



# DECENT WORK CHECK

## **OMAN** 2023

Ayesha Mir  
Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

## The Authors

Ayesha Mir works with WageIndicator Islamabad Office.

Corresponding author: Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research which is the global labour law office of the WageIndicator Foundation. He can be contacted at [iftikharahmad@wageindicator.org](mailto:iftikharahmad@wageindicator.org)

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## Bibliographical information

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## WageIndicator Foundation, 2023

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email [office@wageindicator.org](mailto:office@wageindicator.org)

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Oman 1996, last amended in 2011
2. Labour Law (Royal Decree No. 35/2003)
3. Ministerial Order No. 222 of 2013 fixing the Minimum Wage for Omani Workers in the Private Sector.
4. Ministerial Order No. 541 of 2013 Limiting the Annual Allowances on the Employees Working in Private Sector Procedures and the Conditions for Dispensing it
5. Ministerial Decree No. 286/2008 Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law
6. Social Insurance Law (Royal Decree No. 72/1991)

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Oman has not ratified the Convention 95, 117 and 131.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Labour Law (Royal Decree No. 35/2003)
- Ministerial Order No. 222 of 2013 fixing the Minimum Wage for Omani Workers in the Private Sector
- Ministerial Order No. 541 of 2013 Limiting the Annual Allowances on the Employees Working in Private Sector Procedures and the Conditions for Dispensing it

## Minimum Wage

Ministry of Manpower determines the minimum wage rates for the employees of private sector and the procedures and conditions of their payment. Minimum wage is determined according to the economic circumstances (in the country). The minimum wage rates are determined for a certain category of workers who hold jobs or occupations, the circumstances or nature of which require such determination.

The current minimum wage for the Omani private sector employees is 325 Omani Rials per month (225 Omani Rials basic salary and 100 Rials as allowances). Ministerial Decision No. 541/2013 provides for mandatory increase in the basic salaries of Omani workers in the private sector at the rate of at least 3%, payable on the 1 January of each year. An employee must have spent at least six months of service with the same employer and should not have received poor performance in his annual report.

Source: §50 of the Labour Law (Royal Decree No. 35/2003); Ministerial Order No. 222 of 2013 fixing the Minimum Wage for Omani Workers in the Private Sector; Ministerial Order No. 541 of 2013 Limiting

the Annual Allowances on the Employees Working in Private Sector Procedures and the Conditions for Dispensing it

## Regular Pay

Wages and other payments entitled to the employee are paid in the legal tender, i.e., the Omani Rial. Payment of wages in kind, if agreed between the parties, is also allowed.

Employer is obliged to pay wages on a working day and at the workplace. The wage payment period varies between one week to one month. Employees appointed on monthly basis should be paid at least once a month. To the piece workers and for the work that requires a period of more than two weeks, weekly wage must be paid at the end of one week according to the work done (in a week) and full wage is paid in the week following the completion of work assigned to them. Whether the wage period is one week or one month, wages must be paid within seven days of completion of wage payment period. According to a resolution by the Minister, salaries may be paid before due date on national and official occasions.

An employer must deposit the worker's salary in employee's account in one of the locally approved banks. Exceptions to this rule must be determined by resolution of the Minister.

If an employee has borrowed some money from the employer, the deduction must not be more than 15% of the monthly salary (for repayment of debt) and there must not be any interest applied on the loan. This percentage can be amended in case employer introduces a loan system approved by the Ministry. Only one-quarter (25%) of a worker's wages can be attached or assigned for the discharge of alimony, or

to repay any amounts owed by him to the government or to the employer.

An employer cannot transfer a monthly wage worker to the category of hourly, daily, weekly workers or workers on piece basis unless with the worker's written consent to transfer however in that case worker still will have all the rights of a monthly wage worker that he acquired.

In case of absence from work, employees are paid according the actual hours they worked however the salary is not deducted in case the employee is summoned to appear as a witness before the court or the public prosecutor.

Sources: §49-60 of the Labour Law (Royal Decree No. 35/2003)



# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Oman has not ratified any of the above-mentioned Conventions.**

### *Summary of Provisions under ILO Conventions*

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Labour Law (Royal Decree No. 35/2003)

## Overtime Compensation

Normal working hours are nine hours a day and forty-five hours a week. After every 6 hours of work, workers must be provided with one or more intervals of taking food and rest. The minimum duration of all such intervals is at least 30 minutes. During Ramadan, working hours for Muslim workers are six hours a day and thirty hours a week.

If the business interests so dictate, a worker may be required to work for more than nine hours a day provided that the total working hours, inclusive of overtime, do not exceed 12 hours per day. An employer is required to pay a worker at least 125% of his wages for working overtime during day time. If overtime is performed during night hours, a worker must be paid at least 150% of his wages for overtime hours. Instead of paying monetary compensation, an employer may provide a worker time-off equal to the hours of overtime. An employee must agree in writing to the extra/overtime work and the monetary compensation or time-off.

