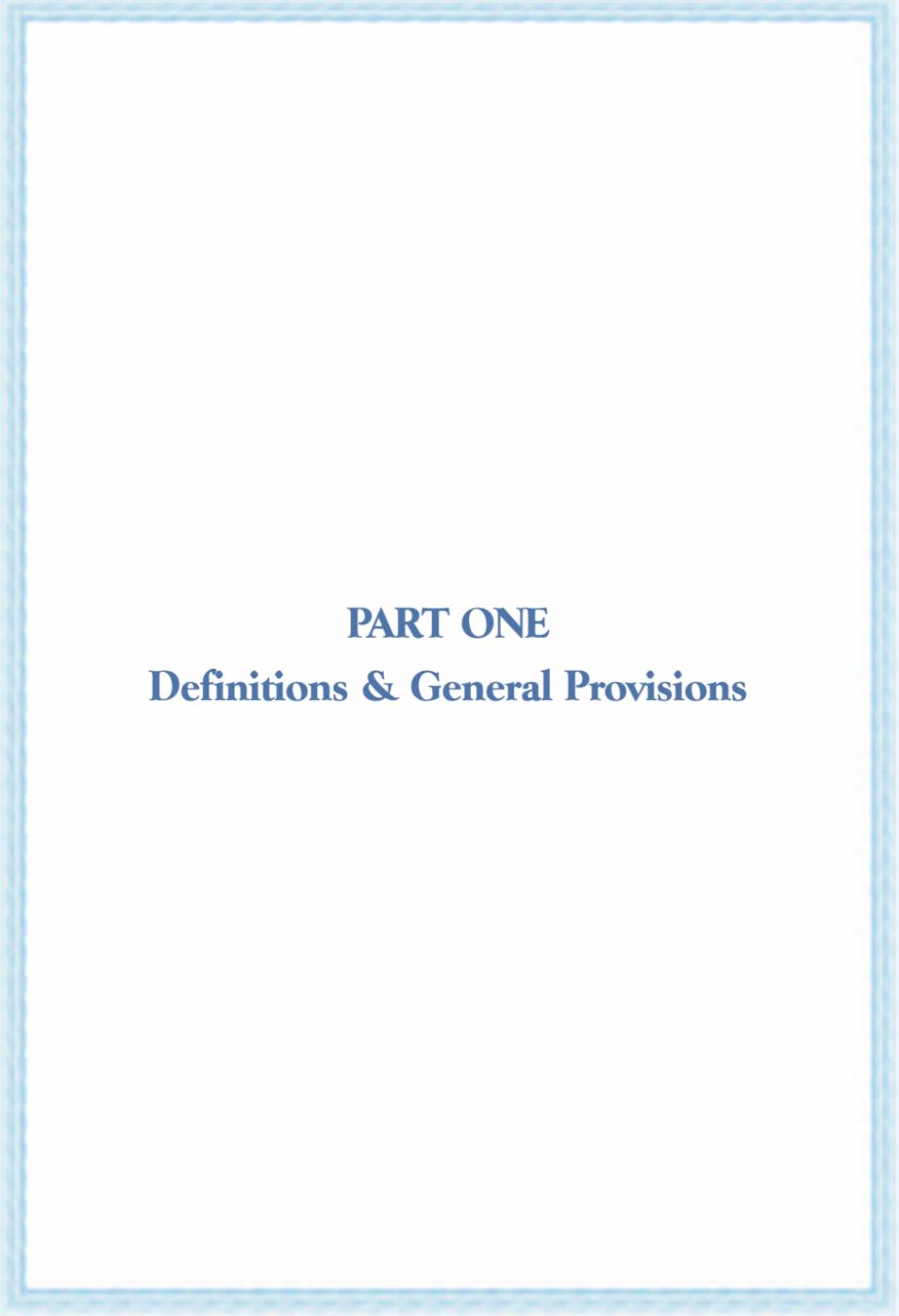
Article 4. This Royal Decree shall be published in the Official Gazette and shall come into force after the expiry of one month from the date of its publication.

Qaboos Bin Said

Sultan of Oman

Issued on: 24 Safar 1424H

Corresponding to: 26th of April 2003



PART ONE
Definitions & General Provisions

CHAPTER ONE

Definitions

Article [1]

In applying the provisions of this law the following words and phrases shall have the meaning assigned to each of them unless the context requires otherwise.

1. The Ministry : the Ministry of Manpower.
2. The Minister : the Minister of Manpower.
3. The Directorate : The Labour directorate or office or its branches.
4. The Establishment : Every undertaking which is run by a natural person or a body corporate employing one or more workers in consideration of a wage.
5. The Employer : Every natural or corporate person employing one or more workers in consideration of a wage.
6. The Worker : Every natural person who works with the employer in consideration of a wage and under his management and supervision.
7. Contract of Work : Every contract under which a natural person undertakes to work for the interest of an employer and under his management and supervision in consideration of a wage.
8. The Casual Work : The work which does not by its nature come within the activity practised by the employer and which does not last longer than six months.

9. **The Temporary Work** : The work that by its nature is required to be executed and completed within a fixed period of time.
10. **Part-Time Worker** : The worker whose usual hours or days of work are less than those prescribed by this law.
11. **Over-Time Work** : The work that is performed in hours which exceed the working hours prescribed by this law.
12. **Basic Wage** : The agreed consideration between the employer and the worker whether in cash or in kind, which is recorded in the contract of work in addition to periodical increments, if any.
13. **Gross Wage** : The basic salary, in addition to all other entitlements that might be decided for the worker in return for his work, and includes the consideration for over-time work and what the worker might get as remunerations or ex-gratia payments or increments by reason of high cost of living or allowances other than travel, transportation and accommodation allowances.
14. **Probationary Period** : A period during which the suitability of the worker is being examined and which enables the employer to assess the worker, either from the technical or moral point of view, and which enables the worker to become acquainted with the conditions of the work.
15. **Continuous Service** : The uninterrupted service with the same employer or his legal successor and the periods of absence approved by the employer, shall not affect the continuity of the service.

16. Year : 365 days from the date of signing the Contract of Work unless otherwise provided.
17. The Month : 30 days unless otherwise provided.
18. Labour Disputes : Any dispute between the employer and the worker if it relates to the employment of the worker or the terms of his service or the conditions of his work.
19. Working Hours : The time during which the worker is at the employer's disposal and does not include the periods of rest.
20. Night working Hours : The time between 9.00 pm and 5.00 am during which the worker is at the employer's disposal.
21. Juvenile Worker : Every natural person who has reached the age of fifteen but has not reached the age of eighteen.

CHAPTER TWO

General and Transitional Provisions

Article {2}

The provisions of this law shall not apply to:

- 1- Members of the armed forces and public security organizations and employees of the state administrative apparatus and other government units.
- 2- Members of the employer's family who are dependent upon him.
- 3- Domestic servants working inside houses or outside houses such as a driver, maid and a cook and those with similar jobs.

The Minister shall by his decision issue the rules and terms of work relating to these categories.

Article {3}

Any condition which is contrary to the provisions of this law shall be null and void even if it was prior to its operation unless the condition is of more benefit to the worker.

Any release or settlement or waiver of rights arising out of this law shall be null and void if it is contrary to its provisions.

Any conditions prescribed by the laws, regulations and decisions which were in force at the date of coming into force of this law which are more advantageous to the worker shall continue to be enforced.

Article {4}

Unless otherwise excepted by a special provision all employers and workers shall be subject to the provisions of this law, and all kinds of establishments and their national and foreign branches, which practise their activities within

the Sultanate, whether they are public or private, including the national and the foreign institutions of the private education.

Article [5]

As from the date of coming into force of this law, all employers shall provide or at least maintain the minimum standards and conditions of employment set out in this law. The standards and terms of service under which the worker was employed before the coming into force of this law, shall not be reduced, if the worker continues in the service of the employer after it has come into force.

Article [6]

The employer may establish schemes from which his workers may get advantages which are more beneficial than what is prescribed, or provide them with other benefits, or enter into agreements with them, the terms of which are more beneficial than the terms provided for in this law.

If a condition in this law contradicts any of the conditions set out in such schemes or agreements, the condition which is more beneficial to the worker shall be applied.

Article [7]

The worker's right to claim any of the entitlements provided in this law shall become prescribed after the expiry of one year from the date of his entitlement to such right. With respect to other claims, which had arisen prior to the enforcement of this Law the period of one year shall be calculated as from the date the provisions of this Law come into force.

Article [8]

The officials who are designated by a decision of the Minister of Justice in coordination with the Minister shall have the authority to carry judicial

investigations for the implementation of the provisions of this law and the regulations and decisions for the implementation thereof. The rules and procedures for the regulation of their work shall be specified by a decision to be issued by the Minister. The aforesaid officials shall have the right to enter the places of work and inspect the books, records and papers related thereto to ensure that the provisions of this law and the executive regulations and decisions thereof are implemented. Such officials shall before assuming their work, take an oath before the Minister that they shall discharge their work honestly and sincerely and shall not disclose any work secrets or any information or data they come to know by virtue of their work even after the termination of their services.

