



सत्यमेव जयते

**Embassy of India
Kuwait**

Q & A Booklet

for

Labour Related Issues



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Index

S. No.	Contents	Page
1	Visa related	2
2	General queries before taking up employment	4
3	Recruiting Agents	8
4	Documents required	7
5	Employment Contract related	12
6	General Problem faced during Employment in Kuwait	14

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VISA related

Q 1: How many types of Visa are there in Kuwait?

Answer: There are mainly 4 type of Visa issued by Kuwait government:

- (a) Visit Visa (Article 14)
- (b) Work Visa (Article 17- Public Sector Employees & 18- Private Sector Employees)
- (c) Domestic Visa (Article 20)
- (d) Dependent Visa (Article 22)

Q 2: Are Indian nationals on 'visit visa' allowed to work?

Answer: Some companies issue '**visit visa**' (commercial 'visit visa') to meet their urgent manpower requirement for short term work. Some companies tend to hire manpower on visit visas to circumvent Kuwaiti Visa and Labour laws. Do not fall prey to such agencies.

Q 3. Are 'Visit Visa' workers covered by the Kuwait Labour Law? What is the advice on coming for employment to Kuwait on 'visit visa'?

Answer: Visit Visa (No. 14) workers arrive on commercial visit visa and not on employment visa (Visa 18). They are not covered by the Kuwait Labour law and therefore, visit visa workers do not have a legal right under the Kuwait Labour Law. The workers are advised to take up employment in Kuwait on visit visa only with highly reputed companies with full realization that they are going for short term employment and not long-term employment.

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Q 4. Which category of workers are covered by the Kuwait Private sector Labour law?

Answer: The Kuwait Private sector Labour Law under Decree NO. 06/2010 cover workers in the private sector who fall under Visa No. 18.

Q 5. How to know genuineness of the Visa offered to me?

Answer: You may send us an email at labour.kuwait@mea.gov.in for checking genuineness of a Visa.

Q 6. Do the offices of the Ministry of Social Affairs attend to the complaints of the 'visit visa workers'?

Answer: 'Visit Visa' workers do not have a legal right under the Kuwait Labour Law. However, it has been clarified by the Ministry of Social Affairs and Labour, Government of Kuwait that 'visit visa' workers could approach the Labour Inspection Department of the Ministry to file their complaints in case of violation of the provisions of the contract.

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General queries before taking up employment

Q 7. What is the difference between ECR and ECNR Passports??

Answer: All Indian citizens whose Passport has been categorized as “Emigration Check Required”(ECR) are required to obtain Emigration clearance (EC) from the POE’s before proceeding to specified “ECR Countries” for the purpose of Employment. As of now the Passports of all those persons whose educational qualification is below matric are categorized as ECR Passports. An endorsement “Emigration check required” is printed on the last page of the Passport.

ECNR’ denotes “Emigration Check Not Required”. It includes those persons whose passports do not bear the endorsement ‘Emigration check required on the last page of their passports. For further information, visit (https://mea.gov.in/images/pdf/emigration_and_you_new.pdf).

Q 8. I have got an offer letter from a particular company abroad. How do I check if the offer letter is genuine?

Answer: Contact the foreign company directly to confirm if the letter is genuine. You can also send us an email at labour.kuwait@mea.gov.in.

Q 9. I have a passport with ECR status printed on it. What does this mean?

Answer: Emigration clearance is required for employment in the following countries (18 in total): United Arab Emirates (UAE), Kingdom of Saudi Arabia (KSA), Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq and South Sudan. ECR passport holders taking up employment in the above-mentioned list of 18 countries require emigration clearance from the office of the Protector of Emigrants (POE) before leaving India; otherwise, they will be stopped from traveling at

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the port of exit. ECR passport holders traveling abroad for a purpose other than employment, to any of the list of 18 countries, will be allowed to leave the country on production of valid passport, valid visa and return ticket at the immigration counters of an international airport in India. However, action can be taken against you for misrepresenting the purpose of your journey.

Q10. I have been recruited directly by an employer in an ECR country. How do I apply for eMigrate registration?

