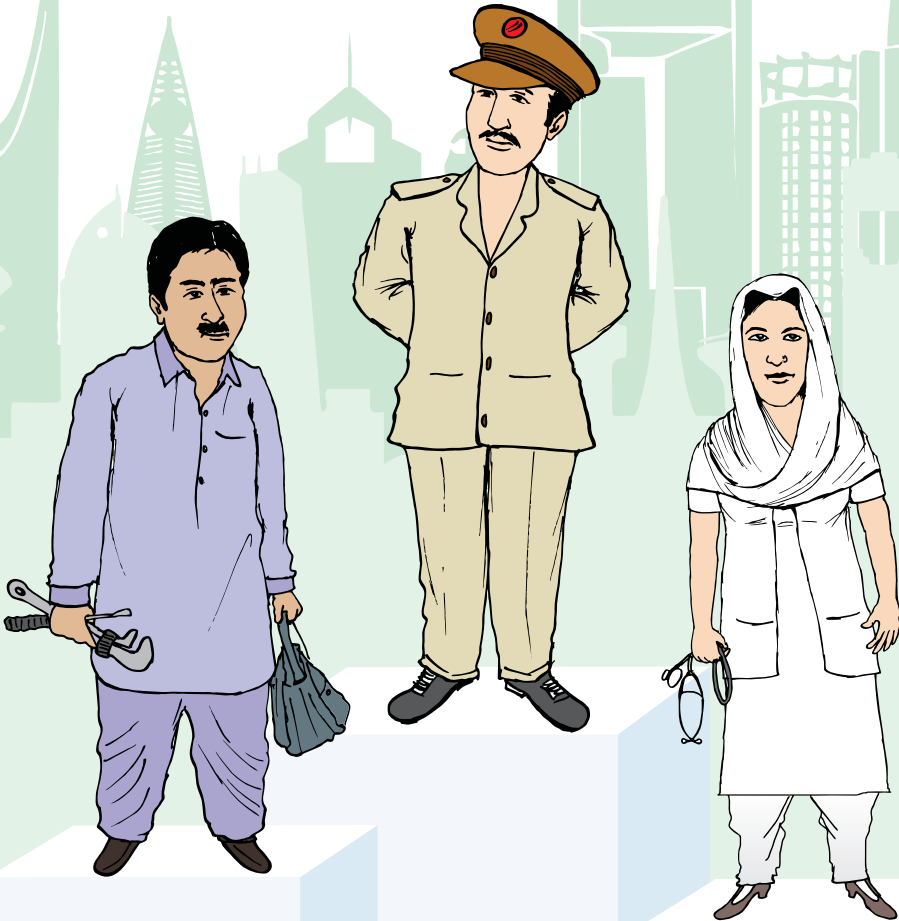




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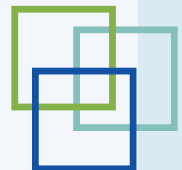
Travel Smart - Work Smart

A guide for Pakistani migrant workers in Saudi Arabia



Promoting safe migration and protecting migrant workers' rights

ILO Country Office for Pakistan



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Are you heading for work in Saudi Arabia?



The information provided in this booklet can help you feel more secure and help you work safely and successfully. And it can help you avoid exploitation and abuse!

Always remember, the best person to safeguard your interests is you!

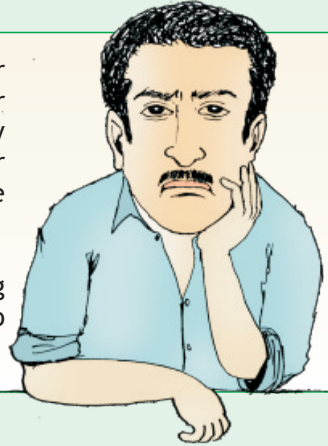


So Travel Smart and Work Smart!

Be informed - be aware

Every day, many people - just like you - enter Saudi Arabia for work. Most of them encounter no major problems. But some are exploited by their employers, have their wages withheld or find themselves a kind of prisoner, with no one to call for help.

There are ways to avoid this. If you are being abused, there are people in Saudi Arabia who can help you.



Know your rights

Irrespective of your legal status, you are entitled to respect and protection of your human rights - to live free from harassment and exploitation.

