

**LAW NO. 68 FOR THE YEAR 2015
REGARDING THE DOMESTIC WORKERS**

After reviewing the Constitution,

And Decree Law No. 17 of 1959 on the Residency of Foreigners, and its amended Acts,

And Law No. 16 of 1960 issuing the Penal Code, and its amended laws,

And Law No. 17 of 1960 issuing the Criminal Procedure Code, and its amended Acts,

And Decree Law No. 38 of 1980 issuing the Civil and Commercial Procedure Code, and its amended Acts,

And Decree Law No. 40 of 1992 on the organization of the private domestic servants recruiting offices and the like,

And Law No. 91 of 2013 on combating human trafficking and the smuggling of migrants,

And Law No. 111 of 2013 regarding the shops licenses,

The National Assembly approved the following Law and has ratified it and issued it:

**Part I
Preliminary Provisions
Article (1)**

In this law, the following words and phrases have the meanings shown in front of each of them :

1. Domestic worker: any male or female assigned to do manual work inside private residences (and the like) on account of individuals by virtue of a written contract.
2. Employer: a person who has hired a domestic worker to work for him as per a contract prepared by the Ministry of Interior .
3. Offices under the provisions of this law: Domestic Labor Recruitment Offices holding license from the Ministry of Interior .
4. Overseas Offices: Offices sending the domestic workers and having offices outside Kuwait and having licenses to practice this activity from the official authorities in those countries and accredited by the Embassies of the State of Kuwait in it.
5. Department of Domestic Labour : Department of Domestic Workers in the Ministry of Interior .

Part II
Conditions for issuing Licenses for the Offices
Article (2)

The following conditions are required for the issuance and renewal of the license for recruiting domestic workers from abroad :

1. The applicant must be a Kuwaiti citizen with a good track record and good reputation; and free of any conviction of a felony or crime involving moral turpitude or trust unless he has been rehabilitated .
2. Applicant must not be under the age of 30 years old and not more than 70 years .
3. Must be physically fit and free of any disability.
4. Applicant must submit a letter of guarantee from a local bank with an amount determined vide a decision issued by the Ministry of Interior.

Licensing is allowed to companies which are having government or public institutions stakes and are engaged in recruitment of domestic workers, provided the profit of the company must not exceed 10% as a return on shareholder capital. License can be granted to companies engaged in recruitment of domestic workers.

Article (3)

It is forbidden to bring domestic workers without valid license issued by the Ministry of Interior.

Part III
Obligations of the Contracting Parties
Chapter I
Obligations of the Recruitment Offices
Article (4)

It is prohibited on the licensee or his employees or collaborators inside and outside Kuwait to receive any payments from the domestic worker for providing him job or retaining him either directly or indirectly, and, if proven to do so at any stage of the recruitment, the licensee will be punished in accordance with what is stipulated in the penalty law on the crimes of extortion and graft, and he must not use the recruitment office as a residence for the workers.

Article (5)

It is prohibited on the offices to advertise or promote about workers or to classify them on the basis of creed, sex, color or cost; or to advertise about them in a humiliating manner.

Article (6)

All domestic Labor Recruitment Offices must abide and report to the Domestic Labour Department, whenever requested to do so, vide a written summon letters issued by the Domestic Labour Department.

Chapter II Obligations of the Employer

Article (7)

The employer shall pay the agreed wage for the domestic worker working for him, at the end of each month. The receipt of transfer and the receipt of payment is a form of a proof of receiving the salaries by the domestic worker.

Article (8)

The monthly wage payment to the domestic worker will start from the actual date of joining work with the employer and in no case deduction of any part of the salary is allowed.

Article (9)

The employer is committed to provide the domestic worker with food, clothing, medical treatment and accommodation.

Article (10)

The domestic worker cannot be assigned to do any hazardous work that may affect his health or offend human dignity. The Domestic Labor Department is the competent authority to act on the allegations arising for this reason.

Article (11)

The employer is committed to provide adequate accommodation to the domestic worker with decent livelihoods.

