



REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS ¹

Updated December 2023



International
Labour
Organization

PRIVATE SECTOR WORKERS

(other than domestic workers)

DOMESTIC WORKERS

KEY LEGISLATION	Private Sector Labour Law, No. 6 of 2010 (hereafter the “Labour Law”).	Law No. 68/2015 on Domestic Workers and relevant Ministerial Decisions. ²
RECRUITMENT		
RECRUITMENT FEES	Charging recruitment fees to workers is not explicitly prohibited. ³	Neither the employer nor the recruitment agency can receive reimbursement from the worker in return for recruitment/employment. Recruitment agencies are prohibited from charging a worker any additional amounts on the basis of “advance wages”. ⁴
PASSPORT CONFISCATION	It is prohibited for employers to confiscate workers’ passports. ⁵	
WORKING CONDITIONS		
CONTRACT	The employment contract can be verbal or written in Arabic. If written, it has to be issued in three copies. Translations to other languages may be added.	The employment contract must be signed in the form prescribed by the Domestic Workers Department of the Public Authority of Manpower (PAM) in both English and Arabic. ⁶
MINIMUM WAGE	75 Kuwaiti dinars (US\$ 250) per month. ⁷	

1 The information in this factsheet is made available for general information purposes only. The information included does not, and is not intended to, constitute legal advice. No obligations or rights can be derived from the information provided. This factsheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and is based on publicly available information.

2 Ministerial Decision No. 2194/2016 and Ministerial Decision No. 22/2022.

3 According to the Labour Law, article 10, “The Minister shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer.”

4 Ministerial Decision 22/2022, article 21.

5 Kuwaiti Ministerial Decision No. 166 of 2007 Concerning the Prohibition of Confiscating Travel Documents of Workers in the Private Sector, articles 2 and 5–6; and Ministerial Decision No. 2194 of 2016, article 8(8). An employer of a domestic worker is permitted keep the worker’s passport and ID if the worker has given their consent (Ministerial Decision No. 22/2022, article 23).

6 The contract can be renewed annually unless the parties decided not to renew it; in which case they have to send notice to the other party at least two months before the end of the contract.

7 For private sector workers: Ministerial Decision No. 14 of 2017. For domestic workers: Article 27 of Ministerial Decision No. 22/2022. The Minister can only issue a decision on minimum wages every five years at most.

<p>WORKING HOURS</p>	<p><i>The Rule</i> Eight hours per day, or 48 hours per week.</p> <p><i>Exceptions</i> During the month of Ramadan, working hours are decreased to 36 hours per week.</p> <p>Workers are entitled to a one-hour rest after five hours of work, per day.</p>	<p>Cannot exceed 12 hours per day, including breaks.⁸</p> <p>Although not specified in Law No. 68/2015, the standard unified contract states that domestic workers are entitled to an hour of rest after five hours of work per day, and a nightly rest of eight consecutive hours.⁹</p>
<p>REST PERIODS</p>	<p>1 day per week.</p> <p>Employers may require a worker to work during a day off. If this occurs, the worker is entitled to at least 150 per cent of the daily rate of the basic wage, or any other compensation agreement that is more beneficial to the worker.</p>	<p>1 day per week.¹⁰</p>
<p>OVERTIME</p>	<p>Overtime provisions range from 125 to 150 per cent of the basic hourly rate.</p> <p>Overtime is limited to two hours per day, six hours per week and 180 hours per year.</p> <p>The total annual overtime days cannot exceed 90 days.</p>	<p>When necessary, the employer has the right to assign the domestic worker to work for up to two additional working hours per day. The domestic worker is entitled to compensation equivalent to a half-day's wage for these services.¹¹</p>
<p>PAYMENT OF WAGES</p>	<p>Wages must be paid on a fortnightly or monthly basis through the Wage Protection System to an accredited bank.</p>	<p>Wages are due at the end of every month along with a receipt. Payment must be made within seven days, and the employer must provide a receipt, by which the domestic worker acknowledges receiving the monthly salary.</p> <p>The employer is charged a 10-dinar (US\$33) penalty for each month of delayed payment of wages.</p>
<p>ANNUAL LEAVE</p>	<p>After six months of completed service: 30 days of paid annual leave.</p>	<p>After 11 months of completed service: 30 days of paid annual leave.¹²</p>
<p>DISCRIMINATION AND HARASSMENT</p>	<p>Employers are prohibited from discriminating against workers based on gender, age, pregnancy, or social status in all aspects of employment. Sexual harassment in the workplace is prohibited in all its forms and means, including by means of new technological methods.¹³</p>	
<p>OSH AND LABOUR ACCOMMODATION</p>	<p>Working outdoors is prohibited between 11 a.m. and 4 p.m. from 1 June until 31 August, except for oil and gas workers.¹⁴</p>	<p>The employer must provide the domestic worker with decent food and housing.</p> <p>The employer must allow the domestic worker to own and use a mobile phone and to communicate with their family members outside of working hours.¹⁵</p>