The worker and employer may agree, after approval of the Ministry, on payment of a fixed allowance in lieu of overtime payments for employees engaged in overtime work at ports, airports, on vessels, ships and aircrafts. In case of overtime, employee is paid his basic salary plus allowance of 25% at least or employee is given permission to rest for the extra hours he has worked, provided that employee agrees to such an arrangement.

Employer may derogate from above provisions and worker may be required to work more than nine hours a day and 45 hours a week in the following instances: work at the end of a financial year (annual inventory, preparation of balance sheet, liquidation, blocking of accounts and arrangements for sale with reduced prices), provided that in such cases, the number of the days on which the working hours exceed nine hours a day may not be more than fifteen days per year, unless longer periods are approved by the concerned Directorate; to prevent the occurrence of an accident or maintaining the result thereof or to avoid an anticipated loss to perishable materials; to meet an extraordinary work pressure; seasonal works, defined by a decision from the Minister.

If above referred work is performed by a worker, the employer must make an extra payment equal to the basic salary against the extra work plus at least 25% premium for day time working hours and at least 50% for night time work hours. If such work is performed during the weekly rest day or public/official holidays, the worker is entitled to double wage for that day unless he is given another day off in lieu of (after agreement with the worker).

Sources: §68-73 of the Labour Law (Royal Decree No. 35/2003)

## Night Work Compensation

Night working hours are defined as the work done between 21:00 to 05:00. If an employee has to work overtime at night, he/she is entitled to 150% of the wage rate for normal working hours.

Sources: §1 & 70 of the Labour Law (Royal Decree No. 35/2003)

## Compensatory Holidays / Rest Days

Workers can be engaged on certain tasks during the weekly rest periods and public holidays. In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. In such cases, worker is either entitled to a day off in lieu of work done or paid double salary for work on such days.

In case of work performed on public holidays, workers are entitled to payment for their work in addition to their normal pay for that day (at least 25% premium) or compensatory time-off is granted. If public holiday coincides with the weekly rest day, it is compensated by another day off.

Sources: §65 & 73 of the Labour Law (Royal Decree No. 35/2003)

## Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employee has to work on official holidays, employee is entitled to receive gross salary with at least 25% overtime allowance. When a worker has to work on weekly rest day or official holiday due to extraordinary circumstances, he/she is entitled to 200% of the gross salary if a day-off is not granted.

Sources: §65 & 73 of the Labour Law (Royal Decree No. 35/2003)

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Oman has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Labour Law (Royal Decree No. 35/2003)

### Paid Vacation / Annual Leave

A worker is entitled to at least 30 days of annual leave with full salary. A worker must have worked for at least six months in order to qualify for annual leave.

A worker is obliged to take leave considering the work interests. Law also allows splitting of annual leave in accordance with requirements of the work. Annual leave may be postponed for one year. A worker must go on annual leave for a period of at least two weeks once every two years.

In the event of termination of employment before a worker could avail annual leave, worker is entitled to basic wages for unavailed days of annual leave. A worker may receive payment for unavailed days of annual leave even during employment if he has agreed to that in writing.

An employer may deprive a worker of his wages for the leave period or recover the amount of paid wages if it is proved that a worker has worked during such leave with another employer.

Sources: §61-64 of the Labour Law (Royal Decree No. 35/2003)

### Pay on Public Holidays

Public holidays are paid rest days of religious or memorial nature. The minimum number of paid public holidays is

nine – these are based on the decision of the Minister. The worker is entitled to the wages that would have been earned for working on that day.

Employees are entitled to public holiday benefits for the following days: Al Hijra (Islamic New Year), Milad Un Nabi (The Prophet's Birthday), Lailat Al Miraj (The Prophet's Ascension), Renaissance Day (23 July), Eid Al Fitr (4 days), Eid Al Adha (4 days) and National Day (18th November). Dates of Muslim festivals are subject to sighting of moon and thus are liable to change.

If a public holiday falls on weekly rest day, workers are entitled to another rest day. However, if a public holiday falls during the annual leave of a worker, he is not entitled to extra compensation or compensatory rest day.

Sources: §65 of the Labour Law (Royal Decree No. 35/2003)

### Weekly Rest Days

In Oman, employees are granted at least two consecutive days of rest per week after five continuous working days. Weekly rest days are paid days and employees must not work consecutively on more than eight weeks accumulating weekly rest days. Working on weekly rest days for eight consecutive weeks is allowed only if the Minister has permitted and both employee and employer agree, in writing, to work on weekly rest days. If an employee has to work on weekly rest days, additional days off or monetary compensation is provided.

### Mid-day Break

The midday break must be provided to the

workers from 1 June to 31 August during 12:30 to 3:30 pm. The employer should provide first aid tools, waters for washing, air-conditioned bus.

Sources: §71-74 of the Labour Law (Royal Decree No. 35/2003)

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Oman has not ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Labour Law (Royal Decree No. 35/2003)

## Written Employment Particulars

A contract of work is a contract under which a natural person undertakes to work for the interest of an employer and under his management and supervision in consideration of a wage.