This booklet will inform you about your rights - and your responsibilities - while you are working in Saudi Arabia. The information can help you protect yourself from people who want to take advantage of your situation as a migrant.

To start, know the following!

- * You may enter Saudi Arabia for work only through the *kafala* system.

What is the *kafala* system?

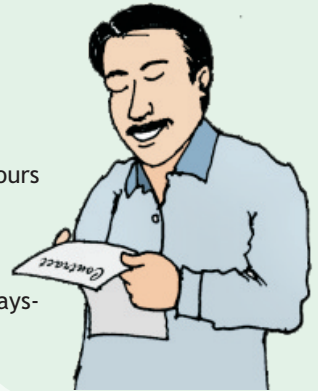
To work in Saudi Arabia, the migration policy requires sponsorship through the *kafala* system. Under this system, a local citizen or company (the *kafeel*) must sponsor a foreign worker in order for their work visa and residency to be valid. According to this law, a migrant worker cannot leave or enter the country without the employer's permission. The employer is responsible for all aspects of a migrant worker's stay and has the right to withdraw sponsorship under the conditions explained further on in this booklet.



Before you leave Pakistan, you will sign a foreign service agreement (FSA), which includes the terms and conditions of your work in Saudi Arabia. Read it carefully or ask someone you trust for help to review the agreement (which is your contract) before you sign it. Your employer in Saudi Arabia will also require that you **sign a contract on his official letterhead stationery** before he can proceed on your behalf to obtain your residence permit, known as the *iqama*. Read that second contract cautiously before signing and compare all text against the FSA you signed before your departure. If there are changes in the terms and conditions between your FSA copy and the second contract, ask the employer to explain why it is different and what does it mean. If you disagree with the change and/or find the new terms unacceptable, use the telephone numbers provided at the back of this booklet to call someone for assistance.

Make sure, at the minimum, that your contract includes the following details.

- * Your name and your identity card number
- * Work address
- * Your employer's name and address
- * Your job category
- * Your salary and benefits
- * Standard workday hours (not more than eight hours per day)
- * How overtime is calculated
- * Holiday, medical or maternity leave and other days-off entitlements
- * Any deductions to be made
- * Your duties
- * Details for terminating your contract



All the specific conditions of your job should be explained in the contract. In Saudi Arabia, accommodation is often provided for free to low-skilled migrant workers. If accommodation is included in your employment contract, it should be of a standard that meets your basic needs. Transportation to and from your workplace is also often provided for free by employers. In some cases, employers also provide workers all their meals or one meal or food for free. You need to study your employment contract to see which of these benefits applies to your situation.

- * **Duration of your residence permit, or *iqama*, is linked to your employment contract.** It is good for one to two years and is renewable.
- * **It is difficult to change your employer in Saudi Arabia.** If you want to change your employer, you must obtain a “no-objection certificate” (called the *tanazul*) from your current employer and an “acceptance letter” from your new employer. Your new employer will then apply for your residence permit, or *iqama*, with the visa immigration service. However, if the current employer declines to give you the no-objection certificate, he can terminate your current contract and have your residence permit withdrawn. Be careful!
- * **You can be repatriated (deported or returned) from Saudi Arabia. Returning you to Pakistan in such a case is done for one of the following reasons.**
 - * Your contract is finished and is not renewed.
 - * You are having serious medical problems.
 - * You are involved in criminal activities.
- * **Your employer may make deductions from your salary.** These may be done to recover advances paid to you in excess of your rights, social insurance premiums due from you, any debt to be recovered in the execution of a legal court judgment or any amount as settlement of damages to the equipment or infrastructure of your employer that you deliberately caused. However, the percentage amount deducted shall not exceed one half of the wages due to you, unless the Commission of the Labour Disputes Settlement finds that it is possible to increase the deduction.



Your rights as a migrant worker in Saudi Arabia

As a registered migrant worker in Saudi Arabia, you have the right to complain and seek protection if any of your rights are violated or if your employer has exploited you. If you think you have been cheated, wronged or treated in a way that discriminates against you - see the contact details at the back of the book and seek assistance.

The following explains some of your rights as a migrant worker.



