

Ministry of Manpower
Ministerial Decision
Number 270/2018
Issuing the Organizational Code
Relevant to Reporting Non-Omani Manpower Leaving Work

In accordance with the Labor Law issued according to the Sultanate Decree Number 35/2003, pursuant to the approval of the Ministry of Finance, and based on the requirements of public interest,

It has been decided:

Article One

The attached Organizational Code shall be applied with regard to reporting non-Omani manpower leaving their work.

Article Two

The attached code shall preclude anything violating it or contradicting its provisions.

Article Three

This decision shall be published in the Official Gazette and shall become applicable (30) thirty days from the date it is published.

Issued on 12 Shawwal 1439 Hijra

Equivalent to 26 June, 2018

Abdullah Bin Nasir Bin Abdullah Al-Bakri
Minister of Manpower

Organizational Code
Relevant to Reporting Non-Omani Manpower Leaving Work

Section One

Definitions and General Provisions

Article (1)

The following words and statements, in implementing this code, shall have the meanings appearing next to them:

1. **Ministry:** Ministry of Manpower
2. **Director in Charge:** Director of the General Directorate for Manpower Care at the Ministry or the General Director at the General Directorate for Manpower in the governorate.
3. **Competent Department:** Inspection Department at the General Directorate for Labor Care at the Ministry, or the Labor Care at the General Manpower Directorate operating in the governorate, or the Manpower Department in the governorate as the case may be.
4. **Employer:** Any natural or juridical person for whom a worker or more work for a wage.
5. **Worker:** Any Omani natural or juridical person working for a wage for an employer, under his management and supervision, including domestic and similar workers.
6. **Report:** Report of a non-Omani worker leaving work.

Article (2)

Reporting a worker leaving his work is not permissible in any of the following cases:

1. The presence of labor, criminal, or civil dispute between the employer and the worker that emerged before reporting the worker having left workplace.
2. If the worker had left the country before being reported to have left his work and the employer had known this.
3. If the worker is on a due legally deserved leave or is absent for another legitimate reason.
4. If the employer had handed the worker a "no-objection letter" to transfer his services to another employer, and reported that he left his workplace before the end of the period granted to him, provided it did not exceed 30 days to transfer his services to another employer.

Article (3)

The competent department shall prepare a statement of data on workers who left their workplace and shall send it to the relevant party at the Royal Oman Police to take the necessary measures regarding them.

Article (4)

If the number of reports submitted by the establishment reached (5) or more reports in one month, or (10) or more reports during the year, it shall be referred to inspection to examine the extent to which it was committed to the provisions of the Labor Law and the Code for Occupational Safety and Health Regulations in establishments subject to the Labor Law. If it is proved that it was not compliant with the provisions of the Labor Law or the Code referred to

above, the provision of services to it shall be halted for a period of (1) one year, without undermining the penalties stipulated by the Labor Law and the administrative penalties stipulated in the Code for Occupational Safety and Health Regulations in establishments subject to the Labor Law.

Section Two

Approving the Report

Article (5)

The employer shall submit the report to the competent department as soon as he knows that the worker had left his workplace. The report is approved after (7) seven continuous days have elapsed from the date the worker left his work without legal justification.

Article (6)

The competent department shall register the report based on the data submitted by the employer and upon his responsibility.

Article (7)

The employer shall commit to depositing an amount equivalent to the value of the travel ticket in the Ministry's special account when submitting the report, and to settling all fees and fines if applicable.

Article (8)

The employer shall commit to filling out the form prepared by the Ministry for this purpose, attaching the following documents:

- A. Copy of the municipal permit.
- B. Copy of the work location ownership or a lease contract.
- C. Proof that the worker received his wages through a bank statement of account for the last 3 months preceding the date the worker left his work.