An employment contract must be concluded in written form, which must be drawn up and signed between the parties before commencement of employment. The employment contract must be drawn up in two originals, one copy for each party. It should be written in Arabic. If the contract is written in any other language, a copy of contract must be drawn up in Arabic which is approved by the two parties and is equally authentic. If there is no written contract, a worker may establish his rights by all means of proof (like pay slips). If one of the parties is unable to read/write and does not understand the language of the contract, such contract is authenticated by the competent authority according to the law. An employer is required to give a receipt of documents and certificates deposited with him by the worker.

A contract of employment must state the following information: name of the employer and the establishment and address of the work place; name of the worker, his date of birth, qualification, job or occupation, place of residence and nationality; the nature and type of work and duration of the contract (fixed term or indefinite term); the basic salary and any allowances, privileges or remunerations to which the worker is entitled under the

current terms of employment, and the method of calculation and time of payment of the agreed wage; the reasonable period of notice given by anyone of the parties who intends to revoke the contract, provided that the period of notice given by the employer is not less than the period prescribed by law; and any other particulars to be specified by the law.

An undertaking from worker is also the part of a contract, which includes an agreement to the terms and conditions of work as provided in the contract; that the employee respects Islamic religion, the laws, customs and social traditions of the country; and does not engage in any activity which is detrimental to the country's security.

Employer should not deviate from the terms of contract and should not assign a work to the employee that has not been agreed upon except when the work is not much different from the work assigned or if that work is assigned temporarily or in emergency situations.

Sources: §1 & 21-25 of the Labour Law (Royal Decree No. 35/2003)

## Fixed Term Contracts

The Omani labour law provides for both fixed term and indefinite term employment contracts. The fixed term contracts are effective. A contract of work terminates on the expiry of its period or completion of the work agreed upon. It is clear from above provision that labour law allows hiring of fixed term contract workers (especially foreign workers are always hired under fixed term contracts). The law, however, does not prescribe the maximum duration of fixed term contracts and it seemingly does not prohibit fixed term contracts for



tasks of permanent nature.

The Labour Law further provides that if a worker continues working after the expiry of a fixed term contract, the contract is deemed to be renewed for an indefinite period.

Sources: §36 & 43 of the Labour Law (Royal Decree No. 35/2003)

## Probation Period

Probationary period is a period during which the suitability of the worker is being examined and which enables the employer to assess the worker, either from the technical or moral point of view, and which enables the worker to become acquainted with the conditions of work.

The maximum duration of probation period is three months for employees paid monthly wages and one month probation for other workers. An employee may not be placed on probation for more than once with the same employer. If an employee completes the probation period successfully and continues the employment afterwards, the probation period is included in the period of service.

When it becomes obvious that the continuation of employment is not suitable, either party may terminate the contract during probationary period by giving a notice of at least 7 days to the other party.

Sources: §1 & 24 of the Labour Law (Royal Decree No. 35/2003)

## Notice Requirement

An employment contract terminates in any

of the following cases: expiry of its term or on completion of the work agreed upon; death of the worker; disability of the worker to perform his work; resignation or dismissal of the worker or abandonment of the work in accordance with the provisions of law; and sickness of a worker (for a continuous or uninterrupted period of at least 10 weeks during one year).

Law also provides for the cases where an employer as well as an employee can terminate an employment contract (with or without notice).

An indefinite term contract may be terminated by either party by giving a 30-day contract termination notice (applicable to workers employed and paid on monthly basis). For other workers, a 15-day contract termination notice is required under the law unless a longer period is agreed to in the contract.

A contract terminating party (employer or employee) has to pay gross wages for the notice period or part remaining thereof in lieu of notice if a contract is terminated without complete observation of notice period. An employer cannot terminate a worker on leave or public holiday and any such notice commences on the end of such leave or holiday.

Sources: §36-43 of the Labour Law (Royal Decree No. 35/2003)

## Severance Pay

On the termination of an employment contract, an employer either has to pay an end of service gratuity or maintain a workers' saving fund at the enterprise. The employer's contribution to this Fund is at least equal to the gratuity the worker is

entitled to at the end of service.

Employees are entitled to end of service gratuity (severance pay) depending on the length of their employment with the employer. The qualifying period is one year of service. The amount of severance pay is fifteen (15) days wages for each year of service for the first three years and one month's (30) wage for each additional year. A worker is entitled to gratuity for a fraction of year on proportionate basis. An employee's last salary is considered the basis for calculation of gratuity.

Sources: §39 & 44 of the Labour Law (Royal Decree No. 35/2003)

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Oman has not ratified the Convention 156 and 165.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## **Regulations on family responsibilities:**

### **Paternity Leave**

No provisions could be located in the law regarding paternity leave

### **Parental Leave**

No provisions could be located in the law regarding parental leave.

### **Flexible Work Option for Parents / Work-Life Balance**

No provisions could be located in the law to create flexible work option for parents in order to create work-life balance.

