



SAUDI ARABIA

REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS ¹

Updated March 2021



International
Labour
Organization

PRIVATE SECTOR WORKERS

(other than domestic workers)

DOMESTIC WORKERS

KEY LEGISLATION	Labour Law approved by Royal Decree M/51, of 2005 and its Implementing Regulations.	Ministerial Decision No. 310 of 1434 (2013) regulating the employment of domestic workers.
RECRUITMENT		
RECRUITMENT FEES	The employer shall pay for the recruitment fees (as well as the residence permit and work permit fees) of the worker. ²	There is no legal prohibition on worker-paid recruitment, but employers cannot deduct from workers' wages. ³
PASSPORT CONFISCATION	It is prohibited for employers to confiscate migrant workers' passports. Such confiscation is subject to a 5,000 Saudi Arabian riyals (SAR) (US\$1,300) fine. ⁴	It is not explicitly prohibited to confiscate a domestic worker's passport.
WORKING CONDITIONS		
CONTRACT	A written employment contract in Arabic is considered the official version in case of dispute. The Ministry of Human Resource and Social Development (MHRSD) shall set a standard form for the employment contract. ⁵	A written employment contract, in Arabic, is considered the official version in case of dispute. ⁶
MINIMUM WAGE	Not applicable. ⁷	Not applicable.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and was reviewed by Clyde & Co lawyers for accuracy.

² Article 40 of the Labour Law approved by Royal Decree M/51, of 2005 (hereafter the 'Labour Law'). If the employer charges the worker with any of the costs or fees that are set by law on the employer, the former is fined with SAR 10,000 (as provided by the Ministerial Decision No. 178743 of 1440 (2019), Article 18.

³ Ministerial Decision No. 310 of 1434 (2013), Article 9.

⁴ The fine was established under the Saudi Arabian Council of Ministers Decision No. 166 of 1421 (2000) Regulating Relations between Migrant Workers and Their Employers, Supreme Economic Council, and was later increased in 2019 by Ministerial Decision No. 178743 of 1440 (2019) approving the table of violations and corresponding penalties to the Implementing Regulations of the Labour Law (available in Arabic at: <https://mlsd.gov.sa/sites/default/files/178743.pdf>).

⁵ Labour Law, Article 52, as amended by clause 9 of the Saudi Arabia Cabinet Decision No.258 of 1436 (2015). If the term of the contract is not specified, then the term of the work permit will be the term of the contract (article 38).

⁶ Furthermore, the contract must be documented through the Musaned platform (electronic platform for the hiring of domestic workers), in compliance with the Ministerial Decision No.61842 of 1439 (2017).

⁷ While Saudi Arabia does not have a minimum wage, in order for a Saudi worker to be taken into account in the points system of the Nitaqat (Saudi employment nationalization programme), they must receive a monthly wage of no less than SAR 4,000.

<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, the working hours for Muslims shall be reduced to 6 hours per day, or 36 hours per week.</p> <p>The number of working hours may be raised to nine hours, and in certain cases to a maximum of 10 hours, per day.</p> <p>Workers are entitled to 30 minute breaks for rest, prayer and meals for every five hours worked.</p>	<p>Up to 15 hours per day including breaks.</p> <p>Break time is not specified, but the total daily rest period should be of at least nine hours' duration.</p>
<p>REST PERIODS</p>	<p>Friday shall be the weekly rest day for all workers. However, the employer may - after notifying the competent Labour Office - replace Friday by any other weekday for some workers, provided that the employer allows them to perform their religious duties.⁸</p> <p>In remote areas and in jobs where conditions require "continuous work", weekly rest periods may be consolidated for up to eight weeks, upon mutual agreement between employers and workers. Such an agreement is subject to the Ministry's approval.</p> <p>In some limited cases, including "unusual work pressure", there may be an exception to the rest period requirement.</p>	<p>One day per week.</p>
<p>OVERTIME</p>	<p>Overtime is paid at a rate of 150 per cent of the basic hourly wage. All working hours spent during holidays will be considered as overtime hours.⁹</p>	<p>Not provided for by law.</p>
<p>PAYMENT OF WAGES</p>	<p>Wages must be paid monthly through the Wage Protection System to an accredited bank.</p>	<p>Wages must be paid by the end of the Islamic calendar month, unless contractually agreed otherwise.</p> <p>Employers should pay in cash, cheque or deposit the wage in a bank account upon workers' request.</p> <p>Domestic workers are not included in the Wage Protection System, but all employers must register for the Household Payroll Card, under which workers can withdraw their salary by automated teller machine (ATM).¹⁰</p>
<p>ANNUAL LEAVE</p>	<p><i>During the first five years</i> 21 days of annual leave.</p> <p><i>For subsequent years</i> 30 days of annual leave.</p>	<p>30 days every two years.</p>

⁸ Labour Law, Article 104.

