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LAW No 18 OF 1960.

EMPLOYMENT IN THE GOVERNMENT SECTOR.

WE, ABDALLAH ALSLAEM ALSABAH, EMIR OF KUWAIR

Having examined the Regulations for the Government Workers for 1955,

On the Basis of the submission of the Social Affairs Department and the approval of the Supreme Council,

Decide;

ONE: SCOPE

ARTICLE 1

In the provisions of this Law, Worker shall mean any person undertaking a manual job in one of the government departments and who receives a daily wage. This does not include those persons whose posts have been included in the Public Employment Law.

TWO: APPOINTMENT

ARTICLE 2

Any worker who is appointed must:

- A. Be of good conduct and behaviour.
- B. Not have been sentenced for a crime of honour.
- C. Not have been dismissed from government service for disciplinary reasons.
- D. Prove he is qualified to work; if the requirement is a technical one, this shall be determined by a test.
- E. That he is physically fit.
- F. Be at least 18 years old.
- G. If the worker is a non Kuwaiti, he must be in possession of a valid work permit issued by the Social Affairs Department, or he should at least be registered there.

ARTICLE 3

Priority in employment shall be as follows:

- a. A Kuwaiti worker.
- b. An Arab worker in possession of a work permit, then a person registered with the Social Affairs Department.
- c. A foreign worker in possession of a work permit, then a person registered with the social Affairs Department.

ARTICLE 4

A worker may be put on probation for a maximum of three months; the trial period shall be part of his time of service.

THREE;

CATEGORY OF WORKERS, THEIR GRADES, WAGES AND INCREMENTS.

ARTICLE 5

A. Workers categories and grades shall be classified as follows:

- i. Non technical categories and grades:

This includes ordinary workers, and ordinary foremen.

- ii. Technical categories and grades:

This includes assistant technician, technician, fine work technician, and super technician.

- iii. Administrative categories and grades:

This includes overseer & head of workshop.

B. The workers wages and increments are to be determined by a decision of the head of the social Affairs Department.

ARTICLE 6

Appointment to the technical grades and the technical administrative grades shall be 20% from outside the department; the remaining shall be by promotion of older workers. The department may exceed this percentage with the approval of the Social Affairs Department.

ARTICLE 7

Periodic raises shall be granted as of the date of appointment and according to the stipulated grades, periods and amounts.

ARTICLE 8

Promotion from one grade to the next shall be by absolute seniority, if the worker reaches the end of the basic remuneration of his grade on the basis of period and amount, he may be promoted to the grade stipulated in this law.

ARTICLE 9

Contrary to the provisions of the previous article, the director of a department may promote a worker to the grade following his own if he has acquired technical skills through enrolment in an approved vocational training centre and successfully completing the training period for his profession.

ARTICLE 10

Workers who have direct contact with patients in mental institutions and chest sanatoria shall be paid an (infection) allowance and damages amounting to 15% of the starting salary of the grades they occupy. The same amount shall be paid to workers in hardship posts; these shall be determined by decision of the head of the social Affairs Department.

ARTICLE 11

Kuwaiti workers shall be given a marriage allowance of 500 Rupees, providing the marriage meets the conditions set out in Article 20.

ARTICLE 12

A workers wage may not be seized or have any deduction made of more one quarter to cover alimony or support allowances legitimately claimed from a worker by a judgement, or to pay a debt owed to the State Treasury, if competing claims are made, priority goes to the legitimate alimony & support.

FOUR: HOURS OF WORK

ARTICLE 13

The maximum number of effective hours of work is 8 hours per day, each department may organise its own hours of work, providing a worker does not work more than five

consecutive hours, followed by a rest period of not less than half an hour. Rest periods shall not be counted as part of the effective hours of work.

ARTICLE 14

A worker may be required to work not more than two extra hours a day, for which he shall be paid his basic wage plus 25 %.

ARTICLE 15

Friday shall be the weekly day of rest. A worker shall not be paid for that day unless circumstances require him to work; in this case he shall be paid his basic wage plus 50%.