8 Law No. 68/2015, article 22(2).

9 Standard Employment Contract, amended in 2020, article 7(3).

10 Law No. 68/2015, article 22(3).

11 Ministerial Decision No. 22/2022, article 30.

12 Ministerial Decision No. 22/2022, article 28.

13 Resolution No. 177 of 2021, Prohibiting Discrimination in Employment in the Private Sector and Prohibiting Sexual Harassment in Workplaces.

14 Ministerial Decision No. 535 of 2015.

15 Ministerial Decision No. 22/2022, article 23.

The employer is prohibited from assigning any harmful or dangerous work that could affect the worker's health or safety or degrade their dignity, or any work other than that agreed upon in the employment contract.

LEGAL ACCESS TO SOCIAL PROTECTION¹⁶

MEDICAL INSURANCE COVERAGE	<p>Private health insurance is mandatory for all expatriates on a very basic tariff, and is linked to residency requirements. To obtain residency and employment, this mandatory insurance must be arranged and paid for by the employer/sponsor.¹⁷</p> <p>Workers can also access the public healthcare system for a nominal annual fee.¹⁸</p>	
SICKNESS LEAVE AND PAY	<p>Workers shall be entitled to 15 days of sick leave fully paid, 10 days of sick leave at three-quarters pay, 10 days of sick leave at half pay, 30 days of sick leave at one-quarter pay, and thereafter without pay.¹⁹</p>	<p>Not specified by law.</p>
UNEMPLOYMENT BENEFITS	<p>Not specified by law.</p>	
EMPLOYMENT INJURY BENEFITS	<p>Full wage paid for the first 6 months of recovery, and then half wage for any additional period before the worker recovers, is proven to be disabled, or dies.²⁰ Employer must also bear full cost of treatment.²¹</p> <p>Workers (or their heirs) may also be eligible to receive compensation, with the amount depending on the circumstances and the severity of the injury.²²</p>	<p>Contracts for domestic workers must specify that employer will pay for treatment and provide compensation in the event of a workplace injury.²³</p> <p>Law does not specify whether worker is to receive pay while undergoing treatment.</p>
OLD-AGE, NATURAL DISABILITY, DEATH AND SURVIVORS' BENEFIT INSURANCE COVERAGE	<p>No old-age, natural disability, death or survivors' benefits are provided for by law. However, there is a statutory benefit of an end-of-service gratuity that is calculated as follows:</p> <p><i>Workers paid hourly, daily, weekly or on a piecemeal basis</i></p> <p>10 days of wages for each year of service during the first five years of service and 15 days of wages for any remaining years of service, not to exceed one year's wages overall.</p> <p><i>Workers paid on a monthly basis.</i></p> <p>15 days of wages for each year of service in the first five years of service and one month of wages for any remaining years of service, not to exceed 18 months' wages overall.</p> <p>All end of service payment calculations are made pro rata.²⁴</p>	<p>No old-age, natural disability, death or survivors' benefits are provided for by law. However, there is a statutory benefit of an end-of-service gratuity that is calculated as follows:</p> <p>One month of wages for every year of service, at the end of the contract.²⁵</p>

¹⁶ For further information on migrant workers access to social protection in the Gulf Council Cooperation Countries, please see: ILO (2023). [Review of National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries](#).

¹⁷ Law No. 1/1999, article 2.