⁹ Labour Law, Article 107.

¹⁰ The debit-like card was introduced in December 2017 and is mandatory for all employers as of July 2018 via the Musaned system. The card is acceptable within Saudi Arabia only and it accepts deposits only from the sponsor.

OTHER REQUIREMENTS	<p>Working outdoors is prohibited between 12.00pm and 3.00pm in summer, usually from 15 June through 15 September, except for oil and gas workers. There is a dedicated hotline to report violations of this rule. ¹¹</p> <p>Workers are entitled to 30 days of sick leave at full pay; 60 days of sick leave at three-quarters pay; and 30 days of unpaid leave thereafter. ¹²</p>	<p>Workers must be provided with suitable accommodation.</p> <p>30 days of paid sick leave per year based on a medical report proving the need for leave. The worker must be provided with healthcare.</p>
END OF SERVICE GRATUITY	<p><i>During the first 5 years</i> Half a month's wage per year.</p> <p><i>For subsequent years</i> One month's wage per year.</p>	<p>One month's wage for every four consecutive years of service.</p>

FREEDOM OF ASSOCIATION

RIGHT TO JOIN TRADE UNION	<p>Saudi workers are allowed to form workers' committees in workplaces that employ more than 100 (Saudi workers), ¹³ however migrant workers are not able to join such committees.</p>
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GRIEVANCES AND DISPUTE RESOLUTION

<p>LODGING COMPLAINTS/ RESOLVING DISPUTES</p>	<p><i>Conciliation</i></p> <p>Before filing a claim with the Labour Court, a claim must be filed for amicable resolution with the local Labour Office. ¹⁴ This can be done electronically through the MHRSD. The Amicable Settlement Department will set two sessions for the dispute to be negotiated between the parties. If the defendant does not attend after two requests, the MHRSD will contact him/her via the police. If the parties are present yet no settlement is reached, the case will then be transferred to the Labour Court. ¹⁵</p> <p>If there is a settlement between the parties, the report issued by the Amicable Settlement Department is recognized as an "enforceable document" that can be filed with the enforcement judiciary. ¹⁶ In case of non-compliance by either party, the enforcement judge may issue an invoice that is sent to the party's mobile. If they do not settle the invoice within five days, they shall be subject to various penalties including a travel ban. ¹⁷ The parties cannot raise again any of the issues that were covered by the settlement (in a new claim).</p>	<p><i>Conciliation</i></p> <p>In case of a financial claim between a domestic worker and the employer, a claim can be made to a Committee, which will be guided by Shari'a Procedure Law. The Committee will examine the dispute in the presence of the parties (or a representative of a party) and try to come to an amicable resolution. If there is no resolution within 10 working days from the submission of the claim, the Committee will issue its decision. ¹⁸</p> <p>The person against whom the decision was issued shall have the right to appeal to the Labour Court within ten days from the date of its receipt.</p>
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¹¹ Ministerial Resolution No. 3337 (2014).

¹² Labour Law, Article 117.

¹³ Council of Ministers Decree No. 12 of 1422 (2001).

¹⁴ Royal Decree number (M/14) of 1440 (2018).

¹⁵ Ministerial Decision No. 2835 of 1427 (2006).

¹⁶ Mediation reports can be filed online via the Ministry of Justice portal. See: www.moj.gov.sa.

¹⁷ The penalties under set out under Article 46 of the Enforcement Law. For further information, see Alarabiya News, "Saudi Justice Ministry: Labor Mediation Reports Are Now Enforceable Documents", 01 January 2019. See also: Arab News, "Saudi Labor Reports Are Now 'Enforceable Documents'", 1 January 2019.

¹⁸ Ministerial Decision No. 310 of 1434 (2013), article 21.