Article (12)

The employer is prohibited from retaining any documents or identification documents of the domestic worker such as the passport or civil ID, except with the consent of the domestic worker.

Chapter III Obligations of Domestic worker

Article (13)

The domestic worker is committed to perform the work assigned to him as imposed by the contract terms.

Article (14)

The domestic worker during his work has to comply with the instructions and guidance of the employer within the limits of the terms of the contract.

Article (15)

The domestic worker is committed to protect the employer's funds and properties and not to disclose his secrets.

Part IV
Labor Contracts and Operations

Chapter I
Fundamental provisions in the contract

Article (16)

On the expiry of the contract between the domestic worker and the employer, the employer is committed to pay the worker all dues fixed in the contract and stipulated by this law. The contract may be renewed automatically except if one of the parties (the employer - domestic worker) showed interest in the non-renewal at least two months before the end of the contract period.

Commitments of Recruitment Office

Article (17)

The Recruitment Office ensures the continuity of the domestic worker in the work for a period of six months with the employer, during which he has to repatriate the domestic worker to his/ her home country and return the money he charged from the employer in the following circumstances:

1. Presence of disability that prevents the domestic worker from performing his work in which the employer has no hand in it.
2. The Domestic Worker is suffering from any communicable disease or any physical disabilities or psychological or health problems that prevent him from continuing to work.
3. Presence of any legal hurdle that prevent the employer from getting Residency for the Domestic Worker.
4. Deporting the Domestic Worker administratively in the public interest.
5. In case the Office provides the employer incorrect information/details about the domestic worker .
6. Domestic worker refusal to continue working or leaving it to an unknown destination .

In case the Office refrain to pay the expenses of repatriation of the worker to his/her home country and could not return the amounts he charged from the employer, the Department of Domestic Labor is authorized to deduct the amount from the bank guarantee set forth under Article 2 of this Law.

Article (18)

No employer can engage the Domestic Workers in work without a recruiting contract (Bilateral or tripartite as per the situation) issued by the Department of Domestic Labor of the Ministry of the Interior written in Arabic and English. These contracts should include the following:

- Domestic worker's name and his full details.
- Employer's name and his full details.
- Duration of contract.
- Date of joining work.
- The agreed wage and method of payment.
- Type of work assigned to the worker and its nature.
- Statement about the precise workplace .

Chapter II Wages

Article (19)

Wages mean the amount received by the domestic worker as a basic wage specified in the work contract between the two parties, it should not be less than the minimum wage specified in the order issued by the Minister of Interior.

Article (20)

The employer must pay the wage agreed in the contract at the end of each month.

Chapter III

Article (21)

The recruitment of domestic workers from both genders below 21 years and above 60 years is prohibited; only the competent Minister may exempt the age provision.

Part V
Working Hours and Holidays

Article (22)

The recruitment contract prepared by the Domestic Labour Department must contain the following rights of the domestic workers :

1. Employer has to provide food, housing and clothing to the domestic worker and medical treatment in case he gets work injury and compensate him for the work injuries.
2. Specify the maximum working hours so that it should not be more than 12 hours during a day which has to be interspersed with hours of comfort.
3. The eligibility of a domestic worker to get a paid weekly rest and another paid annual holiday
4. Purview that the passport of the domestic worker is a personal document and he only has the right to retain his passport with him and the employer may not retain the passport of the workers and deprive him of keeping it, only with the consent of the worker.
5. The employer is obliged to transfer the dead body of the domestic worker in case of his death to his home country, with the payment of the salary of the month in which he died in.

Part VI
End of service benefits

Article (23)

Allocation of end of the service benefit for the domestic worker after the completion of the contract period, equivalent to one month's wage for each year.