You have the right to keep the original of your personal documents, including passport, visa and employment contract. Employers in Saudi Arabia often insist on keeping their employees' passports. This is especially the case for workers in the labour category. Because these documents are important to your coming and going, make sure to keep a photocopy of all these documents with your family back home as well as with you in Saudi Arabia. If you have a phone that takes photos, you can also take pictures of all your documents in case your hard copies are lost. It is important that you keep the copy of your residence permit (*iqama*) with you whenever you go out at some public place or travel within Saudi Arabia. It is your legal identity card there.



Your working hours are regulated, and you have the right to overtime compensation. A work day consists of eight working hours, and a work week is 48 hours (unless you have signed a contract stating something different). This applies to all months of the year except the month of Ramadan when actual working hours are not to exceed six hours a day or 36 hours a week, exclusive of the intervals reserved for prayer, rest and meals. However, any clause for the overtime rate that you agreed to in your contract (by signing the contract) will prevail. So be careful!



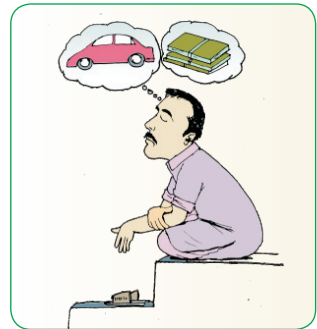
If you work for additional work hours, then you are entitled to overtime payment of the normal hourly wage plus 50 per cent per hour beyond the regular eight-hour day.



If you work on a rest day or on a feast day, your employer must pay you the wages for the regular or additional work hours.



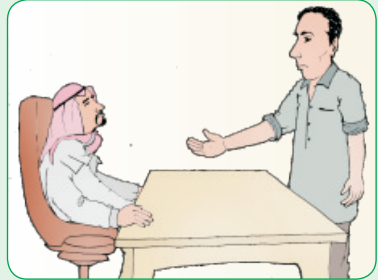
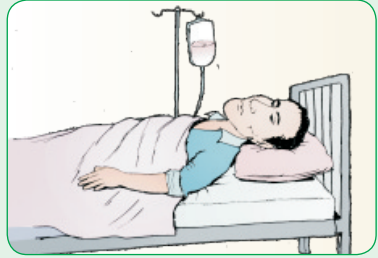
- * **You have the right to refuse overtime work.** The maximum working time is 48 hours per week. If you agree to work more than the normal working hours, your employer is required to pay you overtime (the normal hourly wage plus 50% for each extra hour; but total working time should not exceed 11 hours per day).
- * **You have the right to rest time of at least 30 minutes** after no more than five consecutive hours of work.
- * **You have the right to working days off.** If you have completed one year in service of the employer, you are entitled to an annual vacation of 21 days, with full wages payable in advance. After five years of service, the number of annual leave days increase up to 30 days.
- * **You have the right to one day off each week.** You can refuse to work on your day off. If you agree to work on your day off, you are entitled to be paid equivalent to your overtime hourly wage.
- * **You have the right to public holidays.** You are entitled to days off with full pay on the designated holidays, provided that such holidays do not exceed 10 days a year.
- * **You have the right to take medical leave.** But you must obtain a medical certificate from the doctor and inform your employer immediately, preferably on the same day. Remember that no medical leave is accepted without a medical certificate.
- * **You have the right to receive your wages during a period of illness.** According to Saudi law, the maximum entitlement to sick leave is 120 calendar days a year, with full pay for 30 days, 75% pay for 60 days and no pay for latter 30 days.





You have the right to be paid the following provisions outlined in the Saudi Labour Code.

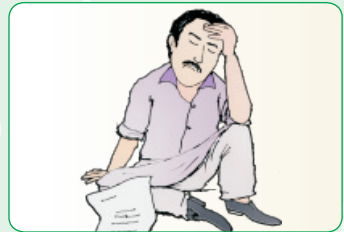
- * Wages of daily rate workers are paid at least once a week.
- * Wages of monthly rate workers are paid once a month.
- * If the work is performed by piece and it requires a period exceeding two weeks, a payment proportionate to the work completed by the worker must be made to the worker every week. The full balance of the wages is to be paid within the week immediately following the delivery of the work.
- * In cases other than those mentioned here, wages are to be paid to the worker at least once a week.



You have the right to leave your workplace during your free time. However, always keep your *iqama*, mobile telephone and some currency with you. It will help you to contact your employer, colleagues or friends in case of an emergency.