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Oman has not ratified the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Labour Law (Royal Decree No. 35/2003)
- Ministerial Decree No. 286/2008 Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Free Medical Care

The Labour Law entitles all employees to certain type of medical treatment at the employer's expense. The Omani nationals are entitled to receive free medical treatment at government-owned hospitals and clinics. The cost for dental, ophthalmic and maternity treatment are however excluded from the provision of free services.

Sources: §33 of the Labour Law (Royal Decree No. 35/2003)

## No Harmful Work

Labour Law prohibits employment of women to perform work that is harmful to their health or hard work or other such work as may be specified by the decision of the Minister. Women may not be required to work between 21:00 and 06:00 except in cases, works and occasions specified by the decision of the Minister.

Employers are further prohibited to employ women in any conditions that expose them to materials, factors or occupational practices which can adversely affect the women's physiological capabilities or cause negative impact (directly or indirectly) on safe delivery of children or the health or safety of fetuses or infants.

Sources: §81 & 82 of the Labour Law (Royal

Decree No. 35/2003); §28 of Ministerial Decree No. 286/2008 Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Maternity Leave

Female workers are entitled to six-week paid maternity leave, to cover pre and post maternity period. The maternity leave is fully paid and allowed three times during the entire service. Workers are also entitled to additional period of 6 months' unpaid leave in the event of sickness attributable to pregnancy or delivery (if proven by a medical certificate).

Sources: §83 of the Labour Law (Royal Decree No. 35/2003)

## Income

Workers on maternity leave are entitled to full wages during the fifty-day period, paid by the employer.

Sources: §83 of the Labour Law (Royal Decree No. 35/2003)

## Protection from Dismissals

It is not lawful for the employer to dismiss a pregnant worker, an employee who has recently given birth or during any period of special maternity leave. A full-time female worker cannot be dismissed by the employer for her absence due to sickness which is attributed to pregnancy or delivery and is confirmed by the medical certificate. Such period of absence must not exceed six months.

Sources: §84 of the Labour Law (Royal Decree No. 35/2003)

## Right to Return to Same Position

There is no legal provision regarding right to return to the same position after availing maternity leave.

## Breastfeeding

There is no legal provision regarding nursing breaks.

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Oman has not ratified the Convention 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.



## Regulations on health and safety:

- Labour Law (Royal Decree No. 35/2003)
- Ministerial Decision No. 286/2008 Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Labour Law. Workers have the right to the type of work and working environment which is safe and without risk to health.

Employers have to ensure the health and safety of worker from injury to their health and dangers of work and machinery by providing safe and hygienic workplace and work equipment; by ensuring clean workplace and complying with the conditions of health, safety and occupational health; and ensuring that machines and work equipment are installed and kept in safe conditions.

Employee must use the safety equipment with care and act according to the prescribed instructions to preserve his health and protect himself from getting injured. Employee must not involve in any action that tends to obstruct implementation of the instructions or the misuse or causing of damage or loss to the means provided for the protection, safety and health of other employees.

Minister in co-ordination with the concerned Governmental entities determines special precautionary

measures for specific types of work and general safety precautions and occupational health measures that must be applied in all workplaces especially in respect of lighting and ventilation, air circulation, temperature, noise, drinking water, lavatories, the expulsion of dust and smoke, employees' sleeping places and firefighting measures. Employees sleeping places, clothes changing places, and the area designated for serving food must also be safe keeping in view the safety and health of the employees.

Employees who work in hazardous conditions must get periodic medical check up to ensure their physical, mental and psychological health. Employer must also provide first aid equipment at the workplace. Precautionary measures must be taken to tackle hazards of fire; mechanical and electrical risks; chemical hazards; risks of harmful rays, occupational cancer and asbestos.

An employer is under obligation to organize a labour protection system which includes internal supervision of the working environment, including evaluation of the working environment risks; establishment of an organizational structure of the labour protection; and consultation with employees in order to involve them in improvement of labour protection.

Sources: §87-90 of the Labour Law (Royal Decree No. 35/2003; Ministerial Decision No. 286/2008 introducing the Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Free Protection

According to the Labour Law, it is obligatory for the employer to provide protective equipment for free and must not charge or deduct any amount from the employees' salary for the provision of such equipment.

The employer must provide the employee with work clothes and personal protective equipment that suits the nature of the work. Equipment and uniform must be according to the safety standards and in accordance with the actual exposure to the hazards. Workers' awareness on the usage and maintenance of personal protective equipment must be raised. Signs in readable language should be displayed at conspicuous places in all the hazardous areas where entry is prohibited without wearing of personal protective equipment. Employer must set up a system for keeping, maintaining, cleaning and sterilizing all the work uniforms and equipment and also prohibit the transfer of pollution causing materials to the place outside where they are used. Disposal of any such material by safe and adequate methods is also required from the employer.

Source: §87 of the Labour Law (Royal Decree No. 35/2003); §9 & 18 of the Ministerial Decision No. 286/2008 introducing the Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Training

The employer must acquaint the employees before commencement of work about the hazards they might be exposed to in their occupation and train them about the preventive measures that must be

taken to ensure health and safety at workplace. A worker is required to abide the instructions to maintain health and safety at the workplace.