**Part VII
Sanctions
Chapter I**

Administrative measures taken against Domestic Workers Recruitment Office

Article (24)

Without prejudicing the provisions of Article 25 of this Law, the Director of Department of Domestic Labor can take administrative measures against domestic labor recruitment office in one of the following cases:

- A. Refrain of the Office to report to the Department of Domestic labour upon its request without any convincing reason.
- B. Refrain of the Office from handing over the worker to the employer within 24 hours, unless there is a hindrance prohibiting that, in that case, the Office should inform the Department of Domestic Labour about it.
- C. Refrain of the Office from receiving the domestic workers upon their arrival to the country or lateness without an acceptable excuse.
- D. Office dealing with the runaway workers or those who were recruited by others.
- E. The Office concludes work contracts contrary to the contract approved by the Department of Domestic Workers.

The Executive Regulations of this law specify the administrative measures that take into account the need and proportionality of the violation.

Article (25)

The license of Domestic Recruitment office to be cancelled in one of the following cases:-

1. If the licensee loses any condition of licensing terms.
2. If the licensee received money from the domestic worker against recruiting him or providing him a job.
3. If it is proved that the licensee has obtained the license based on false or falsified data.
4. Expiry of the license period or terminating it by the licensee and closing/liquidating the office.
5. If the licensee relinquish the license to third parties.
6. If the office is used as accommodation for the domestic workers.

The Minister of the Interior has the right to suspend the license instead of canceling it in any of the previous cases for three months and in the case of repetition of offence, the license will be canceled permanently.

Article (26)

Appeal against the suspension or revocation of the license can be filed to the Minister of Interior within one month from the date of the receipt of the notice about the decision and the licensee will be notified of the Minister's decision to accept or reject the grievance within sixty days from the date of its issuance.

Chapter II

Penalties imposed on the employer

Article (27)

If the employer failed to pay the wages at the agreed time, the domestic worker deserves the amount of ten Kuwaiti Dinars for each month of delay for not receiving salary on time.

Article (28)

If the employer refused to compensate the domestic worker for the extra work, the domestic worker has right to file a complaint against him with the Domestic Labor Department, who has the right, after investigating the complaint, to oblige the employer to pay fair compensation which shall not be less than the double of the wage agreed upon in the contract.

Article (29)

All those who brought domestic workers under the age of 21 years to work for him shall be punished by imprisonment for a period not exceeding six months and a fine not exceeding five hundred Dinars or either of them.

Article (30)

In case of proving any complaints against the employer in the Domestic Labor Department, he will be barred from getting visas for the period prescribed by the Executive Regulations.

Part VIII

Disputes

Article (31)

The Domestic Labour Department shall have jurisdiction to settle the disputes arising between the Contracting Parties in accordance with the procedures identified in the regulations issued in this regard, and in the absence of the settlement; dispute shall be referred to the competent court.

Article (32)

In case of reaching to a settlement to the dispute between the employer and the domestic worker, it must be recorded in a written contract, and a copy of it must be kept in the file of the domestic worker in the Recruitment Office and the Department of Domestic Labor.

Article (33)

The Director of the Department of Domestic Labor must issue an order to extend the residency of the worker temporarily until the final settlement of the dispute and receipt of all his dues.

Article (34)

Upon the settlement of any disputes or differences between the domestic worker and the employer, The Department of Domestic Labor must issue a "No Dues Certificate" to the worker stating that the domestic worker has no dues or rights pending with:-

1. The Employer.
2. The Recruitment office.

A copy of this certificate is to be handed over to each of the following:

- Employer
- Recruitment Office.
- Domestic worker or his representative.

Article (35)

All disputes that could not reach to a settlement, the contracting parties may approach the Civil Court for its consideration before the Labor Dispute Department on an urgent basis.

Article (36)

All domestic labor complaints in which the domestic worker is plaintiff will be exempted from all the judicial fees at all stages of litigation.

Article (37)

Head of the Labor Dispute Department determines a session for hearing the disputes referred to it on urgent basis within a month at the most, and the Court's Clerk Department has to notify the disputed Parties about the date fixed for hearing the case during at least two weeks.

Article (38)

All that was not mentioned in the Law regarding the litigation procedures will be dealt by the provisions of the Legislative Decree No. 38 for the year 1980 issued on Civil and Commercial Procedure and its amended Acts.