You have the right to be paid for work completed even if you are arrested, quit your job or are fired. Your employer cannot withhold your wages under any circumstances. However, do not forget that your entitlement to maximum benefits are due once you complete your contractual probation period. The workers who have completed service of a year or more and are entitled to leave the employer have the right to claim for pay for unused leave days. If there is a problem receiving this compensation, contact the Labour Department nearest your work area in Saudi Arabia or the Community Welfare Attaché at the Pakistan Embassy or Consulate through the telephone numbers provided at the back of this booklet.



NOTE: If you are a domestic worker, some of the rights explained in this booklet may not apply to you (because domestic work is still excluded from labour law coverage in Saudi Arabia). You need to negotiate benefits with your employer. Although the labour laws do not cover you, you are entitled to termination notice, unpaid wages protection and the payment of your wages to be made into a bank account in your name.

How to defend your rights



If your employer violates the terms and conditions of your employment, you can lodge a complaint with the Director of the Labour Office of the area of your work for resolution. In case the employer does not implement the settlement decision or you do not agree with the decision of the Director of the Labour Office, the issue can be taken to the area commission established for labour dispute settlement. The complaint can be filed for investigation if

- * your wages are not paid for more than two months
- * there are wrongful deductions from your salary
- * your overtime pay is not paid
- * you are not allowed to rest on your rest day
- * your employer refuses to give the annual (vacation) leave
- * your employer refuses to provide a pay slip with details of your salary, overtime calculation and any deductions
- * there is an incident of sexual harassment.



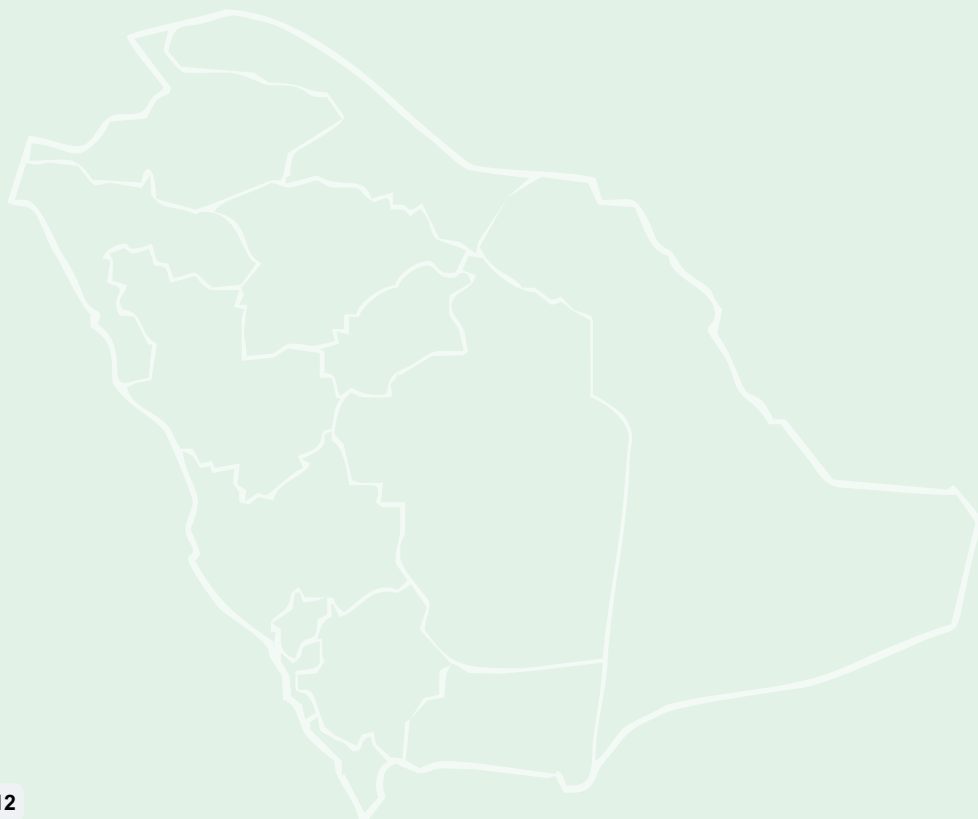
Your employer can only **dismiss you** for a serious reason, such as theft, physical assault, drug use or being absent from work for 20 non-consecutive days in a year or 10 consecutive days and not informing your employer or not providing a valid reason. Before your employer can dismiss you from work, he must first give you a warning letter and must conduct a domestic enquiry.



