



KUWAIT SOCIETY FOR  
HUMAN RIGHTS



Department of  
Domestic Labour

# THE DOMESTIC WORKER LAW



First Edition - 2016





His Highness Sheikh  
**Sabah Al-Ahmad Al-Jaber Al-Sabah**  
Amir of the State of Kuwait  
God Save him and Protect him





His Highness Sheikh  
**Nawaf AL-Ahmad AL-Jaber - AL-Sabah**  
The Crown Prince  
God save Him





His Highness Sheikh  
**Jaber Al-Mubarak Al-Hamad Al-Sabah**  
Prime Minister  
God save Him





His Excellency Deputy Prime Minister and Interior Minister Sheikh

**Muhammad Khaled Al-Hamad Al-Sabah**

God save Him





# **CHAPTER ONE**

## Preliminary Provisions

## Article (1)

In this law, the following words and expressions will have the meanings as shown next to each one:

- 1. Domestic worker:** Any male or female assigned to manual labour within private homes (and the like) to the benefit of individuals and in accordance with a written contract.
- 2. Employer:** The person who engages the domestic worker to work for her/him in accordance with a contract prepared by the Ministry of Interior.
- 3. Offices subject to the provisions of this law:** Domestic worker recruitment offices that have been issued a license to pursue business by the Ministry of Interior.
- 4. Foreign offices:** Offices that send domestic workers operating outside the State of Kuwait that have been issued a license to pursue the business of sending domestic workers from official institutions in those countries and which are endorsed by the embassies of the State of Kuwait in those countries.
- 5. Department of Domestic Labour:** The Department of Domestic Labour at the Ministry of Interior.





## **CHAPTER TWO**

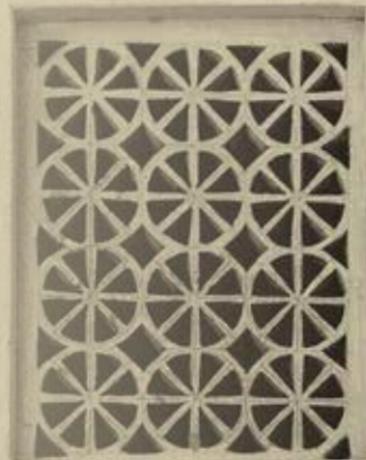
### Conditions for Issuing Licenses to Offices

## Article (2)

In order to issue and renew a license to pursue the business of recruiting domestic workers from abroad, the following conditions must be met:

- 1) The requester of a license must be of Kuwaiti nationality, must have a history of good conduct and good reputation, and must not have been convicted of a felony or a crime involving a breach of integrity or honour, for which they have not been pardoned.
- 2) The requester's age must be no less than thirty years and no more than seventy years old.
- 3) Must have a high school diploma, and be medically fit, by being free of any disability that prevents them from working.
- 4) The requester of a license must submit a letter of guarantee from a local bank. The amount of the guarantee is to be determined by a decision issued by the Minister of Interior.

Companies working in the field of domestic workers recruitment in which the state or its public institutions have a share in the company's capital can be granted licenses. The company profits may not exceed 10 percent as a return on the shareholder's capital. It is permissible to grant a license to a company whose activity is the recruitment of domestic labour.