¹⁸ However, in December 2022, the Ministry of Health in Kuwait imposed on migrants a flat fee of 5 dinars (\$16) when collecting prescribed medication at primary health clinics and hospital emergency rooms, and 10 dinars (\$32) at outpatient clinics. These fees are imposed in addition to the consultation fees that migrant patients must pay for public health services (2 dinars (\$6.5) at polyclinics and 10 dinars (\$32) at outpatient clinics, as well as laboratory, in-patient care and radiology fees that migrant patients must pay when availing of public health services). The new fees are expected to discourage low-wage earners from accessing basic health services.

¹⁹ Labour Law, article 69.

²⁰ Labour Law, article 93

²¹ Labour Law, article 91.

²² Labour Law, article 94.

²³ Ministerial Decision No. 2194 of 2016 on Executive Rules for Law No. 68 of 2015 on Domestic Workers, article 13.

²⁴ Labour Law, articles 51–53.

²⁵ Law No. 68 of 2015 on Domestic Workers, article 23.

RIGHT TO JOIN TRADE UNIONS	<p>Maternity leave – 70 days of paid maternity leave, and up to 4 months of unpaid leave.</p> <p>Maternity protection – A female worker cannot be terminated during pregnancy or maternity.</p>	Not specified by law.
FREEDOM OF ASSOCIATION		
RIGHT TO JOIN TRADE UNIONS	Only migrant workers with a work permit and 5 years of residence in Kuwait can join an existing trade union. ²⁶	There is no provision enabling domestic workers to join a trade union.
GRIEVANCES AND DISPUTE RESOLUTION		
LODGING COMPLAINTS/ RESOLVING DISPUTES	<p><i>Conciliation</i></p> <p>Workers must lodge a dispute at a local PAM office (six offices across the country).</p> <p>A PAM investigator in the Labour Relations Department must mediate between the parties. If no settlement is reached within a month, the PAM investigator refers the case to the Civil Court (Labour Circuit).</p> <p><i>Judicial remedy</i></p> <p>Cases can be brought to the Civil Court of First Instance (Labour Circuit) if conciliation is unsuccessful. This referral should be made within one month of the application and the memorandum that accompanies the claim must include a summary of the dispute, the defendants’ arguments and PAM’s remarks.</p> <p>No fees are required to file a case, but fees may be required for other court-related processes.</p>	<p><i>Conciliation</i></p> <p>Domestic workers are required to bring disputes to the PAM Domestic Workers’ Department (DWD).²⁷ A labour investigator will summon both the employer/recruitment agency and the worker to investigate the complaint.²⁸ A decision must be made within a maximum of two weeks. If the complaint is resolved, this will be recorded in writing. If it is not resolved or the employer/recruiter fails to attend, the case is referred to the Civil Court.</p> <p><i>Judicial remedy</i></p> <p>Cases can only be brought to the Civil Court (Labour Circuit) if conciliation is unsuccessful. The Court must set a date to deliberate the dispute within one month of the referral. The Department of Courts Register must inform the parties at least two weeks in advance of the session.</p> <p>All cases are free of court fees.</p>
SHELTER AND PROTECTION SERVICES	<p>A women’s shelter was established in December 2014 by the PAM. The shelter has a maximum capacity of 500 individuals and provides accommodation, food and legal and medical assistance. Entrance is by referral only.</p> <p>Domestic workers who newly arrived in the country but who have not been received by their employers within 24 hours can stay at the shelter administered by PAM.²⁹</p>	

26 Under the Labour Law, article 99, only nationals can establish or join a trade union. However, under Order No. 1 of 1964 migrant workers can join workers’ organizations if in the possession of a valid work permit and a minimum of five years’ residence in the country.

27 Council of Ministers Decision No. 614 of 2018 on Transfer of the Powers Stated in Law No. 68 of 2015 on Domestic Workers.

28 Ministerial Decision No. 22/2022, article 34. In the event that the defendant is an employer or domestic worker, they shall receive a copy of the notice either personally or in their home or workplace. If that is not possible, the notice shall be delivered to the police station in the defendant’s residence district. In the event that the defendant is a recruitment office or company, a copy of the notice shall be delivered to the management centre or one of their managers through the competent department or via text message, fax or email. If the employer does not attend, they will be banned for 6 months from recruiting another worker.

