

ROYAL DECREE 113/2011

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Amending Some Provisions of the Labour Law

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ROYAL DECREE 113/2011

Amending Some Provisions of the Labour Law

We Qaboos Bin Said

Sultan of Oman

After perusal of the Basic Law of the State promulgated by Royal Decree No. 101/96,

The Labour Law promulgated by Royal Decree No. 35/2003, and

Pursuant to the public interest.

- Have Decreed as Follows -

First Article

The attached amendments to the aforementioned Labour Law shall be implemented.

Second Article

All that is inconsistent with or contradicts the provisions of this Decree shall be repealed.

Third Article

This decree shall be published in the Official Gazette and shall come into force on the day following the date of its publication.

Issued on: 26 Thil Qaida 1432H

Corresponding to: 24 October 2011

Qaboos Bin Said
Sultan of Oman

Amendments to Some Provisions of the Labour Law

First:

The provisions of Articles 1(12), 1(13), 28, First Paragraph, 51(3), 53, 61, 68, 70, 71, 72(5), 73, 81, 83 and 106 of the aforementioned Labour Law shall be substituted by the following provisions:

Article 1(12): Basic Salary: The cash remuneration agreed between the employer and the employee which is recorded in the employment contract plus the periodical increment.

Article 1(13): Gross Salary: The basic salary plus all other allowances that are decided for the employee in return for his work.

Article 28, First Paragraph

Where an employer employs fifteen employees or more he shall display in a conspicuous place at his establishment, the system of work regulations after it has been approved by the Ministry. Such regulations shall include the rules regulating the work in the establishment, the rights and duties of both the employee and the employer, the rules regulating the employee's relation with his colleagues and seniors and the provisions governing the employee's promotion and specify the categories of salaries, increments and allowances of all kinds and the time and place of their payment.

Article 51(3)

In cases other than those abovementioned, the salaries of employees shall be paid once every week, provided that such salaries may be paid to them once every two weeks or every month subject to their approval in writing. In all cases, the salary shall be paid within (7) seven days from the end of the period for which the salary is payable. The Minister may on the occasion of national and official festivals issue a decision to determine that payment of salaries of employees of establishments which are subject to the provisions of this Law be paid prior to the time set for their payment.

Article 53

The liability of the employer for payment of the employee's salary shall not be discharged except where the employer effects payment of the employee's salary to his account in one of the approved local banks. The cases excepted from the payment of the employee's salary to his account will be specified by a decision of the Minister.

Article 61

The employee shall be entitled to at least thirty days annual leave with gross salary, enjoyment of which shall be subject to the requirements of the work. He shall not take his annual leave before the lapse of at least six months from the date he has joined the service with the employer.

The employee shall be entitled to an emergency leave with gross salary for a period of six days during the whole year for meeting any unforeseen event. The emergency leave shall be regulated by a decision of the Minister. The employee shall not relinquish his leave.

Article 68

The employee shall not be caused to perform work for more than nine hours a day with a maximum limit of forty-five working hours a week, provided that such daily working hours include a break of at least half an hour for taking food and rest. The maximum working hours during the month of Ramadan shall be six hours a day or thirty hours a week for Muslim employees. The time of the working hours may be specified by a decision of the Minister.

Article 70

The employer may be caused to work for more than the working hours set out in Article 68 if the interest of the work so requires provided that the aggregate of the original and the additional working hours shall not exceed twelve hours a day. The employer shall pay the employee an overtime equal to this basic salary calculated according to the additional working hours, plus at least 25% for the day time working hours and at least 50% for the nocturnal working hours, or to grant him leave from work in lieu of the hours during which he has performed additional work, subject to the employees agreement in writing to the additional work and the consideration.

The employer may, in respect of works performed in seaports, airports, on board vessels, ships or airplanes, agree with the employee to an allowance to be paid in lieu of overtime payments, subject to the approval of the Ministry. The Minister may add any similar works.

Article 71

The employer shall grant the employee a weekly rest of not less than two consecutive days after five continuous working days. Subject to the agreement of the employee and the employer in writing, the weekly rests to which the employee is entitled may be accumulated for a period not exceeding eight weeks in such places or works as may be specified by a decision of the Minister. The weekly rest shall in all cases be with paid salary.

Article 72 (5)

The seasonal works specified by a decision of the Minister.

Article 73

The employer shall pay the employee in the cases provided in Article 72 an overtime equal to his basic salary calculated according to the additional working hours plus a minimum of 25% for the additional daytime working hours and 50% for the nocturnal working hours. If the work is performed during one of the weekly rest days or public holidays the employee shall be entitled to double the salary of such day unless he is compensated by another day in lieu thereof pursuant to an agreement with the employee.

Article 81

Women shall not be required to work during the period between 9pm and 6am except in such circumstances, works and occasions as may be specified by a decision of the Minister.

Article 83

A working woman shall be entitled to a special leave for a period of fifty days with gross salary, not exceeding three times throughout the period of her service with the employer, to cover the pre-delivery and post-delivery periods.

Article 106, Fourth Paragraph

If it appears to the court that the dismissal of the employee from his work or termination of his service was unfair or inconsistent with the law, it shall pass a judgement either reinstating the employee in his job or compelling the employer to pay him a compensation of not less

than three months salary calculated on the basis of the last gross salary paid to him, taking into consideration the circumstances and period of service of the employee, in addition to:

1. the end of service gratuity to which he is legally entitled and all other benefits prescribed by law or the employment contract whichever is greater.
2. the basic salary in addition to other allowances for the period of notice provided by the law or the employment contract whichever is greater.

Second:

The following shall be added to the aforementioned Labour Law:

Article 10 bis

The Minister shall issue a decision to specify the procedures and rules which should be applied to the private sector establishments which violate the provisions of the Labour Law and the implementing decisions thereof.

A new paragraph to Article 18 bis

The Minister shall issue a decision prescribing the rules and procedures which the employer is required to comply with in respect of serving notice about a non-Omani employee who deserts the work and the applicable penalties in the event of violation of such decision.

A new paragraph 4 to Article 19

The professions and businesses in respect to which permits for recruitment of non-Omani manpower is temporarily stopped.

Article 48 bis

The employer shall be obligated to employ the national manpower which was employed in the same project that has passed to him wholly or partially, with the same previous financial benefits and incentives as long as such business is existing and continuing.

Article 50 bis

The Minister shall issue a decision to specify the minimum limit of the periodical increment and the procedures and conditions of its payment.

Article 114 bis

Any employer who does not comply with the prescribed percentages of Omanisation shall be sentenced to a fine from (250) two hundred and fifty to (500) five hundred Omani Rials for each Omani employee required to be employed. The employer shall rectify the percentage of Omanisation within six months from the date the violation has been discovered. The penalty shall be doubled in the event of recidivism.

Whoever violates the provisions of Article 20 and the decision relating to the licensing conditions shall also be sentenced to imprisonment for a period not exceeding one month and a fine from (500) five hundred to (1000) one thousand Omani Rials or only to either of these two penalties in addition to cancellation of the licence or suspension thereof for a period of not less than one year.

Third:

The fourth and fifth paragraphs of Article 114 of the aforementioned Labour Law shall be repealed.