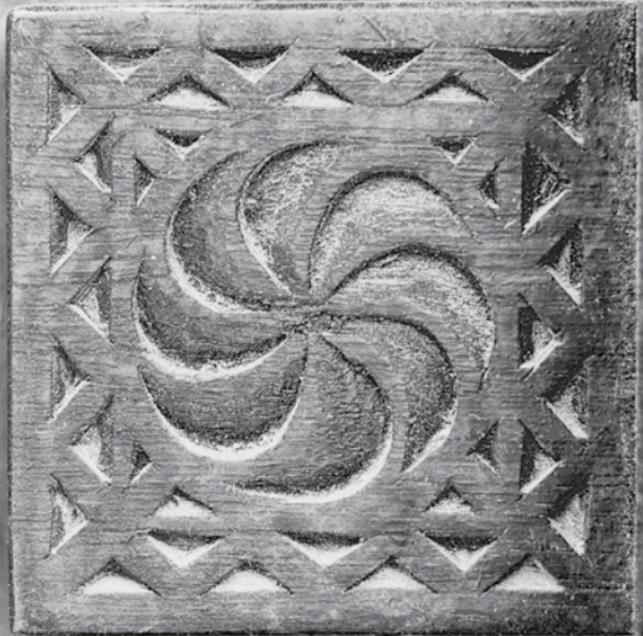


**It is not permissible**

to recruit domestic labour without a valid license issued by the Ministry of Interior.

# CHAPTER THREE

## Obligations of the Parties to the Contract



## PART ONE

### Obligations of the Recruitment Offices

#### Article (4)



The licensee or its employees or its associates within or outside Kuwait are not permitted to charge the domestic worker (and the like) any fees in return for employing the worker with an employer or arranging for the worker to stay employed with the employer, whether such charges are direct or indirect. If it is proven that such fees have been charged at any stage of the employment process, the licensee will be penalized in accordance with the Penal Code for the crimes of extortion and illicit gains. The recruitment office may not be used as housing for the labourers.



The offices are not permitted to advertise, promote or categorize the labourers according to faith, gender, colour, or cost, or advertise them in any humanly degrading manner.



The domestic worker recruitment office must contact the Department of Domestic Labour whenever the department sends a letter of summons to the office.



## The employer

is obligated to pay the agreed wage to the domestic worker that works for the employer at the end of every month. Transfer receipts and cash receipts are types of proof that the domestic worker has received his/her wages.



The payment of the monthly wage to the domestic worker is to start from the actual date that the worker began working for the employer. It is not permissible under any circumstances to deduct any portion of the wages.



## The employer

is required to provide the domestic worker with food, clothing, medicine and medical treatment, and housing.





## It is not permissible

to assign to the domestic worker any dangerous work that could affect the worker's health or humiliate the worker's dignity. The Department of Domestic Labour has the jurisdiction to handle any claims that arise from such behaviour.

# “ The employer

must provide suitable housing for the domestic worker that enables decent living standards.





## The employer

is not allowed to keep in his possession any of the domestic worker's personal identity documents, such as passport or civil status card, unless the domestic worker has agreed thereof.





## **The domestic worker**

must perform the work assigned to her/him in accordance with what is required in the provisions of the contract.





## While working,

the domestic worker must comply with the instructions and directions of the employer within the limits of the provisions of the contract.





## The domestic worker

must protect the  
employer's wealth and  
property and not reveal  
the employer's secrets.



## **CHAPTER FOUR**

### Work and Employment Contracts



## Upon termination

of the contract between the domestic worker and the employer, the employer must pay the domestic worker all of her/his entitlements as set forth in the contract and stipulated in this law. The contract may be renewed automatically if neither of the two parties (employer or domestic worker) expresses her/his wish to not renew the contract at least two months before the end of the contract.

## PART ONE

Fundamental  
Provisions of  
the Contract



# Obligations of the Office Owner

The recruitment office is to guarantee the continuous employment of the domestic worker for a period of six months. The office is required to return the domestic worker to her/his country and reimburse any amounts it charged of the employer if any of the following circumstances occur:

1. If there exists an obstacle that prevents the domestic worker from performing her/his tasks, which the employer has no hand in.
2. If the domestic worker becomes ill with a communicable disease or any physical, medical, or psychological disability that prevents her/him from continuing to work.
3. If the public good requires the enforcement of a legal restriction that prevents the employer from obtaining residence status for the domestic worker.
4. If the domestic worker is administratively removed for the requirements of the public good.
5. If the office provides the employer with incorrect information regarding the domestic worker.
6. If the domestic worker refuses to work or leaves the work to an unknown location.