Part IX General Provisions

Article (39)

The application to obtain a license to open an Office for the Recruitment of Domestic Workers has to be submitted to the Domestic Labor Department on the prescribed form accompanied by the required documents and data, and the license shall be issued with a decision from the Undersecretary of the Ministry of the Interior. The Licensee cannot obtain more than one license or open other branches for the firm or the Office for which the license is granted.

Article (40)

The License under the provisions of this Act is personal and it is not permitted to authorize a Third Party to run this business, and the license ends with the death of the Licensee. The Licensee can appoint a Manager for the Office provided that he is from his relatives to the second degree who should meet the conditions set forth in Article 2 of this Act, without prejudicing the rights of the Domestic Labor Department to summon the Licensee whenever it deems it necessary. The license may be transferred to a Third Party in the two following cases:

1. If the age of the Licensee crossed the age of 70 years old, in this case, the license may be transferred to the spouse, or one of the children.
2. In case of the death of the Licensee, the license will be transferred to the husband or the wife or the heirs or one of them.

For the transfer of the license in the above two cases, all the conditions contained in Article 2 of this law are required to be available in the Transferee.

Article (41)

The Legal Representative of the heirs of the deceased licensee is granted a period not exceeding six months for the liquidation of the work of the Office and the collection of the amount of the guarantee in the case of not willing to continue with this activity.

Article (42)

The validity of the license which is granted for the first time is one year, renewable thereafter every year after the submission of contracts entered into between the Office and his Counterpart in the countries sending domestic labors. These contracts must be attested by the Embassy of the State of Kuwait, if any, and approved by the Kuwaiti Ministry of Foreign Affairs.

Article (43)

The fee for granting the license will be determined in accordance with the provisions of this law by a decision issued by the Minister of Interior.

Article (44)

The Officers designated by a decision of the Minister of the Interior, has right to inspect the offices and establishments engaged in the activity of bringing domestic labors, and check the books and records and impose penalties on irregularities that appear to them during the inspection and putting necessary remarks and refer them to the competent authorities to take appropriate action.

Article (45)

The license of bringing domestic workers is granted to bring domestic workers from abroad to work in Kuwait only.

Article (46)

The employer has no right to assign the domestic worker to work outside Kuwait against his consent, and if proved, the worker will be repatriated to his home country at the expense of the employer.

Article (47)

Without prejudice to the provisions of Article I of Law No. 111 for the year 2013 regarding the licenses of the commercial shops, it is not permissible to be engaged in activity of recruiting domestic workers only after obtaining a license from the Ministry of the Interior.

Article (48)

Without prejudice to any severer penalty stipulated in the Penal Code or any other Law, those who engage in activity of recruiting domestic workers without obtaining license from the Interior Ministry shall be punished with imprisonment for a term not exceeding three years or a fine not exceeding ten thousand Dinars. The penalty shall be doubled in case of repetition within two years from the date of the final judgment in the first crime.

Article (49)

The new comer domestic workers, who have not been received within 24 hours by their employers, will be received and for this purpose a temporary accommodation will be arranged against daily cash fee determined by a decision issued by the Ministry of Social Affairs and Labor. This accommodation must be in accordance to the specified requirements by the Ministry of Social Affairs and Labor.

Article (50)

The licensed Offices for the recruitment of domestic workers, at the time of the issuance of this law, must adjust their position in accordance with the provisions within a maximum period of three months from the date of issuance of the Executive Regulations of this Act.

The prejudicing of the application of this rule during that period, will lead to the revocation of this license.

Article (51)

When the domestic worker run away from the employer, the Interior Ministry will deport him to his country after collecting the travel expenses, ticket cost and the amount paid by the employer from the person who sheltered him, or from the recruitment office, if not possible to reach to the shelter provider, during the warranty period.

Article (52)

The Minister of Interior shall issue rules, regulations and necessary decisions to implement this law within six months from the date of its publication in the Official Gazette.