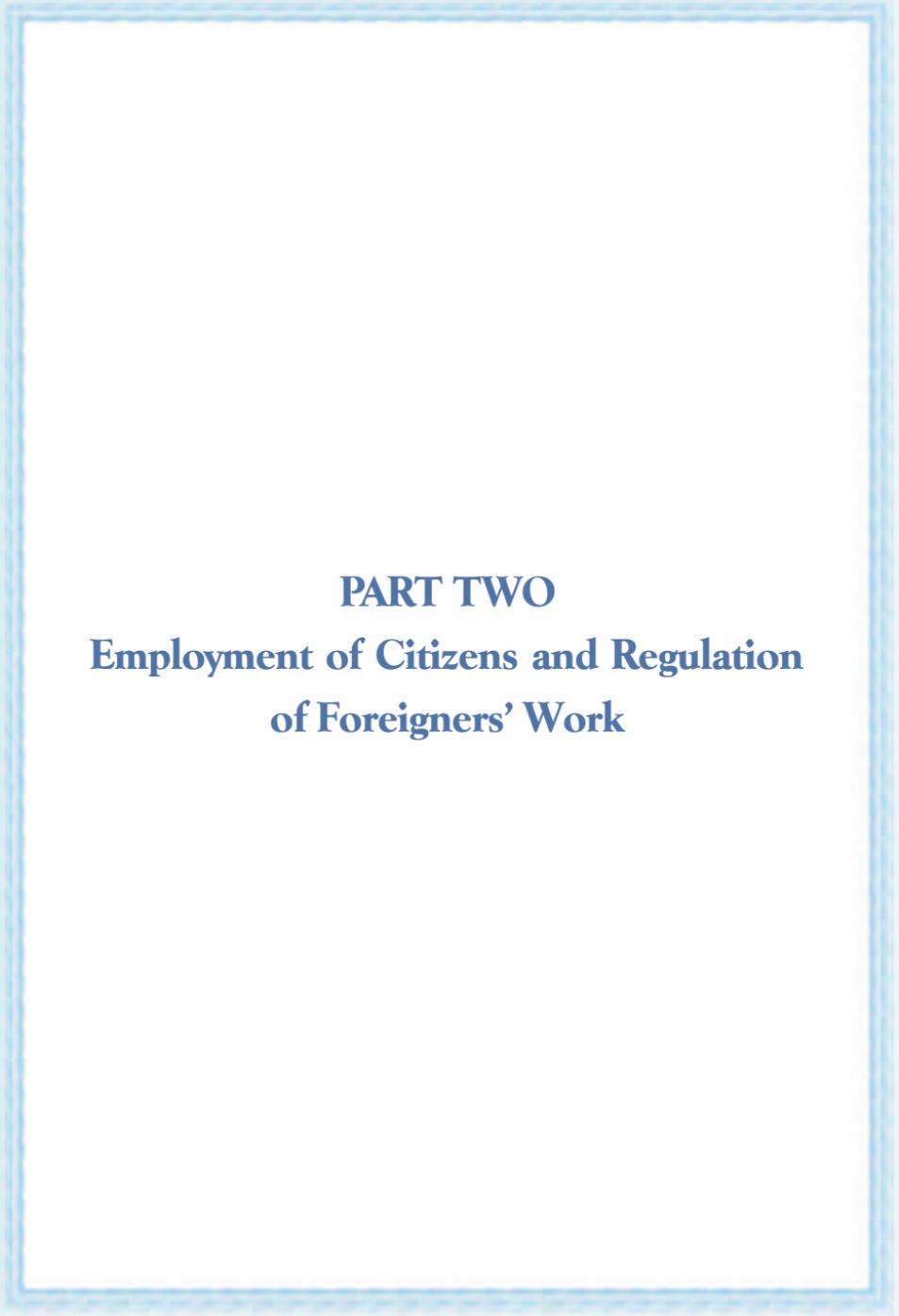
The said officials shall observe confidentiality regarding the source of any information which has come to their knowledge in connection with the violation of any provisions of this law or its executive regulations and decisions.

Article [9]

The employer or his representative, shall in the context of implementation of the provisions of this law and the executive regulations and decisions thereof, provide the officials mentioned in the above section, with the facilities necessary for the discharge of their duties, and all data or information as they may request provided that such data or information are complete and valid. It is prohibited for any person to delay or intentionally obstruct the said officials from discharging their duties. For the purpose of their work they may seek the assistance of policemen in accordance with rules to be issued by a decision of the Minister in co-ordination with the Inspector General of Police and Customs.

Article [10]

The claims filed by the workers or their beneficiaries in accordance with the provisions of this law shall be exempt from all fees at all the stages of litigation.



PART TWO

**Employment of Citizens and Regulation
of Foreigners' Work**

CHAPTER ONE

Employment of Citizens

Article [11]

The employer shall employ the Omani workers to the maximum possible extent. The ratio of Omanis to the foreigners in the various economic sectors or the activities covered by each sector as may be necessitated by the circumstances of each sector or activity and the extent of availability of the necessary Omani workers, shall be determined by a decision of the Minister.

The employer shall ensure the equality of all workers when the nature and conditions of their work are similar.

Article [12]

Any Omani who is fit and desirous to work may apply for registration of his name with the relevant directorate and state details of his age, qualifications, experience, preferences and the work he desires to join in addition to any other information as may be determined by the Ministry.

Such department shall register the applications in serial numbers upon receipt thereof and shall give the applicant an acknowledgement of registration in the form specified by the Ministry.

Article [13]

The relevant directorate in the context of procuring employment for Omani citizens, assume responsibility for the following:

- 1- Obtain from employers, information of vacant posts and occupations and the necessary conditions for filling them.

- 2- Nomination of applicants to the vacant posts and occupations if they satisfy the necessary conditions for filling them.
- 3- Providing advice and assistance to the applicants in relation to the fields of vocational training and guidance to facilitate their employment in the vacant posts and occupations.
- 4- Any other matters as may be specified by the Minister. The nominations made by this directorate shall be binding on employers with the exception of such activities and regions as may be specified by a decision of the Minister.

Article (14)

The employer or his representative shall send the following to the relevant directorate during the month of January of each year on the forms prescribed by the Ministry:

- 1- A detailed statement on the number of his workers classified according to the types of their jobs, occupations, their wages and gender.
- 2- A statement of the reasons for not filling the posts and occupations which have fallen vacant or have been created during the past year, if any.
- 3- A statement on the status of work conditions and anything related thereto in respect of employment opportunities and the expected increase or decrease in their number during one year.

The Minister may modify the periodicity of collection of these statements if the public interest so requires.

The employer or his representative shall submit the statements required for the field survey or the technical researches for planning and development of manpower according to the plans, programmes and schemes which the Ministry may implement.

Article [15]

The employer or his representative shall notify the relevant directorate in writing of the posts and occupations which fall vacant or have been created at his place of work, whatever their type is, with information on each one of them and the wage thereof and the specified date for its occupation within one month from the date of the vacancy or creation thereof.

The employer shall, within one month from the date of employing an applicant for work pursuant to Section [13] of this law, send the registration certificate of such worker to the directorate which had issued it, and enclose a statement including the date such worker has joined the work, the wage specified therefor and the type of work. The serial number of the registration certificate and the date thereof shall be recorded in front of the worker's name in the workers' register at the establishment.

Article [16]

The employer or his representative shall record in a special register the names of Omani workers employed by him and the address, age, gender and the kind of work assigned to each one of them, his social status, the amount of wage and the benefits in cash or in kind which he may obtain, and shall keep such register at the place of work.

Article [17]

The employer who employs fifty workers or more shall appoint persons who are of special needs nominated by the relevant directorate who are occupationally qualified in jobs which are suitable to their conditions, within such limits as may be determined by a decision of the Minister.

Such persons of special needs who are employed pursuant to the preceding paragraph shall enjoy all the rights prescribed for other workers.

CHAPTER TWO

Regulations of foreigners' work

Article [18]

The employer is prohibited from bringing forward non-Omani workers unless he has obtained a permit from the Ministry. The grant of such permit shall be subject to the following conditions:

- 1- that there are not among the Omanis the sufficient work force for the posts or occupations;
- 2- that the employer has complied with the prescribed percentages of Omanisation; and
- 3- payment of determined fees.

A non-Omani is prohibited from joining any work in the Sultanate before obtaining a labour card, the grant of which shall be subject to the following conditions:

- 1- that the worker has the professional competence or technical skill or the qualifications needed by the country;
- 2- that the employer has a permit to bring the worker forward in accordance with the first paragraph of this Section;
- 3- that the worker has entered the country in a lawful manner and satisfies the conditions provided in the Foreigners Residence Law;
- 4- that the worker is medically fit and free of such contagious and chronic diseases as may be specified by the Ministry of Health;
- 5- that the worker has entered into a contract with an Omani or non-Omani employer who has obtained the necessary permit from the Ministry of Commerce & Industry, if the worker is needed to work in the establishment;

6- that the prescribed fees have been paid.

The labour card shall be granted upon the employer's request.

Article [19]

The following shall be determined by a decision of the Minister:

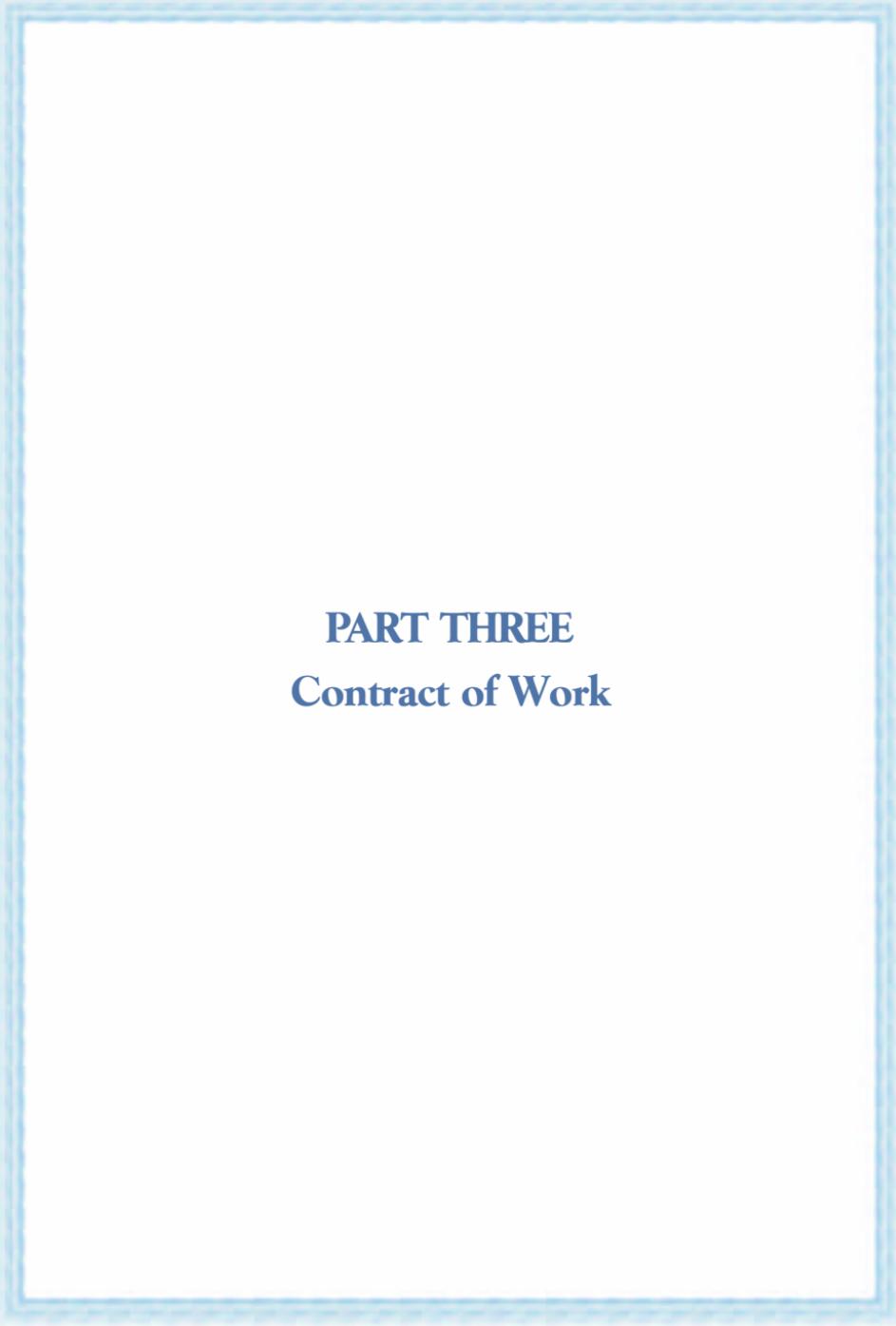
- 1- The permit fees for bringing forward non-Omani workers and the fees for the issuance of the labour card and its renewal in coordination with the Ministry of Finance after the approval of the Council of Ministers.
- 2- The form and duration of the labour card which shall be renewable for a similar duration or for any duration as may be specified by the decision.
- 3- The professions and jobs which non-Omanis are not allowed to practise.