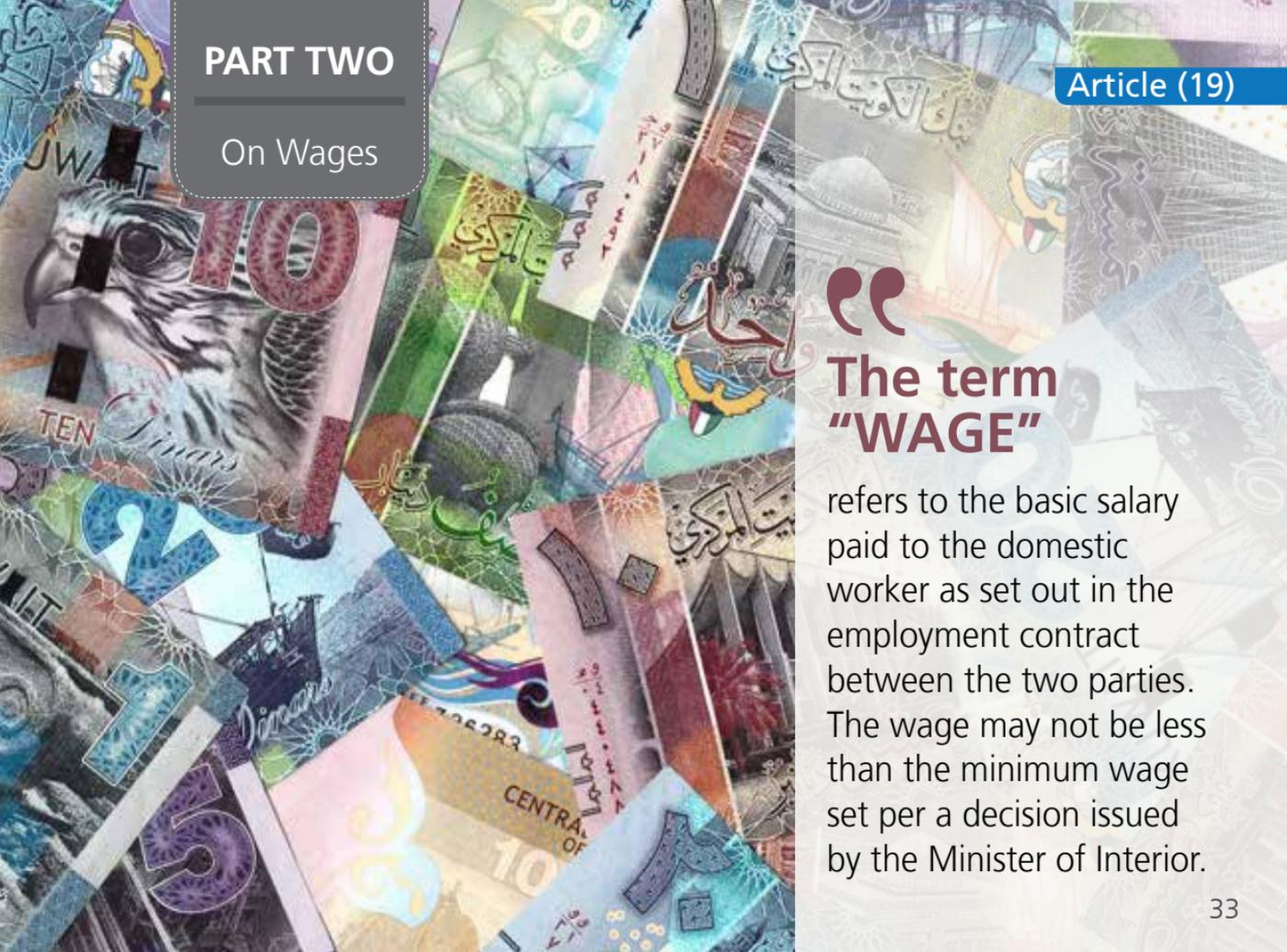
If the office refuses to pay the costs of returning the domestic worker to her/his country or reimburse the charges it required of the employer, the Department of Domestic Labour will pursue this task by deducting from the guarantee letter stipulated in Article 2 of this law