FIVE: HOLIDAYS

ARTICLE 16

1. First day of Hejjira year.	One day.
2. Emir's Enthronement Day	"
3. Isra'a day	"
4. AL Fitre Eid	Three days
5. Al Adha Eid	Three days
6. Prophet's Birthday	One day
7. New Years Day	One Day

If circumstances require the worker to work on one of the se days, he shall be paid double his wages.

ARTICLE 17

Annual Leave shall be granted as follows:

1. Ordinary workers and their foremen	14 days on full pay.
2. Technicians	14 days on full pay.
3. Administrative technicians	21 days on full pay.

The Department may set the date of the holiday and may divide it so that a worker is granted not less than one half of his holiday at once, it may also grant him the equivalent of two years holidays.

The annual holiday shall be calculated so that the total number of days worked plus the holiday amount to one year.

ARTICLE 18

The following periods of sick leave shall be granted to a worker whose sickness is certified by an official medical body:

30 days with full pay

15 days with 3/4 pay

15 days with 1/2 pay

15 days with 1/4 pay

30 days without pay.

The Department may increase those periods two fold on the basis of a report submitted by an official medical body. If the sick leave has run out the workers condition shall be examined, if he is found to be unfit, he shall be dismissed and receive his full severance pay.

ARTICLE 19

The Department may, once through out his period of service, grant a Kuwaiti worker who has been employed for at least one year, a thirty day holiday with full pay for Hajj.

ARTICLE 20

A Kuwaiti worker who has been employed for one year is entitled to leave to be married of seven days with full pay, providing this is his first marriage, or if his only wife has died while he is employed.

OCCUPATIONAL INJURIES AND DISEASES

ARTICLE 21

If a worker is injured because of or during work, or if his injury is due to one of the diseases in the list prepared by the Social Affairs Department of occupational and industrial diseases and forms of work causing them, the worker shall receive his full pay throughout the treatment period

determined by the medical doctor, the worker is entitled to compensation for the various incapacities as dictated by the *Islamic Sharia*.

SEVEN: PENALTIES

ARTICLE 23

A department may subject offending workers the penalties set out in the penalty list attached to this Law.

EIGHT: SEVERANCE PAY

ARTICLE 23

If a workers contract is an indefinite one, the department may terminate it ten days at least after informing the worker. A contract may be need at once providing the worker pays an amount equivalent to the wage of the period set out for notice.

If the workers contract is a definite one and the department continues to implement it after it has expired, the contract shall be deemed automatically renewed for a further period on the same terms.

ARTICLE 24

A worker is entitled to severance pay in the following cases:

- A. Being physically unfit due to disease or injury.
- B. The worker reaches 65 years of age.
- C. The department dismisses him.
- D. If he deceases, in such cases his legitimate heirs are entitled to his bonus.

ARTICLE 25

A worker deserves half the severance pay due for his service period when he leaves his job of his own accord and if he was employed for not less than three years.

ARTICLE 26

A workers severance pay shall be calculated as follows:

Fifteen days pay for each year; he shall be paid for fraction of a year its equivalent. The severance pay cannot exceed in total one and a half years wages.

In calculating the severance pay the last wage paid to the worker shall be taken into account, including increments, bonuses or allowances.

ARTICLE 27

A department may dismiss a worker without any severance pay or warning, in the following cases:

- A. If he is dismissed for a disciplinary reason mentioned in the penalty lists.
- B. If the worker does not turn up for work without a legitimate reason for more than ten consecutive days.
- C. If he has been sentenced for a crime of honour, honesty or morals.
- D. If his negligence has caused damage to objects of great value that constitute a source of great loss to the department.
- E. If he was on probation and proved unfit.

NINE: GENERAL CLAUSES

ARTICLE 28

The right to organise is guaranteed to workers according to the decision issued by the department of Social affairs, and according to the provisions of Article 70 of the Public Sector Labour Code.

ARTICLE 29 All necessary precaution shall be taken to protect workers from occupational injuries and diseases, a first aid kit shall be available in a prominent place in the work area.

Each worker shall have a work sheet where indicating his wages and penalties he may have received.

A worker shall be granted an end of service certificate containing information regarding his profession, period of service and the last wage he was paid.

ARTICLE 30

Implementation of the Regulations for Government Workers is abrogated without prejudice to the workers acquired rights on the basis of those regulations.