Article [20]

No person shall be allowed to practise the activity of providing foreign workers without obtaining a licence to that effect from the Ministry, and an employer is prohibited from contracting with any person for the provision of foreign workers unless such person has a licence for that purpose.

A decision of the Minister shall specify the conditions which are prerequisite for granting a licence, the rights and duties of the licensee, the conditions and particulars which must be available in the contract entered into between the employer and the licensee and particularly the contract shall be written and contains the type of work, categories and wages of the workers according to the job or profession of each one of them, and the obligation of the licensee to send the worker back to the place where he has been brought from for work if it is evident that he does not satisfy the conditions provided for by the contract.

Neither the employer nor the person licensed to provide foreign workers shall charge the worker any sums in consideration of his employment.



PART THREE
Contract of Work

Article (21)

The Contract of Work shall be confirmed by writing and issued in Arabic of two copies, one copy for each party. If the contract is written in a language other than Arabic, at least one copy in Arabic shall be annexed thereto and approved by the two parties to the contract which shall be equally authentic. If there is no written contract of work, a worker may establish his rights by all means of proof. The worker shall be given a receipt for the documents and certificates which he might have deposited with the employer.

Article (22)

If any one of the parties to the contract is unable to read or write or does not understand the language of the contract, such contract shall be authenticated by the competent authority according to the law.

Article (23)

The contract of work shall particularly include the following information :

- 1- Name of the employer and the establishment and address of the work place.
- 2- Name of the worker, his date of birth, qualification, job or occupation, place of residence and nationality.
- 3- The nature and type of work and duration of the contract.
- 4- The basic salary and any allowances, privileges or remunerations to which the worker is entitled under the current terms of employment, and the method and time of payment of the agreed wage.
- 5- The reasonable period of notice which shall be given by anyone of the parties who intends to revoke the contract, provided that the period of notice which an employer gives to a worker shall not be less than the period prescribed by this law.

6- Any other particulars to be specified by the law.

There shall be annexed to the contract an undertaking from the worker which includes the following:

- 1- That he will abide by the terms and conditions of work as provided in the contract.
- 2- To respect Islamic religion, the laws, customs and social traditions of the country.
- 3- Not to engage in any activity which is detrimental to the country's security.

Article [24]

A worker shall not be placed on probation for a period exceeding three months if he receives his wage on a monthly basis nor shall such period exceed one month if he receives his wage otherwise.

A worker shall not be placed on probation more than once with the same employer, and the any probation period shall be included in the period of service if the worker has successfully completed it.

In all cases the probationary period, if any, shall be specified in the contract of service.

Any one of the parties may, after a notice of not less than seven days to the other party, terminate the contract during the probationary period, if it becomes clear that continuation in employment is not suitable.

Article [25]

The employer shall not deviate from the terms of the contract or assign to the worker, a work that has not been agreed to, unless necessity so requires and on a temporary basis. Nevertheless, the employer may assign to the worker a work that has not been agreed to if it is not substantially different from the original work.

Article [26]

The employer shall create a special file for each worker which includes in particular:

- 1- his name, his age, social status, place of residence and nationality;
- 2- his job or occupation, experience and qualification;
- 3- date of commencement of work, his wage and any changes thereto;
- 4- annual, sick and special leaves awarded, and any penalties imposed on him;
- 5- date and reasons for termination of service.

The employer shall keep the file provided in the above paragraph at least for one year from the date of termination of service.

Article [27]

The worker shall:

- 1- personally carry out the work in accordance with the instructions and supervision of the employer and to the extent specified in the contract and according to the law and work regulations and exercise in the performance thereof such care as would be exercised by the reasonable man;
- 2- obey by the employer's instructions relating to the execution of the work agreed to if such instructions are not contrary to the contract, the law or morals, and if his submission thereto will not expose him to danger;
- 3- take care of the means of production and work instruments which are put at his disposal, and shall maintain them with the care and diligence of the reasonable man, and take all necessary measures for their maintenance and safety;
- 4- keep the secrets of the work;

- 5- continuously endeavour to develop his skills and experience professionally and culturally in accordance with such regulations and procedures as may be laid down by the employer;
- 6- refrain from using the instruments of work outside the place of work except with the prior permission of the employer and to keep such instruments in the proper places;
- 7- abide by the instructions of safety and vocational health at the establishment whether prescribed by the law, or executive regulations and decisions thereof or by the rules, regulations and instructions of the work.

Article [28]

An employer who employs fifteen workers or more shall display in a conspicuous place in his establishment, regulations for the system of work after their approval by the Ministry. Such regulations shall include the rules regulating the work in the establishment, the rights and duties of both the worker and the employer, the rules regulating the worker's relation with his colleagues and superiors and the rules governing the worker's promotion, if the nature of the work so requires and specifying the categories of wages, increments and allowances of all kinds and time and place of payment thereof.

The employer shall make such amendments to the said regulations as may be required by the Ministry for the implementation of such laws, regulations and decisions as may be issued.

Article [29]

An employer who employs fifteen workers or more shall place in a conspicuous place in his establishment, the penalties regulations, and the conditions for imposition thereof. For such regulations and amendments

thereto, to become enforceable they have to be approved by the Ministry within two months from the date they have been submitted thereto for approval. If the said period expires without the approval or rejection of the Ministry having been communicated such regulations shall become enforceable.

The Minister may by a decision to be made by him issue, the models of disciplinary regulations according to the nature of the work for the guidance of employers.

Article [30]

A worker can not be accused of a violation after the expiry of fifteen days from the discovery thereof, and no disciplinary penalty shall be imposed on a worker after more than thirty days from the date of proving the violation in the case of workers who receive their wages on a monthly basis, and more than fifteen days in the case of other workers.

Article [31]

An employer shall not impose upon a worker a fine exceeding the wage of five days for a single violation or impose on him a disciplinary penalty of suspension and deprivation of the whole or part of his wage for a period exceeding five days.

In all cases no more than one penalty shall be imposed on a worker for a single violation, and no more than the wage of five days in one month be deducted from his wage to meet the fines imposed on him nor shall the period of his suspension from work and deprivation of the whole or part of his wage exceed five days in one month.

Article [32]

If a worker is accused of committing an offence or misdemeanor inside the

place of work the employer may suspend him from work for a period not exceeding three months from the date on which the relevant authorities were informed of the incident. Such worker shall be deprived of his Gross Salary in the first month and shall be paid half of his Gross Salary in the second and third months. If the relevant authority decides not to commit the worker for a trial, or if the period of his suspension has expired, or if he has been acquitted, he shall be reinstated and the previously suspended payments of his wage shall be paid to him.

If the employer refuses to reinstate the worker, such refusal to reinstate him shall be construed as arbitrary dismissal, and in all cases the employer shall be obliged to pay the worker all his previously suspended payments of wage.

Article [33]

The employer shall provide medical facilities for his workers in the establishment , and if the number of his workers in one place or one town exceeds one hundred the employer shall employ a qualified nurse to carry out the first aid. The employer shall also designate a doctor to visit the workers and treat them in a place which is equipped for this purpose, and shall give the workers the necessary medicines for their treatment which shall be free of charge. If the number of workers exceeds five hundred, the employer shall provide his workers in addition to the aforementioned with all other facilities of treatment which requires the assistance of specialist doctors or surgery operations or the like, as well as the necessary medicines, all of which shall be free of charge with the exception of the costs of dental, ophthalmic and maternity treatment.

If the worker is treated in a government or private hospital, the employer shall incur the cost of treatment, medicine and in-patient care at the hospital in accordance with the regulations and financial rules applicable in such hospitals without prejudice to the provisions of the Social Insurance Law.

Article [34]

An employer, who practises work in such regions as may be specified by a decision of the Minister, is obliged to provide his workers with suitable means of transport, appropriate accommodation, meals and drinking water in places equipped for such purpose, and within easy reach of the workers.

Article [35]

If a worker purposely or due to his gross negligence causes the loss or damage or destruction of any equipment, machinery or products owned by the employer or entrusted to him the worker shall incur the necessary amount thereof. The employer after conducting investigation and notifying the worker may start deduction of such amount from the worker's wage, provided that the deduction for this purpose shall not exceed 25% of his monthly wage. The worker may appeal against the employer's estimation to the relevant directorate within one month from the date of his knowledge of the deduction, and the appeal shall be decided according to the procedures provided in this law.