## It is not permissible

for the employer to hire a domestic worker without a recruitment contract (bilateral or trilateral according to the circumstances) issued by the Department of Domestic Labour at the Ministry of Interior. The contract is to be written in both Arabic and English and must include the following details:

- Name of domestic worker with complete personal information.
- Name of employer with complete personal information.
- Duration of the contract.
- Date of starting work.
- Agreed wage and method of payment.
- Type and nature of work assigned to the worker.
- Specific description of the place of work.



## PART TWO

### On Wages

#### Article (19)

## “The term “WAGE”

refers to the basic salary paid to the domestic worker as set out in the employment contract between the two parties. The wage may not be less than the minimum wage set per a decision issued by the Minister of Interior.



## The employer



is obligated to pay the wages at the end of each month as agreed in the contract.



## It is not permitted

to recruit or employ a domestic worker, whether female or male, whose age is less than 21 years or more than 60 years. The competent minister may make exceptions to the age condition.





## **CHAPTER FIVE**

On Working Hours  
and Leaves

## Recruitment contracts prepared

by the Department of Domestic Labour must incorporate the following rights for the domestic workers:

1. The employer is obligated to provide food, housing, and clothing for the domestic worker, as well as medical treatment if injured on the job and compensation for job injuries.
2. The length of work hours must be set at no more than 12 hours in a one-day period and must be interspersed with break hours.
3. The domestic worker has the right to a paid weekly break and paid annual leave.
4. There must be a clause stating that the domestic worker's passport is the worker's personal document that s/he has the right to keep in her/his possession. It is not permissible for the employer to confiscate the domestic worker's passport and deprive the worker from keeping it unless the worker grants approval thereof.
5. The employer is obligated to transport the deceased body of the domestic worker to her/his country when s/he dies, and must pay the wages of the month in which the worker died.





## **CHAPTER SIX**

### End of Service Remuneration



## End of service remuneration

for the domestic worker is to be allocated for payment after completion of the contract duration. The amount is set at one month's wage for every year.



# CHAPTER SEVEN

## Penalties

## Article (24)

Without prejudice to the provision of Article 25 of this law, the Director of the Department of Domestic Labour may take administrative action against a domestic worker office if one of the following instances occur:

- A) If the office fails to contact the Department of Domestic Labour when summoned, unless the office provides proof of a hindrance thereof.
- B) If the office fails to deliver the domestic worker to the employer within 24 hours unless it provides proof of a hindrance and informs the Department of Domestic Labour thereof.
- C) If the office fails to receive the domestic worker immediately upon arriving to the country or is late without an acceptable excuse.
- D) If the office deals with absconding labourers or those who have been recruited by a third party.
- E) If the office concludes work contracts that violate the contract format approved by the Department of Domestic Labour.

The executive regulations of this law define the administrative measures to be taken. These measures should give consideration to and match the degree of violation committed.

## PART ONE

Administrative  
Measures  
Applied Against  
the Domestic  
Workers Office



## The license to recruit domestic workers

is to be revoked under the following circumstances:

1. If the licensee loses any of the conditions necessary for license eligibility.
2. If the licensee receives from the domestic worker any amount in return for recruiting or employing the worker.
3. If it is proven that the licensee has obtained the license based on false or forged data.
4. Completion of the duration of the license or termination by the licensee, and the closure or liquidation of the office.
5. If the licensee waives the license to a third party.
6. If the recruitment office is used as housing for the domestic workers.