Article (53)

This revokes the Decree Law No. 40 for the year 1992 on the organization of the private servants' recruitment offices.

Article 54

The Prime Minister and the respective Ministers have to implement this law.

Amir of Kuwait

Sabah Al-Ahmad Al-Jaber Al-Sabah

issued at Al-Seif Palace on 15-July-2015AD
corresponding to 28-Ramadan-1436H

**Explanatory Memorandum
of Act No. 68 for the year 2015
regarding Domestic Workers**

This law aims to fill the legislative shortage on the organization of the domestic workers affairs in Kuwait, as the Labor Law in the Private Sector does not apply to them even though they form a large proportion of the foreign labour, and that the current legislative texts does not ensure full legal protection for this category. This led to the exposure of international organizations concerned with human rights to what it considered violations of the rights of these people, in addition to strained diplomatic relations with those countries from where these workers are brought, and the emergence of negative phenomena such as high crime rates, and incurring of a lot of money by the State in terms of repatriating the domestic workers to their home countries.

The Law consists of 54 Articles, divided into Nine Parts meant to organize the domestic labor affairs, i.e. Conditions for issuing Licenses for the Offices; and Obligations of the Contracting Parties from Employers, domestic workers and recruitment offices; wages, working hours, vacations and employment of juveniles; and then the sanctions and the methods to settle the disputes and finally the General Provisions.

Article One of Part One provided an introduction to the definition of a Domestic Worker and the Employer and the Offices who are subject to the provisions of this Act, i.e. Licensed Recruitment Offices to bring domestic workers from abroad, and also introduced the Domestic Workers Department that it is the Domestic Workers Department at the Ministry of Interior.

Part II included Articles (2 and 3), where Article II have organized the conditions for issuing licenses for the Recruitment Offices and renewal of the same, and Article III banned the recruitment of manpower without a license.

Part III in its Articles from (4 to 15) defined the Obligations of the Contracting Parties, i.e. the Recruiting Offices and the Employer and the Domestic Worker, and prohibited the Recruitment Offices from charging any amounts from the domestic worker for providing him job, or to promote about them in an ethnic or religious discrimination manner, or in a humiliating manner. On the other hand, the employer is obliged to pay wages on time and to provide food, shelter, medical treatment and clothing to the worker, and not to assign him with dangerous or degrading acts of human dignity. The Act also necessitated the worker to comply with the terms of the contract and protect the employer's funds and properties and not to disclose his secrets.

The First Chapter of Part IV stipulated on the Fundamental provisions in the Labor and Employment Contracts, and the warranty period and the cases in which the worker's services may be dispensed and returned to his country because of a physical handicap or violation of law or for providing incorrect information or in the public interest. It also stipulated the basic data recruitments which are supposed to be included in the recruitment contracts.

In the Second Chapter of the same Part it stipulated the provisions pertaining to the wages; and in the third Chapter it defined the age of the worker with at least 21 years old and not to exceed 60 years.

The Fifth Chapter singled out the working hours and holidays, and Chapter VI for the end of service benefits, and Chapter VII for the sanctions and administrative measures imposed on the owner of the office and the employer and the worker at the time of committing legal irregularities.

Chapter VIII sorted out how to resolve the disputes between the worker and the employer, by following a graded approach begins with negotiations, and then goes to the Recruitment Office and then to the Department of Domestic Labour and finally to the Court.

Chapter IX stipulated General Provisions which included the procedures and controls for the issue of the license; its transfer and its renewal. It also granted the Domestic Labour Department strong powers to monitor and follow-up the work of the Offices. Article 51 also dealt with the domestic workers absconding phenomenon that have rampant alarmingly lately.

In the Executive Articles the Law required the Minister of Interior to issue regulations concerning the Act within a period of six months from the date of its publication in the Official Gazette. It also revoked the Decree Law No. 40 for the year 1992 on the organization of the private servants' recruitment offices, and tasked the Prime Minister and the respective Ministers to implement this Law.

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