Article [36]

If the contract is for a limited duration, and the parties have continued the execution thereof after expiry of its duration, the contract shall be deemed to have been renewed with the same terms for an indefinite period.

Article [37]

If the contract is for an unlimited duration, any one of the parties may terminate it after giving a written notice to the other party thirty days before the termination date in case of workers who were employed on a monthly basis, and fifteen days for the other workers, unless a longer period is agreed to in the contract.

If the contract is terminated without observation of such notice period , the party who terminates the contract will be obliged to pay to the other party compensation equal to the Gross Wage for the notice period or the remaining part thereof.

Article [38]

The notice of termination of the contract issued by the employer to the worker who is on leave or public holiday shall not commence to operate except from the day following the end of leave or holiday.

Article [39]

On the termination of the relation of work of the workers who are not beneficiaries of the Social Insurance Law the employer shall pay the worker a post service gratuity in the amount of the wage of fifteen days for each year of service for the first three years, and the wage of one month for each of the following years. The worker shall be entitled to the gratuity for a fraction of the year proportionate to the period of his service and the last basic wage of the worker shall be considered the basis for the calculation of the gratuity.

The continuous period of service, which commenced prior to the enforcement of this law shall be included in the period of service which is considered for determining the period for which of gratuity is payable.

The said gratuity shall not be payable if the duration of service is less than one year.

Article [40]

The employer may dismiss the worker without prior notice and without end-of-service gratuity in any of the following cases:

- 1- if he assumes a false identity , or if he resorts to forgery to obtain the employment;

- 2- if he commits a mistake which results in a heavy financial loss to the employer provided that the latter should notify the relevant directorate of the incident within three days from the date of his knowledge of its occurrence;
- 3- if he in spite of being notified in writing does not comply with such instructions the compliance with which is necessary for the safety of workers or the workplace, provided that such instructions shall be written and hanged in a conspicuous place and the contravention of which is likely to cause a grievous damage to the work place or to the workers;
- 4- if he absents himself from his work for more than ten days without reasonable cause during one year or for more than seven consecutive days provided that such dismissal shall be preceded by a written notice to him from the employer after his absence for five days in the first case;
- 5- if he discloses any secrets relating to the establishment in which he works;
- 6- if a final judgement is entered against him for an offence or felony for breach of honour or trust or for a felony committed in the work place or during the course of his work;
- 7- if he is found during the working hours in a state of drunkenness or was under the influence of an intoxicating drug or mental stimulus;
- 8- if he commits an assault on the employer or the responsible manager or if he commits a grievous assault on any of his superiors in the course of the work, or because of it if he assaults one of his colleagues in the work place by hitting him and as a consequence thereof sickness or delay from the work for a period exceeding ten days ensues;
- 9- if he commits a grave breach of his obligation to perform his work as agreed upon in his contract of work.

Article [41]

The worker may abandon the work before termination of the contract period and retain his full rights after giving notice to the employer of so doing in any of the following cases:

- 1- if the employer or his representative has defrauded him in respect of the terms of employment at the time of entering into the contract of work;
- 2- if the employer does not perform his substantial obligations towards the worker in accordance with the provisions of this law or the terms of the contract of work;
- 3- if the employer or his representative commits an immoral act against the worker or any member of his family;
- 4- if he is assaulted by the employer or his representative;
- 5- if there is a grave danger which threatens the safety or health of the worker , provided that the employer was aware of the existence of such danger and did not implement the measures prescribed by the relevant authorities on time.

Article [42]

Without prejudice to the provisions of the Social Insurance Law, if the worker abandons the work for any of the reasons set out in the above section, the employer shall be obliged to pay him a gratuity for the period of his service and without prejudice to the worker's entitlement to such compensation as may be decided.

Article [43]

The contract of work shall terminate in any of the following cases:

- 1- the expiry of its period or completion of the work agreed upon;

- 2- the death of the worker;
- 3- disability of the worker to perform his work;
- 4- resignation or dismissal of the worker or abandonment of the work in accordance with the provisions of this law;
- 5- sickness of the worker to an extent that compels him to discontinue his work for a continuous or an interrupted period of not less than ten weeks during one year.

The disability or illness of the worker shall be established by a medical certificate as well as the proof of his age if it is not possible to establish it by a birth certificate or an official extract therefrom. The medical certificate shall be issued by the medical commission pursuant to a decision of the Minister of Health in co-ordination with the Minister for the purposes of implementation of the law, and such decision shall include the regulation of the work procedures and the decisions of such commission shall be final.

The contract shall not be terminated from the part of the employer unless the worker reaches the age of sixty at least.

In the event of the termination of the contract for any of the aforesaid reasons, the employer shall pay the worker or his beneficiaries the gratuity provided in Section [39] if the worker is not subject to the provisions of the Social Insurance Law.

Article [44]

Without prejudice to the Social Insurance Law, if there is a worker's Savings Fund in an establishment and if the regulations of the Fund provide that the employer's contribution to the Fund for the worker's account is paid in lieu of the employer's legal obligation to pay the end of service gratuity and it is equivalent to or more than the gratuity to which the worker is entitled, such amount shall be paid to the worker instead of the gratuity otherwise the worker shall be entitled to the gratuity.

If the worker contributes to such Fund, he shall be entitled to both his entitlement from the Fund and the end-of-service gratuity.

Article [45]

Those who are in charge of the establishment of the Savings Funds in the establishments shall obtain the approval of the Ministry of such Funds and the internal regulations thereof before their registration. The no objection of the Ministry within sixty days from the date of submission of the regulations shall be deemed to be an approval.

Article [46]

The employer shall give the worker, upon his request, at the end of the contract, an end of service certificate free of charge, wherein he shall state the date of the worker's joining the service, date of leaving it, the type of work he was performing, and the wage and other remunerations and privileges, if any.

The employer shall return to the worker all such documents and certificates which he might have put in the employer's custody.

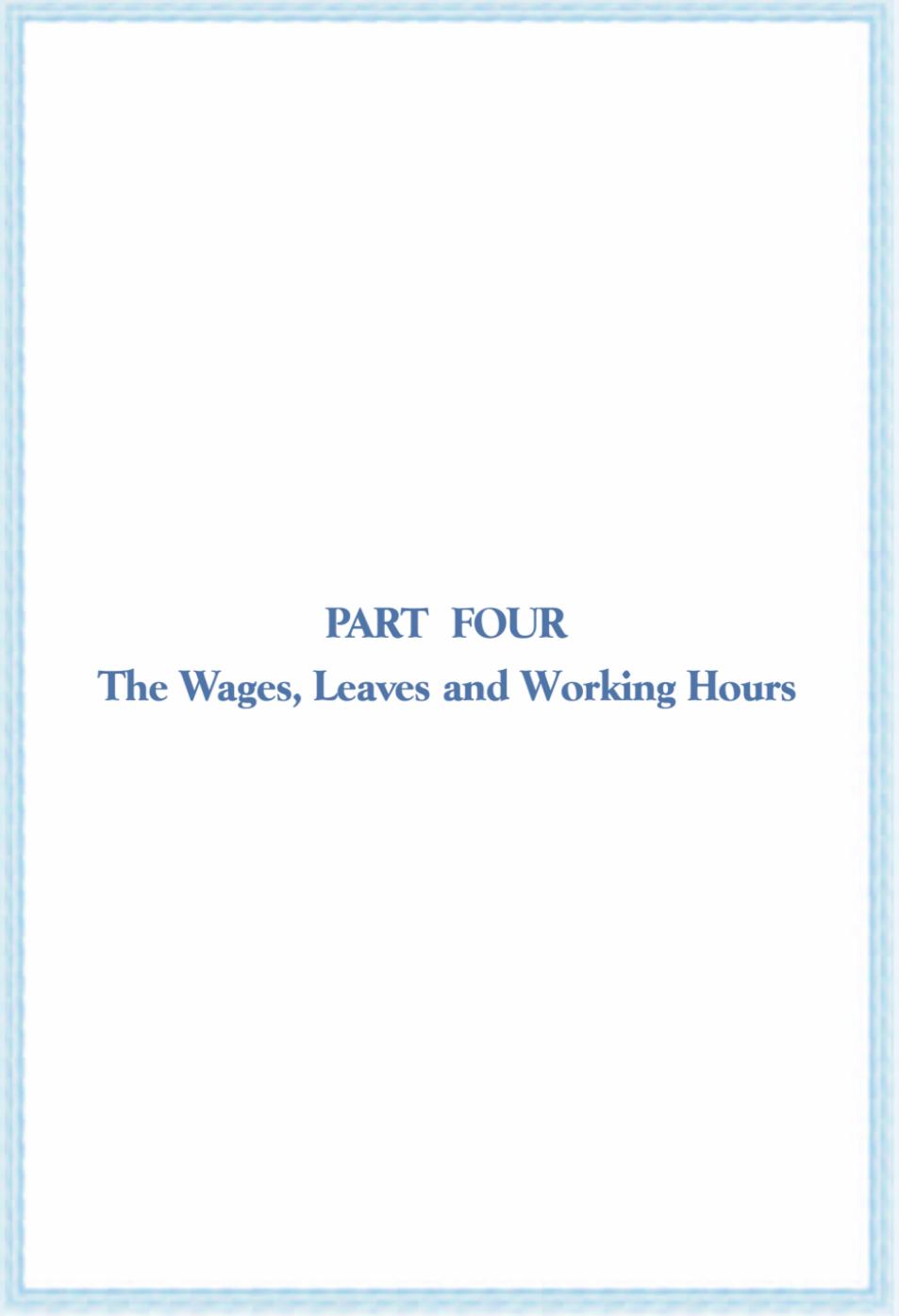
Article [47]

The dissolution, liquidation, closure, bankruptcy of the establishment or its merger with another establishment or succession thereto by inheritance, sale, lease, surrender, will, gift or such other acts of disposal shall not preclude the discharging of all its obligations.

With the exception of the cases of liquidation, bankruptcy and the final authorized closure, the contract of work shall remain existing and the successor shall be jointly liable with the previous employer for discharging all the obligations prescribed by law subject to the established priority of the worker's rights.