If an employer employs ten or more employees, he is required to setup an Occupational Safety and Health programme including training programmes on OSH procedures, adequate to the nature and size of the enterprise. Employer must raise the awareness of the employees by training them on using, maintaining and protecting the equipment. Employer must prepare a guidance directory for the use and maintenance of work uniform and personal protective equipment. Such directories should be placed in work area specified for the use of such equipment.

Source: §87 of the Labour Law (Royal Decree No. 35/2003); §7, 10 & 18 of the Ministerial Decision No. 286/2008 introducing the Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

## Labour Inspection System

Labour inspection is one of the main responsibilities of the Labour Division of the Omanis Ministry of Manpower and it comes under the General Directorate of Labour Care (GDLC). Four of the six departments GDLC (Labour Inspection, Occupational Safety and Health, Labour Services, and the Office of Joint Inspection) conduct inspections to ensure compliance with different provisions of labour law.

Inspectors are appointed by the Minister to monitor the OSH conditions at workplace and ensure that the employer is complying with the decisions taken by the Minister. These inspectors can enter the workplace

during working hours without prior notice, check the employee's records and question whoever they want and prepare a report. If an employer is violating the regulations, the concerned Directorate issues warning on the basis of the report to eliminate the violation within prescribed time period.

The inspection visits to the private sector establishments are organized to ensure compliance with labour legislation. The Department of Occupational Safety and Health under the GDLC also conducts regular inspection visits to ensure that employers abide by the safety and health provisions. The Labour Services department monitors compliance with provisions related to workers' social welfare and the Office of Joint Inspections ensures through regular inspection visits that no illegal foreign worker is employed and all workers have valid work permits.

The legislation related to labour inspection in Oman is the Labour Law, issued by the Royal Decree No. 35/2003; the Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law, issued by Ministerial Decision No. 286/2008; and the Ministerial decision No, 11/2008, concerning the approval of the "Guide to Labour Inspection".

Source: §90 of the Labour Law (Royal Decree No. 35/2003); §1-6 of the Ministerial Decision No. 286/2008 introducing the Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Oman has not ratified the Convention 102, 121 and 130.**

### *Summary of Provisions under ILO Conventions*

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Labour Law (Royal Decree No. 35/2003)
- Social Insurance Law (Royal Decree No. 72/1991)

## Income

In case of illness, workers are entitled to a maximum of 10 weeks of paid sick leave. The total duration remains the same irrespective of whether the leave is divided or continuous and is granted as follows: full wages for the first two weeks of illness; three-quarters (75%) of the gross wages for the third and fourth weeks; half (50%) of the gross wages for the fifth and sixth weeks; one-quarter (25%) of the gross wages for seventh to tenth week of illness.

If a worker has exhausted his sick leave (10 weeks) and is still ill, he/she may also use his annual leave (30 days) as sick leave. Sickness of a worker is proved by a medical certificate.

Source: §66 of the Labour Law (Royal Decree No. 35/2003)

## Medical Care

It is obligatory for the employer to provide medical facilities for his workers. Employer should hire a qualified nurse to carry out basic first aid if the number of employees is more than one hundred. A doctor should also visit regularly and necessary medicine must be provided free of cost. If the number of employees exceeds five hundred, then in addition to above mentioned facilities, employer should also provide facilities of treatments that requires consultation with

the specialist doctors or surgery operations and all the necessary medicines free of charge except the costs of dental, ophthalmic and maternity treatment.

If the worker gets treated in a government or a private hospital, the employer pays the cost of treatment, medicine, and in-patient care at the hospital according to the regulations and financial rules applicable in such hospitals.

Source: §33 of the Labour Law (Royal Decree No. 35/2003); §31 & 32 of the Social Insurance Law (Royal Decree No. 72/1991)

## Job Security

Employment of a worker is secure during ten weeks of paid sick leave. The contract of employment terminates if an employee takes off from work for more than ten weeks in a year, continuously or not, due to sickness.

Source: §43 of the Labour Law (Royal Decree No. 35/2003)

## Disability / Work Injury Benefit

Work injuries are can lead to the following four situations: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of full incapacity/disability, the benefit is either 75% of the gross salary or old age pension, whichever is greater. Minimum pension is 202.5 Oman Rials.

If the disability is equal to or more than 30% , it is referred to as permanent partial disability. The benefit is a percentage of full pension and is paid according to the

assessed degree of disability (gross salary x 75% x percentage of disability). If the assessed degree of disability is less than 30%, the benefit is paid as a percentage of a lump sum of 36 times the monthly pension according to the assessed degree of disability (gross salary x 75% x percentage of disability x 36).

In the event of temporary disability, a daily allowance of 75% of the insured worker's monthly earnings divided by 30 is paid as long as the insured person is unable to work.