The Saudi Labour Code does not permit workers to create unions, bargain collectively or strike. Anyone who tries to form a union can be dismissed, imprisoned or, in the case of migrant workers, deported. So abstain from participation in any such initiative (even though it goes against your rights as a worker generally; it is not your right according to Saudi law). However, workers are permitted to form Welfare Committees for social welfare within their workplace.



- * **Make sure you keep photocopies of personal documents, including passport, visa and employment contract, with you in Saudi Arabia.** If you have a telephone that takes photos, you should take pictures of all your documents in case your paper copies are lost.
- * **Stay in regular contact with your family.** Tell your family the name, telephone number and address of your employer. Agree that if they do not hear from you within a certain amount of time they must seek help from local authorities. Make sure your family has details and copies of your identification documents (passport, visa number and work permit) and your contract. Also, provide them with copies of your insurance certificate and Overseas Pakistanis Foundation membership card (which is issued on demand) that you have obtained after registering with the Bureau of Emigration and Overseas Employment.



Your responsibilities as a migrant worker

- * If you want to take leave from your job (for personal reason or vacation), make sure you inform your employer beforehand. Taking an extended leave without telling your employer could be cause for terminating your contract.
- * If you are sick and cannot go to work, inform your employer as soon as possible and obtain a medical certificate.
- * Many workers die from cardiac arrest due to simultaneous exposure to extreme heat and extreme cold. If you work outdoors, do not turn the air conditioner very high immediately after returning to your room.
- * Take precautions to avoid contacting HIV and other sexually transmitted diseases.
- * Respect your host country's culture, food customs and dress code.
- * You should be respectful to women and never tease them, ogle or stare at them.
- * Never participate in drug selling or drug abuse or any other criminal activity; never physically abuse anyone (including a friend or girlfriend/boyfriend) or bully someone on the basis of ethnic, cultural, physical, religious or sectarian differences.
- * You must make an effort to learn the basic norms and laws of the Saudi Arabia, including traffic rules. You must always use the zebra crossing or the overhead bridge to cross a road.
- * You must abide by the rules and regulations of your workplace. The regulations typically are displayed in a visible area in the workplace.
- * You must check the expiry dates of your documents, including passport, residence permit and ID card. To renew your passport, go to the Pakistan Embassy; for other documents, inform your employer well in advance of their expiration date.
- * If you experience problems at work, talk to your family, a friend, your employer, the Community Welfare Attaché at the Embassy or Consulate of Pakistan, the recruitment agent or the Protector Office of your area in Pakistan. The telephone numbers of the Embassy or Consulate and the Protector Offices are provided at the back of this booklet.

Know your status

Am I a regular migrant worker?

A regular migrant worker in Saudi Arabia requires a passport, employment visa and residence permit (*iqama*). The first two documents are obtained in the country of citizenship, whereas the third document, the *iqama*, is obtained in Saudi Arabia.

Your rights a regular migrant worker

* You have the right to travel anywhere within Saudi Arabia. However, it is best to inform your employer if you plan to travel, and always keep your *iqama* with you.

* When your contract finishes, if you are dismissed or if you do not obtain a medical certificate upon first entering the country, you might be repatriated back to Pakistan.

* You are covered by a compulsory health insurance protection under the Saudi labour law, and your employer must pay the premium fee on your behalf.

* As a registered migrant worker, you are also insured in Pakistan for the period of two years with State Life Insurance Company of Pakistan. You can renew your insurance with them when it expires.

* You can send your remittances to your family through formal banking channels.