ARTICLE 31

Heads of departments, each within his own mandate, shall implement the provisions of this Law; it shall enter into force as of its publication in the official Gazette. The head of the Social Affairs Department shall issue the necessary decision for its implementation.

Emir of Kuwait
Abdullah Alsalem Alsabah

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EXPLANATORY NOTE: LABOUR LAW FOR THE GOVERNMENT SECTOR

As the government is considered the biggest employer in the country, be it from the number of workers it employs or the amounts allocated for wages in its budget, as a result in 1955 it sought to establish a new system for workers in government departments, setting out terms of employment

and upholding their rights in these departments, this system has been called The Government Worker Regulation.

It has now become clear that the rules set out in those regulations in 1955 no longer satisfy the purpose for which they were established due to the changes in the country's circumstances. Though regulations achieved the first part, namely that concerning establishing a unified employment system in government posts, as well as defining categories, grades, hours of work and other commonly accepted working conditions, the second part, regarding protection of workers rights to severance pay, holidays, medical care, accident compensation...etc, was below the mark on certain points. This put the department in charge of implementing the regulation in a very awkward position when it had to reply to questions and queries received from other departments regarding those points that the regulation were not clear about or contained no reference to. This does not deny the stated regulations ability to overcome conflict in appointment basis in departments, discrepancies in wage categories, leave, and the fact that it unified worker classification and type of work as it adopted a worker's technical capacities when employed for determining his grade or wage.

Since the governments aim, in order to implement its social policy and achieve stability and tranquillity, is to care for workers and their rights, it has therefore sought to fill the gaps and shortcomings that appeared in the Government Worker's Regulations while adopting their two main principles, namely:

ONE: treat all government departments and their workers as one unit;

TWO: Classify worker's grades and wages categories on the basis of technical capacity.

As for the other rules in the Law these ought to overcome the gaps and shortcomings in the text of the Regulations and the problems and difficulties arising out of its implementation.

The Labour Law for the Government Sector is divided into Nine Sections, each containing a number of articles that deal with a given aspect. Section One deals with the scope of the Law, and has removed from it all those whose posts have been classified in the Public Employment Law.

Section Two lists terms of employment for workers in government departments. The Regulations had not set the Minimum Age for Government Workers; this means that adolescents could have been employed though their employment requires establishing special regulations to protect their physical and mental growth. This section has also added reference to priority in employment, and that priority of employment in departments go to Kuwaiti workers if he qualifies, then the Arab worker who has a work permit or who is registered with the Social Services Department, finally the foreign worker holder of a permit or who is registered.

Section Three of the Law deals with worker categories, their grades, wages and increments; it was deemed more appropriate that the wage and pay raise categories be set by decision of the head of

Social Affairs Department, as wages are subject to change according to economic circumstances in the country as well as raises or drops in price levels. The official minimum wage in the 1955 Regulation is no longer adequate due to the rise in the cost of living.

Additional articles in this section allows for the promotion of a worker without regard to the time limits if the worker acquires technical skills by joining one of the vocational training schemes and successfully completing the period of training. Another article grants the worker sickness indemnities and damages by decision of the head of the Social Services Department, as certain categories of workers by the nature of their work come into close contact with patients, or their work conditions may be harsh or 'unnatural'.

The law also deals in this section with the conditions and amounts that can be retained from the workers wages and, as the Regulations had not made any reference to the matter whether for reason of debt or payment of legitimate alimony & support costs.

Section Four deals with working hours and defines their duration and overtime.

Section Five deals with Official Holidays and leave and adds an article granting Kuwaiti citizens leave for Hajj & for marriage.

As for the Sixth Section on injuries at work and occupational diseases, it defines occupational injuries and leaves the question of occupational diseases to a list also to be drawn up by the Department of Social Affairs.

Section Seven deals with the sanction imposed on offending workers, and left the question of determining them to the decision of the head of the Social Services Department.

Article in section Eight, on severance pay deals with several cases which the Regulations had not mentioned, as there are many instances where service is terminated where the Regulations did not stipulate whether the workers is entitled or not to a severance pay or its amount. Examples are if a worker resigns, deceases, is sentenced for a felony or if he is responsible for damage to highly valuable objects or causes the department serious losses, or even if he fails to come to work without a legitimate reason. Furthermore, the articles in this section provide a definition for the term "worker's wages", this term was a source of misunderstanding in the Regulation as they failed to clarify it.