Article [48]

The employers shall be jointly liable for any violation of the provisions of this law, and the transferees of all or part of the businesses shall be jointly liable with the original employer to honour the payment of all the costs prescribed by the aforesaid provisions.



PART FOUR

The Wages, Leaves and Working Hours

CHAPTER ONE

The Wages

Article (49)

Wages and other amounts to which a worker is entitled shall be paid in the currency legally in circulation unless a wage in kind is agreed to.

Article (50)

The Council of Ministers shall determine the minimum limit of wages according to the requirements of the economic circumstances and may determine a minimum limit of the wages of a specific category of workers who are occupying jobs or occupations, the conditions or nature of the work of which necessitate such determination.

The minimum limit of wages shall be issued by a decision of the Minister.

Article (51)

Wages shall be paid on a working day and at the workplace subject to the following provisions:

- 1- Workers who are appointed on monthly wages shall be paid their wages at least once every month.
- 2- If the wage is paid on the basis of the number of pieces produced and the work requires a period of more than two weeks, the worker shall get a weekly payment on account proportionate to the work he has completed and the balance of the wage shall be paid to him in full during the week following the completion of the work assigned to him.
- 3- In cases other than the abovementioned, the wages of workers shall be paid once every week provided that they may be paid to them once

every two weeks or every month if they agree to that in writing, and in all cases the wage shall be paid within seven days from the end of the period for which the wage is payable.

Article [52]

If the employment relationship has terminated, the wage and all the amounts due to the worker shall be paid to him forthwith unless the worker has abandoned the work of his own accord in which case the employer shall pay the worker his wage and all his entitlements within a period of seven days from the date on which he has abandoned the work.

Article [53]

The liability of the employer towards the payment of the worker's wage shall not be discharged unless the worker signs in the register prepared for such purpose to acknowledge receipt thereof, or in the pay rolls, or in a special receipt prepared for this purpose, or by completion of the transfer of the worker's wage into his account with one of the local accredited banks, provided that the particulars of such documents shall include the details of the wage.

Article [54]

The wages, rights, other benefits and all amounts payable to the worker or to his beneficiaries according to the provisions of this law shall have priority over all debts owed by the employer except the amount of alimony adjudicated by Sharia Courts.

Article [55]

The worker shall not be obliged to purchase foodstuff or specific commodities from particular shops or any products of the employer.

Article [56]

The employer shall be obliged to repatriate a non-Omani worker to his country upon termination of the work relationship with him unless the sponsorship of such worker is transferred to another employer. If the employer declines to do so, the relevant directorate shall repatriate the worker at the expense of the Government and revert to the employer for recovery of the amount paid.

Article [57]

The employer shall not transfer a worker who earns a monthly wage to a category of daily workers , or to a category of workers who earn weekly wages, or on a piece basis, or on an hourly basis except with the written consent of the worker, and in the event of his consent to the transfer the worker shall have all the rights which he acquires during the period of his earning a monthly wage according to the provisions of this law.

Article [58]

The employer shall not deduct more than 15% of a worker's wages towards repayment of any money borrowed by him during the period of the contract, nor shall the employer charge any interest on such loans and the same rule shall apply to the wages paid in advance.

The Minister may alter the abovementioned percentage or decide an interest on the loans if the employer has introduced a loan system approved by the Ministry to enable his workers to establish their own dwelling-houses provided that such interest shall not exceed the highest limit prescribed by the Central Bank.

Article [59]

The wages payable to the worker shall not be attached, or assigned, except to

the extent of one quarter thereof for the discharge of alimony, or to repay any amounts owed by him to the government, or to the employer. In case of the existence of more than one debt the priority shall be accorded to the payment of alimony.

If the worker's service terminates, the debts of the government and the proven debts of the employer, if any, shall be deducted from the end-of-service gratuity and any other entitlements of the worker.

Article [60]

If the shift worker or a worker whose wage is determined on an hourly, daily, weekly, half monthly or monthly basis, absents himself from work without permission or an acceptable excuse, he shall not be entitled to a wage except for the hours he has actually worked.

The hourly wage of a worker whose wage is determined on a monthly basis is calculated by dividing the Gross Wage by the period for which the wage is payable and then by the number of the original hours according to the contract of work or according to the law, whichever is less.

The hourly wage of a shift worker in this case, is calculated by dividing the Gross Salary for the working hours of a full shift on the assumption that he has worked for the full shift, by the number of the actual hours excluding the additional hours.

No deduction shall be made from the wage of a worker for any hour or day on which he was absent from work by reason of his summon to appear as a witness before the Court or the Public Prosecution.

CHAPTER TWO

The Leaves

Article [61]

The worker shall be entitled to an annual leave with basic wage for a period of fifteen days upon the completion of one year of continuous service with the employer, and shall be increased to thirty days per each year thereafter.

The worker shall be entitled to an emergency leave with Gross Wage for a period of four days during the whole year for meeting any unforeseen circumstance that occurs to him but shall not exceed two days at a time.

The continuous service which has commenced prior to the enforcement of this law shall be included in the period of service which is considered for determining the period of leave which the worker is entitled to and the worker shall not relinquish his leave.

Article [62]

With the exception of the leaves of the juvenile workers, it is permissible to divide a leave in accordance with the requirements of the work.

The employer may pursuant to the above paragraph postpone the annual leave of a worker for one succeeding year.

The worker shall go on leave at least for a period of two weeks once every two years.

The employer shall pay to the worker the basic wage for the days of the annual leave which the worker has not been availed, if the worker has agreed to that in writing.

Article [63]

The employer may deprive the worker of his wage for the leave period or

recover the amount of wage paid therefor if it is proved that the worker has worked during such leave with another employer.

Article [64]

The worker shall be entitled to the basic wage for the balance of his annual leaves if he abandons the work before exhausting such leave.

Article [65]

The worker shall be entitled to his Gross Wage during holidays for festivals and other official occasions as may be specified by a decision of the Minister.

Should an official holiday coincide with a weekly paid rest day, the worker shall be compensated therefor by another day. If the official holiday falls during the period of annual leave, the worker shall not be entitled to any compensation therefor.

The worker may be asked to work on an official holiday if the circumstances of the work so require, and in such a case the worker shall be entitled to receive his Gross Wage for such a day with an additional amount of not less than 25%, or to have a rest day as a substitute therefor.

Article [66]

Subject to the provisions of the Social Insurance Law, the worker whose illness is certified shall be entitled to a sick leave the total of which shall not exceed ten weeks during one year irrespective of whether it is divided or continuous and it shall be granted as follows:

- 1- The first and second weeks with Gross Wage.
- 2- The third and the fourth weeks with three quarters of the Gross Wage.
- 3- The fifth and the sixth weeks with a half of the Gross Wage.

- 4- The seventh week and up to the tenth week with a quarter of the Gross Wage.

The sickness shall be proved by a medical certificate and in case of dispute, the matter shall be referred to the Medical Commission provided for in Section [43] of this law.

A sick worker may exhaust his annual leave besides the sick leave he is entitled to.

Article [67]

The worker is entitled to a special leave with Gross Wage as follows:

- 1- Three days in case of his marriage and shall not be granted more than once throughout the period of his service.
- 2- Three days in case of the death of a son, daughter, mother, father, wife, grandfather, grandmother, brother or sister.
- 3- Two days in case of the death of an uncle, or an aunt.
- 4- Fifteen days for the performance of Al-Haj (pilgrimage) once throughout the period of his service, provided that he has completed one year in the service of the employer.
- 5- Fifteen days during the year for the purpose of sitting for examination in case of an Omani worker who is an associate student with one of the schools, institutes, colleges or universities.
- 6- One hundred and thirty days for a working Muslim wife in the event of her husband's death.

The entitlement to the leaves set out in paragraphs 2, 3 and 6 shall be conditional upon the presentation of the proof of death from the relevant authority.

CHAPTER THREE

Working Hours

Article [68]

The worker shall not be caused to perform an actual work for more than nine hours a day with a maximum limit of forty eight hours a week not including the intervals devoted for taking food and rest.

The maximum working hours during the month of Ramadan shall be six hours a day or 36 hours a week for Muslim workers.

The Minister may by a decision to be issued by him specify the closing time of the work.

Article [69]

The working hours shall be separated by one or more intervals for taking food and rest, the total of which shall not be less than half an hour, taking into account that the continuous period of work shall not exceed six hours.

The instances and works whereof the technical reasons and operational circumstances necessitate the continuation of work without rest intervals and the hard or exhausting work for which the worker is allowed periods of rest which are considered actual working hours shall be determined by a decision of the Minister.

Article [70]

If the worker is required to work for more than the working hours set out in Section [68], the employer shall either pay him an overtime equivalent to his wage for the additional period , plus at least 25% or to grant him leave from work in lieu of the hours during which he has performed an additional work, provided that the worker shall agree to such arrangement.

The employer and the workers in case of work performed in sea ports or airports or on vessels or ships or airplanes may agree to a fixed allowance to be paid in lieu of overtime payments, provided that such arrangement shall be subject to the approval of the Ministry. The Minister may add any other similar work.

Article [71]

The employer shall grant the worker a weekly rest of not less than twenty-four consecutive hours after six consecutive working days at the most. The weekly rest to which the worker is entitled may be accumulated for a period not exceeding eight weeks in such places or works as may be specified by a decision of the Minister, if the worker and employer agree to that in writing. The weekly rest shall in all cases be with paid wage.

Article [72]

The employer may not comply with the provisions set out in Section [68] and [69] of this law in the following cases:

- 1- At the time of annual inventory, preparation of the balance sheet, liquidation, closing of accounts and preparation for sale at a discount.
Provided that in such cases the number of working days during which the worker works for more than the prescribed period of a working day shall not exceed fifteen days in a year unless the relevant directorate approves longer periods.
- 2- If the work is for the prevention of an accident or reparation of the results thereof or the avoidance of a definite loss of perishable materials.
- 3- If the work is intended to meet an unusual pressure.
- 4- The notification of the relevant directorate within twenty four hours is conditional in the last two cases and the emergency, the additional work and the period required for completion of the work shall be stated.