If you are stopped or arrested by the police

- * If the police stop you, give your name, employer's name and address and show your *iqama* if asked.
- * Do not allow the police officer to put his or her hands into your pockets or bags. If asked to search your possessions, voluntarily take out your belongings yourself one by one in front of the officer, stating the name of each item as it is removed. When your pockets and bags are empty, turn them inside out.
- * Only a female officer can do a body search on a female. It must be carried out with decency. The officer is not allowed to touch your private parts.
- * The police can arrest you on suspicion of committing a crime (such as theft, murder or selling drugs), for breaking the immigration rules (overstaying, staying without regular status) or for not being in possession of your identity card. You can be arrested for other activities that are considered illegal and punishable as per the Islamic (Sharia) law, including public intoxication or other alcohol-related offences, homosexuality, intimacy in public between a man and a woman, or any attempt to convert a person's religion.
- * Ask why you are being arrested - but do not resist.
- * If you are arrested, you have the right to make a telephone call to a relative, a friend, your employer, the Community Welfare Attaché at your embassy or consulate or anyone you think will be of help in this situation.
- * If you have been detained at a police station, you might be released pending a trial if you deposit your passport with the police or if a friend deposits their passport as a guarantee. Please remember that if you deposit your passport to release a friend from detention and they do not turn up for the trial, it will put you in trouble. You will not be arrested, but you will be stuck in the Saudi Arabia until you get your passport back from the police, which could take a long time.
- * Try to avoid admitting to anything or signing any documents that you do not understand.

You are under arrest when the police say “You are under arrest” or handcuff you, if they do not allow you to leave or they want to take you back to the police station. If you are not under arrest, you may walk away or refuse to follow an officer back to the police station or anywhere else.

If you are taken to a court

- * You have the right to be represented by a lawyer. Ask for assistance from your work colleagues or relatives. You should also contact the Community Welfare Attaché at the Pakistan Embassy or Consulate.
- * Ask for an interpreter.
- * Take time to understand the charges and the punishment (penalties) of the charge.
- * DO NOT plead guilty if you do not understand the charges.

Special notes for female migrant workers

- * You are entitled to the same wage as male migrant workers performing the same job.
- * **In case of maternity**, you are entitled to take leave for a period of 10 weeks, four of which are prior to the expected date of delivery and the other six weeks after you give birth. The expected date to give birth is estimated by your work establishment's physician or by a medical report certified by the Ministry of Health. The employer cannot force any female worker to perform her duties during the first six weeks after she gives birth. During the maternity leave period, you will receive half of your wages if you have completed one year or more of service with your employer. You will be paid your full wages if you have three years or more of service as of the start date of the maternity leave.

Special notes for young migrants

- * **Children younger than 13, including migrants, are not allowed to work in Saudi Arabia.** If you are underage and on your own (unaccompanied or not with a family member) seek help, such as with the Community Welfare Attaché. Do not lie about your age if the authorities ask you (and do not falsify your age in any document).

Ways to keep safe

- * Be careful of anyone who befriends you with promises of an easy job with good pay - they could be lying to you.
- * Be careful of anyone who offers to help you find other work or offers you a better job - this may put you in trouble with the current employer, and your legal status may be jeopardized.
- * Be careful of anyone other than your employer who demands to keep your passport or *iqama* - this leaves you vulnerable because you need these documents to move around. Your *iqama* is the document required for your free mobility in Saudi Arabia. Do not give it to anyone, which will put yourself in a vulnerable situation.
- * Do not trust strangers! Even friendly ones - male or female. However, do try to make some friends among other migrant workers.
- * Learn your way around. Find the locations of the nearest market, mosque, police station, hospital and Labour Office. These places can offer you sanctuary if you are in trouble.
- * Do not trust a broker who tells you he can register you with the authorities or get you a work permit. If you are already legally registered with your employer in Saudi Arabia and hold a valid work permit or *iqama* with that employer, it is your employer's duty to help you renew it.



Seeking help

Phoning home: If you are living in Saudi Arabia and want to telephone home (to your family, employment agent or to a government office), first you must dial an international access code - from Saudi Arabia, dial 00 - then dial your country code for Pakistan - 92 - and then your local area code and number.



Everyone is entitled to receive help - regardless of his/her situation!

If you do not understand anything in this booklet or if you need help but are afraid to approach the authorities, you may contact the Community Welfare Attaché at one of the following addresses or telephone numbers **without fear of arrest or deportation**.