Section Nine of the Law deals with the general clauses such as endorsing the Right to Organise for workers in the government sector, and the head of the Social Services Department issues the decision for this. The section also deals with the question of providing adequate means of protection for workers at work to guard against occupational injuries and diseases, as the Regulations had omitted referring to them.

The text also calls for the creation of a work sheet with his wages and penalties; it also added that each worker must receive an end of service certificate from the department he worked for.

With this Law, Labour Law for the Government Sector, labour legislation in the country is complete. The government has thus established the basis for stability in the field of labour, for workers and has given them a sense of security.

Decision No 1: Fixing Workers Wages and Pay Raises.

Having examined Article 5 of the Labour Law in the Government Sector;

DECIDES:

A. Non technical categories and grades:

Ordinary workers:

Ordinary workers shall be hired for a daily wage of 9 Rupees, he shall be granted a periodic raise of 1/2 Rupee every year till he reaches the last salary step 11.50 Rupees.

Ordinary foremen: these shall be appointed for a daily wage of 11 Rupees, they shall be granted a periodic raise of 1 Rupee every year till he reaches the last salary step of 16 Rupees.

B. Technical categories and grades:

Assistant technician:

He shall be appointed at a daily wage of 12 Rupees, he shall be granted a periodic raise of 1/2 a Rupee every year till he reaches the last salary step of 14.5 Rupees.

Technician:

He shall be appointed for a daily wage of 15 Rupees, and shall be granted a periodic raise of 1 Rupees every year till he reaches the last salary step of 20 Rupees.

Fine work technician:

He shall be appointed for a daily wage of 21 Rupees and granted a periodic raise of 1 Rupee each year till he reaches the last salary step of 26 Rupees.

Super technician:

He shall be appointed at a daily wage of 26.50, he shall be granted a periodic raise of 1 Rupee each year till he reaches the last salary step of 31.50 Rupees.

C. Administrative categories and grades:

Overseer;

He shall be appointed at a daily wage of 32 Rupees and shall be granted a periodic raise each year of 1.5 Rupees until he reaches the last salary step of 31.50 Rupees.

Head of workshop:

He shall be appointed for a daily wage of 40 Rupees and shall be granted a periodic raise of 1.5 rupees each year till he reaches the last salary step of 47.50.

Head of the Social Service Department.

Decision No 2: Penalties for Offending Workers.

Having examined Article 5 of the Labour Law in the Government Sector;

Type of Offence	Penalties					Comments
	1st.	2nd.	3rd.	4th.	5th	
	Deductions					
A. Offences regarding hours of work						
1. late to work with out legitimate reason	Written warning	10%	25%	1/2 day	day	1. if the offence is repeated after three months of an earlier once it is listed as a 1st. offence 2. If the offence is repeated more than five times in a 3 month period, the worker may be dismissed with out severance pay, except in those cases mentioned in Para A. 1&2, B, 1 &2, then the penalty is doubles or he is suspended for ten days or deprived of a periodic raise.
2. Absence without acceptable excuse	10%	25%	1/2 day	Day	2 days	
3. Leave work without permission or leave before time.	10%	1/2 day	Day	Day	Two days	
B. Work regulation Offences	25%	1/2 day	Day	2 days	3 days	3. Deduction penalty may be replaced by suspension. 4. Penalties stated here are the maximum, lighter penalties may be applied 5. Penalties set out for absence without permission or acceptable reason cannot be multiplied by the number of days of absence. This penalty is applied in addition to depriving the workers of his wages for the days of absence
1. Loitering at work	"	"	"	"	"	
2. receiving visitors at work without permission	"	"	"	"	"	
3. refusal to obey work related order						
C. Penalties regarding worker's conduct	1/2 day	Day	2days	3 days	4days	
1. Disregarding rules of hygiene and protection at the work place						
2 Quarrelling at work.						
1. Verbal or physical aggression against a colleague or superior at work.						
2. Malingering at work.						

Head of the Social Services department.