	<p>Judicial remedy</p> <p>Labour Courts in Saudi Arabia can hear disputes related to employment contracts, rights, injuries, compensation, termination and social insurance claims.¹⁹ If there is no amicable settlement (see above), a case can be brought before a Labour Court. According to an announcement of the Ministry of Justice, labour claims should not take more than 30 days from the date of the first hearing for a judgment to be issued.²⁰</p> <p>A judgement of the Labour Court can be appealed, except judgements with respect to small labour claims which are final, namely:²¹</p> <ul style="list-style-type: none"> • labour claims where the value of the claim does not exceed SAR 50,000; • claims for service certificates; or • objections to any penalties imposed by the employer on the worker, except for dismissal. 	
<p>SHELTERS AND PROTECTION SERVICES</p>	<p>None identified.</p>	<p>The MHRSD operates a shelter in Riyadh to assist domestic workers in claiming their wages and returning home. Other smaller centres also exist around the country. Some countries of origin also operate embassy/consulate shelters.</p>

SPONSORSHIP

<p>SPONSORSHIP AND CHANGING EMPLOYERS</p>	<p>With permission of employer</p> <p>Only after at least one year of employment with current employer.</p> <p>Without permission of employer</p> <p>From 14 March 2021 workers covered by the Labour Law can change employers after one year, without the permission of the first employer, subject to certain conditions being met,²² including that the new employer submits a job offer through the Qiwa platform, and the notice period is complied with.</p> <p>Otherwise, termination without permission will only be permissible in the following circumstances:</p> <ul style="list-style-type: none"> • During the trial period.²³ • The employer fails to renew the worker’s residency permit. 	<p>With permission of employer</p> <p>Anytime.</p> <p>Without permission of employer</p> <p>After two years of work with the employer.</p> <p>Domestic workers can only change employers before two years if:²⁴</p> <ul style="list-style-type: none"> • The employer fails to pay the salary for three consecutive or intermittent months. • The employer is not present to receive the worker when they arrive in the country, or does not “pick up” the worker within 15 days of arrival. • The employer fails to obtain a residency permit or to renew the expired permit. • The employer assigns the domestic worker to work for others (non-relatives).
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19 Full list of matters where Labour Courts have jurisdiction can be found in Article 34 of the Law of Civil Procedures.

20 See <https://www.moj.gov.sa/ar/MediaCenter/News/Pages/NewsDetails.aspx?itemId=920>

21 Supreme Judicial Council Resolution No. (413/10/40) of 1440 (2018).

22 Ministry of Human Resources and Social Development, Resolution No. 51848 of 1442 (2020). The employee must obtain the new job offer through the Qiwa portal. The worker, taking into account their notice period, must submit a notice of the transfer request to their current employer.

23 If the worker is on a trial period, this trial period shall be stated explicitly in the employment contract and not exceed ninety days (but can be extended by written agreement between the worker and the employer) to up to 180 days.

24 Ministerial Decision No. 605 of 1438 (2017).

	<ul style="list-style-type: none"> • If the employer fails to pay the worker’s wages for three consecutive months, the worker can change employers at any time during the year that follows the due date of the third month of delayed wages. • The worker has denounced a commercial cover-up activity involving the employer, with evidence to this effect and without involvement on the worker’s own part.²⁵ <p>The Ministry may however prevent a renewal of work permit, or transfer if the employer violates the standards related to nationalization.²⁶</p>	<ul style="list-style-type: none"> • The employer requires the domestic worker to perform hazardous tasks. • The employer files an “invalid complaint” that a worker has absconded. • The employer fails to attend two sessions addressing a complaint filed by the worker. <p>In case the domestic worker quits her work, the employer must report this to the nearest police station to his/ her home.²⁷</p>
<p>LEAVING THE COUNTRY</p>	<p><i>Exit and re-entry visa</i></p> <p>Workers can apply for a visa to exit and re-enter Saudi Arabia during the period of their contract. Workers are required to submit an application through the Absher portal. The worker will incur the fees associated with the application.²⁸</p> <p><i>Exit visa</i></p> <p>If a worker wishes to leave Saudi Arabia permanently during their contract period or after it expires, he/she must apply for an automatic exit visa through the Absher portal, provided that he or she is not subject to any unpaid fines or government violations.</p>	<p>Domestic workers require an exit permit to leave the country.</p>

²⁵ Implementing Regulations, which came into effect in April 2016 (Ministerial Decree No. 1982).

²⁶ Labour Law, article 35. Nitaqat guide issued by the Ministry of Labour, Saudi rules on transfer of services.

²⁷ Ministerial Decision No. 310 of 1434 (2013), Article 13.

²⁸ Please see: Ministry of Human Resources and Social Development, [Labor Reform Initiative \(LRI\) Services Guidebook](#), 2020. A worker can also apply for an automatic exit and re-entry visa for their dependents.