The Minister of Interior may suspend the license instead of revoking it in any of the above circumstances for a period of three months. If the violation is repeated, the license will be permanently revoked.



Decisions to suspend or revoke a license may be appealed before the Minister of Interior within one month of the date on which the licensee is notified of the decision. The licensee is to be notified of the Minister's decision to accept or reject the appeal within 60 days from the date the decision is issued.



## PART TWO

### Penalties Against the Employer

Article (27)



## If the employer

is late in paying the wages at the agreed time, the domestic worker is entitled to the amount of ten Kuwaiti dinars for every month that the wages are not paid on time.





## If the employer refuses

to compensate the domestic worker for overtime work, the domestic worker has the right to submit a complaint against the employer to the Department of Domestic Labour. After studying the complaint, the department may obligate the employer to pay fair compensation of no less than double the wages agreed in the contract.





## Anyone who recruits

a domestic worker younger than the age of 21 years will be punished by imprisonment of no more than six months and will be required to pay a fine of no more than 500 Kuwaiti dinars, or one of the two punishments.



## **In the event a complaint is proven**

against the employer before the Department of Domestic Labour, no further entry visas will be issued for that employer for a period defined in the executive regulations of this law.





# CHAPTER EIGHT

## Disputes



## With regard to disputes

that arise between the parties to the contract, the Department of Domestic Labour has the jurisdiction to settle such disputes in accordance with the procedures shown in the regulations issued for this purpose. If a settlement is not reached, the dispute is to be referred to the competent court.





## **If a settlement is reached**

in a dispute between the employer and the domestic worker, this must be recorded in a written contract and a copy thereof kept in the domestic worker's file at the recruitment office and the Department of Domestic Labour.



## **The Director of the Department**

of Domestic Labour is to issue an order to temporarily extend the residence permit of the domestic worker until a final decision is made on the complaint and until the worker is paid all due entitlements.



## When a dispute

or disagreement between the domestic worker and employer is resolved, the Department of Domestic Labour is required to issue a quittance certificate to the domestic worker stating that s/he has no further right to any entitlements or to make any demands of the:

1. Employer.
2. Recruitment office.

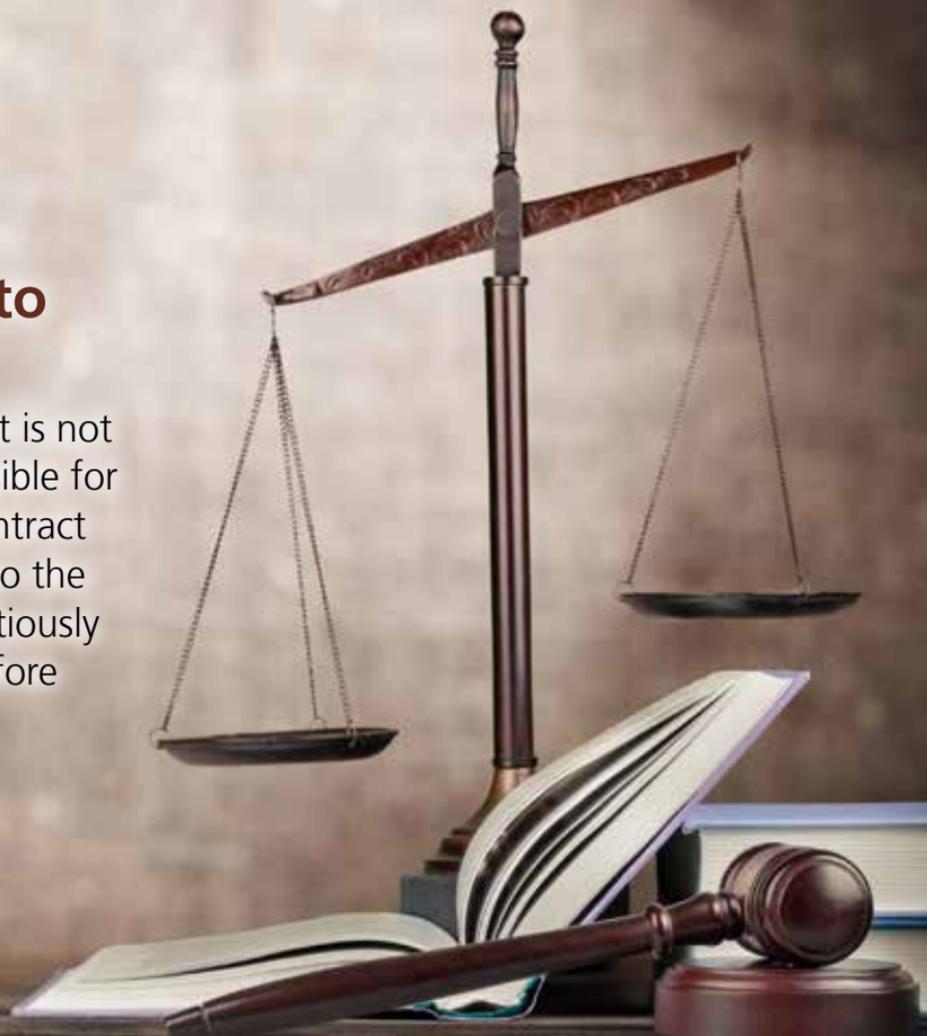
A copy of this certificate is to be delivered to the:

- Employer.
- Recruitment office.
- Domestic worker or her/his representative.



## **With regard to all disputes**

in which a settlement is not reached, it is permissible for the parties to the contract to direct their cases to the Civil Court to expeditiously consider the case before the Labour Circuit.





## All domestic worker cases

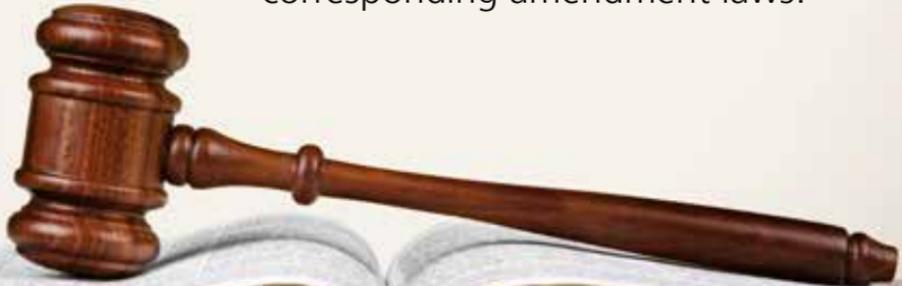
wherein the claimant is the domestic worker are to be free of judicial charges at all levels of the judicial proceedings.



The head of the Labour Circuit is responsible for setting the date for the session to expeditiously deliberate the disputes referred to it. The date must be within no more than one month. The Department of Court Registrars is responsible for informing the disputing parties of the date of the session set to hear the case at least two weeks ahead of the session.



Any matter not mentioned in this law with regard to judicial procedures is to be governed by the provisions of Decree Law No. 38 of 1980 to promulgate the Law of Civil and Commercial Proceedings and its corresponding amendment laws.







# **CHAPTER NINE**

## General Provisions



## A request for a license

to pursue the business of recruiting domestic workers is to be submitted to the Department of Domestic Labour on the application form devised for this purpose. Any relevant documents and data are to be attached to the application. The license is to be issued in accordance with a decision by the Undersecretary of the Ministry of Interior. The licensee is not permitted to obtain more than one license or open other branches of the corporation or office that has been granted a license.