Embassy of Pakistan in Riyadh - Saudi Arabia

Postal address: Diplomatic Quarters, P.O. Box 94007, Riyadh, 11693

Visiting address: Embassy of Pakistan, near roundabout No. 8,
Diplomatic Quarters, Riyadh

Working hours: (Sunday - Thursday) 8:00 am - 4:00 pm

Tel: (+966-11) 488-7272
(+966-11) 488-4111
(+966-11) 482-6473 Ext: 2116 & 2119 (Community Welfare
Attache')

Fax: (+966-11) 488-7953

24-hour line: (+966-11) 488-4111
(for support in case of immediate attention needed)

Consulate General of Pakistan in Jeddah - Saudi Arabia

Visiting & postal address: No. 17 E 7 Sector, Mushrefah, Ibrahim Al-Tassan
Street 19, Building # 58, Jeddah 21411
P.O. Box 182, Jeddah 21411

Working hours: (Sunday - Thursday) 8:00 am - 4:00 pm

Tel: (+966-12) 669-1047 (Community Welfare Attaché)
(+966-12) 669-1046

Fax: (+966-12) 669-3309

24-hour line: (+966-12) 669-1047
(for support in case of immediate attention needed)

In case of any emergency, call the following Saudi numbers

Department	Number
Police	999
Fire department	998
Traffic accidents	993
Ambulance	997

For issues related to your foreign service agreement and visa

Contact your Regional Protector Office in the Bureau of Emigration and Overseas Employment in Pakistan or the Office of Director General of the Bureau of Emigration and Overseas Employment (in Pakistan) through the following telephone numbers.

Designation	Contact address
Director General	Emigration Tower 10 – Mauve Area, G-8/1 Islamabad Phone: +92-51-9107272 Fax: +92-51-9107270
Director of Operations	Emigration Tower 10 – Mauve Area, G-8/1 Islamabad Phone: +92-51-9107261
Protector of Emigrants – Peshawar	Amanullah Khan Plaza, 2nd Floor, Opposite GPO, Lala Ayub Lane, Saddar Road Peshawar Cantt Tel: +92-91-9212050 Fax: +92-91-9212051
Protector of Emigrants – Malakand	Bahadar Khan Plaza, Main Bazar, Bathhella Malakand Tel: +92-93-2412483 Fax: +92-93-2412221
Protector of Emigrants – Karachi	14-J, Block No. 6, Near KFC, Nursery, PECHS Karachi Tel: +92-21-34531941 Fax: +92-21-34531940
Protector of Emigrants – Quetta	Quarry Road Quetta Tel: +92-81-9202436 Fax: +92-81-9202436
Protector of Emigrants – Rawalpindi	20-B1, Summer Plaza, Chandni Chowk Rawalpindi Tel: +92-51-9290439-40 Tel: +92-51-9290569 Fax: +92-51-9290442
Protector of Emigrants – Lahore	117-G Block, Model Town Lahore Tel: +92-42-99230338 Tel: +92-42-99230488 Fax: +92-42-99230492
Protector of Emigrants – Multan	House No. 136, Rehmat Colony, Near Lodhe More , MDA Road Multan Tel: +92-61-9210200 Fax: +92-61-9210207

For issues related to your welfare or other overseas Pakistanis

Contact the **Overseas Pakistanis Foundation (OPF)** on the following 24-hour helpline number:

+92-51-111-040-040.

You can also submit your complaint with the “Grievance Commissioner Cell for Overseas Pakistanis” in Federal Ombudsman Secretariat at the following website;

<http://overseas.federalombudsman.gov.pk/>



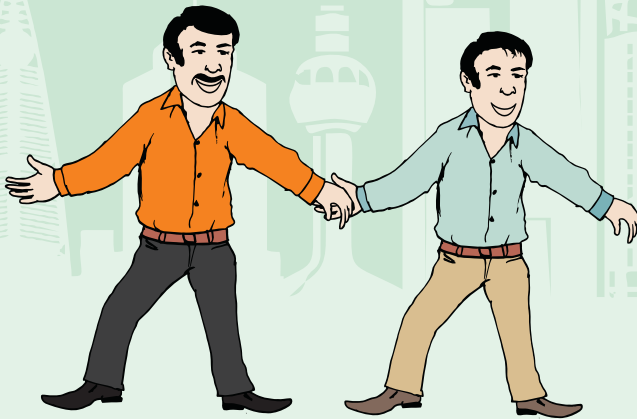
You have rights – and responsibilities!

Knowing them can help you avoid abuse and help you make the most of your time in Saudi Arabia.

Be aware!

This guide gives you advice on how to live and work safely in Saudi Arabia and what to do if you need help.

Travel Smart – Work Smart!



This booklet has been developed as a part of South Asia Labour Migration Governance project and is based on the guide developed by the ILO GMS TRIANGLE project.

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