In the case of fatal injury, dependents (widow/ widower, children) receive altogether 75% of the pensionable salary with minimum limit of 202.5 Rials or old age pension, whichever is greater in amount. 25% of the deceased worker's pension is paid to the widow(er). In case of more than one widows, pension is split equally. The widow's pension ceases on remarriage. 50% of the deceased worker's pension is paid to the son up to the age of 22 years (26 years for students, no age limit for disabled) and unmarried daughters (no age limit).

Source: §31-50 of the Social Insurance Law (Royal Decree No. 72/1991)

# 09/13 SOCIAL SECURITY

## **ILO Conventions**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions  
Employment Injury Benefits: Conventions 121 (1964),  
Invalidity, Old age and survivors' benefits: Convention 128(1967)  
Medical Care and Sickness Benefits: Convention 130 (1969)  
Unemployment Benefits: Convention 168 (1988).

**Oman has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.



## Regulations on social security:

- Social Insurance Law (Royal Decree No. 72/1991)

## Pension Rights

Law provides for both full pension as well as early pension. The qualifying condition for old age pension is reaching the age of 60 years with at least 180 months/15 years of contributions or age of 55 years with at least 120 months/10 years of paid contributions (women). For early pension, a worker must have reached the age of 45 years (same for women) with at least 240 months/20 years of paid contributions (men) or 180 months/15 years (women) of paid contributions.

The amount of old-age pension and early old age pension is 3% of the insured worker's average wage in the last 5 years of employment multiplied by the number of full years of contributions under the insurance scheme. The amount of minimum pension is 202.5 Rials per months and maximum pension is 80% of the pensionable salary (basic + allowances). The early pension is reduced according to age and gender of the worker. For men, the reduction ranges from 6% (age 59) to 30% (age 45). For women, the reduction ranges from 7% (age 54) to 25% (age 45).

Other than old age pension, there is also provision for end of service benefit and end of service grant. End of Service Benefit is paid as a lump sum of the insured worker's last monthly salary for each of the first three years of contributions plus two times the monthly salary for each contribution year thereafter. The End of Service grant is paid as lump sum of the worker's last monthly salary for each year of contribution up to a

maximum of 10 years.

Sources: Social Insurance Law (Royal Decree No. 72/1991)

## Dependents' / Survivors' Benefit

The surviving family members are entitled to a survivors' pension if the deceased person have completed 12 months (non-consecutive) with at least 3 consecutive months of contribution just before death or at least six consecutive months of contributions just before occurrence of death. Death must have occurred during the employment or within one year of the date of end of the service.

The eligible survivors are widow/widower, children or any authorized person, that is, parents and siblings of the deceased (in absence of both widow/widower and children). The widow(er)'s pension ceases on remarriage.

Orphans pension is paid to sons up to 22 years of age (26 years if full time student; no age limit for disabled) and unmarried daughters. Orphans pension for daughters ceases on marriage. However, marriage grant is paid to the orphan daughter when she marries. A lump sum amount is paid as a death grant and funeral grant of the insured person.

Pension is calculated either as 3% of the average gross salary of the last five years multiplied by the number of years of contribution or 50% of the last gross salary, whichever is higher. The amount of survivor's pension is 25% for the widow/widower, which splits equally in case of more than one widow, 50% is paid to the eligible daughters and sons. In the absence of widow/widower and children,



25% of deceased pension is split equally between other survivors including father, mother and eligible siblings.

Marriage grant, 15 times the orphan's pension, is paid to the daughter on marriage. Funeral is paid as lump sum of 3 months of the deceased worker's salary or pension. Maximum amount of funeral grant is 1,000 Rials. Death grant is similar to the funeral grant and is paid to the survivors.

Sources: Social Insurance Law (Royal Decree No. 72/1991)

plus two times the monthly salary for each contribution year thereafter.

Sources: Social Insurance Law (Royal Decree No. 72/1991)

## Unemployment Benefits

No provision regarding unemployment benefit.

## Invalidity Benefits

There is provision in law regarding invalidity benefits. The worker must have completed at least 6 months of contributions just before the disability began or at least 12 months of contributions including the three months immediately before the onset of disability. To be eligible for invalidity benefit, a person must be under 60 years (55 for women) and have evidence of non-occupational disability under the certificate issued by the competent medical authority.

Pension is calculated either as 3% of the average gross salary of the last five years multiplied by the number of years of contribution or 50% of the last gross salary, whichever is higher.

There is also provision for End of Service Benefit. It is paid as a lump sum of the insured worker's last monthly salary for each of the first three years if contributions

# 10/13 FAIR TREATMENT

## ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Oman has not ratified the Conventions 100 and 111.**

### *Summary of Provisions under ILO Conventions*

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Constitution of Oman 1996, last amended in 2011
- Labour Law (Royal Decree No. 35/2003)

## Equal Pay

According to the constitution of Oman, it is duty of the State to guarantee justice, equality and equal opportunities between Omanis and employer should ensure fair remuneration among the employees.

Source: §12 of the Oman's Constitution of 1996, last amended in 2011

## Sexual Harassment

Oman does not have a law against sexual harassment at the workplace. A worker, however, may terminate his employment contract if the employer or his representative commits an immoral act against the worker or any member of the family or if he is assaulted by the employer or his representative. This immoral act can be construed as sexual harassment as well.