The license in accordance with the provisions of this law is individual and may not be delegated to a third party to manage the business activity. The license will expire in the event of the death of the licensee. The licensee may appoint an office manager on the condition that the manager is the licensee's relative up to the second degree and that the manager meets the conditions stipulated in Article (2) of this law. This is without prejudice to the right of the Department of Domestic Labour to summon the owner of the office at any time it deems fit. It is permissible to transfer the license to a third party in either of the following two circumstances:

1. If the licensee's age passes 70 years old, the license is to be passed on to the husband or wife or one of the offspring.
2. In the event of the death of the licensee, the license is to be passed to the husband or wife or heirs or one of the foregoing.

In order to transfer the license in either of the above two circumstances, the individual to whom the license is transferred must meet the conditions stipulated in Article (2) of this law.

## The legal representative

of the heirs of the deceased licensee is to be granted a grace period of no more than six months to liquidate the office business and disburse the amount of the guarantee if there is no desire to continue the business.



# Licenses

## When a license is issued

“ for the first time, it is to be granted for a period of one year and may be renewed annually. The contract concluded between the office and its counterpart in the country that supplied the domestic worker must be presented when requesting a renewal of the license. Such contracts must be endorsed by the Embassy of the State of Kuwait (in the sending country), if any, and certified by the Kuwaiti Ministry of Foreign Affairs.



## **The fees for the license**

granted in  
accordance with the  
provisions of this  
law are to be set per  
a decision issued  
by the Minister of  
Interior.



## Employees

who are appointed per a decision of the Minister of Interior have the right to inspect the offices and facilities wherein the business of recruiting domestic workers is pursued, as well as observe their ledgers and records and detect violations that appear to them during inspection. Necessary reports are to be prepared and referred to the competent bodies to take the appropriate action.



## The licensee's

business activity of recruiting domestic workers is limited to recruiting domestic workers from abroad to work exclusively within the State of Kuwait.





## It is not permissible

for the employer to assign a domestic worker to work outside the State of Kuwait. If this occurs without the agreement of the worker, the worker will be returned to her/his country at the expense of the employer.



Without prejudice to the provisions of Article 1 of Law No. (111) of 2013 on licensing for commercial establishments, it is not permissible to pursue the business of recruiting domestic workers unless a license has been obtained for this activity from the Ministry of Interior.



Without prejudice to any more severe punishment stipulated by the Penal Code or any other law, any person who practices the business of recruiting domestic workers without a license issued by the Minister of Interior will be punished by imprisonment of no more than three years and required to pay a fine of no more than 10,000 Kuwaiti dinars. This punishment will be doubled if the perpetrator returns to this practice within two years from the date of the final sentence in the first crime.



## A recently-arrived

domestic worker who is not received by the employer within 24 hours of her/his arrival is to be housed temporarily for a daily cash charge to be set in accordance with a decision issued by the Ministry of Social Affairs and Labour. This housing must comply with the conditions stipulated by the Ministry of Social Affairs and Labour.





## **Domestic worker recruitment offices**

that are licensed at the time this law is issued are required to adjust their status to comply with the provisions of this law within a period of no more than three months from the date of issuance of the executive regulations of this law.

A breach of application of this provision during this period will result in the license being revoked.



## In the event

a domestic worker absconds from her/his service post, the Ministry of Interior will take action to deport the worker to her/his country, after collecting the costs of travel and departure ticket and the amount that the employer paid, from the party that sheltered the absconded worker, or from the recruitment office if the party that sheltered the worker cannot be reached. This is to take place within the period of the guarantee.



## **The Minister of Interior**

is responsible for issuing the internal regulations, statutes, and decisions necessary to execute this law within a period of six months from the date the law is published in the Official Gazette.



Decree Law No. (40) of 1992  
on regulating private servant  
employment offices is

**hereby cancelled.**

The Prime Minister and the Ministers – each according to their respective responsibilities – are required to execute this law.



Emir of the State of Kuwait,  
**Sabah Al-Ahmad Al-Sabah**



معاً  
TOGETHER

Educating migrant workers about their rights in Kuwait

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**KLO**

المرصد العمالي الكويتي  
Kuwait Labor Organization