Answer: Initial registration has to be done on the eMigrate system (<https://emigrate.gov.in>). You can also check about your recruiting agent whether he/she is registered or not on the same website.

Q11. Which are the categories of employees, for whom attestation is required?

Answer: Skilled workers with Emigration Clearance Required (ECR) status in their passport cannot be recruited without the process of attestation. Similarly for recruiting house maids, house drivers, house boys, cooks from India, the sponsor has to get the employment contract duly attested by the Indian Embassy in Kuwait.

Nurses: - Since 2015, Government of India has placed nurses under the 'ECR' (emigration check required) regime so that emigration clearance through eMigrate becomes mandatory for them for any employment in any of the ECR countries.

Q12. Is attestation of contract required from Embassy of India for Indians with ECNR passport?

Answer: No, it is not required. But if you hold an ECNR Passport and have directly negotiated your employment terms with a foreign employer (who is not a licensed Recruiting Agent accredited with the PGE) it will be difficult for the Indian Embassy or PGE to intervene on your behalf if any dispute happens.

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Q13. What are the important things that are to be noted before accepting the employment?

Answer: Firstly, check the Company offering the job either through a known contact in Kuwait or through the Indian Embassy in Kuwait and satisfy that, the company exists and is functioning.

Secondly, Verify the terms of contract you are signing with the employer to find out the following:

- What is the basic salary –Only basic salary counts for calculating the end of service benefits;
- No charges should be made for accommodation and transport from place of stay to place of work and vice versa;
- Food allowance or providing free food should be clarified. The total salary should be calculated excluding the food charges, if any;
- What is the entitlement regarding Annual leave? How many days a year the leave is given?
- The cost of Air Tickets should be borne by the employer when you leave India for joining and on completion of the contract to India;
- Details of other allowances;
- The employment contract should state the date of commencement of the contract, term, designation of the worker.

Q14. For female workers under company sponsorship, is there any age restriction?

Answer: If the female is ECR category passport holder, she should attain 30 years of age or above when her contract is being attested by the Embassy. For ECNR category passport holders, there are no such restrictions.

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Q15. Is there any minimum salary for unskilled labours?

Answer: Minimum wages for various category of workers are provided on Embassy's website and can be seen at <https://indembkwt.gov.in/minimum-wages-schedule.php>.

Q16. What documents are required for registering my grievance on the MADAD Portal?

Answer: Madad Portal is an online portal launched in 2015 for registration, monitoring and tracking of grievances. For registering complaint on Madad portal at the Embassy, a copy of the valid Indian Passport along with the civil id of Kuwait, a copy of employment contract, and the contact details of Recruiting Agent, a brief description of your grievance would be required. It will also be useful to provide details of a close friend/relative in India, to help contact in the event of an emergency. For, more questions on the Madad portal, please scan the QR Code:



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Recruiting Agents

Q17. Who are illegal Agents and How to ascertain that one Agent offering overseas job etc. is an illegal Agent?

Answer: Those persons who are operating overseas recruitment business without obtaining license under Section 10 of Emigration Act, 1983. Any person who is operating overseas recruitment business without acquiring license under Section 10 of Emigration Act, 1983 and his name is not included in the list of Recruiting Agents placed at www.emigrate.gov.in may be termed as illegal agent.

Q18. What may be consequences if an emigrant proceeds for overseas employment abroad through illegal Agent?

Answer: The following consequences can be faced:

- Cheating/fraud – with very little chance of recovery of money paid.
- Overcharging of money - Difficult to rescue in case of distress as Indian Mission/Post abroad can intervene/help only if approved channels are used.
- Very risky for illegal emigrants since they can be caught and offloaded in India deported or put in Jail in the host country.

Q19. My recruiting agent has duped me and I have lost money. What can I do?

Answer: You can lodge a complaint in the eMigrate or Madad Portals (www.emigrate.gov.in or www.madad.gov.in) or call up the Overseas Workers Resource Centre (OWRC) on 1800 11 3090 for further assistance.

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Documents required

Q20. What are the documents needed to be submitted by skilled or semiskilled workers planning to emigrate?

