

**KUWAIT (2000-2019)**

**THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION**

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES, except under the 2009, 2011 and 2016 Annual Review (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Kuwait Chamber of Commerce and Industry (KCCI) and the Kuwait Trade Union Federation (KTUF) through consultations and communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2019 AR:</b> Observations by the KCCI. <b>2012-2014 AR:</b> Observations by the KCCI. <b>2007 AR:</b> Observations by the KCCI.	
	<b>Workers' organizations</b>	<b>2012-2015 AR:</b> Observations by the KTUF. <b>2006-2008 AR:</b> Observations by the KTUF.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Kuwait ratified in 1966 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>
		<b>Ratification intention</b>	<p><b>YES, since 2002, for C.100.</b></p> <p><b>2015 AR:</b> The Government indicated that there is no change since the 2014 AR and reiterated that it is very supportive of the ratification of C.100. However, it has stressed the need for ILO to make clear definitions of wage and benefits of all types.</p> <p>KTUF expressed its support for support the ratification of C.100, which according to it, is on the right track given that the Government is willing to ratify this instrument. It further indicated that the definition of benefits needs to be customised for each employment sector.</p> <p><b>2014 AR:</b> The Government reiterated its support for the ratification of C.100. It expressed hope that the notion of "any additional emoluments" would be clarified through social dialogue and in cooperation with ILO, so as to overcome technical obstacles to the ratification.</p> <p>The KCCI and the KTUF reiterated their support for the ratification of C.100 by Kuwait, and could see no further obstacles in the ratification process. According to the KTUF, women's rights and equal remuneration are issues of growing importance on the social and political agendas in the country.</p> <p><b>2013 AR:</b> According to the Government: The Government is reviewing the different elements to be taken into consideration in the wage component, in cooperation with ILO so as to overcome the legal obstacles to ratification, in particular in relation with section 55 of the Labour Code.</p> <p>The KCCI and the KTUF reiterated their support for the ratification of C.100 by Kuwait. According to the KCCI, no progress has been made in the ratification process since 2011. However, according to the KTUF, the Government has been making progress towards ratification of C. 100 in 2011 and social dialogue needs to be strengthened to boost ratification of this instrument.</p> <p><b>2012 AR:</b> According to the Government: Ratification of C.100 is yet pending before the Council of Ministers for approval and formal submission to Parliament.</p> <p>The KCCI and the KTUF expressed their support for the ratification of C.100 by Kuwait.</p> <p><b>2010 AR:</b> According to the Government: The Government intends to ratify C.100 so as to complete the ratification of all the ILO fundamental Conventions. This ratification process has been discussed between the Ministry of Labour and Social Affairs and the employers' and workers' organizations. Ratification of C.100 needs</p>

		<p>now to be submitted to the Council of Ministers and the Parliament.</p> <p><b>2008 AR:</b> The KTUF hoped that the Government would soon ratify C.100 and noted that in practice, equal pay for work of equal value is already being applied on workers.</p> <p><b>2007 AR:</b> According to the Government: Ratification of C.100 is still under consideration, despite divergences in points of view.</p> <p><b>2001 AR:</b> According to the Government: a study has been undertaken in order to compare the provisions of C.100 with national legislation, with a view to ratifying this Convention. Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.</p>
<p><b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b></p>	<p><b>Constitution</b></p>	<p>NIL.</p>
	<p><b>Policy, legislation and/or regulations</b></p>	<p><b>2019 AR:</b> The publication of Resolution No. 522 of 2018 regarding the promulgation of rules and procedures for granting a work permit. The terms of reference mentioned in Law No. 68 of 2015 have been transferred from the Ministry of Interior to the General Authority for Manpower, based on Cabinet Resolution No. 614 of 2018. A new department for domestic workers has been established.</p> <p><b>2018 AR:</b> According to the Government, the Labour Law No. 6 /2010 was issued in the private sector, in addition to its amendments, and Law No. 21/2015 on Children Rights was issued.</p> <p><b>2015 AR:</b> According to the Government and KTUF, there have not been any new changes in legislation over the past one year.</p> <p><b>2013 AR:</b> According to the Government and the KTUF: Legal amendments to Act No.6 of 2010 have been made in order to ensure working conditions in the private sector. A new tripartite agreement (between the Government, the employers' organization and the KTUF) is being developed, aiming at improving working conditions for domestic workers and at ensuring equal remuneration in a sector which is dominated by women in Kuwait.</p>
	<p><b>Basic legal provisions</b></p>	<p>(i) the New Private Sector Labour Act of Kuwait, No. 6 of 2010; (ii) section 27 of the Labour Act; (iii) section 10 of the Labour Code for Private Sector, No. 38 of 1964; (iv) section 90 of 1964 Labour Act; (v) section 92 of the same Act; (vi) section 78 of Act No. 38 (1964); (vii) Ministerial Decision No. 110 of 1995.</p>
	<p><b>Grounds of discrimination</b></p>	<p><b>2003 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.</p>
	<p><b>Judicial decisions</b></p>	<p><b>2001-2002 ARs:</b> Courts of Law had made decisions on the PR in cases examined by the said courts on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not on the implementation of the Convention in question which the State of Kuwait had not yet ratified.</p>
	<p><b>Exercise of the principle and right</b></p>	<p><b>Special attention to particular situations</b></p>
	<p><b>Information/Data collection and dissemination</b></p>	<p><b>2002 AR:</b> The Government stated that it did not collect statistics and information relevant to the principle and right (PR) on a regular basis, but planned to do so.</p>
<p><b>Prevention-Monitoring, enforcement and sanctions mechanisms</b></p>	<p><b>2000-2001 ARs:</b> According to the Government: The Ministry of Labour and Social Affairs is in charge of the implementation of legislative and administrative provisions concerning the PR. Measures for assessing rates of remuneration, and methods to ensure the application of the PR include monitoring the extent to which employers are complying with the labour laws, through labour inspection, the review and endorsement of work contracts, the issuing of work permits and the adoption of domestic rules and regulations relating to employers.</p>	
<p><b>Involvement of the social partners</b></p>	<p><b>2014 AR:</b> The KCCI and the KTUF indicated that social dialogue concerning the ratification of C.100 and subjects related to equal remuneration, in particular in relation to women's rights, was ongoing.</p> <p><b>2013 AR:</b> According to the KTUF: Social dialogue is practiced in the country. However, the KTUF would like to see further involvement by the social partners</p>	