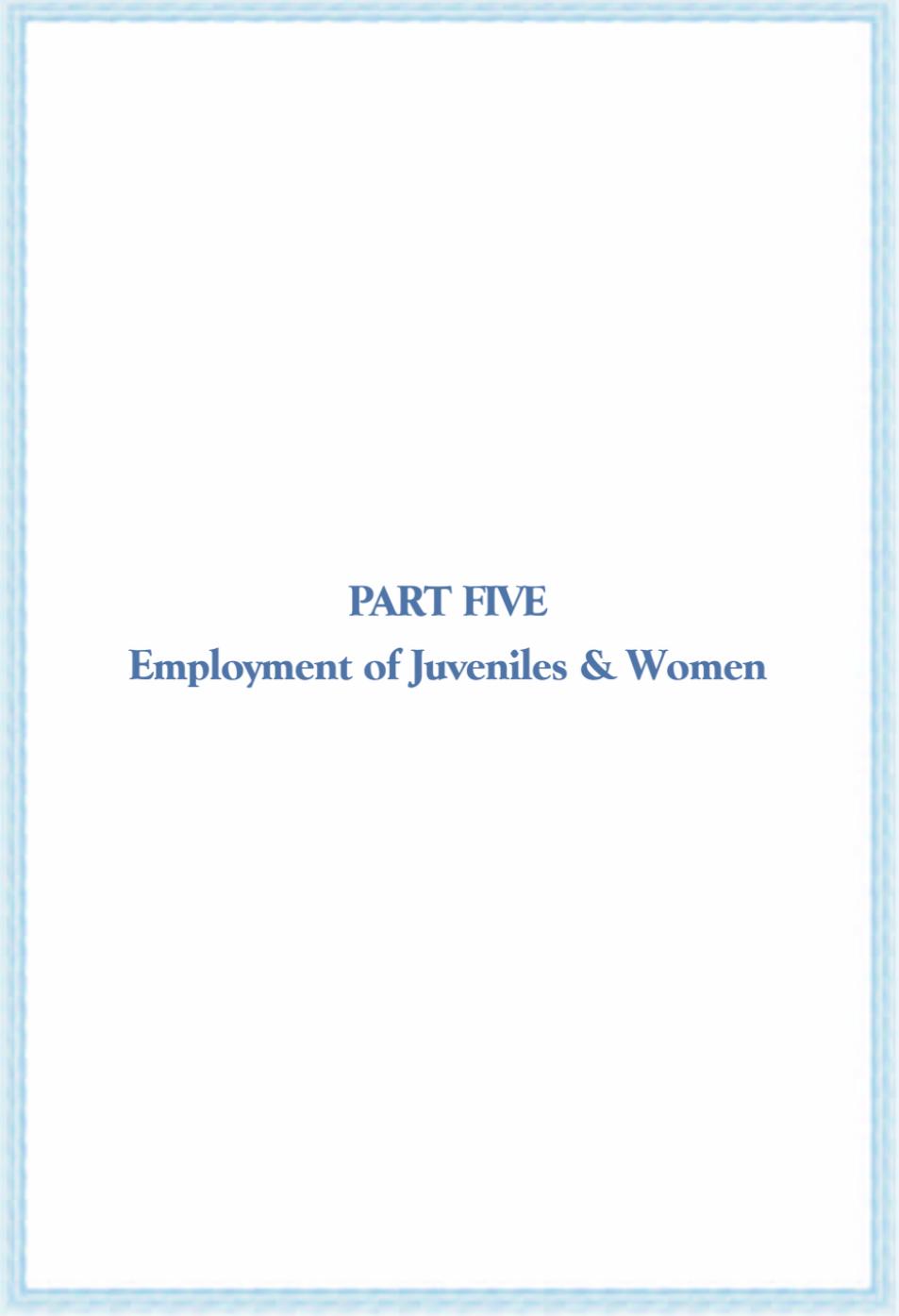
- 5- The festivals, seasons, other occasions and the seasonal work as may be specified by a decision of the Minister.

Article [73]

The employer shall pay the worker in the cases provided in the above Section an additional wage equivalent to the wage he used to get for the additional work plus a minimum of 25% for additional daytime working hours, and 50% for the nocturnal working hours. If the work falls in the weekly rest day or in public holidays, the worker shall be entitled to a double wage for that day unless he is given another day in lieu of it during the next week.

Article [74]

The employer shall display on the main doors used by the workers for entry and on the work places and in conspicuous places in the establishment, a schedule stating the working hours, the prescribed rest intervals and the weekly rest days. A copy of this schedule and any amendment thereto shall be sent to the relevant directorate.



PART FIVE

Employment of Juveniles & Women

CHAPTER ONE

Employment of Juveniles

Article [75]

The employment of juveniles from both sexes or permission thereto to enter the places of work before they attain the age of fifteen is prohibited.

The aforesaid age may be raised by a decision of the Minister in respect of certain industries and works that so require.

Article [76]

Juvenile employees who are less than eighteen years of age shall not be required to work between 6 pm and 6 am nor shall they be required to do actual work for a period exceeding six hours a day.

Juvenile employees shall not be caused to stay in the work place for more than seven continuous hours and the working hours shall be separated by one or more intervals for rest and meal taking the total of which shall not be less than one hour. Such interval or intervals shall be specified in such manner as to ensure that they do not work for more than four continuous hours.

Article [77]

In all circumstances juveniles shall not be required to work for additional hours , nor shall they be caused to stay in the workplace after the prescribed period or be required to work during the days of rest or public holidays.

Article [78]

If the employer employs one or more juveniles he:

- 1- Shall keep in the workplace a copy of the rules related to the

employment of juveniles provided in this Chapter, and such rules as may be issued by a decision of the Minister.

- 2- Shall prepare a list stating the juveniles' names, their ages and dates of their employment immediately after their employment.
- 3- Shall display conspicuously in the place of work, a schedule specifying the working hours, the rest intervals and the weekly rest times.
- 4- Shall notify the relevant directorate in advance with the juveniles' names before employing them, and the persons who are employed to supervise their work.

Article [79]

Subject to the above provisions, the juveniles' employment system, the circumstances and conditions of their employment, the works, occupations and industries in which they work shall be determined by a decision of the Minister according to the different age groups.

CHAPTER TWO

Employment of Women

Article [80]

Without prejudice to the provisions set out in this Chapter, all provisions regulating the employment of workers shall be applicable to women workers without discrimination between them in the same work.

Article [81]

Women shall not be required to work between 7 pm and 6 am except in such circumstances, works or occasions as may be specified by a decision of the Minister.

Article [82]

Women shall not be required to perform works which are harmful to the health or hard works or such other works as may be specified by a decision of the Minister.

Article [83]

A woman who has completed a year in the service of the employer shall be entitled to maternity leave the total of which shall not exceed six weeks including the pre-delivery period and the post delivery period provided that a medical certificate shall be presented stating the expected date of delivery. In such a case she will have the right to choose whether to consider the said period as a maternity leave without wage, or as a sick leave in accordance with the provisions of Section [66] of this law.

Article [84]

The employer shall not dismiss a woman worker for her absence due to illness confirmed by a medical certificate which is attributable to the pregnancy or delivery and that she cannot resume her work, provided that the total period of such absence shall not exceed six months.

Article [85]

An employer who employs one or more women workers shall keep in the workplace a copy of the regulations of employment of women.

Article [86]

Subject to the above provisions, the regulations of employment of women, the circumstances and conditions of their work and businesses, occupations and industries which they may join, shall be specified by a decision of the Minister.

PART SIX
Industrial Safety

Article [87]

Every employer or his representative shall acquaint the worker before employing him with the hazards of his occupation and the protective measures he has to take, and shall take the necessary precautions for the protection of the workers during the course of their work against health hazards and the dangers of the work and machinery and for that he shall:

- 1- Endeavour to provide whatever is necessary of the conditions of safety and health in the workplaces or the equipment which he provides to the workers to enable them to perform their duties.
- 2- Ensure that the places of work are always clean and satisfy the conditions of comfort, safety and occupational health.
- 3- Ensure that the machinery, equipment and tools are installed and maintained in the best conditions of safety.

The employer shall not charge the workers or deduct any amount from their wages for providing such protection.

Article [88]

The worker shall refrain from committing any act which is intended to prevent instructions being carried out, misuse or causing of damage, or destruction, of the equipment which are placed for the protection, safety and health of the workers who work with him, and shall use such means of protection and maintain the means of protection which are in his custody with due care, and shall carry out the instructions laid down to safeguard his personal health and protect him against injuries.

Article [89]

The following shall be determined by a decision of the Minister in co-ordination with the relevant governmental authorities:

- 1- the general measures of safety and occupational health which shall be applied in all places of work especially in connection with lighting, ventilation, air circulation, drinking water, water closets, carrying away of dust and smoke, workers lodging, as well as, preventive measures against fire;
- 2- the measures relating to some types of work.

Article (90)

The Ministry shall appoint inspectors to ensure that the employers carry out the instructions set out by the Minister's decisions in respect of the measures specified in Section (89). Such inspectors shall have the right to enter the places of the work, inspect the records relating to the workers, address queries to any one as they may decide and make records. On the basis of such record, the relevant directorate shall send a warning in writing to the employer who is in violation of such instructions to eliminate such violation within such period as they may specify.

In the event of the existence of any danger which threatens the safety and health of the workers, the Ministry shall take the necessary measures to close down the place of work wholly or partially, or to stop the operation of one or more machinery until the elimination of the causes of such danger. The Ministry may also request the assistance of the Royal Oman Police if necessary.

PART SEVEN
Employment of Workers in Mines
and Quarries

Article (91)

For the application of the provisions of this Part, the mine and quarry industries shall mean:

- 1- The operations relating to the search or exploration of mineral and hydrocarbon materials or their extraction in the area where a licence has been issued therefor whether they are in solid or liquid state.
- 2- The operations relating to the extraction or refinement or manufacture of deposits of mineral materials which are existing on or under the surface of the earth at area of the licence or the contract or in places which are distant from residential areas. The places which are distant from residential areas shall be specified by a decision of the Minister in consultation with relevant authorities.
- 3- The construction works and installation of equipment accompanying the aforesaid operations.