Answer: Semi-skilled workers, who seek emigration clearance directly from the Protectors of Emigrants (PoEs), and not through Recruiting Agents, are required to produce the following documents in original:

- i. Passport which should be valid for a minimum period of six months
- ii. Valid employment visa
- iii. Employment Contract signed by Foreign Employer
- iv. Challan (e-Migrate system generates a bank challan when cash payment is made either online or through a bank challan) towards deposit of payment of emigrant registration fee.
- v. Insurance policy from any of the listed companies under Pravasi Bharatiya Bima Yojana (PBBY- initially launched in 2003, has been amended in 2006, 2008 and 2017)

Q21. What are the documents needed to be submitted by unskilled workers planning to emigrate?

Answer: Unskilled workers and household service workers seeking employment abroad should furnish (in original) the following documents at the time of obtaining emigration clearance:

- i. Passport which should be valid for a minimum period of six months
- ii. Valid employment visa.
- iii. Employment Contract signed by the Foreign Employer and duly attested by the Indian Mission/Post or Permission Letter from the Indian Mission/Post concerned.

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- iv. Challan (e-Migrate system generates a bank challan when cash payment is made either online or through a bank challan) towards deposit of payment of emigrant registration fee.
- v. Insurance policy from any of the listed companies under Pravasi Bharatiya Bima Yojana (PBBY-2006 revised in 2008).

Q22. On what grounds can an application for emigration clearance be rejected?

Answer: Subject to other provisions of the Emigration Act 1983, the PoE may reject an application for emigration clearance on any one or more of the following grounds:

- i. That the terms and conditions of employment which the applicant proposes to take up are discriminatory or exploitative.
- ii. That the employment which the applicant proposes to take up involves work of a nature which is unlawful according to the laws of India or goes against the public policy of India or violates the norms of human dignity and decency.
- iii. That the applicant will have to work or live in sub-standard working or living conditions.
- iv. That having regard to the prevailing circumstances in the country or place where the applicant proposes to take up employment or any other relevant circumstances, it would not be in the interest of the applicant to emigrate.
- v. That no provision or arrangement has been made for meeting the expenses which may be incurred in case it becomes necessary to arrange for repatriation of applicant to India, or that the provisions or arrangements made in this regard are not adequate for the purpose.

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Q23. What are the points to keep in mind once one reaches Kuwait for employment?

Answer: Once you reach Kuwait for employment, you should always remember that:

- i. You should not lose your Passport at any cost
- ii. You should not sign any other Agreement or any blank piece of paper.
- iii. You should not participate in strike or resort to agitations, because it is illegal and you can be sent back to India.
- iv. You should respect the religion and other sensitivities of the host country and should not publish, post or express any views (especially in social media) against such sentiments.
- v. You should report all grievances to the Embassy
- vi. You should always keep the address of the Embassy: Diplomatic Enclave, Arabian Gulf Street, P.O. Box 1450, Safat-13015, Kuwait; and Embassy's WhatsApp helpline numbers available in Embassy website, at link:

<https://indembkwt.gov.in/images/WhatsApp-Image-2020-08-09-n.jpg>

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Employment Contract related

Q24. What is a contract of employment?

Answer: A contract of employment is an agreement on the employment conditions made between an employer and an employee. As stipulated by the Employment Ordinance, an employer must inform each employee clearly the conditions of employment under which he is to be employed before employment begins with regard to:

- Term of contract period
- Wages
- Length of notice required to terminate the contract.

Q25. How important is the Employment Contract?

Answer: As the worker arrives in Kuwait, he/she should have an employment contract signed by him/her with the employer. The contract should be written in Arabic and English. For all purposes of reference, the details mentioned in the employment contract alone will matter. Only a contract will help you defend your interests in the event of a dispute leading to a case at a local Labour Court.

Q26. What is the Employment contract attestation procedure?

Answer: Attestation of documents related to employment of unskilled and semi-skilled workers (only those who are holding ECR passport) from India in the Embassy in Kuwait is known as attestation procedure. It is available at <https://indembkwt.gov.in/Introduction.php>.

Q27. How do I obtain a copy of contract while in India?