	<p>with the Government, and serious recognition of the workers' organizations in this dialogue.</p> <p><b>2001-2002 ARs:</b> According to the Government: Employers' and workers' organizations have been involved in discussions regarding the implementation of national legislation, labour standards and international labour Conventions within a high level consultative committee established by Decree No. 41/1995 for this purpose). They have provided suggestions and recommendations on these issues.</p>	
<p><b>Promotional activities</b></p>	<p><b>Institutions to promote equality</b></p>	<p><b>2000, 2001 and 2004 ARs:</b> According to the Government: the Ministry of Labour and Social Affairs.</p>
	<p><b>Other activities</b></p>	<p><b>2013 AR:</b> According to the Government: The Government has participated in ILO training activities on international labour standards, including the issue of equal remuneration. It has also organized tripartite training activities on the principle and right in cooperation with international regional organisations.</p> <p>The KTUF indicated that it had conducted training activities on the issue of equal remuneration.</p> <p><b>2012 AR:</b> According to the Government, the KCCI and the KTUF: Tripartite workshops on Fundamental Principles and Rights at Work have been organized in 2011.</p> <p><b>2010 AR:</b> According to the Government: Labour law reform is being undertaken in consultation with the employers' and workers' organizations. A new law that integrates, among others, the provisions of C.100 will be submitted to the new Parliament soon. Employers' and workers' organizations are being sensitized on the Declaration's principles and rights, in cooperation with the ILO.</p> <p><b>2008 AR:</b> The Government indicated that it would organize an International Forum on rights and obligations for workers from GCC sending and receiving countries.</p> <p><b>2007 AR:</b> According to the Government: A Committee to strengthen national efforts in promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has been established. Furthermore, a seminar on future visions towards implementing the new labour code in the framework of ILO Conventions was held in Kuwait (10-12 January 2004). Kuwait was the host country for the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards (Kuwait City, April 2006). The Government, the KCCI and KTUF participated in this workshop.</p> <p>The Government, the KCCI and KTUF agreed to organize tripartite consultations on the distribution of social allowances to married persons.</p> <p><b>2000-2001 ARs:</b> According to the</p>