Article (92)

The employer shall not allow any worker to work in any of the operations to which this part is applicable unless his medical fitness to work therein is confirmed after a medical examination . Such medical examination shall be in accordance with the circumstances and conditions to be determined by a decision of the Minister in consultation with the Minister of Health. If such worker is one of the workers who work below the ground or in puncturing works, the decision shall provide that the medical examination of the worker shall be carried out periodically at least once a year. The medical examination of the worker shall also be carried out in the event of termination of the contract of service in order to ascertain the worker's condition and to get informed of whether he has contracted an occupational disease.

Article [93]

The entry to the work places and the annexes thereto is prohibited except for the workers or the officials who are designated for the inspection of the Mine and the Quarry, and the persons who are holding permission from the competent governmental authority, or the management of the establishment. The worker is also prohibited to enter the work places and the annexes thereto without permission during non-working hours.

Article [94]

Every employer shall prepare a special register for recording and counting the workers before their entry to the work places and when they leave.

Article [95]

The workers shall not be allowed to stay at the work places whether on or under the surface of the earth for a period exceeding eight hours a day. Such period shall include the time spent by the worker to reach the work place under the ground, as well as, the time he spends to return to the surface of the earth.

The working hours shall be separated by one or more intervals for taking food which shall not be less than one hour altogether.

Article [96]

The provisions of Section [95] may exceptionally be not complied with if the work is intended to prevent the occurrence of an accident or for the avoidance of danger or to repair any damage resulting therefrom, or for the purpose of preparations or maintenance in accordance with the following conditions:

- 1- that the relevant directorate is notified within twenty four hours of the

information relating to the emergency and the period needed for completion of the work and the number of workers required to execute it;

- 2- that the worker is granted an additional wage in the amount of the wage he is entitled to for overtime in addition to at least 50% if the work is required to be done after 6 am and 100% if the work is required to be done after 6 pm, but if the work is required to be done during the weekly days of rest or the public holidays, a payment in the amount of the wage payable to the worker for an additional hour shall be made for each hour in addition to 100% thereof and all that shall be in addition to the wage payable for the same day.

Article (97)

In the calculation of the ordinary leave as provided in Section (61) there shall be taken into consideration that such leave commences from the time the worker, in mines and quarries, arrives at the nearest city where there are public transports to his home town, and expires upon his return thereto.

Article (98)

The employer or his representative shall display in a conspicuous place at the work place the regulations on measures of safety and occupational health.

Article (99)

The manager of a mine or quarry or his representative shall:

- 1- Issue the daily orders relating to safety and occupational health.
- 2- Prevent the presence of workers in the blast area except after the danger has elapsed.
- 3- Not to permit the use of lamps other than safety lamps in the places

that contain gases which are inflammable or are likely to cause a blast.

- 4- Supply the workers with protective clothes and equipment.
- 5- Regulate the ventilation and degree of temperature whether naturally or artificially.
- 6- Inspect the work place daily before starting the work and convey his observations to the chief in charge to carry them out forthwith.
- 7- Carry out inspection in the course of work at least once a week and prepare a report stating therein the date and hour of inspection, the extent of the number of workers, level of harmful gases, condition of the props, sides, roof, barriers, lighting signals, ventilation and the means of medical aid. A full summary of these reports shall be recorded in a special register to be prepared for such purpose.

Article [100]

The employer or his representative shall establish a front rescue point near the place of work which shall be equipped with the essential rescue equipment and the necessary first aid kit and there shall be inside the place a suitable communication facility which can be used instantly and a trained medical worker shall be appointed to supervise the rescue and first aid operations.

Article [101]

The employer shall set apart, in each mine or quarry wherein at least fifty workers perform work, a suitable place containing a room equipped with rescue equipment and first aid kit and another room for nursing in addition to one or more rooms for dressing.

Mines and quarries where the workers therein are less than fifty workers and fall within circles the diameter of which reaches twenty kilometers they shall contribute to the establishment of a place for rescue and aid located in a central site.

Without prejudice to the provisions of Section [33], the rescue and aid equipment shall be specified by a decision of the Minister.

Article [102]

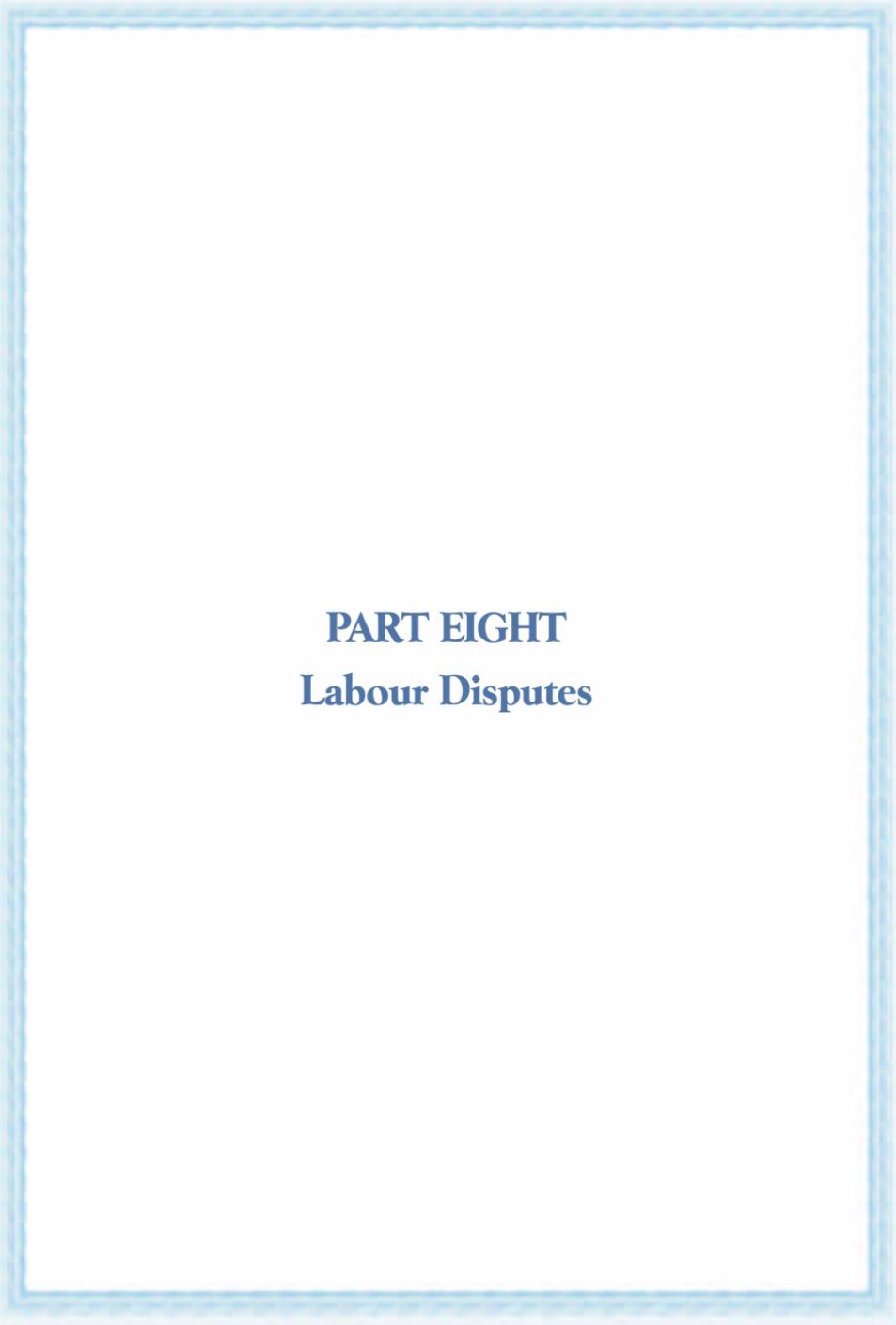
The drinking water shall be kept in special containers tightly closed up to avoid contamination and shall be placed near the reach of the workers and changed daily and the containers shall be decontaminated at least twice a week in a manner hygienically approved.

Article [103]

The employer undertakes in respect of the workers who perform such works as are set out in Section [91]:

- 1- to provide suitable lodgings for the workers. The conditions and specifications of such lodgings shall be determined by a decision of the Minister in consultation with the competent governmental authorities;
- 2- to provide his workers with three meals a day in restaurants to be established by him for this purpose which shall be clean and satisfying the health conditions. The nature and quantity of food for each meal shall be specified by a decision of the Minister in consultation with the Minister of Health. If all or part of the meals are provided to the workers inside the mines, they shall be presented to the worker packed in a healthy manner or in tightly sealed containers. Provision of meals shall not be waived in consideration of any payment of financial allowance;
- 3- to supervise the cleaning inside the place of work, the lodging area and the worker's water closets without any additional expenses to be incurred by the workers in this regard.

The Minister may by a decision to be issued by him specify the areas from which the workers may return back to their homes.



PART EIGHT
Labour Disputes

Article (104)

The provisions of this Part shall apply to every dispute relating to the work or the conditions thereof between an employer and one of his workers or between one or more employers and all their workmen or any group thereof.

Article (105)

Every employer who employs fifty or more workers shall display in a conspicuous place the procedure for complaints and grievances to be approved by the competent directorate.

The said procedure shall provide that the worker has the right to submit his complaint or grievance to the employer or his representative.

Article (106)

The worker who has been dismissed from work may within fifteen days of the date of his notification of the decision apply to the relevant directorate, to annul the dismissal decision. The directorate shall take the necessary steps to settle the dispute amicably, and if a settlement is reached the directorate shall record it and pursue the implementation thereof. An employer who refuses to implement the settlement shall be obliged to pay an amount equal to the worker's wage for the period from the date of the settlement until the date on which he implement it.

If a settlement is not reached within two weeks, or has been reached and one of the parties refuses to implement it, the relevant directorate shall refer the matter to the competent court within a period not exceeding two weeks from the expiry of the said period or from the date of such refusal. The referral shall be supported by a memorandum including a summary of the dispute and the parties' arguments.