Article (9)

The employer shall be exempt from submitting one or more of the documents stated in Article (8) of this Code in the following cases:

1. The employer is exempt from submitting all documents if the worker who left his workplace a domestic worker inside or outside the home and related workers. In this case, it is sufficient to submit written proof that the worker had received his wages.
2. The employer is exempt from submitting the two documents stated in items (A and B) of article (8) of this Code if the establishment is under liquidation, based on a letter from the liquidator.
3. The employer is exempt from submitting the document stated in item (C) of Article (8) of this Code if the worker who left his workplace did not complete one month from the date of entering the country for the first time.

In all cases, the General Director may exempt the employer from attaching the documents stipulated in Article (8) of this Code if the situation requires that.

Article (10)

The employer shall commit to declare that the worker left his workplace on the Ministry's website.

Section Three

Worker's Objection to the Report or Employer's Withdrawal of Report

Article (11)

The worker shall have the right to object to the report within (60) sixty days from the date the report was approved by submitting a written request to the competent department, together with documents supporting the incident of leaving work. The competent department shall hear the testimonies of the worker and the employer, documenting them in writing. If it became evident for the competent department that the report is untrue, it shall be cancelled. The Ministry, based on a request from another employer and the approval of the worker, may transfer his services without referring to the original employer after approving the cancellation of the report.

In all cases, the competent department may cancel the report and return the worker to his work if there is evidence of an error in the report, that the worker did not leave his work, or that he was not the one meant by the report.

Article (12)

The employer may, within (6) six months of the date the report was approved, apply in writing, together with acceptable reasons, to the competent department to cancel the report provided there are no violations by the employer, and that no permit was issued for him to employ another worker in areas and activities where a specific number of non-Omani workers is allocated. The competent department shall address the application and reach a decision within 14 work days from the date it was submitted.

Article (13)

If the report is approved, the employer shall commit to pay a fee of (100) one hundred Omani Riyals, maintaining the right to reclaim the value of the travel ticket if the cancellation request is approved.

Article (14)

Cancelling or approving the report is to be ratified by the Managing Director or directors of the manpower departments in the governorates, as the case may be.

Section Four

Consequences Resulting from the Report

Article (15)

The following consequences will result from approving the report:

- A. Change of worker's status from "active worker" to "worker who left his workplace."
- B. Worker's right to the end of service indemnity due to him for his work period shall be forfeited based on his leaving work.
- C. The worker is deprived of the right to practice any other work or to transfer his services to any other employer.
- D. The worker is prohibited from entering the country.

Article (16)

The competent department shall deport the worker who left his work to his country when apprehended or when he turns himself over to it, or when he is transferred to it by the judicial authorities or the Royal Omani Police.

Article (17)

The amount deposited in lieu of travel ticket shall be returned to the employer in any of the following cases:

- A. If the worker is found working for another employer. In this case, the party employing the worker shall be required to deport him at his own expense, and is made to pay the original employer the cost incurred to bring the worker and train him in the profession, in accordance with civil responsibility principles. Service to this employer will be suspended for (1) one year, without violating the penalties stipulated in article (114) of the Labor Law referred to above.

Regarding domestic workers inside or outside the house, and similar professions, if the worker is found to be working for other than the employer who brought him, the employing party shall commit to paying an amount equivalent to what the original employer paid to the recruitment office as well as the value of the ticket to repatriate the worker, without undermining the administrative and other penalties stipulated in the laws, codes, and regulations applicable in this regard.

If the worker is found working for his own benefit without the knowledge of the original employer, the worker shall commit to paying the amount that the original employer paid to the recruitment office, in addition to the value of the ticket to his country.

- B. If the employer submits proof that the worker departed to his country for good, unless he is deported at the Ministry's expense, the claim in this case will be dropped and the amount will not be reimbursed to the employer.
- C. If 4 years pass from the date the report was approved.
- D. If the report is cancelled upon the employer's request.

Section Five

Administrative Penalties

Article (18)

An administrative fine with a maximum amount of (500) five hundred Omani Riyals shall be imposed on the employer who violates any of the provisions of this code.

Article (19)

If the report is proved correct and that his objection is unjustifiable, the worker shall be penalized with an administrative fine of a minimum amount of (400) four hundred Omani Riyals and a maximum of (800) eight hundred Omani Riyals.