Source: §41 of the Labour Law (Royal Decree No. 35/2003)

## Non-Discrimination

According to the Constitution, all citizens are equal before the law and share the same public rights and duties. There cannot be any discrimination amongst them on the ground of gender, origin, colour, language, religion, sect, domicile, or social status.

Labour Law states that all the rules and

regulations of employment are same for women without any discrimination in work between them.

Source: § 17 of the Oman's Constitution of 1996, last amended in 2011; §80 of the Labour Law (Royal Decree No. 35/2003)

## Equal Choice of Profession

According to the Constitution, everyone has the right to choose his work that is within the limits of the law. Labour law ensures equal rights and same regulations of employment for both men and women. Women get equal pay for equal amount of work as that of men with the exception that women cannot work at night and places that can be hazardous to their health.

Source: § 17 of the Oman's Constitution of 1996, last amended in 2011; §80-82 of the Labour Law (Royal Decree No. 35/2003)

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Oman has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Constitution of Oman 1996, last amended in 2011
- Labour Law (Royal Decree No. 35/2003)

## Minimum Age for Employment

The minimum age for employment is 15 years for both sexes. This minimum age can be raised for certain industries and works by the decision of the Minister. A young person under 15 years of age is not allowed to work except in some cases defined under the law.

It is responsibility of the State to provide free education to combat illiteracy and establish schools and institutes under its supervision. Compulsory education age is 16 years.

Source: § 13 of the Oman's Constitution of 1996, last amended in 2011; §75-79 of the Labour Law (Royal Decree No. 35/2003)

## Minimum Age for Hazardous Work

Minimum age for the hazardous work is eighteen years. Employees who are less than 18 years are not allowed to work for more than 6 hours a day and at night (18:00 to 06:00). Young workers cannot be required to work overtime, during weekly rest days or public holidays.

Employer is required to keep a complete record of juveniles employed at the workplace and has to display conspicuously at the workplace the schedule specifying the working hours, the rest intervals and weekly rest times. Employer is further required to notify the relevant government directorate in

advance about the juvenile's name before employing them and the persons who are employed to supervise their work. The juvenile worker's employment system, circumstances and conditions of employment, works, occupations and industries in which they can work is determined by a decision of the Minister according to different age groups.

Source: §75-79 of the Labour Law (Royal Decree No. 35/2003)

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Oman has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Constitution of Oman 1996, last amended in 2011
- Labour Law (Royal Decree No. 35/2003)

## Prohibition on Forced and Compulsory Labour

According to the constitution it is not permissible to impose any compulsory work on anyone. Similarly, labour law states that the employer has no right to impose any form of compulsory or coercive work.

Human Trafficking is a crime if it is done intentionally or for the purpose of exploitation through use, transfer, shelter, or receiving of a person by coercion, under threat, trick, exploitation of position or power, exploitation of weakness, by use of authority over that person, or by any other illegal means directly or indirectly. Exploitation is the illegal use of a person, including prostitution, any form of sexual exploitation, serfdom, forced labour, enslavement, practices similar to slavery, enslavement, or illegal removal of organs.

Exploitation of trafficked individuals is punished by the imprisonment of seven to fifteen years and fine of ten thousand (5,000) Rials to one hundred thousand (100,000) Rials. Those who are aware of crime but do not inform the relevant authorities and those who are indirectly involved in this process of human trafficking are also punishable according to the law.

Source: § 13 of the Oman's Constitution of 1996, last amended in 2011; §3(bis) of the Labour Law (Royal Decree No. 35/2003); §9-

12 of Anti Trafficking Law (Royal Decree No. 126/2008)

## Freedom to Change Jobs and Right to Quit

Constitution of Oman provides the freedom to choose the occupation of their choice within the limits of law. Labour Law also provide the right to quit job by providing notice of thirty days in case of monthly salaried employees and fifteen days for the other employees. In certain cases specified by the law, employee can quit the job by providing notice and retain his full rights.

A worker is entitled to terminate his contract, after giving notice, in the following cases: if the employer defrauds him in respect of the terms of employment at the time of entering into the contract of work; if the employer does not perform substantial obligations towards the worker in accordance with the provisions of this law or the terms of the contract of work; if the employer or his representative commits an immoral act against the worker or any member of the family or if he is assaulted by the employer or his representative; and if there is grave danger which threatens the safety or health of the worker, provided that the employer was aware of existence of such danger and did not implement the measures prescribed by the authorities.

source: §12 of the Oman's Constitution of 1996, last amended in 2011; §37 & 41 of the Labour Law (Royal Decree No. 35/2003)

## Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-five hours per week and nine hours a day. However, total hours of work inclusive of overtime

must not exceed twelve hours a day. For more information on this, please refer to the section on compensation.