The secretariat of the Court shall put the matter before the President of the Court within three days from the date on which it is referred, in order to fix a session to hear it within a period not exceeding two weeks from the date of referral. The worker, the employer and the relevant directorate shall be notified of the session, and the notification shall be accompanied by a copy of the directorate's memorandum. The Court shall decide on the application for stay of the execution of dismissal, if any, within a period not exceeding two weeks from the date of first hearing and its judgement shall be final. If the Court orders the stay of execution of the dismissal, the employer shall be bound to reinstate the worker or to pay him an amount equal to his wage until the final adjudication of the dispute. The court shall pass a judgment on the dispute within a period not exceeding one month from the date of the order staying the execution of the dismissal.

If it becomes evident to the court that the dismissal of the worker or the termination of his service was arbitrary or in violation of the law, the court may either enter a judgement to reinstate the worker or oblige the employer to pay a fair compensation in addition to:-

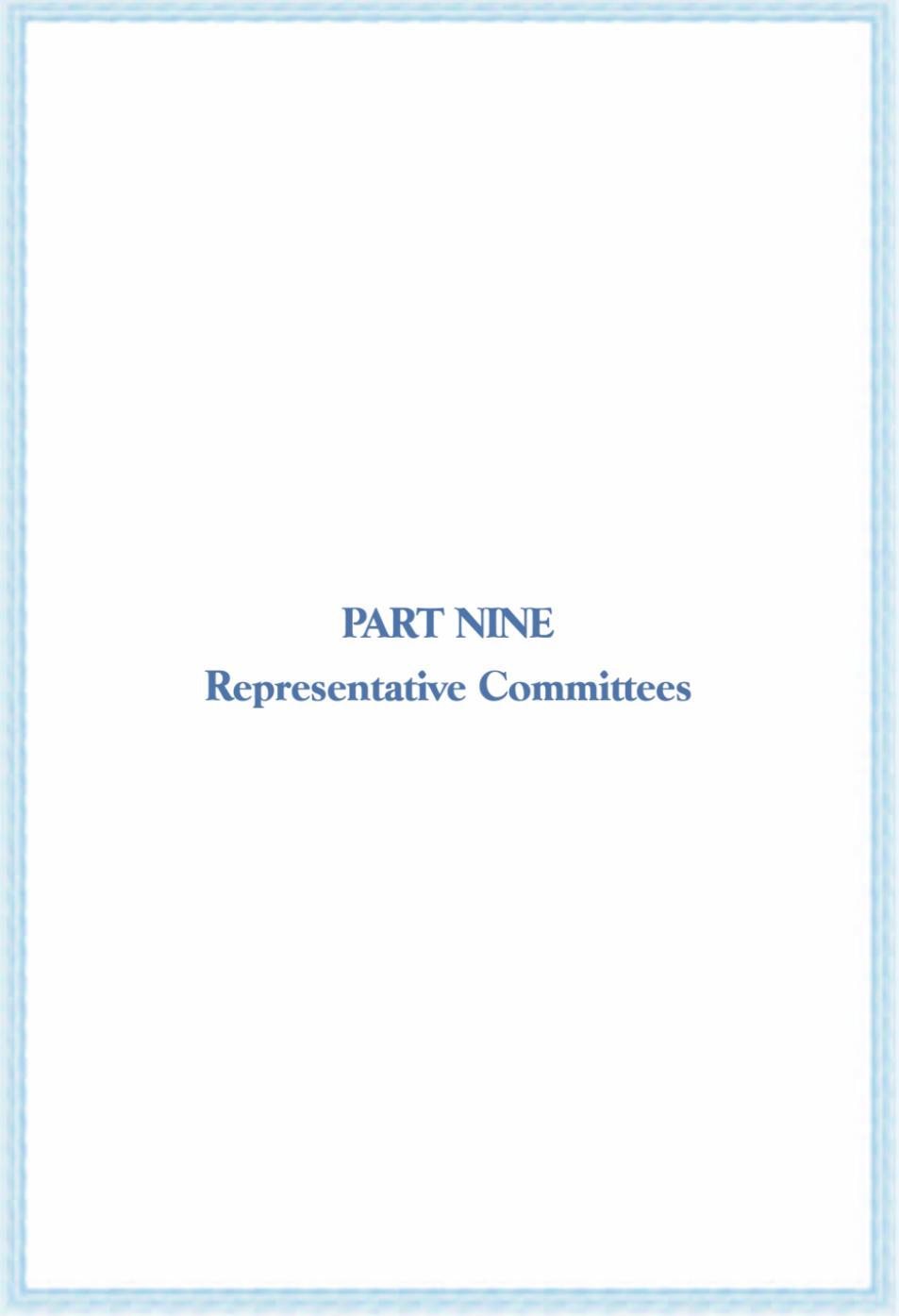
1. the legally payable end of service gratuity and all other benefits prescribed by the law or the contract of employment whichever is greater;
2. the basic wage with the other allowances, if any, for the notice period provided by the law or the contract of employment whichever is greater.

The amounts which the worker might have received as a result of execution of the order staying the execution shall be deducted from the amount of compensation awarded in favour of the worker or from any other amounts payable to him.

Article [107]

The worker who has a complaint shall first follow the procedure laid down by

the employer, and if such procedure does not exist or if it exists but does not result in the redressal of the worker's grievance, the worker may apply to the relevant directorate in order to make endeavour to reach a settlement for the dispute between him and the employer in accordance with the provisions of the above Section.



PART NINE
Representative Committees

Article [108]

The workers in any establishment may form a representative committee from among themselves with the object of protection of their interests and for defending their legally prescribed rights and for representing them in all matters that relate to their affairs.

Article [109]

The representative committees in the establishments shall appoint a principal committee to represent them in the local, regional and international meetings and conferences.

Article [110]

The Minister shall by a decision to be made by him issue the rules for the formation and functioning of the representative committees and the principal committee.

PART TEN

Penalties

Article (111)

Without prejudice to any severer penalty provided in any other law, the penalties in the following sections shall apply to the violations referred to therein.

Article (112)

The employer or his representative who refuses to provide the necessary facilities, or to furnish correct data or information, or submits false statements to public officials shall be punished with imprisonment for a term not exceeding one month and with fine not exceeding R.O. 100/- or with one of these penalties.

Article (113)

Whoever violate the provisions of Sections [14], [15] and [16] of Chapter One of Part Two shall be punished with a fine of not less than R.O. 10/- and not exceeding R.O. 100/- for each worker, and for violation of Section [17] with a fine of not less than R.O. 50/- and not exceeding R.O. 100/- and the punishment shall be doubled if the violation is repeated.

Article (114)

Every employer who employs non-Omani workers without permit shall be punished with a fine of not less than R.O. 10/- and not exceeding R.O. 100/- and the penalty shall be multiplied by the number of such workers who are the subject of such violation. In addition the employer shall be obliged to pay the cost of repatriating the worker to his country. Such employer shall not be permitted to bring along non-Omani workers for a period not exceeding one year.

A non-Omani worker who works in the Sultanate without a permit from the relevant directorate, or who works with an employer other than the one who is permitted to bring him along, shall be punished with imprisonment for a term not exceeding one month or with fine not exceeding R.O. 100/- or with one of these penalties, in addition to the cancellation of any permit issued to him.

An employer who voluntarily allows any of his workers to work with another employer shall be punished with imprisonment for a term not exceeding one month and with fine not exceeding R.O. 200/- for each worker or with one of these two penalties and the penalty shall be multiplied by the number of workers who are the subject of such violation, in addition to depriving him of bringing along non-Omani workers for a period not exceeding one year.

Every employer who does not comply with the prescribed Omanisation percentages shall be punished with fine in the amount of 50% of the total average of wages of the non-Omani workers who represent the difference between the percentage of Omanisation which is legally binding to the employer and the percentage which he has actually realised.

Every contractor for provision of foreign workers who violates provisions of Section (20) and the decisions issued for the regulation of the licence and its conditions, shall be punished with imprisonment for a term not exceeding one month and with fine not exceeding R.O. 200/- or with one of these penalties, in addition to cancellation of the licence or his suspension for a period not exceeding one year.

Every employer who violates the provisions of Section (29) shall be punished with a fine of not less than R.O. 50/- and not exceeding R.O. 200/-

Article (115)

Whoever violates the provisions of Part Three and the decisions issued for the implementation thereof, shall be punished with fine of not less than R.O. 10/- and not exceeding R.O. 100/- which shall be multiplied by the number of

workers who are the subject of such violation and the penalty shall be doubled upon repetition of such violation.

Article (116)

Whoever violates the provisions of Chapters One and Two of Part Four shall be punished with fine not exceeding R.O. 100/- and the fine shall be multiplied by the number of workers who are the subject of the violation, and the penalty shall be doubled in case of repetition of such violation.

Article (117)

Whoever violates the provisions of Chapter Three of Part Four shall be punished with fine not exceeding R.O. 100/- and the fine shall be multiplied by the number of workers who are the subject of such violation and the penalty shall be doubled in case of repetition of such violation.

Article (118)

Whoever violates the provisions of Part Five shall be punished with fine not exceeding R.O. 100/- and the penalty shall be multiplied by the number of juveniles and women who are being employed in violation of these provisions.

If the above violations are committed for the second time during one year from the date of the judgment, the employer may be punished in addition to the fine with imprisonment for a term not exceeding one week.

Article (119)

Every employer who violates the provisions of Section (92) shall be punished with imprisonment for a term of not less than one week and not exceeding one month, and every employer who violates any other provision of Part Seven shall be punished with fine not exceeding R.O. 100/- for each worker, and the penalty shall be doubled in case of repetition of such violation.

Article (120)

Every employer who refrains from laying down a procedure for complaints and grievances as provided in Section (105) shall be punished with fine of not less than R.O. 100/- and not exceeding R.O. 300/-. Everyone who refuses to implement the amicable settlement provided in Section (106) shall be punished with a fine of not less than R.O. 50/- and not exceeding R.O. 100/- and the penalty shall be multiplied by the number of workers who are the subject of such violation.

Article (121)

Any public officer who divulges any of the profession's secrets which are relayed to him during the performance of his work shall be punished with fine not exceeding R.O. 100/- or with imprisonment not exceeding three months or with one of these penalties.

Article (122)

Any person who intentionally obstructs or delays any public officer from exercising his authority or the discharge of any duty assigned to or imposed upon him shall be punished with fine not exceeding R.O. 100/- or with imprisonment for a term not exceeding one month or with both. Such penalty shall be doubled in case of the repetition of such violation.