29 Ministerial Decision No. 2194 of 2016, article 27.

SPONSORSHIP

SPONSORSHIP AND CHANGING EMPLOYERS

With permission of employer

Private sector employees who work on government-contracted projects: Such workers are permitted to transfer only to other government-contracted projects implemented by the same sponsor and only after the end of their contract. Workers with certain technical skills are permitted to transfer to other government-contracted projects run by another sponsor, if the implementing government entity approves the transfer.³⁰

Workers in Free Trade Zones and in the manufacturing, agricultural, cooperatives and fishing sectors: Transfer is permitted within the sector after one year of continuous employment (with the approval of the employer).³¹

Workers in small and medium-sized enterprises (SMEs): Transfer is permitted only within the SME sector and only after three years of continuous employment (with the approval of the employer).³²

Other workers: Transfer is permitted after one year of continuous employment (with the approval of the employer).

Without permission of employer

Only allowed three years after the issuance of the work permit, with the exceptions for SMEs and workers in Free Trade Zones and in the manufacturing, agricultural, cooperatives and fishing sectors.³³ If the worker wishes to transfer prior to the end of the contract period without the consent of the original employer, they will have to file a complaint with the Labour Relations Department of the PAM.

With permission of employer

Although not explicitly noted in the legislation, it would appear that a worker can change employers during the contract period with the permission of the first employer.

Without permission of employer

PAM has the authority to transfer the worker only in the following scenarios:

- If the employer dies or permanently leaves the country.
- In case of the employer's divorce.
- If the employer fails to meet the eligibility conditions or is sentenced to prison for a crime.
- If an act, statement or gesture of sexual connotation is proven to be committed by the employer or those living with the employer against the domestic worker, offending the worker's body, honour or modesty by whatever means, including via the use of modern technology.³⁴

30 Administrative Decision No. 842 of 2015, article 2. As of March 2023, this restriction does not apply to work permit holders over the age of 60.

31 Administrative Decision No. 451 of 2016, Modifying Administrative Decision No. 842 of 2015, article 3.

32 Administrative Decision No. 712 of 2017 on the Transfer of Employment for Workers in SMEs.

33 Decision No. 842 of 2015, article 6. The worker is also required to provide three months' notice to the employer as per article 44 of the Labour Law.

34 Additionally, if a female domestic worker marries a man in Kuwait and requests to be transferred to her husband's residence.

<p>“UNEXPLAINED ABSENCE” / ABSCONDING</p>	<p>The employer can file a charge of “absenteeism” if the worker has been absent without justification for 7 consecutive days or 20 non-consecutive days in a year. The worker is notified of the report (message sent to the worker’s mobile phone) but can also check on the PAM website: - الهيئة العامة للقوى العاملة (manpower.gov.kw).</p> <p>The worker must contact the PAM within 60 days from the date of the “absenteeism” report being registered with the PAM, that is, before it is registered with the Ministry of Interior. When contacting the PAM, the worker must provide all evidence proving that they did not leave the job and that the claimed date(s) of absence by the employer are incorrect.³⁵</p>	<p>The employer can file a charge of “absenteeism” if the worker has been absent without justification for 7 days. The worker is notified of the report (message sent to the worker’s mobile phone), but can also check on PAM website: - الهيئة العامة للقوى العاملة (manpower.gov.kw).</p> <p>The worker must contact PAM within 7 days from the date of the “absenteeism” report being registered with PAM, that is, before it is registered with the Ministry of Interior. When contacting PAM, the worker must provide evidence proving that they did not leave the job and that the claimed date(s) of absence by the employer are incorrect.³⁶</p> <p>Once a worker files a complaint with the DWD, filing an “absconding report” against the worker is prohibited, “provided that [the worker] is registered among the residents of the migrant worker accommodation centre” which may be a reference to the PAM shelter.³⁷</p>
<p>LEAVING THE COUNTRY</p>	<p>No exit permit is required.</p>	

35 Evidence might include: WhatsApp conversations; documents or receipts indicating work performed during the period in which the employer claims the worker was absent; tasks performed by the worker during that period; and inspection results regarding the absence from work report by the competent inspector.

36 As above.

37 Ministerial Decision No. 22/2022, article 35. Lifting the ban shall be reconsidered two months after the complaint has been settled or referred to the competent court.