Answer: According to Government of India's instructions, recruitment agents are expected to provide copy of employment contract to each worker before his/her departure. To

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safeguard his/her own interest, individual worker has to demand from the recruitment agent copy of the duly signed contract before commencement of journey. Complaint may be lodged against the defaulting agency with the nearest Protector of Emigrants. Contract particulars of Protector General of Emigrants and its various branch offices.

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General problems faced during Employment in Kuwait

Q28. Can the Indian Embassy help me in claiming my dues (salary/compensation/insurance, etc.) after my return to India?

Answer: As per labour laws of Kuwait, a complaint may be filed with Public authority of Manpower (Shoun) within one year of termination/resignation from the company. If the grievant has travelled to India without filing any complaint, any lawyer in Kuwait may be approached through whom he/she may file a complaint in PAM. A Suggestive list of lawyers is available in the Embassy website, at link: <https://indembkwt.gov.in/panel-of-lawyers.php>. You can also file a complaint against your Recruiting Agent (RA) on the e-Migrate portal. (<https://emigrate.gov.in/>).

Q29. I had signed a two-year employment contract with my employer but want to return to India before its completion. Do I need to pay back the cost incurred on my employment (for agent/visa/travel/medical tests etc.)?

Answer: Usually, there is a clause in the contract that deals with this possibility. This would normally apply. Even where there is no such clause, it is likely that the employer may ask you to refund the cost incurred on recruiting you and bringing you to that country for employment (towards the agent/visa/travel/medical tests, etc.). The amount involved would depend on how much of the contract period you have already completed. In cases where your employer does not agree to your request, you can approach the PAM office / (Shoun) to waive that amount or request your Recruiting Agent to intervene with the employer for a fair settlement.

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Q30. I do not have a proper contract with the employer. What should I do?

Answer: It is necessary to sign a proper contract for your work, to be able to adequately protect your rights. Only a contract will help you defend your interests in the event of a dispute leading to a case at a local labour court. It is not advisable to travel abroad for employment purpose without a valid Employment contract.

Q31: The employer has extended my contract without my consent. What should I do?

Answer: The employer is not allowed to extend the contract without your consent. If the employer has done so, you can lodge a complaint with PAM office (Shoun) or the local labour court.

Q32: My employer has not paid my salary /not accepting the resignation and also not sending me back to India. What should I do?

Answer: You may lodge a complaint with concerned PAM office (Shoun) where your residency got stamped.

If you are a domestic worker, you may approach Domestic Recruitment Regulatory Department with all basic documents at Rumaithiya, Block 7, Street-78, behind the Main Co-operative society

Q33: The employer/sponsor is violating the work contract signed with me. What can be done in this regard?

Answer: You need to file your case yourself or with the help of an attorney to be appointed by you with the concerned PAM office / (Shoun). A suggestive list of panel of lawyers is available at <https://indembkwt.gov.in/panel-of-lawyers.php>. on Embassy's website.

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Q34: My sponsor is physically harassing me, what can I do?

Answer: Wherever you are a victim of physical abuse by your employer/sponsor, and you are injured as a result of such abuse, you should lodge a complaint with the local police and insist that a medical examination be undertaken to record your condition. This will help you successfully defend your case in a court.

Q35: I was promised a particular job as per the job contract I signed in India with my foreign employer. However, after my arrival in the foreign country, I am being forced to do a different job which I am not prepared to do. What should I do?

Answer: You need to lodge a complaint with concerned PAM office (Shoun) with copy of your work permit. List of PAM offices in Kuwait is available at – ([https://indembkwt.gov.in/pdf/PAM%20\(Shoun\)%20offices%20in%20Kuwait.pdf](https://indembkwt.gov.in/pdf/PAM%20(Shoun)%20offices%20in%20Kuwait.pdf)). They normally intervene to resolve such problems. In cases where you do not get a reasonable solution, you can approach the local labour court or request your Recruiting Agent to intervene with the employer for a fair settlement.

Q36: I am working with a company and my company is not giving back my passport. What can I do?

Answer: You may lodge a complaint with concerned PAM office (Shoun) where your residency got stamped.

Q37. I don't want to work with present sponsor. What should I do?

Answer: The employees can resign even before one year but some organization charge penalty if you resign before completing your contract period, it may be noted that the employee has to repay the expenses they incurred on you (Medical, insurance, etc.).