Source: §68 & 70 of the Labour Law (Royal Decree No. 35/2003)



# 13/13 TRADE UNION

## ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)  
Right to Organize and Collective Bargaining: Convention 98 (1949)

**Oman has not ratified both Conventions 87 & 98.**

### *Summary of Provisions under ILO Conventions*

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Constitution of Oman 1996, last amended in 2011
- Labour Law (Royal Decree No. 35/2003)

## Freedom to Join and Form a Union

Constitution of Oman provides freedom of forming societies on national basis, for legitimate objectives, by peaceful means and that must be in accordance with the provisions and objectives of the legislation. Societies and unions that are secretive or of military nature or can have adverse effect to the order of society cannot be formed. Everyone is free to join the society/union and it is not allowed to force anyone to join a specific society/union. According to labour law, employees are allowed to make labour unions among themselves to protect their interest, defend their legally established rights, improve their materialist and social status as well as representing them in all matters related to their affairs. These labour unions select a General federation of the Sultanate of Oman's Workers to represent them in the local, regional and international meetings and conferences. The labour unions may also form labour associations among themselves.

Minister issues decisions to regulate the formation, work and registration of the labour unions, Labour Associations and the General Federation of the Sultanate of Oman's Workers. These unions/associations work as independent corporate bodies from the date of registration at the Ministry and practice their activities freely without interference in their affairs or influencing them.

Employer is not allowed to apply dismissal or any other kind of penalty on the members and representatives of labour unions, Labour Associations and the General Federation of the Sultanate of Oman's Workers for the activities they practice provided that the activities are according to the laws and the Ministerial Decisions implementing it.

Source: §108-110(bis) of the Oman's Constitution of 1996, last amended in 2011; §33 of the Labour Law (Royal Decree No. 35/2003)

## Freedom of Collective Bargaining

On decision of the Minister, collective bargaining takes place to settle the disputes between employer and employees or improvement of work conditions or promoting productivity efficiency and organising peaceful strikes and lockouts.

Employer must define the procedures to settle the disputes but if the issues do not get resolved, the employee must contact the relevant directorate to settle the dispute between him and the employer. The directorate takes the necessary steps to settle the dispute and to implement the settlements according to the regulations provided in the law.

The law allows collective bargaining. Collective bargaining is done between the employer and representatives of the union and the General Federation of the Sultanate of Oman's Workers. If there are no trade unions, collective bargaining takes place between the employer and five representatives selected by the workers. Employer has no right to reject any representative. Employer is prohibited to take any action related to issue that is

under discussion. To proceed with the collective bargaining, employer provides the relevant information and required data. The employer is prohibited to take any decision regarding a matter that is under bargaining except in case of emergency. A collective bargaining agreement is concluded in writing and is signed by all the parties. Three copies of the agreement are made (one copy for each of the parties one copy for depositing at the Ministry). Collective Labour Agreement is signed for the maximum period of three years and the bargaining process should be restarted three months prior to its expiry.

In case, collective bargaining fails to settle the dispute, the parties have the right to submit an application to the Ministry to settle it. Ministry, within seven days, assigns a mediator to reconcile the labour dispute between the parties. If a dispute is settled within thirty days, it is concluded as written agreement and a copy of agreement is provided to all the parties and the mediator. Otherwise, a committee is formed upon agreement of the parties to resolve the matter. If the committee also fails to settle the dispute, then parties refer to the court for the final decision.

Source: Ministerial Decision No. 294/2006 on regulation of collective bargaining, peaceful strikes and lockouts; §104-107 of the Labour Law (Royal Decree No. 35/2003)

## Right to Strike

Workers have the right to strike peacefully in an organisation to improve working conditions and circumstances. Labour union should notify the employer in writing about the strike, at least three weeks prior to commencement of strike. The notification must include the reason of the

strike and the demands of the workers. A copy of notification must also be provided to the Ministry or one of its directorates.

Upon receiving a notification of the planned strike, the Ministry forms a committee consisting of the employer, representatives of the employees and the Ministry itself. Goal of the committee is to resolve the dispute and resolve the employees' demands. On the formation of committee, the strike ceases and the employees return to work. The committee should reach an agreement within four weeks and submit a copy of agreement to the Ministry. If the committee is unable to resolve the dispute, it can be referred to the court for final decision.

Strike period is considered as a leave without salary. Strike or call of strike is prohibited in establishments that provides public or essential services to the public including petroleum establishments, refineries, ports and airports. Disputes in these establishments are resolved by the separate mechanism provided by the Ministerial Decision. For illegal strike, an employer may dismiss a worker without prior notice if he commits a grave breach of his obligation to perform his work as agreed in the employment contract.

Source: Ministerial Decision No. 575/2013 Amending Some Provisions of Ministerial Decision No. 294/2006 Regarding the Regulation of Collective Bargaining, Peaceful Strikes and Lockouts Ministerial Decision No. 294/2006 on regulation of collective bargaining, peaceful strikes and lockouts; §41 of the Labour Law (Royal Decree No. 35/2003)

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

Check

DecentWorkCheck Oman is a product of  
WageIndicator.org



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Age	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Language	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😞	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46.	I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Oman scored 35 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.