			Government: Consultations were held with the social partners with respect to state legislation, international labour standards and other international conventions.
	<b>Special initiatives-Progress</b>		<p><b>2015 AR:</b> KTUF indicated that efforts have been made by the Government in increasing and levelling of salaries.</p> <p><b>2007 AR:</b> According to the Government, the KCCI and the KTUF: A tripartite committee to promote and realize the ILO Declaration was set up in 2004. It has organized several promotional activities on the ILO Declaration.</p> <p><b>2004 AR:</b> According to the Government: Successful example in relation to the PR: The issuance of Ministerial Decree No. 142/2002 concerning the obligation for employers to transfer the remuneration of their workers to their bank accounts with no discrimination.</p>
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<p><b>2007 and 2013 ARs:</b> According to the KCCI: The major obstacle in realizing this PR in Kuwait is the lack of education/understanding of ILO's role and the Declaration principles and rights.</p>
		<b>Workers' organizations</b>	<p><b>2015 AR:</b> KTUF indicated that there is no major challenge; however definition of wages and benefits need to be customised for each employment sector.</p> <p><b>2013 AR:</b> The KTUF expressed hope in the ratification process of C.100, stating that progress was being made and that no major challenges persist in the process, except the need for further commitment to social dialogue from the Government's side in order to continue moving forward to ratification of C. 100.</p> <p><b>2007 AR:</b> TheKTUF shared the KCCI's view concerning the major obstacle to the realization of the PR in Kuwait (i.e., lack of education/understanding of ILO's role and the Declaration principles and rights).</p>
	<b>According to the Government</b>		<p><b>2015 AR:</b> The Government stated that lack of clarification on the definition of wages and benefits is a major challenge in the ratification process of C.100.</p> <p><b>2012 AR:</b> According to theGovernment: Discrimination on wages exists between national and migrant workers.</p> <p><b>2007 AR:</b> According to the Government: Kuwait has not ratified C.100 because of: (i) divergences in points of view; and (ii) lack of education/understanding of ILO's role and the Declaration principles and rights.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>		<p><b>2015 AR:</b> The Government stated that it has signed a two-year project with ILO, IOM and UNDP, which comprises technical support in the form of training and capacity building for the newly established institution of manpower.</p> <p>KTUF reiterated the need for ILO technical assistance to organise awareness raising workshop on discrimination at work, with a special focus on the compliance of the national laws with the provisions of C.100.</p> <p><b>2013 – 2014 ARs:</b> The Government reminded the tripartite request made for ILO technical support to organize a workshop on discrimination at work, with a special focus on the compliance of the national laws (Section 55 of the Labour Code, in particular) with the provisions of C.100.</p> <p>The KCCI and the KTUF supported the Governments' request made under the 2013 AR to organize a workshop on discrimination at work, with a special focus on the compliance of the national laws with the provisions of C.100. The KTUF expressed a wish to participate in the ILO Turin Course on International Labour Standards.</p> <p><b>2012 ARs:</b> TheGovernment, the KCCI and the KTUF requested ILO technical support to organize a workshop on discrimination at work, with a special focus on C.100.</p> <p><b>2010 AR:</b> The Government welcomes ILO technical support in the ratification process of C.100, reporting issues and labour law reform.</p> <p><b>2008 AR:</b> The KTUF indicated that social dialogue on the FPRW is needed, particularly on the importance of ratification of the fundamental conventions by Kuwait.</p> <p><b>2007 AR:</b> According to the Government, the KCCI and the KTUF: A national workshop on how to better understand and realize the ILO Declaration should be organized by the ILO. The KCCI further requested special training for employers on the Declaration's follow-up.</p> <p><b>2006 AR:</b> According to KTUF: ILO technical cooperation is necessary to sensitise Government officials on C.100 and other FPRW, in particular their relations with</p>

	<p>other economic and social issues.</p> <p><b>2005 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization the PR in Kuwait, in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle, strengthening data collection and capacity for statistical collection and analysis, legal reform (labour law and other relevant legislation), capacity building of responsible Government institutions, developing labour market policies that promote equality of opportunity, developing policies regarding equal remuneration; (2) sharing of experiences across countries/regions, training of other officials (e.g. police, judiciary, social workers, teachers), strengthening capacity of workers' organizations, establishing or strengthening specialized institutional machinery, coordination between institutions (e.g. various ministries and relevant commissions); (3) awareness-raising, legal literacy and advocacy, strengthening capacity of employers' organizations.</p>	
	<p><b>Offer</b></p>	<p>ILO.</p>
<p><b>EXPERT-ADVISERS' OBSERVATIONS/RECOMMENDATIONS</b></p>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Kuwait, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2005 AR:</b> The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council. They listed Kuwait among the countries where some efforts are being made in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (cf. paragraphs 13 and 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p><b>2004 AR:</b> The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p><b>2003 AR:</b> The IDEAs commended Kuwait and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p><b>2002 AR:</b> The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p><b>2001 AR:</b>The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
<p><b>GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS</b></p>	<p><b>2015 AR:</b> At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p><b>2013 AR:</b> At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p><b>2011 AR:</b> At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101<sup>st</sup> Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p><b>2009 AR:</b> During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99<sup>th</sup></p>	

	<p>Session (2010) of the International Labour Conference.</p>
<p><b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b></p>	<p><b>2013 AR:</b> In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316<sup>th</sup> Session in November 2012.</p> <p><b>2011 AR:</b> Following a tripartite debate at the Committee on the 1998 Declaration, the 99<sup>th</sup> Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: <a href="http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_143164.pdf">http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_143164.pdf</a>.</p>