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In other words, if your contract is limited, then you must obey to the contract period in order to avoid paying compensation to your employer. Moreover, if your limited contract period is valid, then you cannot transfer or get release without the current employer's approval.

However, if your contract is unlimited or the contract did not specify a time period and you have spent 3 years working with the same sponsor, then you can apply to another job without the employer's approval.

It is always advised that first you take up the matter with your employer. Generally, it is advisable to complete the contract period.

Q. 38:- I am under Article 20 Visa. I am facing trouble with my sponsor. I do not want to work with him anymore. What should I do?

Answer:- The worker needs to go to the **Domestic Labour Office (DLO)/Public Authority for Manpower (PAM), Behind the Main Co-Op Store Building, Block 7, Street 78, Rumathiya** to register his/her complaint:-

- (i) If the worker wants to works with another sponsor then he/she required release/willingness from the present sponsor. PAM/DLO cannot intervene to change the sponsor.
- (ii) If he/she wants to go back to India due to issue like physical abuse, salary, health issues, family problem back in India, then PAM/DLO will help in repatriation to India.

Q. 39:- My sponsor is taking me to some other country to work there. What should I do?

Answer: Sponsor is not allowed, in any case, to take the worker to any other country. If the

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worker is comfortable/willing and he/she can decide on his/her own.

- *“It is not permissible for the employer to assign a domestic worker to work outside the State of Kuwait. If this occurs without the agreement of the worker, the worker will be returned to his/her country at the expenses of the employer. (Article 46 of the Domestic Labour Law-2018)”.*

Q. 40:- My sponsor has filed an absconding case against me. What should I do?

Answer: - You can visit the Embassy and file a complaint with Labour Wing. (a) The Mission will check the status with local authorities whether any case pending against the person (most of times, cases appeared on the system after 15/20 days). If the original passport is available with the worker, he/she can surrender with deportation authorities with an Open ticket (presently the following two agencies are authorized to make tickets for Deportation Kuwaiti Authorities – M/s. ITL and M/s. Al Khaleej). If the passport is not available with the worker then the Mission will issue an Emergency certificate (EC) for one-way travel to India.

Please note that once deported, the worker’s entry into Kuwait is prohibited by immigration authorities of Kuwait.

Q. 41:- My sponsor has filed a theft case against me. What should I do?

Answer: Please approach the Labour Wing of the Embassy to register your complaint. The Mission will coordinate with local authorities for your repatriation. You may seek legal help from Embassy’s Panel of Lawyers. A Suggestive list of lawyers is available in the Embassy website, at link: <https://indembkwt.gov.in/panel-of-lawyers.php>

Q. 42:- Can I come back to Kuwait after my repatriation?

Answer - You can come back to Kuwait if you have not been deported through deportation Centre & if you have a valid Visa of Kuwait subject to necessary permission by Kuwait Government.

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Q. 43:- My residency is valid but I don't have my passport. I want to go back to India. What should I do?

Answer - The worker has to register his/her complaint with the PAM/DLO to get passport from the sponsor. If the passport is not provided by the sponsor, an EC shall issued by the Mission after the applicant submits necessary documents as well as a last Passport report. Further, If there is no case on the worker, it generally takes one to two months to cancel the present residency and granting temporary residency by DLO. After that, worker can go back to India as a normal passenger by buying the ticket.

- It may be noted that *"The employer is not allowed to keep in his possession any of the domestic worker's personal identity documents, such as passport of civil status card unless the domestic worker has agreed thereof. (Article 12 of the Domestic Labour Law-2018)"*.

Q. 44: - My residency is not valid but I want to travel to India. What should I do?

Answer -You can be deported from Kuwait in coordination with deportation authorities.

Q. 45: - I don't have any document with me but I want to go back to India. What should I do?

Answer -You need to provide some valid document to prove your Indian identity. Please approach the Indian Embassy with your request.

Note:- In case any individual faces any issue despite following the FAQ, they can contact the Embassy in its helpline numbers available on the Embassy website, at link: <https://indembkwt.gov.in/images/WhatsApp-Image-2020-08-09-n.jpg> .

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